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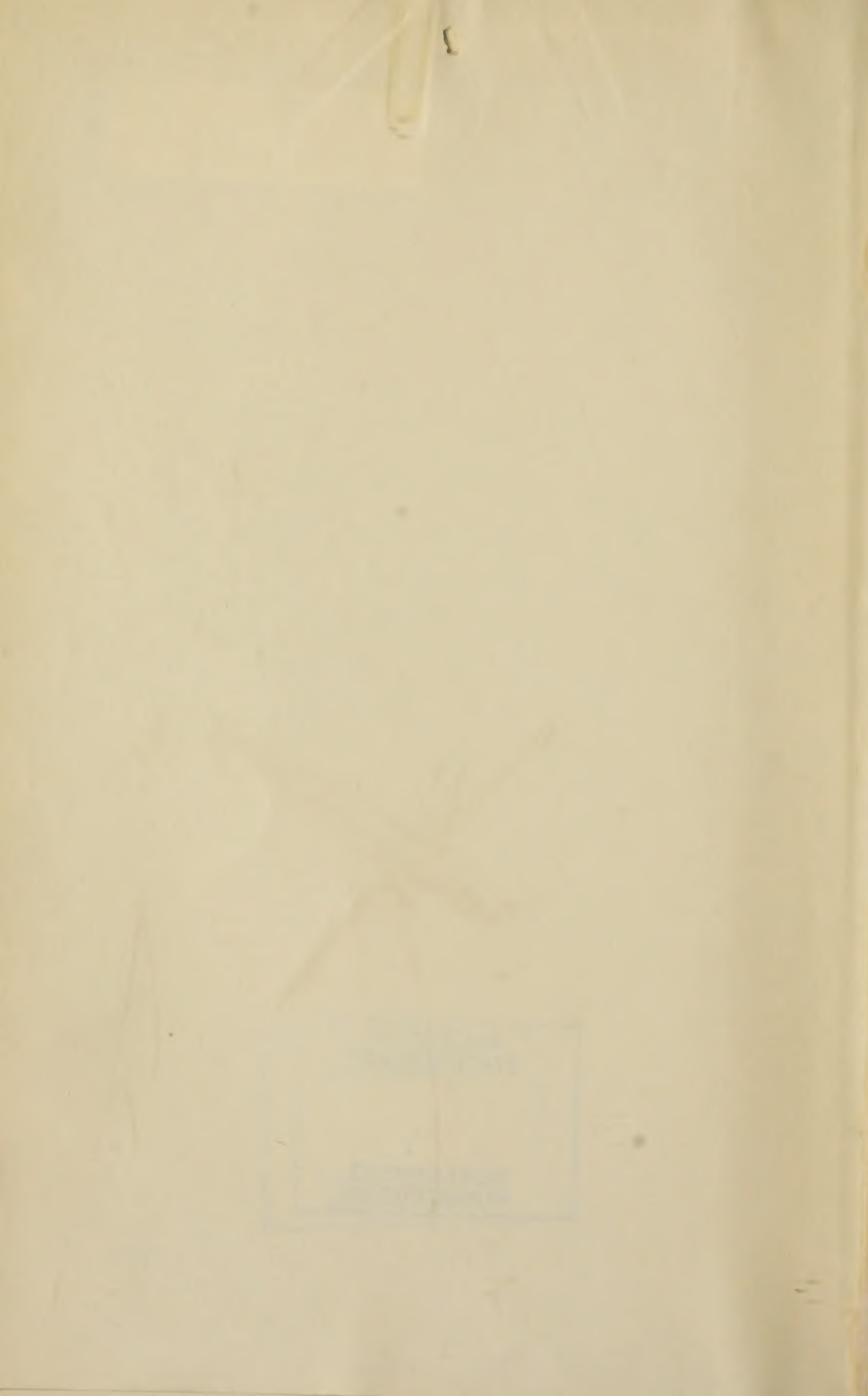
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# Journal of the Senate

DURING THE

FIFTY-SECOND SESSION

OF THE

Legislature of the State of California

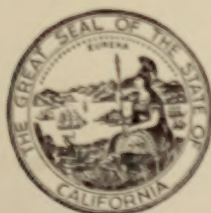
1937

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FIRST PART BEGAN ON MONDAY, JANUARY FOURTH, AND  
ENDED FRIDAY, JANUARY TWENTY-SECOND

SECOND PART BEGAN ON MONDAY, MARCH FIRST  
AND ENDED FRIDAY, MAY TWENTY-EIGHTH

LIEUTENANT GOVERNOR GEORGE J. HATFIELD, President of the Senate  
JOSEPH A. BEEK, Secretary



CALIFORNIA STATE PRINTING OFFICE  
GEORGE H. MOORE, STATE PRINTER  
SACRAMENTO, 1936



Journal of the Senate

1937

First-Second Session

1937

Legislature of the State of California

1937

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# INDEX TO DAILY JOURNALS OF THE SENATE

		Page			Page
January	4	5	April	6	1379
"	5	27	"	7	1418
"	6	35	"	8	1520
"	7	53	"	9	1570
"	8	100	"	12	1602
"	11	105	"	13	1651
"	12	114	"	14	1690
"	13	124	"	15	1720
"	14	131	"	16	1755
"	15	157	"	19	1781
"	18	168	"	20	1799
"	19	195	"	21	1829
"	20	226	"	22	1861
"	21	268	"	23	1908
"	22	343	"	26	1940
March	1	435	"	27	1976
"	2	441	"	28	2016
"	3	449	"	29	2038
"	4	467	"	30	2075
"	5	502	May	3	2124
"	8	516	"	4	2156
"	9	542	"	5	2190
"	10	569	"	6	2232
"	11	591	"	7	2291
"	12	717	"	10	2361
"	15	757	"	11	2400
"	16	801	"	12	2453
"	17	850	"	13	2476
"	18	884	"	14	2526
"	19	941	"	17	2570
"	22	967	"	18	2605
"	23	1021	"	19	2645
"	24	1044	"	20	2699
"	25	1090	"	21	2751
"	28	1121	"	22	2825
"	29	1170	"	24	2867
"	30	1218	"	25	2919
"	31	1245	"	26	2999
April	1	1282	"	27	3115
"	2	1317	"	28	3207
"	5	1346			





# CALIFORNIA LEGISLATURE—SENATE.

## FIFTY-SECOND SESSION.

### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, January 4, 1937.

The hour of twelve o'clock m. having arrived, Hon. George J. Hatfield, President of the Senate, called the Senators and Senators-elect to order, and announced that the fifty-second session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the fifty-first session of the Legislature were in their respective places in the Senate Chamber, as required by section 237 of the Political Code: Joseph A. Beek, Secretary; F. E. Dalin, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

### Prayer.

By invitation of Lieutenant Governor George J. Hatfield, President of the Senate, prayer was then offered by Rev. Newton E. Moats.

### Resolution.

The following resolution was offered:

By Senator Wagye:

*Resolved*, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and on motion of Senator Wagye adopted.

### Certificate from Secretary of State.

By direction of the President of the Senate, the Secretary read the following certificate of duly elected Senators of the fifty-second session of the Legislature of the State of California:

#### STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, FRANK C. JORDAN, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the general election held on the third day of November, A.D. 1936, to represent the people of the State of California at the fifty-second session of the Legislature of said State, as appears from the Statement of Vote received from the county clerks of the various counties and the registrar of voters of the City and County of San Francisco, comprising the several Senatorial Districts of the State of California, said Statement of Vote being a record of and on file in my office, viz:

#### HOLD-OVER STATE SENATORS.

Name	District	County or Counties Comprising District
James M. Allen	Second	Del Norte, Siskiyou
George M. Biggar	Fourth	Mendocino, Lake
Charles H. Deuel	Sixth	Butte
D. Jack Metzger	Eighth	Tehama, Glenn, Colusa
W. P. Rich	Tenth	Yuba, Sutter
Herbert W. Slater	Twelfth	Sonoma
Walter McGovern	Fourteenth	San Francisco
William F. Knowland	Sixteenth	Alameda
Sanborn Young	Eighteenth	Santa Clara



## HOLD-OVER STATE SENATORS—Continued

Name	District	County or Counties Comprising District
Bradford S. Crittenden	Twentieth	San Joaquin
J. C. Garrison	Twenty-second	Stanislaus
Andrew R. Schottky	Twenty-fourth	Merced, Madera
Dan E. Williams	Twenty-sixth	Tuolumne, Mariposa, Calaveras
Karl P. Keough	Twenty-eighth	Mono, Inyo
Ray W. Hays	Thirtieth	Fresno
Frank W. Mixter	Thirty-second	Tulare
J. I. Wagy	Thirty-fourth	Kern
Ralph E. Swing	Thirty-sixth	San Bernardino
Culbert L. Olson	Thirty-eighth	Los Angeles
Ed Fletcher	Fortieth	San Diego

## STATE SENATORS-ELECT.

Harold J. Powers	First	Modoc, Lassen, Plumas
Irwin T. Quinn	Third	Humboldt
John B. McColl	Fifth	Trinity, Shasta
Jerrold L. Seawell	Seventh	Sierra, Nevada, Placer
A. L. Pierovich	Ninth	El Dorado, Amador, Alpine
Frank L. Gordon	Eleventh	Napa, Yolo
Thomas F. Keating	Thirteenth	Marin
Thomas McCormack	Fifteenth	Solano
T. H. DeLap	Seventeenth	Contra Costa
Roy J. Nielsen	Nineteenth	Sacramento
Harry L. Parkman	Twenty-first	San Mateo
James B. Holohan	Twenty-third	Santa Cruz
Edward H. Tickle	Twenty-fifth	Monterey, San Benito
R. R. Cunningham	Twenty-seventh	Kings
Chris N. Jespersen	Twenty-ninth	San Luis Obispo
J. James Hollister	Thirty-first	Santa Barbara
James J. McBride	Thirty-third	Ventura
Harry C. Westover	Thirty-fifth	Orange
John Phillips	Thirty-seventh	Riverside
Edward H. Law	Thirty-ninth	Imperial

WITNESS my hand and the Great Seal of the State of California, at office in Sacramento, this fifth day of December, A.D., 1936.

FRANK C. JORDAN, Secretary of State.

[SEAL]

**Roll Call of Hold-over Senators.**

President of the Senate, George J. Hatfield, directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Keough, Knowland, McGovern, Metzger, Mixter, Olson, Rich, Schottky, Slater, Swing, Wagy, Williams, and Young—20.

**Roll Call of Senators-elect.**

The President of the Senate directed the Secretary to call the roll of Senators-elect.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Cunningham, DeLap, Gordon, Holohan, Hollister, Jespersen, Keating, Law, McBride, McColl, McCormack, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Tickle, and Westover—20.

The President of the Senate announced that the roll call disclosed twenty Senators-elect present.

The President of the Senate requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

**Oath of Office Administered.**

The twenty Senators-elect, as their respective districts were called, then came forward, presented their certificates of election and were sworn and subscribed to the following constitutional oath of office administered by the Honorable John F. Pullen, Presiding Justice of the District Court of Appeal, Harry Dimes.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

## Roll Call

The President of the Senate called the Senate to order, and directed the Secretary to call the roll.

The roll was called and the following answered to their names:

[illegible]

Whereupon, the President of the Seattle Industrial Union, a member of all the Unions was present.

## Temporary Organization Effected

Temporary organization having been effected, the President of the Senate put the question: "What is the pleasure of the Senate?"

## Resolution

The following resolution was adopted:

By Senator Crittenden

Received That the Senate do not proceed to the consideration of the following resolutions, introduced in the Senate Council:

President, the members of  
the Society of the Sons of  
George Washington,  
Masonic Circle and  
Chairman.

Resolution read

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES. See also Ails. Bigger, Catherine, Dallas, Texas; Boston, Gordon; Garden, Hays, Hildner, Hines, Johnson, Mary, 2, Kansas; Karpman, Sam; McBride, McColl, McCracken, McGowan, Moore, 2, Mexico; Nielsen, Olson, Parnham, Phillips, Piermark, Piers, Quinn, Ruth, Sargent, Sargent, Moore, Tarr, Thiele, Wigby, Winkover, Williams, and Young, 2, 30.

1992

### Nominations for and Election of President Pro Tempore of the Senate

The President of the Senate likewise defined jurisdiction in the office of President pro tempore of the Senate as follows:

Senator Schettyky placed in nomination for the office of President pro tempore of the Senate the Honorable William F. Rich of Yuba and Sutter counties, State Senator from the Tenth District.

The President of the Senate put the question: "Are there any further nominations for the office of President pro tempore of the Senate?"

Senator Williams, seconded by Senator Swing, moved that the nominations for President pro tempore be closed.

Motion carried.

The roll was called, with the following result:

For HON. WILLIAM P. RICH—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Hollister, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Whereupon the President of the Senate declared Senator William P. Rich duly elected President pro tempore of the Senate for the fifty-second session of the California Legislature.

### **Appointment of Special Committee.**

The President of the Senate announced the appointment of Senators Schottky and Mixter as a special committee to escort the President pro tempore, Hon. William P. Rich, to the bar of the Senate.

### **Oath of Office of President Pro Tempore.**

The following constitutional oath of office was administered to Senator Rich by Hon. Rolfe L. Thompson, Associate Justice of the District Court of Appeal, Third District:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of President pro tempore of the Senate, according to the best of my ability.

### **Nominations for and Election of Secretary of the Senate.**

The President of the Senate declared nominations for the office of Secretary of the Senate in order.

Senator Garrison placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

Senator Olson seconded the nomination of Joseph A. Beek for Secretary of the Senate.

The President of the Senate put the question: "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, the nominations were declared closed.

The President of the Senate directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH A. BEEK—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—40.

Whereupon, the President pro tempore declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

### **Nominations for and Election of Sergeant-at-Arms.**

The President of the Senate declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Slater placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

Senator Parkman seconded the nomination of Joseph Francis Nolan for Sergeant-at-Arms.

The President of the Senate put the question: "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"



There being no response, nominations were declared closed.

The President of the Senate directed the Secretary to call the roll. The roll was called, with the following result:

For JOSEPH FRANCIS NOLAN—Senators Allen, Egger, Gentry, Cunningham, DeLoach, DeLoach, Plummer, Garrison, Quinn, Hays, Haines, Hollister, Jennings, Keating, Kneale, Knowlton, Law, McField, McCall, McCann, Hollister, Manning, Meador, Nielsen, Olson, Parkman, Phillips, Perkins, Powers, Quinn, Rick, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young. 40.

Whereupon the President of the Senate declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arm of the Senate.

### Nominations for and Election of Minute Clerk

The President of the Senate declared nominations for the office of Minute Clerk of the Senate in order.

Senator Powers placed the name of E. W. Seawood of Westwood in nomination for Minute Clerk of the Senate.

Senator Pierovich seconded the nomination of E. W. Seawood for Minute Clerk.

The President of the Senate put the question: "Are there any further nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The President of the Senate directed the Secretary to call the roll. The roll was called, with the following result:

For E. W. SEAWOOD—Senators Allen, Egger, Gentry, Cunningham, DeLoach, DeLoach, Plummer, Garrison, Quinn, Hays, Haines, Hollister, Jennings, Keating, Kneale, Knowlton, Law, McField, McCall, McCann, Hollister, Manning, Meador, Nielsen, Olson, Parkman, Phillips, Perkins, Powers, Quinn, Rick, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young. 40.

Whereupon the President of the Senate declared E. W. Seawood of Westwood duly and unanimously elected Minute Clerk of the Senate.

### Nominations for and Election of Chaplain

The President of the Senate declared nominations for the office of Chaplain of the Senate in order.

Senator Nielsen placed the name of Rev. Clarence A. Kireher of Sacramento in nomination for Chaplain of the Senate.

Senator McColl seconded the nomination of Rev. Clarence A. Kireher for Chaplain of the Senate.

The President of the Senate put the question: "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President of the Senate directed the Secretary to call the roll. The roll was called, with the following result:

For REV. CLARENCE A. KIREHER—Senators Allen, Egger, Gentry, Cunningham, DeLoach, DeLoach, Plummer, Garrison, Quinn, Hays, Haines, Hollister, Jennings, Keating, Kneale, Knowlton, Law, McField, McCall, McCann, Hollister, Manning, Meador, Nielsen, Olson, Parkman, Phillips, Perkins, Powers, Quinn, Rick, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young. 40.

Whereupon the President of the Senate declared Rev. Clarence A. Kireher, of Sacramento, duly and unanimously elected Chaplain of the Senate.



### **Oath of Office Administered.**

The newly-elected officers of the Senate, Joseph A. Beek, Secretary, Joseph F. Nolan, Sergeant-at-Arms, E. W. Scammon, Minute Clerk, and Chaplain Clarence A. Kircher, appeared at the bar of the Senate, where the constitutional oath of office was administered to them by the Honorable John F. Pullen, Presiding Justice of the District Court of Appeal, Third District, and they subscribed to the same.

### **Resolution.**

The following resolution was offered:

By Senator Swing:

*Resolved*, That the President pro tempore of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Swing adopted.

### **Appointment of Special Committee.**

The President of the Senate announced the appointment of Senators Swing, Slater, and McCormack as the special committee to call upon the Governor, and notify him of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

### **Resolution.**

The following resolution was offered:

By Senator Mixter:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tempore—Hon. W. P. Rich.

Secretary of the Senate—Joseph A. Beek.

Sergeant-at-Arms—Joseph Francis Nolan.

Minute Clerk—E. W. Scammon.

Chaplain—Rev. Clarence A. Kircher.

Resolution read, and upon motion of Senator Mixter, adopted.

### **Resolution.**

The following resolution was offered:

By Senator McBride:

*Resolved*, That the President pro tempore of the Senate appoint a special committee of three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and on motion of Senator McBride, adopted.

### **Appointment of Special Committee.**

The President of the Senate announced the appointment of Senators McBride, Nielsen and Phillips as a committee from the Senate to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

### **Report of Special Committee.**

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 4, 1937.

MR. PRESIDENT: Your Special Committee, appointed to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any

communication he may have to make, respectfully reports that it has communicated with the Governor as directed.

SAVING  
SLAVE  
MORRILL  
Committee

### Report of Special Committee.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 4, 1937

MR. PRESIDENT: Your Special Committee organized to study the feasibility of the organization of the Senate and find the Senate is now ready to proceed with the business of the State, respectfully reports that it has communicated with the Assembly as directed.

NAILED  
FILED  
M. MORRILL

### Motion to Appoint Temporary Committee on Rules.

Senator Rich moved that the President of the Senate appoint a Temporary Committee on Rules consisting of three Senators.

Motion carried.

### Appointment of Temporary Committee on Rules.

Pursuant to the motion to appoint a Temporary Committee on Rules, the President of the Senate appointed the following Senators: Rich, Tickle and Kesselbom.

### Presentation of Initiative Petition.

The following initiative petition, regarding fishing control, was presented to the Senate by Frank C. Jordan, Secretary of State:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,  
SACRAMENTO, January 4, 1937.

To the Legislature of the State of California:

I herewith transmit to you an initiative petition which has been submitted to the Attorney General as follows:

*Fishing Control.* Initiative measure for the presentation to Legislature. Adds new section to Fish and Game Laws. Prohibits operation in State waters of fishing boats which carry any load, including ice, exceeding the weight, to points beyond State waters, which load exceeds the amount for State Fish and Game Commission. Any person committing to such violation, subject to such delivery, including to such cases as persons shall try to put the species or obstruct the operation of such law. Therefore petition for legislation.

Enclosed upon each section thereof is a statement of justifying necessity of law received by this office.

The number of qualified electors entitled to voting equal has been verified as equal in number to at least five per cent of all the voters upon the last condition of Governor at the last preceding general election at which a majority was elected.

Very truly yours,

FRANK C. JORDAN, Secretary of State.

### Proposed Initiative Measure.

*The People of the State of California do enact as follows:*

The Fish and Game Code of the State of California, is hereby amended by adding thereto a new section to be known as 1110 and to read as follows:

1110. No person shall use or operate or permit to be used or operated in this State or the waters thereof any boat or vessel used in connection with fishing operations, irrespective of its home port or port of destination, which carries more than seven deliveries or by which there is delivered to any point or place other than within the State any fish, mollusks or crustaceans which are loaded on or taken aboard said boat or vessel from the waters of the Pacific Ocean within the State or on the high seas or elsewhere, unless in person authorizing the same shall have been issued by the Fish and Game Commission.

Where it appears to the commission that such permit will not tend to prevent, impede or obstruct the operation, enforcement or administration of this code it may

provision thereof, and will not tend to result in fish, mollusks or crustaceans in the waters of this State being taken or used otherwise than is authorized by this code, the commission may issue revocable permits under such rules and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel outside of this State, provided that nothing herein shall authorize the transportation or carrying out of this State or any district thereof, of any fish, mollusks or crustaceans where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean, or result in waste thereof. Any person who uses or operates or assists in using or operating any boat or vessel in violation of the provisions of this section is guilty of a misdemeanor and such boat or vessel and the net, gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest for the violation of any of the provisions of this code, to seize and keep such boat, vessel, net, gear or other equipment and to report such seizure to the commission. The commission shall thereupon commence, in the superior court of the county or city and county in which or nearest to which the seizure is made, proceedings for forfeiture of the seized property for its use in violation of this section, and such proceeding shall be had in the manner and according to the procedure provided by section 845 of this code for the forfeiture of nets.

### Opinion of Legislative Counsel.

The following opinion of the Legislative Counsel, addressed to the President of the Senate George J. Hatfield, was ordered read, and printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, January 4, 1937.

*Hon. George J. Hatfield, President of the Senate,  
State Capitol, Sacramento, California.*

Subject: The procedure to be followed by the Legislature on receiving from the Secretary of State an initiative petition filed with him.

DEAR MR. HATFIELD: By Article IV, section 1, of the Constitution, it is made the duty of the Secretary of State, who has received such a petition properly signed, "proposing a law set forth in full," to "transmit the same to the Legislature as soon as it convenes and organizes."

Article IV, section 1, continues by directing what course shall be followed by the Legislature with such petition, referring to it as a "law proposed". The language is, "The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within 40 days from the time it is received by the Legislature."

From the above language it seems to be clear that in the Legislature such petition must be treated as a bill proposing a law and that it must follow the same procedure as any other bill, and that, under Article IV, section 15, of the Constitution, it must "be read on three several days in each house." It should, on the day of its receipt, be referred to committee, as any other bill, unless the house votes to consider it without reference to committee.

The above quoted provision of the Constitution requires that it shall be "enacted or rejected" without specifying by what vote. It follows therefore, there being no contrary direction, that it can be enacted or rejected by a majority.

Article IV, section 1, of the Constitution continues, "if no action is taken upon it by the Legislature within said 40 days, the Secretary of State shall submit it to the people." It is possible, therefore, for the Legislature to adopt the course of letting such measure go by default.

It is to be remarked further that the same section of the Constitution provides that "no act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor." The language here used is undoubtedly sufficient to embrace the sort of measure we are considering.

It is to be noted, also, that the Constitution prescribes that such a petition contain "a law set forth in full." This view is strengthened by the consideration that such a proposed law "shall be either enacted or rejected without change or amendment by the Legislature."

If, as now seems to be contemplated, the Secretary of State presents the petition to the houses in joint session, there will be a new problem presented which we will be glad to consider if desired.

Very respectfully,

FRED B. WOOD, Legislative Counsel.  
By ARTHUR P. WILL, Consultant.

Upon order of the President of the Senate, the initiative measure was read, and ordered referred to the Temporary Committee on Rules.

### Proclamation

The following proclamation from the Council of State Governments was received, read, ordered printed in the Journal, and referred to the Temporary Committee on Rules.

#### Proclamation.

On Thursday, January 21, 1937 the Third General Assembly of the Council of State Governments will convene for a four-day meeting in Washington, D. C. The official delegates to the Assembly will deliberate and take action upon important problems involving cooperative action by the states with each other and with the Federal Government. Specific recommendations made by the group of prominent state legislative measures, social, economic, or other legislative programs will be presented to the Assembly by the following official addresses of the Council of State Governments:

Interstate Commission on Conflicting Traction	Interstate Commission on Canal Development
THE REVISED COUNCIL	Interstate Commission on Commerce
Interstate Commission on Crime	National Jurisdiction Association
Interstate Commission on Social Security	National Association of Attorneys General
Interstate Commission on the Delaware River Basin	National Association of Secretaries of State

The Assembly will also consider and debate other problems concerning interstate cooperation in such fields, and will make recommendations to respective Interstate Commissions and National Association for further action.

THIS CALL IS ISSUED TO THE SENATE AND HOUSE OF REPRESENTATIVES, AND OFFICIALS OF THE

Each of the 48 States is entitled to send three official delegates, one to represent the Senate, one to represent the House of Representatives, and one to represent the Governor. The Governor of each State is an honorary member of the Assembly. In States having Commissioners on Interstate Commerce, the official delegates representative of the three official commissions should always be approved by that commission. In all other States the delegates shall be chosen by the Senate, the House of Representatives, and the Governor separately. Further details of this call is cordially requested.

#### COUNCIL OF STATE GOVERNMENTS

PAUL V. MONTGOMERY, President

#### AMERICAN LEGISLATORS' ASSOCIATION

HENRY HARRISON, JR., President

#### NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

CLARENCE B. FARRER, President

#### NATIONAL ASSOCIATION OF SECRETARIES OF STATE

LEONARD H. KENNEDY, President

[SEAL]

#### Third General Assembly

##### THE IMPERATIVE OF THE MOMENT

When the Council of State Governments addressed a call for the Third Assembly, which was held in 1932, President Roosevelt issued the following statement:

The plan to hold an Interstate Assembly of Legislators to secure a better coordination of the various agencies of the Federal Government and of the 48 States is a splendid idea. Many extremely important public questions are pressing for solution and upon the open minds of those in the early line with which your association proposes to deal.

"In the past, the Federal Government has passed revenue legislation and too little consideration the States has shown that on one side and the States have legislated with little reference to the Federal position and with almost no consideration for the tax position of other States. This is not as it should be. I have given considerable thought to this problem, and it is my hope to make it less a source of controversy to a better coordinated Federal, State and local taxing system. And I shall eagerly follow the proceedings of your conference, being hopeful that from it some good ideas will develop.

"I do hope that every State Legislature will be represented in the conference and that our Governors of the several States will participate in I to the importance of this movement and lend their support by sending representatives to the meeting."

FRANKLIN D. ROOSEVELT



TO THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTATIVES  
OF EACH OF THE FORTY-EIGHT STATES:

During the two years which have passed since the Second Assembly was held in Washington on February 28, March 1 and 2, 1935, the Council of State Governments has carried through the recommendations made there for the expansion of machinery for intergovernmental cooperation. New agencies, concentrating on specialized subjects and focusing their attention on the solution of problems in separate fields, have been organized. Tangible reports are now being prepared by these agencies for submission to the Third General Assembly.

Further than this, the Third General Assembly has been developed with particular regard to a need of State legislators—a need for organization which will guarantee them an outlet for serious and practicable study and action upon whatever new intergovernmental problems they feel call for attention at this time.

Substantial benefits can be derived from the Third General Assembly out of the close contacts between legislative, executive, and administrative officials of the State and Federal Governments.

The specific model legislative measures which will be presented to the Assembly delegates include, among others, legislation dealing with problems of social security, crime control, conflicting taxation, and certain administrative functions. The 10 agencies reporting to the Assembly will be:

- Interstate Commission on Conflicting Taxation
- Tax Revision Council
- Interstate Commission on Crime
- Interstate Commission on Social Security
- Interstate Commission on the Delaware River Basin
- Interstate Commission on Council Development
- Interstate Commission on Conservation
- American Legislators' Association
- National Association of Attorneys General
- National Association of Secretaries of State

It is with the sincere conviction that intergovernmental cooperation in these United States has proved its importance to the Nation, that the Council of State Governments issues a formal Call to the Third General Assembly.

CALL TO THE THIRD GENERAL ASSEMBLY.

The Third General Assembly of official delegates of the 48 States of the Union is hereby called for Thursday, Friday, Saturday and Sunday, January 21 to 24, 1937, in Washington, D. C.

*Official Delegates.*

Each State is entitled to send as its delegation to the Third General Assembly three official delegates—one representing the Governor, one representing the Senate, and one representing the House of Representatives of the State Legislature.

*Appointment of Official Delegates.*

By Commissions on Interstate Cooperation: In States where Commissions on Interstate Cooperation have been established, these commissions are hereby invited to appoint the official delegations representing these States, in accordance with the plan stated above.

By Governors and Legislatures in Some States: In those States where Commissions on Interstate Cooperation have not as yet been established, official delegates should be chosen in the following manner:

The Governor of each of these States is hereby invited to send to the Assembly an official delegate, or delegation, to represent him;

The Senate of each of these States is hereby invited to send, as its delegation, one or more of its members chosen as the Senate may determine;

Similarly, the House of Representatives of each of these States is hereby invited to send, as its delegation to the Assembly, one or more of its members, chosen in such manner as the House of Representatives may determine.

The Governor of every State is an Honorary Member of the Assembly.

*Voting.*

Each State is entitled to send as many delegates as it may desire, but each of the three delegations representing the Governor, the Senate, and the House of Representatives shall be entitled to only one vote, regardless of the number of individuals who compose it.

*Date of Designations.*

All delegates should be designated on or before January 15, 1937. And on or before that date, official notification of the names of delegations from each of the States should be mailed to the Chicago office of the Council of State Governments.

*Expenses of Delegates.*

In most cases the expenses of legislative delegates to the Assembly will be provided from legislative contingent funds and other funds, and the expenses of delegates representing the executive department will be paid by funds of the

executive or administrative departments. In some cases, however, special legislative action may be necessary. But in every state, executive or administrative provision for the delegation has been made, within limits. Here, the committee should be appointed and their report filed by early date. Also, STATE is strongly urged to take action promptly to remove the members of the committee to the Assembly. The Assembly will have no other means of contact with any State which fails to designate its representatives.

#### Time, Place, and Correspondence.

Registration will begin at approximately ten in the forenoon, January 15, 1937, at the meeting place of the Assembly—the Mayflower Hotel, Washington, D. C. All committees known should be addressed to the Council on State Government, 1500 Avenue and Fifty-eighth Street, Chicago.

#### COMMITTEES ON SPECIAL PROVISIONS

Interstate Commission on Combating Taxation  
Interstate Commission on Combating  
Interstate Commission on General Fundraising  
Interstate Commission on Crime  
Interstate Commission on the Temporary Home Front  
Interstate Commission on Social Security  
Tax Revenue Council  
American Legislative Association  
National Association of Attorneys General  
National Association of Secretaries of State

### Communication.

The following communication from the Los Angeles Bar Association, addressed to the President of the Senate, was read, and was placed in the Journal, and referred to the Temporary Committee on Rules.

LOS ANGELES BAR ASSOCIATION.

LOS ANGELES, CALIFORNIA, January 2, 1937.

Hon. George J. Hatfield, Lieutenant Governor.

333 Montgomery St., San Francisco, California.

MY DEAR MR. HATFIELD: The Board of Trustees of the Southern Bar Association, in regular session assembled at Fresno, November 22, 1936, by a unanimous vote adopted the following resolution, hereby respectfully urging the legislators of the State of California to take immediate action to remove Gavin W. Craig from office:

We earnestly solicit your cooperation in this matter, and beg to remain

Respectfully yours,

J. L. ELKINS, Executive Secretary.

WHEREAS, On or about March 14, 1935, Gavin W. Craig, an Attorney General of the District Court of Appeals of the State of California, his Deputy, Vice of the Second Appellate District of said State, was removed by a Federal Grand Jury, and thereafter, on or about May 8, 1935, was convicted by the Federal Court of the United States for the Southern District of California, Criminal Division, of the crime of conspiring to obstruct justice, crime being the offense charged in said indictment, which said conspiracy has heretofore been affirmed by the United States of Appeals for the Ninth Circuit, and a petition for certiorari was then denied by the Supreme Court of the United States thereby rendering said judgment and conviction final; and

WHEREAS, Pursuant to said conviction and the penalty imposed by the court, the said Gavin W. Craig is now confined in the county jail of the county of Ventura, California; and

WHEREAS, The said Gavin W. Craig has not participated in the work of the court of which he is a member, or performed the duties of his office, since on or about October 3, 1934; and

WHEREAS, The public interest and proper administration of justice demand that said Gavin W. Craig should be removed from his office, and, therefore, be

Resolved, That the Board of Trustees of the Los Angeles Bar Association, does hereby respectfully request and urge the Legislature of the State of California, at the session thereof to convene on or about January 4, 1937, to take appropriate action to remove the said Gavin W. Craig from office by a concurrent resolution of both houses of the Legislature as provided by Section 10, Article VI, of the Constitution of the State of California.

### Presentation of Election Contest.

The following presentation of election contest was submitted by Frank C. Jordan, Secretary of State:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,

SACRAMENTO, January 4, 1937.

*To the President of the Senate of the State of California.*

SIR: As provided by section 281 of the Political Code of the State of California, I transmit herewith unopened envelope with the endorsement thereon:

"Before the State Senate

CHARLES REINDOLLAR, Contestant

*vs.*

THOMAS F. KEATING, Contestee

in the matter of the election of the Senator from the Thirteenth Senatorial District of the State of California, at the General Election held in the State of California, November 3, 1936.

GEO. S. JONES, County Clerk."

FRANK C. JORDAN, Secretary of State.

### Motion to Appoint a Committee on Election Contest.

Senator Rich moved that the President of the Senate appoint a committee consisting of five Senators to act as a Committee on Election Contest.

Motion carried.

### Appointment of Committee on Election Contest.

Pursuant to the motion to appoint a Committee on Election Contest, the President of the Senate appointed the following Senators: Hays, Parkman, Williams, Allen, and Holohan.

### Proposed Rules of Senate Governing Trial of Election Contest.

Senator Rich presented the following Proposed Rules of the Senate for Trial of Election Contest.

Proposed rules ordered printed in the Journal.

#### Proposed Rules of Senate for Trial of Election Contest.

##### I.

Article VI, Title I, Part III, comprising sections 273 to 283, inclusive, of the Political Code, shall govern, except that no contest shall be dismissed for failure of the statement of contest and depositions to be delivered to the President of the Senate on or before the second day of the session, if the contestant shows to the satisfaction of the Senate or an appropriate committee thereof, that he has used all possible diligence, both in the filing of his statement of contest and in his subsequent prosecution thereof, including delivery to the Secretary of State, to have his statement and depositions delivered to the President of the Senate at the earliest possible moment.

##### II.

Upon receipt of a statement of contest and appropriate depositions from the Secretary of State, the President of the Senate shall immediately announce such receipt and appoint a committee of five Senators to try such contest.

##### III.

Upon presentation of a certificate of election valid and regular upon its face, the contestee may take his oath as Senator, the institution of an election contest to the contrary notwithstanding.

The swearing in of the contestee shall be without prejudice to the rights of the contestant.

##### IV.

The committee, except as in these rules otherwise provided, shall be governed as to procedure and the introduction of evidence by the law applicable to the trial of civil actions in superior courts. The contestant is the plaintiff, the contestee, the defendant.

##### V.

In addition to the depositions provided for in sections 278 and 282 of the Political Code, the committee may take such other evidence in the case as it deems material.

## VI.

Upon request of either party or of the committee, accompanied by a certificate of the committee that the same are present and necessary witnesses, with the trial of such contest, subpoenas shall be issued by the Secretary of the Senate for witnesses on behalf of either party.

## VII.

At the trial of the contest, both parties may appear in person, or by counsel, or both.

## VIII.

Each witness shall be examined in the following order:

- (a) By the party calling him.
- (b) By the opposite party.
- (c) By the party calling him by ordered representation.
- (d) By the opposite party by ordered representation.
- (e) By the chairman of the committee.
- (f) By any member of the committee.
- (g) By either party as directed by the chairman of the committee.

## IX.

All motions or objections to evidence made by the parties or their counsel, shall be addressed to the chairman, and shall be decided by him. All motions of the chairman may be overruled by a majority of the whole Senate or the members.

## X.

Before any witness gives his testimony the chairman shall administer to him the same oath as that administered to witnesses in ordinary civil cases.

## XI.

No witness may refuse to testify in any fact or in question now open for trial, which he is sworn to, for the reason that the influence on the question of such paper may tend to disclose his or her confidential information. (Rev. Pub. C., Sec. 304.)

## XII.

No witness may refuse to testify as to which oath he has sworn to, if his testimony is material and if his oath is given in the testimony of the same matter that such witness would become so bound by oath.

## XIII.

Any objection to the testimony of a witness as to how or where he was sworn, the legality of his oath is not competent on the ground that such testimony will tend to disclose the source of the ballot, or the testimony is irrelevant, immaterial, shall be overruled unless the witness himself, or his counsel representing him, shows relevance to such testimony.

## XIV.

The chairman of the committee is hereby authorized to provide for a stenographic report of the proceedings, in the care and cost of the contingent fund of the Senate.

## XV.

All witnesses for either party subpoenaed and personally so attached to the trial of such contest, and all other witnesses, the attendance of which is requested by the chairman of the committee, appointed committee or the majority of the parties requesting their attendance, shall be entitled to receive for each day so so attending, and when on route to attend, the sum of \$100.00, to be paid to them, together with actual railroad fare of the witness from his place of residence to Sacramento and return, and mileage there where required. If the same day such witness appears other than by subpoena, such witness shall be entitled to receive the amount the equivalent of the railroad fare and mileage there where required. All such witness fees and mileage shall be paid out of the contingent fund of the Senate upon presentation to the Senate Committee of Accounts approved by the Senate Committee on Contingent Expenses, and the State Controller is hereby authorized to draw his warrant in favor of the claimant.

## XVI.

At the conclusion of the testimony, the parties may submit the case in oral argument, or written briefs, or both, as directed by the Secretary of the committee.

## XVII.

The committee shall report in writing its findings and recommendations to the Senate. If the committee is not unanimous, a minority report may be submitted with the report of the majority.

## XVIII.

Upon submission of the report or reports provided for in Rule XVIII, at the first meeting of the Senate at which a quorum is present, such reports or reports may be accepted or rejected by majority vote.



## XIX.

Neither the contestee nor contestant, shall vote or be counted in determining the presence of a quorum, in the adoption or rejection of the report or reports of the committee.

**Communications Regarding Election Contest.**

The following communications from the Legislative Counsel regarding the election contest were received, read, and ordered printed in the Journal:

**Memorandum of Election Contest to Seat in California State Senate.**

Swearing in of Senator whose seat is contested.

Rules of procedure.

Vote necessary to decide contest.

In an election contest in the California State Senate, the following questions have arisen:

1. Should the Senate administer the oath of office to a person holding a certificate of election which is fair and regular on its face and certifies that the person is a duly elected Senator?

2. What rules, if any, should the Senate adopt and follow in an election contest?

3. If a person is sworn in as a Senator, what vote is necessary to unseat him in an election contest?

We have concluded that a person holding a certificate should be sworn in as Senator, even though the Senate is notified of a pending election contest. The ordinary method of procedure in an election contest is to refer the matter to a committee.

A majority of those voting, providing a quorum votes, is sufficient to determine an election contest either way, regardless of whether the contestee has previously been sworn in or not.

**I. THE CONTESTEE SHOULD BE SWORN IN.**

We have examined the reports of a number of contests in the State Senate, besides two or three in the Assembly, and in none of them have we been able to find that there was any objection to the swearing in of the contestee. Cushing, in "Law and Practice of Legislative Assemblies," at page 91, says:

"240. \* \* \* The principles of parliamentary law \* \* \* are as follows: First, that every person duly returned is a member, whether legally elected or not, until his election is set aside; second, that no person, who is not duly returned, is a member, even though legally elected, until his election is established; third, that conflicting claimants, both in form legally returned, are neither of them entitled to be considered as members, until the question between them has been settled; and, fourth, that those members, who are duly returned, and they alone, (the members whose rights are to be determined being excluded,) constitute a judicial tribunal, for the decisions of all questions of this nature."

This is quoted with approval in the case of *In re Gunn*, 50 Kan. 155, 32 Pac. 470, at 472, 19 L.R.A. 519. In this case, the House of Representatives in Kansas refused to allow certain members to be sworn in. Beginning at page 473 of 32 Pac., the court says:

"\* \* \* Every person duly returned to a House of Representatives, and having a certificate, is a member thereof, whether elected or not, whether eligible or not, until his election is set aside. And this must be set aside by the house, not by the individual members before organization, not by any one member, not by any contestant, not by any mob. Before organization, a few members properly elected, meeting in caucus or otherwise, can not pass upon the 'elections, returns, and qualifications' of the members of the house to be thereafter organized. If one member, before organization, can object to any other member duly returned and having a certificate, then all members can be objected to, and there could be no one left to organize any house. In McCrary on Elections (2d Ed., Sec. 204) the practice is thus stated: 'Where two or more persons claim the same office, and where a judicial investigation is required to settle the contest upon the merits, it is often necessary to determine which of the claimants shall be permitted to qualify and to exercise the functions of the office pending such investigation. If the office were to remain vacant pending the contest, it might frequently happen that the greater part of the term would expire before it could be filled; and thus the interests of the people might suffer for the want of a public officer. Besides, if the mere institution of a contest were deemed sufficient to prevent the swearing in of the person holding the usual credentials, it is easy to see that very great and serious injustice might be done. If this were the rule, it would only be necessary for an evil-disposed person to contest the right of his successful



Congress, and we perceive no reason why we should reach a different conclusion. \* \* \*

In a footnote to this case, found at 279 U. S. 615, 49 S. Ct. 455, 73 L. Ed. 872, the court said:

"Among the typical cases in the house, where that body refused to seat members in advance of investigation although presenting credentials unimpeachable in form, was that of Roberts, in the 56th Congress, where it was so decided after full debate by a vote of 268 to 50. Cong. Record, Vol. 33, Pt. 2, p. 1217.

"It was stated at the bar in this case that the Senate in 29 cases, had, in advance of investigation, seated persons exhibiting *prima facie* credentials, and in 16 cases had taken the opposite course of refusing to seat such persons, before investigation and determination of charges challenging the right to the seat."

This case can be reconciled, however, with the Kansas case above quoted by the distinction pointed out by *Attorney General ex. rel. Works vs. Rogers et al.*, 56 N. J. Law, 480, 28 Atlantic 726, 29 Atlantic 173, 23 L. R. A. 354. In this latter case, the majority opinion at great length argues and concludes that the New Jersey Senate is not a continuous body, but that it newly comes into existence once every two years. From this it is concluded with very little argument that, therefore, the hold-over Senators, i.e., those Senators who had been Senators at the previous session of the New Jersey Senate, had no right to refuse the oath of office to those persons holding certificates indicating that they were new Senators-elect. One of the Justices dissented, claiming that the Senate of New Jersey was a continuous body, the same as the Senate of the United States. He apparently agreed that if the Senate were not a continuous body, then the hold-over Senators would have no authority to refuse the oath of office to persons holding credentials indicating them to be newly elected Senators.

The distinction used by the New Jersey court seems reasonable. It has been held that the Senate of the United States is a continuing body. *Wilson vs. Vane*, 6 Cannon's Precedents, 346 at 347, section 18; 4 Hinds' Precedents, 922, section 4544. Obviously a continuous Senate does not need to swear in a member in order to organize. A Senate which has to be resurrected once every two years, however, has no existence until its organization. The members of that body can therefore determine nothing until it is organized, and it can only be organized after swearing in all those persons who appear, by their credentials, to be members.

In *French et al. vs. Senate*, 146 Cal. 604 at 607, 80 p. 1031, 60 L. R. A. 556, the plaintiffs had been expelled by the Senate for taking bribes and requested a writ of mandamus to restore them to membership. In denying the writ, the court said:

"Even if the court should attempt to usurp this legislative function, there is no means whereby it could carry its judgment into effect and give the relief demanded. The thirty-sixth session of the Legislature has adjourned *sine die*; it is a thing past, and can not be reconvened upon the mandate of the judicial power. (Const., Art. III.) \* \* \* The next regular session of the Senate will be composed of different persons and will be a different body from that now supposed to be before the court. \* \* \*

Apparently, therefore, the California Senate reassembles as a new body once every two years, the same as that in New Jersey, and is not a continuous body as the United States Senate. We feel, therefore, that the reasoning of the Kansas and New Jersey cases, as above set forth, would apply, and that the contestee, if his credentials are in good order, should be sworn in, even though the Senate has notice of a pending election contest.

Section 238 of the Political Code provides that the Senate shall meet at the hour of noon on the first day of the session, and at that time the members-elect must present their certificates, take the constitutional oath of office and assume their seats. Section 281 of the Political Code provides that in an election contest the statement of contest and depositions are to be delivered to the house in which the contest is to be tried on or before the *second* day of the session. Apparently, when the Legislature provided that the oaths of members holding certificates of election to the Senate should be administered on the *first* day of the session, but that the statement of contest need not be delivered to that body until the *second* day of the session, it did not consider that an election contest should prevent the administration of the oath of office to the contestee.

#### II. RULES OF PROCEDURE.

In almost all election contests, the general procedure has been for the Speaker to announce the receipt of the papers in the election contest of ----- vs. ----- from the Secretary of State. The matter is then referred to a committee of Senators to investigate the matter and make a report.

We see no reason why this committee, if it deems best, should not be allowed to take additional testimony. It seems to us that the general rules of evidence



found in the Code of Civil Procedure might carry well against. When the committee has made its report, then a motion is to order it to adopt or reject the report, upon a resolution that be adopted declaring that none of the motions in the bills motion Senator from such and such a district. It is necessary to make both motions be presented, and it seems rather probable that it is the committee's policy, instead of the majority report, which is adopted.

### III. A MATTER OF A QUESTION OF PRECEDENT

It seems obvious to us that section 9 of Article IV has nothing to do with an election contest. However, it is necessary to find authority, however, on this point. The nearest we have is the following statement from French, Commissioner on the Constitution of the United States, Chapter XII, section 62, page 367:

" \* \* \* It has often been held by the House of Representatives that a member who is elected could not be expelled for a crime not within the Constitution, such as treason, and that the grounds for such a case, if such, are excluded. The distinction between one right to refuse admission and the right of expulsion upon the most general of charges, under the former rule, is made by a majority of the members. Where members receive the vote of two-thirds. \* \* \* "

This is quoted with approval in the case of *Ex parte Benjamin W. Johnson*, 5 House Proceedings, 537, section 419.

In all places in which either section 7 or section 9 of Article IV is discussed, it is assumed that section 9 applies in the case of a duly elected Senator or Assemblyman who was expelled for misconduct in office. Where members refuse to take an oath where the general question of the constitutionality of the members is under consideration. For example, in *Ex parte* of the Senate, 140 Cal. 602, 119 P. 80, 1912, 60 L. R. A. 536, which on habeas corpus that it was shown the grounds had been expelled from the Senate for violating Article IV, the court, without making that section 9 of Article IV was the exclusive provision. On the other hand, in *Allen vs. Edwards*, 164 Cal. 56, 117 P. 645, which it was assumed that a certain candidate was not eligible because of a violation, the court assumed without discussion that section 7 and section 9 of Article IV of the Constitution applied. Sections 7 and 9 of Article IV are substantially the same as the first two paragraphs of Article I, section 5 of the Federal Constitution, and it has always been assumed that the expulsion of a member was a proceeding to oust a member who had been duly elected and, because of his conduct, was no longer fit to be a member of the body concerned.

It seems very reasonable to assume that in cases of expulsion, members are necessary, while a motion to expel is sufficient to remove a member from the office of a member. Whether a person has property, more or less, and whether a person has the requisite qualifications to be a Senator, and both property which may be determined with some precision, and fit the requirements of members and well-defined rules.

On the other hand, whether a member's conduct is such as to remove him from office in a legislative body is a matter of opinion, of such opinion, and the power to expel a member duly elected, and also disqualify in such cases, is not, therefore, in doubt.

### In construing the Constitution

A special provision is made in the case of a member elected a person, without relating thereto, and with respect to the appointment to the judicial office, as far as coming within the jurisdiction of the Senate. \* \* \*

*See Senate Journal*, Chapter 10, Case of *McDonald* et al., 111 Cal. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

To the same effect are the cases of *Chief Justice*, *Ex parte*, 1 Cal. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

When section 7 of Article IV is construed, it is found that the subject of the election of members is not a question of the election of members, but a question of the election of members.

Another rule of constitutional construction is found in 5 Calif. Jur., 583, Constitutional Law, section 29.

"Effect Given to Every Part. It is a settled rule of interpretation that Constitutions, like laws, must be so construed that they produce effect in giving to every part of the Constitution some effect, and no part of the Constitution is to be construed as being inoperative. The first principle is that each and every clause has been intended to have some effect, and when rightly construed, each clause should have some effect. \* \* \* "

If the reference is to section 9 of Article IV, it is found that the subject of the election of members is not a question of the election of members, but a question of the election of members.

Having concluded that section 9 of Article IV does not apply, it necessarily follows that a majority of the question is sufficient. It is a rule of construction, however, that in the absence of any provision to the contrary, the majority vote of those



present, if a quorum is present, is sufficient to pass any act or resolution. *United States vs. Joseph Ballin & Co.*, 144 U. S. 1 at 6, 12 Sup. Ct. Reporter 507, 36 Lawyers' Edition 321 at 325; *Commonwealth ex rel vs. Fleming*, 23 Pa. Sup. 404 at 408; 46 Corpus Juris, page 1380, Parliamentary Law, section 14; *Frost et al vs. Hoar et al.*, N. H., 160 At. 51 at 52.

Section 75 of the Senate Rules, found at page 117 of the book containing these rules, states:

"In all cases not provided for by these Rules or by the Joint Rules of Senate and Assembly, the authority shall be Mason's Manual."

At page 199 of this Manual, section 270, it is stated:

"When a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion that is in order, except those special matters which require a two-thirds vote or a majority vote of the members elected."

It might be contended that after the oath of office is administered to a contestee, he is thereby a member of the body and can only be removed by expulsion. We can not agree with this contention. While it is true that a person holding a credential is prima facie a member of the Senate, this is because of the certificate and not because of his having taken the oath of office. A contestee who has been sworn in needs no more protection against the arbitrary act of the Senate in an election contest than he would if the oath had not been administered. In fact, just the converse might be the case.

Subject: Attorneys' Fees in Election Contests. Binding Effect of Sections 273-283 of the Political Code.

An opinion of the Attorney General, dated March 12, 1931, holds that in an election contest, money can not be appropriated by the house in which the contest is pending to pay the attorneys for either of the parties. In a Kentucky case exactly the contrary has been held. In *Mercer et al. vs. Coleman*, 227 Ky. 797, 14 S.W. (2d) 144, both the successful contestant and unsuccessful contestee to a seat in the house joined in a suit to obtain payment of money appropriated to the payment of the attorneys' fees of both parties. Beginning at page 145 of 14 S.W. (2d), the court quoted the statute:

"7. The costs of the proceeding shall be adjudged against the unsuccessful party \* \* \*" and then said:

"The statute, if controlling, would only apply to legal costs. Attorneys' fees are not a part of the legal cost, and so would not be within the statute. But aside from this, the house, being the sole judge of the election and qualification of its members, has an implied power to take such proof and incur such expenses, as may be reasonably necessary for it to decide the contest intelligently. In any contest the house may appoint its own committee to take further proof and may authorize a committee to employ legal counsel to assist him. If, instead of doing this, where other counsel has been employed and has done the work which the house might well have provided for, there is no sound reason why the house, in its discretion, may not pay for the work which has been done, which saved the committee the expense of doing this work. It is an important public matter who shall constitute the members of the legislative body of the State, which has supreme legislative authority subject to the restrictions placed upon it by the Constitution. A poor man living in a distant part of the State might be slow to incur the expense of defending a contest or of prosecuting one. But the interest of the State being greater than the interest of the individual, the custom has been, both in the Congress of the United States and in the State Legislature, for the house in which the contest is pending to make such appropriation as it sees proper for the expenses of the contest as constituting a proper part of the contingent expenses of the body. \* \* \*"

The court then quoted *McCrary—American Law of Elections* (4th ed.), beginning at the bottom of p. 333:

"Sec. A contested election case, whatever the form of the proceeding may be, is in its essence a proceeding in which the people—the constituency—are primarily and principally interested. It is not a suit for the adjudication and settlement of private rights simply."

Among others, the California case of *People ex rel. Budd vs. Holden*, 28 Cal. 123 at 139, is cited to sustain, and does sustain, the text.

No section of the Kentucky Constitution was discussed in the opinion. Section 3 of the Kentucky Constitution, however, does provide in part:

"Sec. 3. \* \* \* no grant of exclusive, separate public emoluments shall be made to any man or set of men, except in consideration of public services; \* \* \*"

While not as explicit, it is submitted that the effect of this provision is the same as that in Article IV, section 31 of the California Constitution:

"Sec. 31. The Legislature shall have no power \* \* \* to make any gift or authorize the making of any gift, of any public money or thing of value to any individual \* \* \*"



Senators	County	Mileage	Total at five cents per mile
Allen, James M.	Siskiyou	590	\$29 50
Biggar, George M.	Mendocino	468	23 40
Crittenden, Bradford S.	San Joaquin	98	4 90
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	160	8 00
Deuel, Charles H.	Butte	228	11 40
Fletcher, Ed.	San Diego	1,148	57 30
Garrison, J. C.	Stanislaus	164	8 20
Gordon, Frank L.	Napa	110	5 50
Hays, Ray W.	Fresno	338	16 90
Hollister, J. James	Santa Barbara	854	42 70
Holohan, James B.	Santa Cruz	396	19 80
Jespersen, Chris N.	San Luis Obispo	666	33 30
Keating, Thomas F.	Marin	210	10 50
Keough, Karl P.	Yuba	1,406	70 30
Knowland, W. F.	Alameda	178	8 90
Law, Edward H.	Imperial	1,322	66 10
McBride, James J.	Ventura	980	49 00
McColl, John B.	Shasta	342	17 10
McCormack, Thomas	Sacramento	124	6 20
McGovern, Walter	San Francisco	180	9 00
Metzger, D. Jack	Tulare	286	14 30
Mixter, Frank M.	Tulare	432	21 60
Nielsen, Roy J.	Sacramento	2	10
Olson, Culbert L.	Los Angeles	894	44 70
Parkman, Harry L.	San Mateo	238	11 90
Phillips, John	Riverside	1,094	54 70
Pierovich, A. L.	Amador	118	5 90
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rich, W. P.	Yuba	104	5 20
Schottky, Andrew R.	Merced	222	11 10
Seawell, Jerrold L.	Placer	168	8 40
Slater, Herbert W.	Sonoma	180	9 00
Swing, Ralph E.	San Bernardino	1,016	50 80
Tickle, Edward H.	Monterey	474	23 70
Wagy, J. I.	Kern	556	27 80
Westover, Harry C.	Orange	862	43 10
Williams, Dan E.	Tuolumne	290	14 50
Young, Sanborn	Santa Clara	278	13 90

Officers	County	Mileage	Total at ten cents per mile
Hatfield, George J., President	San Francisco	180	\$18 00
Beek, Joseph A., Secretary	Orange	890	89 00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40
Dalton, F. E. Minute Clerk	Los Angeles	894	89 40

### Resolution read.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Hollister, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Schottky, Slater, Wagy, Westover, Williams, and Young—33.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, and the Controller is hereby directed to pay the same:

Harry L. Jordan, Bookkeeper to Sergeant-at-Arms	Per day \$5 00
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### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Rogers, Carpenter, Cunningham, DeLong, Fisher, Gurnison, Gordon, Hays, Holman, Holloman, Imperato, Ketchum, Ketter, McHenry, McColl, McCormack, Montgomery, Murray, Myrtle, Neuman, Pennington, Plummer, Plummer, Quinn, Rich, Renwell, Schottky, Slater, Wagon, Westcott, Williams, and Young. 22.

**NOES.** None.

### Resolution of Respect.

The following resolution was offered:

By Senator Westover:

**WHEREAS,** On the thirty-first day of October, the Senator from the Legislature removed from our midst the Honorable John N. Anderson; and

**WHEREAS,** The Honorable John N. Anderson served in the Senate of this State from October, 1891, to the expiration of his term on August 11th, 1935, the forty-fourth Session of the Legislature, and

**WHEREAS,** During his service in the Senate he was the author of the Senate Committee on Agriculture during the 1913 session; and

**WHEREAS,** He was a faithful servant to the people of the State of California; and therefore be it

*Resolved by the Senate,* That the members of the Senate of the California Legislature do evermore revere the death of John N. Anderson, and that when the Senate this day adjourns it shall do so by reading of some A.M. to it forever.

*Resolved,* That the A.M. be foreverly recorded in his family and estate and dear to him, and that the Secretary of the Senate be, and he is hereby directed to forward to his family an increased copy of this resolution, and that the same be spread in full upon the pages of the Journal of the Senate.

Resolution read.

The question being on the adoption of the resolution:

On motion of Senator Westover, the resolution was unanimously adopted by a rising vote.

### Resolution of Respect.

The following resolution was offered:

By Senator Olson:

**WHEREAS,** Since the last meeting of the Legislature, a faithful member of the Senate, Honorable Newton W. Ferguson, of the Alameda has been called to the Great Beyond; and

**WHEREAS,** Senator Thompson represented his district in the Alameda County constituency from the Twenty-fourth to the Forty-fourth session of the Legislature; and

**WHEREAS,** He was elected President pro tempore of the Senate in the year 1925, and was subsequently highly respected and successfully conducted his department to the office of Lieutenant Governor upon the death of Lieutenant Governor John M. Fehleman; and

**WHEREAS,** Senator Thompson throughout his career in the Legislature distinguished himself as a man of unswerving high moralistic attributes, a dignified and considerate presiding officer, an earnest supporter of those programs in government which commanded his respect and endorsement, and a loyal and devoted friend; now, therefore, be it

*Resolved,* That the Senate earnestly revere the passing of Senator Thompson, and hereby directs the Secretary to have prepared and printed copies of this tribute to be sent to his bereaved family, and so it be done.

*Resolved,* That when the Senate adjourns this day, it do so in honor of the memory of former Senator Newton W. Ferguson.

Resolution read.

The question being on the adoption of the resolution:

On motion of Senator Olson, the resolution was unanimously adopted by a rising vote.

### Resolution of Respect.

The following resolution was offered:

By Senator Olson:

**WHEREAS,** Since the last convention of the California State Legislature, death has called from his labors former Senator Lester R. Howett; and



WHEREAS, Senator Hewitt represented a district of Los Angeles County in this body during the years 1911 and 1913, the thirty-ninth and fortieth sessions, after which time he served his county as a member of the superior court; and

WHEREAS, Senator Hewitt was known as a conscientious and painstaking worker devoted to the cause of honesty in government, a barrister of high standing and a just judge; now, therefore, be it

*Resolved*, That the Senate deplores his passing and extends to his family its most sincere sympathy; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby ordered and directed to have prepared suitably engrossed copies of this resolution to be forwarded to the members of former Senator Hewitt's family; and be it further

*Resolved*, That when the Senate adjourns this day it do so in honor of his memory.

Resolution read.

The question being on the adoption of the resolution.

On motion of Senator Olson, the resolution was unanimously adopted by a rising vote.

### Introduction, First Reading and Reference of Bills.

The following Senate Concurrent Resolution was introduced:

**Senate Concurrent Resolution No. 1**—By Senators Nielsen and Rich: Relative to the selection of the Legislative Counsel.

### Request for Unanimous Consent.

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 1 without reference to committee, print or file, for the purpose of adoption.

### Consideration of Senate Concurrent Resolution No. 1.

#### Senate Concurrent Resolution No. 1.

Relative to the selection of the Legislative Counsel.

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Senate and Assembly meet in Joint Session in the Assembly Chamber at eleven o'clock and forty-five minutes a.m. on the fifth day of January, 1937, for the purpose of selecting the Legislative Counsel, as provided and required by section 1 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Hollister, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Schottky, Slater, Wagy, Westover, and Young—31.

**NOES**—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Rich:

*Resolved*, That the Standing Rules of the Senate of the fifty-first session of the Legislature of the State of California as they appear in the Legislative Handbook of that session be and they are hereby adopted as the Temporary Rules of the fifty-second session, except that Rule 8 shall be omitted and Rules 1 and 76 shall read as follows:

1. The sessions of the Senate shall be daily, Sundays excepted, beginning at ten o'clock a.m. unless otherwise ordered by the Senate.

76. All amendments proposed to the Thompson Budget bill, now pending, are referred to the Committee on Budget and Finance.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hildman, Jaspersen, Jessup, Keating, Kneveland, Lee, McCall, McCutcheon, McGowan, Morgan, Milton, Nelson, Parkman, Phillips, Pomeroy, Quinn, Reed, Seaton, Schuchter, Stein, Tickle, Wagner, Westover, and Young. 25.

**NOTES.**—None.

### Adjournment.

At one o'clock and twenty minutes p.m., on motion of Senator Rich, the President declared the Senate adjourned out of respect to the memory of former Senators John S. Anderson, Newton W. Thompson, and Leslie W. Hewitt, until ten o'clock a.m. Tuesday, January 5, 1937.

F. E. DALIN, Miscal Clerk.

### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO, Tuesday, January 5, 1937.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, Presiding at the Senate in the chair.

Secretary Joseph A. Rich at the desk.

### Roll Call

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Hays, Hildman, Jaspersen, Keating, Kneveland, Lee, McCall, McCutcheon, McGowan, Morgan, Mixer, Olson, Parkman, Phillips, Pomeroy, Quinn, Stein, Tickle, Wagner, Westover, Williams, and Young. 31.

Quorum present.

### Prayer

Prayer was offered by the Chaplain, Rev. Clarence A. Kinney.

### Reading of the Journal

During the reading of the Journal of Monday, January 4, 1937, no further reading was, on motion of Senator Stein, dispensed with.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Hays, Hildman, Jaspersen, Keating, Kneveland, Lee, McCall, McCutcheon, McGowan, Morgan, Mixer, Olson, Parkman, Phillips, Pomeroy, Quinn, Stein, Tickle, Wagner, Westover, Williams, and Young. 31.

The Secretary announced the absentees.

Time, ten o'clock and five minutes a.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring these to the bar of the Senate.

**Proceedings Under Call of the Senate.**  
**Amendments to Proposed Rules of Senate for Trial**  
**of Election Contest.**

The following amendments to the Proposed Rules of the Senate for Trial of Election Contest, offered by Senator Rich, were read and adopted:

**Amendment No. 1.**

Amend the above Proposed Rules by striking out Rule XIII.

**Amendment No. 2.**

Amend Rule XV by inserting in the blank of said rule the word "five".

**Amendment No. 3.**

Amend Rule XVIII by striking out all of it, and inserting in lieu thereof the following: "Upon submission of the report or reports provided for in the foregoing rule, at the first meeting of the Senate at which a quorum is present, such report or reports shall be accepted or rejected by a majority vote of all the members of the Senate entitled to vote thereon".

**Amendment No. 4.**

Amend the Rules by numbering them consecutively, beginning with Rule I.

**Rules of Senate Governing Trial of Election Contest.**

Senator Rich presented the following Rules of the Senate for Trial of Election Contest.

**Rules of Senate for Trial of Election Contest.**

**I.**

Article VI, Title I, Part III, comprising sections 273 to 283, inclusive, of the Political Code, shall govern, except that no contest shall be dismissed for failure of the statement of contest and depositions to be delivered to the President of the Senate on or before the second day of the session, if the contestant shows to the satisfaction of the Senate or an appropriate committee thereof, that he has used all possible diligence, both in the filing of his statement of contest and in his subsequent prosecution thereof, including delivery to the Secretary of State, to have his statement and depositions delivered to the President of the Senate at the earliest possible moment.

**II.**

Upon receipt of a statement of contest and appropriate depositions from the Secretary of State, the President of the Senate shall immediately announce such receipt and appoint a committee of five Senators to try such contest.

**III.**

Upon presentation of a certificate of election valid and regular upon its face, the contestee may take his oath as Senator, the institution of an election contest to the contrary notwithstanding.

The swearing in of the contestee shall be without prejudice to the rights of the contestant.

**IV.**

The committee, except as in these rules otherwise provided, shall be governed as to procedure and the introduction of evidence by the law applicable to the trial of civil actions in superior courts. The contestant is the plaintiff, the contestee, the defendant.

**V.**

In addition to the depositions provided for in sections 278 and 282 of the Political Code, the committee may take such other evidence in the case as it deems material.

**VI.**

Upon request of either party or of the committee, accompanied by a certificate of the committee that the same are proper and necessary witnesses upon the trial of such contest, subpoenas shall be issued by the Secretary of the Senate for witnesses on behalf of either party.

**VII.**

At the trial of the contest, both parties may appear in *propria persona*, or by counsel, or both.





That the roll of Senators shall be called from A to Y and then back from Y to A, and as each member's name is called he shall have the privilege of introducing one bill.

Resolution read, and on motion of Senator Rich, adopted.

### **Introduction, First Reading and Reference of Bills.**

Senate Joint Resolution No. 1: By Senator McGovern—Relative to memorializing the President of the United States to use his good offices to attempt to bring about an amicable adjustment of the maritime strike on the Pacific Coast.

### **Consideration of Senate Joint Resolution No. 1.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 1 without reference to committee, print, or file, for purpose of adoption.

#### **Senate Joint Resolution No. 1.**

Relative to memorializing the President of the United States to use his good offices to attempt to bring about an amicable adjustment of the maritime strike on the Pacific Coast.

WHEREAS, A widespread maritime strike in the States of Washington, Oregon and California, involving the unemployment of approximately 40,000 workers in the maritime crafts and the tying up of many hundreds of various water craft in American Pacific Coast ports and involving various other crafts and businesses in unemployment and loss of business has materially contributed to unemployment in California and to the detriment of this State involving permanent and irreparable injury to labor, business, real estate, agricultural and shipping interests; and

WHEREAS, Efforts have been made by various local and National constituted authorities including the Secretary of Labor of the United States as well as by numerous unofficial bodies, to bring about an amicable adjustment of the differences between such employers and employees, but without any definite result; and

WHEREAS, It has been publicly stated by all leaders of the various groups interested in said controversy that an arbitration of such differences now appears to be impossible and that said strike conditions probably will continue for a long time hereafter to the great damage of the people and of the government of the State of California; now, therefore, be it

*Resolved, by the Senate of the State of California, the Assembly concurring,* That the Legislature of this State respectfully petitions His Excellency, the Honorable Franklin D. Roosevelt, President of the United States, personally to use his good offices in such manner as he may be advised, for the purpose of bringing about the termination of said labor dispute and the resumption of peaceful relations between employer and employee in the industries affected by said strike.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Senate Joint Resolution No. 1 adopted by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hohman, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormick, McGovern, Metzger, Minter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES.** None.

Senate Joint Resolution No. 1 ordered transmitted to the Assembly.

### **Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved,* That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 4, 1937, and the Controller is hereby directed to draw his warrants in favor of the respective persons

for the same respective amounts, and the Treasurer of Amery is authorized to pay the same.

Per day  
of days per week

Marshall Pennington, Assistant at Desk	87.00
Chester I. Dole, Assistant at Desk	5.00
James Loomis, Assistant at Desk	5.00
Alfred Bock, Assistant at Desk	5.00
Geoffrey C. Gault, Stringographer	5.00
Arlo M. Pomeroy, Stringographer	5.00
Joseph A. Jones, Stringographer	5.00
Robert W. O'Brien, Stringographer	5.00
Frederic W. Turner, Stringographer	5.00
Malcolm Harwood, Stringographer	5.00
Clarence May Wilson, Stringographer	5.00
Leona Gibson, Stringographer	5.00
Katharine Lyle, Stringographer	5.00
Maxine R. Rife, Stringographer	5.00
Margaret D. Briggs, Stringographer	5.00
Martha Weaver, Stringographer	5.00
Maxine Duncan, Stringographer	5.00
Wanda Dwyer, Stringographer	5.00
Grace Brown, Stringographer	5.00
Helen Melrose, Stringographer	5.00
Ruth Tuttle, Stringographer	5.00
Margaret Duncan, Stringographer	5.00
Robert G. Anderson, Experimental and Recording Clerk	5.00
James Earl Garrison, Assistant at Desk	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggs, Critchfield, Galloway, Taylor, Davis, Garrison, Gordon, Hayes, Holdren, Jaspersen, Keating, Kowalski, Lusk, Melrose, Merrill, McCormack, Mitchell, Morgan, Murray, Nelson, Olson, Parkhill, Phillips, Pomeroy, Powers, Quinn, Rich, Sawell, Schottky, Stahl, Stone, Tuck, Webb, Wesson, Williams and Young—36.

NOES—None.

### Resolution

The following resolution was offered:

By Senator Tuck:

Resolved, That the following amount, amounting to said sum, be hereby appropriated to the Fisheries Commission for fishery research for the year ending December 31, 1937, and the Commission is hereby directed to make the necessary disbursements in pursuance of the foregoing provision for the same respective amounts, and the Treasurer is hereby authorized to make the same.

Per day  
of days per week

Felix Gray, Assistant Superintendent	87.00
Charles F. Brown, Stringographer	5.00
Dorothy Schreyer, Stringographer	5.00
Carleton Merrill, Stringographer	5.00
Dan W. McCarthy, Assistant Superintendent	5.00
Virginia Oak, Stringographer	5.00
Virginia Glesser, Stringographer	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggs, Critchfield, Galloway, Taylor, Davis, Garrison, Gordon, Hayes, Holdren, Jaspersen, Keating, Kowalski, Lusk, McPherson, McCormack, McGovern, Morgan, Murray, Phillips, Pomeroy, Powers, Quinn, Rich, Sawell, Schottky, Stone, Stone, Tuck, Webb, Wesson, Williams and Young—35.

NOES—None.

### Appointments by the President of the Senate.

The following communication was received and read:

*To the Senate of the State of California:*

I beg leave to inform you that I have this day appointed:

	<i>Per day</i>	<i>6 days per week</i>
Lloyd Wright, Jr., Page	\$2	50
Jim N. Hays, Page	2	50

and respectfully request the consent of the Senate thereto.

GEORGE J. HATFIELD,  
President of the Senate.

Senator Tickle moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Denel, Garrison, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

NOES—None.

### Recess.

On motion of Senator Rich, the President of the Senate declared recess for ten minutes.

### Reconvened.

At eleven o'clock and forty minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Message from the Assembly.

Messrs. Boyle, Dawson and Garibaldi, a Special Committee from the Assembly, appeared before the bar of the Senate, and notified the Senate that the Assembly was now duly organized, and ready to proceed with the business of the State.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-five minutes a.m., further proceedings under the call of the Senate were, on motion of Senator Rich, dispensed with.

### Recess.

On motion of Senator Rich, at eleven o'clock and forty-five minutes a.m., the President of the Senate declared the Senate at recess for the purpose of meeting with the Assembly in Joint Convention.

### IN JOINT CONVENTION.

ASSEMBLY CHAMBER,  
SACRAMENTO, Tuesday, January 5, 1937.

At eleven o'clock and fifty minutes a.m., the Senate and Assembly met in Joint Convention.

Hon. William Moseley Jones, Speaker of the Assembly, directed that Hon. Henry Meehan, Speaker pro tempore of the Assembly, escort Hon. William P. Rich, President pro tempore of the Senate, to the chair.





Flint, Fulcher, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuebel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Martin, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Waters, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—77.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called with the following result:

For Mr. FRED WOOD—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—39.

Mr. Fred Wood, being the choice of the Senate and Assembly sitting in Joint Convention, was declared duly elected Legislative Counsel.

### **Motion.**

Mr. Lyon moved that the Joint Convention of Senate and Assembly resolve itself into a Committee of the Whole in order to hear from Mr. Fred Wood.

Motion carried.

### **IN COMMITTEE OF THE WHOLE.**

At twelve o'clock and three minutes p.m., the Joint Convention of Senate and Assembly met as a Committee of the Whole.

### **Motion.**

At twelve o'clock and five minutes p.m., on motion of Mr. Lyon, the Committee of the Whole arose.

### **IN JOINT CONVENTION.**

#### **Reading and Approval of Minutes.**

The minutes of the Joint Convention were read, and on motion of Senator Slater, approved as read.

### **Adjournment.**

There being no further business, at twelve o'clock and ten minutes p.m., the Speaker of the Assembly adjourned the Joint Convention sine die.

### **IN SENATE.**

#### **Reconvened.**

At twelve o'clock and twenty minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted: Assembly Concurrent Resolution No. 3—Approving two certain amendments to the charter of the city of Los Angeles, in the county of Los

Los Angeles, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on the eighth day of December, 1926.

JAMES G. SMYTH, Court Clerk.  
B. C. W. BOUTTE, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 3

Senator Olson asked for and was granted unanimous consent for the consideration of Assembly Concurrent Resolution No. 3 without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 3—Approving two certain amendments to the charter of the city of Los Angeles in the manner of Los Angeles, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on the eighth day of December, 1926.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES. Senators Allen, Baggar, Cunningham, DeLoe, Dodd, Fletcher, Garrison, Hays, Holstman, Jorgensen, Keating, Kennard, Low, Math, McHenry, Metzger, Mixson, Niemi, O'Connell, Phillips, Pomeroy, Quinn, Rich, Schottky, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES. None.

Assembly Concurrent Resolution No. 3 ordered transmitted to the Assembly.

### Adjournment

On motion of Senator Rich, at twelve o'clock and twenty-two minutes p.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Wednesday, January 6, 1937.

E. W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, January 6, 1937.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

### Roll Call

The roll was called, and the following answered to their names:

Senators Baggar, Cunningham, DeLoe, Dodd, Fletcher, Garrison, Hays, Holstman, Jorgensen, Keating, Kennard, Lay, McHenry, Metzger, Mixson, Niemi, O'Connell, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

Quorum present.

### Prayer

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal

During the reading of the Journal of Tuesday, January 5, 1937, the further reading was dispensed with, on motion of Senator Slater.

### Leaves of Absence.

Senator Hollister was, on motion of Senator McBride, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator Allen was, on motion of Senator Schottky, granted leave of absence for this day.

Senator Seawell was, on motion of Senator Biggar, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Chase of San Francisco.

### Message From the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city, at a special municipal election held therein on the third day of November, 1936:

Also: Assembly Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 4.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 4, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city, at a special municipal election held therein on the third day of November, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Holohan, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wag, Westover, and Williams—29.

NOES—None.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 5.

Senator Nielson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 5, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 10 Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held thereon on the fifth day of November, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

**AYES.**—Senators Ruggar, Crofton, Cunningham, Legett, Dewar, Fletcher, Garrison, Gordon, Hays, Hume, Johnston, Keating, Kopp, Lee, McBurn, McLean, McQuay, Morgan, Myers, Nathan, Olson, Parkinson, Phillips, Proctor, Quinn, Rich, Schaffly, Slater, Sving, Tamm, Ward, Wyman, Wilford, and Young—34.

**NOES.**—None.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

### Senate Rules

The following rules were adopted, and printed in the Journal, by Senator Rich:

#### PROPOSED STANDING RULES OF THE SENATE

##### Convening and Order of Business

###### Hour of Meeting

1. The Senate shall meet at eleven o'clock a. m. daily, except Sundays, unless otherwise ordered by a majority vote of the Senate, present, a quorum being present. Commencing on the second day after the commencement of a term, shall be taken daily at the hour of twelve o'clock and three o'clock p. m., except on days of two o'clock p. m., unless otherwise ordered by a majority vote of the Senate present, a quorum being present.

###### Calling to Order

2. The President, President pro tempore, or senior member present shall call the Senate to order at the hour stated, and if it is desired by majority vote, at the order of business.

###### Order of Business

3. The order of business shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading and Approval of the Journal of the Preceding Day
4. Presentation of Petitions
5. Messages from the Governor
6. Messages from the Assembly
7. Reports of Standing Committees
8. Reports of Select Committees
9. Messages, Resolutions and Notices
10. Introduction, First Reading, and Reference of Bills
11. Consideration of Emergency Bills
12. Unfinished Business
13. Special Orders of the Day
14. Announcement of Committee Meetings
15. Adjournment

##### Presiding Officer of the Senate.

###### The President

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

The President shall have a casting vote only when the vote is equally divided and his vote will decide the issue.

###### The President Pro Tempore

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and



shall have the same powers as the President; but the President pro tempore shall vote as any other member of the Senate.

*Presiding by Senators.*

6. The President, or President pro tempore in the absence of the President, may name any Senator to perform the duties of the chair. The Senator so named shall be vested, during such time, with all the powers of the President, but he shall vote as any other member of the Senate.

**Committees of the Senate.**

*Appointment of Committees.*

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered by a majority vote of the members elected to the Senate, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

*List of Standing Committees.*

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture, 9 members.
2. Aviation and Aircraft, 3 members.
3. Banking, 5 members.
4. Building and Construction, 3 members.
5. Building and Loan Associations, 5 members.
6. Civil Service, 3 members.
7. Commerce and Navigation, 3 members.
8. Conservation, 3 members.
9. Constitutional Amendments, 3 members.
10. Contingent Expenses, 3 members.
11. Corporations and Financial Institutions (other than banks and building and Loan Associations), 3 members.
12. County Government, 5 members.
13. Drainage, Swamp and Overflowed Lands, 3 members.
14. Education, 9 members.
15. Elections, 3 members.
16. Engrossment, Enrollment and Printing, 3 members.
17. Federal Relations, 3 members.
18. Finance, 9 members.
19. Fish and Game, 9 members.
20. Governmental Efficiency, 7 members..
21. Hospitals and Asylums, 3 members.
22. Insurance, 7 members.
23. Irrigation, 7 members.
24. Judiciary, 9 members.
25. Labor and Capital, 5 members.
26. Live Stock and Dairying, 7 members.
27. Military Affairs, 3 members.
28. Mines and Mining, 3 members.
29. Motor Vehicles, 9 members.
30. Municipal Corporations, 5 members.
31. Oil Industries, 7 members.
32. Prisons and Reformatories, 3 members.
33. Public Health and Quarantine, 5 members.
34. Public Utilities, 7 members.
35. Revenue and Taxation, 9 members.
36. Revision of Criminal Law and Procedure, 5 members.
37. Roads and Highways, 9 members.
38. Rules, 3 members.
39. Social Security, 3 members.
40. Universities and State Colleges, 5 members.

*Schedule of Committee Meetings.*

9. The President shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

*Quorum of Standing Committees.*

10. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall note such fact.



committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing and take receipts therefor.

*Sergeant-at-Arms of the Senate.*

19. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

*Distribution of Printed Matter.*

20. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Journals and Histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

**Preparation and Introduction of Bills.**

*Introduction and First Reading. Skeleton Bills.*

21. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary, the bill shall be read the first time and thereupon referred by the President to a standing committee.

If upon first reading it appears that a bill fails to state a subject in its title (and the mere designation of a code to be amended, or of a subject co-extensive with the subject of a code to be amended, shall be considered to be such failure) or that it fails to set forth with reasonable completeness in the body thereof the proposed law or amendment, it shall be refused introduction by the President, and it shall be the duty of the Secretary to call to the President's attention any bill which in the opinion of the Secretary is or may be subject to this provision.

*Joint and Concurrent Resolutions and Constitutional Amendments.*

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; except, that they shall have but one reading, which reading shall occur after they have been reported by committee.

Constitutional amendments, when introduced, shall be referred to the appropriate committee.

*Special Investigating Committees.*

23. No committee for the investigation of any special subject shall be appointed except pursuant to a resolution which shall be entered in the Journal and referred to the Committee on Rules, and which shall be approved by a vote of two-thirds of the members elected to the Senate. The subject and purposes of the investigations shall be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purposes so expressed. No such committee shall have authority to extend its investigations to subjects not so expressed, nor beyond the scope as indicated in the resolution. Unless otherwise stated in the resolution any committee so authorized shall be appointed within five days after the adoption of the resolution.

*Introduction of Bills by a Committee.*

24. Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file.

*Introduction of Bills After the Constitutional Recess.*

25. The Committee on Rules shall constitute a standing Committee on Introduction of Bills to serve after the constitutional recess. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills." The motion shall give the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Information of Bills, and there are reserved a vote to authorize their introduction, nor shall the measure be introduced by any one member be located.

#### Bills in Committee.

##### *Reference of Senate Bills.*

26. At the time of introduction the President shall have authority to refer any matter a bill or resolution may be referred, but it shall be no longer upon a motion, without debate, the Senate by a majority vote of the members present refer it to some other committee. No measure shall be introduced in the Senate to refer a bill or resolution to a committee.

##### *Order of Reference.*

27. When a committee shall be chosen, or if action shall be taken to refer and make and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

##### *Amendments on Third Reading.*

28. In order to amend a bill on second or third reading, it shall be necessary for the member offering such amendment or amendments to read the same in my desk or in private. A motion of amendment to any bill in the Senate shall be made on reading, either then or after, and no member shall be permitted to introduce a new motion on or the third reading of the bill, or such amendments or any bill passed by the Senate.

##### *Reference of Assembly Bill.*

29. When an Assembly bill has been received by the Senate, with a message accompanying that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee. In private session, when any Assembly bill is received, the first of course to be read by a member, to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Information of Bills, and President shall determine, upon motion shall read without other reading or on the third reading of the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, and take its place on the third reading. The bill to be considered as having passed the same conditions as provided by the Senate bill, provided that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall remain in print upon the final printed version.

##### *Reference of Appropriation Bill.*

30. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Appropriation measures by adjournment shall be read in all cases before being referred to the Senate or coming from the Assembly, except those in the Committee on Finance.

##### *Notice to Author of Bill.*

31. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the time and place of hearing or voting thereon, and shall so notify.

##### *Committee Amendments to Bills.*

32. When amendments to a bill are proposed by a committee, referred from the floor or submitted by a Special Committee of some such amendments shall be submitted in written form to the Secretary of the Senate and one to the Minute Clerk.

##### *Reports of Committees.*

33. All committees shall file their bills, resolutions or amendments in duplicate, and when asked to report such bills shall be reported back to the Senate, together with the chairman of each committee is charged with the duty of presenting, provided that the Senate may at any time, by a majority vote of all of the members present in the Senate, send a bill to any committee.

#### Order of Considering Bills.

##### *Order of Mailing Files.*

34. When bills are reported from committee they shall be placed upon the General File, to be kept by the Secretary in pigeon. All bills when reported to the Senate by the committee shall be placed in the foot of the corresponding file, in the order in which the reports are made, and after the third reading they shall be placed at the foot of the third reading file, in the order of reading. All provisions



shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent of the Senators present or by a two-thirds vote of the members elected to the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of a majority of the members present, such vote to be taken by roll call. If a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

#### *The General File.*

35. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

#### *Special Order.*

36. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

#### *Three Readings of Bills.*

37. Every bill shall be read on three several days previous to its passage, unless in case of urgency, two-thirds of the members of the Senate by a vote of the ayes and noes dispense with this provision.

#### *Ordering Bills to Third Reading.*

38. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be: "Shall the bill be ordered to third reading?"

#### *Bills Considered During Last Seven Days.*

39. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment sine die of the two houses of the Legislature unless permission to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

### **Questions and Motions.**

#### *Precedence of Motions During Debate.*

40. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

During a call of the Senate, however, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

#### *Amendment or Division of Question.*

41. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; but no motion to strike out and insert may be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert, but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. Motions to amend the part to be stricken out shall have precedence.

#### *Restrictions as to Amendments.*

42. A substitute or amendment must relate to the same subject as is expressed in the title or is provided for in the text, whichever is the most specific of the original

bill, resolution or constitutional amendment under consideration. No substitute or amendment to a bill which should have been referred to committee under the provisions of Rule 21 shall be received or adopted.

#### *Vote Required for Amendments*

43. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be passed by a majority of those voting.

#### *Procedure of Debate.*

##### *Seconding and Announcement of Motion*

44. No motion shall be debated until the same be seconded and distinctly announced by the President, until it shall be referred to writing if moved by the President or any Senator, and read by the Secretary, before the same shall be debated.

##### *Regulations as to Speaking*

45. 1. When a Senator desires to address the Senate, he shall rise to his feet, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave, and Senators who have just spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted while speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of moving the debate.

##### *Seizing of the Floor*

46. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

##### *Order in Debate.*

47. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down to writing by the Secretary of the Senate.

##### *The Previous Question.*

48. The previous question shall be put on the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon discussion, and no debate shall be in order until the question is asked except that the author of the bill or the amendments shall have the right to close, and the question whether discussion shall thereupon be suspended for one vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

##### *Executive Session.*

49. When a motion is adopted to close the doors of the Senate, or the discussion of any business which may be the business of the Senate, except in executive session, the President shall request all persons around the Senate, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of such business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

#### *Voting by Senate.*

##### *Calling Ayes and Noes*

50. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

##### *Excused from Voting.*

51. When a Senator desires to vote on call of his name he shall be requested to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

**Reconsideration of Vote.**

52. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator; provided notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

**Confirmation of Appointments.**

53. It shall require 21 affirmative votes to confirm and consent to an appointment by the Governor, and it shall require 21 votes to reconsider such confirmation and consent.

**When Bill Is Held for Reconsideration.**

54. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

**When a Bill Is Recalled for Reconsideration.**

55. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

**Debate on Motion to Reconsider.**

56. A Senator, after a notice to reconsider is given, as provided in Rule 52, shall, at the reconsideration thereof, present the main question, in his argument thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.

**Messages and Other Papers.****Messengers from the Governor.**

57. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a Senator is addressing the Senate.

**Messengers from the Assembly.**

58. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a member is addressing the Senate.

**Consideration of Assembly Messages.**

59. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent or by a majority vote of the members present.

**Reading of Papers.**

60. When the reading of a paper is called for, and the same is objected to by any Senator, the question shall be determined by a majority vote of the members present.

**Contents of Senate Journal.****Proceedings to Be Printed.**

61. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

**Titles of Bills to Be Printed.**

62. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

*Statement of Petitions to Be Printed.*

63. Every vote and a brief statement of the substance of such petition, memorial or paper presented to the Senate shall be entered in the Journal.

*Other Matter to Be Printed.*

64. Messages from the Governor (other than general messages and messages addressed to joint and concurrent sessions) and constitutional amendments when adopted, and the text of bills, joint resolutions, resolutions and constitutional amendments, when voted upon by the Senate, shall be printed in the Journal or book, provided, that in case of a constitutional amendment relating the provision of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

**Legislative Printing.***Duty of the Secretary to Order Printing.*

65. It shall be the duty of the Secretary of the Senate during each session sessions of the Legislature to order for the Senate the necessary printing including stationery for the members and the public and necessary and proper for printing to be charged to the Senate. The Secretary shall make from the money received from number of copies of this Journal. However, when from any other source, printing shall be necessary. Whenever the need of any document arises in the Secretary or required by law, he must estimate, it shall be the duty of the Secretary to order sufficient additional copies to meet the estimated demand.

*Printing Only on Written Orders. Blank Orders.*

66. The State Printer shall not accept any printing or other work for the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to beginning the printing of same work. The order presented to the Secretary shall be returned to him. The Secretary and printer jointly requires it, order from the State Printer, with reference to the printer's bill to be printed or delivery of the printed work of Senate, under the order printed written order, to be known as a "Blank Order."

*Form of Printing Amendments.*

67. All bills amended by either house shall be immediately reprinted. No new matter is added by the amendments and any matter shall be printed as being in the printed bill; and by rule of Senate being printed, the matter to be printed shall be printed in type having a single horizontal line through the center and commonly known as "striking" type. When a bill amendments of a whole section of a general law is enacted, the matter to be printed shall be printed and the bill shall be printed in the usual running type.

**The Senate Chamber.***Admission Within Bar of Senate.*

68. It shall be the duty of the Sergeant-at-Arms to permit, except Senators, ex-Senators, members of the Assembly, State officers, officers of the War, Marine, and such authorized executive organizations as have been invited by them by the President, from coming within the bar of the Senate except upon invitation of the President or a Senator, except that no person shall be allowed upon the floor while the Senate is in session.

*Committee of the Whole.*

69. No person other than a member of the Senate or the President (House) shall address the Senate while it is in session; provided, however, that the Senate may resolve itself into a Committee of the Whole upon a question, and that when acting as such Committee of the Whole shall be entitled to proceed under the same rules.

*Regulations for Lobbyists.*

70. 1. All persons desiring to lobby on matters in session, or to be in the Senate Chamber, or to be in any committee room of the Senate for the purpose of advocating the passage, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of securing the bill of any measure of the Senate, laws and such bill, measure or resolution, or any bill or resolution to be passed into law, or resolution, shall register with the Sergeant-at-Arms, his room and address, together with a statement of his name, his position, his occupation or occupation, or interest represented by or intended to be represented by him, and shall pay to the Sergeant-at-Arms his fee and authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall assign such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.



This rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate, as herein provided.

2. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

#### *Maintaining of Order.*

71. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

#### *Smoking Within Senate Chamber.*

72. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

#### **Miscellaneous Provisions.**

##### *Duties of Members.*

73. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless such or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

##### *Call of the Senate.*

74. Upon a motion being carried for a call of the Senate the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave or enter the Senate except by written permission of the President or President pro tempore, or except such members as are taken into custody as herein provided. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the Senate.

##### *Parliamentary Rules.*

75. In all cases not provided for by these rules, or by the Joint Rules of Senate and Assembly, the authority shall be Mason's Manual.

##### *Suspension or Changes of Rules.*

76. Except as in these rules otherwise expressly permitted no standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds of the entire Senate, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate, except that portion of Rule 13, relating to the order of enrolling bills. All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

### Introduction, First Reading, and Reference of Bills.

Senate Concurrent Resolution No. 2. By Senators Rich, Keeneland and Tickle. Relative to Joint Rules of the Senate and Assembly.

Senate Concurrent Resolution No. 2 ordered printed and held at the desk.

### Motion.

Senator Rich moved that the Senate request from the Attorney General and Legislative Counsel an opinion on the aforementioned Motion carried.

### Messages From the Assembly.

The following messages from the Assembly were received and read:

Assembly Concurrent Resolutions, January 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 1. Relative to amendments to the Constitution. Resolution No. 1. Relative to the powers of the Legislative Council.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to go to the desk.

Assembly Concurrent Resolutions, January 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 1. Relative to amendments to the Constitution. Senate Joint Resolution No. 1. Relative to the powers of the Legislative Council.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Senate Joint Resolution No. 1 ordered to enrollment.

Assembly Concurrent Resolutions, January 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions No. 1. Relative to amendments to the Constitution. Senate Joint Resolution No. 1. Relative to the powers of the Legislative Council. Senate Joint Resolution No. 1. Relative to the powers of the Legislative Council. Senate Joint Resolution No. 1. Relative to the powers of the Legislative Council.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Assembly Concurrent Resolution No. 1 ordered out of the room on business.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions mentioned in their names and to be paid the salaries specified in the opposite their names, payable weekly, beginning January 6, 1937, and the Governor is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

*Paid to*

Virginia Ford, Stenographer	\$5.00
Josephine F. Holcomb, Stenographer	5.00
Wendell Wilson, Stenographer	5.00
Herman Snively, Assistant Sergeant at Arms	5.00
Hortense May, Stenographer	5.00
Florence I. Mason, Assistant Secretary	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Jepsen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

### Communication.

The following communication was received, read, referred to Committee on Rules, and ordered printed in the Journal:

SAN FRANCISCO, January 4, 1937.

*Honorable George J. Hatfield, President of Senate,  
State Building, Sacramento, California.*

DEAR LIEUTENANT GOVERNOR: On November 20, 1936, the Board of Governors of the State Bar of California unanimously adopted a resolution urging that appropriate action be taken by the fifty-second session of the Legislature of the State of California to remove Gavin W. Craig from his office as Associate Justice of the District Court of Appeals of this State under the provisions of section 10 of Article VI of the Constitution.

Accordingly I am presenting herewith a complaint on behalf of the State Bar against Judge Craig which prays for his removal from this office.

Respectfully yours,

CLAUDE MINARD,

Secretary of State Bar of California.

### Before the Legislature of the State of California, Fifty-second Session.

In the Matter of THE PROCEEDING FOR THE REMOVAL OF GAVIN W. CRAIG AS AN ASSOCIATE JUSTICE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF CALIFORNIA, UNDER AND PURSUANT TO THE PROVISIONS OF SECTION 10, ARTICLE VI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

### Complaint.

Comes now the State Bar of California, and complains against Gavin W. Craig, and for cause of complaint respectfully represents and alleges as follows:

#### I.

That the State Bar of California is a public corporation having power to aid in the advance of the science of jurisprudence and in the improvement of the administration of justice.

#### II.

That at the primary election held on the twenty-eighth day of August, 1928, Gavin W. Craig was elected an Associate Justice of Division Two of the Second Appellate District of the District Court of Appeal of the State of California.

#### III.

That thereafter said Gavin W. Craig took the oath and assumed the office of said Associate Justice of said court, and now is, and at all times herein mentioned has been a Judge of said court.

#### IV.

That on or about the fourteenth day of March, 1935, an indictment was returned by the Grand Jurors for the United States of America, impanelled and sworn, in the Central Division of the Southern District of California, and inquiring for the Southern District of California, to the District Court of the United States, in and for the Southern District of California, Central Division, charging Gavin W. Craig with a violation of section 88, Title 18, of the United States Code, charging specifically that said Gavin W. Craig, together with others, with full knowledge and notice that an indictment and criminal prosecution was pending and undetermined in the United States District Court for the Central Division of the Southern District of California, did, wilfully, unlawfully, corruptly and feloniously conspire, combine, confederate, arrange and agree together and with each other, and with divers other persons, to corruptly endeavor to influence, obstruct, impede, hinder and to corruptly influence, obstruct, impede, hinder and embarrass the due administration of justice in said criminal proceeding pending in said court and district aforesaid.

That thereafter and on the eighth day of May, 1935, after the trial of Gavin W. Craig in the District Court of the United States, in and for the Central Division of the Southern District of California, under said indictment, the same being Criminal No. 12337-II, the jury impanelled therein returned a verdict finding the defendant Gavin W. Craig guilty, as charged in the first count of the indictment, the same being a violation of section 88, Title 18, of the United States Code, as

heretofore described. Thereafter, and on the tenth day of May, 1935, a writ for a new trial was granted and issued on behalf of the defendant George W. Craig and was denied by the court. Thereafter, and on the same day, a motion for judgment of acquittal was made on behalf of the defendant and denied and the judgment of the court was affirmed. That on or about George W. Craig he deposited a sum of \$1,000 and committed to the custody of the Attorney General of the United States for confinement in a jail for a period of six years. Thereafter, a writ of appeal was given on behalf of said defendant and an appeal taken to the United States Circuit Court of Appeal for the Ninth Circuit.

That on the tenth day of February, 1936, the judgment of the District Court of the United States, as and for the Southern District of California, Circuit Division, was affirmed by the United States Circuit Court of Appeals for the Ninth Circuit.

Thereafter, an appeal was taken on behalf of said defendant to the Supreme Court of the United States, and on the twelfth day of November, 1936, the Members of the Supreme Court of the United States did issue, allowing the judgment of the District Court of the United States for the Southern District of California, Circuit Division.

#### V

That the said judgment of conviction substantially negatived that said George W. Craig has been and is guilty of the crime charged against him, and the conspiracy to commit the same.

That the said GEORGE W. CRAIG will be unable during the period of his punishment in the jail to communicate the nature and extent of his crime.

That the said GEORGE W. CRAIG, as a result of the systematic and basic, but comparatively less fundamental, in nature, manner, and method of his conviction by the other courts to seriously affect the administration of justice, justice, from the respect and courts and judicial officers, and conditions a serious detriment to the industry as a whole.

WHEREFORE, The said State Bar of California respectfully requests the signature of the STATE OF CALIFORNIA to cause GEORGE W. CRAIG, from when to a Justice of the District Court of Appeal of the State of California, to proceed with the procedure provided in Section 10 of Article VI of the Constitution of the State of California.

Dated, January 5, 1937

#### THE STATE BAR OF CALIFORNIA

By CHAS. M. MASON, Secretary.

#### Memorandum

In re: *Proceedings for Removal of Judge James Alfred Leavelle, the President of Section 19, Article VI, of the Constitution.*

The provisions of Section 19, Article VI, of the Constitution are as follows:

"Justices of the Supreme Court, and of the District Court of Appeal, and judges of the superior courts shall be removed by separate resolutions of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except judges of the peace, shall be removed by the Senate on the recommendation of the Judiciary, but no removal shall be made by virtue of this section unless the same support be secured in the Journal, not unless the party complained of has been served with a copy of the complaint against him and with notice and opportunity of being heard in his defense. On the question of removal the yeas and nays shall be entered on the Journal."

The steps taken by the Legislature under these provisions shall be as follows: First: Complaint filed with the Legislature and entered on the Journal of each house.

Second: Concurrent resolution setting the complaint for hearing by Joint Convention of the Legislature and providing for venue in the court house. The resolution setting for hearing and providing for a hearing is not final.

Third: Hearing of complaint after notice is served by Joint Convention of the Legislature. No particular type of procedure is prescribed, except that the accused shall have an opportunity for hearing. The accused, having received notice, need not be present in person, but may appear by counsel, and a hearing afforded a hearing.

Fourth: Concurrent resolution for removal. Requires two-thirds vote of each house. This resolution could be introduced at any time, but it is suggested that it be introduced after the hearing. The yeas and nays shall be entered on the Journal separately after termination of the hearing, as concurrent resolutions are ordinarily voted on in each house separately.

FRED B. WOOD  
By DUANE J. CARNES.



### Communication.

The following communication was received, read, and ordered printed in the Journal:

THE LAWYERS' CLUB, LOS ANGELES.

*Be it Resolved*, That the Lawyers' Club of Los Angeles urge upon the Legislature of the State of California, which convenes in January, 1937, to pass a concurrent resolution removing Judge Gavin W. Craig as a member of the bench of the District Court of Appeal, which request of the Legislature is based upon the United States District Court's records of the conviction and sentence of Judge Craig. Be it further

*Resolved*, That this resolution, or a similar resolution, requesting the removal of Judge Craig be forwarded to the State Legislature at Sacramento so that it will be received and be on hand on the opening of the legislative session in January, 1937.

THE LAWYERS' CLUB OF LOS ANGELES.

By I. H. PHILLIPS, President.

### Introduction, First Reading and Reference of Bills—(Resumed).

**Senate Bill No. 1:** By Senator Biggar—An act to amend section 726 of the Code of Civil Procedure, relating to mortgages and deeds of trust.

Senate Bill No. 1 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 2:** By Senator Garrison—An act to amend the title and section 1 of an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to tare on beans and peas sold in bags.

Senate Bill No. 2 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 3:** By Senator Nielsen—An act providing an additional or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of public utilities by any political subdivision or public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on works acquired, constructed, developed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agencies proceeding under this act; and defining the terms political subdivisions and public agencies as included herein.

Senate Bill No. 3 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 4:** By Senator Phillips—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending sections 8 and 280 thereof, by amending and re-enacting sections 68 and 69 and repealing section 284h thereof and by adding to said act as amended new sections to be numbered and providing as follows, to wit: Section 284h, relating to segregation of items of property on the assessment roll; section 284o, relating to proceeds of tax-deeded lands; section 284o, relating to quieting title to tax-deeded lands; section 284o, relating to acquisition of claims to property owned or claimed by the district; section 284t, relating to proceeds of rentals

of tax deeded lands, section 70, relating to statute of limitations on tax deeds to the district; section 71, relating to statute of limitations on disposal of tax deeded lands, declaring the legislative intention as to unconstitutionality and declaring the urgency of this act.

Senate Bill No. 4 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 5:** By Senators Schottky and Biggar—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of the "Direct Primary Law," relating to nonpartisan offices.

Senate Bill No. 5 read first time, referred to Committee on Elections.

**Senate Bill No. 6:** By Senator Slater—An act to amend section 22 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

Senate Bill No. 6 read first time, ordered printed and laid at the desk.

**Senate Bill No. 7:** By Senator Sving—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged.

Senate Bill No. 7 read first time, and referred to Committee on Social Security.

**Senate Bill No. 8:** By Senator Young—An act to provide an institution for the care and confinement of reformed juvenile delinquents, to provide for the maintenance and government thereof, to provide for commitment to and parole or discharge from such institution, to prescribe penalties for escaping or for violating the terms or conditions of discharges or paroles, and to prescribe penalties for procuring, aiding or advising in the escape of inmates, or concealing them after escape.

Senate Bill No. 8 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 9:** By Senator Young—An act to add section 742 to the Fish and Game Code, relating to marlin swordfish maul.

Senate Bill No. 9 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 10:** By Senator Schottky—An act to amend section 29 of the District Investigation Act of 1933, to exempt county districts from the operation thereof.

Senate Bill No. 10 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 11:** By Senator Garrison—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals.

Senate Bill No. 11 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 12:** By Senator Fletcher—An act to amend section 580b of the Code of Civil Procedure and section 2924½ of the Civil Code, relating to the hypothecation of real property and to obligations

secured thereby and prohibiting deficiency judgments on such obligations.

Senate Bill No. 12 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 13:** By Senator Fletcher—An act to amend section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Senate Bill No. 13 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 14:** By Senator Fletcher—An act to amend section 1 of the "Motor Vehicle Fuel License Tax Act," relating to definitions of terms and phrases.

Senate Bill No. 14 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 15:** By Senator Garrison—An act to amend section 493 of the Fish and Game Code, relating to night fishing.

Senate Bill No. 15 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 16:** By Senator Garrison—An act to amend sections 718 and 865 of the Fish and Game Code, relating to shad.

Senate Bill No. 16 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 17:** By Senator Garrison—An act to add section 2 (a) to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the regulation of the sale of gasoline.

Senate Bill No. 17 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 18:** By Senator Young—An act to repeal section 307 of the Penal Code, relating to the sale and use of opium.

Senate Bill No. 18 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 19:** By Senator Young—An act to amend sections 5, 6, 7, 7a, and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g, and 8½, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics.

Senate Bill No. 19 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 20:** By Senator Young—An act to add section 442 to the Penal Code, relating to criminal investigations.

Senate Bill No. 20 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 21:** By Senator Young—An act to add section 377f to the Penal Code, relating to racing.

Senate Bill No. 21 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 22:** By Senator McGovern—An act creating the "Divisional Highway" in the City and County of San Francisco, and making it a part of the secondary highway system of this State.

Senate Bill No. 22 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 23:** By Senator Metzger—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 440 to 453, inclusive, relating to ownership or control of stockyards by packers.

Senate Bill No. 23 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 24:** By Senators Nilsen and McCall—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities, and definitions of other terms used in said act, and including and defining toll bridges and toll bridge corporations as public utilities.

Senate Bill No. 24 read first time, and referred to Committee on Commerce and Navigation.

**Senate Concurrent Resolution No. 3:** By Senator Nilsen—Relative to directing an investigation and report upon acquisition of the toll bridge across Carquinez Straits.

Senate Concurring Resolution No. 3 referred to Committee on Commerce and Navigation.

### Adjournment.

On motion of Senator Rusk, at eleven o'clock and forty minutes a.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Thursday, January 7, 1937.

E. W. SCAMMON, Minute Clerk.

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### IN SENATE

SENATE CHAMBER

SACRAMENTO, Thursday, January 7, 1937.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Rusk at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crocker, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Lyle, McBride,



McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Wednesday, January 6, 1937, the further reading was dispensed with, on motion of Senator Swing.

### **Leaves of Absence.**

Senator Hollister was, on motion of Senator McBride, granted leave of absence for this day.

Senator Seawell was, on motion of Senator Biggar, granted leave of absence for this day.

Senator Allen was, on motion of Senator Schottky, granted leave of absence for this day.

### **Privilege of Floor of Senate Extended.**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge and Mrs. Clarence Terry and Judge Frank Cheny of San Diego.

On request of Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James W. Higley of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy G. Small, Miss Margaret Milne of Vancouver, B. C., and Mr. Arthur W. Eckman of Los Angeles.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Ed. H. Christian of Alameda County.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Verne Landreth of Atascadero.

### **Senate Rules.**

Senator Rich moved that the Senate Rules, as printed in the Senate Journal of January 6, 1937, be adopted.

#### **Amendment from the Floor.**

During the discussion of the Proposed Senate Rules, the following amendment, offered by Senator Olson, was read:

#### **Amendment No. 1.**

At the end of Proposed Rule No. 68, strike out the period, and insert in lieu thereof a semicolon and add the following: "and, provided further, that the presence of any lobbyist in the Senate Chamber shall not be permitted while the Senate is in session."

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Jespersen on the adoption of amendment to the Standing Rules of the Senate.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Garrison, Jaspersen, Keating, McGovern, Olson, and Westover—6

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Helander, Keough, Kautsky, Law, McLean, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quaker, Rusk, Schottky, Slater, Swing, Tickle, Waggy, Williams, and Young—31

#### Further Amendment from the Floor

The following amendment, offered by Senator Fletcher, was read:

#### Amendment No. 1.

Amend Rule No. 8 by adding the following: "No. 41. Public Morals, 3 members."

#### Amendment to the Amendment.

Senator McGovern moved to amend the proposed amendment by increasing the number of the committee from 3 to 40.

Amendment adopted.

#### Further Amendment to the Amendment.

Senator Tickle moved to amend the proposed amendment by striking out number "41" and insert in lieu thereof number "24."

Amendment declared out of order.

#### Amendment as Amended.

Amend Rule No. 8 by adding the following: "No. 41. Public Morals, 40 members".

The question being on the adoption of the amendment, as amended:

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Williams and Phillips on the adoption of the amendment, as amended.

The roll was called, and the amendment, as amended, adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Jaspersen, Keough, Law, McLean, Metzger, Mixer, Nielsen, Olson, Phillips, Quaker, Schottky, Slater, Swing, Waggy, Williams, and Young—22

**NOES**—Senators DeLap, Gordon, Hays, Helander, Keating, Kautsky, McColl, McCormack, Metzger, Parkman, Pomeroy, Powers, Rusk, Tickle, and Young—15

#### Amendment from the Floor.

The following amendment to the Rules, offered by Senator Jaspersen, was read and adopted:

#### Amendment No. 1.

In Rule 23, line 3, strike out the words "two-thirds", and insert in lieu thereof the following "a majority".

#### Further Amendment from the Floor.

The following amendment to the Rules, offered by Senator Swing, was read and adopted:

#### Amendment No. 1.

In the next to the last line of Rule No. 23, strike out the word "five", and insert in lieu thereof the word "twenty".

#### Further Amendment from the Floor.

The following amendment to the rules, offered by Senator Rusk, was read and adopted:

#### Amendment No. 1.

In Rule No. 8, subdivision No. 38, strike out the figure "3", and insert in lieu thereof the figure "5".

**Further Amendment from the Floor.**

The following amendment to the rules, offered by Senator Rich, was read and adopted:

**Amendment No. 1.**

In Rule No. 21, strike out the entire second paragraph

**STANDING RULES OF THE SENATE, AS AMENDED.****Convening and Order of Business.***Hour of Meeting.*

1. The Senate shall meet at eleven o'clock a.m. daily, except Sundays, unless otherwise ordered by a majority vote of the Senators present, a quorum being present. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of twelve o'clock and thirty minutes p.m. until the hour of two o'clock p.m., unless otherwise ordered by a majority vote of the Senators present, a quorum being present.

*Calling to Order.*

2. The President, President pro tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

*Order of Business.*

3. The order of business shall be as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading, and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

**Presiding Officer of the Senate.***The President.*

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

The President shall have a casting vote only when the vote is equally divided and his vote will decide the issue.

*The President Pro Tempore.*

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and shall have the same powers as the President; but the President pro tempore shall vote as any other member of the Senate.

*Presiding by Senators.*

6. The President, or President pro tempore in the absence of the President, may name any Senator to perform the duties of the chair. The Senator so named shall be vested, during such time, with all the powers of the President, but he shall vote as any other member of the Senate.

**Committees of the Senate.***Appointment of Committees.*

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered by a majority vote of the members elected to the Senate, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

*List of Standing Committees.*

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture, 9 members.
2. Aviation and Aircraft, 3 members.
3. Banking, 5 members.
4. Building and Construction, 3 members.
5. Building and Loan Associations, 5 members.
6. Civil Service, 3 members.
7. Commerce and Navigation, 3 members.
8. Conservations, 3 members.
9. Constitutional Amendments, 3 members.
10. Contingent Expenses, 3 members.
11. Corporations and Financial Institutions (other than banks and building and loan associations), 3 members.
12. County Government, 5 members.
13. Insurance, Savings and Thrifted Funds, 3 members.
14. Education, 9 members.
15. Elections, 3 members.
16. Engrssment, Enrollment and Printing, 3 members.
17. Federal Relations, 3 members.
18. Finance, 9 members.
19. Fish and Game, 9 members.
20. Governmental Efficiency, 7 members.
21. Hospitals and Asylums, 3 members.
22. Immigration, 7 members.
23. Irrigation, 7 members.
24. Judiciary, 9 members.
25. Labor and Capital, 5 members.
26. Live Stock and Dairying, 7 members.
27. Military Affairs, 3 members.
28. Mines and Mining, 3 members.
29. Motor Vehicles, 9 members.
30. Municipal Corporations, 5 members.
31. Oil Industries, 7 members.
32. Prisons and Reformatories, 3 members.
33. Public Health and Quarantine, 5 members.
34. Public Utilities, 7 members.
35. Revenue and Finance, 9 members.
36. Revenue of Capital Tax and Assessment, 5 members.
37. Roads and Highways, 9 members.
38. Rules, 5 members.
39. Social Security, 3 members.
40. Universities and Teachers Colleges, 5 members.
41. Public Mails, 40 members.

*Schedule of Committee Meetings.*

9. The President shall prepare for the Senate such schedules for regular meetings of the standing committees as shall provide a fair representation of their members without conflict of committee engagements.

*Quorum of Standing Committees.*

10. Each standing committee shall determine (a) the quorum and (b) the number of votes necessary to take any action, including this committee, or other matter referred to it.

The vote by the members of any such committee shall be reported back to all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall note such fact.

*No Committee Expenses Provided.*

11. No member of any committee shall receive the traveling or other expenses of the Senate for any committee except that the chairman of the committee on Finance shall, during the constitutional recess, be permitted to visit State institutions for whom appropriations are asked, and shall be allowed his actual expenses while on such business.

*Special Duties of Certain Committees.**Committee on Engrssment, Enrollment and Printing.*

12. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. The indications of new matter, omissions, or amendments appearing upon the printed bill shall be omitted from the engrossed copy of the bill. All such bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrssment, Enroll-



ment and Printing; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate. It shall be in order for the Committee on Engrossment, Enrollment and Printing to report at any time.

#### *Engrossing and Enrolling Bills.*

13. All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment, Enrollment and Printing or to the clerk of that committee and a receipt in writing taken therefor, and all said bills shall be engrossed in the order of their receipt by that committee or its clerk. All Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered by the Secretary of the Senate in the order of their receipt from the Assembly, to the Committee on Engrossment, Enrollment and Printing or its clerk and a receipt in writing taken therefor; and said bills shall be enrolled in the order of their receipt from the Secretary of the Senate.

#### *Committee on Rules.*

14. The Committee on Rules shall have the general duty of proposing or of presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication of nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

#### *Committee on Contingent Expenses.*

15. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been considered by the Committee on Contingent Expenses.

#### *Committee on Engrossment, Enrollment and Printing.*

16. The Committee on Engrossment, Enrollment and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

### **Other Senate Officers.**

#### *Secretary of the Senate.*

17. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

He shall superintend all printing and clerical work to be done for the Senate and shall have supervision over all attaches and employees of the Senate. He shall assign, reassign or transfer all attaches or employees to their respective duties.

He shall certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

He shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

He shall permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

The Secretary is hereby authorized and directed during and between sessions to order and distribute stationery for the members and other printing and to audit and approve bills from the State Printer. It shall further be the duty of the Secretary to order reprinted such bills and other legislative publications for which there is a demand before the supply of same shall become exhausted.

#### *Custody of Bills and Papers.*

18. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing and take receipts therefor.

#### *Sergeant-at-Arms of the Senate.*

19. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

*Distribution of Printed Matter*

20. The Sergeant at Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Joint and Concurrent Resolutions which printed on the desks of Senators, at least one hour previous to the meeting of session.

**Preparation and Introduction of Bills.***Introduction and First Reading—Skeleton Bills.*

21. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary. The bill shall be read the first time and thereafter referred by the President to a standing committee.

*Joint and Concurrent Resolutions and Constitutional Amendments*

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills, except that they shall have but one reading, which reading shall occur after they have been reported by committee.

Constitutional amendments, when introduced, shall be referred to the appropriate committee.

*Special Investigating Committees*

23. No committee for the investigation of any special subject shall be appointed except pursuant to a resolution which shall be adopted by the Senate and referred to the Committee on Rules, and which shall be approved by a vote of a majority of the members elected to the Senate. The subject and purpose of the investigations shall be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purpose so expressed. No such committee shall have authority to extend its investigations to persons not so expressed, nor beyond the scope so indicated in the resolution. Various amendments stated in the resolution may, however, be introduced and shall be reported within twenty days after the adoption of the resolution.

*Introduction of Bills by a Committee*

24. Any committee may introduce a bill pursuant to any action within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed on the second reading list.

*Introduction of Bills After the Constitutional Session*

25. The Committee on Rules shall constitute a standing Committee on Introduction of Bills to receive after the constitutional session. All motions for bills to introduce bills after the constitutional session shall be sent to the desk of the clerk under the order of the Committee on Rules. The Senate shall give the bill of the bill and shall be a majority of the bill. The bill shall be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill of similar kind of the same character which might be amended to effect the result sought and generally as to the propriety of introducing the measure.

No bill shall be introduced during the session of the Committee of the members after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional session.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited.

**Bills in Committee***Reference of Senate Bills*

26. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Senate by a majority vote of the members present refer it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

*Order of Reference.*

27. When a resolution shall be offered, or a motion made to refer any subject and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

*Amendments on Third Reading*

28. In order to amend a bill on second or third reading, it shall be necessary for the member offering such amendment or amendments to send the same to the

desk in triplicate. Adoption of amendments to any bill in the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

#### *Reference of Assembly Bills.*

29. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee; provided, however, that when an Assembly bill is received, the text of which is stated by a member to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment, Enrollment and Printing for comparison, which committee shall report without delay whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second-reading file and be considered as having received the same committee recommendation as the Senate bill; provided, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

#### *Reference of Appropriation Bills.*

30. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for adjournment sine die shall in all cases whether originating in the Senate or coming from the Assembly be referred to the Committee on Finance.

#### *Notice to Author of Bill.*

31. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

#### *Committee Amendments to Bills.*

32. When amendments to a bill are reported by a committee, offered from the floor or submitted by a Special Committee of one, such amendments shall be submitted in triplicate, two copies to go to the Secretary of the Senate and one to the Minute Clerk.

#### *Reports of Committees.*

33. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; provided, that the Senate may at any time, by a majority vote of all the members elected to the Senate, recall a bill from any committee.

#### **Order of Considering Bills.**

##### *Order of Making Files.*

34. When bills are reported from committee they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent of the Senators present or by a two-thirds vote of the members elected to the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of a majority of the members present, such vote to be taken by roll call. If a bill is passed on file for any reason, other than absence of the author by leave of the Senate, vote of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

##### *The General File.*

35. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

##### *Special Order.*

36. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

##### *Three Readings of Bills.*

37. Every bill shall be read on three several days previous to its passage, unless in case of urgency, two-thirds of the members of the Senate by a vote of the ayes and noes dispense with this provision.



*Ordering Bills to Third Reading*

38. After being read the second time bills shall be considered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill that brings motion to third reading, the final question for such bill shall be: "Shall the bill be passed to third reading?"

*Bills Considered During Last Seven Days*

39. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment, nor shall the two houses of the Legislature voting separately to vote on such a bill, on question by a three-fourths vote of the entire membership of the Senate, voting by roll call.

**Questions and Motions.***Precedence of Motions During Debate*

40. When a question is under debate, no motion shall be received but the following privileged motions which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

During a call of the Senate, however, it may consider and transact any matter or business that the members then present may deem proper, subject to adjourn, but no call of the Senate shall be held during a call of the Senate, nor any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business, the transaction of which shall be continued after further proceedings under the call of the Senate are disposed of, when it will forthwith become the order of business before the Senate.

*Amendment or Division of Question*

41. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question is before a committee, and if amendments are offered, the committee may have the same divided, but no motion to divide may be made until the committee has reported. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, and shall not prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert, and nothing in this rule shall be construed as a part to be applied to and the part to be inserted shall not be rejected for the purpose of amendment as a proposition. Motions to amend the part to be rejected out shall have precedence.

*Restrictions as to Amendments*

42. A substitute or amendment must conform to the same scheme as is expressed in the title or is provided for in the text, whichever in the case applies, of the original bill, resolution or constitutional amendment under consideration. No substitute or amendment to a bill, etc., should have any provision introduced under the provisions of Rule 21 shall be received or allowed.

*Vote Required for Amendments*

43. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final passage or passage must be sustained by a majority of those voting.

**Procedure of Debate***Seccnding and Announcing of Motion*

44. No motion shall be debated until the same be seconded and publicly announced by the President; and it shall be ordered by voting it desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

*Regulations as to Speaking*

45. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice on any one subject on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.



### *Securing of the Floor.*

46. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

### *Order in Debate.*

47. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

### *The Previous Question.*

48. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

### *Executive Session.*

49. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

### *Voting by Senate.*

#### *Calling Ayes and Noes.*

50. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent, or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

#### *Excused from Voting.*

51. When a Senator declines to vote on call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

#### *Reconsideration of Vote.*

52. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator; provided notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

#### *Confirmation of Appointments.*

53. It shall require 21 affirmative votes to confirm and consent to an appointment by the Governor, and it shall require 21 votes to reconsider such confirmation and consent.

#### *When Bill Is Held for Reconsideration.*

54. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

*When a Bill Is Recalled for Reconsideration*

55. When a bill, resolution, amendment, or other act or measure which has been taken shall have gone out of the jurisdiction of the Senate and have been reintroduced to the Assembly, a motion to reconsider shall be granted by a majority to request the Assembly to return the same, which reconsideration motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

*Debate on Motion to Reconsider*

56. A Senator, after a motion to reconsider is made, as provided in Rule 52, shall, at the reconsideration hearing, present any points in dispute in the Assembly records, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the points presented.

**Messengers and Other Papers***Messengers from the Governor*

57. Messengers from the Governor may be introduced at any stage of business except while a question is being asked, when the yeas and nays are being taken, when ballots are being counted, or while a Senator is addressing the Senate.

*Messengers from the Assembly*

58. Messengers from the Assembly may be introduced at any stage of business except while a question is being asked, when the yeas and nays are being taken, when ballots are being counted, or while a Senator is addressing the Senate.

*Consideration of Assembly Messages*

59. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent or by a majority vote of the members present.

*Reading of Papers*

60. When the reading of a paper is called for, and the same is referred to by any Senator, the reading shall be deferred up to a majority vote of the members present.

**Contents of Senate Journal***Proceedings to Be Printed*

61. The proceedings of the Senate, yeas and nays as a Committee of the Whole, shall be entered in the Journal as recorded by minutes, with being taken in record in true and accurate summary of the proceedings.

*Titles of Bills to Be Printed*

62. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

*Statement of Petitions to Be Printed*

63. Every vote and a brief statement of the contents of any petition, memorial, or paper presented to the Senate shall be entered in the Journal.

*Other Matter to Be Printed*

64. Messages from the Governor (other than memorial messages and congratulatory addresses), joint and concurrent resolutions and constitutional amendments adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal. It is further provided, that in case of a concurrent resolution affecting the adoption of a measure or charter amendments of any kind, the text of such resolution or charter amendments shall not be printed in the Journal.

**Legislative Printing.***Duty of the Secretary to Order Printing*

65. It shall be the duty of the Secretary of the Senate during each session sessions of the Legislature to order for the Senate the necessary printing including stationery for the members, and he shall also arrange all bills for printing to be charged to the Senate. The Secretary shall order from the State Printer such number of copies of bills, Journals, House, Joint and Senate Reports as shall be necessary. Whenever the supply of any documents ordered by the Secretary, or required by law, becomes exhausted, it shall be the duty of the Secretary to order sufficient additional copies to meet the anticipated demand.

*Printing Only on Written Orders, Rush Orders*

66. The State Printer shall not charge any printing or other work to the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to beginning the printing or other work. All printing ordered by the Secretary shall be delivered as directed by him. The Secretary may, when necessary

requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

#### *Form of Printing Amendments.*

67. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill; and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strike-out" type. When a bill amendatory of a code section of a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual roman type.

#### **The Senate Chamber.**

##### *Admission Within Bar of Senate.*

68. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor while the Senate is in session.

##### *Committee of the Whole.*

69. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session; provided, however, that the Senate may resolve itself into a Committee of the Whole upon a majority vote and while sitting as such Committee of the Whole, may be addressed by persons other than members.

##### *Regulations for Lobbyists.*

70. 1. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate, as herein provided.

2. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

##### *Maintaining of Order.*

71. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

##### *Smoking Within Senate Chamber.*

72. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

#### **Miscellaneous Provisions.**

##### *Duties of Members.*

73. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby author-



ized to send the Sergeant-at-Arms, or his deputy, to the door and call absent Senators at the expense of such absent Senators, respectively, until such notice for nonattendance as shall be made to the Senate. Such a notice is required, when he judged sufficient, and in that case the Senator shall be paid out of the contingent fund of the Senate, and this rule shall apply as well to the first nonattendance of the Senate, at the first time of meeting, as to each day of the session after the hour has arrived to which the Senate must assemble. The President or Acting President of the Senate, or his deputy, or quorum committee, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process issued under its authority without shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed shall have power in his such duty as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the country, or of any county or city there.

#### *Call of the Senate.*

74. Upon a motion being carried for a call of the Senate the President shall immediately order the doors to be closed, and shall direct the Sergeant to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave the place till the doors are opened by special permission of the President or President pro tempore or quorum committee or any member into custody as herein provided. Those members who are bound to be absent and for whom no excuse or reasonable excuse has been made, or who, if then present, he taken into custody, on being ordered to stay till the roll that binds into custody by the Sergeant-at-Arms shall be paid, or he shall be removed or be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of all of the Senate, and compel the attendance of absentees in the manner herein provided. No member can be taken during a call of the Senate.

#### *Parliamentary Rules.*

75. In all cases not provided for by these rules or by any other laws of the Senate and Assembly, the authority shall be in Majority Members.

#### *Suspension or Change of Rules.*

76. Except as in these rules otherwise provided, no motion for suspending, changing or order of the Senate shall be rescinded or changed without a vote of two-thirds of the entire Senate, and no such motion shall come to the entire Senate; but a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate, except that no part of Article 5, relating to the order of bringing bills. All proposed amendments to these rules shall, when presented, be referred to the Committee on Rules without debate.

The question being on the adoption of the Standing Rules of the Senate as amended.

The roll was called, and the Standing Rules, as amended, adopted by the following vote:

AYES.—Senators Biggs, Critchfield, Cunningham, DeLoe, Engel, Fitcher, Garrison, Gordie, Hays, Hatcher, Johnson, Keating, Koenig, Kunkel, Lusk, McBride, McColl, McGinnis, McGowan, Morgan, Mylon, Nicksa, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rish, Schmitt, Slater, Stone, Torrey, Wagy, Westover, Williams, and Young. 37.

NOES.—None.

#### **Consideration of Senate Bill No. 6.**

Senator Slater asked for, and was granted, amendments intended for the consideration of Senate Bill No. 6, without reference to committee for purpose of passage.

Senate Bill No. 6. By Senator Slater.—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency thereof, to take effect immediately.



**Amendment from the Floor.**

During second reading of Senate Bill No. 6, the following amendment, offered by Senator Slater, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 14 to 18, inclusive, and insert in lieu thereof the following: "year. The money so apportioned shall be used for the purpose of paying premiums and, with the approval of the Department of Finance, for capital outlay, including construction, improvements, and equipment for such fair."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

**Rush Order to Printer.**

On motion of Senator Slater, the Secretary was directed to issue a rush order for printing Senate Bill No. 6.

**Withdrawal and Re-reference of Senate Bill No. 11.**

Senate Bill No. 11 was withdrawn from Committee on Agriculture, and referred to Committee on Live Stock and Dairying.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

**ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1937.**

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6—Relative to the setting of a time and place of permitting Gavin W. Craig an opportunity of being heard in his defense of a complaint requesting his removal from office as an Associate Justice of the District Court of Appeal, Second Appellate District, Division Two.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 6, referred to Committee on Rules.

Also:

**ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1937.**

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7—Relative to granting leave of absence to the Honorable Jefferson E. Peyser, member of the Assembly of the fifty-second session of the Legislature of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 7 referred to Committee on Rules.

Also:

**ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 4—Relative to memorializing the President and Congress to increase the payments for old age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 4, referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 3, Relating to authorizing the Congress to make provision for widows of national Federal Civil Service employees.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By C. W. Rorion, Assistant Clerk.

Assembly Joint Resolution No. 3 referred to Committee on Federal Relations.

### Report.

The following report by Special Committee on Intoxicating Liquors was received, read, and ordered printed in the Journal:

REPORT OF THE SENATE LEGISLATIVE COMMITTEE ON INTOXICATING LIQUOR PURSUANT TO SENATE RESOLUTION ADOPTED JUNE 10, 1935 SUBMITTED TO THE SENATE OF CALIFORNIA ON JANUARY 7, 1937.

COMMITTEE MEMBERS:

Nelson T. Edwards

Arthur R. Sweeney

A. L. Friedman

Harold I. Phelan

Ralph E. Swing, Chairman

In re: Liquor Investigation. Transmitted to Senate Reading Room June 10, 1937.  
To the Senate of the State of California.

Your Committee on Liquor Investigation and Study was here to report.

Realizing the necessity for a careful study of the problem involved in the sale and use of alcoholic beverages, SENATE JOINT SENATE JOINT RESOLUTION NO. 3, adopted on June 10, 1935, authorized the committee for that purpose. The Senate Joint Resolution, however, was not made public until the 24th day of January, 1937. Accordingly thereafter, the members met and organized. During the first session the Assembly authorized a similar committee and these committees have held joint meetings and have conducted their staff work.

Because of the nature of the subject involved, your committee determined at its first session that it would confine itself to investigations and research strictly within the scope of the purposes as outlined in the resolution authorizing the appointment. If the committee's work was to be effective, it was necessary to hold numerous hearings and to steer clear of unmanageable issues which might in any way confuse the committee as one seeking the benefits of that free society.

We are not unacquainted with California as a large State and land of abundant people of many natures and with many and varied ideas as to the proper method of solving not only this but all other public problems. We are further convinced that there are communities that demand strict prohibition, and others are convinced that they are agreeable to any reasonable luxury which moderation allows may afford. The committee, therefore, has concluded that it will take its views strictly on the problem from a state-wide standpoint rather than endeavor to fit the problem to local questions or in personalities. In this report, then, we have chosen to particular classes of businesses, our remarks are not to be viewed as solution upon the general business conducted by any particular firm or class of firms, and will be directed the method of business of such firms in so far as it affects the solution of the problem here being considered. We have not endeavored to determine the consequences of various situations and tendencies developing from the means of the regulated use of alcoholic beverages nor to prejudge the benefits and loss and regulation may be effected in the report by any political effect upon the committee, which is free and free discussion of the problem involved requires. We wish, therefore, that there be no real and this report will bear in mind that we are dealing with the subject from a state-wide standpoint and not from the viewpoint of any particular local community. Many as such viewpoint may affect the State problem, but here we attempted to weigh the evils or benefits flowing from the regulated use of intoxicating liquor against the evils and benefits of prohibition. Our inquiries were open, impartial and disinterested. All persons were invited and given an opportunity to express their views. Public hearings were held in Los Angeles, San Francisco and Sacramento, at which all interested parties and organizations were given an equal opportunity. Much valuable material was assembled and some valuable suggestions made to the committee.

When initiative petitions were filed submitting proposed constitutional changes relating to this subject, the committee found it necessary to delay further study until after the result of the election was known. The measures referred to were defeated at the November election.

Since that time the members of the committee have not been able to continue their studies and therefore are unable to submit in detailed form the recommendations which it believes necessary if our laws are to provide for an effective and proper administration of the sale and use of alcoholic beverages. We do feel, however, that it will be helpful to the members of the Senate and to the public generally to be advised as to some of the suggested changes, as well as some of the complications which might interfere with the enactment of desirable regulation.

#### The Situation Upon Return from Prohibition.

While legalizing the use of alcoholic beverages was anticipated for some time before it became a realization, the return from prohibition found this State poorly and inadequately equipped to meet the many complications and situations which developed when the return became effective. Not only was the State poorly equipped in regulatory measures but the drinking public was in no frame of mind to immediately submit to strict enforcement and strict regulation. This was due to the fact that during prohibition many people felt that they were being deprived of their constitutional liberties by the prohibition of the use of alcoholic liquor as a beverage and, as a result thereof, there grew up among a great number of our people a general disregard for law and order and constituted authority in so far as alcoholic liquor was concerned, and it was difficult to reestablish in the minds of these people a belief that strict regulation and control was necessary if the use of alcoholic liquor as a beverage was to continue. The legalization of the use of such beverage was accomplished by initiative measures which did not have the benefit of open discussion, constructive criticism and argument which similar measures usually have when they emanate from the Legislature. The drafters of such measure were controlled, more or less, by the dominant demand for legalization of the use of such beverages, rather than with the idea of providing proper enforcement machinery. No doubt, such drafters thought, and perhaps rightly, that the peace officers of the various communities were adequate to and would see that no abuses grew from the use of such liquors.

In casting about for a proper agency upon which to confer the duty of licensing the sale of alcoholic beverages, the drafters of such proposal selected the State Board of Equalization. The fact that revenues were to be derived from licenses and taxes imposed upon the privilege of selling intoxicating beverages prompted the selection of this board.

At that time, the Board of Equalization had little or no experience in matters other than those pertaining to taxation and no experience in enforcing police regulations and were unequipped with an organization for such purpose. But by the return measure this board was endowed not only with the duty of licensing and collecting taxes, but also authorized and directed to enforce all laws, rules and regulations which might be adopted or provided for a proper regulation of the sale and use of such beverages.

Perhaps in the first instance it would have been far wiser to have created a special department to handle all matters pertaining to the use of alcoholic beverages, but however that may be, the Board of Equalization having been selected for such purpose, and the people by their vote having imposed these duties upon it, the members rose to the occasion and undertook the job, perhaps without enthusiasm, but at least with as much vigor as could be expected from any commission or board.

The constitutional amendment so imposing these duties upon the board was indefinite and uncertain in many respects and the board, in attempting to function, found itself in a realm of uncertainty not only as to its powers, but likewise as to its authority to impose and enforce proper rules and regulations.

The board likewise was without any organization and without qualified or experienced enforcement officers to aid in the performance of the many duties which necessarily developed when it took on these new functions. Not only was the Board of Equalization surrounded by uncertainty as to the meaning and effect of the repeal amendment, but the public generally was confused as to the power and authority of the board and not infrequently assumed that the board was endowed with power that it never in fact possessed. Because of this situation much unjust criticism has been made of the board and of its various members.

After four years of experience, and of "trial and error", to use our President's expression, we find that the board has built up an organization well equipped to meet any contingency if and when the laws are amended in some of the particulars which we will hereinafter mention. But complete and satisfactory enforcement and regulation can come only through cooperation of local police and of local peace officers. The entire enforcement of all police regulations was never intended to be and is not in fact vested in the Board of Equalization. All regulations looking to the general welfare must still be enforced by local police and not by the Board of Equalization.

One of the frequent criticisms directed against the Board of Equalization is that there are too many licensees as well as that many of them do not possess a sufficiently good moral character to justify their engaging in the liquor business. Perhaps there is some truth to the charges, but when one stops to consider that upon the repeal of prohibition many of the applications for on-sale licenses were made by persons theretofore engaged in the illicit sale or the illicit purchase and







might be utilized to exempt certain areas from a dry statute, but in practice local option is employed to enact a local prohibition law in an otherwise wet State. Consequently the Local Option Law as administered is welcomed as a weapon by the militant drys, who, defeated in nearly every State of the Union, are seeking opportunities to check liquor selling town by town, city by city, and county by county, with the view of reaching ultimately Nation-wide prohibition. Every victory on the question of local liquor sale brings them nearer their goal, and every defeat is to them merely a lull until the next vote. Local option thus serves to keep alive agitation and uncertainty in regard to the status and legitimacy of liquor in a particular community. This is especially true of localities where wet and dry sentiment is nearly even. Thus, where a vote is necessary to resolve the issue, it becomes, on the contrary, a vital factor in prolonging the strife. Communities are constantly torn apart over a social issue in regard to which some element of certainty and continuity would seem to be desirable."

Mr. Archer Bowden, City Attorney of San Jose, and Chairman of the Public Relations Committee of the League of Municipalities, when before the committee at its hearing at San Francisco, suggested that certain licenses be designated "local license" and that certain local control over the issuance thereof be extended to local authorities. He said:

"The things we are primarily interested in are:

"Limitations on Issuance of Local Licenses. The following types of licenses are designated as local licenses:

On-sale beer, on-sale beer and wine, off-sale beer and wine, off-sale liquor, and hotel and restaurant.

The board shall not issue any local licenses until thirty (30) days after written notice to the chief of police and the city clerk in the city in which the premises of the applicant are located, or the sheriff and the county clerk of the county in which said premises are located (if outside of incorporated territory) of the making of said application, and the furnishing to said respective officers of a copy of the application for said license."

Mr. Bowden further said:

"I do not think it (the license) should issue for a longer period than three years, and provide that after a license was issued it could not be revoked unless you found the men guilty of a violation of a law or conduct against the public interest, or it was felt that the number of licenses should be reduced. In other words, give the licensee a measure of protection against a revocation which was, you might say, arbitrary. In other words, you could not have an arbitrary revocation, at least during the life of the license; and one draft put in provides for automatic renewal of a license, but the wisdom of that, I do not feel. But, after all, the industry is entitled to some measure of protection in that, if the man's license is taken away from him during the period, or if they do not renew it, if it is a short license, that that should be done only in the event that there has been some violation or the board feels that the number of licenses should be reduced."

In speaking in favor of local option, such as was presented at the last election, Senator E. E. Grant, representing the Local Option League, appeared before our committee at Los Angeles and in support of his contention that local option was desirable, said:

"There was a clamor for 13 years for the right of the people to determine whether or not they wanted prohibition. That clamor finally took effect and resulted in the repeal of the Eighteenth Amendment.

Now, it is just as logical, conceding that the opinion of the country at least was that prohibition after 13 years was a failure, that State control has failed too, and in presenting our amendment (the local option amendment) to you today, we are presenting it on the basis that State control has proven a positive failure, in attempting to handle the liquor problem in the State of California, and merely shifting the control from the State Board of Equalization, as has been suggested by City Attorney Bowden of San Jose, will by no means solve the problem, but merely complicate it by giving a little more red tape to work with when your municipalities go up before the State Board asking for revocation of certain licenses, or asking that certain licenses that are sought be denied.

In saying that State control has failed and in saying that the administration of the State Board of Equalization also has failed, does not necessarily mean an indictment of the State Board of Equalization as such, because I think the stress under which they are working has absolutely proven that you can not handle the subject of liquor administration by remote control, and the vice of that situation is a body meeting in Sacramento, or possibly, as has been suggested, having local branches attempting to handle a local problem, which they can not handle nearly as well as can local officials, and under that particular plan you will merely find the local officials, the police departments, the mayors and city councilmen going up before that body in Sacramento, presenting their case before them, why a saloon should be denied here or a saloon

license revoked there,—he merely presenting that before a body which they know in their hearts that they know more about the local situation than the ones who are going to pass judgment on it.

I do not attempt to compete with the experts on city government we have addressed you today. They have studied the question of municipal administration over a period of years, and it would take me a good many years to be even in a position to speak intelligently on such a subject.

But whatever benefits may flow from local action, or a question about it, may be resorted to in the full sense of the word under our present constitutional provision. As we view the Constitution, however, it does not modify the local authority from providing for some supervision by municipal authorities. The system of local supervision believed by municipal students to be desirable, was well stated by Mr. E. H. Spoor, a councilman from Redlands, and president of the recent fall session of the California League of Municipalities to the committee at its meeting in Los Angeles on December 4, 1936, at which time Mr. Spoor said:

"Among the numerous proposals the committee has received from constituents was that on-sale liquor establishments, to which my entire reference is made, be limited according to the population. There has not been any particular crystallization of that sort. There has been a very definite preponderance of sentiment in favor of higher on-sale licenses, possibly not less than \$1000 a year, which would cause a little fostering point. As Mayor Dodge of Indio just stated, perhaps 85 per cent of their difficulties are caused by which, while it is a small town of 800, but they have the same metropolitan aqueduct group, comes from transients and whores by dozens coming in there to take care of these boys. They have quite a problem there, probably far in excess the size of the town would indicate. Mayor Dodge said that some 85 per cent of their difficulties locally are caused by 15 per cent of the on-sale liquor places. There seems to be a very definite opinion that the high license would be desirable, because it would tend to keep the places and less desirable places, and keep the trouble down to the hands of more responsible people.

"The constitution is on that point, which is fairly very strong, and the one point which will be stressed in its recommendations to the exclusion of all others, is that all Board of Equalization licenses should be approved by the local division of government, or the local board of supervisors, or the local boards of supervisors. Note that we are not the license and the board of supervisors. We do not say that the local division of government is the one to appoint. I must not go into details that I have no intention of doing, and police or sheriff departments. But the common sense and the practical side of it is the city councils. In our sixth class cities, which of course predominate in California, our police departments are all appointed by the city council, and they are consequently not accountable to the people as an elected officer. Therefore, we feel it should be limited, either by the city council, I presume that in a large metropolitan city such as Los Angeles, the council would have to have a committee which would act on these things. The council operandi we are not concerned with. We do not want to go into details. We would feel it a little presumptuous on our part to do it. That is the important point, that the license should be approved by either the council or the board of supervisors.

Now as pertains to existing licenses, we feel that we are in a very delicate position when we have trouble. All of the gentlemen present have had trouble in their towns, the selling of liquor to drunks, the selling of liquor to women particularly is coming to the fore. There is a great deal of it, and while we would as a whole perhaps do not give a damn what we do in the trouble, whether we have another drink or get a drunk or not, they do have what happens to the people, they feel very strongly on that point. It is not possible for the local authorities to really accomplish much. They can go on and make a good deal, but you know what happens. The committee proposes as far as existing licenses are concerned that in the event there is cause to take action in a case that the local city council or the local board of supervisors be given authority to close the place of business, not to suspend the license or to revoke the license. But to close the place of business pending a hearing before the Board of Equalization, or its constitutional successor."

During the discussion Mr. Rowden suggested an amendment as follows:

"The board may refuse a license or permit if in its opinion the premises on which the applicant proposes to conduct his business do not meet the requirements of this amendment or the statutes required pursuant thereto, or if, in its opinion, the character of the applicant, or its officers, partners, members or directors is such that violations of said amendment or statutes would be likely to result if a license or permit were granted, or if in its opinion, licenses or permits already granted for the particular locality are adequate for the reasonable needs of the community. Upon written demand by an applicant who has been refused a license or permit, the board shall, in writing, state its reasons for such refusal."

concerning which he said:

"We felt that giving the board discretion to say there are enough liquor places in a given area at a given time is better than to put a population limit on, for the reason that it is hard to get a limit which would fit both moist and dry territory, and that the tendency of the board would probably be to go up to a limit if you should have a fixed limit."

These suggestions are worthy of consideration and are probably as far as we can go in that direction.

We are requesting an opinion from the Attorney General upon the power of the Legislature to provide regulations along the line suggested by Mr. Spoor, and upon receipt of such opinion this committee will give further consideration to such suggestions and will thereupon make its recommendations concerning the same.

We have made some investigation as to provisions enacted by other States covering local control of the issuing and revoking of licenses and we find a number of States have provided for some local supervision somewhat similar to that suggested by Mr. Spoor.

The provisions made by some of the other States relative to the issuance of licenses are as follows:

The Nevada Act provides:

"Application for any of the licenses hereinabove described shall be made to the county commissioners of the county in which the applicant resides or maintains his principal place of business. (Sec. 5—Par. 7061 CCH.) The county commissioners shall approve or disapprove such applications, and in the event an application is disapproved by the county commissioners, the county commissioners shall forthwith return to the applicant the license fee accompanying such application. If the county commissioners approve an application they shall forward it to the State Tax Commission of the State of Nevada, together with their written approval thereof and the license fee accompanying the same. Upon receipt thereof the State Tax Commission \* \* \* shall forthwith issue the appropriate license to such applicant. (Sec. 6—Par. 7065 CCH.)"

The New Mexico Act provides:

"The Board of Liquor Control is vested with exclusive control over the issuance of licenses to and collection of license fees from distillers \* \* \* (Sec. 1001—Par. 7245 CCH.) In addition to retailer's \* \* \* licenses herein required to be secured from and provided to be issued by the State Board of Liquor Control, municipal corporations within local option districts are hereby vested with power and authority to \* \* \* prescribe the terms under which such licenses may be issued: \* \* \* Provided, that \* \* \* no license shall be issued by the municipality \* \* \* to any person who shall not as a condition precedent thereto secure a license from the State Board of Liquor Control as herein provided: (Sec. 1002—Par. 7246 CCH.)"

The New York Act provides:

"Every local board shall \* \* \* have the following functions, powers and duties:

(1) To recommend to the liquor authority the issuance or the refusal of the issuance of licenses to sell alcoholic beverages at retail. (Sec. 43, Par. 7088-7089 CCH.)"

Indiana also has a law which might very well be adopted as a model for California.

#### Limitation in Number of Licenses.

In Mr. Spoor's statement to the committee, hereinbefore referred to, he emphasized the desirability of reducing the number of licenses. Many others also took the same view. It is generally felt that there is no real necessity for so many such places and that a restriction in number would facilitate enforcement and promote the general welfare without any inconvenience to the consuming public. It has also been suggested that the number of licenses issued to one person or one corporation likewise be limited. Some go so far as to suggest that the sale of alcoholic beverages should be conducted in an establishment maintained for that purpose alone, thereby eliminating drugstores, grocery stores and similar places.

One of the suggestions concerning limitation was that licenses be issued upon a population basis. It was, therefore, desirable to know not only the number of licenses now issued but also the ratio they bear to population.

Mr. George Stout, the present Liquor Administrator under the Board of Equalization, furnishes the following information:

"RATIO OF 'ON-SALE' LIQUOR LICENSES IN CALIFORNIA TO POPULATION.

NOTE: An "on-sale" license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold, and to be eligible for an "on-sale" license, the premises must be a public eating place.\*

An "on-sale" beer and an "on-sale" wine license also authorizes the exercise, with respect to the particular beverage or beverages mentioned in such license, of the rights and privileges granted by an "off-sale" beer and wine license. On trains and boats under such licenses, alcoholic beverages may be sold only to passengers or employees.

\* Does not apply in the case of "beer only" licenses.



## Equalization District No. 1—

County	1936 Valued	1936 Assessed	1936 Total	1936 Total	1936 Total	1936 Total
San Francisco	1,991	221	1,194	2,406	6,331,994	1 to 180
San Mateo	332	90	204	526	77,197	1 to 122
Monterey	290	79	102	261	27,705	1 to 141
San Benito	43	8	29	71	11,111	1 to 150
San Luis Obispo	106	49	56	111	29,011	1 to 120
Santa Clara	344	152	149	645	1,671,038	1 to 221
Santa Cruz	162	82	90	224	97,400	1 to 112
Totals	3,179	690	1,915	5,684	9,889,979	1 to 174

## Equalization District No. 2—

County	1936 Valued	1936 Assessed	1936 Total	1936 Total	1936 Total	1936 Total
Alameda	982	202	446	1,691	174,880	1 to 84
Contra Costa	300	76	16	392	71,400	1 to 146
Alameda	71	14	97	199	8,194	1 to 70
Sacramento	537	124	230	891	141,000	1 to 100
Fresno	329	167	100	696	144,379	1 to 100
Inyo	24	10	17	36	6,100	1 to 143
Kern	345	118	134	597	80,000	1 to 138
Kings	49	49	21	121	25,385	1 to 210
Madera	49	40	8	97	17,104	1 to 177
Mono	16	11	5	32	5,000	1 to 43
Tulare	139	83	38	260	77,442	1 to 100
Alpine	2	2	1	5	241	1 to 48
Calaveras	43	16	29	79	6,000	1 to 76
Mariposa	20	12	8	40	1,000	1 to 61
Merced	119	83	46	248	86,148	1 to 148
San Joaquin	114	100	150	364	100,000	1 to 100
Stanislaus	141	77	56	274	20,000	1 to 107
Yuba	71	17	36	124	3,071	1 to 7
Totals	3,663	1,386	1,597	6,455	1,274,921	1 to 107

## Equalization District No. 3—

County	1936 Valued	1936 Assessed	1936 Total	1936 Total	1936 Total	1936 Total
El Dorado	71	—	34	108	8,000	1 to 90
Yolo	101	35	30	166	23,000	1 to 142
Solano	161	51	75	287	40,000	1 to 142
Del Norte	24	10	13	47	3,700	1 to 101
Humboldt	137	67	75	279	61,000	1 to 150
Lake	36	20	17	73	7,100	1 to 98
Marin	152	28	97	277	41,000	1 to 150
Mendocino	110	46	47	203	20,000	1 to 116
Napa	95	38	43	176	22,000	1 to 130
Sonoma	297	105	155	547	90,000	1 to 112
Russell	80	71	39	190	31,000	1 to 179
Colusa	31	24	16	71	10,000	1 to 144
Glenn	12	24	10	56	10,000	1 to 105
Navajo	90	20	20	181	10,000	1 to 30
Placer	124	46	65	255	10,000	1 to 104
Sierra	20	4	9	39	1,000	1 to 73
Sutter	21	60	8	89	14,618	1 to 212
Yuba	61	48	20	129	11,000	1 to 82
Lassen	30	15	14	68	12,000	1 to 185
Modoc	301	12	15	59	8,000	1 to 136
Plumas	54	25	34	113	7,912	1 to 70
Siskiyou	96	31	22	179	25,480	1 to 142
Shasta	70	47	37	184	13,927	1 to 90
Tehama	54	14	15	87	13,000	1 to 167
Trinity	12	7	6	28	2,800	1 to 108
Totals	2,000	864	995	3,859	481,556	1 to 125



*Equalization District No. 4—*

County	On-sale beer and wine	On-sale beer only	On-sale distilled spirits	Totals	Population (1930 census)	Ratio to population
Los Angeles	3,696	1,372	1,368	6,236	2,208,492	1 to 354
Orange	175	94	48	317	118,674	1 to 374
Riverside	206	104	61	371	81,024	1 to 218
San Bernardino	346	161	112	619	133,900	1 to 216
Imperial	158	41	44	243	60,903	1 to 251
San Diego	444	196	170	810	209,659	1 to 259
Santa Barbara	169	48	74	291	65,167	1 to 224
Ventura	122	38	28	188	54,976	1 to 292
Totals	5,316	2,054	1,705	9,075	2,932,795	1 to 323
Grand Totals—						
Entire State	14,157	4,894	6,022	25,073	5,677,251	1 to 226

NOTE.—It is realized there have doubtless been substantial changes in the population of California counties since the 1930 census, but inasmuch as that is the last reliable figure we have, we are using it in this computation.

RATIO OF "ON-SALE" LIQUOR LICENSES IN CALIFORNIA TO POPULATIONS OF CITIES WITH OVER 40,000.

*Equalization District No. 1—*

Cities of over 40,000 population	On-sale beer and wine	On-sale beer only	On-sale distilled spirits	Totals	Population (1930 census)	Ratio to population
San Francisco	1,991	221	1,194	3,406	634,394	1 to 186
San Jose	127	37	39	203	57,651	1 to 284
Totals	2,118	258	1,233	3,609	692,045	1 to 192

*Equalization District No. 2—*

Cities of over 40,000 population	On-sale beer and wine	On-sale beer only	On-sale distilled spirits	Totals	Population (1930 census)	Ratio to population
Berkeley	35	38	7	80	82,109	1 to 1026
Fresno	161	60	52	273	52,513	1 to 192
Oakland	690	153	304	1,147	284,063	1 to 248
Sacramento	376	71	152	599	93,750	1 to 157
Stockton	223	42	96	361	47,963	1 to 133
Totals	1,485	364	611	2,460	560,398	1 to 228

*Equalization District No. 3*

Cities of over 40,000 population	On-sale beer and wine	On-sale beer only	On-sale distilled spirits	Totals	Population (1930 census)	Ratio to population
Los Angeles	2,235	712	683	3,630	1,238,048	1 to 341
Glendale	58	20	18	96	62,736	1 to 654
Long Beach	232	90	65	387	142,032	1 to 367
Pasadena	76	17	22	115	76,086	1 to 662
San Diego	344	114	143	601	147,995	1 to 246
Totals	2,945	953	931	4,829	1,666,897	1 to 345
Grand Totals						
Entire State	6,548	1,575	2,775	10,898	2,919,340	1 to 268

NOTE.—Equalization District No. 3 does not have any city with a population of over 40,000."

In connection with the matter of reducing the number of licenses, it was also suggested to the committee that there should be a limit in the number which could be held by any one individual or concern. This, of course, brings into the picture the chain organization and the number of licenses held by such organizations and the effect of the merchandising plan of such organizations.

According to the information furnished us by Mr. Stout, there are 249 multiple license holders, of which at least 145 are properly denominated chain organizations. Of these organizations the Safeway Stores top the list, holding 1142 retail licenses within the State of California. Owl Drug Company comes next with 200. Modern Food Company, 175; Great Atlantic and Pacific Tea Company, 101; Sontag's, 92; United Cigar Stores, 82; Thrifty, 56; and the other being limited in their number

of licenses only by the number of places where they operate. The total of such multiple retail licenses being 3238.

It has been represented to the committee that many of the chain organizations openly disregard the fair trade practice rules and that the largest organizations purchase liquor in large quantities, frequently in foreign lots from out-of-state distilleries and distribute it to the various retail establishments within the State. That by so doing they profit as a wholesaler as well as a retailer, which enables them to market at profit many of the popular brands of liquor below the market price. It is contended that by so doing they unfairly compete with the independent liquor dealers.

One of the suggestions made to the committee is that a chain organization should be restricted in the number of licenses which the organization could have in one community, leaving it to the organization to designate which of its stores should handle liquor, and that all such organizations be required to observe the fair trade practice rules.

Mr. Tondan of the Wholesale Liquor Distributors Association, said at the Sacramento meeting:

We believe that the institutionalization of contrary fair trade practice rules in the relation between producers, wholesalers and retailers, would be destructive in the interest of social control.

Other States have been confronted with similar situations and have not been not only by enforcing fair trade practice rules but also by limiting chain organizations in the number of retail licenses which they may hold in any one community. The industry itself, with the assistance of some legislators, has usually to avoid with unfair competition, and we believe should do so. The United States Supreme Court in *Old Dominion Dist. Co. vs. Southern Dist. Corp.*, 31 U. S. Adv. 115, passed the way to a very satisfactory solution of this problem, and the same result at the same time sustained the California Fair Trade Act in *Pine Bluff vs. Pines Valley Co.*, 31 U. S. Adv. 138. Perhaps our Fair Trade Practice Act might be amended so as to take advantage of all the suggestions contained in the decision just above referred to.

Some of the States where limitations of licenses held by chain organizations have been imposed are New York, Texas and Indiana. Perhaps other States also have limitations, but these three have become famous in the question of this limitation. In Texas a chain organization may hold seven retail licenses. In Indiana, nine, and in New York, one.

What we have said concerning chain organizations is not to be construed as an indictment against such organizations as such, nor is it an indictment, and the committee, or any member thereof, is making no such accusation. Our remarks are directed solely to the question of public health, chain organizations dealing and selling intoxicating liquor and the effect the method pursued by such organizations has upon the use and sale of liquor within this State.

Many persons have suggested a limited number of licenses and have previously advocated that the liquor business should be conducted on public accounts and convenience and as an important part of the city, town or county in the metropolitan areas. Some exception, however, should be made in the sparsely settled districts. This entire matter requires further consideration by the committee before making a final recommendation.

#### Advertising and Indiscriminate Display of Liquor with Food Products

Considerable objection was voiced to the display of advertisements of the various brands of liquor, the contention being that the presence of such advertising tends to mislead the youth as to the dangers which would follow the use of intoxicating liquor. It is a conceded fact that a intoxicating liquor is to be sold as a beverage if then becomes necessary to properly inform the public that the use of such liquor is detrimental both to the mind and body of the growing child and that the use must by an adult must be with moderation.

When considering this suggestion, we found the business very important and many of the objectionable advertisements that have appeared have immediately withdrawn. Further restrictions in advertising are being and will be offered by the distillers themselves. If not, then this subject will require legislation.

Probably the most persuasive argument against the placing of alcoholic beverages in food stores along with food and food products is that such a practice tempts the youth as to the lurking dangers in the use of intoxicating liquor as a beverage. The places most frequently referred to as dangerous with this criticism are the chain organizations frequented by women and children, which conducting household marketing and presents an additional and serious the most powerful argument in favor of limiting the number of licenses which should be issued to such organizations.

The argument is very persuasive that the liquor business should be conducted independently and that persons engaged in general business, other than restaurants and hotels, should not be permitted to handle or sell intoxicating liquor at retail.

Perhaps the most effective indictment against the indiscriminate mixing of the liquor business with general merchandising of food and other similar products was

made by Mr. George Young Hammond, State Superintendent of the Anti-Saloon League, to the committee at Sacramento, at which time he said:

"If we can do something to decrease the consumption of liquor, crimes and tragedies will decrease proportionately. Now the question is as to what can be done under the present set-up in California as long as the policy of having liquor sold under the law is permitted. I believe there is something very definitely that can be done by the Board of Equalization. I get it that what this committee wants to do is make recommendations that will eliminate some objectionable features. To me the most objectionable feature in the present set-up is the widespread advertising and display of intoxicating liquors. When I came to Los Angeles, I went to a store to get a bottle of milk. There was whiskey along with the milk on the counter. \* \* \* To me, the display of liquor has a greater effect upon the minds of getting people to drink than advertising. \* \* \* This committee could do nothing better than to recommend legislation that would prohibit the advertising and display of intoxicating liquor. There is no other purpose of advertising than to increase the consumption of the thing advertised. As you increase the consumption of liquor you get more money but you get these other things along with it, deaths on the highway, etc. There is no net profit in regard to liquor when you subtract these other things. \* \* \* The State of California should not permit a program that is counteracting what is taught in the schools against the use of alcohol. California has one of the best laws in the country providing for the teaching of scientific truths about alcohol to children in the schools; and outside of the schools you have one of the biggest programs for advertising liquor on billboards, in magazines and newspapers, liquor displays in store windows, and even alongside of milk in food stores. \* \* \* I think that my two boys are in far greater danger today than in the saloon days. My father could warn me against going to a saloon but now where can my boys go and not find it, even where they buy candy. They got people to vote for repeal on the grounds that the saloon could not come back; thinking the saloon is the root of the evil. We say liquor should be sold in saloons where it can be watched. But we don't advocate sale of liquor anywhere. We would not have any part in selling liquor in any way; but would rather have it sold in saloons than in drug stores and milk counters as we have it today."

The committee feels constrained to acquiesce in the contention that many persons now licensed are wholly unfitted to carry on the liquor business and that these persons, because of their disregard for all rules and regulations, have brought more or less discredit upon all engaged in the retail business. A satisfactory plan to eliminate these unscrupulous persons from further participating in the liquor business is absolutely necessary. Strict regulations and strict enforcement is but one of the means by which this can be accomplished. Perhaps a more effective means would be to make the procuring of a license far more difficult and the revocation more certain to follow violation, so that when once acquired a license would have a real and substantial value. The owner would then not wish to jeopardize his license by infractions of the law.

#### Importation to Avoid Tax.

A practice has been developed in the matter of importation of liquor for use by Federal officers and employees on Government Reserves, such as March Field, Mare Island and other similar places, which would seem to be a fraud upon the State. This liquor is not imported for the use of the Federal Government but for the individual. The practice now followed is for the negotiations for the sale to be made in this State but the actual shipment to be made from some other State, frequently from Phoenix, Arizona. Occasionally, liquor is shipped from California to Phoenix and then from Phoenix back to its destination in California, to avoid the tax. Originally, it was believed that all inter-State shipments were protected by the inter-State commerce clause, but in the recent case of *State Board of Equalization vs. Young's Market*, the United States Supreme Court held otherwise, and pointed out that the repeal provision of the Federal Constitution prohibits the transportation or importation of intoxicating liquor into any State in "violation of the laws thereof." It therefore would seem that under this decision the State would have authority to impose a tax upon all such liquor, especially where it is not for the direct use of the Federal Government itself. There can be no justification for a Federal officer, whether in the Army, Navy or other branch of the government, evading the payment of the tax imposed by California upon liquor used within the State. Under this practice, a Federal employee, when on a Federal Reserve, escapes the payment of the tax by resorting to the subterfuge of having the liquor shipped to the Federal Reserve. Not only does the consuming individual escape his fair share of the tax so imposed, but it results in an unfair discrimination against such of our local wholesalers who refuse to resort to the practice. Under the present scheme the local wholesaler has his choice of paying the tax himself or losing the sale, or becoming a party to the fraud of shipping out



of the State and belonging to the Federal Reserve. Not only is the practice to be condemned but it should be made impossible. The present practice should be imposed upon any one who is asked to give us his contribution to either Federal or industrial bonds. The provisions of the Federal Council Act of 1914 should be made the subject of any law enacted here for the Federal Reserve Bank of the State.

### Complications Resulting from Changing Social Status.

In preparation for the future use of land from our very largely overrated or more Western and Eastern State public lands, we should have a more efficient state controlled land grant system. During that time there should be a more efficient state controlled and managed land grant system, and a more efficient state controlled and managed land grant system, and a more efficient state controlled and managed land grant system.

Without suggesting to the State that the change of a State's fact that during the past the State has been a very important part of the State and that the State has been a very important part of the State and that the State has been a very important part of the State.

While our Supreme Court has frequently ruled that the State has been a very important part of the State and that the State has been a very important part of the State and that the State has been a very important part of the State.

The present trend of thought seems to be that all men should be given equal rights, and that the State should be given equal rights. We should have a more efficient state controlled and managed land grant system, and a more efficient state controlled and managed land grant system, and a more efficient state controlled and managed land grant system.

The whole question has been brought up by the State and the State has been a very important part of the State and that the State has been a very important part of the State and that the State has been a very important part of the State.

### General Conclusion.

From what has been said it is apparent that there are a number of very important questions of policy which must be considered before recommending the form of legislation as to the proposed betterment referred to.

Before passing the general conclusion, we have to call attention to the fact that the many important matters now pending upon the State Board of Education would seem to require the active participation of a large number of the members. Under the present Constitution the Board of Education is made up of four elected members and one or more members. If the Constitution of the State is to be changed, it is necessary to consider the question of the State Board of Education.

Under the present system the members of the State Board of Education are one-half the voting population and one-half the members of the State Board of Education. It has but one elected member in the north. This number should be changed and an additional elected member given to the southern part of the State. We say this without any disrespect to the present State Controller, for he has rendered as efficient service as his other duties permit.



## Additional Suggested Amendments.

At the last legislative session, Senate Bill No. 919, introduced by Senator Pierovich, was adopted as the measure regulating the sale and handling of intoxicating liquor within this State. While this measure was carefully drawn and contains many helpful regulations, there are some particulars wherein it could be amended which would be helpful in enforcement and in aid of the general welfare of society and of the State. The following are some suggested amendments which we submit for your consideration:

(a) A provision should be incorporated prohibiting the sale by any licensee of any preparation, except liquors, containing more than 60 per cent of alcohol by volume. Alcohol as such has no legitimate use as a beverage and if alcohol is to be purchased it should be purchased at a drug store upon prescription, yet many unscrupulous persons sell alcohol knowing it is to be used for beverage purposes.

(b) In the interest of promoting fair trade practices, retail licensees should be prohibited from giving premiums or free goods in connection with the sale of alcoholic beverages. Not infrequently, some organizations within the State selling well advertised and well-known national brands of alcoholic beverages, as an inducement give a premium, such as a lemon squeezer, a quantity of limes or other merchandise. At first blush this provision perhaps does not seem to be important, but in view of the fact that the United States Supreme Court has recently upheld the Fair Trade Practice Act in California, it would seem desirable to prevent its violation both directly and indirectly.

(c) No manufacturer, rectifier, distiller, importer or wholesaler, licensed under the California Act, should be permitted to have or to be interested in more than one off-sale license or conduct more than one off-sale business for the selling of alcoholic beverages at retail, nor be permitted to be a director or stockholder in any corporation holding such license, nor be permitted to hold any mortgage or lien upon any personal or real property used in the conducting of a retail business. The purpose of this provision is to prevent a retailer from procuring a wholesale license when he is not really engaged in the wholesale business, but only secures the wholesale license for the purpose of enabling him to purchase from the distiller or rectifier liquor at wholesale for the use in his retail establishments. In connection with this subject one of the retailers made the following observation:

"We have very fine high-class places that have both a retail and wholesale department and it is a very legitimate business; but there has been and is a lot of abuse particularly by the chain outlets in the holding of both wholesale and retail licenses. We do not want to restrict anybody that is legitimately operating. On the other hand, take for instance firms like Thrifty and Sontag. They obtain a wholesale license which enables them to go direct to the manufacturer and distiller and get merchandise at prices comparable to those paid by the wholesaler and yet they have none of the expense or overhead of the wholesaler; the only expense they have is for the distribution of their merchandise to their retail stores, which is very small in comparison to what the wholesaler's overhead is. In other words, they are enabled to take double profit on all their liquor sales and the chains have been hard to control on the retail price for that reason. They are in great competition with your independent liquor store, grocery store and drug store and also that ties in with what we will discuss with reference to limitation of licenses. It is difficult to compel them to maintain retail prices as they can afford by virtue of their wholesale buying to undersell the larger types of retailer and consequently obtain a far larger volume than they are entitled to. In other words, chains like Thrifty Drug and Sontag should be compelled by law to make a choice between the wholesale and retail business."

(d) Re-define and re-classify manufacturers so as to prohibit the distiller from selling direct to the retail licensee, and add an amendment that an importer's license can be held only by wholesaler, rectifier or manufacturer. The purpose of this is to correct another abuse and prevent the distiller from selling direct to the retailer. It is said that some distillers come into the market and sell to the wholesalers and then compete with the wholesalers by selling in large quantities to the retailer at a price comparable to that charged the wholesaler;

(e) License all brokers engaged in the alcoholic beverage business at a rate comparable to that paid by the wholesaler. The present practice is for the broker to sell warehouse receipts. They are not engaged strictly in the sale of alcoholic liquor but indirectly they are and they compete in this manner with the wholesaler. Such a license would put them on the same basis as wholesalers.

(f) Provide for uniform opening and closing of all retail places and businesses. The provision now for closing at two o'clock a.m. is not in the Liquor

Control Bill. Hours for opening and closing should be directly provided for in the bill itself.

(g) The provision relating to delivery of alcoholic beverage during closing hours should be changed. Wholesalers should be prohibited from making any deliveries to the retailer on Saturday or on certain days or during closed periods.

(h) In keeping with our suggestion that a license be made a thing of value so as to be a deterrent against violation of the license, we believe that the provision for automatic expiration of license in the present act should perhaps be changed so that in some cases when cause should remain until revoked. In connection with this there should also be a provision for the transfer of the license from one person to another with the consent of the Board of Equalization. There are a number of ways now relative to transfer of business. In some instances there may be abuse in a provision to creditors. The present act should be so amended that these provisions of the general law can be brought within the license and not be stricken without the necessity of closing the place of business during the transfer.

(i) The license fee should be increased. There is no real reason for requiring a person on a contract social community dance give a small business, to pay the same amount for an one night or a smaller business in the center of a metropolitan area. Perhaps a minimum fee could be established, plus a certain percentage on the gross sales. This would remedy one of the objections now made against large hotels receiving a number of licenses in their premises all under one license.

(j) Bond should be required from all persons engaged in the business, both retail or wholesale, not only to insure adherence to law but also as a guarantee for the payment of all tax.

(k) A stiff penalty should be assessed for any person or person selling alcoholic beverage upon which the State and Federal tax has not been paid. In this connection it would be well to incorporate a comprehensive provision in the present act, to make all persons who attempt to evade the payment of any tax or who attempt to make use of the services of the act, guilty of a conspiracy. This would have a more wholesome effect upon persons not directly engaged in the business, and would cause a more wholesome respect for the law.

(l) Provide for confiscation by the State officers of all liquor found in the possession of a business person which he has been fined. Also authorize the confiscation of automobiles and other property used in connection with producing, manufacturing or delivering of alcoholic beverages in which no tax has been paid. At the present time it is necessary for the State officials to call in Federal officers in order to confiscate property belonging to them. If we could broaden the powers of the act, the State officials could take action directly without waiting for the Federal officers to arrive. In connection with this the State officials must be given the same powers which the Federal officers now have for confiscation of illicit liquors and for the disposal of the same.

(m) Directly authorize the local police the right of enforcing all police regulations such as the possession of liquor in one's home for use for the general welfare.

(n) The license issued upon Federal registration and bond fee of \$5, serving only the members of social groups should be made non-transferable for such organizations are not engaged in the business of selling intoxicating liquors in the strict sense of the word but merely wish to have safety for the use of their members and their premises.

#### Summary.

When considering the public welfare in connection with the use of intoxicating liquors we are faced by the problem that the use and sale of such liquor for beverage purposes must be permitted and confined to those places and conditions which will afford the greatest protection against the abuse of the privilege inconsistent with the individual's rights as guaranteed by the constitution. Not only must the individual be restricted to a minimum but he must be made aware that he shall not indulge to such an extent that he becomes a menace to society. Experience extending back over many years, both before and since prohibition, shows that a proper regulation of the problem will come when and conditions under which sales may be made, is the basic element and that the more strict such regulations are the better it will be for all concerned. But strict regulation with strict enforcement will avoid nothing and great achievement can not be had without the cooperation of the public itself. Social regulations, with willing and efficient enforcement officers, together with public cooperation, will do more than anything else to continue the use of liquor as a beverage with the least detrimental effect. Wise and thoughtful lawmakers realizing this to be so are anxious that the use of intoxicating liquor be brought under complete control by licensing regulations and strict enforcement.

While we have arrived at certain general conclusions and made a number of specific recommendations, we have not attempted to place these in the form neces-

sary for adoption. We are, however, having the Legislative Counsel Bureau prepare measures covering the suggestions made in this report which will be introduced, not with the idea that they will be adopted in the form originally presented, but as a basis for discussion and further consideration, not only by the members of the Legislature, but by the public generally.

From the foregoing report it can be seen that the work assigned us has not been fully completed. This, however, was through no fault of our own. The delay in our work was inevitable under the circumstances.

In view of the investigations thus far conducted, we believe it would be helpful to the Senate and beneficial to the State if this committee were permitted to continue until after the constitutional recess, and that it be permitted to hold further meetings and hearings at various times and places until it shall have completed the matters heretofore assigned it. We will at a proper time submit a resolution so continuing the committee.

Respectfully,

NELSON T. EDWARDS,  
A. L. PIEROVICH,  
HAROLD J. POWERS,  
RALPH E. SWING, Chairman,  
Senate Committee on Intoxicating Liquor.

Sacramento, California, January 7, 1937.

While I agree in the main with the statements and recommendations contained in the report of the committee, in view of the fact that the problem is such a broad one, I desire to file a separate statement setting forth my own views in the matter. I am sure that every member of the committee has made a study of the problem and that the views of the individual members of the committee on certain phases of the problem should be of value. I am therefore filing a separate report.

ANDREW R. SCHOTTKY.

### Communications.

The following opinions of the Attorney General were received and ordered printed in the Journal:

By Senator Swing:

STATE OF CALIFORNIA, LEGAL DEPARTMENT,  
SAN FRANCISCO, January 7, 1937.

*Honorable Ralph E. Swing,  
Chairman, Senate Legislative  
Committee on Intoxicating Liquor,  
State Capitol,  
Sacramento, California.*

DEAR SIR: Your communication of December 29, 1936, requests opinions from this office upon several questions, which will be stated and answered in order.

1.

Q. Has the Legislature the authority to fix the license fee to be paid by on- and off-sale licensees engaged in the sale of intoxicating liquor?

A. As to on-sale licenses for liquor other than beer and wine the Legislature has no authority to fix the fees therefor since the Constitution (Art. XX, Sec. 22) gives this authority to the State Board of Equalization. Upon this subject an opinion (No. 9888) was heretofore rendered and a copy of it is herewith enclosed.

As to off-sale licenses and on-sale beer and wine licenses the Legislature has the authority to fix this fee under its general authority to regulate the subject of intoxicating liquors (33 C. J. 512, Par. 41; id. 568, Par. 169).

2.

Q. Can the license fee be graduated, with a fixed amount plus a percentage on the gross sales?

A. I see no legal objection in fixing the amount of license fee in this way since the manner of computing the fee is a matter of policy for the Legislature to determine (37 C. J. 188, Par. 39).

3.

Q. Can the Legislature require a bond from all licensees before the granting of a permit to engage in the liquor business?

A. In my opinion the Legislature can impose this prerequisite (33 C. J. 557, Par. 155). Indeed, in many States bonds are required of all licensees. In California, at the present time, only beer and wine manufacturers and importers are required to give bonds, and those bonds are for the purpose of assuring the payment of the excise taxes imposed.

4.

Q. Can the Legislature require all applications for licenses to be approved by the mayors and councils of cities, where the application is within a city, and by



boards of supervisors where the application is for outside of cities within the Board of Equalization powers on the application?

A. In section 22 of Article XX of the State Constitution it is provided that:

"The State Board of Equalization shall have the exclusive power to request the manufacture, importation and sale of intoxicating liquors in this State, § 22, and shall have the power in its discretion, in case of license was issued before license of it shall determine the good cause that the granting of continuation of such license would be contrary to public interests of society.

Under this constitutional provision the State Board of Equalization is granted exclusive authority to issue licenses. In case of license issued the authority to prevent license applicants from having their applications considered at all by the board would necessarily limit and interfere with the State's authority, authority in that respect and therefore should be removed by the constitutional provision and yield. Under the present Alcoholic Beverage Control Act the board, before granting an application for a license, must notify the local sheriff, chief of police and district attorney and the city clerk and the city planning commission, upon request, this notice being for the purpose of notifying and advising the authorities so as to give them an opportunity to protest. The city person had no authority would be added the public health commission. The commission has such preliminary notice would probably be added to the notice but any further procedure with the board's exclusive authority to issue license would not be.

#### 5

Q. Can the Legislature delegate to any committee or body of members the power to close, not amend or revise the license all being issued and give information or where it becomes a license or a contract or a permanent license?

A. In my opinion this may not be done because the constitutional provision (Art. XX, Sec. 22) gives to the State the exclusive authority to regulate the trade in intoxicating liquors and to authorize the board of equalization for the State Legislature and not the delegation to that legislative authority to issue legislative bodies. In this connection I will now attempt to explain the effect of the Alcoholic Beverage Control Act which at the present time provides for the licensing of license holders of alcoholic of such and such and such as to require the State to a minimum to permit the license of license to be granted.

#### 6

Q. Can the mayor and council by ordinance limit the number of license places which will be within their city or the town and the town within the city?

A. The answer to this question would be in the negative. Under the constitutional amendment (Art. XX, Sec. 22) and ordinance, and primary may be subject to the public in intoxicating liquors (C. C. License, C. C. Act of the Assembly, S. C. A. [22] and Ordinance, S. C. A. [22]).

#### 7

Q. In respect of the answer to the question that committee shall not kindly give an opinion as to the extent to which they can regulate and control activities, very closely, and license in important, given some are having and some of license and some are the regulation of the sale of intoxicating liquors?

A. Because of the provision of the Constitution (Art. XX, Sec. 22) we will power can be granted. A discussion of this matter is included in Ordinance, S. C. A. [22] of which is enclosed.

#### 8

Q. Can the State either directly or indirectly tax liquor which is imported to this State for use in any government agency where the use is for the officers and employees and not by the Federal Government?

A. Answering this question, the answer is that it is not proper to say that the State may impose the tax. Under the present act where liquor is imported from without the State directly to a business which is exempt from paying the Federal Government tax, excepting, depending on the act, the Federal Government is to sale made on territory where the State has jurisdiction and have made alcoholic beverages are produced at present have under (A. B. C. Act, Sec. 22 and 24, Ordinance 10015). However, the State has exclusive jurisdiction over intoxicating liquors which are for sale or use within the State, where such liquor cross the State boundary line (U. S. Constitution, 21st Amendment, *Young v. Market Co. vs. State Board of Equalization*, 289 U. S. 1, 54 S. Ct. 263, 76 L. Ed. 1001). Whether delivery for use to a person located in territory over which the Federal Government has exclusive jurisdiction constitutes a violation of the "within the State" is an undecided question. If it is ultimately held that a Federal Reservation constitutes territory within a State within the meaning of the Twenty-first Amendment then the State could impose the tax; otherwise, not.



## 9.

Q. Can the Legislature, under the present Constitution, prevent women and/or children from entering places where intoxicating liquor is sold to be consumed on the premises?

A. In my opinion the Legislature can so provide both as to minors (33 C. J. p. 514, Par. 46) and as to females (33 C. J. p. 515, Par. 53). (See also 33 C. J. p. 590, Par. 204).

## 10.

Q. Can the Legislature limit the number of licenses which should be issued to any one person or organization? For instance, some chain organizations have a great number of licenses. It may be desirable, if the Legislature has the power, to limit the number which any such organization may hold either within the State or in any one city or county.

A. While I know of no authority specifically approving such legislation it is my opinion that such legislation would be upheld since the regulation of the traffic in intoxicating liquors is peculiarly within the province of the Legislature. There is no right to engage in the liquor business; it is but a privilege which may be granted by the Legislature on such terms and conditions as it sees fit.

Very truly yours,

U. S. WEBB, Attorney General.  
By SEIBERT L. SEFTON, Deputy.

SAN FRANCISCO, November 22, 1933.

*State Board of Equalization, Sacramento, California.*

GENTLEMEN: Those portions of your request under date of November 14, 1933, which deal with the power and right of political subdivisions of this State, such as counties and municipalities, to regulate, license, control or tax the subject of intoxicating liquors are herewith considered together for the purpose of having in one expression of opinion the various questions that might arise in regard thereto. The questions are:

1. May a county or a municipality exercise local option?
2. May a county or a municipality regulate, license or control intoxicating liquors?
3. May a county or a municipality pass zoning ordinances relating to the places where intoxicating liquors may be sold or manufactured?
4. May a county or a municipality tax intoxicating liquors?

#### 1. Local Option.

Local option is commonly understood to mean the right of a locality to prohibit or control the subject of intoxicating liquors as it sees fit.

The people of the State, however, have given to the State, itself, the exclusive power to regulate and control intoxicating liquors. In section 22 of Article XX it is provided that:

"\* \* \* the State of California \* \* \* shall have the *exclusive* right and power to control, license and regulate the manufacture, sale, purchase, possession, transportation and disposition of intoxicating liquor within the State \* \* \*"

Under this constitutional provision there can be no question as to the lack of power of a county or municipality to regulate or control intoxicating liquors as an original proposition in the exercise of local option.

With the further question whether or not the State Legislature, in the exercise of its exclusive right and power to control and regulate intoxicating liquors, could provide for a system of local option we are not now concerned, for the State Legislature to date has not attempted to do so. Chapter 658 of the Statutes of 1933, which was enacted in furtherance of section 22 of Article XX of the Constitution, is silent upon the question of local option.

#### 2. Controlling, Licensing and Regulating.

The question as to the power of counties and municipalities to license, control or regulate intoxicating liquors within their territorial limits is answered by the express provisions of section 22 of Article XX of the Constitution which provides that:

"\* \* \* the State of California \* \* \* shall have the *exclusive* right and power to control, license and regulate the manufacture, sale, purchase, possession, transportation and disposition of intoxicating liquor *within* the State. \* \* \*"

This Constitutional provision is all inclusive and permits the State alone to control, license and regulate intoxicating liquor.

#### 3. Zoning Ordinances.

The enactment of a zoning ordinance by a county or a municipality is nothing more than an exercise of the general police power. The Constitution of this State has provided in section 11 of Article XI that

"Any county, city, town or township may make any orders within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws."

However, the people of the State have provided in section 22 of Article XX of the State Constitution that the State shall have the exclusive right and power to control and regulate intoxicating liquors, and this is a general law in section 11 of Article XI is subject.

However the right of municipalities to adopt ordinances having effect upon or furtherance of the objects of municipal government is well established. An illustration, and business may be excluded from particular areas, or blocks, or districts. A business which is dangerous to the health, comfort and convenience of persons may be excluded from residential areas. There are law abiding and lawless, slaughter houses and abattoirs, and other businesses, and it is conceivable that in this group might be included business activities on highways. Retail stores of many character have frequently been excluded from particular described areas, and such a general law would include liquor retail liquor stores. Restaurants, cafeterias, dining rooms, and other places, where serving beverages which have been upland have been excluded from certain sections, and under the ban of such an ordinance public dining rooms where food and drink may be sold with meals would be included.

zoning and control of the character of business must have a general and uniform operation, and it is obvious that ordinances which particularly in places where liquors are manufactured or sold, would be violating in that particularity intended to sustain them.

#### 4. Taxation.

Much that has been said in regard to the fact that there is no power in the fourth. However it is recognized that a municipality authorized by law to impose a tax upon business for the purpose of revenue. The liquor business would be included in an ordinance levying general business taxes. In this particular, however, a reasonable equality of business must be observed and no ordinance levying against the liquor business a special tax. Discrimination in this respect against other business, could not be upheld, and such an ordinance be declared that stepped out any phase of the liquor business and sought through a revenue tax to control, regulate or prohibit such business.

In considering this subject it must be remembered that by section 22 of Article XX of the Constitution of this State, which is an income deriving upon the repeal of the Eighteenth Amendment, and by Chapter 15, 1935 and this passed at the last session of the Legislature the first time of which are now in force and the last of which is to become effective upon the repeal of the Eighteenth Amendment, what was designed as a complete plan for the control, regulation and taxation of intoxicating liquors has been established. The plan being now full execution upon the repeal of the Eighteenth Amendment and the business by now, therefore to let the business must fit all other general laws, this general plan. When this plan was become fully effective the business of liquor regulated and controlled as a lawful business and local governments may not desire that business of the community to be fully under the control of the Legislature of the State.

It is recognized that where the power to tax is surrendered, to the Legislature has said that such power is the power to destroy. And the conclusion that the business which will be exercised by the State will prevent a tax which would prohibit or destroy the business.

Very truly yours,

L. S. WEEB, Attorney General.

SAN FRANCISCO, Jan. 9, 1937

State Board of Equalization, Sacramento, California.

GENTLEMEN: In your communication of June 28, 1936, you state that:

"Under instructions of his city council, Mr. D. C. Williams, City Clerk of Hanford, has asked us if the passing of an ordinance prohibiting the drinking of liquor in automobiles and in the streets within the city would be in conflict with State law. He expresses regret the municipal authorities are having difficulty with persons who persist in using the streets and sidewalks as well as motor vehicles for drinking lairs. In such a manner as to be a nuisance to public morals and decency. It further appears that if persons are asked to desist from such practices, violence is made to the city officers that the persons so drinking have the right to do so, and the State law and that it is no concern of the municipality."

While this board is anxious to comply with the request sought to be attained by such an ordinance, we are dubious as to the authority of the city council to enact the measure in view of the language of section 22 of Article XX of the Constitution, which apparently gives the State exclusive control of liquor regulation.

This often comes in the view of the board that the power of the State to control and regulate intoxicating liquors is exclusive under section 22, Article XX of the State Constitution which provides in part that:

"The State of California \* \* \* shall have the exclusive right and power to control, license and regulate the manufacture, sale, purchase, *possession*, transportation and *disposition* of intoxicating liquor within the State \* \* \*"

In your communication you comment upon the apparent omission of anything in the State Liquor Control Act authorizing the board to make rules having specific application to the practices described by the city clerk.

Section 7 of the act provides that:

"The board shall make rules and regulations pursuant to the provisions of this act."

I am unaware of any other provision of the act which would give to the board the power to make rules and regulations governing the practices above described and in the absence of any such further provision, it follows that the board has no power to make rules and regulations in regard thereto.

Very truly yours,

U. S. WEBB, Attorney General.  
By SELBERT L. SEFTON, Deputy.

STATE OF CALIFORNIA, LEGAL DEPARTMENT.

SAN FRANCISCO, April 12, 1935.

*State Board of Equalization, Sacramento, California.*

GENTLEMEN: In your communication of April 10, 1935, you state that a bill has been introduced in the Legislature providing for the graduation of fees for "on-sale" hard liquor licenses according to the amount of gross receipts derived from the sale of liquor under such licenses. You question the power of the Legislature to change the fees for on-sale hard liquor licenses in view of Article XX, section 22 of the Constitution, and ask to be advised whether the Legislature has the power to change or fix the fee which is provided for in the above constitutional provision and, if so, whether the Legislature has the power to graduate the fees in the manner above indicated.

A similar question was before this office in November of 1934 and on November 28, 1934, this office stated that in view of the constitutional provision the Legislature would have no power whatsoever to change the fee provided for in the constitutional amendment.

Article XX, section 22 of the State Constitution as amended in 1934, provides in part that:

"Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of intoxicating liquors in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the so-called State Liquor Control Act, California Statutes 1933, Chapter 658, in so far as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors other than beers and wines, shall be \$250 per year, or \$62.50 per quarter annum for seasonal businesses, *subject to the power of the State Board of Equalization to change such fees.*"

If it be contended that the license fee of \$250, and the power of the State Board of Equalization to change such fee are merely temporary "until the Legislature shall otherwise provide," an analytical examination of the amendment discloses that these provisions are not temporary, but permanent in nature.

It should be noted that the ballot title to the constitutional amendment stated that the amendment:

"\* \* \* permits possession, sale, consumption or disposition of all liquors in bona fide hotels, restaurants, public eating places, and in bona fide clubs after one year's lawful operation; fixes license fees therefor, giving Board of Equalization *exclusive* power to change same,\* \* \*" (italics ours)

It will be observed that such title conveys the thought that the license fee for hotels, etc., is fixed by the constitutional amendment with the *exclusive* power in the State Board of Equalization to change such fee. The thought that the Legislature or any body other than the State Board of Equalization has the power to change such fees is expressly negated.

It should also be observed that the argument which was submitted to the voters at the general election on November 6, 1934, in behalf of the passage of the above constitutional amendment contained much matter addressed to the proposition that the amendment would permit the sale of all liquors by the drink in hotels, etc., and with or without meals. In this connection the following pertinent language is used:

"The elective State Board of Equalization is given power to fix fees \* \* \*."



This argument to the voters also indicates that the power given to the State Board of Equalization to change the \$250 fee for hotels, etc., was not to be temporary in nature, but permanent. This negates the thought that the Legislature, or any other body, should fix the fee.

While the views indicated in such ballot title and in such argument could not of course alter the true construction to be placed upon the language of the amendment if it had unequivocally declared to the contrary, yet they at least indicate that such amendment was so interpreted by those who framed such title and argument. It was such interpretation that was presented to the people, and it was in the light thereof that the people accepted such amendment. These circumstances are therefore entitled to some weight—certainly if there be any ambiguity as to the true intent of the amendment.

Again it will be noted that the provision fixing the fee and giving to the State Board of Equalization the power to change the fee is an amendment to the provisions immediately preceding it. The language, "and excepting that," etc., is used so that it is as though it had said, "provided that," etc.

In this connection the decision of the Supreme Court of this State in the case of *Sandelin vs. Calmes*, 1 Cal. 121, 147, is of natural occurrence. In that case the Supreme Court considered the effect of certain provision in Article XX, section 22, as originally adopted. As to those provisions the court said at page 145:

"The purposes are included in the constitutional amendment. The effect of each is to place limitations on the power themselves in the action found in the law-making department of the State."

And so here, the provision in all parts of the amendment to my opinion places a limitation on the power themselves vested in the Legislature.

Nor can it be argued that the phrase "Until the Legislature shall otherwise provide" qualifies all that thereafter follows in that section, and that therefore the further phrase, "and excepting that," merely excepts that the provisions thereafter set forth presently, from such removal in line of the time provided in the State Liquor Control Act until the Legislature shall otherwise provide, and that the power vested in the State Board of Equalization is only that of changing such time so prescribed in the present law until the Legislature does so otherwise provide.

As to such argument it should be noted that the construction at this point in dealing with the matter of the House tax for selling fermented kind liquors, is to be drunk on the premises where sold, while liquor can now be sold and drunk off in the State Liquor Control Act for the obvious reason that until the constitutional provisions could not be logically said to be drunk on such premises where sold. Therefore, had the matter following the phrase "and excepting that," etc., not been placed in the amendment, there would have been no time for such action, so that the purpose of that phrase in question could not have been to actually remove the power of the State Liquor Control Act which would otherwise have been removed in favor until the Legislature otherwise provide. It would require provision that the purpose of such phrase was to limit or qualify when it could not would that it qualify, namely, the power of the Legislature to act in the matter of such time.

It is of course well settled that the power of a State Legislature is limited by restrictive provisions in the State Constitution.

15 Corpus Juris p. 805, Par. 287.

5 Cal. Jur. p. 664, Par. 87.

*Western Accn. vs. R. R. Commissioners*, 173 Cal. 802, 804.

For the foregoing reasons it is my opinion that the fee of \$250 which is provided for in the amendment is a fixed fee, and that it is not to be changed until by the State Board of Equalization, which power of the board is permanent, and not merely temporary "Until the Legislature shall otherwise provide."

Since the fee is fixed and subject only to the power of the State Board of Equalization to change it, it follows that the Legislature has no power to alter without the fee set by the constitutional provision or any fee subsequently created by the board.

Very truly yours,

U. S. WHITE, Attorney General,  
By SEYMOUR J. SUTHER, Counsel.

STATE OF CALIFORNIA, LEGAL DEPARTMENT,  
SAN FRANCISCO, September 8, 1936.

State Board of Equalization, State of California,  
Sacramento, California.

Attention, Mr. Hugh J. Stincham, Assistant Tax Counsel.

GENTLEMEN: In your communication of August 15, 1936, you state that liquor is being shipped from out of the State for the use of military reservations and that no California excise tax is being paid thereon and you ask whether the State can collect any tax on such liquors so sold and delivered.

In my opinion the tax can not be collected from liquors which are sold without the State and delivered directly from a point without the State to a point on a military reservation within the State. There is nothing in the Alcoholic Beverage Control Act which permits the State to interfere with the transportation of liquors



except where the liquors are to be delivered to a person located within this State (section 49) and this, of course, must be construed to mean located on territory over which this State has jurisdiction. The jurisdiction over military reservations is exclusively in the Federal Government, and not in the State of California.

Very truly yours,

U. S. WEBB, Attorney General.  
By SEIBERT L. SEITON, Deputy.

### Report.

The following separate report by Senator Schottky was received, read, and ordered printed in the Journal:

#### SEPARATE REPORT OF SENATOR ANDREW R. SCHOTTKY, MEMBER OF THE SENATE LEGISLATIVE COMMITTEE ON INTOXICATING LIQUOR.

Pursuant to Senate Resolution Adopted June 10, 1935.

##### *To the Senate of the State of California:*

While I agree with many of the statements and recommendations contained in the report of the committee, yet in view of the fact that the problem is such a broad one, I desire to file a separate report setting forth my own views in the matter. I am sure that each individual member of the committee has to some extent made an independent study of the problem, and has listened carefully to the various persons who have appeared before the committee, and the views of the individual members on certain phases of the problem should be of value.

The problem of the regulation and control of the sale of intoxicating liquors is as old as the Nation itself. A careful student of history will learn that there have been fluctuating stages of public opinion with reference to the handling of the problem. Abuses by those engaged in the industry have at various times caused public sentiment in various States to pass prohibition laws, which laws were after a period of time repealed. As our Nation grew in population and our political problems increased, the participation of the saloons and the liquor interests in local and State politics, together with the other evils and abuses inherent in the business itself, caused public sentiment in favor of prohibition to increase in the United States, with the result that many States adopted State-wide prohibition. The movement for National prohibition then gained in strength until finally the Eighteenth Amendment was adopted in 1919, and went into effect in 1920. It is not necessary to go into greater detail as to the causes which resulted in the adoption of the Eighteenth Amendment, except to state that those causes should not be lost sight of in considering the present problem. The persons engaged in the various phases of the liquor industry, by an honest and sincere effort to minimize the evils attendant upon the consumption of alcoholic liquors, could have prevented the adoption of the Eighteenth Amendment, but their shortsightedness, greed, and arrogance created a state of indignation in the public mind, which brought on the Eighteenth Amendment. To quote from the interesting and informative book, "Toward Liquor Control", which was the result of a study made by the Rockefeller Foundation, published in October, 1933:

"It was only 20 years ago that the saloon, backed by the brewers and the distillers, had a throttle grip on local and State Governments alike, a grip which it maintained by systematic corruption. As late as 1915 the organized liquor traffic tried to blacklist 49 American firms, including railroads and manufacturing concerns, which in the interests of efficiency had forbidden their employees the use of intoxicants while on duty. It is scarcely an exaggeration to say that the liquor business, as organized before prohibition, stood for everything that decency was opposed to and fought everything that decency desired. That there were individuals here and there in both the retail and the wholesale business who were respectable and socially responsible citizens must, of course, be admitted. But their voices were unheard in the clamor of the trade for increased profits. The belief that National prohibition was "put over" by fanatical moralists is a common fallacy. In large measure the Eighteenth Amendment was the final result of angry public reaction, accumulating over a long period of years, against a system that debauched personal character, corrupted public life and defied control.

The younger generation, perhaps, has no vivid recollection of this old regime, but the older generation remembers it: and the warning we would pass to those who must handle the responsibility in the future is based on memories of a Nation fighting for temperate standards against a lawless trade."

After the Eighteenth Amendment had been in effect for 12 years, both major political parties in their platforms of 1932 urged its repeal, but in the same sentence declared that the saloon must never return. President Roosevelt, then the nominee of the Democratic party, reiterated the same statement in his acceptance speech at the Chicago convention. The Eighteenth Amendment has been referred to as a "noble experiment," and it is generally declared that the Eighteenth

Amendment was a failure. In the sense that conditions were almost factory under the Eighteenth Amendment, the statement that it was a failure is undoubtedly true, but it must also be considered that no honest, sincere effort was ever made to enforce the Eighteenth Amendment, which was due to the fact that there was not sufficient sentiment in its favor to bring about its proper enforcement. Mark Twain once was asked the question: "Is capitalism a success?" And his reply was, "I do not know, it has never been tried." Similarly, it could be answered that the Eighteenth Amendment could hardly be considered a failure, because it had never been really tried.

During the agitation for the repeal of the Eighteenth Amendment, the cry of those seeking to legalize the liquor industry was to permit the consumption of light wines and beers, but to forever and completely outlaw and prohibit the so-called saloon. To those who are old enough to remember back to the prohibition days, the saloon has a rather definite meaning. It was a place, the principal part of which, outside of the liquor itself, was the customer's bar with the high top and the cuspidor, and is not to be confused with the modern, comfortable smoking lounges, to which the younger generation has become accustomed. The old saloon was, to quote the words of Senator Augustus of Arizona, "A place for 'hard-core' drinking." In California in the election of 1912, when the repeal of the Eighteenth Amendment appeared imminent, there was passed what the United States Institute of Constitutional Amendment which was introduced and introduced by those representing the liquor interests. In the title of this constitutional amendment, it was stated that it "prohibits public saloons, bars or smoking rooms where alcoholic liquors are kept, sold or consumed; persons smoking pipes and beer with certain exceptions in good faith to purposes of business, including business institutions and public eating places." In the official argument appearing in the various pamphlets, and written by Judge Matt I. Sullivan, it was stated that the adoption of the constitutional amendment would result, among other things, in the "permanent treatment of the public saloon, and suppression of its activities, the latter subject being equally easy." The constitutional amendment was adopted by the people of California, and upon the repeal of the Eighteenth Amendment less than a year following, it went into effect. It is unnecessary to recount the details of California that the constitutional amendment referred to was not identical in California. It limited the sale of spirituous liquors to licensed purveyors, yet the sale of spirituous liquors by the drink was permitted by the famous cocktail ruling of the California State Board of Equalization in ruling which virtually nullified the original, complete provision limiting the sale of spirits to licensed purveyors. This was done by the board through it ruling that cocktails, which they suggested as wine should be sold and served for consumption in bona fide bars during meals and entertainments. As a result of this ruling cocktails were served freely and freely as though they were nonspirituous. It is perhaps true that the ruling of the State Board of Equalization upon this point were in accord with the desires of a majority of the people of California, but it is also true that the ruling was not in accordance with the constitutional provision.

In the election of 1914, reaffirming the prohibition nature of the constitutional amendment adopted in 1912, the liquor interests placed upon the ballot by initiative, another constitutional amendment, which was designed to permit, permit, sale, consumption or possession of all liquors in bona fide homes, restaurants, public eating places and in bona fide clubs. This constitutional amendment was adopted by the people, and with the recognition of the necessity of liquor being to be served with meals, the purpose of the amendment was completely nullified. It is true that the amendment purported to prohibit the consumption of intoxicating liquors in public saloons or bars, but it did not prohibit the consumption and sale of intoxicating liquors in saloon rooms without meals, the only requirement being that the place selling the intoxicating liquor be required to serve meals if they were required by the patron, a provision which public experience has demonstrated amounts to little.

As is stated in the main report of the committee, the problem of enforcement and administration of the liquor laws in California was placed in the hands of the State Board of Equalization. This great responsibility was suddenly placed upon the board, and it is only fair to the board to say that they were not prepared to handle a problem of such magnitude. Under the law, they accepted the statement that the administration of the liquor laws in California by the State Board of Equalization was justly subject to much criticism, and that there was a considerable sentiment all over California in favor of placing the administration of the liquor laws in other hands. At the various hearings held by the committee in Sacramento, San Francisco, Los Angeles, and elsewhere, the general consensus of opinion seemed to be that the problem was too great for the Board of Equalization to handle in addition to its other manifold duties, and that there should be set up in California a State Liquor Authority. Indeed, the Board of Equalization itself proposed to the committee at a hearing in San Francisco the setting up of such a liquor control board which would take the administration of the liquor laws out of the hands of the State Board of Equalization. Neither the various interests involved, or the committee itself, were able to agree upon the details of a measure to

be submitted to the people, and as a result two initiative constitutional amendments were placed on the November ballot of 1936, one seeking to set up a State Liquor Authority and to take the administration of the liquor laws out of the hands of the State Board of Equalization, and the other providing for a form of local option. Both were defeated by the people by decisive margins, leaving in effect a constitutional amendment adopted in 1934 and the statute carrying out same. I do not believe that the defeat of the measure setting up a State Liquor Control Board was defeated because of the fact that it set up a separate board, but my opinion is that it was defeated because of other defects in the measure, which it is not necessary to here enumerate.

It is always easier to call attention to faults or defects in any system than it is to suggest a remedy or solution. In fact, as I pointed out in the beginning of this report, the problem of the regulation and control of the sale of intoxicating liquors is as old as the Nation itself. Many systems and methods of regulations have been tried, but none have ever worked to the satisfaction of the people generally. The conclusion, therefore, is irresistible that it is impossible to work out any system of control or regulation that can eliminate entirely the evils that are necessarily connected with the consumption and sale of so dangerous and destructive a substance as intoxicating liquor. In view of what has been attempted in the past, we can only continue our efforts to work out some system that will minimize the evils of intoxicating liquors.

At the present time experiments are being carried on in the 48 States of the United States. No two States are dealing with the problem in an identical manner. A few States are still nominally bone dry. A number have adopted the so-called State monopoly system. Another group, more numerous than the others, has adopted the so-called license system. Still another group has adopted a combination of the so-called State monopoly system and State license system. It is not my purpose to go into any detail as to these various systems, because anyone interested in the subject will be familiar with them or can easily get information concerning them. I have endeavored to study the problem in its various aspects and to familiarize myself, so far as possible, with the workings of the various systems of regulation. I have also listened carefully to the representatives of the various groups and organizations that have appeared before our committee at its various meetings. I have arrived at certain conclusions that I wish to express for what they may be worth. I realize, however, that very few people will agree as to what is the best system of regulation or control. I omit any opinion or discussion as to the merits of State-wide prohibition because it is quite apparent to me that the temper of the people generally at the present time would make any prohibition law useless because it would not and could not be enforced. A prohibition law can only be effective or of value when an overwhelming percentage of the population is in favor of it and when an overwhelming percentage of the population does not desire to drink intoxicating liquors. I believe that the truth of these statements is amply borne out by our experience during a 13-year so-called trial of National prohibition.

I have reached the conclusions hereinafter set forth:

**THAT THE ADMINISTRATION OF THE LIQUOR LAWS OF CALIFORNIA SHOULD BE TAKEN OUT OF THE HANDS OF THE STATE BOARD OF EQUALIZATION AND PLACED IN THE CONTROL OF A SEPARATE BOARD OR COMMISSION COMPOSED OF THREE MEMBERS APPOINTED BY THE GOVERNOR FOR TERMS OF NOT LESS THAN SIX YEARS, SAID TERMS TO BE STAGGERED SO THAT ONE WILL BE APPOINTED EVERY TWO YEARS, AND AT A SALARY THAT WILL ATTRACT MEN OF THE PROPER CALIBER TO ADMINISTER SUCH A LAW.**

This board should be given ample powers so that it could really regulate the sale of intoxicating liquors in a proper manner. The advice of local authorities should be sought and should be considered, but in the final analysis, decisions as to number of licenses, issuance of licenses, and revocation of licenses should be left to the discretion of the State board or commission. I believe our experience in California demonstrates that the liquor business can not be handled and regulated best by a board such as our State Board of Equalization, which is an elective board, and which has so many other duties and responsibilities in addition to the administration of the liquor laws. In such a system as we have at present in California the participation of those financially interested in the liquor business in political campaigns is inevitable and would eventually exert as harmful an influence as it did in the days before prohibition.

## II.

**There Must Be a Great Reduction in the Number of Licenses Granted in the State of California.**

The importance of the problem of limiting licenses to the proper number can not be emphasized too strongly. As is stated in that very well-considered and impar-



tial study of the liquor control administration set forth in the book "After Repeal" just published.

"The problem of limiting licenses to the proper number has been touched on. Likewise the problem's importance for local employment. Indeed, no single matter is more important for all communities of minor municipalities can wield any liquor control system, however well conceived otherwise. At the present time, due to considerable part to the economic situation, and crowding in perhaps more waste than in any other method of legal sale. In many places there are far more liquor outlets than consumers could handle. The seriousness of such a situation is greatly apprehended when it is remembered that even without such overcrowding the normal tendency of any liquor business is to push its sales and increase its profits. The liquor business has a reputation for greediness and for a disposition to shirk the tax duties of the law whenever the latter hinder its profits. Indeed, it has been contended that the primary weakness of the license system is that it frustrates the private profit motive which permeates the entire liquor industry from manufacture to ultimate local sale. Frustration of that drive tends to decrease its efficiency, and the third cause for the reputation of the license system by a number of our States. If the profit motive in the dominant feature of private trade as such, it is easily seen that under such crowded conditions this license will be accomplished. First, government, who would not otherwise resort to illegal practices, will, when competing to secure a license, engage in whatever financial methods—whether legitimate or illegitimate—will insure a reasonable profit.

The obvious remedy for such undesirable conditions is reduction in the number of such outlets."

The evils mentioned in the above quotation are illustrated by a comparison of California with the States having fewer liquor licenses in proportion to its population than any other State in the American Union, as the following table will show:

	Ratio for each liquor license	Ratio for each house- hold	Ratio off- side liquor license
Arizona	495	1,081	197
Arkansas	None	1,749	406
California	11,511	25,167	8,178
Connecticut	917	1,172	543
Delaware	268	39	69
Massachusetts	1,168	1,224	1,001
Massachusetts	1,171	1,088	1,525
Nebraska	24	1,226	643
New Jersey	19,888	—	1,732
New Mexico	696	—	1,401
New York	11,290	10,776	1,827
Rhode Island	1,464	—	696

Comparing the State of California with the State of New York, a State which has considerably more than double the population of California, it will be observed that California has 11,511 on-sale liquor licenses while New York has only 11,290. It will be observed further that California has 25,167 total on-sale liquor licenses while New York has only 10,776. It will be observed and further that California has 8,178 off-side liquor licenses while New York has only 1,827. These figures certainly demonstrate that there are too many places licensed in California for the sale of liquor and that the license system can not be given fair trial under such conditions. It is therefore of paramount importance that there be a very great reduction in the number of liquor licenses granted in California and that there be a strong, independent State board with ample powers to limit the number.

### III

**If After Two Years Further Trial of the License System In California, Conditions Do Not Improve, Then We Should Seriously Consider Putting the State-Monopoly System Into Effect.**

In that very interesting book entitled "Toward Liquor Control", published in October, 1933, the authors recommend State control of the sale of stronger alcoholic beverages. They state:

"We firmly believe that any system of control which does not attack the private profit motive in the retail sale of spirits is merely touching the problem at its fringe. Unless we eliminate the incentive behind the speculation of sale, we have not dug to the root of the difficulty, and the weeds of abuse will thrive no matter how we look at the tops.

"It is possible to set up a system of control in which administrative integrity and integrity are not interfered by the bargaining with unscrupulous dealers. It is precisely this reasoning that leads us to prefer the State authority



system. Instead of being pitted at the start against a business that is looking for maximum profits at any cost, the administrators of such a system could develop their policies protected from the hazard of an immediate and insidious warfare. Plenty of enemies would remain to be fought, but among them would not be the one that in America at least, has upset every governmental attempt in a hundred years that looked toward temperance and moderation, i. e., a hungry liquor traffic with an eye only to larger profits."

In the book, "After Repeal," just published, the authors state:

"The entry of 15 State Governments into the liquor-selling business constitutes the most noteworthy and far-reaching attempt to place restraint on the newly legalized liquor traffic. In these States liquor monopolies have been created after the pattern of the Canadian Provincial Liquor Commissions and they bear some resemblance to the Scandinavian State-control plans. In the face of opposition by private liquor interests, all of the State store systems have survived thus far without encountering a major threat of dissolution.

In nearly half of these States, however, private dealers are licensed to sell all kinds of alcoholic beverages by the drink, and in more than half, the private sale of all wines and beers is permitted for on-premises consumption. Indeed, the licensing aspect of monopoly-control administration presents virtually the same problems that are found in what are known as the private-license States.

As we have examined the workings of State monopolies over the past two years we have gathered the impression that only a few of them are measuring up to expectations in serving the particular needs of their States. At the time of our field examinations the most successful monopoly-control systems were found in New Hampshire, Vermont, Virginia, and Washington. The others may be appraised as mediocre or poor, depending on the occurrence of disrupting political changes and the extent to which the benefits of monopoly control have been negated by admission of private sale of liquor control for on-premises consumption.

The cardinal requirements for successful administration of a State-store system are that it be administered by men who are free from all political or commercial influences; that in the jurisdictions where the sale of liquor by the package and by the drink is permitted, the restrictions be in keeping with the views of a large majority of the citizens; and that among both administrators and legislators the aim of getting profits be definitely subordinated to that of promoting temperance and the general welfare.

A monopoly can not really achieve success if any of these requirements is lacking. No matter how competent a control board may be, it can not accomplish much by conducting a monopoly sale of liquor by the package when there exists, alongside, a far-flung private-license system for sale by the drink. With the admission of private interest in pushing the retail sale of liquor the principal objective of the monopoly plan is surrendered, and that at the very point where the greatest social hazards are encountered. But the restrictions of on-sales which may be regarded as consistent with State sale of liquor by the package would, under present conditions, doubtless be too severe for a number of the monopoly states. If so, there is little justification for State sale of liquor by the package.

We are convinced that the best of the State monopolies have in them greater potentialities for curbing the evils arising from the use of liquor than have the best of the private-license systems. A further comparison of the rival systems will not be attempted, for it is idle to state a preference between inferior monopolies and inferior license systems. It should be observed, however, that more is expected of monopolies because their pretensions to beneficial social control are greater. It is not enough, therefore, for a monopoly to be merely as good as a license system in a State having similar conditions; it must be better in order to justify its existence."

I have incorporated the above quotations in this report because I believe that in considering the liquor problem we should definitely have in mind the so-called State monopoly system, and we should, so far as possible, compare the working and results of such a system with the working and results of the license system now in effect in California. In view of the provisions of our Constitution, it is, of course, necessary that the State of California continue under the license system until the Constitution is changed by vote of the people. It is unfortunate that the Legislature does not have the power to make a change in the system without the amendment of the Constitution. I believe that experience has shown that it is unwise to place in the Constitution laws relative to the regulation, control, or prohibition of the sale of intoxicating liquor, and particularly is this true when, in order to improve conditions, it will be necessary for many years to experiment with one system or another. While it is true that public officials and legislators will desire to be relieved from the necessity of stating their views upon this important question, yet it is likewise true that the problem will never be solved or conditions materially improved until legislators and other public men are willing to face the issue fearlessly, frankly, and in the public interest.

Whether California shall embark upon the system of a State liquor monopoly in the handling of the liquor traffic will depend very largely upon the manner in which those engaged in the sale of intoxicating liquor conduct their business during the next two years. If they will honestly seek to minimize the evils consequent attendant upon the sale and consumption of intoxicating liquors and will refrain from high-powered competitive methods of accumulating concentrations of a substance inherently dangerous to human beings, then it will not be necessary for the State to enter upon a State liquor monopoly. But, unless I suppose the spirit and temper of public opinion, there is no disposition to allow the growth and increase of the old evils which caused the adoption of the Eighteenth Amendment. I know there are sincere and thoughtful consumers with the same business who realize the gravity of the problem and the necessity of a higher standard of business conduct in the retail sale of liquors, but these men are too few and it is doubtful if their voices will be heard and their counsel heeded by the great number who put private profit to be derived by them from the sale of intoxicating liquor above the welfare of human beings.

#### IV

#### Taxation and Revenue.

The repeal of prohibition was brought about as much by the need for revenue as from a desire to eradicate the evils growing out of that experiment. The accompanying depression made it impossible for either the Federal or the State Government to derive enough funds from the already overburdened taxpayers. As income diminished and the need for unemployment relief increased, it became of increasing importance to solve the financial problem. It was merely a question that whether liquor provided a partial solution and hence the general repeal movement received impetus. "Turn the bootleggers' profits into public revenue," became a watchword.

Upon the repeal of the Eighteenth Amendment, liquor was taken for the dual purpose of raising revenue and placing a check on crime. Having no defense against the taxgatherers, it has been eagerly sought upon in the search for additional revenues needed in Federal State treasuries. But the bootlegger has to be reckoned with when liquor taxes are laid at large levels. The legal liquor dealer has to recover from the consumer the costs of his goods and the taxes imposed by the Government in addition to any profit the bootlegger can command him and still make a larger profit from his illicit, untaxed goods. What then is to determine the rate of liquor taxation? Is it need for revenue, desire to limit consumption, or the desire to eliminate the bootlegger? All of these aims are laudable, but the aim to get abundant revenue has been the decisive factor. Any proposal for a change in rate of taxation can be countered by a valid objection, that is a reduction will lead to greater consumption and an increase will increase the profits of illicit production. Hence we witness the negotiation of a tax level which was arbitrarily fixed at the time of repeal without knowledge of its effect on excessive consumption, or the bootlegger. The dual system of Federal and State taxation and licenses is not satisfactory. The States will not surrender their taxing rights and the Federal Government will not consider lowering its taxes on spirits and beer because it is convinced that if it would the States would raise their taxes by that amount. Thus we are confronted with an indefinitely continuing through which the possible advantages of flexibility are lost. Moreover, the dual tax collection is cumbersome and wasteful. What is most needed is an agreement whereby the Federal Government will collect all excise taxes and share the income with the States. But the working out of this sensible solution will doubtless have to wait upon reform and integration of the entire State and Federal tax structure.

In case of taxation on light wines and beers the difference is present to consumption and bootlegging are relatively slight. Here we find the pure revenue motive in taxation stripped of any countervailing factors. If the prohibition rates on wines and light beer had been eliminated, the case of temperance might have been furthered. Actually the tax burden is so heavy that it keeps down the consumption of lighter alcoholic beverages. Instead of reducing the total use of alcohol, high taxes on light beverages encourage the consumption of the more highly concentrated alcoholic liquors. A decrease in taxes on all beverages would best solve the problem of defeating the bootlegger and would increase the total revenue by displacing illicit liquor with tax production. Decreased taxes, particularly on light beverages, would contribute to the promotion of temperance.

The problem of the bootlegger will be dealt with more in detail in my discussion of enforcement, but when responsible public officials, both State and Federal, estimate that the volume of illicit liquor reaches from 25 to 50 per cent of the total amount consumed, it can readily be seen that the bootlegger has not been eliminated and it will be well to consider to what extent the high liquor taxes are responsible for the continued flourishing existence of the bootlegger.

#### V

#### Law Enforcement.

A law enforcement problem arises whenever alcoholic beverages are produced. This has been found to be equally true under regimes of prohibition, strict control, and liberal regulation. And the problem will persist so long as liquor is specially

taxed and legal limitations are placed upon its sale. Some notion of the magnitude of the liquor-law enforcement problem may be gained by merely glancing at the voluminous Federal and State statutes and administrative regulations which govern supervision of the liquor traffic and collection of alcohol taxes. Gathered together they would make 54 volumes of the average-sized book.

The plain truth is that from the beginning we have not fully faced the job of eliminating the bootlegger; rather we have indulged in mingled hopes that most of the bootleggers would quit business of their own accord, that the Federal Government would drive out the rest, that legal producers would make the task easy by offering better liquor at reasonably satisfactory prices, and that individual consumers would sense a patriotic duty to buy only tax-paid goods. These hopes have not been realized and the bootlegger continues to plague every unit of law enforcement and to share in every phase of the commerce in liquor. Evasion of taxes is only one aspect of the difficulty he creates. He produces a vast quantity of liquor and, except for that seized by officials, sells it without the law in competition with legal dealers who are subject to strict regulation; or he sells it to the licensed dealers who can be tempted to cheat the law.

We quote once more from the book "After Repeal," which states on the subject of volume of illicit liquor production:

"It is impossible to determine, with even approximate accuracy, the quantity of illicit liquor produced in the country or the amount smuggled in. The estimates made by persons interested in the liquor business or its regulation place the volume of untaxed liquor at from 15 to 60 per cent of the total quantity consumed. Of course, no one knows a thing about the actual mathematical percentages and the more cautious observers are content to say that the illicit traffic is 'of vast proportions,' or that it is 'rampant.'"

Mr. Joseph H. Choate, Jr., commenting on the bootlegging situation when he was in charge of the Federal Alcohol Control Administration, has this to say:

"The persistence, year after year, of the immense numbers of seizures shows that illicit distilleries are replaced as fast as they are seized. This could never happen unless they were needed to meet the demands of the bootleggers' business. If any great proportion of them were used much below their practical capacity, the replacements would grow fewer and fewer, and the seizures would decrease. It seems probable, therefore, that the bootleggers are now turning out from their stills alone, not counting smuggling and alcohol-divertings, a quantity of spirits which can not be much less, and may be more than we drank before prohibition. All this means \* \* \* that the Government is losing more taxes than it gets, and that a colossal criminal industry, necessarily highly organized, still exists, and still exerts its debauching tendencies on every governmental agency."

Mr. Ammon McClellan, executive director of the League of Distilled Spirits Rectifiers, stated in April, 1935, that reports reaching his office indicated that 'there is just as much illicit liquor manufactured and sold in this country as there was shortly after repeal of the Eighteenth Amendment. It is variously estimated that illicit channels supply from 50 to 60 per cent of the alcoholic beverage demand.' In a study of liquor taxes and the bootleggers prepared for the National Municipal League, Mr. Paul Studenski stated that 'the consumption of bootleg liquor, both domestic and smuggled, in this country, may be nearly as large today as the consumption of the tax-paid product.'"

So much for the bootlegger, who, it will be observed, is still a problem in connection with liquor administration and liquor law enforcement. Another great problem connected with law enforcement is the matter of curbing violations of the law by licensed liquor dealers.

The real test of the efficacy of a license administration lies in the use it makes of the power of revocation. Revocation is the only reliable and complete remedy for violations, harassment with warnings and threats, and the infliction of occasional minor penalties serve only to give the business a bad name and fail to bring about strict observance of the law. The right to revoke is in my opinion the only enforcement weapon needed for the elimination of violations by licensees, and the licensing administration should be the principal law-enforcement agency.

In a very real sense the whole administrative task of liquor control is one of law enforcement. It consists in keeping unauthorized persons from manufacturing or selling liquor and in seeing that those who are given the privileges abide by all of the restrictions contained in statute and regulations. The responsibility for disobedience of law is to be laid at one door only, that of weak and incompetent administrators. Two decades ago, the public believed that the evils connected with the liquor traffic would not or could not be corrected by public officials and that prohibition was the only remedy. A national revulsion against the breakdown of law enforcement was what caused prohibition's repeal. The liquor issues of the future will be decided, as always before, on the basis of success or failure in enforcement of whatever kind of control is attempted.



## VI.

## Education.

It must always be borne in mind that the principal reason for a liquor problem is the liquor itself. And the thing that makes it a problem is the harmful effect upon human beings of the indulgence in alcoholic liquors. Moderation in the use of alcoholic liquor will, of course, lessen its harmful effect but it will not eliminate it. All that regulation can do is to minimize the evil. No sense of the legislature could accomplish a solution of the problem. While laws are one of numerous wholesome influences so deeply rooted in human nature to be used out for salutary process. We must not be blind to the present conditions and future process involved in the word "education".

That there is need for education in relation to the problem of alcohol will scarcely be doubted by anyone who considers the habits of the age in which we live and live living. A century ago, in the democratic agricultural community of America, the consequences of alcoholic excess were limited largely to the harm done to the members of his family, and to his more immediate associates. Today it is living in a machine age. The railroad engine, the truck, the automobile, the airplane, are the symbols of a new pace and tempo, instruments by which our moving being expresses itself in terms of speed. Indeed, the whole economic and social structure of our social order is held together by machinery, machinery that thrives and hands and steady nerves to run it, machinery, educated, mechanical machinery, capable, if misdirected of wrecking the social system itself and causing death and suffering in wide circles.

This conception of the evils of intoxication is a situation far from alive in America long before the advent of prohibition. As early as 1870 the Liquor Rule G was in operation on most of our railroads.

"The use of intoxicants by employees when on duty is prohibited; that use, or the frequenting of places where they are sold, is sufficient cause for dismissal."

That rule was not written by fanatics or by moralists. It was written by engineers in the interest of better safety. By the same token there is another link in an argument against liquor; except now mechanical invention is a part of the machine. It is this point of view that gives rise to apprehensions among thoughtful people even where as they face a new era of liquor, and with the machine growing, fastening itself more securely each year on all the details of human life. There was there a greater need for complete better and education. There was the necessity for education so compelling.

I would not presume to outline a course of education in the school lines of the term. That must be left to the intelligence of our teachers. I want, however, point out that, just as the schools must recognize the importance of scientific and unbiased instruction in the field of statistics or chemistry, for example, so they should fairly be asked to perform the same service in regard to the fairly and neutral aspects of alcohol. But just as in America the public schools are forbidden to take a biased attitude in respect to politics or religion, so they ought to educate them taking a biased or prejudiced attitude toward any other subject, politics or personal conduct or manners.

The possibility of a new approach through the schools is indicated in a recent report on health problems in education, issued by joint committees of the National Education Association and the American Medical Association. With the sanction of the Technical Committee of Twenty Seven. I am of opinion will not permit me to quote at length from this report, but the following paragraphs are significant.

"The instruction concerning alcohol, tobacco, and other narcotics should be, in the main, a part of the general work in training to personal health habits and to promotion of community health and welfare. The keynote should be, 'Teach by facts and illustrations, not by exhortation.'"

Ideally, the instruction should be positive and illustrative. Practically, the persistence of erroneous traditional beliefs about these substances, especially about alcohol, makes necessary concrete knowledge of their nature and effect as reason for practicing abstinence.

The choice of material, therefore, involves: (1) Recognition of the individual and community advantages resulting from sobriety; (2) correcting of current fallacies as to the nature and effects of these substances in which much of their use finds excuse; (3) definite knowledge of modern scientific experiments and observations on this subject; (4) the application of this information to practical conditions of modern life in meeting individual and community problems. There are, for example, industrial and transportation conditions now which make the use of alcoholic liquors even much more dangerous in their results than was the case a century ago. The physiological lesson should be deftly interwoven with the concrete instruction.

Facts taught should be graded to meet the interest and psychological development of pupils. Motivation may be given through the appeal to desire for fitness for sports, efficiency in play and work, vigorous health, safety, service of others, character qualities such as self-control, kindness, sportsmanship, self-reliance, duty, reliability, truth, good workmanship.



cooperation, loyalty. Incidental training may be given in connection with or through arithmetic, language, history, geography, biography, English, drawing, projects. Much of this information will find its way through the children back into the home, and if constructively developed, will often react on the home environment favorable to the child's physical, mental and moral development.

In this outline positive ideals around which physical facts may be taught are suggested solely as a guide to the teacher, but are never to be made a basis for 'moralizing.' The success of this training will depend in no small degree upon leading young people to discover for themselves from the facts that sobriety has a value which makes it desirable to them in promoting activities or ideals in which they have interest."

If systematic temperance education is to be truly effective, it must be pushed beyond the limits of the schoolroom. It is at this point that a significant opportunity is developing in the new era which we are now entering. With the old wet and dry controversy out of the way, the argument for sobriety, for temperate living, for a clean and orderly country can be made in a manner that will stir the Nation. It is possible that this activity could be assisted through the State Boards of Education and other public bodies; but here is a field well adapted to private societies—Chambers of Commerce, Parent-Teacher Associations, civic agencies, churches, as well as organizations specially created for this purpose.

It is possible that a new society for temperance, set up perhaps on a National basis and divorced from old groups and methods that have outlived their usefulness, might be of genuine service. Such an organization could focus specialized attention on the problem and could bring together behind intelligent programs men and women interested in the maintenance of a sober country, and determined that the legalized return of alcohol shall mark the beginning of real temperance.

While education can do much, yet it is still true that the influence of example is far more potent than instruction or teaching. This is clearly recognized in the main report of the committee where it is said:

"The present trend of thought seems to be that all bars should be open to all people, irrespective of sex, and that they should be permitted to partake of alcoholic beverages in such bars, with the doors wide open and in full view of the passing school girls and school boys. We hesitate to predict the effect on the oncoming generation of a continuation of this situation."

The main report of the committee further says:

"The whole problem here being considered deals with the social and economic welfare of our people and perhaps, therefore, the remedy should start in the home rather than at the bar. A complete answer can not be found in enforcement alone and experience shows that it can not be found in prohibition. Home training, proper instructions at school and moderation in the use of intoxicating liquor by the parents, would at least be helpful. In suggesting home training and school instruction we are not depreciating the present instructions given at school nor the training now given at home, but the changed social conditions and the relaxation of our people toward enforcement of rules and regulations designed for their own welfare, justifies our emphasizing the necessity for bringing home to the youth, during his formative period, the effect of the excessive use of alcoholic liquor upon his mental and physical development."

The main report of the committee therefore recognizes the danger to the "oncoming generation" of our present method of liquor regulation and stresses the importance of "home training, proper instruction at school, and moderation in the use of intoxicating liquor by parents."

I believe, however, that the main report places too much emphasis on the terms "moderation in the use of intoxicating liquor," and "the effect of the excessive use of liquor." If this substance called "intoxicating liquor" is so dangerous that it requires such strict regulation and control, surely it is dangerous enough to justify us in warning our "oncoming generation" against its use altogether.

The use of intoxicating liquor by parents, lending citizens, and public officials must inevitably have a tendency to increase its use by youth, and the greatest contribution that such persons can make to the cause of true temperance is not by using intoxicating liquor "in moderation" but by abstaining from its use entirely.

I quote again from "After Repeal":

"The final aim of governmental control over the sale of liquor is the promotion of temperance. An imposition of legal restraints serves the cause of temperance in a negative way but does not check appetite nor instill capacities for self-control among individuals. The task of influencing personal attitudes toward the use of liquor is one for which democratic governmental agencies are not well equipped. How is a liquor-control body to formulate a temperance-education program which will not suffer violent attack from some group of citizens? Can a licensing authority undertake to undermine a business, the pursuit of which it authorizes? Will consumers of liquor tolerate instruction by public servants? So far as we have been able to determine there have been no significant contributions in the field of temperance education during the two and a half years since repeal.

The difficulties are great and we are not prepared to submit a plan of action that would give promise of conquering them. But the bulk of positive efforts to further the cause of temperance shall be cited as a serious discussion in the development of rational control of the socially hazardous liquor business."

#### In Conclusion.

In the separate report I have endeavored to set forth briefly some conclusions arrived at by me during my study of the problem as a member of the committee. Because these conclusions are and expressed in the main course of the discussion, and also because I do not agree with some of the recommendations made by the report of the committee, I am filing the separate report.

I believe that the present handling of the problem in California is not satisfactory, and that the people demand an improvement in conditions. I agree without comment the first item in Editor Chas. J. Lacey's front-page column in this morning's Sacramento Union:

"A parent remarks: 'My young daughter went to a dance at the new Olympic auditorium the other night. There was so much drinking among the boys and girls that she had to leave. Where do young people of 14 or 15 get their liquor? Who sells it to them?'"

I am convinced that the handling of the problem in California would be improved by taking the administration of the liquor laws off of the hands of the State Board of Equalization, and placing it in the hands of a strong, independent, non-political separate Liquor Authority, as has been done in six other States. I am convinced also that there must be a great reduction in the number of places licensed to sell intoxicating liquor in California. I am moreover further that a greater effort must be made to curb the bootlegger, and that more attention must be given to the matter of education as to the harmful effects of intoxicating liquor. No doubt, if the committee is satisfied with the constitutional issues, more further recommendations will be made by the committee.

I concede that personally persons may and do differ in their views on the liquor problem. No one can afford to be too hasty in accepting the position, and I make no criticism of the views of others upon the question of liquor control. I realize that it is a problem that has engaged humanity for over 2000 years. I believe, however, that it is a great social problem, and that more be regarded seriously, one that can not be neglected without great harm resulting to society. It will require the constant thought and study of serious and hardworking men and women who approach it, not in the interest of any group or business, not with any narrow or prejudiced view, but with a desire to solve it, finally, at a solution that will be for the highest welfare of the race, and particularly for the highest welfare of the coming generation.

Respectfully submitted,

ANDREW R. SCHOTTKY

Member of Senate Committee on Intoxicating Liquor

Sacramento, California, January 7, 1937.

#### Resolution

The following resolution was offered:

By Senator Swing:

Resolution relating to the investigating and study of the use and sale of intoxicating liquor, defining the scope of such investigations, transferring the management of a committee for such purpose, and providing for appropriation for the expenses thereof:

WHEREAS, On the tenth day of June, 1935, the Senate adopted a resolution authorizing the President of the Senate to appoint a committee to make a full and complete investigation of all matters and subjects relating to or on alcoholic beverages to the manufacture and sale of intoxicating liquor, which resolution is set out in full at page 31 of the Senate Daily Journal dated June 10, 1935; and

WHEREAS, Pursuant thereto the President of the Senate appointed Senators Ralph E. Swing, Andrew R. Schottky, A. L. Pomeroy, Harold J. Powers and Nelson T. Edwards as the committee provided for in said resolution; and

WHEREAS, Said committee has conducted investigations as authorized in and by said resolution and has made a report to the Senate; and

WHEREAS, Said committee recommends that it be continued with the same powers and authority set forth in said resolution, and it completes the work assigned it in and by said resolution; and

WHEREAS, One of the members of said committee has ceased to be a member of this Senate; now therefore, be it

Resolved, That the remaining members of said committee, to wit: Senators Andrew R. Schottky, A. L. Pomeroy, Harold J. Powers and Ralph E. Swing, be continued as such committee with all the powers and authorities set forth in this resolution, and that the President of the Senate immediately appoint a member of this Senate to act on said committee in place and instead of Senator Nelson T. Edwards; and be it further

*Resolved*, That said committee be and it is hereby authorized and empowered to make a full and complete investigation of all of the matters and subjects hereinbefore referred to and relating thereto and to do any and all things necessary or proper in connection therewith and to do and perform each and all of the things necessary or convenient to enable said committee to prepare and submit at the next session of the Legislature such additional legislation and recommendations as said committee shall deem necessary for properly and satisfactorily regulating the manufacturing, use and sale of intoxicating liquors within the State of California; and be it further

*Resolved*, That the officers of this State and the heads of each and every department and the employees of such departments as have charge of the enforcement of such law and the levy and collection of the license fees and taxes imposed in and by said Senate bill, shall give and furnish to such committee, upon request, such information, records and documents as said committee shall deem necessary or proper for the purposes aforesaid. Said committee shall have power to engage such necessary assistance as it shall deem necessary or proper in connection with the aforesaid matters; and is authorized and empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports, documents, records and papers of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of said committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses, before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate, and/or during recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

*Resolved*, That said committee report to the Senate during the present regular session of the Legislature its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

*Resolved*, That the sum of \$1200 be and the same is hereby made available for the purpose of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund. Said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Rules.

### Resolution.

The following resolution was offered:

By Senator Wagý:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$150 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagý, and Westover—29.

NOES—None.



**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the compensation of F. W. Sengstrom, stenographer elected Minute Clerk, and Clarence A. Kinkor, stenographer elected Chaplain, be and the same is hereby fixed at the following sums, payable weekly, Sundays excepted, to wit:

	Per day
Minute Clerk	\$20.00
Chaplain	4.00

**Resolution read.**

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.**—Senators Bigger, Cunningham, DeLap, Davis, Garrison, Gordon, Holoban, Jepsen, Keating, Kough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer, Olsen, Phillips, Pomeroy, Powers, Quinn, Rich, Sater, Swing, Tickle, Wagy, Westover, Williams, and Young—all.

**NOES.**—None.

**Resolution**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following persons be and they are hereby appointed to the positions hereinafter set forth, at salaries as here, with the compensation set opposite their names, payable weekly beginning January 7, 1937, and the Treasurer is hereby directed to draw his warrants in favor of the stenographer persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	Per day 5 days per week
Grace McCarthy, Stenographer	\$20.00
Ralph Hauri, Stenographer	5.00

**Resolution read.**

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.**—Senators Bigger, Cunningham, DeLap, Davis, Garrison, Gordon, Holoban, Jepsen, Keating, Kough, Knowland, Law, McCall, McCormack, Metzger, Mixer, Nilsen, Olsen, Phillips, Pomeroy, Powers, Quinn, Rich, Sater, Swing, Tickle, Wagy, Westover, Williams, and Young—all.

**NOES.**—None.

**Consideration of Assembly Concurrent Resolution No. 1.**

Senator Holoban asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 1, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 1—Relative to approving certain amendments to the charter of the city of Santa Cruz, a municipal corporation in the county of Santa Cruz, State of California, and voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-fourth day of November, 1936.

**Resolution read.**

The question being on the adoption of the Assembly Concurrent Resolution No. 1.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

**AYES.**—Senators Bigger, Cunningham, DeLap, Davis, Garrison, Gordon, Holoban, Keating, Kough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer,



Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

### **Motion.**

Senator Swing moved that 300 copies of the reports of the Special Committee on Intoxicating Liquors be printed under separate cover, in addition to being printed in the Journal.

Motion carried.

### **Introduction, First Reading and Reference of Bills.**

**Senate Concurrent Resolution No. 4:** By Senator Fletcher—Relative to the appointment of a commission to foster better race relations and the designation of a Better Race Relations Day.

Senate Concurrent Resolution No. 4 read, ordered to print, and referred to Committee on Public Morals.

**Senate Bill No. 25:** By Senator Fletcher—An act to amend section 424 of the Penal Code, relating to public officers.

Senate Bill No. 25 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 26:** By Senator Fletcher—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

Senate Bill No. 26 read first time, and referred to Committee on Finance.

**Senate Bill No. 27:** By Senator Fletcher—An act to amend section 4 of, and to add sections 4a, 4b and 4c to, the Old Age Security Act of the State of California, relating to aid to the aged.

Senate Bill No. 27 read first time, and referred to Committee on Social Security.

**Senate Bill No. 28:** By Senator Fletcher—An act to amend section 685 of the Code of Civil Procedure, relating to execution of judgments.

Senate Bill No. 28 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 29:** By Senator Fletcher—An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation.

Senate Bill No. 29 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 30:** By Senator Fletcher—An act to amend section 404 of the Civil Code, relating to dissolution of corporations.

Senate Bill No. 30 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 31:** By Senator Fletcher—An act to amend section 84 of the Code of Civil Procedure, relating to process.

Senate Bill No. 31 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 32:** By Senator Fletcher—An act to amend section 911 of the Probate Code, relating to attorneys' fees.

Senate Bill No. 32 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 33:** By Senator Fletcher—An act to add sections 231 and 232 to an act entitled "An act to define personal property, brokers and regulate their charges and business," approved April 16, 1909, as amended, relating to interest and charges.

Senate Bill No. 33 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 34:** By Senator Fletcher—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

Senate Bill No. 34 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 35:** By Senator Fletcher—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

Senate Bill No. 35 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 36:** By Senator Fletcher—An act to add section 60a to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act.

Senate Bill No. 36 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 37:** By Senator Fletcher—An act to add sections 2a and 22a to the "Inheritance Tax Act of 1905," relating to the values used in computing the inheritance tax, and the procedure for determining such values.

Senate Bill No. 37 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 38:** By Senator Fletcher—An act to amend sections 1 and 19 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, relating to penalties.

Senate Bill No. 38 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 39:** By Senator Garrison—An act to amend section 730 of the Agricultural Code, relating to dairy products.

Senate Bill No. 39 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 40:** By Senator Metzger—An act to add section 319 to the Agricultural Code, relating to the sale of meat.

Senate Bill No. 40 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 41:** By Senator Metzger—An act to amend sections 1, 2, and 3 of an act entitled "An act to provide certain standards of fair competition for the meat industry, prohibiting the making of misrepresentation in the sale of meat and prescribing penalties for violation of this act," approved July 5, 1935, relating to the sale of meat.

Senate Bill No. 41 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 42:** By Senator Williams—An act to amend section 330a of the Penal Code and to add a new section thereto to be numbered 330b, relating to gambling devices.

Senate Bill No. 42 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 43:** By Senator Williams—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

Senate Bill No. 43 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 44:** By Senator Tickle—An act creating a commission to be known as the California State Advertising and Publicity Commission, providing for the membership thereof, defining its powers and duties and making an appropriation therefor.

Senate Bill No. 44 read first time, and referred to Committee on Finance.

### ADJOURNMENT.

On motion of Senator Rich, at one o'clock and ten minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, January 8, 1937.

E. W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, January 8, 1937.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators—Crittenden, Cunningham, Fletcher, Garrison, Gordon, Holohan, Keating, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Pirovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Waggy, Westover, and Young—26.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, January 2, 1917, the further reading was dispensed with, on motion of Senator Slater.

### Leaves of Absence.

Senator Deuel was, on motion of Senator Knowland, granted leave of absence for this day.

Senator Schottky was, on motion of Senator Mixter, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Hollister was, on motion of Senator McWells, granted leave of absence for this day.

Senator Hays was, on motion of Senator Wells, granted leave of absence for this day.

Senator DeLap was, on motion of Senator Knowland, granted leave of absence for this day.

Senator Seawell was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Allen was, on motion of Senator Mixter, granted leave of absence for this day.

### Report of Special Committee.

The following report of special committee was presented and read:

#### Special Committee on Rules.

SENATE CHAMBER, SACRAMENTO, January 7, 1917.

MR. PRESIDENT: Your Special Committee on Rules to which was referred Assembly Concurrent Resolution No. 6—Relative to the setting up of a new and plan of permitting Gayon W. Craig an opportunity of being heard by his attorneys in a complaint requesting his removal from office as an Associate Justice of the District Court of Appeal, Second Appellate District, Division Two—has had the same under consideration, and respectfully reports the same, with recommendations, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote—Ayes—3.

RICH, Chairman.

### Consideration of Committee Amendments

Pursuant to the report of the Special Committee on Rules, the following amendments to Assembly Concurrent Resolution No. 6 were read and adopted:

#### Amendment No. 1.

In line 2, following the heading, strike out the word "fifth" and insert in lieu thereof "sixth".

#### Amendment No. 2.

On page 2, line 3 of the third paragraph, strike out the word "three" and insert in lieu thereof the word "five".

#### Amendment No. 3.

On page 2, line 3 of the fourth paragraph, strike out the word "House" and insert in lieu thereof the word "Assembly".

### Consideration of Assembly Concurrent Resolution No. 6 as Amended.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 6, as amended, without reference to print, for purpose of adoption.



**Assembly Concurrent Resolution No. 6 as Amended.**

Relative to the setting of a time and place of permitting Gavin W. Craig an opportunity of being heard in his defense of a complaint requesting his removal from office as an Associate Justice of the District Court of Appeal, Second Appellate District, Division Two.

WHEREAS, A complaint has been filed by the State Bar of California on the sixth day of January, 1937, with the Chief Clerk of the Assembly and the Secretary of the Senate, wherein facts are alleged showing that Gavin W. Craig is an Associate Justice of the District Court of Appeal of the State of California, the Second Appellate District, Division Two, and that said Gavin W. Craig is now incarcerated in the county jail of the county of Ventura for the purpose of serving a one year sentence imposed by the judgment of the District Court of the United States for the Southern District of California, Central Division, for a violation of section 88, Title 18, of the United States Code, to wit: Feloniously conspiring to corruptly influence, obstruct, impede, hinder, and embarrass the due administration of justice in a criminal proceeding pending in said court, and praying for his removal from judicial office by reason thereof; and

WHEREAS, Section 10 of Article VI of the Constitution of the State of California provides that a Justice of the District Court of Appeal may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house, when the cause for such removal has been entered on the Journal and the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense; now, therefore, be it

*Resolved*, That said complaint be entered on the Journals of the Assembly and the Senate; and be it further

*Resolved*, That the Assembly and Senate of the State of California shall meet in Joint Convention in the Assembly Chambers in the Capitol at Sacramento at the hour of ten o'clock, a.m., on the eighth day of March, 1937, for the purpose of permitting said Gavin W. Craig an opportunity of being heard in his defense to the complaint praying for his removal from judicial office; and be it further

*Resolved*, That a copy of this resolution, together with a copy of the complaint heretofore referred to, shall be served upon said Gavin W. Craig within five days after the adoption hereof, together with notice of the time and place of hearing said complaint; and be it further

*Resolved*, That a Joint Committee to consist of three members appointed by the President of Senate and three members appointed by the Speaker of the Assembly is hereby created which said committee is hereby empowered to determine upon and establish rules of procedure for the conduct of the hearing of the said complaint and the defense thereto; and be it further

*Resolved*, That upon the said hearing in Joint Convention either the President of the Senate or the Speaker of the Assembly may preside.

**Resolution read, as amended.**

The question being on the adoption of the resolution, as amended.

The roll was called, and Assembly Concurrent Resolution No. 6, as amended, adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Minter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

**Report of Special Committee—(Resumed).**

The following report of special committee was received:

**Special Committee on Rules.**

The committee also makes the following recommendations, to wit:

1. That the service of a copy of this resolution and a copy of the complaint filed with the Senate be served personally upon the said Gavin W. Craig by the Sergeant-at-Arms of the Senate; that said service be made within the time set forth in said resolution and as directed by the Constitution of the State of California.

2. That the President of the Senate, himself, or in conjunction with the Speaker of the Assembly, confer with the United States District Attorney or the Attorney

General of the United States for the purpose of securing the presence of the said Gavin W. Craig at the time set for the hearing of the complaint filed against him.

RICH, Chairman.

Report read, and on motion of Senator Rich, adopted.

### Introduction, First Reading and Reference of Bills

**Senate Bill No. 45:** By Senator Knowland—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Senate Bill No. 45 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 46:** By Senator Waggy—An act to amend sections 451 and 452 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain."

Senate Bill No. 46 read first time, and referred to Committee on Finance.

**Senate Bill No. 47:** By Senator Westover—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists.

Senate Bill No. 47 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 48:** By Senator Garrison—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and interment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to affidavits establishing of record the fact of birth.

Senate Bill No. 48 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 49:** By Senator Garrison—An act relating to deposits by cities, counties and municipal and public corporations of this State with building and loan associations.

Senate Bill No. 49 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 50:** By Senator Garrison—An act to amend section 5090 of, and to add section 5090.5 to, the Insurance Code, relating to membership in county mutual fire insurers.

Senate Bill No. 50 read first time, and referred to Committee on Insurance.

**Senate Bill No. 51:** By Senator Mixter—An act amending section 1 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to investigation of matters affecting the economic welfare of counties and their inhabitants.

Senate Bill No. 51 read first time, and referred to Committee on County Government.

**Senate Bill No. 52:** By Senator Fletcher—An act to amend sections 2.2030, 2.2032, 2.2102, 2.2134, 2.2140 and 5.501 of the School Code, relating to school districts, and to declare the urgency thereof, and to provide that this act shall take immediate effect.

Senate Bill No. 52 read first time, and referred to Committee on Education.

**Senate Bill No. 53:** By Senator Fletcher—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases, declaring the urgency hereof, and providing that it shall take effect immediately.

Senate Bill No. 53 read first time, and referred to Committee on Judiciary.

### Correction of the Journal.

Senator Rich moved to correct the Senate Journal of January 4th as follows:

On page 8 thereof, following the signature, "Frank C. Jordan, Secretary of State", insert the following:

#### Proposed Initiative Measure.

*The People of the State of California do enact as follows:*

The Fish and Game Code of the State of California is hereby amended by adding thereto a new section to be known as 1110 and to read as follows:

1110—No person shall use or operate or assist in using or operating in this State or the waters thereof, any boat or vessel used in connection with fishing operations irrespective of its home port or port of registration, which fishing boat or vessel delivers or by which there is delivered to any point or place other than within this State any fish, mollusks or crustaceans which are caught in, or taken aboard said boat or vessel from, the waters of the Pacific Ocean within this State or on the high seas or elsewhere, unless a permit authorizing the same shall have been issued by the Fish and Game Commission.

Where it appears to the commission that such permit will not tend to prevent, impede or obstruct the operation, enforcement or administration of this code or any provision thereof, and will not tend to result in fish, mollusks or crustaceans in the waters of this State being taken or used otherwise than is authorized by this code, the commission may issue revocable permits under such rules and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel outside of this State, provided that nothing herein shall authorize the transportation or carrying out of this State or any district thereof, of any fish, mollusks or crustaceans where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean, or result in waste thereof. Any person who uses or operates or assists in using or operating any boat or vessel in violation of the provisions of this section is guilty of a misdemeanor and such boat or vessel and the net, gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest for the viola-



tion of any of the provisions of this code, to seize and keep such boat, vessel, motor or other equipment and to report such seizure to the commission. The commission shall thereupon commence, in the superior court of the county or city and county in which or to which the seizure is made, proceedings for forfeiture of the seized property for its use in violation of this section, and such proceedings shall be had in the manner and according to the procedure provided by section 845 of this code for the forfeiture of nets.

Motion carried.

### Adjournment.

On motion of Senator Red, at ten o'clock and thirty minutes a.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Monday, January 11, 1937.

E. W. SCAMMON, Minute Clerk.

### IN SENATE

SENATE CHAMBER.

SAN FRANCISCO, Monday, January 11, 1937.

At ten o'clock a.m. pursuant to adjournment, the Senate was called to order.

Him George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Caltrider, Chas. Conrad, DeLay, Fletcher, Gorman, Gordon, Hays, Hochster, Holahan, Kallala, Knight, Kuykendall, Lee, McCall, McColl, McCormack, Morgan, Miller, Nelson, Olson, Peterson, Phillips, Plummer, Powers, Rich, Schorley, Sewell, Slater, Strong, Tamm, Wagon, Westcott, Williams and Young—36.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kierker.

### Reading of the Journal

During the reading of the Journal of Friday, January 8, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator Quinn was, on motion of Senator Biggar, granted leave of absence for this day.

Senator Deuel was, on motion of Senator Kuwianuk, granted leave of absence for this day.

### Communication.

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Rules.

COLUMBIA, TENNESSEE, January 7, 1937.

President of the Senate, State Capitol.

To facilitate arrangements, will you advise us whether it will be at earliest possible moment, please and convenient to your committee in charge, Third General Assembly Council of State Governments?

HENRY W. TOLL.



**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 11, 1937, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day 6 days per week</i>
Kathleen Marlahan, Stenographer-----	\$5 00
Majorie Samples, Stenographer-----	5 00
Frances Callicotte, Stenographer-----	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

**Communication.**

The following communication was received, read, ordered printed in the Journal, and referred to Committee on County Government.

COUNTY OF SACRAMENTO,  
SACRAMENTO, CALIFORNIA, January 6, 1937.

*Lieutenant Governor George Hatfield,  
State Capitol, Sacramento, California.*

DEAR LIEUTENANT GOVERNOR: In conformity with the adoption of the enclosed resolution by the 1935-1936 Sacramento County grand jury, we forward same to you. Respectfully,

CHAS. J. CHENU,  
Foreman, Sacramento County Grand Jury.  
PAUL TAYLOR, Secretary.

The grand jury of the county of Sacramento in regular meeting assembled this fifth day of January, 1937, do adopt the following resolution:

WHEREAS, The annual salary of each of the judges of the superior court in and for the county of Sacramento was fixed by the Legislature of the State of California at its forty-ninth session in 1931 at \$7500, and

WHEREAS, On account of the financial depression which prevailed throughout the State and Nation in 1933 said salary was reduced by said Legislature at its fiftieth session in said year to \$6750, and

WHEREAS, The financial and economic conditions of the State and Nation are now such as to justify the restoration of the salaries of the judges of the superior court of the county of Sacramento to what they formerly were in 1931; now, therefore, be it

*Resolved*, That the grand jury of the county of Sacramento recommend to the Legislature of the State of California that at its fifty-second session in 1937 that the annual salary of each of the judges of the superior court of the county of Sacramento be restored to \$7500; and be it further

*Resolved*, That a copy of this resolution be forwarded to the President of the Senate, the Speaker of the Assembly and to each of the legislative representatives of the county of Sacramento.

CHAS. J. CHENU,  
Foreman of the Grand Jury of the County of Sacramento.

Attest: PAUL TAYLOR,

Secretary of the Grand Jury of the County of Sacramento.

## Reports of Standing Committees.

The following reports of standing committees were received and read:

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 1—Relative to the sessions of the Legislative Council.

Senate Joint Resolution No. 1—Relative to transmitting the President of the United States to use his good offices to attempt to bring about an amicable adjustment of the maritime strike in the Pacific Coast.

And reports that the same have been correctly compiled and presented to you this morn on the seventh day of January, 1937, at two o'clock and forty five minutes past.

ROBERT G. ALDERMAN

Engrossment and Enrollment Clerk

### On Rules.

SENATE CHAMBER, SACRAMENTO, January 11, 1937.

MR. PRESIDENT: Your Committee on Rules, to which were referred Assembly Concurrent Resolution No. 7—Relative to granting leave of absence to the Honorable Jefferson E. Poyser, member of the Assembly of the fifty-second session of the Legislature of the State of California, has had the same under consideration and respectfully reports the same back, and recommends that it be adopted.

(Committee membership—4; committee vote—Aye 3.)

(Signed out)

RICH, Chairman  
KNOWLAND  
TICKLE

## Consideration of Assembly Concurrent Resolution No. 7.

Senator Rich asked for, and was granted unanimous consent for the consideration of Assembly Concurrent Resolution No. 7, without reference to print, for purpose of adjournment.

### Assembly Concurrent Resolution No. 7.

Relative to granting leave of absence to the Honorable Jefferson E. Poyser, member of the Assembly of the fifty-second session of the Legislature of the State of California.

*Resolved by the Assembly of the State of California, the Senate concurring.* That leave of absence from the State of California for a longer period than 60 days is hereby granted to the Honorable Jefferson E. Poyser, member of the Assembly, during the fifty-second session of the Legislature, for the period from January 17, 1937, to February 28, 1937, inclusive.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Baggett, Cottle, Cottle, Cunningham, DeLoach, Garrison, Gordon, Hays, Hollister, Hutton, Keene, Keenan, Lane, McBeck, McGill, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pioneish, Powers, Rich, Schottky, Seawell, Slater, Swang, Tickle, Wag, Westcott, Whittier and Young—34.

NOES—None.

Assembly Concurrent Resolution No. 7 ordered transmitted to the Assembly.

## Consideration of Senate Concurrent Resolution No. 2.

### Senate Concurrent Resolution No. 2.

Relative to Joint Rules of the Senate and Assembly

*Resolved by the Senate of the State of California, the Assembly concurring.* That the following be, and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fifty-second session of the Legislature.

**JOINT RULES OF THE SENATE AND ASSEMBLY.****Committees and Committee Meetings.***Standing Committees.*

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house:

1. Agriculture.
2. Banking.
3. Building and Loan Associations.
4. Commerce and Navigation.
5. Conservation.
6. Constitutional Amendments.
7. County Government.
8. Drainage, Swamp and Overflowed Lands.
9. Education.
10. Elections.
11. Federal Relations.
12. Finance in the Senate and Ways and Means in Assembly.
13. Fish and Game.
14. Hospitals and Asylums.
15. Insurance.
16. Irrigation.
17. Judiciary.
18. Labor and Capital.
19. Military Affairs.
20. Mines and Mining.
21. Municipal Corporations.
22. Oil Industries.
23. Prisons and Reformatories.
24. Public Utilities.
25. Public Health and Quarantine.
26. Revenue and Taxation.
27. Roads and Highways.
28. Rules.

*Joint Committees.*

2. The Rules Committee of each house shall be the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

**Bills and Resolutions.***Definition of Word Bill.*

3. Wherever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

*Joint Meeting of Committees.*

4. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairman of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

*Concurrent and Joint Resolutions.*

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

*Resolutions Treated as Bills.*

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be read but one time in each house and that they shall not be deemed bills within the meaning of section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

**PREPARATION AND INTRODUCTION OF BILLS.***Title of Bill.*

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

*Division of Bill into Sections.*

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendments of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

*Restrictions as to Amendments.*

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

*Changes in Existing Law to be Marked by Author.*

10. In case of a bill amending a code section or a general law, any modification shall be underlined and any matter to be omitted shall be enclosed in brackets. When printed the new matter shall be printed in italics, and the matter to be omitted shall be enclosed in brackets.

*Printing and Distribution of Bills—Manner of Printing Bills.*

11. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of each bill shall be printed in small condensed form so that the same type shall be used both before and after enactment.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and provisions shall be numbered by reference to title, page and line only, provided, however, that concurrent resolutions governing city or county charters or attachments thereto may be set in smaller type.

*Printing of Amendments.*

12. All bills amended by either house shall be reprinted. In the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the portion to be omitted shall be enclosed in brackets. When a bill is amended in either house, the first or previous markings shall be omitted. When a law amendatory of a prior statute or general law is engrossed, all figures or symbols shall be omitted.

In the case of an amendment to a resolution bill, which amendment initially sets up, for the first time, the wording of the bill, this rule shall not apply, but the use of italics and brackets shall be as in an original bill.

*Distribution of Legislative Publications.*

13. All requests for mailing or distributing of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each member of the Senate and Assembly shall be permitted to submit a list of the libraries, chambers of commerce or organizations. The Secretary of the Senate and the Chief Clerk of the Assembly shall under a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as heretofore provided, no complete list of bills shall be delivered except upon payment therefor of the sum of \$25, nor shall single copies of bills or other legislative publications be distributed free except to members of the Legislature, the representatives of the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective offices. The Legislative Counsel Bureau, Attorney General's office, Secretary of State's office, Commissioner's office, Governor's office and accredited members of the press. The State Printer shall fix the cost of such bills and publications, and such means as may be necessary by him, shall after deducting the cost of handling and mailing be remitted on the first day of each month, one-half going to the Secretary of the Senate and the Chief Clerk of the Assembly for costs of legislative printing. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2500.

*Other Legislative Printing.**Printing of The Daily Journal.*

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly indexed after being corrected and ordered by the Secretary of the Senate and the Chief Clerk of the Assembly, in book or book form as the Journal of the respective houses of the Legislature as required by law.

*What Shall Be Printed in the Journal.*

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house and the titles of all bills, joint and concurrent resolutions and constitutional amend-



ments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; provided, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the Journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

*Printing of the Daily File.*

16. A daily file of bills ready for consideration shall be printed each legislative day for each house.

*Printing of History.*

17. Each house shall cause to be printed on Monday of each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

*Authority for Printing Orders.*

18. The Superintendent of State Printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

**Record of Bills.**

*Secretary and Chief Clerk to Keep Register.*

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill.

*Secretary and Chief Clerk Shall Indorse Bills.*

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

**Action in One House on Bill Transmitted from the Other.**

*After a Bill Has Been Passed by the Senate or Assembly.*

21. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be referred to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule.

*Messages to Be in Writing Under Proper Signatures.*

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

**Passage and Enrolling of Bills.**

*Passage of Urgency Provisions in Bills.*

23. Upon the third reading of a bill which is an urgency measure within the meaning of section 1, Article IV of the State Constitution, the presiding officer shall direct that the section of said bill setting forth the facts constituting the necessity

for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be then stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such third vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an urgency clause be again introduced into such house, such bill shall be placed on the without order of the next session.

#### *Passage of Bills Preceding Final Adjournment.*

24. No Senate bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within seven days of the third day of the adjournment sine die of the two houses of the Legislature in the prevention of action of adjourning to adjourn, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

#### *Enrollment of Bill After Passage.*

25. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared by the engrossing and comparing clerk and committee of the house in which it originated, with the original bill as passed by the two houses. It shall then receive the signatures provided for in Joint Rule No. 26, and be presented to the Governor of the State.

#### *Enrolling Committee to Present Bills to Governor.*

26. After a bill shall have been thus passed by each house, it shall be presented by the engrossing and comparing committee of the house in which it originated to the Governor of the State for his approval not being first discussed by the presiding officers of the two houses, and by the Secretary of the Senate and the Chief Clerk of the Assembly. The said committee shall report the date of presentation to the Governor, which time shall be entered in the Journal of the house in which the bill originated.

### **Amendments and Conferences.**

#### *Amendments to Amended Bills Must Be Attached.*

27. Whenever a bill or resolution, which shall have been passed by one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution as amended and referred "reprinted" and such amendment or amendments, if introduced in the house in which said bill or resolution originated, shall be treated "concurrent" and such amendment shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be, provided, however, that an amendment to the text of a bill introduced after the passage of such bill shall not necessitate reprinting, but such amendment must be introduced in the house in which such bill originated.

#### *To Concur or Refuse to Concur in Amendments.*

28. In case the Senate shall not pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

#### *When Senate or Assembly Refuse to Concur.*

29. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or the Chief Clerk shall notify the house making the amendments of such refusal, and such refusal may recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three or more conferees and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members composing such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other members from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Free Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Free Conference shall report to both the Senate and Assembly.

#### *Report of Committee on Free Conference.*

30. The report of the Committee on Free Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be

discharged and other conferees appointed, provided, however, that no more than three different free conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill.

*When Conference Committee Report Is in Order.*

31. The presentation of the report of a Committee on Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

*Authority When Rules Do Not Govern.*

32. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

**Miscellaneous Provisions.**

*Press Rules.*

33. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the President of the Senate or Speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents, together with a letter from the publisher or the editor of the paper so to be represented, and that he is not engaged and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the State Government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the President of the Senate and the Speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the Press Room. The Press Room shall be under the control of the Superintendent of the Capitol Building and Grounds; provided, that all rules and regulations shall be approved by the President of the Senate and the Speaker of the Assembly.

*Adjournment.*

34. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least seven days before the date of such intended adjournment.

*Dispensing With Joint Rules.*

35. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 24 can be dispensed with only in the manner provided for in said Joint Rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Free Conference Committee. The presiding officers of each house shall appoint committees in like manner and with like power of Free Conference Committees.

**Resolution read.**

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.



**Introduction, First Reading and Reference of Bills**

**Senate Joint Resolution No. 2:** By Senators Williams, Nielson and Biggar—Relative to memorializing the President and the Congress of the United States to save from destruction and restore to Yosemite National Park certain unique and valuable forest land.

Senate Joint Resolution No. 2 ordered to print, and held at the desk.

**Senate Bill No. 54:** By Senator Fletcher—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith.

Senate Bill No. 54 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 55:** By Senator Fletcher—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency thereof, and providing that it shall take effect immediately.

Senate Bill No. 55 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 56:** By Senator Fletcher—An act to amend section 7 of the Penal Code, relating to definitions.

Senate Bill No. 56 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 57:** By Senator Hallister—An act to add sections 845 3, 845 5, and 845 6 to the Fish and Game Code, relating to the use of nets.

Senate Bill No. 57 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 58:** By Senator Young—An act to amend section 4 of an act entitled "An act creating the office of chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement.

Senate Bill No. 58 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 59:** By Senator Young—An act to amend sections 1c and 5 of, and to add sections 15, 16, and 25 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

Senate Bill No. 59 read first time, and referred to Committee on Public Health and Quarantine.



**Senate Bill No. 60:** By Senator Young—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Senate Bill No. 60 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 61:** By Senator Young—An act to amend section 647 of the Penal Code, relating to vagrants.

Senate Bill No. 61 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 62:** By Senator Young—An act to amend sections 1, 1e, and 5 of, and to add sections 1e and 9.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

Senate Bill No. 62 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 63:** By Senator Biggar—An act to amend section 1177 and to repeal section 1201 of the Fish and Game Code, relating to mountain quail.

Senate Bill No. 63 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 64:** By Senators Biggar and McColl—An act to amend sections 1 and 3 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature.

Senate Bill No. 64 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 65:** By Senator Biggar—An act to add section 605 to the Streets and Highways Code, relating to secondary State highways.

Senate Bill No. 65 read first time, and referred to Committee on Roads and Highways.

**Senate Constitutional Amendment No. 1:** By Senator Hollister—Proposed amendment to Article XX, section 22, of the Constitution, relative to the legal rate of interest.

Senate Constitutional Amendment No. 1 read, and referred to Committee on Constitutional Amendments.

### Adjournment.

At ten o'clock and fifty-two minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, January 12, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, January 12, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Chittenden, Chittenden, Delage, Deane, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Keating, Kopp, Kunkland, Law, McCall, McCormack, McGovern, Metzger, Mixer, Nissen, Parkman, Phillips, Pionovich, Powers, Quinn, Roth, Schettler, Seawell, Slater, Swing, Thiele, Warr, Westover, Williams, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Monday, January 11, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. G. Duntley of Exeter, member of State Board of Forestry.

### Message from the Governor.

The following message from the Governor was received, read, and referred to Committee on Rules:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, JANUARY 8, 1937.

*To the Honorable Members of the Senate of the  
State of California, Sacramento, California.*

GENTLEMEN: I have the honor to acknowledge, with my appreciation and consent, John Gaylord Church, of San Diego, as a member of the Board of Pilot Commissioners of the Harbor of San Diego.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JANUARY 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 6—An act to amend section 92 of the AGRICULTURAL CODE, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately, and reports that the same has been correctly engrossed.

ROBERT G. ALDERMAN,  
Clerk of the Senate and Printing Clerk.

### Consideration of Senate Bill No. 6.

#### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 6:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, JANUARY 11, 1937.

*To the Honorable Members of the Senate,  
Sacramento, California.*

Senate Bill No. 6—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

In my opinion said Senate Bill No. 6 constitutes an urgency bill within the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the budget bill.

I therefore recommend consideration of Senate Bill No. 6 as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 6—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

There has been made available out of the "Fair and Exposition Fund" an apportionment of money to the several agricultural fairs of this State. Under present law this money may not be paid until a subsequent fair is conducted. In order to provide proper facilities and make necessary arrangements for fairs to be conducted in 1937 it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 6 ordered transmitted to the Assembly.

#### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amount and the Treasurer is hereby directed to pay the same:

Per day  
6 days per week

John Lea, Assistant Sergeant-at-Arms, beginning January 12, 1937—\$5 00  
Emma Doebler, Stenographer, beginning January 11, 1937—5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Bigger, Carrington, Cunningham, Deane, Donald Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Keating, Knight, Leland, Law, McColl, McGowan, Metzger, Miller, Nelson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Sewell, Slater, Strong, Tuck, Wade, Wagoner, and Young. 35.

**NOES.** None.

### Resolution.

The following resolution was offered:

By Senator Tuck:

*Resolved*, That the following named persons be stricken from the list of the Senate Attaches, and their names be stricken from the last roll of the Senate, to take effect on completion of the work of January 9, 1937.

Virginia Onn, Stenographer.....

Phil. Del.

\$7.50

Florence I. Mason, Assistant Secretary of the Senate..... 5.00

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Bigger, Carrington, Cunningham, Deane, Donald Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Knight, Leland, Law, McColl, McGowan, Metzger, Miller, Nelson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Sewell, Slater, Strong, Tuck, Wade, Wagoner, and Young. 35.

**NOES.** None.

### Resolution.

The following resolution was offered:

By Senator Tuck:

**WHEREAS**, On the eighteenth day of November, 1906, the Assistant of the President called to his fold Senator Thomas Flint of Hollister, San Benito County, California, and

**WHEREAS**, Senator Thomas Flint served with distinction the people of our State as a member of the California State Senate for 30 years (1888-1904) serving as President pro tempore of the Senate for eight consecutive years; that he earned the love and affection of his colleagues; and

**WHEREAS**, His memory is dear to all the members of the State Senate, therefore be it

*Resolved*, That the California State Senate adjourn this twelfth day of January, 1937, in respect to his memory and his office.

*Resolved*, That a copy of this resolution be sent to the Hon. Minister of the body and a copy signed by the President and Secretary of the Senate be forwarded to his family.

Resolution read.

### Remarks.

The following remarks, offered by Senator Tuck, were ordered printed in the Journal:

*Mr. President and Gentlemen of the Senate:*

In speaking to the resolution, I wish to say these few words. If not my privilege to know Senator Tom Flint personally, and I will recall the kindly advice and counsel to me when I first sought public office. Knowing his sterling character and the great esteem in which he was held by all the people of San Benito County and the State of California and in all walks of life, I was his genuine credit of inestimable value to me. I shall never forget his kindly words and his great understanding of the complex problems of society. His 28 years of life was filled with the experiences of humanity, moment and action, making him stand above everything, honest and courageous, a man of great personal worth, his influence spread throughout the State, for he placed his services to his State, place and beyond any personal ambition. Of course, his heritage goes back a long way and a great understanding. The son of Doctor Thomas Flint is counted with a member of the State Senate from 1876 to 1880. He was kindly representative of that heritage. Senator Tom Flint's public life is known to most of us. He was a member of this body for 16 years serving continuously from 1888 to 1904, eight years of which he was President pro tempore of the Senate.



Mr. President and gentlemen of the Senate, the State has lost a beloved character but there will remain with us an inspiration and a memory that will endure throughout the years. In closing may I quote the words of "Pope" who said:

"Statesman, yet friend of truth!  
Of soul sincere, in action faithful, and in honor clear:  
Who broke no promise, served no private end,  
Who gained no title, and who lost no friend;  
Ennobled by himself, by all approved,  
Praised, wept, and honored."

Mr. President, I move the adoption of the Resolution.

The question being on the adoption of the resolution.

The resolution was adopted by a standing vote of the Senate.

### Resolution.

The following resolution was offered:

By Senator Gordon:

WHEREAS, During the years 1924 and 1929 serious outbreaks of foot and mouth disease occurred in California; and

WHEREAS, The outbreak of 1929 was traced to meat brought to the United States from Argentina; and

WHEREAS, Such foot and mouth disease outbreaks have caused serious injury to both industry and agriculture in California; and

WHEREAS, The Argentine Sanitary Convention, now pending before the Senate Foreign Relations Committee, is designed to alter the provisions of section 306-a of the Smoot-Hawley Tariff Act (effective June 17, 1930), so that, instead of forbidding importation of meat products from any country where rinderpest or foot and mouth disease exists, it would permit zoning of the Argentine and admission of such products from zones declared to be free from those plagues; and

WHEREAS, The Proposed Sanitary Convention would encourage efforts to bring animals from affected areas via free zones; and

WHEREAS, The fact that so many of the outbreaks of foot and mouth disease in the United States have been traced to violation of laws of the Bureau of Animal Industry, governing the importation of meats from infected countries is sufficient reason for the tightening up of restrictions on importations, rather than lessening such restrictions; now, therefore, be it

*Resolved*, That the California Senate is opposed to any change or modification in the present tariff laws relating to quarantine of live stock and meats and to any plan whereby countries such as Argentina will be zoned to permit shipment of live stock or meat to the United States; and be it further

*Resolved*, That the Secretary of the Senate be, and he is hereby instructed to forward copies of this resolution to the President of the United States, United States Senators Johnson and McAdoo, to all California Congressmen, to Secretary of State Cordell Hull and to Secretary of Agriculture Henry A. Wallace.

Resolution read, and on motion of Senator Gordon, adopted.

### Resolution.

The following resolution was offered:

By Senator Young:

WHEREAS, The Third General Assembly of the Council of State Governments will be held at the Mayflower Hotel, Washington, D. C., Thursday, Friday, Saturday, and Sunday, January 21-24, 1937, to deliberate upon important interstate problems requiring cooperative action by the States with each other, and with the Federal Government, and

WHEREAS, To such Third General Assembly will report the following Interstate Commissions and National Associations:

- Interstate Commission on Conflicting Taxation
- Interstate Commission on Crime
- Tax Revision Council
- Interstate Commission on Social Security
- Interstate Commission on the Delaware River Basin
- Interstate Commission on Council Development
- Interstate Commission on Conservation
- American Legislators' Association
- National Association of Attorneys General
- National Association of Secretaries of State, and

WHEREAS, The aforesaid affiliates of the Council of State Governments are ready to present tangible recommendations, some in the form of model legislation, based on their studies during the interim since the Assembly of 1935; and

WHEREAS, The Third General Assembly offers an opportunity through special meetings for the consideration by the delegates of other matters pending executive action; and

WHEREAS, It is believed that substantial results would result from this State representation at the Third General Assembly and that such Assembly offers a means of surmounting obvious difficulties arising in governmental conference due to the absence of facilities for conference between governmental units; and

WHEREAS, The Senate of this State is invited to send a delegate to the Assembly now, therefore, be it

*Resolved*, That the Senate of the State of California do send a delegate and instructs the President of the Senate to transmit a delegate to the Third General Assembly of the Council of State Governments, which convenes in Washington, D. C., on January 21, 1937. Such delegate shall be sent on leave without pay subject to this body the definite recommendations of the Third General Assembly.

Resolution read, and on motion of Senator Young, referred to Committee on Rules.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1937.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly, on this day adopted Assembly Joint Resolution No. 2, wherein recommending the Reconstruction Finance Corporation to reduce the rate of interest upon bonds issued by the California Toll Bridge Authority.

JAMES G. SMITH, Chief Clerk of Assembly.  
B. C. W. BAKER, Assistant Clerk.

### Consideration of Assembly Joint Resolution No. 2.

Senator McGovern asked lay, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 2 without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 2.

Relative to memorializing the Reconstruction Finance Corporation to reduce the rate of interest upon bonds issued by the California Toll Bridge Authority.

WHEREAS, The California Toll Bridge Authority has in order to secure money with which to build the Oakland San Francisco Bay Bridge issued bonds to the Reconstruction Finance Corporation; and

WHEREAS, The interest rate upon the bonds so issued was fixed at a time when the rate of interest upon public bonds was considerably lower than it now is; and

WHEREAS, The successful operation of the bridge will be stimulated by a reduction in the toll rates upon passenger vehicles; and

WHEREAS, The major expenditures connected with the construction of the bridge are the expenditures for interest and bond redemption, respectively; and

WHEREAS, A reduction in the rate of interest on the bonds which would reduce the California Toll Bridge Authority to reduce the rate of tolls upon passenger vehicles to 40 cents would greatly stimulate traffic upon the bridge and would be a great boon to the communities served by the San Francisco-Oakland Bay Bridge; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California*, That the Legislature of the State of California hereby respectfully memorializes and petitions the Reconstruction Finance Corporation to reduce the rate of interest upon bonds of the California Toll Bridge Authority issued for the construction of the San Francisco-Oakland Bay Bridge so that the rate of tolls upon passenger automobiles may be reduced to 40 cents; and be it further

*Resolved*, That a copy of this joint resolution be transmitted to the Reconstruction Finance Corporation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Allen, Biggers, Christensen, Cunningham, De Long, Dene, Fletcher, Garrison, Gordon, Hays, Hollister, Holliman, Keating, Keough, Kneeland, Lusk,

McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Assembly Joint Resolution No. 2 ordered transmitted to the Assembly.

### **Withdrawal from Committee of Senate Concurrent Resolution No. 4.**

Senator Fletcher moved that Senate Concurrent Resolution No. 4 be withdrawn from Committee on Public Morals for purpose of amendment.

Motion carried.

Senate Concurrent Resolution No. 4—Relative to the appointment of a commission to foster better race relations and the designation of a Better Race Relations Day.

#### **Amendment from the Floor.**

During the reading of Senate Concurrent Resolution No. 4, the following amendment, offered by Senator Fletcher, was read and adopted:

#### **Amendment No. 1.**

On page 2, line 16, of the printed resolution, strike out the period, and insert in lieu thereof the following: "or any expense to the State."

#### **Consideration of Senate Concurrent Resolution No. 4, as Amended.**

Senator Fletcher asked for, and was granted unanimous consent for the consideration of Senate Concurrent Resolution No. 4, as amended, without reference to print for purpose of adoption.

#### **Senate Concurrent Resolution No. 4 as Amended.**

Relative to the appointment of a commission to foster better race relations and the designation of a Better Race Relations Day.

WHEREAS, The people of the State of California are composed of practically all of the great racial groups of the human family; and

WHEREAS, The great State of California, comprising the major portion of the Pacific Coast area of the United States of America, is in the strategic position of being practically the greatest point of contact between the civilization of the Atlantic, and the new and fast growing civilization of the Pacific; and

WHEREAS, The entire question of law and order in the State of California, and the preservation and improvement of property, social, cultural and human values rests upon a happy, free, cooperative, mutually respectful and sympathetic attitude on the part of the various racial groups to be found in the State of California, which attitude, if it is to resist the age-old assaults of racial prejudices, fear and intolerance, must be founded upon truth and facts built into the personal lives and experiences of the individual citizens; and

WHEREAS, Experience has taught us that mere statutory enactments, decrees of court or military enforcements can not by themselves force unwilling hearts to abandon their inherited instincts of racial fears, prejudices and aversions; and

WHEREAS, If the people of the State of California are to achieve their great destiny of carrying the torch of civilization to new and greater heights, all racial misunderstandings and conflicts must give way to tolerance and mutual endeavor for the universal attainment of all that is best, noblest and beautiful in human affairs; and

WHEREAS, For more than 12 years last past the citizens of San Diego County and vicinity, through what is known as the "San Diego Race Relations Society" have demonstrated the practicability and the extremely beneficial results of a program to foster better race relations in a community; now, therefore, be it

*Resolved by the Senate, the Assembly concurring.* That it is recommended that the Governor appoint a commission of not more than fifteen residents of the State of California, which number shall include as far as practicable, representatives of different racial groups, to act as a permanent committee to foster better race relations, greater racial tolerance, more mutual respect, and more sympathetic cooperation between all racial groups to be found in the State of California. The members of this commission herein authorized to be appointed shall serve without compensation or any expense to the State. The commission shall render an annual written report of its activities to the Governor of this State not later than December 30th of each year; and be it further



*Resolved*, That it is recommended that the Governor establish by proclamation each year, a certain day of that year upon which the citizens of the State of California shall be requested to turn their thoughts and activities as public as well as private gatherings and in their daily activities, toward the cultivation of better relations between all those greater racial tolerances, more mutual respect and more sympathetic cooperation between all racial groups to be found in the State of California.

Official copy of this concurrent resolution be sent by the Governor of the State of California to the President of the United States, the United States Senate and United States House of Representatives.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittender, Cunningham, De Lap, Dorel, Fletcher, Garrison, Gordon, Hoffman, Keene, Knowlton, McCosack, McQuinn, Morgan, Mixer, Nielsen, Parsons, Phillips, Pictorial, Powers, Quinn, Rich, Schuyler, Sewall, Slater, Swing, Wagy, Westover, and Williams. 30.

**NOTES**—Senators Hays and McCall. 2.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills.

**Senate Bill No. 66:** By Senator Hays—An act authorizing the State of California through its proper officers, departments or agencies to issue duplicate bonds, coupons, warrants or other securities or public evidence of the State of California, when the originals have been lost or destroyed, providing for the State to take security against loss or damage that may be incurred on account of the loss and the issuance of the duplicates.

Senate Bill No. 66 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 67:** By Senator DeLap—An act to amend section 752 of the Political Code, relating to fees collected by the clerk of the Supreme Court.

Senate Bill No. 67 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 68:** By Senator DeLap—An act to add a new section to the Code of Civil Procedure, to be numbered 297, relating to the separate trial of any one or more of the issues joined.

Senate Bill No. 68 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 69:** By Senator Fletcher—An act making an appropriation to reimburse the San Diego Harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to Chapter 217, Statutes of 1931.

Senate Bill No. 69 read first time, and referred to Committee on Finance.

**Senate Bill No. 70:** By Senator Fletcher—An act to add section 591 to the Vehicle Code, relating to illegal stopping, standing or parking of motor vehicles.

Senate Bill No. 70 read first time, and referred to Committee on Motor Vehicles.



**Senate Bill No. 71:** By Senator Fletcher—An act to amend section 1160 of the Political Code, relating to opening and closing of the polls.

Senate Bill No. 71 read first time, and referred to Committee on Elections.

**Senate Bill No. 72:** By Senator Fletcher—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the Bay of San Diego.

Senate Bill No. 72 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 73:** By Senator Fletcher—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Senate Bill No. 73 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 74:** By Senator Westover—An act to amend section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Senate Bill No. 74 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 75:** By Senator Westover—An act to amend section 4131 of the Political Code, relating to recording instruments by county recorder.

Senate Bill No. 75 read first time, and referred to Committee on County Government.

**Senate Bill No. 76:** By Senator Seawell—An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad adequately to man their gas, gas-electric, diesel, or diesel-electric cars and locomotives.

Senate Bill No. 76 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 77:** By Senator Seawell—An act to add a new section to the Penal Code, to be numbered 368b, relating to the safe manning of railroad engines.

Senate Bill No. 77 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 78:** By Senators Seawell and Powers—An act to add section 606 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 78 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 79:** By Senator Metzger—An act to amend section 621.5 of the Fish and Game Code, relating to fish.

Senate Bill No. 79 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 80:** By Senator Nielsen—An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department

of Natural Resources, Division of Parks, over and appertaining to the State Burial Grounds to the Department of Finance of the State of California, and to repeal certain acts specified therein.

Senate Bill No. 80 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 81:** By Senator Nielsen—An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons.

Senate Bill No. 81 read first time, and referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 2:** By Senator DeLap—Proposed amendment to Article VI of section 23 of the Constitution, relative to eligibility of justices and judges.

Senate Constitutional Amendment No. 2 read, and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 3:** By Senator Seawell—Relative to hours of employment of persons on interstate carriers.

Senate Joint Resolution No. 3 read and referred to Committee on Labor and Capital.

**Senate Bill No. 82:** By Senators Garrison, Crittenden and Schottky—An act to add a new section to the Streets and Highways Code, to be numbered 607, relating to State highways.

Senate Bill No. 82 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 83:** By Senator Slater—An act to amend section 4102 of the School Code, relating to an appropriation for vocational rehabilitation.

Senate Bill No. 83 read first time, and referred to Committee on Education.

**Senate Bill No. 84:** By Senator Holehan—An act to add Chapter 9 to Division V of the Agricultural Code, relating to nursery stock.

Senate Bill No. 84 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 85:** By Senator Phillips—An act to repeal section 22140 of the School Code and to amend sections 22143 and 22145 thereof, all relating to the supervision of instruction in unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Senate Bill No. 85 read first time, and referred to Committee on Education.

**Senate Bill No. 86:** By Senator McColl—An act to amend sections 1, 2, 3, 5, 6, 11, 12 and 17 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this

act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

Senate Bill No. 86 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 87:** By Senators Gordon and Slater—An act to add section 615.2 to the Fish and Game Code, relating to trout.

Senate Bill No. 87 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 88:** By Senator Nielsen—An act to create and establish in the city of Sacramento a college of vocational and technical training to be known as the California College of Vocational Arts; providing for its government, curricula and control, and authorizing the use of the buildings, grounds and facilities of the Sacramento Junior College District by said vocational college upon such terms and conditions as may be agreed upon.

Senate Bill No. 88 read first time, and referred to Committee on Universities and State Colleges.

### Adjournment.

On motion of Senator Rich, at twelve o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Senator Thomas Flint of Hollister, San Benito County, California, until eleven o'clock a.m., Wednesday, January 13, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, January 13, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, January 12, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

### Privilege of Floor of Senate Extended

On request of Senator Sizing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. David Wayne Richards of San Bernardino.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas J. Riordan of San Francisco, Commander of the California Department of the American Legion.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Clyde C. Kennedy of Los Gatos.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a matter of course, Assembly Bill No. 331. As yet nothing in appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that there has been taken other business.

JAMES G. SMYTH, Clerk of Assembly.

By C. W. Bishop, Assistant Clerk.

Assembly Bill No. 331 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Senate's amendments to Assembly Concurrent Resolution No. 6. Relative to the setting of a time and place of presiding therein. It being an opportunity of being heard in his defense of a complaint requesting his removal from office as an Associate Justice of the District Court of Alameda County, District Division Two.

JAMES G. SMYTH, Clerk of Assembly.

By C. W. Bishop, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 9. Relative to the death of the son of Senator William Gibbs McAdoo.

JAMES G. SMYTH, Clerk of Assembly.

By C. W. Bishop, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 9.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 9, without reference to committee for purpose of adoption.

### Assembly Concurrent Resolution No. 9.

Relative to the death of the son of Senator William Gibbs McAdoo.

WHEREAS, The members of the Assembly and the Senate of the State of California have learned with profound sorrow of the passing of the son of William Gibbs McAdoo, Democratic Senator from California; and

WHEREAS, We know that the death of this devoted son has brought sorrow to Senator McAdoo and the immediate members of his family; and



WHEREAS, It is God's wisdom that he be taken from this earth, and be given his just reward in the Life Beyond for the many kind deeds he has rendered to humanity during his lifetime; and

WHEREAS, His loss will not only be a loss to the immediate members of his family but a loss to those who knew him while he was living; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That when the Legislature adjourns this day, it do so out of respect to the memory of the late Robert N. McAdoo, son of William Gibbs McAdoo; and be it further

*Resolved,* That the Chief Clerk be and is hereby instructed to have prepared a suitable memorial resolution properly engrossed and mailed to the family of the deceased.

Resolution read.

The question being on the adoption of the resolution.

Assembly Concurrent Resolution No. 9 was adopted by a standing vote of the Senate.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Assembly.

### Report of Special Committee.

The following report of special committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, January 13, 1937.

MR. PRESIDENT: Your Special Committee on Rules, to which was referred the following resolution by Senator Young:

WHEREAS, The Third General Assembly of the Council of State Governments will be held at the Mayflower Hotel, Washington, D. C., Thursday, Friday, Saturday, and Sunday, January 21-24, 1937, to deliberate upon important interstate problems requiring cooperative action by the States with each other, and with the Federal Government, and

WHEREAS, To such Third General Assembly will report the following Interstate Commissions and National Associations:

- Interstate Commission on Conflicting Taxation
- Interstate Commission on Crime
- Tax Revision Council
- Interstate Commission on Social Security
- Interstate Commission on the Delaware River Basin
- Interstate Commission on Council Development
- Interstate Commission on Conservation
- American Legislators' Association
- National Association of Attorneys General
- National Association of Secretaries of State, and

WHEREAS, The aforesaid affiliates of the Council of State Governments are ready to present tangible recommendations, some in the form of model legislative measures, based on their studies during the interim since the Assembly of 1935, and

WHEREAS, The Third General Assembly offers an opportunity through section meetings for the consideration by the delegates of other matters requiring cooperative action, and

WHEREAS, It is believed that substantial benefits would result from this State's representation at the Third General Assembly, and that such Assembly offers a means of surmounting obvious difficulties arising in governmental activities due to the absence of facilities for conference between governmental units, and

WHEREAS, The Senate of this State is invited to send a delegate to this Assembly; now, therefore, be it

*Resolved,* That the Senate of the State of California hereby authorizes and instructs the President of the Senate to appoint a delegate to the Third General Assembly of the Council of State Governments, which convenes in Washington, D. C., on January 21, 1937. Such delegate shall be and is hereby instructed to report to this body the definite recommendations of the Third General Assembly.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

(Signed out.)

RICH, Chairman.  
TICKLE.  
KNOWLAND.

### Consideration of Resolution.

WHEREAS, The Third General Assembly of the Council of State Governments will be held at the Mayflower Hotel, Washington, D. C., Thursday, Friday, Saturday, and Sunday, January 24, 1937, to discuss very important interstate problems requiring cooperative action by the States with each other, and with the Federal Government; and

WHEREAS, The said Third General Assembly will report the following Interstate Commissions and National Associations:

Interstate Commission on Charitable Traction  
Interstate Commission on Crime  
Tax Revision Council  
Interstate Commission on Social Security  
Interstate Commission on the Delaware River Basin  
Interstate Commission on Cotton Development  
Interstate Commission on Commerce  
American Legislators' Association  
National Association of Attorneys General  
National Association of Secretaries of State, and

WHEREAS, The aforesaid officials of the Council of State Governments are ready to present tangible recommendations in the form of model legislative measures, based on their studies during the interim since the Assembly of 1935, and

WHEREAS, The Third General Assembly offers an opportunity through session meetings for the consideration of the delegation of other matters requiring cooperative action, and

WHEREAS, It is believed that substantial benefits would result from this State's representation at the Third General Assembly, and that such Assembly offers a means of surmounting obvious difficulties arising in governmental activities due to the absence of facilities for conference between governmental units; and

WHEREAS, The Senate of this State is invited to send a delegate to this Assembly; now, therefore, be it

*Resolved*, That the Senate of the State of California hereby authorizes and instructs the President of the Senate to appoint a delegate to the Third General Assembly of the Council of State Governments, which convenes in Washington, D. C., on January 24, 1937. Such delegate shall be and is hereby instructed to report to this body the definite recommendations of the Third General Assembly.

Resolution read, and on motion of Senator Young, adopted.

### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senator Young.

### Resolution.

The following resolution was offered

By Senator Tickle

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning January 13, 1937, and the Controller be hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Per day  
6 days per week

Charles Jackson, Assistant Sergeant at Arms

\$5.00

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Buzar, Crittenden, Cunningham, DeLag, Dowd, Fletcher, Gordon, Hays, Hollister, Houston, Jesperson, Keating, Keene, Knowland, Low, McColl, McCormack, McGovern, Motter, Myler, Olson, Payson, Phillips, Pirovich, Powers, Quinn, Rich, Schetty, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

### Report of Special Committee—(Resumed).

The following report of special committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, January 13, 1937.

MR. PRESIDENT: Your Special Committee on Rules, to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, January 8, 1937.

*To the Honorable Members of the Senate of the  
State of California, Sacramento, California.*

GENTLEMEN: I have the honor of appointing, subject to your confirmation and consent, John Gaylord Church, of San Diego, as a member of the Board of Pilot Commissioners of the Harbor of San Diego.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

Committee membership 3; committee vote: Ayes 3.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of John Gaylord Church of San Diego as a member of the Board of Pilot Commissioners of the Harbor of San Diego.

The President put the question, "Will the Senate confirm and consent to the appointment of John G. Church?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John Gaylord Church as a member of the Board of Pilot Commissioners of the Harbor of San Diego.

### Withdrawal from Committee of Assembly Joint Resolution No. 3.

Senator McGovern moved that Assembly Joint Resolution No. 3 be withdrawn from Committee on Federal Relations for purpose of adoption.

#### Assembly Joint Resolution No. 3.

Relative to memorializing Congress to make provision for widows of retired Federal Civil Service employees.

WHEREAS, There are many widows of retired Federal Civil Service employees living in the State of California, some of whom are now obliged to live in State and county institutions for the poor, and many retired Federal Civil Service employees receiving annuities are now living in California who have little or no savings and who will leave dependent widows surviving them; and

WHEREAS, The Civil Service retirement and disability fund is made up of contributions of employees to the amount of 3½ per cent of the annual salary received by each employee in addition to an annual appropriation by Congress, and said sums are placed on deposit and bear interest and the present balance in the fund exceeds \$300,000,000; and

WHEREAS, It is estimated that there are about 5,000 widows of retired Federal Civil Service employees living in the United States and an annuity of \$50 a month to each could readily be met as an obligation of the Civil Service retirement and disability fund, in that such widows do not outlive their husbands for an average period of more than two and a half to five years; and

WHEREAS Under existing law on the death of a retired Federal Civil Service employee any credit toward annuities in his account is returned to his estate, and such sum may be transferred to support the widow and that he had no dependent in the widow, with the result that later payment for the support of widow's needs, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, Senate.* That the Congress be and is recommended to amend legislation in similar manner for widows of retired Federal Civil Service employees (including former living widows of such retired employees) who were granted an annuity retired Federal employee for a period of at least ten years prior to the death of such employee, by the rate of \$50 a month, under the provisions of the Civil Service Retirement Act disability fund, to continue until the death or remarriage of the widow, with priority if granted to be in place of payment to the widow of the said annuity, if any, of the deceased employee, as his estate may be entitled to receive.

*Resolved.* That the Chief Clerk of the Assembly be and is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives and to the Senators and Representatives from this State.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 4 adopted by the following vote:

Aye—Senators Allen, Brown, Cuthbert, Cummings, Fisher, Dean, Frazier, Garrison, Gordon, Hahn, Hatcher, Hastings, Johnson, Keene, Kopp, Kunkel, Law, McCall, McFarland, Mortenson, Morgan, Myers, Olson, Peterson, Patterson, Powers, Quinn, Schmitz, Simon, Spry, Tamm, Wagon, and Winterrowd, 33.  
Nays—None.

Assembly Joint Resolution No. 5 ordered transmitted to the Assembly.

## Introduction, First Reading and Reference of Bills

**Senate Concurrent Resolution No. 5.** By Senator Rich. Relative to the adjournment of the Legislature for the Constitutional year, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Senate Concurrent Resolution No. 3 ordered to print and laid at the desk.

**Senate Bill No. 89:** By Senator Law—An act to add section 607 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 89 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 90:** By Senators Gordon, Quinn and Egan—An act to amend section 18406 of the Fish and Game Code, relating to bears.

Senate Bill No. 90 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 91:** By Senator Garrison—An act to amend section 6750 of the School Code, relating to the use of school buildings.

Senate Bill No. 91 read first time, and referred to Committee on Education.

**Senate Bill No. 92:** By Senator Garrison—An act to amend section 627 of the Penal Code, relating to larceny.

Senate Bill No. 92 read first time, and referred to Committee on Irrigation.



**Senate Bill No. 93:** By Senator Young—An act to amend section 733.5 of the Fish and Game Code, relating to yellowtail.

Senate Bill No. 93 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 94:** By Senator Young—An act to amend section 733 of the Fish and Game Code, relating to albacore.

Senate Bill No. 94 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 95:** By Senator Young—An act to amend section 715 of the Fish and Game Code, relating to white sea bass.

Senate Bill No. 95 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 96:** By Senator Young—An act to amend section 737 of the Fish and Game Code, relating to skipjack.

Senate Bill No. 96 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 97:** By Senator Young—An act to add section 737.5 to the Fish and Game Code, relating to bonito.

Senate Bill No. 97 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 98:** By Senator Young—An act to add section 1.4 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances.

Senate Bill No. 98 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 99:** By Senator McColl—An act to add section 1.915 to the School Code, relating to school buses.

Senate Bill No. 99 read first time, and referred to Committee on Education.

**Senate Bill No. 100:** By Senator Young—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles 2 and 4 of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article 3 of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Senate Bill No. 100 read first time, ordered to print, and held at desk.

**Senate Bill No. 101:** By Senator Cunningham—An act to amend sections 2.411, 2.418 and 2.419 of the School Code, relating to disincorporation of high school districts.

Senate Bill No. 101 read first time, and referred to Committee on Education.

**Senate Bill No. 102:** By Senator Nielsen.—An act to amend section 737h of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Sacramento.

Senate Bill No. 102 read first time, and referred to Committee on County Government.

### Adjournment.

At eleven o'clock and thirty-five minutes a. m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned out of respect to the memory of the late Robert N. McAdams, son of Senator William Gibbs McAdoo, until eleven o'clock a. m., Thursday, January 14, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO Thursday, January 14, 1937.

At eleven o'clock a. m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Baggot, Carlsberg, Connelley, DeLap, Donk, Fletcher, Gordon, Gordon, Hays, Hollister, Hendon, Johnson, Keating, Knowland, Lane, McBrink, McGill, McCannick, McConomy, McCreary, Meritt, Miller, Parkman, Phillips, Pienkowski, Powers, Quinn, Rial, Safford, Seawell, Slater, Strong, Thayer, Wagy, Williams, and Young. 37.

Quorum present

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Rindner.

### Reading of the Journal.

During the reading of the Journal of Wednesday, January 13, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. F. Lusk, Mr. R. F. Taylor, Margene Taylor and Betty Quigley, all of Downieville, California.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Lindley Sale of Red Bluff, California.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 10—Relative to memorializing the Congress of the United States to designate Armistice Day as a holiday.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 10 read, and referred to Committee on Military Affairs.

### Appointment of Special Committee.

The President announced, in accordance with Assembly Concurrent Resolution No. 6, the appointment of Senators Rich, Hays, and Olson.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA,

} ss.

COUNTY OF SACRAMENTO.

JOSEPH F. NOLAN, being first duly sworn, deposes and says:

That he is the Sergeant-at-Arms of the Senate of the State of California; that on the thirteenth (13th) day of January, 1937, he served personally on Gavin W. Craig at the city of Ventura, county of Ventura, State of California, a true and correct copy of Assembly Concurrent Resolution Number Six (6) as adopted by the Legislature of the State of California, fifty-second session, on January 11, 1937, as enrolled, together with a true and correct copy of a complaint against Gavin W. Craig filed with the Senate of the State of California by the State Bar of California on January 6, 1937, together with a notice of hearing of said complaint, a copy of which notice of hearing is attached hereto, together with copies of Senate Daily Journal for January 6th, 7th and 8th, 1937, by delivering the aforesaid documents to said Gavin W. Craig personally.

JOSEPH F. NOLAN,

Sergeant-at-Arms of the Senate of the State of California.

Subscribed and sworn to before me, this fourteenth day of January, 1937.

F. G. GRIEBNOW, JR.,

Notary Public in and for the County of Sacramento, State of California.

[SEAL]

Before the Legislature of the State of California.

Fifty-second Session.

In the matter of the proceedings for the removal of GAVIN W. CRAIG as an Associate Justice of the District Court of Appeal of the State of California, under and pursuant to the provisions of section 10, Article VI of the Constitution of the State of California.

### Notice of Hearing of Complaint.

*The Senate of the Legislature of the State of California at its Fifty-second Regular Session Sends Greetings To: GAVIN W. CRAIG.*

You are hereby notified, That a complaint was filed with the Senate of the Legislature of the State of California at its fifty-second regular session by the State Bar of California, a public corporation, on the sixth day of January, 1937, wherein it is prayed that you be removed from the office of Associate Justice of the District Court of Appeal of the State of California, pursuant to the provisions of section 10 of Article VI of the Constitution of the State of California.

You are further notified, That in pursuance to the provisions of said section 10 of Article VI of the Constitution of the State of California, the Assembly and the Senate of the Legislature of the State of California duly and regularly adopted a concurrent resolution, being Assembly Concurrent Resolution No. 6, setting and fixing ten o'clock, a.m. on Monday, the eighth day of March, 1937, at the Assembly Chamber in the State Capitol at Sacramento, California, as the time and place for the hearing of said complaint and your defense thereto in pursuance to the provisions of the said section 10 of Article VI of the Constitution of the State of California, and

*You are further notified* That said committee and said before-mentioned will be heard at Sacramento, California, in the Assembly Chamber at the State Capitol at Sacramento, California on the said eighth day of March, 1937, at the hour of one o'clock, noon of said day at which time and place you will be afforded the opportunity of being heard in your own defense in answer to the charges contained in said complaint.

*You are further notified* That herewith are served a copy of the complaint filed by the State Bar, a copy of the Assembly Concurrent Resolution No. 6 and Senate Daily Journals for January 6, 7 and 8, 1937.

Given under our hands this seventh day of January, 1937.

GEORGE J. HATFIELD

President of the Senate of the Legislature of the State of California.  
Fifty-second Session.

J. A. DEER

Secretary of the Senate of the Legislature of the State of California.  
Fifty-second Session.

### Appointment of Standing Committees

The President announced that he had appointed the Senate standing committees, as follows:

#### MEMBERS OF SENATE COMMITTEES—1937.

##### Appointed By Lieutenant Governor George J. Hatfield.

*Agriculture* (19)—Cottrell (Chairman), Ford, Gorman, Ingerson, Laff, McBride, McCormack, Mixer, and Packer.

*Education and Juvenile Affairs* (11)—Cunningham (Chairman), Russell, and Wright.

*Banking* (5)—Dunn (Chairman), Cunningham, McCormack, Quinn and Westover.

*Building and Construction* (11)—Munger (Chairman), Gordon and Phillips.

*Building and Loan* (5)—McBride (Chairman), Cunningham, Gordon, Russell, and Knowland.

*Civil Service* (13)—Young (Chairman), Ingerson, and Nelson.

*Commerce and Association* (11)—Nelson (Chairman), Fletcher, and Russell.

*Constitutions* (13)—Packer (Chairman), Mixer, and Wright.

*Constitutional Amendments* (11)—Kearney (Chairman), Ingerson, and Holston.

*Contingent Expenses* (11)—Rich (Chairman), Ford, and McCormack.

*Corporations and Financial Institutions* (11)—Holston (Chairman), Phillips, and Metzger.

*County Government* (5)—Gordon (Chairman), Dunn, Gorman, Swing, and Westover.

*Deceased, Sundry and Orphaned Estate* (11)—Garrison (Chairman), Cunningham, Laff, and Holston.

*Education* (19)—Tuck (Chairman), Biggar, Dunn, Gorman, Hays, Ingerson, Knowland, Phillips, and Slater.

*Electricity* (13)—Allen (Chairman), Pershing, and Rapp.

*Entertainment, Expenditure and Printing* (11)—Kearney (Chairman), Kearney, and Metzger.

*Federal Relations* (13)—Phillips (Chairman), Cunningham, and Holston.

*Finance* (19)—Swing (Chairman), Fletcher, Hays, Knowland, McGowan, Rich, Schottky, Slater, and Wagy.

*Fish and Game* (19)—McCall (Chairman), Gordon, Russell, Kearney, Mixer, Quinn, Slater, Swing, and Young.

*Governmental Expenses* (11)—Seawell (Chairman), Allen, McCall, McCormack, Pierovich, Powers, and Rich.

*Hospitals and Asylums* (11)—Schottky (Chairman), Biggar, and Cunningham.

*Insurance* (11)—Williams (Chairman), Dunn, Dunn, Ingerson, Pershing, Seawell, and Swing.

*Irrigation* (11)—Mixer (Chairman), Cunningham, Cunningham, Garrison, Laff, Phillips, and Schottky.

*Judiciary* (19)—Hays (Chairman), Allen, Cunningham, McCormack, Gorman, Pershing, Rich, Schottky, and Swing.

*Labor and Capital* (11)—Olson (Chairman), Holston, Nelson, Powers, and Young.

*Live Stock and Poultry* (19)—Powers (Chairman), Biggar, Garrison, Holston, Metzger, Pierovich, Quinn, Wagy, and Young.

*Military Affairs* (13)—Quinn (Chairman), Fletcher, and Nelson.

*Mines and Mining* (11)—Pierovich (Chairman), Seawell, and Williams.

*Motor Vehicles* (19)—Slater (Chairman), Biggar, Fletcher, Law, Pierovich, Powers, Rich, Seawell, and Swing.

*Municipal Corporations* (11)—McGowan (Chairman), Garrison, Hays, Nelson, and Olson.



*Oil Industries* (7)—Wagy (Chairman), Allen, DeLap, McBride, Olson, Parkman, and Westover.

*Prisons and Reformatories* (3)—Holohan (Chairman), Allen, and Wagy.

*Public Health and Quarantine* (5)—DeLap (Chairman), McBride, McGovern, Parkman, and Williams.

*Public Morals* (40)—Fletcher (Chairman), Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young.

*Public Utilities* (7)—Parkman (Chairman), Jespersen, McBride, Mixer, Tickle, Williams, and Young.

*Revenue and Taxation* (9)—Knowland (Chairman), Allen, Garrison, McColl, McCormack, Powers, Rich, Tickle, and Williams.

*Revision of Criminal Law and Procedure* (5)—Law (Chairman), DeLap, Keating, Quinn, and Westover.

*Roads and Highways* (5)—McCormack (Chairman), Holohan, McColl, Parkman, Pierovich, Schottky, Seawell, Slater, and Tickle.

*Rules* (5)—Rich (Chairman), Knowland, McColl, Slater, and Tickle.

*Social Security* (3)—Westover (Chairman), Keough, and McGovern.

*Universities and State Colleges* (5)—Jespersen (Chairman), Deuel, Hollister, Knowland, and Quinn.

### Remarks.

The following remarks, offered by Senator McColl, were ordered printed in the *Journal*:

Last Thursday evening, at a meeting called by the State Master of the Grange to discuss the proposed revenue bond bills, (or so it was reported in the *Sacramento Bee* and in many other newspapers throughout the State) some remarks were made by a member of this body, which were untrue, and which have reflected upon my honor, upon my sincerity, and which have done untold damage to my reputation. These remarks have also reflected on my community, the city of Redding in Shasta County, which I have the honor to represent in this body.

In order to leave no doubt in the minds of my colleagues and in order to remove the unwarranted suspicion in the public mind which has been engendered by these remarks, I find it necessary to rise on the floor of this Senate to lay the full facts before you.

I read from last Friday's *Sacramento Bee* some statements written by a reporter of that paper, whose reputation for correct and honest reporting has heretofore been unquestioned:

"State Senator D. Jack Metzger of Tehama County last night attacked Earl Lee Kelly, State Director of Public Works, and Senator John B. McColl of Shasta County as obstructionists of the Central Valley Project.

Speaking before a meeting in the Hotel Sacramento, the Red Bluff legislator said that Kelly and Senator McColl are for Kennett Dam and not the Central Valley Project.

"Now that the Federal Reclamation Bureau engineers seem to favor the construction of dams at Baird and Table Mountain," said Metzger, "they have turned obstructionists and put stumbling blocks in the way of the project."

Continuing his attacks, Metzger stated:

"Kelly and McColl are from Redding. If it were not for the politicians in Redding who insist upon the dam being at Kennett, the project would be a lot further along than it is now."

He was more interested in the site than in the project."

Mr. Earl Lee Kelly, my fellow townsman, happens to be in an ex officio capacity Chairman of the State Water Authority, and while I should like to defend him, on account of the rules of the Senate concerning personal privilege, I am unable to do so. Therefore, I shall discuss the charges as they concern me.

Heretofore my relations with the Senator from Red Bluff have been of the friendliest nature and I had no idea that he was harboring within him the thoughts which he expressed at the revenue bond meeting.

If this were merely a question of a controversy between the Senator from Red Bluff and myself, I should be inclined to let the matter drop, but a great public interest is involved. Hundreds of thousands of people throughout this State are interested in the Central Valley Project. Many of these people are seeking the reason for the delay—unwarranted delay, as many believe—in starting construction. And without one scintilla of evidence, Senator Metzger charges us with being responsible. He stated that our insistence on Kennett has delayed the project. The Senator's statements have tended to arouse suspicion, which, as I learn from every side, is directed toward myself, my community and the Chairman of the Water Authority. Therefore, to protect my honor and reputation, I am forced to reply.

I have discussed the matter with Senator Metzger and he denied making the statements. He has also denied any intention to reflect on my integrity in connec-

tion with my activities in behalf of the project. Six days have elapsed but he has made no public denial or retraction; consequently, I have no alternative but to lay the facts before you, my fellow Senators. Had a denial or retraction been made, I would have dismissed the matter, despite the fact that I have been publicly and publicly maligned.

It has been suggested to me that the Senator was playing politics, and that his remarks were made for some consideration. If that be so, that surely certainly over-shot their mark and the resulting wide publicity given this case was a great damage. It has also been suggested that the Senator has been influenced by interests unfriendly to the Central Valley Project for the purpose of offering up a diversionary among its supporters, which, of course, is just what the major companies would welcome. I am not prepared to say that the Senator is playing politics with the voters of his home district or that he is influenced by the criticism that is for the public and for his constituents to determine. I am here, however, to publicly aver that there is not the slightest degree of truth in his statements charging me and charging my community with endeavoring to further our own interests at the expense of the State of California by influencing the Bureau of Reclamation to build a dam at Kennett as against any other site.

It is a man's inalienable right to have the interest of his home community at heart, and to work for that community. Naturally, I am hopeful that the engineers will decide on Kennett which, incidentally, has been examined by every agency which has made a completed investigation of the various sites during the past decade. But that isn't the point. Senator Metcalf charged me, along with others, with the responsibility of delaying the project because I wanted Kennett and he said I was placing stumbling blocks in the way of the whole project because of this selfish interest. This, on its face, and in view of my record during the past four years, is absurd. The problem of all Californians actually working to promote this project was to get it authorized by Congress, financial and started. None of us has either the San Joaquin Valley, or the Delta or in the Sacramento Valley has succeeded in futile quibbling over dam sites when the great common sense of getting it under way was the problem before us.

In the first place, this is a Federal and not a State project and neither Mr. Kelly, although he be Chairman of the State Water Association, nor Senator Metcalf nor myself will finally determine where the dam or dams will be built. The engineers of the Bureau of Reclamation, who are not concerned or influenced by the aspirations of various small communities, will finally determine the location. And they will do it in the interest of the State and of the Nation.

The Bureau engineers, along with State and Federal officials, are still making an investigation of various proposed sites in the upper Sacramento and Feather rivers, but, as yet, no reports or preliminary have been made as to what are all sites are finally be chosen, and no one knows. Speaking for myself, I have never had a conversation with anyone in authority concerning the location of Kennett, Table Mountain, or any other site, nor, up to the time of the Senator's charges, had I written a letter on the subject. When the Senator charged me, and when he charges the politicians of my community with delaying the project, he is making statements which are unfounded. Further, there has never been a congressional resolution, letter or telegram from any community group or any community concerning any subject which, by the widest stretch of the imagination, could be construed as retarding the project.

I challenge the Senator from Red Bluff to show where and through how many placed in the way of the project by myself or by my community which, I can honestly say, has contributed no such serious and well-known effort to get the whole project going as any in the State. As to myself, the Senator Avows that I have spent the greater part of my money and time during the past four years working wholeheartedly for the consummation of this water project.

Senator Metcalf, in the past, has been a friend and supporter of this project, but in this instance he made statements about matters concerning which he had no personal knowledge. I can verify truth his attending a meeting of the State Water Authority, which is charged in the law with fostering the project; he has never had a conversation with Mr. Edward Hunt, the State Engineer, regarding the real reasons delaying construction; he has never attended, during the past four years, a meeting at the Central Valley Project Association and he has never discussed the matter with the engineers in charge of the Bureau of Reclamation. In other words, the Senator made statements against me and against Mr. Kelly (whom I am not under any such pretense as defend), which were damaging and untrue and has to date made no denial or correction.

Therefore, I have taken the only course open to me and have brought the matter to the floor of this body so that the gentlemen with whom I am thus associated may know the true situation. Though there is no need to assert to you, particularly the older members, my sincerity of interest and my integrity of purpose. I reiterate, I am for the Central Valley Project as a whole—I have always been for it, and I believe my record speaks for itself.

**Resolution.**

The following resolution was offered:

By Senator Gordon:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$150 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mester, Nielson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Williams, and Young—35.

NOES—None.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, January 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 1, relative to the appointment of a commission to foster better race relations and the designation of a Better Race Relations Day and reports that the same has been correctly engrossed.

ROBERT G. ALDERMAN,  
Engrossment and Enrollment Clerk.

**Report of Special Committee.**

The following report of special committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: Your Special Committee on Rules, to which was referred Assembly Bill No. 331—An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.

Assembly Bill No. 331 read second time, and ordered on file for third reading.

**Resolution.**

The following resolution was offered:

By Senator Deuel:

*Resolved by the Senate of the State of California*, That the sum of \$1619, or as much thereof as may be necessary, be and the same is hereby appropriated out of the contingent fund of the Senate to Frank N. Killam, Chief of the Bureau of Buildings and Grounds, to be expended by him for the completion of the furnishings in the reception rooms of the Senate and offices of the Senators in the State Capitol, Sacramento, California; and be it further

*Resolved*, That the Controller is hereby directed to draw a warrant on the contingent fund of the Senate in favor of Frank N. Killam in the sum of \$1619, or as much thereof as may be necessary, to carry out the provisions of this resolution.

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Fletcher, Gordon, Hays, Hollister, Hudson, Jaspersen, Keating, Knowland, Lam, McBride, McColl, McCormack, McGowan, Molloy, Mylon, Nelson, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Strong, Todd, Wade, Williams, and Young—37.

**NOES**—None.

### Resolution.

The following resolution was offered

By Senator Fletcher:

**WHEREAS**, Prior to the fifty-second session of the Legislature of the State of California members of the Senate have worked at a great disadvantage and the enactment of laws and constructive legislation has been seriously impeded by virtue of the fact that the members were not provided with means by which to do their work; and

**WHEREAS**, Since the last session of the Legislature a committee of the Senate consisting of Senators Charles H. Donald, Roy Nelson and F. H. Todd, have devised a system whereby the members have been provided with means by which to do their work where they are free from the constant interruptions and annoyances which have been suffered in the past; and

**WHEREAS**, The Senators have rendered so busy and generous of their time and have been subjected to great inconvenience in following their committee work therefore, be it

*Resolved by the Senate of the State of California*, That the members of this committee be commended for their painstaking efforts and consideration work and that the thanks of the Senate be extended therefor.

Resolution read, and on motion of Senator Fletcher, adopted.

### Resolution.

The following resolution was offered

By Senator Rich.

*Resolved*, That the Committee be and he is hereby directed to grant his personal in favor of Joseph F. Nelson, Sergeant at Arms of the Senate, by the sum of \$20.00 the same being to reimburse the Sergeant at Arms for amounts from such other expenses in serving notice and carrying out same during W. C. Clegg.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Hudson, Jaspersen, Keating, Knowland, Lam, McBride, McCormack, McGowan, Molloy, Nelson, Nelson, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Slater, Strong, Todd, Wade, Williams, and Young—36.

**NOES**—None.

### Resolution.

The following resolution was offered

By Senators Williams, Bigger, Crittenden, DeLap, Donald, Gordon, Jaspersen, Knowland, McBride, Mixter, Nelson, Parkman, Phillips, and Seawell:

**WHEREAS**, Many Senators as Chief members of the Assembly of the California Legislature have been intimately associated with the duties of Arthur A. Ohnimus, Chief Clerk, and Fred J. Desch, Assistant Chief Clerk; and

**WHEREAS**, Arthur A. Ohnimus and Fred J. Desch through many legislative sessions have, with ability and untiring courtesy to all members, conducted their respective offices efficiently and competently; and therefore, be it

*Resolved*, That the Senate of the State of California highly and earnestly commend Arthur A. Ohnimus and Fred J. Desch for the very efficient service rendered the Legislature; and be it further

*Resolved*, That a copy of this resolution be suitably engrossed and presented to Arthur A. Ohnimus and Fred J. Desch.

Resolution read, and on motion of Senator Williams, adopted.



### Resignation of Senator Young.

Senator Young arose, and announced his resignation from his appointment as delegate to the Third General Assembly of the Council of State Governments, made pursuant to the provisions of the Senate resolution as printed in the Senate Journal of January 13, 1937, pages 3 and 4, and recommended the appointment of Senator McColl as such delegate.

### Reappointment of Special Committee.

The President announced, in accordance with the resignation and recommendation of Senator Young, the appointment of Senator McColl as such delegate.

### Consideration of Senate Concurrent Resolution No. 5.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 5, without reference to committee, for purpose of adoption.

#### Senate Concurrent Resolution No. 5.

Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

WHEREAS, Section 2 of Article IV of the Constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the fifty-second session of the Legislature of the State of California shall adjourn for said recess at three o'clock p.m., on January 22, 1937, and shall reassemble at twelve o'clock, noon, on March 1, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Meizger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 5 ordered transmitted to the Assembly.

### Withdrawal from Committee of Senate Concurrent Resolution No. 3.

Senator Nielsen moved that Senate Concurrent Resolution No. 3 be withdrawn from Committee on Commerce and Navigation for purpose of amendment.

Senate Concurrent Resolution No. 3—Directing an investigation and report upon acquisition of the toll bridge across Carquinez Straits.

#### Amendment from the Floor.

During the reading of Senate Concurrent Resolution No. 3, the following amendment, offered by Senator Nielsen, was read and adopted:

#### Amendment No. 1.

On page 2 of the printed resolution, between lines 3 and 4 insert:

*Resolved.* That as a part of the report hereinafter referred to, the California Toll Bridge Authority shall prepare and submit to the Legislature:

(a) Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20 year period together with interest thereon computed at 3 per cent, and with interest computed at 3½ per cent.

(b) Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls from the first of January, 1937, to the expiration of the franchise on said bridge.

(c) Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the possibility and feasibility of paying such maintenance, operation and toll collection costs from the gas tax fund.

(d) A report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge, and be it further:

Senate Concurrent Resolution No. 3 ordered to reprint, and re-referred to Committee on Commerce and Navigation.

### Introduction, First Reading, and Reference of Bills

**Senate Bill No. 103** By Senators Rich and Seong.—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other dispositions of oil, gas and other hydrocarbons from such lands by the State, and making an appropriation therefor.

Senate Bill No. 103 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 104** By Senator Tieble.—An act to add a new section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Senate Bill No. 104 read first time and referred to Committee on Education.

**Senate Bill No. 105** By Senator DeLap.—An act to amend Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II relating to junior traffic patrols.

Senate Bill No. 105 read first time and referred to Committee on Education.

**Senate Bill No. 106** By Senator Powers.—An act to amend sections \_\_\_\_\_ of the Streets and Highways Code, relating to county highways, the acquisition of rights of way therefor and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 106 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 107** By Senator Powers.—An act to amend sections \_\_\_\_\_ of the Streets and Highways Code, relating to county highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 107 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 108** By Senator Powers.—An act to amend sections \_\_\_\_\_ of the Streets and Highways Code, relating to State high-

ways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 108 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 109:** By Senator Powers—An act to amend sections -----, of the Streets and Highways Code, relating to State highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 109 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 110:** By Senator Fletcher—An act to amend section 4029 of the Political Code, relating to supervisory districts.

Senate Bill No. 110 read first time, and referred to Committee on County Government.

**Senate Bill No. 111:** By Senator Fletcher—An act to add section 3627d to the Political Code, relating to value of works of art.

Senate Bill No. 111 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 112:** By Senator Hollister—An act to adopt the California Redwood as the official State tree of this State.

Senate Bill No. 112 read first time, and referred to Committee on Conservation.

**Senate Bill No. 113:** By Senator Seawell—An act to amend sections -----, of the Streets and Highways Code, relating to State highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 113 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 114:** By Senator Seawell—An act to amend sections -----, of the Streets and Highways Code, relating to State highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 114 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 115:** By Senator Seawell—An act to amend sections -----, of the Streets and Highways Code, relating to State highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 115 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 116:** By Senator Nielsen—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State moneys.

Senate Bill No. 116 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 117.** By Senator Seitz.—An act to amend sections 411, 412, and 413 of the Code of Civil Procedure relating to service of summons.

Senate Bill No. 117 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 118.** By Senator Parkhurst.—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to revise Chapter 40, Statutes of 1935.

Senate Bill No. 118 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 119.** By Senator Garrison.—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 22, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for penalties of contributions and expenditures made for the purpose of influencing electors for or against any proposition raised upon throughout the State and providing penalties for violation of the provisions thereof," approved May 31, 1921.

Senate Bill No. 119 read first time, and referred to Committee on Elections.

**Senate Bill No. 120.** By Senator Garrison.—An act relating to the electrification of fences.

Senate Bill No. 120 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 121.** By Senator Williams.—An act to amend section 100 of, and to add section 122 to the Insurance Code, and to add Chapter 14 to Part 2 of Division 2 of said code, providing for the regulation of insurance against the need for medical and hospital services, defining such services, providing standard provisions for such insurance, maintenance of reserves for the protection of insureds under such insurance providing for the licensing of persons entering into such contracts and rendering such services and providing penalties for the violation thereof.

Senate Bill No. 121 read first time, and referred to Committee on Insurance.

**Senate Bill No. 122.** By Senator Phillips.—An act to amend sections 171 and 181 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately.

Senate Bill No. 122 read first time, and referred to Committee on Education.



**Senate Bill No. 123:** By Senator Phillips—An act to amend section 3650 of the Political Code, relating to assessment books.

Senate Bill No. 123 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 124:** By Senator Phillips—An act to add section 1208 to the Penal Code, relating to motions made subsequent to judgment.

Senate Bill No. 124 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 125:** By Senator Phillips—An act to amend the title and section 55 of the Alcoholic Beverage Control Act, relating to the advertising of alcoholic beverages.

Senate Bill No. 125 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 126:** By Senator Pierovich—An act to amend sections ----- of the Streets and Highways Code, relating to county highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 126 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 127:** By Senator Pierovich—An act to amend sections ----- of the Streets and Highways Code, relating to county highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 127 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 128:** By Senator Pierovich—An act to amend sections ----- of the Streets and Highways Code, relating to State highways, the acquisition of rights of way therefor, and the construction, improvement, maintenance, administration and control thereof.

Senate Bill No. 128 read first time, and referred to Committee on Roads and Highways.

#### **Recess.**

At eleven o'clock and fifty-five minutes a.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock and twenty minutes p.m. of this day.

#### **Reconvened.**

At two o'clock and twenty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## Communications.

The following communications were received and ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT,  
STATE LIBRARY AND COURTS BUILDING, SACRAMENTO, JANUARY 14, 1937.

Hon. George J. Hatfield,

Lieutenant Governor, State Capitol, Sacramento, California.

MY DEAR LIEUTENANT GOVERNOR: I have your letter asking the opinion of this office "as to the legal sufficiency of the initiative petition regarding fishing control presented to the Senate Monday, January 4, 1937."

The initiative measure which is the subject of your inquiry comes to the Legislature with no title other than that prepared by the Attorney General in accordance with the mandate of the constitutional amendment of 1932. That was an amendment of section 1 of Article IV of the Constitution, and reads as follows:

"Prior to circulation of any initiative or referendum petition for signatures thereof, a draft of the said petition shall be submitted to the Attorney General with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure, said title and summary not to exceed 100 words in all. The persons presenting such request to the Attorney General shall be known as 'proponents of said proposed measure'."

Nowhere is it suggested that the initiative or referendum measure, upon submitted to the Attorney General shall have a title prepared by its proponents.

When the present measure reached the Attorney General's Office, it had without title, and the title which it now bears was prepared in accordance with the constitutional amendment above quoted. Section 24 of Article IV of the Constitution of 1879 as originally adopted provided that:

"Every act shall embrace but one subject, which subject shall be expressed in its title."

That section then did not apply to initiative measures, for such methods of legislation did not find constitutional warrant until 1911 and there was no express provision in Constitution or statute requiring that initiative measures have a title until the adoption of section 1197a of the Political Code in 1915. That section provided that prior to the circulation for signatures of an initiative petition, the same should be submitted to the Attorney General, who should prepare a title and summary of the chief purposes and points of said proposed measure.

Long after the adoption of section 1197a, Political Code, first prior to the adoption of the constitutional amendment, the Supreme Court of this State decided the case of *Wallace vs. Zornes*, 200 Cal. 585, and that decision gave some support for the contention that the title prepared by the Attorney General pursuant to the provisions of section 1197a of the Political Code is not the title contemplated by the Constitution, and I would hesitate to express the view that that case is not now controlling were it not for the constitutional amendment of 1932.

I am rather inclined to regard such constitutional amendment as having been adopted in order to establish a law on this subject differing from that held in said case.

Eliminating further consideration of the *Zornes* case and the Political Code section, we have the Constitution through its amendment of 1932 providing that prior to the circulation of an initiative petition, the Attorney General shall "prepare a title, and summary of the chief purpose and points of said proposed measure," etc., and limiting the number of words in which such title and summary may be expressed. The next paragraph of section 1, Article IV of the Constitution, as it read at the time of its adoption in 1911 and as it yet reads, provides that an initiative or referendum petition may be presented in sections,

"but each section shall contain a full and correct copy of the title and text of the proposed measure".

The question finally for determination is whether the word "title" as used in the quotation last made requires a title other than that title which since the amendment of 1932 the Attorney General is required to prepare.

Finding the requirement that the Attorney General prepare a title in section 1 of Article IV immediately followed by the requirement of the same section that a "full and correct copy of the title, etc., shall be set forth, I am inclined to hold that the title that shall be so set forth is the title prepared by the Attorney General pursuant to the mandate of the constitutional amendment of 1932. The initiative petition which you have submitted has such title and in my view no other or different title is required.

In all other respects the measure appears to conform to all legal requirements.

Very truly yours,

U. S. WEBB, Attorney General.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, January 13, 1937.

*To the President and Members of the Senate of California.*

This is in response to a resolution adopted by your honorable body on January 6, 1937, requesting "an opinion on the initiative petition" presented to the Secretary of State of California prior to the commencement of the present regular session of the Legislature, proposing a purported law of which the following is a complete copy:

*"The People of the State of California do enact as follows:*

The Fish and Game Code of the State of California is hereby amended by adding thereto a new section to be known as 1110 and to read as follows:

1110. No person shall use or operate or assist in using or operating in this State or the waters thereof, any boat or vessel used in connection with fishing operations irrespective of its home port or port of registration, which fishing boat or vessel delivers or by which there is delivered to any point or place other than within this State any fish, mollusks or crustaceans which are caught in, or taken aboard said boat or vessel from, the waters of the Pacific Ocean within this State or on the high seas or elsewhere, unless a permit authorizing the same shall have been issued by the Fish and Game Commission.

Where it appears to the commission that such permit will not tend to prevent, impede or obstruct the operation, enforcement or administration of this code or any provision thereof, and will not tend to result in fish, mollusks or crustaceans in the waters of this State being taken or used otherwise than is authorized by this code, the commission may issue revocable permits under such rules and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel outside of this State, provided that nothing herein shall authorize the transportation or carrying out of this State or any district thereof, of any fish, mollusks or crustaceans where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean, or result in waste thereof. Any person who uses or operates or assists in using or operating any boat or vessel in violation of the provisions of this section is guilty of a misdemeanor and such boat or vessel and the net, gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest for the violation of any of the provisions of this code, to seize and keep such boat, vessel, net, gear or other equipment and to report such seizure to the commission. The commission shall thereupon commence, in the superior court of the county or city and county in which or nearest to which the seizure is made, proceedings for forfeiture of the seized property for its use in violation of this section, and such proceeding shall be had in the manner and according to the procedure provided by section 845 of this code for the forfeiture of nets."

We assume that the inquiry arises out of the fact that the "law proposed" by said petition starts out with an enacting clause, and without a title (hereinafter designated "legislative title") such as the title required of a legislative bill by the provisions of section 24 of Article IV of the Constitution of California.

In our opinion, the absence of such legislative title from this proposed law renders the entire proposal nugatory.

We arrive at this conclusion by a careful and thorough analysis of the applicable provisions of our Constitution and statutes, and of pertinent judicial decisions of this and other States.

The third paragraph of Article IV, section 1 of the Constitution as adopted in 1911 reads as follows:

"Upon the presentation to the Secretary of State, at any time not less than 10 days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to 5 per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within 40 days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said 40 days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a ye and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in 12 point black-face type the following: 'Initiative measure to be presented to the Legislature.'"



The above passage from the Constitution stands today without any alteration of any kind.

In the ninth paragraph of the same article and section, introduced in 1911 and now a part of the Constitution, we find this language:

"Any initiative or referendum petition may be presented in person, but each section shall contain a full and correct copy of the title and text of the proposed measure."

The above designated section concluded in the following words:

"This section is self-explanatory, but legislation may be enacted by Parliament, its operation, but in no way limiting or restricting either the provisions of this section or the powers hereby reserved."

Pursuant to the powers so granted, the Legislature in 1913 amended section 1197 of the Political Code, (relating to initiative petitions) so as to provide for amendment of the putting initiative measures on the ballot and initiative measure asked thereon. And the Attorney General advised upon request therein a ballot title shall contain this:

"The ballot title may be designated from the legislature in every title of the measure and shall express in not exceeding 100 words, the purpose of the measure."

The statute goes on to explain the purpose of this ballot title given:

"In making such ballot title the Attorney General shall give a full and impartial statement of the purpose of the measure and to every language upon the ballot title shall not be an argument or likely to create prejudice either for or against the measure."

The ballot title thus proposed by the Attorney General was, it appeared so in the Board of Title Commissioners, says the statute:

"\* \* \* shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot."

This is the form in which the law stands today. The Legislature itself in 1914, making provision to carry out the mandate of the Constitution, made the distinction between legislative title and the ballot title.

Passing on to 1915, we find that in that year the Legislature added section 1197a to the Political Code making it the design of preparation of an initiative measure:

"\* \* \* prior to circulating any petition for signatures thereon to submit a draft of said petition to the Attorney General with a request that he prepare a title and summary of the said petition and measure, and proposed measure. Such title and summary shall constitute the petition to the board of title commissioners for the preparation of ballot titles in paragraph 1 of section 1197 of the Political Code. Said title and summary shall not exceed 100 words in all."

In 1922, the first and third sentences of this last cited section of the Political Code were, in almost identical language, included in the Constitution.

We thus see that from the beginning of the history of our measures, the Constitution made a distinction between the title and text of proposed measures, and the laws enacted pursuant to our Constitution distinguished between the ballot title and the legislative title. It is clear from the provisions of the third paragraph of section 1 of Article IV, quoted above, that an initiative measure in the year 1922 we are discussing here, when it reaches the Legislature must be treated as any legislative bill.

The case of *Williams vs. Freeman*, 204 Cal. 185, is noteworthy for the reasoning that an initiative measure proposing a law is to be treated as any other proposed law. Said Mr. Justice Preston in an opinion in which the whole court concurred:

"We do not recognize an initiative measure as having any greater strength or dignity than attaches to any other legislation."

The question is that case related to the sentence of the title under section 24 of Article IV, and subject to be expressed in the title of the Constitution and the court remarked:

"It may be said in passing that section 1197a of the Political Code throws no light upon the question before us, as this act could not have been intended to dispense with this requirement as in 1914."

While the question at issue in that case did not involve the present question being considered here, the inferences from the language at the start in its argument are plain and inescapable.

While the practice of sponsors of initiative acts is certainly not in unison with it, it does afford evidence of contemporary interpretation of the provisions of the law concerning such measures. During the period since the adoption of the initiative amendment to the Constitution in 1911 to the present date, 49 initiative acts have been presented to the people for adoption or rejection. An examination of the ballot pamphlets for this period discloses that the sponsors of all but six of these acts have felt constrained to place "legislative titles" preceding the proposed laws. The six acts which did not bear such titles are all among those measures which were reported



by the people, and therefore did not go before the courts for construction. All six acts appear in the ballot pamphlets prior to the adoption of amendment to section 1 of Article IV in 1932. Each of the three initiative acts appearing in the ballot pamphlets since 1932 bears a legislative title.

All of the cases that we have examined indicate that legislation proposed by the initiative is generally subject to all of the restrictions of the Constitution affecting laws enacted by the Legislature except in so far as the initiative provisions of the Constitution expressly provide otherwise. The same principle has been applied in the case of county and city initiative ordinances.

In the case of *Myers vs. Stingham, et al.*, 195 Cal. 672, the court declared that where a city charter provides that no ordinance shall be revised, reenacted or amended by reference to its title only but shall be set forth and adopted in the method provided for the adoption of ordinances, this charter provision applies equally to ordinances proposed by initiative.

That an ordinance can not be validly adopted by initiative if it would be void if enacted by a city council is sustained by *Harnett vs. County of Sacramento*, 195 Cal. 676, and *State ex rel. Davies vs. White* (Nev.), 136 Pac. 110, 50 L.R.A. (N.S.) 195.

In *State ex rel. Seymour vs. Superior Court* (Wash.), 12 Pac. 2d 394, the court refers to the "legislative title" of an initiative measure to determine the intent of an act, and also refers to the "ballot title". In the State of Washington, where that case arose, the statutes provide for the preparation by the Attorney General of an impartial 100-word ballot title prior to the circulation of the petition. This ballot title is required to be set forth in the initiative petition and may be distinct from the legislative title of the measure.

The laws of that State provide further that the Secretary of State shall include in the ballot pamphlet, the ballot title, the legislative title, and the full text of each measure to be submitted to the people.

The conclusion flows naturally and inescapably from the plain and unequivocal language of the third and ninth paragraphs of section 1 of Article IV of the Constitution, from the history of our legislation affecting initiative measures and ballot title, from the practice of our executive and legislative officers in such matters, contemporary interpretation by sponsors of initiative measures, and every judicial decision which bears directly or indirectly upon any phase of the initiative.

That the initiative petition under discussion furnishes no legislative title to the purported law which it presents to the Legislature, and that therefore this measure can not be dealt with as a proposed law.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

### Resolution.

The following resolution was offered:

By Senator Rich:

*Resolved*, That the President of the Senate appoint a Special Committee of Three to escort the Governor to a meeting with the Assembly in Joint Convention convened to hear the Governor's Budget Message.

Resolution read, and on motion of Senator Rich, adopted.

### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Rich, Slater, and Schottky as a Special Committee to escort the Governor to a meeting with the Assembly in Joint Convention, convened to hear the Governor's Budget Message.

### Recess.

At two o'clock and twenty-six minutes p.m., on motion of Senator Rich, the President of the Senate declared recess, for the purpose of meeting with the Assembly in Joint Convention, to hear the Governor's Budget Message.

### IN JOINT CONVENTION.

SACRAMENTO, Thursday, January 14, 1937.

At two o'clock and thirty minutes p.m., the Senate and Assembly met in Joint Convention.



**Budget Message of Governor Frank F. Merriam as Delivered to the Senate and Assembly of California in Joint Assembly at Sacramento, Thursday, January 14, 1937.**

*To the Members of the California Senate and Assembly.*

It is my pleasant duty again to welcome the Legislature to Sacramento, and again to extend with hearty good wishes the full cooperation of my office in your service to the people of California.

Two years have passed since the State Legislature convened here in regular session; two years of progress and constructive accomplishment; two years that have witnessed a steady advance from conditions of deep economic depression.

When the Legislature met here two years ago our main purpose not only was to provide for the ordinary and regular needs of the State, but was to discover and apply workable methods for meeting an economic emergency.

At this time, our common endeavors should principally be directed to the preservation and extension of benefits derived from the administrative program submitted and approved two years ago.

As a result of the operation of that program to date I am happy to report the following outstanding facts:

*First.* The State Government of California is operating on a balanced budget that includes all items for the regular functions of State Government, and also embraces an appropriation of \$48,000,000 for unemployment relief. The expenditures of all State agencies have been maintained within the limits of State income.

*Second.* The 1935-37 deficit, which was estimated as high as \$77,000,000 when the Legislature adjourned two years ago, and which included such items as \$19,000,000 inherited from the preceding biennium, and \$48,000,000 for unemployment relief, has been reduced to a total approximating \$18,000,000. In other words, this administration has avoided a deficit on its own account and has reduced by about \$1,000,000 the carry-over deficit.

*Third.* My budget recommendations for the biennium of 1937-1939 are based on the needs of the State and the prospective revenues for the two-year period, and they contemplate the wiping out of the present deficit within two years.

*Fourth.* If the Legislature does not approve expenditures and appropriations in excess of budgeted items, the people of California two years hence not only will have a State Government operating well within governmental income, but will have a substantial surplus which we now estimate will exceed \$21,000,000.

*Fifth.* When the existing tax schedules and revenue measures were laid before the Legislature during the session of 1935, it was assumed, on the basis of information then available, that the program recommended would be adequate to meet all ordinary and necessary expenses of government. Experience has shown that our estimates of probable revenue were, in most cases, conservative, and that such estimates have been under actual returns occasioned by a general and consistent recovery of agricultural, business and industrial operations in California and elsewhere in the Nation.

**No New Taxes.**

*Sixth.* That this fortunate trend will continue without undue abatement we have strong reason to believe and I, therefore, recommend that no new taxes be assessed, and that the existing tax program and schedules be retained unchanged for another two years. To abandon a program that has, on the whole, proven equitable, sound and satisfactory, and adopt a new plan at this time might completely reverse the excellent situation now existing and again precipitate State finances into a perplexing and costly muddle.

All groups in our population will welcome a guarantee that no new taxes will be levied by the State. It is a guarantee which could not be made two years ago. Its ratification by the Legislature at this session will constitute definite and positive evidence both of the progress of economic recovery and of the economical management of State affairs.

Accomplishment of the excellent condition of the State's finances has been made possible by two fundamental factors, the first being the rapid improvement in business, and the second to constant exercise of rigid economy in every branch of the government to which the administration's policies could be extended. Needless to explain, except for the loyal and self-sacrificing cooperation of State officers and employees, this policy could not have been carried out with any degree of success.

Economy, during the last two years, has been an ever-present necessity—a necessity which continues, despite improving prospects. Furthermore, should our improving economic situation encourage us to even greater optimism with regard to expanding business conditions and a subsequent increase in revenue beyond present estimates, I regard governmental economy as a virtue to be practiced at all times in order that the taxpayer may be saved any and all unnecessary burdens and costs.

By spending less than we collect, by saving all that we can, by increasing efficiency without unnecessarily adding to expenses, we shall eventually take the



next great step in a return to the normal functions of good government is reduction in taxation.

#### Budget Kept to Minimum.

Examination of budgeted items recommended for the next biennium will show that with very few exceptions the recommended appropriations submitted to the Governor's authority do not exceed amounts appropriated for the present session. Such increases as do appear are for the most part necessitated by added charges and by recurring outlays of public moneys.

The task which the Legislature and the Governor are invited hereby to perform affords no occasion for the question of political partisanship as far as objective other than the advancement of general public welfare.

It is upon such a premise that I submit this budget and my own consideration of the recommendations contained therein. You may only upon my ready assistance in any matter which involves individually, or the legislative body, the Governor may bring to my attention.

Appropriations for the various State institutions have proved necessary to maintain requirements in most instances. It is almost impossible to meet this while the State has not neglected its charges, the need for additional training facilities, and for other improvements, presents a real and serious problem.

It has been necessary to provide additional facilities for public institutions, primarily for State hospitals, where the average patient for the year 1936. It is estimated that this increase for the coming biennium will be not less than 7 per cent.

#### State Building Program.

At the Veterans' Home, the increase in population will bring the membership to a maximum capacity of 1500. An appropriation of \$449,000 for major construction at the Veterans' Home is recommended. This building program, among other things, will permit the replacement of one of the old and greatly improving buildings.

The construction program proposed for the coming biennium is embodied in recommendations for a total appropriation of \$2,000,000 for major construction. For such construction during the current biennium an appropriation of \$1,095,750 was made available.

In 1935 there was presented to the people a bond issue for the improvement of State hospital buildings and additions to State Capitol and State office buildings. Refusal of the voters to approve this bond issue brought the proposition and the new buildings and improvements and to the issue of permanent, adequate facilities in many of our institutions may be disregarded for the time being, but it is believed that the people prefer a "pay-as-you-go" plan in the construction of present State buildings.

Construction of two steel and concrete, four-story buildings on sites on the intersection of Twelfth and N Street, Sacramento, has been made possible through funds of the Department of Public Works and the Department of Motor Vehicles. The cost of each building will be amortized over a period of years through rental which each department would have been required to pay in quarters during the present and expiring terms. At the end of five years each construction will have returned to the respective fund the monies advanced for the construction. In each case the rental is computed at a lower rate per square foot than of value-wise available.

#### New State Prison.

In keeping with the Legislature's authorization for purchase of a site for construction of a prison in southern California for various types of criminals, including proceedings for the commission of a crime of blood, State Prison, in San Bernardino County, have been authorized by the Attorney General.

The site selected was chosen after a careful survey of many locations. It was not offered for sale by the owners, and in subsequent negotiations leading to purchase of the property it was decided that the best interests of the State would be served by condemnation proceedings.

The Federal Government has been asked to contribute funds for the construction of this new prison, and it is probable that a Federal grant will be given the State of California. If such Federal funds are granted during the present session of the Legislature I shall ask for the appropriation of a necessary sum from State revenues.

Budget recommendations for maintenance of existing prisons are far less than over appropriations for the present biennium.

#### Unemployment Relief.

The unemployment relief program adopted by the State of California and carried out in harmonious cooperation with the Federal Government has demonstrated its sound value. There are indications that assimilation of unemployed men and women by private business will progressively increase during the coming biennium, but the necessity for providing against a slowing down in this general return to normal conditions impels me to recommend an appropriation of \$48,000,000 to meet the unemployment situation in California for the period ending June 30, 1939. It is



hoped that conditions will be such that the expenditure of this entire sum will not be required.

Because it is evident that the movement of unemployed and indigent transients into this State will not materially decrease during the next two years, and as it is likewise evident that the interstate migrations of such persons is essentially a national and not a State problem, the Legislature of California has been requested to ask the President and the Congress to make provision for reimbursing the States for the care of such transients. It is desirable from the standpoint of efficient administration that the National Government take over this problem and administer it exclusively as a Federal responsibility.

Briefly, the history of unemployment relief in California began with a work program provided by the counties and operated with funds supplied both from local sources and from the Reconstruction Finance Corporation.

In June, 1933, the people approved a bond issue of \$20,000,000 as submitted by the Legislature. This money was loaned to the several counties under supervision of the State Emergency Relief Administration.

During a period of months extending from November, 1933, to March, 1934, the Federal Civil Works Administration provided employment for 160,000 persons in California, and the State Relief Administration confined its activities to residue and special functions.

Between March and December, 1934, the State Emergency Relief Administration developed a work relief program as an operating responsibility and activity of the State. During this time, only a portion of the unemployed could be provided with work relief, and the balance was given direct relief by the counties with the aid of Federal grants made through the State of California from the Federal Emergency Relief Administration upon application by the Governor.

The \$20,000,000 bond issue was exhausted during 1934, and at a special session of the Legislature in September, 1934, a \$24,000,000 bond issue, to be a direct charge against State revenues, was submitted to and approved by the electorate in November, 1934. By December 1, 1934, the State Emergency Relief Administration had assumed the full responsibility for care of all of the employable unemployed. From this point on, the cost of this activity was borne directly by the State with the assistance of Federal grants and without any financial participation by county or other local governments.

#### General Description of Activities.

From December 1, 1934, to December 31, 1935, the Relief Administration received substantial grants of Federal funds and operated under Federal policy and regulation. Although the Federal grants were made to the Governor and mixed with State funds in the State Treasury, the State of California cooperated fully with the Federal Government and wholeheartedly followed the policies and procedures of the Federal Emergency Relief Administration.

The number of persons working out their relief on projects sponsored by various governmental agencies reached a total of approximately 185,000 in March, 1935. The portion of the caseload which could not be provided with work received direct relief and during the time of the operation of the work program an average of approximately half of the relief recipients was provided with project employment.

At the end of February, 1935, the number of families and single persons receiving relief reached a peak of 275,000, or a total of approximately 875,000 persons.

The organization of the Federal Works Progress Administration as a separate Federal employment activity was commenced in July, 1935. Employment under this program began in the latter part of August and by the end of February, 1936, WPA and other special security wage employment activities of the Federal Government reached a peak employment of 160,000 persons. Since then, the number employed has been gradually reduced and on December 1, 1936, approximately 120,000 former relief recipients were employed on all of the Federal work programs. The WPA quota had been reduced to 104,450 and the number employed under this major security wage activity was approximately 101,000.

Federal grants to the State of California for unemployment relief were discontinued effective December 31, 1935, by reason of the direct operation of the Federal work program. An original WPA quota of between 170,000 and 180,000 was expected. The program was reduced, however, without the anticipated number being employed and for this reason, a direct relief caseload remained as the responsibility of the State through the Relief Administration.

Since the discontinuance of the work program of the Relief Administration in August, 1935, because of the inauguration of the employment program of the Works Progress Administration, the principal activity of the administration has been the disbursing of direct relief to needy employable families and single persons. An effort has been made to extend the most adequate relief possible compatible with the resources of the State and at the same time to perfect methods of operation which would insure the extension of relief only on the basis of absolute need and unquestioned eligibility.

In 1933, eighteen states provided more liberal relief budgets than California. In 1935 only New York State provided a higher family budget than California.

Total relief administration expenditures of both the Federal and State funds for the most recent 24 months ending November 30, 1936, are as follows:

	12 mos. ending Nov. 30, 1935	12 mos. ending Nov. 30, 1936	Total
Relief -----	\$108,315,028	\$22,022,799	\$130,337,827
Project supervision, materials and supplies	8,100,754	111,846	8,212,600
Administration	15,547,180	4,719,844	20,267,024
Total cost -----	\$111,962,962	\$26,853,689	\$138,816,651

At the present time, the average expenditure for relief and administration per case per month is between \$40 and \$45. The expenditures for various of this category including certification work for the Works Progress Administration and the handling of relief applications was 16 per cent for November. Even though the agency must find under care by the relief administration on November 30th over 20,000 blind and service responsibilities of various kinds are needed to the extent completely unimproved level of approximately 100,000 under active care.

In a number of instances a few of these following have been considered to have been budgets on relief work carried on by the various relief agencies are shown additional cost to the relief administration. A general relief program is needed on a social basis, costs from \$10,000 to \$20,000 per month per thousand persons employed for administration and supervision purposes at minimum. Although work in action for relief is difficult and complicated, some of the agencies are used the State does not have the funds with which to go beyond reasonably adequate direct relief.

The Federal Government is diminishing its security wage program and the Works Progress Administration funds have been reduced to 100,000 dollars, January 1st and there is some doubt as to whether there will be additional funds available to employ this number until Congress has acted to provide additional funds. If the Works Progress Administration reduces its budget to 100,000 dollars during January, February and March, the estimated Relief Administration program is \$10,000 in January, \$15,000 on February 28th, and \$15,000 on March 31st. If the Works Progress Administration reduces its 100,000 dollars in cash from \$14,000 to \$14,000, 000 available to the State Relief Administration in January 1st will be sufficient.

#### Aid for the Aged, Blind, Children

Detailed figures setting forth the State's payments for the blind, aged, the blind, and for the support of needy children, since their confinement in and leaving the try in all of these divisions of public support.

Including contributions by the State of California, the Federal Government, and the 58 counties of this State, more than \$71,000,000 in expenditures of this kind under the Old Age Security Act during the biennium of 1937-1938. This sum when compared with the total of \$9,400,000 paid under the act by the Federal and counties during the period from July 1, 1935, to June 30, 1936, represents a tremendous increase in such aid to needy and aged persons in California.

Liberalization of the California Old Age Security Act has increased the State's payments for aid to the needy aged by roughly \$12,000,000 in one biennium period. This amount is entirely exclusive of old age payments which the State has designed as an agent of the Federal Government under Title I of the Social Security Act. During the 1933-1935 biennium the State paid about \$4,500,000 in the support of an average of 18,000 persons who were 70 years of age or over and who had resided in this State at least 15 years. During the 1937-1938 biennium the State Government alone will pay approximately \$19,700,000 in an authorized average of 40,000 needy aged who have reached the age of 65 and have lived in California at least five years. A similar contribution will be made by California's 58 counties, which \$21,900,000 will be added by the Federal Government on the basis of present legislation.

The latest available figures from the Federal Social Security Board, recorded on November 25, 1936, relative to old age beneficiaries in the various States, indicate that California heads the list of all the States in its payments for aid to the aged. The average payment per person for California is \$41.45 per month, while the average for the Nation is \$18.50.

While the State Government will pay more to aid the aged during the coming biennium than during the present period, the contributions in support of needy blind and children will drop \$2,200,000 as a result of Federal participation in this field of governmental activity. During 1937-1938 the State will assist in the care of 5000 needy blind persons with an estimated total of \$1,275,000. It will provide further assistance for over 20,000 persons and other needy children with an expenditure of \$4,618,000. In each case an additional payment will be made by the counties and Federal Government. California's needy blind will receive a total of \$4,200,000 in assistance from the Government during the next biennium, as compared with \$3,485,000 in 1935-37, and \$2,400,000 in the 1933-1935 biennium.

Similarly, needy children will be supported with governmental assistance of approximately \$9,000,000 during the coming biennium, as compared with \$8,000,000 this biennial period, and \$7,200,000 in 1933-1935.

#### Department of Employment.

The 1935 session of the Legislature enacted the California Unemployment Reserves Act and created the State Department of Employment. The primary objective of the law is to make California "a part of a National plan of unemployment reserves and social security, and for the purpose of assisting in the stabilization of unemployment conditions."

Beginning January 1, 1936, the statute requires employers and employees within specified brackets to pay a percentage of all subject wages into a trust fund for creation of a reserve out of which unemployment benefits will be paid to qualified employees who may become unemployed after January 1, 1938. The contribution rates are as follows:

Employee	Employer
1936----- .45	.90
1937----- .90	1.80
1938 (and thereafter) 1.00	2.70

During 1936, 17,000 employers have been registered subject to the California law, having in their employ 1,200,000 wage earners. The combined contributions of these employers and employees during 1936 will approximate \$15,000,000. Already \$11,000,000 has been received by the department, \$8,000,000 of which has been deposited with the unemployment trust fund in the United States Treasury. It is expected that \$20,000,000 will accrue to the fund during 1937 and \$50,000,000 during 1938.

The payment of benefits to employees out of the fund is predicated on a ratio of one week of benefit for each four weeks of wage contributions into the reserve trust fund. The scale of benefits to be paid ranges from \$7 to \$15 per week.

NOT ONE CENT OF MONIES ACCRUING TO THE FUND IN CALIFORNIA CAN BE USED FOR ANY PURPOSE EXCEPT THE PAYMENT OF BENEFITS IN CALIFORNIA

The department is divided into two field functional divisions—

1. Unemployment Compensation.
2. Employment Placement Service.

The Employment Placement Service is financed from two sources: Legislative appropriation made available by the State, and by Federal moneys provided through terms of the Wagner-Peyser Act. This law passed by the Congress of the United States, is entitled, "An act to provide for the establishment of a National employment system and for cooperation with the States in the promotion of such system." Accordingly the United States Employment Service matches each dollar California provides for this purpose. The budget proposed for this function during the ensuing biennium contemplates a service in keeping with the National standards. The achievement record of the service clearly indicates that it has paid substantial dividends to our State during the current biennium.

During the calendar year of 1936 alone, 249,593 persons have been placed in employment in this State as a direct result of the activities of this service. This figure does not include placements on relief work projects which amounted to more than 80,000. The placements during 1936 exceeded those of 1935 by 89.4 per cent. Registration of applicants for 1936 reached a total of 281,466. The current active file, representing qualified persons who have been vocationally classified, embraces 170,741 applicants as of December 31, 1936. The placements of our service in California have consistently led the Nation.

All other administrative expenses of the Department of Employment are borne by the Federal Government through direct grants from the Social Security Board. In this respect the department is a self-supporting agency. The budget submitted by the commission in this connection can only be approximate as no precedent exists for comparison in its making.

The Social Security Board grants administrative allotments on a quarterly basis in accordance with approved operating needs and subject to the control procedure and constitutional provisions of California.

After one year of careful observation and study of procedure, the California Unemployment Reserves Commission, the administrative authority for the State Department of Employment, has prepared amendments to the act having for their purpose simplicity and economy of operations.

#### Highways.

The development of the highway transportation system of the State in which are included all public roads and particularly the State highways, because they constitute the major portion of the main traffic arteries, has contributed immensely to the welfare and progress of the State. Since the beginning in 1912 of active improvement, the State highway system has grown and has been developed into a vast network of improved highways covering all parts of the State, giving access to the communities and to the developed agricultural and recreational areas.



This has required large expenditures. It has meant the undertaking of large projects costing millions of dollars, such projects as the Feather River Highway, the Carmel-San Simeon Highway, the Coast Road from Santa Monica to Oxnard, the Ridge Route from Los Angeles to Bakersfield and many others.

However, we are still faced with a serious problem in highway construction. Hundreds of miles of our main trunk lines must be increased, expanded in capacity and further improved to meet the requirements of the ever increasing traffic volume.

The secondary roads leading to recreational areas, serving many smaller communities and providing more adequate means of access to areas devoted to agriculture and development of natural resources, should be improved.

Additional safety should be built into our highways to reduce the mounting number of accidents. Improved roadways, separation of vehicles and bicyclists and intersections, lighting and wider pavements, and are means of securing additional protection against harmful to the road user.

The improvement of our primary and secondary State Highway and the construction of safety measures require all of the funds which are contributed to the road user. It means a continued contribution of new and old funds for highway purposes.

#### The Bay Bridges.

The San Francisco-Oakland Bay Bridge has been successfully opened for traffic and is in successful operation. This bridge is another one of the greatest engineering and construction projects known. The approach to this structure have been financed at a cost of \$10,000,000 from funds derived from various sources.

The Golden Gate Bridge, now nearing completion, will be opened to traffic within a few months. Construction of approaches to this structure are likewise being financed from gasoline tax funds.

#### Central Valley Water Project

The Central Valley Water Project is the most important single enterprise under way at the present time. It has three sources of aid from the great Sacramento and San Joaquin valleys and the great San Francisco Bay area and is the main State and to the Nation as well. Through this project the waters of the Sacramento and San Joaquin rivers will be regulated and controlled and made available for many purposes. Flood control will be secured, irrigation water will be made available to the fertile valleys, there will be controlling and control so that our present development of the valley will be continued through future years can continue to produce enormous crops of high value so that the fertile new lands will be no longer necessary to the farmers of our own state. Our bay, industrial and urban centers and agricultural lands as well as the lands to be freed with less and retrogression due to water shortage. The aim is to directly benefit by the project is some four million people in 40 busy years, according to Redding on the north in Bakersfield on the south. Surely a million population and a highly developed civilization with cities and towns are directly related to and dependent upon the continuation of agricultural and industrial production and prosperity.

The furtherance of this project has received direct attention and endeavor throughout my administration. My efforts and those of the State Department, namely the Water Project Authority of the State of California which is the administrative agency in charge of the Central Valley Water Project, have been directed chiefly to obtaining the cooperation and financial assistance of the Federal Government with the result that it has assured the entire responsibility for the project. It is gratifying to report that careful attention and consideration of different funds to start construction have been made. Efforts will be continued for the purpose of securing additional appropriations and authorizations by Congress at the present session so that the construction of the project can be commenced at the earliest possible date.

#### San Francisco Harbor.

With respect to the administrative operations by the State Board of Harbor Commissioners, it has been possible, in addition to the payment of all other expenses including bond interest, and also to the loss sustained by the stock, amounting to \$2,000 a day, to decrease \$660,000 in the sinking fund account for the purpose of retiring the funded debt.

Operating economies instituted by the board resulted in a decrease of \$295,000 in expenditures for the fiscal year ending June 30, 1936 as compared with the previous fiscal year.

The average number of employees on the pay roll of the Board of State Harbor Commissioners for the fiscal year ending June 30, 1936, was 429, which was 106 less than the number on the pay roll for the previous fiscal year. This resulted in a reduction of \$165,000 in the annual pay roll.

The cash balance in the San Francisco Harbor Improvement fund available for the replacement and rehabilitation of the facilities of the port, amounted to



\$1,576,000 on June 30, 1936, or an increase of \$205,000 over the amount in this fund on June 30, 1935.

#### Architecture.

The Division of Architecture, functioning since 1907, cares for all construction work at the various State institutions; also regulates, inspects and supervises the construction of public buildings in the State.

During this biennium the division will have completed or have under contract building construction amounting to approximately \$6,875,000, the major portion of which is for State hospitalization.

The division during the last four years also has approved plans and specifications for 1887 school construction projects, having an estimated construction cost of \$84,000,000. In addition, examination and reports have been made and completed on 969 existing school projects.

#### Civil Service.

The State Personnel Board was created two years ago by an initiative constitutional amendment which strengthened the merit system and extended it to include under Civil Service some 5000 positions previously exempt. The total number of persons under Civil Service is approximately 20,000. This enlarged scope of activity and increased opportunities for Civil Service employment have combined to increase the work of the State Personnel Board. Additional responsibilities incidental to the classification of positions, the holding of examinations, and more recently meeting problems of turnover due to improved economic conditions, have caused expansion in the staff.

Since the Constitution limits to six months the time during which positions may be filled by non-Civil Service employees, it is imperative that eligible lists be maintained for all classes to prevent the stoppage of essential public function.

Even if it were not necessary that the personnel agency be adequately financed as a matter of legal necessity, I would still recommend such support because I am convinced that a proper personnel program based upon the merit principle is an effective force for economy and efficiency.

The personnel agency, through cooperation with budget authorities, may do much to eliminate useless expenditures. The examination process measures the qualifications of the candidates for employment and affords a method of selection that has proved more effective than other methods. As a result, we have better morale, which in itself is valuable.

The task of the personnel agency can be measured by the fact that in the last biennium about 200,000 applicants have been examined, and the certifying of eligibles to vacancies has increased to the point where former peak loads are now regarded as normal. This condition will continue and be magnified because the salary advantages offered by private employment have begun to draw many workers from the service.

Much administrative confusion and expensive litigation has resulted from the inadequacies and ambiguities of the Civil Service Act. I recommend a revision of the law to correct this condition.

We note that in the record of public administration, the California State personnel agency is regarded as one of the three outstanding in the Nation.

#### Salary Increases for State Personnel.

Attention has been given to the general subject of salary ratings for all personnel in the State service, resulting in adjustments which have brought more 1000 State workers into the minimum salary brackets. In some departments not having revenues sufficient to justify increases, approximately 100 workers continue to receive less than the minimum salary provided in their classifications.

Adjustments also have been made in most cases where inequities exist, and further studies are being made for the purpose of determining the need for additional increases, particular attention being given to those in the lower salary brackets.

#### Audit of State Agencies.

For more than a decade, due to a number of causes, principally insufficient revenues, appropriations have not been sufficient for an auditing staff adequate to carry out requirements of the law providing for annual audit of every State agency. The general fund deficit in 1935 was such that funds necessary to proper auditing of State departments were not provided.

I am happy to report, however, that we found it possible to make funds available to the Department of Finance from the emergency fund and that as a result of the increased auditing work thus undertaken the requirements of the law have been more nearly met during the last year than at any time during the last 20 years. An amount sufficient to provide complete annual audits for 1937 and 1938 has been included in the budget.

In addition, when the Assembly Interim Committee on Auditing discovered that lack of funds threatened to handicap or terminate the committee's investigations, \$20,000 was made available to the committee from the Governor's secret service fund.

### Constitutional Convention.

By concurrent resolution in 1933, the Legislature submitted to the people a proposal calling for a convention to revise the California State Constitution. The question appeared on the ballot at the general election held November 6, 1934 and was approved by the electorate. The vote was, "Yes," 705,915, and "NO," 665,080.

Carrying out provisions of the measure so approved by the people, I issued on January 14, 1935, a proclamation announcing that such convention shall forthwith be called.

Bills providing machinery for calling and holding the convention were introduced at the 1935 session, both in the Assembly, where a proposed measure by Assemblyman Latham failed of passage, and in the Senate, where a measure, promptly sponsored by Senators Daniel S. Brown, Samuel S. May, Pleasant S. Perkins and Remondollar, was not acted upon.

This matter is again called to the attention of the Legislature for consideration and disposition.

### Interstate Cooperation.

Growing out of mutual problems and needs, some of the States in the Union have entered into compacts between themselves and for the purpose have formed Commissions on Interstate Cooperation.

Such State agencies have been established principally to aid the States in the prevention, control and punishment of crime. An interstate compact has been entered into, subject to approval by the several legislatures, by the States of Kansas, New Mexico, Wyoming and California and I shall again mention in the Assembly of California a copy of the compact which would give cooperative action in law enforcement together with a series of an act of Congress granting criminal to the States to enter into interstate agreements.

It is my conviction that public security would be greatly aided through the adoption of an interstate compact between California and neighboring States, particularly between this State and Washington, Oregon, Idaho, Wyoming, Utah, Colorado, Nevada, and Arizona, and I suggest a grant of authority necessary relating to the application of criminal law.

Through such cooperation between the States, criminal activity may be better curtailed, and the apprehension, prosecution and punishment of criminals can be made more expeditious and certain.

### In Lieu Tax.

Experience having proven the greater efficiency of registering the State of its in lieu tax on motor vehicles over the percentage method of both assessment and collection, reenactment of this law is recommended.

The record shows not only that a greater percent has been paid under the registration system inaugurated by the State, but that motor vehicle owners have benefited by a reduction in taxation on this form of property.

### State Oil Drilling Leases.

Favorable action by the Senate and Assembly is recommended in the matter of proposed legislation to enable the people of California to permit some untapped oil deposits.

Under adequate safeguards they will permit the Board of Finance to adopt a program assuring the highest returns to the State. It is proposed that the State of California grant oil-drilling leases to prospective lessees under a system of competitive bidding, or, if such bids show possibilities, that the State itself lease land to drill wells. Estimates of the value of oil deposits at Huntington Beach were, for the Huntington Field is a proven one, and the amount to be derived by the State from proposed operations probably would amount to many millions of dollars over a period of years.

The people themselves reflected at the 1936 general election a proposal for private drilling in the State would be used in the Huntington Beach area. This action by the voters immediately was caused by the small royalties that would have accrued to the State Treasury. Under the terms of the legislation submitted for your consideration, returns to the State will be on a basis commensurate with the value of the oil deposits involved.

### Special Messages.

There are many other questions and problems facing the State Government and the people of California which are not discussed in this Budget Message. As occasion arises I shall send additional messages to the Legislature with such recommendations or comments as may be deemed advisable.

### Department of Finance.

It is appropriate in this message particularly to call attention to the exceptional efficiency of the Department of Finance under Director Aron E. Strickmeyer, whose outstanding accomplishments in budgetary administration has won National recognition and commendation. The budget herewith presented is the most comprehensive

ever submitted to a California Legislature. It shows a more detailed analysis of departmental finances than heretofore submitted and is more readily interpreted through the introduction of a large number of charts and graphs.

#### **Budget In Two Volumes.**

The budget for the ensuing biennium is presented in two volumes; the State budget is not alone a program of expenditures for State purposes. It also includes disbursements for, or payments to, local municipal and county governments.

More than 52 per cent of the budget submitted herewith, a total sum in excess of \$233,000,000, is allocated to counties, cities and other local districts. Hence, expenditures for essentially State purposes are presented in one volume, and payments to local governments in a second volume.

Volume I of the budget contains the detailed expenditure program of all State departments, commissions, and other State governmental activities. It also contains tables and statements summarizing all revenues and expenses of the State.

Volume II contains summaries and detailed statements of payments and grants to local governments.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

#### **Reading and Approval of Minutes.**

The minutes of the Joint Convention were read, and on motion of Senator Slater, approved as read.

#### **Adjournment.**

There being no further business, at three o'clock and thirty-two minutes p.m., the Speaker of the Assembly adjourned the Joint Convention sine die.

#### **IN SENATE.**

##### **Reconvened.**

At three o'clock and forty minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### **Introduction, First Reading and Reference of Bills—(Resumed).**

**Senate Bill No. 129:** By Senator DeLap—An act to amend section 2362 of the Political Code, relating to the speed of vessels entering or leaving harbors of the State of California, or travelling within three miles of land, within the State of California.

Senate Bill No. 129 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 130:** By Senator Swing—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 130 read first time, and referred to Committee on Finance.

**Senate Bill No. 131:** By Senator DeLap—An act to amend section 2365 of the Political Code, relating to vessels overtaking or passing other vessels.

Senate Bill No. 131 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 132.** By Senator DeLap.—An act to amend section 2364 of the Political Code relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire on regular routes between ports within this State.

Senate Bill No. 132 read first time, and referred to Committee on Commerce and Navigation.

### Adjournment.

At three o'clock and forty-three minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, January 15, 1937.

ELLSWORTH D. W. SCAMMON, Minutes Clerk.

## IX. SENATE.

### SENATE CHAMBER.

SACRAMENTO, Friday, January 15, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the Chair.

Howard S. McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Crittenden, Cunningham, Isard, Peterson, Garrison, Gorman, Hays, Hefner, Holman, Jorgensen, Keene, Keweenaw, Lam, Mahan, Marshall, McCormick, McGowan, Mixer, Nielsen, Olson, Parkman, Phillips, Richmond, Richards, Quinn, Rich, Sawloff, Seaton, Shinn, Tamm, Woot, Williams, and Young.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kricher.

### Reading of the Journal.

During the reading of the Journal of Thursday, January 14, 1937, the further reading was, on motion of Senator Sater, dispensed with.

### Leaves of Absence.

Senator Westover was, on motion of Senator Garrison, granted leave of absence for this day.

Senator DeLap was, on motion of Senator Phillips, granted leave of absence for this day.

Senator Keating was, on motion of Senator Holman, granted leave of absence for this day.

Senator Schettky was, on motion of Senator Mixer, granted leave of absence for this day.

Senator Metzger was, on motion of Senator Nielsen, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Lieutenant Governor Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence A. Larkin, Warden of Folsom Prison, and Lieutenant Governor Alvord of Nevada.



On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. C. Moore, Chairman of Board of Supervisors of Riverside County, W. S. Pittman, and R. E. Dillon, also of Riverside County.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Grier, Chairman of Board of Supervisors of San Bernardino County.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4—Relative to the appointment of a commission to foster better race relations and the designation of a Better Race Relations Day.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. (TOOK) BERRY, Assistant Clerk.

Senate Concurrent Resolution No. 4 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Concurrent Resolution No. 5 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 11—Relative to approving two certain amendments to the charter of the city of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 8, 1935.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Concurrent Resolution No. 11 read, and ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 11—Relative to the relief of transients problem.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 11 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, and as a case of urgency, Senate Bill No. 6—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately—and respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Amendments.**

Senate Bill No. 6—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

The Senate took up for consideration Assembly amendments to Senate Bill No. 6.

**Assembly Amendments.****Amendment No. 1.**

On page 1, line 16, of the printed bill, as amended, after the word "including", insert the following: "purchase of land,".

**Amendment No. 2.**

On page 1, line 17, of the printed bill, as amended, after the first word "Year", insert a comma, and the following: "which expenditures shall be covered from the provisions of section 4041.18 of the Political Code".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 6?

The roll was called, and Assembly amendments to Senate Bill No. 6 concurred in by the following vote:

**AYES:** Senators Allen, Callaway, Dean, Fisher, Gorman, Gordon, Harrell, Hollister, Holcomb, Jernigan, Keweenaw, Lee, Moore, Montgomery, Myers, Nelson, Olson, Parkman, Phillips, Ponsworth, Prewitt, Quinn, Rice, Sampson, Sisk, Tule, Wagy, and Young—28.

**NOES:** None.

Senate Bill No. 6 ordered to enrollment.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Commerce and Navigation.**

SENATE CHAMBER, SACRAMENTO, January 15, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which referred Senate Bill No. 24—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities, and definition of other terms used in said act, and including and creating toll bridges and toll bridge corporations as public utilities, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 3; committee vote: Ayes—3.

NIELSEN, Chairman.

**Second Reading of Senate Bill No. 24**

Senate Bill No. 24—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities, and definitions of other terms used in said act, and including and defining toll bridges and toll bridge corporations as public utilities.

Bill read second time, and ordered to third reading.

**Reports of Standing Committees—(Resumed).**

SENATE CHAMBER, SACRAMENTO, January 15, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Concurrent Resolution No. 3, directing an investigation and report upon acquisition of the toll bridge across Carquinez Strait and the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 3; committee vote: Ayes—3.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, January 15, 1937.

MR. PRESIDENT: Your Committee on Engineering, Enrollment and Printing has examined Senate Concurrent Resolution No. 3, directing an investigation and report upon acquisition of the toll bridge across Carquinez Strait, and reports that the same has been correctly engrossed.

KROUGH, Chairman.

**Consideration of Senate Concurrent Resolution No. 3.****Senate Concurrent Resolution No. 3.**

Directing an investigation and report upon acquisition of the toll bridge across Carquinez Strait.

WHEREAS, It is the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the State with the end in view of ultimately eliminating all toll charges thereon; and

WHEREAS, The privately owned toll Carquinez Bridge extending across Carquinez Straits, near Crockett, California, constitutes an important connecting link between highways of the State; and

WHEREAS, The present rates of tolls across said bridge are relatively higher than tolls on other toll bridges; and

WHEREAS, The acquisition of said toll bridge by the State or the California Toll Bridge Authority at the earliest possible date is in conformity with said established policy; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the California Toll Bridge Authority is hereby authorized and directed to conduct a survey and investigation of said toll bridge with a view to the feasibility and practicability of the acquisition, as of the first of October, 1937, and as of the first of July, 1938, of this toll bridge by purchase or condemnation by the State, or the California Toll Bridge Authority, which survey and investigation shall comprehend the appraisal of the value of the structure in case of its acquisition; the amount of compensation to the owner which in the judgment of said authority should be paid on the basis of the value of the structure and the length of time which the franchise has yet to run; the feasibility of providing funds for such acquisition by issuing and selling revenue bonds; the rate of tolls by it estimated as necessary to collect pending the retirement of such revenue bonds, and the reduction, if any, in the rate of tolls which may be effected immediately upon acquisition of said toll bridge; and be it further

*Resolved,* That as a part of the report hereinafter referred to, the California Toll Bridge Authority shall prepare and submit to the Legislature:

(a) Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20-year period together with interest thereon computed at 3 per cent, and with interest computed at 3½ per cent.

(b) Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls, from the first of January, 1937, to the expiration of the franchise on said bridge.

(c) Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collections costs from the gas tax fund.

(d) A report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge; and be it further

*Resolved,* That the California Toll Bridge Authority shall prepare a report of the results of such investigation and survey and deliver it to the Secretary of the Senate prior to the reconvening of this Legislature after its constitutional recess.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, and Waggy—27.

NOES—None.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

### Consideration of Assembly Bill No. 331.

Assembly Bill No. 331—An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the yeas and nays adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Edwards, Givens, Gordon, Hays, Hollister, Johnson, Keene, Ketchum, Lane, Martin, McComack, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rife, Seayell, Storer, Swine, Tickle, and Wagonell.  
 NOES—None.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Edwards, Givens, Hays, Hollister, Johnson, Keene, Ketchum, Lane, Martin, McComack, Mixter, Nielsen, Olson, Parkman, Pomeroy, Quinn, Rife, Seayell, Storer, Swine, Tickle, Wagonell, and Young—29.  
 NOES—None.

Title read and approved.

Assembly Bill No. 541 ordered transmitted to the Assembly.

### Remarks.

The following remarks offered by Senator McColl, were ordered printed in the Journal:

DURING my remarks yesterday I made an important statement concerning Senator D. Jack Morgan, and in doing so, have the great pleasure, you seeing, that the following letter from A. J. EXETER, Chief of the State Prison Authority, is printed in the Journal:

STATE OF CALIFORNIA, Department of Prison Work,  
 SACRAMENTO, January 15, 1937.

Hon. John B. McColl, Senator, Fifth District,  
 State Capitol, Sacramento, California.

MY DEAR SENATOR McCOLL: In doing so, you commended J. Morgan, M.D., in the absence of Mr. Hays, leader in action from Senator D. Jack Morgan, in Red Bluff attended a meeting of the World Prison Authority held in the office of the Director of Public Works, Sacramento, on March 5, 1936.

Hoping this is the information desired, I am

Sincerely yours,

JOHN HALEY, JR., Administrative Assistant

### Introduction, First Reading and Reference of Bills

**Senate Bill No. 133:** By Senator McGovern.—An act to add Chapter 5, comprising sections 2000 to 2196, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and separating acts and parts of acts specified herein.

Senate Bill No. 133 read first time and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 134:** By Senator McGovern.—An act to add Chapter 6, comprising sections 1000 to 1152, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and revealing acts and parts of acts specified herein.

Senate Bill No. 134 read first time and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 135:** By Senator Knowland.—An act to amend sections 11, 13, 15, 16, and 21 of, and to add sections 11a to, an act entitled "An act to provide for the organization, incorporation, and



government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts.

Senate Bill No. 135 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 136:** By Senator Garrison—An act to amend section 23 of the "District Investigation Act of 1933," relating to districts for special taxes and assessments.

Senate Bill No. 136 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 137:** By Senator Law—An act to add section 377a to the Code of Civil Procedure, relating to actions for wrongful death.

Senate Bill No. 137 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 138:** By Senator Fletcher—An act to add section 3615 to the Political Code, relating to the definitions of household and householder.

Senate Bill No. 138 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 139:** By Senator Garrison—An act to add a new section to the California Irrigation District Act to be numbered section 48.1, relating to time in which action may be commenced.

Senate Bill No. 139 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 140:** By Senator Garrison—An act to add a new section to the California Irrigation District Act to be numbered section 47.1, relating to time in which actions may be commenced.

Senate Bill No. 140 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 141:** By Senator McColl—An act to amend the title of, and sections 1 to 112 of, and to add sections 113 to 120, inclusive, to an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and make appropriation therefor," approved June 9, 1931, relating to insurance against the need for hospitalization by State employees.

Senate Bill No. 141 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 142:** By Senator McColl—An act to provide for the hospitalization of all State employees.

Senate Bill No. 142 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 143.** By Senator McCall.—An act to add Chapter 16 to Part II of Division II of the Insurance Code, relating to hospital insurance for State employees.

Senate Bill No. 143 read first time, and referred to Committee on Insurance.

**Senate Bill No. 144.** By Senator McCall.—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 12, 1935, as amended, relating to State lands and declaring the emergency thereof, to take effect immediately.

Senate Bill No. 144 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 145.** By Senator McCall.—An act to create a State Range Commission, providing for the appointment of the members of said commission, prescribing the powers, duties and authority thereof, and making an appropriation therefor.

Senate Bill No. 145 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 146.** By Senators McCall, Powers and Munger.—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer.

Senate Bill No. 146 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 147.** By Senator Schottky.—An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

Senate Bill No. 147 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 148.** By Senator Schottky.—An act to add section 45b to "The California Irrigation District Act," relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property.

Senate Bill No. 148 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 149.** By Senator Schottky.—An act to amend section 11 of the California Districts Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Senate Bill No. 149 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 150:** By Senator Schottky—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes.

Senate Bill No. 150 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 151:** By Senator Schottky—An act to amend sections ----- and ----- of, and to add section ----- to, the California Irrigation District Act, relating to the acquisition or construction of works and the distribution of water for irrigation purposes.

Senate Bill No. 151 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 152:** By Senator Schottky—An act to amend sections ----- and ----- of, and to add section ----- to, the California Irrigation District Act, relating to the acquisition or construction of works and distribution of water for irrigation purposes.

Senate Bill No. 152 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 153:** By Senator Schottky—An act to add section 3817ee to the Political Code, relating to suits by public agency to quiet title.

Senate Bill No. 153 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 154:** By Senator Young—An act to amend section 731 and to repeal section 732 of, and to add section 732.5 to, the Fish and Game Code, relating to barracuda.

Senate Bill No. 154 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 155:** By Senator Young—An act to amend section 735 of the Fish and Game Code, relating to tuna.

Senate Bill No. 155 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 156:** By Senator Tickle—An act to amend section 797 of the Fish and Game Code, relating to abalones.

Senate Bill No. 156 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 157:** By Senator Swing—An act to add section 15a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services.

Senate Bill No. 157 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 158:** By Senator Phillips—An act to add sections 26, 27, 28, 29 and 30 to "An act to reserve oil minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid; and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, and to protect the natural resources of oil and gas and similar hydrocarbons on State lands, adding to records, documents and information of certain types to be held as confidential, providing for use of such data in suits and legal action, providing for method of handling similar data furnished by parties not operating on State lands; and providing penalty for not carrying out terms and purposes of this act.

Senate Bill No. 158 read first time, and referred to Committee on Conservation.

**Senate Bill No. 159:** By Senator Phillips—An act to amend section 4 of the act entitled "Old Age Security Act," approved May 28, 1929, relating to liens for aid granted, declaring the ordinance issued to take effect immediately.

Senate Bill No. 159 read first time, and referred to Committee on Social Security.

**Senate Bill No. 160:** By Senator Garrison—An act to add section 14 to an act entitled "An act imposing a license fee of \$12 for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax.

Senate Bill No. 160 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 161:** By Senator Crittenden—An act to add section 5b to the State Civil Service Act, relating to appeal to the Personnel Board from an order of lay-off or in respect to the record of individual efficiency of the appellant.

Senate Bill No. 161 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 162:** By Senator Crittenden—An act to amend sections 6070 and 6072 of the Insurance Code, all relating to security mutual fire insurers.

Senate Bill No. 162 read first time, and referred to Committee on Insurance.

**Senate Bill No. 163:** By Senator Crittenden—An act to add section 5a to the State Civil Service Act, relating to the establishment and use of work units and the making and use of records of individual efficiency in the State civil service.

Senate Bill No. 163 read first time, and referred to Committee on Civil Service.



**Senate Bill No. 164:** By Senator Crittenden—An act to amend section 6049 of the Insurance Code relating to county mutual fire insurers.

Senate Bill No. 164 read first time, and referred to Committee on Insurance.

**Senate Bill No. 165:** By Senator Crittenden—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county mutual fire insurers.

Senate Bill No. 165 read first time, and referred to Committee on Insurance.

**Senate Bill No. 166:** By Senator Crittenden—An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and for ancillary purposes, and to prescribe its powers and duties.

Senate Bill No. 166 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 167:** By Senator Crittenden—An act to amend sections 136 and 136.5 of the Streets and Highways Code, relating to contracts of the Department of Public Works.

Senate Bill No. 167 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 168:** By Senator McBride—An act to add sections 1.5 and 5.5 to an act entitled, "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts.

Senate Bill No. 168 read first time, and referred to Committee on County Government.

**Senate Bill No. 169:** By Senator McBride—An act to amend section 4307 of the Political Code, relating to county charges.

Senate Bill No. 169 read first time, and referred to Committee on County Government.

**Senate Bill No. 170:** By Senator McBride—An act to amend section 51 of the Bank Act, relating to deposits by order of court.

Senate Bill No. 170 read first time, and referred to Committee on Banking.

**Senate Bill No. 171:** By Senator McBride—An act to amend section 156 of the Vehicle Code, relating to license plates.

Senate Bill No. 171 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 172:** By Senator McBride—An act to validate the existence of water conservation districts.

Senate Bill No. 172 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 173:** By Senator Knowlton—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act.

Senate Bill No. 173 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 174:** By Senators Cunningham, Mixer and Wager—An act to add section 600 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 174 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 175:** By Senator Powers—An act to amend section 500 of the Penal Code, relating to method to notify the owner of property which has been saved from fire.

Senate Bill No. 175 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 176:** By Senator Parkman—An act authorizing the Director of Finance to provide for the sale or lease of certain lands known as "Guadalupe Canal," located in sections 10, T. 4 S., R. 3 W., M. D. M., in the county of San Mateo.

Senate Bill No. 176 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 177:** By Senator Schmittky—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

Senate Bill No. 177 read first time, and referred to Committee on Irrigation.

**Senate Constitutional Amendment No. 3:** By Senator McCall—Proposed amendment to Article V, sections 7 and 13 of the Constitution relative to the Governor and Lieutenant Governor.

Senate Constitutional Amendment No. 3 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 4:** By Senator Hockham—Proposed amendment to Article IV, sections 2 and 34, of the Constitution relative to sessions of the Legislature.

Senate Constitutional Amendment No. 4 read, and referred to Committee on Constitutional Amendments.

**Senate Concurrent Resolution No. 6:** By Senator McCall—Relative to granting leave of absence to the Honorable John B. McCall, member of the Senate of the fifty-second session of the Legislature of the State of California.

### Consideration of Senate Concurrent Resolution No. 6.

Senator McCall asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 6, without reference to committee or print, for purpose of adoption.

**Senate Concurrent Resolution No. 6.**

Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That leave of absence from the State of California is hereby granted to the Honorable John B. McColl, member of the Senate, during the fifty-second session of the Legislature for the period from January 17, 1937, to February 28, 1937, inclusive.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, Mixer, Nielsen, Olson, Quinn, Rich, Slater, Tickle, Wagy, and Young—25.  
 NOES—Senator Pierovich—1.

Senate Concurrent Resolution No. 6 ordered transmitted to the Assembly.

**Adjournment.**

At eleven o'clock and three minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, January 18, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE.**

SENATE CHAMBER.

SACRAMENTO, Monday, January 18, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swang, Tickle, Wagy, Westover, Williams, and Young—37.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Friday, January 15, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leaves of Absence.**

Senator Deuel was, on motion of Senator Allen, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

## Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain W. C. Crandall of La Jolla and H. G. Larrick of Salsola Beach.

## Remarks.

The following remarks, offered by Senator McCall, were ordered printed in the Journal:

On last Thursday, my good friend Senator McCall made excellent and interesting remarks. I had made on January 7th, during a discussion of the proposed Revenue Bond Bill. He told me a short conversation there, a short conversation appearing in the Senate Record of January 8, is not enough.

I admit making statements to the effect that we withdrew of my good friend Senator McCall, in connection with certain activities of his constituents, and unfortunately received instructions in the company of one of the Central Valley Project. From the beginning, I remember, I cannot come to the Central Valley Project development.

I am indeed sorry that the Senator has been so to limit the issue through a cloak of personalities. I assure you that my statements for my constituents' safety to get things done, not by any means and enough to it is possible. I have and have no intention of entering in personalities.

I recall when the proposition of the Central Valley Project Act was introduced to the Senate on December 29, 1933, that the Senator's general statement of construction within 90 days. But not recorded as a part of the journal, especially the following:

"Said Central Valley Project as herein authorized, shall consist of the following units:

- (1) A high, reservoir and hydroelectric power plant, on plans, with necessary appurtenances, and engineering equipment, located at the Sacramento River, at or near Kennett, Shasta County, California.

I have long recognized the Senator's honest interest in the dam, for you present as originally conceived, and I realize generally for the 30 days and the 90 days have become three years. It became known that the Central Valley Project as a State project was not to be. When it took on a Federal character and other dam sites were being considered, the great idea of the Senator as he remarks suggested, became motivating. From the Senator's action in the matter of last Thursday.

Many of these people are within the reach for the delay, uncommenced delay, as most believe, inevitable consequence.

I am one of those persons. The Central Valley Project, as I have noted, and to which Senator the Senator has been opposed to his remarks on the Thursday is of far greater importance than anything that anything else can give us for suggesting even of greater importance than what is necessary to us. The honor, reputation, a personal matter, it may then meet. The project is of supreme importance to the people of the San Joaquin Valley, the Delta, and the people of the whole Sacramento Valley. You do it at something to the people of the entire Nation, for those latter people have lost at least the great future.

Are we not therefore, entitled to insure when this project is not now further advanced than it is?

The Federal authorities have considered as alternatives of dam sites at Reed and a dam site at Table Mountain in addition to what was in my opinion in 1933 designated as the units of the Central Valley Project. When these further possibilities are being explored, delay comes the value of the dam. Senator McCall claims for himself good reasons in the Central Valley Project. I cannot see Senator's activities. His great activity of most critics is reasonably. Delay is evident.

When the Senator states, "I am for the Central Valley Project as a whole," I have reason to believe that he refers to the Central Valley Project Act of 1933, in which appears nothing with regard to other possible dam sites at Table Mountain and Baird.

I spoke a moment ago of the general importance of the project to the people of the United States. I am for the Central Valley Project, and not to the utmost of my ability. I want to see a dam passed when it will accomplish the purpose of the Central Valley Project and be so in the most economical manner and to the interests of the taxpayers and those benefited by its construction. If a dam at Kennett will accomplish this, I am for it. If a dam at Reed accomplishes this purpose, I am for it. If a dam at Table Mountain does this, I am for it. I am for the dam at the place where it accomplishes its purpose at the least possible expense. I do not believe that any man should merit this inalienable right to have the interest of his home community at heart" or "his



hope for benefit to his home community," stand in the way of immediate construction of the Central Valley Project. It so happens that the Table Mountain site is in my county. Yet, if it will not accomplish the purpose of the Central Valley Project Act, or if it is not the most economical, I will by my every act and word try to speed up the building of the dam at the site which will accomplish this purpose. I had hoped that my good friend Senator McColl might have expressed like sentiments, freed from surplus words and personalities.

In closing, I wish to assure the Senator that his suggestion that I might be under the influence of the power trust is, as he himself in effect admits, as ridiculous as the suggestions I have heard that the Senator is under the influence of the Southern Pacific Company and the construction material men who hope to profit by the construction at Kennett.

In as far as the Senator obviously desired to end this discussion in the interests of his honor and reputation, as he puts it, I shall forego revealing those reports which had come to me and to which I had reference in my remarks at the discussion of the proposed Revenue Bond Bills. As I have stated, the people of the Central valleys have waited over three years for commencement of construction of the great project: I do not believe the Senator can complain of six days delay in the construction of my remarks.

I am satisfied to permit the Senator to show by his further activity and public statements that he is quite as keenly for Table Mountain or Baird as he is for Kennett, if either of such sites are deemed most feasible and economical, and I await the Senator's straightforward statement to that effect with the keenest anticipation.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 10. Relative to approving a certain amendment to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the eleventh day of June, 1935.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 10.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 10, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 10—Relative to approving a certain amendment to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the eleventh day of June, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Williams, and Young. 33.

NOES—None.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 11.

Senator Crittenden asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 11, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 11—Relative to approving two certain amendments to the charter of the city of Sacramento, State of California, ratified by the qualified electors, placed at a general municipal election held therein on Thursday, October 5th, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES: Senators Allen, Bagley, Critchfield, Cummings, DeLong, Fanning, Gordon, Hays, Hallmark, Hadden, Johnson, Keating, Nye, Lyle, Mathews, McConner, Metzger, Miller, Nelson, Olson, Peterson, Phillips, Pomeroy, Quinn, Ross, Schottky, Sewell, Slater, Swing, Taylor, Wagon, Williams and Young, 42.  
 NOES: None.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

### Reports of Standing Committees.

The following reports of standing committees were presented and read:

#### On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Bill No. 24, Act to amend Section 2 of the Printing Finance Act, relating to the definition of paper, type, and substitutes of other items used in said act, and enrolling and debiting the budget and bill books, recommending as public utilities, and reports that the same has been carefully reviewed.

KEEOGH, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following resolution by Senator Swing:

### Resolution.

Resolution relating to the investigating and study of the one and sole of actual cutting losses, during the course of such investigations, authorizing the continuation of a committee for such purpose, and providing an appropriation for the expenses thereof.

WHEREAS, On the tenth day of June, 1935, the Senate adopted a resolution authorizing the President of the Senate to appoint a committee to make a full and complete investigation of all matters and subjects related to any or to matters pertaining to the manufacture and sale of interfering papers, such committee is set out in full at page 31 of the Senate Daily Journal dated June 10, 1935; and

WHEREAS, Pursuant thereto the President of the Senate appointed Senators Ralph E. Swing, Andrew R. Schottky, A. L. Pomeroy, Harold J. Pomeroy and Nelson T. Edwards as the committee provided for in said resolution; and

WHEREAS, Said committee has conducted investigations as provided in and by said resolution and has made a report to the Senate; and

WHEREAS, Said committee recommends that it be continued with the same powers and authority set forth in said resolution and it exercises the work assigned it in and by said resolution; and

WHEREAS, One of the members of said committee has ceased to be a member of this Senate; now therefore, be it

**Resolved**, That the remaining members of said committee, to-wit: Senators Andrew R. Schottky, A. L. Pomeroy, Harold J. Pomeroy and Ralph E. Swing, be continued as such committee with all the powers and authorities set forth in this resolution, and that the President of the Senate immediately appoint a member of this Senate to act as said committee in place and stead of Senator Nelson T. Edwards; and be it further

**Resolved**, That said committee be and it is hereby authorized and empowered to make a full and complete investigation of all of the matters and subjects heretofore referred to and relating thereto and to do any and all things necessary or proper in connection therewith and to do and perform each and all of the things necessary or convenient to enable said committee to prepare and submit at the next session of the Legislature such additional legislation and recommendations as said committee shall deem necessary for

properly and satisfactorily regulating the manufacturing, use and sale of intoxicating liquors within the State of California; and be it further

*Resolved*, That the officers of this State and the heads of each and every department and the employees of such departments as have charge of the enforcement of such law and the levy and collection of the license fees and taxes imposed in and by said Senate bill, shall give and furnish to such committee, upon request, such information, records and documents as said committee shall deem necessary or proper for the purposes aforesaid. Said committee shall have power to engage such necessary assistance as it shall deem necessary or proper in connection with the aforesaid matters; and is authorized and empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports, documents, records and papers of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of said committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses, before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate, and/or during recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

*Resolved*, That said committee report to the Senate during the present regular session of the Legislature its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

*Resolved*, That the sum of \$1200 be and the same is hereby made available for the purpose of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund. Said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

RICH, Chairman.

Resolution rereferred to Committee on Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1937

MR. PRESIDENT: Your Committee on Rules, to which was referred certain Initiative measures relating to Fish Control and which added a new section to the Fish and Game Code to the State of California, to be known as section 1110:

*The People of the State of California do enact as follows:*

The Fish and Game Code of the State of California is hereby amended by adding thereto a new section to be known as 1110 and to read as follows:

1110—No person shall use or operate or assist in using or operating in this State or the waters thereof, any boat or vessel used in connection with fishing operations irrespective of its home port or port of registration, which fishing boat or vessel delivers or by which there is delivered to any point or place other than within this state any fish, mollusks or crustaceans which are caught, in, or taken aboard said boat or vessel from, the waters of the Pacific Ocean within this state or on the high seas or elsewhere, unless a permit authorizing the same shall have been issued by the Fish and Game Commission.

Where it appears to the Commission that such permit will not tend to prevent, impede or obstruct the operation, enforcement or administration of this code or any provision thereof, and will not tend to result in fish, mollusks or crustaceans in the waters of this state being taken or used otherwise than is authorized by this code, the Commission may issue revocable permits under such rules and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel outside of this state, provided that nothing herein shall authorize the transportation or carrying out of this state or any district thereof, of any fish, mollusks or crustaceans where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean, or result in waste thereof. Any person who uses or operates or

assists in using or operating any boat or vessel or equipment of the contents of this section is guilty of a misdemeanor and such boat or vessel and the gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest by the violation of any of the provisions of this code or code and being with the vessel, net, gear or other equipment used to commit such offense in the Commission. The Commission shall thereupon recommend, on the expiration of the county or city and county or county or county in which the offense is made, proceedings for forfeiture of the vessel, gear or net or the contents of this section, and such proceedings shall be had by the county and according to the procedure prescribed in section 145 of this code, but the Commission of such has had the same under consideration and respectfully requests the passage without recommendation.

Committee membership 3, committee vote April 3.

MICHAEL Chairman.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

#### PROCEDURE REGARDING PROPOSED LAW AMENDING FISH AND GAME CODE SUBMITTED BY INITIATIVE PETITION TO THE LEGISLATURE

What is set forth below is what the Legislature has to do in order to amend the law, at the earliest possible date. It is the duty of the Legislature to do so.

##### Procedure if Petition Is Deemed Sufficient.

Assuming that the petition is found to be sufficient, the following procedure is suggested:

1. In any event the bill should be given an early, but should be introduced by initiative petition.

2. A motion should be made either (a) that the petition transmitted by the Secretary of State under date of January 4, 1937, be referred to the committee, or (b) that the proposed law submitted by the petition be introduced, given a bill number, and either referred to a committee or considered without reference.

3. After the bill is introduced it should be assigned without reference to the print committee, or be referred to the committee on the bill, the Legislature or action thereon could be postponed until such time as may be desired.

4. If the Legislature is to act on the bill it must do so within the time limit of time it is received. It therefore seems desirable that in acting on the bill, section 15 of Article IV of the Constitution providing the bill be in effect on the second day in each house, be suspended.

5. As to the form of the bill, assuming the petition is sufficient, on that point necessary is the proposed initiative measure as it appears on page 5 of the Senate Daily Journal for January 8, 1937. However, a heading alternative might be set forth as a heading to the bill and preceding the enacting clause the following:

"WHEREAS, The Secretary of State, under date of January 4, 1937, has submitted to the Legislature an initiative petition, as provided by section 1 of Article IV of the Constitution, proposing a law to be enacted as follows by the Legislature; and

WHEREAS, The Attorney General has prepared a title, and summary of the chief purpose and points of the said proposed initiative measure as follows:

"FISHING CONTROL. Initiative measure for amendment to the Constitution. Adds new section to fish and game laws. Prohibits possession in some waters of fishing boats which collect fish, mollusks or crustaceans, otherwise exempt to points beyond state waters, unless such collection is permitted by State Fish and Game Commission. Authorizes Commission to issue permits for persons for such delivery, declaring it shall issue no permits where it is found to injure the species or obstruct the operation of any law. Penalties provided for violation.

Now, Therefore,

(Here set forth the proposed measure commencing with the enacting clause)."

6. It should be borne in mind that any member of the Legislature may introduce a legislative bill containing the exact text of the initiative measure and setting forth a legislative title in the usual fashion. Such a bill would have the same status as any other bill and would not be subject to any time limit as to enactment. Such a course is probably desirable regardless of whether the initiative measure is considered sufficient or insufficient.

7. If the Legislature adopts the initiative measure the question of its validity then becomes one for judicial determination. If the Legislature rejects the measure



or fails to act upon it, the Constitution provides for its submission to the people in the next general election.

The Legislature may reject the proposed measure and propose a different one on the same subject by a yeas and may vote upon separate roll call, and in such event both measures shall be submitted to the electors at the next general election.

#### **Procedure if Petition Is Deemed Insufficient.**

1. If no action at all is taken on the measure, the Secretary of State will be required to submit the measure to the people at the next general election, unless legal proceedings are taken to restrain his action in that connection. If he should decline to place the measure on the ballot, an action to compel him to do so would be in order and would determine the legal question of sufficiency of the petition.

2. Any member of the Legislature may introduce a bill identical in form with the proposed law and have a proper legislative title. This bill, if enacted and signed by the Governor, would become law the same as any other bill. It would, of course, be subject to amendment during passage.

3. A motion might be made to introduce the proposed law in the form of a bill, setting forth the law just as it appears on page 5 of the Senate Journal for January 8, 1937.

Then a bill could be introduced by a member, setting forth an enacting clause and the same text below the enacting clause, coupled with an appropriate legislative title.

The Legislature might then, as provided in section 1 of Article IV, reject the measure proposed by initiative and propose the second measure introduced by a member.

In such case, one or another of the following would be the result:

(a) The latter measure, if approved by the people, would become law.

(b) The initiative measure never would become law, whether approved or not approved by the people.

(c) Except that possibly the vice inhering in the initiative measure that bears no title might render abortive and nugatory the entire procedure for presentation by the Legislature of even an alternative measure to the people, in which case the alternative measure introduced by a member would take effect as a law 90 days after final adjournment of the Legislature at its 1937 session.

4. A member could introduce a bill containing the same language as the proposed law and with a proper title, and urge the passage thereof by the Legislature. If enacted, such bill would become law, regardless of the fate of the initiative measure, in the same way and following the same procedure as any other bill.

#### **Initiative Senate Bill No. 1.**

**Initiative Senate Bill No. 1** — Introduced by Initiative Petition  
Referred to Committee of the Whole.

#### **Motion.**

Senator Young moved that at three o'clock p.m. today, the Senate resolve itself into a Committee of the Whole in order to discuss the proposed initiative measure.

#### **Amendment to Proposed Motion.**

Senator Knowland offered the following amendment: "That the Senate meet as a Committee of the Whole at nine o'clock a.m. Tuesday, January 19, 1937, instead of three o'clock p.m. this day."

Amendment adopted.

The question being on the adoption of the motion by Senator Young, as amended.

Motion, as amended, carried.

#### **Report.**

The following report by the Special Senate Committee on Civil Service, was received, read, and ordered printed in the Journal:

#### **REPORT OF THE SPECIAL SENATE COMMITTEE ON CIVIL SERVICE PURSUANT TO SENATE RESOLUTION ADOPTED APRIL 30, 1935.**

*To the Senate of the State of California.*

After a careful study into conditions existing under civil service in California pursuant to adoption of Senate resolutions, we beg leave to submit the following report and recommendations.

SANBORN YOUNG, *Los Angeles, Chairman.*  
 CHARLES F. REINHOLLAR, *San Rafael, Vice Chairman.*  
 BEN HULSE, *El Centro, Secretary.*

*Members.*

LEONARD J. JONES, *Imperial.*  
 CLAY N. JOHNSON, *Alameda.*  
 JEROME L. SMOUL, *Riverside.*  
 WILLIAM R. SPOFFORD, *Marathon.*  
 EDWARD H. LARK, *Orange.*  
 DON F. WILSON, *Santa.*  
 HENRY McGRATHNESS, *(absent).* *Delaware.*

*In Memoriam.*

Senator Henry McGrathness, a member of this committee, died on August 26, 1936. Senator McGrathness had been a member of the Senate for thirty-six and forty-first sessions of the Legislature. He served his constituents judiciously and ably, and as a member of this committee was trusted and to be admired and willing worker. He was a devoted father, husband, child, and neighbor, and we regret his passing. To the members of his family we extend our profound sympathy.

**Report of the Special Senate Committee on Civil Service.**

For more than 20 years, the State of California has pursued steadily the ideal expressed in section 1 of Article XXIV of the Constitution, namely, that permanent appointments and promotion in the State service shall be made exclusively under a system based upon merit, efficiency and fitness as evidenced by competitive examination. In spite of serious handicaps which still cling to our system and constant opposition of certain groups, we are proud to say that made in securing for California an honest and efficient civil service. For evidence of our progress we need only consult the record. The Civil Service Law passed by the Legislature in 1913, and the other laws passed in Amendment XXIV to our Constitution, adopted by the people in November, 1913, securing the complete elimination of the spoils system from State government and the building of a competent State personnel through fair, competitive examinations.

The act also had for its purpose the protection of permanent, permanent employees from removal for political reasons and protection of permanent employment during good behavior. In spite of the high purpose of the Act of 1913 and the provisions of the law enacted by the Legislature and the amendments added to it, only five years ago as many as 4200 State employees were still on "temporary authorization" in positions which were filled as being under Civil Service. In a few cases, eligible lists of these 4200 persons who had successfully passed competitive examinations were either destroyed or set aside. Improper persons were appointed because of political influence, and no examinations were given to remedy the situation. The Civil Service Law was ignored by many State officials. Salaries above the maximum were paid to many unmeritorious appointees. State bureaus were staffed by persons whose chief qualification for many positions was "political influence." Political debts were commonly paid by State positions. The cost of State government rose chiefly because of the failure of many State officials to live up to the provisions and purposes of the Civil Service Act.

Between 1931 and 1934 the number of temporary authorizations were reduced through a heavy reorganizing program to about 900. On November 20, 1934, Article XXIV began to function, and it is not strange that the transition from a semi-spoils system to a merit system should be slow and difficult. Article XXIV has become the foundation of our merit system and all acts of the Legislature and all rules of the Personnel Board must conform to it.

The Civil Service Act, adopted by the Legislature in 1935, failed to receive executive approval which, in our judgment, was justified because of serious defects in the measure. Therefore, the old Act of 1913 continued in force as far as it did not conflict with Article XXIV. One of the important duties before the Legislature in 1937 is to enact a new Civil Service Law based upon Article XXIV and interpreting its provisions in greater detail.

**Abuses Corrected.**

Numerous changes have been made in the procedure and structure of the Personnel Agency, because of amendments which the board has adopted in rules and regulations governing and controlling their procedure. Many of these necessary changes have been brought about as a result of the hearings and petitions of this committee. Defects and injustices complained of by State employees and the press during the years of 1935 and 1936 have been corrected. For example, the hearing given the charges against the State Board of Harbor Commissioners improved the unfair method used in compiling efficiency records of employees. From those records lay-off lists were formulated. Testimony before the committee showed that they

were used to defeat the purpose of the merit system. As the result of this hearing Rule 10 controlling efficiency records has been widely amended and greatly improved by the Personnel Board. It follows:

### Rule 10.

#### *Efficiency records.*

##### **Section 1. Ratings shall be made semiannually.**

In all offices and places of employment subject to State civil service, the appointing power shall make or cause to be made on forms prescribed for that purpose, reports on the individual efficiency of holders of positions in performing their duties and shall file such records with the board, together with a statement of the credits for seniority to which each employee is entitled. Such reports shall be prepared for each six-months period ending March 31 and September 30 of each year, and shall be filed with the board not later than ten days after the close of each period. Such reports shall also be prepared and filed with the board for each probationary employee within ten days after the end of the second and fourth months of the probationary period.

Such reports shall be prepared by the supervisor in immediate charge of the work of each officer or employee, or by such other officers or employees of the department or other persons as the board may designate. Reports shall be prepared and submitted upon forms and in the manner prescribed by the board, and shall include various factors applicable to the types of employment subject to rating, and a numerical score which shall fairly summarize the relative service value of the employees rated.

##### **Sec. 2. Basis of ratings.**

The efficiency ratings shall be based upon:

First: Quality of work—meaning the ability of an employee to perform the duties assigned him and the degree of excellence with which he performs such duties. Consideration should be given to such qualities as accuracy and neatness of work, orderliness, reliability, originality, resourcefulness, initiative, judgment, tact, special knowledge, technical ability, mechanical skill, ability to supervise or direct the work of others, executive ability, and ability to meet the public.

Second: Quantity of work—meaning the amount of work done. In cases where the work is not measurable, rating should be based upon industry, perseverance, diligence, and willingness to work, speed, energy, and alertness.

Quality and quantity of work shall be rated on the following percentage basis:

For excellent or exceptional work.....	90-100
For good or thoroughly satisfactory work.....	80- 89
For fair or not wholly satisfactory work.....	70- 79
For poor or unsatisfactory work.....	69 and below

Eighty-five per cent is arbitrarily taken by the executive member as the marking for an average employee doing thoroughly satisfactory work.

Third: Attendance. An employee who gives all his time during office hours to the performance of the duties of his position throughout the period of rating except for absence during the annual vacation of 15 working days, or absence on duly authorized holidays or half-holidays, or duly authorized absence without pay, shall be rated 100 per cent in attendance. Any absence allowed with pay in excess of the 15-day vacation, or absence by reason of tardiness, or absence without leave for any period whatsoever, shall operate to reduce the rating below 100 per cent. Service beyond office hours where certified as necessary by the appointing power shall be rated under Quantity, but otherwise no credit shall be given for overtime work.

##### **Sec. 3. Inefficiency cause of charges.**

If the net efficiency of any permanent civil service employee falls below 70 per cent, the appointing power or the board may file a charge of inefficiency against such employee. If such charge is filed, it shall be the duty of the board to try the said employee for inefficiency. If, after such trial, the ratings shall be found to be just, judgment shall be entered, removing the said employee from the civil service of the State of California, and his name shall be stricken from the list of eligibles.

##### **Sec. 4. Unsatisfactory service of probationer cause for removal from list.**

If the efficiency report submitted to the board for a probationer, who has been employed on temporary work, shows that the services rendered by said probationer have not been satisfactory during the period of employment, the board may remove said probationer's name from the eligible list.

### **Powers and Duties Defined.**

A hearing in San Francisco of the methods followed in selecting oral boards and the wide-spread criticism of the press and public resulted in our request for an opinion from the Attorney General which would clarify and define the definition of power and duties of the Personnel Board and of the executive officer. The



opinion rendered is of great importance and was largely influenced the acts of the Personnel Board and clearly defined the duties of the board and executive secretary. Herewith is the opinion rendered by the Attorney General.

STATE OF CALIFORNIA

Legal Department

State Library and Courts Building

SACRAMENTO

July 15, 1936

*Honorable Nathan Young, Chairman, Special Committee on Civil Service,  
Los Angeles, California.*

MY DEAR SENATOR: Your letter addressed to me is a communication referring to Article XXIV of the Constitution, and particularly sections 2 (1), and 3 (a) thereof, wherein you are asking as to the limits of section 2 the authority of the State Personnel Board is limited to the adoption of rules and regulations, the creation and adjustment of positions and grades, and dismissals, demotions, transfers and other personnel action, duty and whether or not all other powers and duties vested in the board are to be performed and discharged by the executive officers, members of the board, particularly in view of the provision of section 3 (a) of the Article.

Section 2 (1) provides in part as follows:

"Said executive officers shall perform and discharge all of the powers, duties, functions and responsibilities imposed on them hereafter by law and be subject to the board except with the adoption of rules and regulations, the creation and adjustment of positions and grades, and dismissals, demotions, transfers and other personnel action but as in the State Civil Service shall be and remain the duty of the board and in case of a vacancy of the members of said board shall be required to make and submit with reasons thereof advice."

Section 3 (a) provides in part as follows:

"Said board shall administer and enforce and is vested with all of the powers, duties, functions, functions and responsibilities which are now or hereafter may be vested in any other agency under Chapter 220 of the California Statutes of 1911 as amended and all other laws relating to the civil service and shall have the right of any lawfully created, established or proposed by the Legislature."

Taking up section 3 (a) first, it appears evident that this section sets a means used by the draft of Article XXIV to place in one hand or agency all the powers, duties, functions and responsibilities which at the time of the adoption of the constitution were vested in the State civil service under the State Civil Service Act. By this means the action herein all inclusive so that none of the various functions performed by other officers or agencies were excluded as being in the same scope the duties have performed the method of administration or aspects of the various provisions of the law theretofore placing powers or duties under the State Civil Service in such other officers or agencies and having by the method suggested in section 3 (a) through all of those functions which the board or agency at that time had a right to perform and the functions to divide the various functions between the Personnel Board and some other officer or agency. In addition to this, section 3 (a) has confirmed the purpose of limiting the power of the Legislature to vest in any other State officer or agency any powers, duties, functions or responsibilities in connection with civil service.

Having by section 3 (a) through all of those functions which the board or agency, section 2 then assigns the powers of performing certain acts, against the various functions between the board and the executive officer.

It is our duty, whenever possible, to give full force and effect to all statutes, and where different acts or parts of the same are subject to some conflict or inconsistent one with the other, we should if possible give such interpretation as will continue the force and effect of all of them.

It will be observed that section 2 (1) deals with the performance and discharge of powers and duties, while section 3 (a) deals with the administration and enforcement of the same. Two distinct meanings intended to distinguish between the words "perform and discharge" and the words "administer and enforce," and Webster's New International Dictionary, 1928 Edition, defines the word "administer" as "treating or superintending the execution, application or conduct of," to dispose, to serve out, supply, execute, as to administer something; and the word "enforce" is defined as to force, constrain, compel, to enforce discipline. Here we note the two words used together in section 3 (a) directing the board to administer and enforce, that is, to direct or superintend and to enforce discipline, and it appears that section 3 (a) is dealing with laws, and it is proper to say that a person or board shall administer and enforce a law, while it would not be appropriate that such person or board should administer and enforce a duty.



We also find from the same dictionary that the word "perform" is defined as to carry through or execute, to accomplish, to do, to discharge, as to perform a duty, synonymous with accomplish, execute, discharge and consummate; and the word "discharge" is defined as "performing duty, trust and the like." Here we have the two words "perform" and "discharge" used together, directing the executive officer to execute, to accomplish, to discharge and to perform a duty or trust, and in this connection the drafter unambiguously used this language to show that the executive officer was to perform and discharge certain duties distinguished from the administering and enforcing of laws. A failure to recognize this difference would necessarily lead to the conclusion that section 2-(c) and 3-(a) are inconsistent and irreconcilable. The fact that section 2-(c) is dealing with duties is made apparent by the fact that that section states that those things which are excepted from the delegation of the powers, duties, purposes, functions and jurisdiction delegated to the executive officer "shall be and remain the duty of the board."

It is further to be observed that the duties which are reserved to the board must be exercised by the board sitting as such, and by a majority vote of the members thereof, and not by individual members of the board.

It might be argued that the word "shall" used in section 2-(c) is permissive only, and not mandatory, and that therefore the board has the right to perform and discharge all the powers, duties, purposes, functions and jurisdiction vested in the board, as well as the executive officer. This contention is answered by the fact that if the word "shall" was intended to be permissive, there would be an ambiguity in that it would not be clear whether the grant of authority was self-executing so that the officer could himself decide on which duties to perform and discharge, or whether the grant was subject to decision by the board as to which duties he was to perform and discharge or whether he or the board could decide that he was to perform and discharge none of the duties. These possibilities seem unreasonable, and suggest that the word "shall" could not have been intended to be permissive. This conclusion is further supported by the fact that section 2-(c) states that the exceptions to the grant of duties to the executive officer shall be and remain the duty of the board, which clearly indicates that there is to be a separation of duties between the executive officer and the board, which shall be exclusive each of the other.

We must, therefore, conclude that the word "shall" is mandatory and not permissive, and that the board and the executive officer have no duties which may be performed by the other, the board administering and enforcing the civil service laws, the executive officer performing and discharging all duties thereunder except those duties remaining the duties of the board under section 2-(c) of the article, in accordance with the maxim that where a statute directs the performance of certain things by a particular person it implies that they shall not be done by a different person.

It therefore appears that though the board shall administer and enforce the civil service laws, and is vested with all the powers, duties, purposes, functions and jurisdiction now or hereafter vested in any other State officer or agency by such law, yet the duty of performing and discharging the same is vested in the executive officer, except for the exceptions set forth in section 2-(c), and over all, the board sits with the responsibility to administer and enforce the civil service laws to the extent that the executive officer is controlled in the performance and discharge of his duties by the rule-making power of the board, which rules must be authorized by and not in conflict with the Constitution or the acts of the Legislature.

The limitations in the making of rules by the board would be (1) that the board could not by rule or regulation take from the executive officer and place in itself or any other person the duty to perform and discharge any of the powers, duties, purposes, functions and jurisdiction under Article XXIV, or which hereafter by law may be vested in him, and (2) that the board could not adopt rules or regulations based upon a statute the effect of which would be to take the performance and discharge of such duties from the executive officer because the statutes must conform to the provisions of the Constitution.

I believe this interpretation is supported by the history of civil service legislation in this State, and the interpretation given thereto by the persons heretofore charged with its administration and enforcement. The contemporaneous construction of legislation by an executive may be considered by a court in determining the meaning of such legislation.

A review of the legislative history of the laws governing the state civil service from its inception shows that the amendment to the Constitution continues in effect provisions that have existed for some time. Prior to 1929, the Civil Service Commission consisted of an executive member and two associate members, and it was provided in the Civil Service Act that the executive member was to have all of "the duties, powers and functions conferred upon the Civil Service Commission \* \* \* except that the enactment of rules and



**Rules Are Amended.**

On June eleventh, the Personnel Board amended the rules by adding section 5a to Rule 4, which the committee believes will remove many of the serious defects and much of the criticism made against oral examination as formerly conducted.

In case the amended rule fails to remove the just criticism levied against decisions of the qualifications appraisal boards, further changes should be made.

Here follows a resume of the new rule:

**Section 5a, Rule 4.**

At its meeting of June 11, 1936, the State Personnel Board amended its Rules and Regulations by adding section 5a to Rule Four, to read as follows:

SEC. 5a. Appraisal of education, experience and personal qualifications of competitors in examinations.

In examinations where the education, experience and personal qualifications of candidates are to be rated, such ratings shall be made by boards to be known as qualification appraisal boards, under the following regulations.

(a) Such boards shall include one member of the staff of the State Personnel Board who shall act as chairman, the head of the department under whom the work is to be performed, or his authorized representative, if the test is given to establish an eligible list for a particular department; and whenever feasible one or more citizens, preferably not at the time in the State service, who are qualified to appraise the education, experience, and personal qualifications of applicants for the classification in question; the number of members of such boards to be determined, and the appointments in each case to be made by the executive officer of the State Personnel Board. If at the time and place set for meeting of any qualification appraisal board, a member or members theretofore notified of said time and place of meeting fail to appear, the board may proceed, the vacancy or vacancies to be filled or not as the chairman of the appraisal board shall determine.

(b) No member of the Personnel Board may serve as a member of any qualification appraisal board except he be the head or a member of the governing body of the department for the use of which the resulting eligible list is to be established, and then only upon previous approval of the Personnel Board.

(c) Ratings of education, experience, and personal qualifications by qualification appraisal boards shall be made on a competitive basis, in that each candidate shall be rated thereon in relation to the minimum qualifications for the classification in question and in relation to the comparable qualifications of other competitors. The term "personal qualifications" includes all such personality traits and personal, moral, and physical characteristics as are necessarily comprehended by the minimum qualifications established for the classification.

(d) Ratings of education, experience, and personal qualifications shall be made independently by each qualification appraisal board member on official forms prescribed by the executive officer and shall be signed before delivery to the chairman of the qualification appraisal board. No member of a qualification appraisal board shall disclose to another his rating of a competitor until after the permanent recordation of such rating. Ratings accorded competitors shall be expressed in percentages, with 70 being the minimum passing rating for open competitive examinations, and 85 the minimum passing rating for promotional examinations. When a competitor is rated below the minimum passing mark by a member of the qualification appraisal board the reason for such rating shall be entered on the rating sheet by the board member. The ratings of the several members of the qualification appraisal board shall be averaged to determine the competitor's final rating on education, experience, and personal qualifications. If the average rating of a competitor is below the required passing mark, or the majority of the members of the qualification appraisal board eliminate or otherwise rate a competitor below such minimum passing mark, that competitor shall be eliminated on education, experience, and personal qualifications. The final average ratings thus accorded competitors on education, experience, and personal qualifications, if above the minimum passing mark, shall have such weight in relation to the written and other tests prescribed for the examination, as shall have been previously specified by the executive officer.

(e) In examinations for positions of trust, involving the handling of money, the exercise of the powers of peace officers, law enforcement or regulation, the collection of taxes or investigations connected therewith, or involving the care or custody of wards of the State, the executive officer or the qualification appraisal board must, and in any other examinations may, make special inquiry into the past records of all competitors; and shall disqualify any whose records or reputation shall in his or their judgment warrant such action.

(f) Nothing in this rule shall be interpreted to prevent the appraisal of education and experience by formula from information and data given on the



official applications of competitors without the process of interview by a qualification appraisal board, and without regard to personal qualifications of competitors.

(g) The Personnel Board will consider appeals from the decisions and ratings of qualification appraisal boards made for the reasons and upon the conditions, as follows:

(1) For alleged irregularity, bias or fraud in the conduct of the investigation or interview; or

(2) For alleged erroneous interpretation and application of the minimum qualifications prescribed for the classification; and

(3) Upon receipt by the Personnel Board of a written statement by the competitor setting forth the facts and upon the basis of such statement a determination by the Personnel Board whether or not good cause exists for consideration of the appeal.

(h) If the Personnel Board grants the appeal it shall cause the members of the qualification appraisal board and all other interested persons to be notified of the time and place of the hearing on the appeal.

(i) If, upon considering such an appeal, the Personnel Board decides that the competitor possesses the minimum qualifications for the classification and merits a passing rating, it shall on the basis of the facts of the case of the qualification appraisal board give him a rating or education, experience, and personal qualifications not in excess of the minimum passing grade prescribed for the examination.

#### Adopt More Liberal Policy.

Other new rules and amendments were adopted by the Personnel Board in September with excellent results.

It is gratifying to learn the Personnel Board has adopted a more liberal policy in the matter of recalled oral examinations, which includes examination times made for this committee, as evidenced by their adoption of article 5a to Rule 4. It is our further opinion that the questions asked during the oral examinations are passed interviews, as they are more properly called, should constitute an entire review of the written examinations and that only such other questions be asked as are necessary to enable the examining board to arrive at a correct, fair and accurate appraisal of the relative value of competitors' education, experience and personal qualification and ability to perform the duties of the position under examination.

We believe that much of the criticism directed toward the result of the oral examinations in the past will not be justified in the future under the present amended rule and proposed new law, however, we consider it of the greatest importance that the persons appointed to conduct the examinations be recognized authorities in the profession or trade covered by the examination, that they be of high integrity and entirely free from prejudice or personal interest in the competitor.

#### Salary Increases in Lower Brackets.

We are not in sympathy with a continuation of a policy, commenced in 1925, that salary increases should not be made. We feel that it is both unfair and unjust to deny efficient and earnest employees of the State such advances, particularly those employees in the lower brackets. In the past, payment of salaries below the minimum of the classification provided for has been one of the chief causes of discontent.

#### Promotion for Employees.

One of the fundamental principles of the English system, which is recognized as outstanding in Civil Service is the opportunity for promotion within the ranks, and we recommend greater emphasis be given this phase of our system in order to improve the morale of employees and stimulate initiative and production. In short, when a vacancy occurs in a department it should be filled by promotion.

#### Moral Responsibility Urged.

We recommend that no employee, probationary or otherwise, who has been relieved of his duties in a department of the State Government for dishonesty or other serious offense, shall be permitted to take Civil Service examinations and have his name stricken from eligible lists.

As a result of our committee hearings on charges made against certain liquor control officials of the fourth district of the State Board of Education, Rule 9 was changed so as to require that probationary employees possess moral responsibility and integrity, as well as other necessary qualifications. In the past these requirements had been omitted from the list of qualifications.

#### Rule Nine.

*Probationary, temporary, and permanent employees defined.*

##### Section 1. Probationary period.

All appointments from eligible lists for original entrance or promotion shall be for a probationary period of six months which probationary period shall not



include the time served under certification to temporary positions but shall date from the time of appointment to a permanent position under certification. It shall be the duty of the appointing power during the probationary period of each employee to investigate thoroughly his conduct, capacity, moral responsibility and integrity to determine whether the employee is fully qualified for permanent Civil Service status. A report on these qualifications shall be made to the board at the end of the second and fourth months of the probationary period on forms prescribed by the board. If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to dismiss him from the service and to report the dismissal, together with the reasons therefor, to the board in writing. If, after thorough investigation during the probationary period, the appointing power shall find the probationer fully qualified for permanent status, he shall so certify to the board on or before the termination of the period on such forms as may be prescribed.

If evidence supported by reasonable proof is filed with the board during the probationary period of any State employee that convinces the majority of its members that the moral conduct, character, or integrity of the employee is unsatisfactory, it shall be the duty of the board to notify the appointing power that the record of the probationer for moral conduct, character, or integrity is incompatible with or inimical to the good of the service.

#### Sec. 2. Restoration of probationers.

The name of a discharged probationer may at his request be restored to the eligible list with its original percentage in the discretion of the board. Such restoration, however, shall not permit of certification to the position or department from which the probationer has been dismissed, except upon the written request of the appointing power.

#### Sec. 3. Temporary employees.

A temporary employee is one who has been certified and appointed to a position which will continue for a period of less than six months. The acceptance or declination of appointment for temporary service shall not affect the rights of the eligible to certification for permanent appointment.

#### Sec. 4. Permanent employees.

A permanent Civil Service employee is one who, having been certified from an eligible list and thereafter appointed, has served more than the required probationary period of six months in the position to which he was certified.

### Conclusion.

We recognize that economy in government can not be achieved unless the spoils system in our State Government is abolished. Our people have done their part in writing it into our Constitution by an overwhelming majority vote. It now becomes the duty of our Legislature to adopt a law which will clarify and effectuate Article 24. It is also the duty of our State officials, regardless of their personal views, to cooperate with the Personnel Board and staff for the advancing of the merit system in California.

At this particular time, the Personnel Board consists of appointees of the Governor and the success or failure of the merit system in California is so dependent upon the policies established and made effective by the Personnel Board that it becomes largely the personal responsibility of the Governor.

### Motion.

Senator Young moved that the Senate request 300 separate copies of the Report of the Special Senate Committee on Civil Service pursuant to Senate Resolution adopted April 30, 1935, be printed, in addition to those printed in the Journal.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

Assembly Joint Resolution No. 12—Relative to memorializing the President and Congress to enact legislation providing for a thirty hour week labor law;

Assembly Joint Resolution No. 13—Relative to memorializing the President of the United States and the Congress of the United States to negotiate reciprocal trade agreements permitting cyanide of potassium to enter the United States free of duty;

Assembly Joint Resolution No. 14—Relative to memorializing Congress to develop a harbor at Playa Del Rey, Venice, California, for use as a submarine and destroyer base;

Assembly Joint Resolution No. 15—Relative to constituting the President to use his good offices to persuade the States that have not thus far ratified the Child Labor Amendment to the United States Constitution to do so.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. (Foster) Hume, Assistant Clerk.

Assembly Joint Resolutions Nos. 12, 13, 14, and 15 read and referred to Committee on Federal Relations.

Assembly Chamber, Sacramento, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 235—An act to amend an act entitled: An act relating to licensing and taxing of vehicles, passed by the Senate June 1st, the privilege of operating certain vehicles, including the exemption of such vehicles from all taxes according to value for State roads or individual persons, granting for the administration and enforcement of this act, existing or to be known as the motor vehicle license law, and making the amendments of the statute therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7, to read: "7. It shall be unlawful for a driver, and remembering said section as to section 10, and by amending third section 8 thereof to be section 11, and to repeal an act entitled: An act to provide for clearance by assessments and the State Controller as to a percentage of the registration of vehicles by the Motor Vehicle Department, approved May 1, 1935, relating to licensing and taxing of vehicles, existing or to be known as the act relating that this act shall go into immediate effect.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. (Foster) Hume, Assistant Clerk.

Assembly Bill No. 236 read first time and referred to Committee on Revenue and Taxation.

Assembly Chamber, Sacramento, January 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a bill of urgency, Assembly Bill No. 236—An act relating to the operation of motor vehicles, based on comprehensive emergency relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. (Foster) Hume, Assistant Clerk.

Assembly Bill No. 462 read first time and referred to Committee on Social Security.

### Introduction, First Reading and Reference of Bills

**Senate Bill No. 178:** By Senator McColl—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

Senate Bill No. 178 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 179:** By Senator McColl—An act to amend section 1290 of the Fish and Game Code, relating to deer skins.

Senate Bill No. 179 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 180:** By Senator McColl—An act to amend sections 427 and 428 of the Fish and Game Code, relating to licenses.

Senate Bill No. 180 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 181:** By Senator McColl—An act to amend section 1177 of the Fish and Game Code, relating to game birds.

Senate Bill No. 181 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 182:** By Senator McColl—An act to add section 21.2 to the Fish and Game Code, relating to fish and game wardens.

Senate Bill No. 182 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 183:** By Senator McColl—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act." approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

Senate Bill No. 183 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 184:** By Senator Hollister—An act to amend section 5090 of the Insurance Code, relating to county mutual fire insurers.

Senate Bill No. 184 read first time, and referred to Committee on Insurance.

**Senate Bill No. 185:** By Senator Hollister—An act relating to taxation, amending section 5 of the Retail Sales Tax Act of 1935, and section 4 of the Use Tax Act of 1935, providing for exemptions.

Senate Bill No. 185 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 186:** By Senator McBride—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State.

Senate Bill No. 186 read first time, and referred to Committee on County Government.

**Senate Bill No. 187:** By Senator Knowland—An act to add Chapter IIIa, comprising sections 1334 to 1334.6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses without the State in criminal proceedings.

Senate Bill No. 187 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 188:** By Senator Knowland—An act to amend section 5 of chapter 191, statutes of 1923 entitled, "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses

thereof," approved May 23, 1923, relating to county fire protection districts.

Senate Bill No. 188 read first time, and referred to Committee on County Government.

**Senate Bill No. 189:** By Senator Knowland—An act to amend sections 7, 23, 24 and 25 of, and to add a new section to be numbered 35 to, the Direct Primary Law, relating to candidates and party conventions.

Senate Bill No. 189 read first time, and referred to Committee on Elections.

**Senate Bill No. 190:** By Senator Fletcher—An act making an appropriation to the Department of Institutions providing a workshop and salesroom for the adult blind in the city of San Diego.

Senate Bill No. 190 read first time, and referred to Committee on Finance.

**Senate Bill No. 191:** By Senator Fletcher—An act to amend section 488 of the Vehicle Code, relating to parking.

Senate Bill No. 191 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 192:** By Senator Fletcher—An act to amend section 3817d of the Political Code, relating to sales of property for tax delinquency.

Senate Bill No. 192 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 193:** By Senator Fletcher—An act relating to the redemption of property sold to auction district for delinquent assessments.

Senate Bill No. 193 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 194:** By Senator Cunningham—An act to amend section 737p of the Political Code, relating to the salary of the superior judge of the county of Kings.

Senate Bill No. 194 read first time, and referred to Committee on County Government.

**Senate Bill No. 195:** By Senator Cunningham—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class.

Senate Bill No. 195 read first time, and referred to Committee on County Government.

**Senate Bill No. 196:** By Senator Gordon—An act to amend section 1151 of the Fish and Game Code, relating to use of lights.

Senate Bill No. 196 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 197:** By Senator Gordon—An act to add section 1046 to the Military and Veterans Code, relating to the estates of deceased veterans.

Senate Bill No. 197 read first time, and referred to Committee on Military Affairs.



**Senate Bill No. 198:** By Senator McColl—An act relating to the State prisons, and the care and maintenance of prisoners therein; and to provide for the reimbursement of the State on account thereof in certain cases.

Senate Bill No. 198 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 199:** By Senator McGovern—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts after final distribution.

Senate Bill No. 199 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 200:** By Senators Garrison, Jespersen, Metzger, Westover, Wagy, Biggar, Olson, Seawell, Williams, Hollister, Holohan, Powers, Parkman, Crittenden, Schottky, Allen, McColl, Slater, Pierovich, Phillips, Law, Keough, McCormack, Keating, and McGovern—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon.

Senate Bill No. 200 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 201:** By Senator McColl—An act to amend section 1431 of the Penal Code, relating to change of venue.

Senate Bill No. 201 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 202:** By Senator McColl—An act to amend section 1 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, in limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by electors November 4, 1924, relating to the appointment of members to the State Athletic Commission.

Senate Bill No. 202 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 203:** By Senator McColl—An act to amend section 651.6 of the Fish and Game Code, relating to salmon.

Senate Bill No. 203 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 204:** By Senator McColl—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

Senate Bill No. 204 read first time, and referred to Committee on County Government.

**Senate Bill No. 205:** By Senator Lane—An act to amend section 740 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

Senate Bill No. 205 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 206:** By Senator Metzger—An act to amend section 800 of the Military and Veterans Code, relating to definition of "veteran" for the purpose of aid to veterans in purchase of farms and homes.

Senate Bill No. 206 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 207:** By Senator Metzger—An act to amend section 137 of the Fish and Game Code, relating to game refuges.

Senate Bill No. 207 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 208:** By Senator Metzger—An act to add section 588.12 to the Vehicle Code, relating to parking.

Senate Bill No. 208 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 209:** By Senator Bigger—An act to amend section 372 of the Vehicle Code, relating to registration of certain vehicles used for the transportation of persons or property in this State.

Senate Bill No. 209 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 210:** By Senator Bigger—An act to add section 20 to the Motor Vehicle Fuel License Tax Act, relating to the Department of Public Works.

Senate Bill No. 210 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 211:** By Senator Bigger—An act to add section 610 to the Streets and Highways Code, relating to State Highways.

Senate Bill No. 211 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 212:** By Senator Bigger—An act to add section 875.5 to the Fish and Game Code, relating to nets.

Senate Bill No. 212 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 213:** By Senator Bigger—An act to amend sections 612, 615 and 653 of the Fish and Game Code, relating to fish.

Senate Bill No. 213 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 214:** By Senator DeLap—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted.

Senate Bill No. 214 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 215:** By Senator DeLap—An act to amend section 1326 of the Penal Code relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Senate Bill No. 215 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 216:** By Senator DeLap—An act to add Chapter Va, comprising sections 852 to 852.4, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime.

Senate Bill No. 216 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 217:** By Senator Slater—An act to amend section 799 of the Fish and Game Code, relating to abalones.

Senate Bill No. 217 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 218:** By Senator Mixter—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

Senate Bill No. 218 read first time, and referred to Committee on County Government.

**Senate Bill No. 219:** By Senator Mixter—An act to amend section 3817d of the Political Code, relating to sales of tax delinquent property.

Senate Bill No. 219 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 220:** By Senator Schottky—An act to amend section ----- of "The California Irrigation District Act," relating to the acquisition or construction of works and the distribution of water for irrigation purposes.

Senate Bill No. 220 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 221:** By Senator Schottky—An act to amend section ----- of "The California Irrigation District Act," relating to the

acquisition or construction of works and the distribution of water for irrigation purposes.

Senate Bill No. 221 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 222:** By Senators Crittenden and Holahan: An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute.

Senate Bill No. 222 read first time, and referred to Committee on Finance.

**Senate Bill No. 223:** By Senators Crittenden and Holahan: An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses, under the same," approved May 19, 1927, relating to the price from the sale of jute bags.

Senate Bill No. 223 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 224:** By Senator Quinn: An act to amend section 24 of the Fish and Game Code, relating to the Trinity and Klamath River District.

Senate Bill No. 224 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 225:** By Senator Quinn: An act to amend section 588 of the Vehicle Code, relating to angle parking.

Senate Bill No. 225 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 226:** By Senator Quinn: An act to amend section 1230 of the Fish and Game Code, relating to bear.

Senate Bill No. 226 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 227:** By Senator Quinn: An act to amend section 661 of the Fish and Game Code, relating to salmon.

Senate Bill No. 227 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 228:** By Senator Quinn: An act to amend section 788 of the Fish and Game Code, relating to crabs.

Senate Bill No. 228 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 229:** By Senator Crittenden: An act to add section 4041.21a to the Political Code, relating to use of county owned election equipment by others than the county.

Senate Bill No. 229 read first time, and referred to Committee on Elections.



**Senate Bill No. 230:** By Senator Crittenden—An act to add section 751.5 to the Agricultural Code, relating to the certification of barley.

Senate Bill No. 230 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 231:** By Senator Crittenden—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity.

Senate Bill No. 231 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 232:** By Senators Young, Hays and Cunningham—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

Senate Bill No. 232 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 233:** By Senator Young—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Senate Bill No. 233 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 234:** By Senator Young—An act to amend section 813 of the Fish and Game Code, relating to scallops.

Senate Bill No. 234 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 235:** By Senator Young—An act to repeal section 808.5 of the Fish and Game Code, relating to clams.

Senate Bill No. 235 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 236:** By Senator Young—An act to amend section 812 of the Fish and Game Code, relating to mussels.

Senate Bill No. 236 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 237:** By Senator Young—An act to amend sections 10b, 10c, 10d, 10e, and 10g of the State Narcotic Act, relating to fines and forfeitures.

Senate Bill No. 237 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 238:** By Senator Young—An act to amend section 172a of the Political Code, relating to the defense of peace officers.

Senate Bill No. 238 read first time and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 239:** By Senator Gordon—An act to amend section 1151 of the Fish and Game Code, relating to the use of artificial lights.

Senate Bill No. 239 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 240:** By Senator DeLap—An act to amend sections 2, 3, 3½, 4, 5, 6, 7, 8, 9, 9a and 17 of an act entitled "An act providing for the registration of contractors and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fee for such licenses, providing the method of suspension and cancellation of such licenses, and providing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors.

Senate Bill No. 240 read first time and referred to Committee on Building and Construction.

**Senate Bill No. 241:** By Senator Kupper—An act to provide for the organization of an industrial court, to define its powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof.

Senate Bill No. 241 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 242:** By Senator Sawwell—An act to amend section 341 of, and to add section 341a to the Civil Code, relating to advancing of money to a corporation by a director or shareholder of the corporation.

Senate Bill No. 242 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 243:** By Senator Sawwell—An act to amend sections 6 and 7 of the Dental Practice Act, relating to the qualifications and examination of applicants.

Senate Bill No. 243 read first time and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 244:** By Senator Hays—An act to add section 173 to the Fish and Game Code, relating to game refuges.

Senate Bill No. 244 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 245:** By Senator Nelsen—An act to establish a Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts special in their nature.

Senate Bill No. 245 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 246:** By Senator Nielsen—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein.

Senate Bill No. 246 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 247:** By Senator Nielsen—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to pilots and pilot commissioners for San Diego Harbor, and to repeal certain acts specified herein.

Senate Bill No. 247 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 248:** By Senator Nielsen—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein.

Senate Bill No. 248 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 249:** By Senator Nielsen—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein.

Senate Bill No. 249 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 250:** By Senator Nielsen—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and property of, officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 250 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 251:** By Senator Nielsen—An act to add section 205 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 251 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 252:** By Senator Nielsen—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 252 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 253:** By Senator Nielsen—An act to add sections 111, 112, 113, 157, and 158 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

Senate Bill No. 253 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 254:** By Senator Nielsen—An act to amend sections 377h, 377i, and 377j of the Political Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

Senate Bill No. 254 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 255:** By Senator McBride—An act to amend section 23 of the Streets and Highways Code, relating to defining highways.

Senate Bill No. 255 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 256:** By Senator McBride—An act to amend section 1680 of the Streets and Highways Code, relating to powers and duties of boards of supervisors.

Senate Bill No. 256 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 257:** By Senator Lamm—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution.

Senate Bill No. 257 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 258:** By Senator Lamm—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship.

Senate Bill No. 258 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 259:** By Senator Knowland—An act relating to out-of-State parolee supervision and authorizing and directing the Governor to enter into compacts therefor.

Senate Bill No. 259 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 260:** By Senator Pierovich—An act to amend sections 1426b and 1426d of the Civil Code, relating to notices of location of lode and placer mining claims.

Senate Bill No. 260 read first time, and referred to Committee on Mines and Mining.

**Senate Bill No. 261:** By Senator Pierovich—An act to add section 612 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 261 read first time, and referred to Committee on Roads and Highways.



**Senate Bill No. 262:** By Senator Pierovich—An act to add section 14.5 to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1923, relating to exemptions.

Senate Bill No. 262 read first time, and referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 5:** By Senator Crittenden—Proposed amendment to Article XI of the Constitution, by adding section 21 thereto, relative to hospitals maintained by cities, counties, or cities and counties.

Senate Constitutional Amendment No. 5 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 6:** By Senator Fletcher—Proposed amendment to Article XIII of the Constitution, by repealing section 13 relative to bonds exempt from taxation.

Senate Constitutional Amendment No. 6 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 7:** By Senator Seawell—Proposed amendment to Article XX of the Constitution, by repealing section 22 thereof and adding section 23 thereto, relative to alcoholic beverages.

Senate Constitutional Amendment No. 7 read, and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 4:** By Senator Metzger—Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National Program of Work-Relief.

Senate Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

**Senate Concurrent Resolution No. 7:** By Senator Parkman—Relative to approving six certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936.

Senate Concurrent Resolution No. 7 read.

#### **Consideration of Senate Concurrent Resolution No. 7.**

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 7, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 7—Relative to approving six certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

**AYES.** Senators Allen, Begg, Carpenter, Chapman, DeLoe, Gordon, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCormack, McGovern, Miller, Nelson, Quinn, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tottle, Wagy, and Young—28.

**NOES.** None.

Senate Concurrent Resolution No. 7 ordered transmitted to the Assembly.

### Adjournment.

At twelve o'clock and fifteen minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until nine o'clock a.m. Tuesday, January 19, 1937.

ELLSWORTH W. SCAMMON, House Clerk.

### IN SENATE

SENATE CHAMBER,

SACRAMENTO, Tuesday, January 19, 1937.

At nine o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Howard S. McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Begg, Carpenter, Chapman, DeLoe, Gordon, Gordon, Jorgensen, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCormack, McGovern, Miller, Nelson, Quinn, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tottle, Wagy, Westover, Williams, and Young—28.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Riedler.

### Reading of the Journal.

During the reading of the Journal of Monday, January 18, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, January 19, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 2335, "An act to amend an act entitled 'An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein,' approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and 7 of said section 9 thereof, by adding section 7a therein, by amending said section 9 thereof and renumbering said section to be section 10, and by renumbering third section 9 thereof to be section 11; and to repeal an act entitled 'An act to

require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1932, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 236 were read and adopted:

#### Amendment No. 1.

On page 1, in the title of the printed bill, as amended, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following: "by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal".

#### Amendment No. 2.

On page 4, line 5, of the printed bill, as amended, strike out "the eighty-ninth and ninetieth fiscal years", and insert in lieu thereof the following: "each fiscal year".

#### Amendment No. 3.

On page 4, line 23, of the printed bill, as amended, strike out "the eighty-ninth and ninetieth fiscal years", and insert in lieu thereof the following: "each fiscal year".

#### Amendment No. 4.

On page 4, line 35, of the printed bill, as amended, strike out "the eighty-ninth and ninetieth fiscal years", and insert in lieu thereof the following: "each fiscal year".

#### Amendment No. 5.

On page 4, lines 49 and 50, of the printed bill, as amended, insert the following: "SEC. 8. Second section 9 of said act, relating to the termination of said act, is hereby repealed."

#### Amendment No. 6.

On page 4 of the printed bill, as amended, strike out lines 51 and 52 and on page 5, strike out lines 1 to 8, inclusive.

#### Amendment No. 7.

On page 5, line 10, of the printed bill, as amended, strike out "11", and insert in lieu thereof the following: "10".

#### Amendment No. 8.

On page 5, line 11, of the printed bill, as amended, strike out "11", and insert in lieu thereof the following: "10".

#### Amendment No. 9.

On page 3, line 4, of the printed bill, as amended, after "affidavit," insert the following: "executed by a person having knowledge of such fact".

#### Amendment No. 10.

On page 3, line 10, of the printed bill, as amended, strike out "the same are properly executed", and insert in lieu thereof the following: "of first operation during the current year".

#### Amendment No. 11.

On page 4, line 3, of the printed bill, as amended, after the period, insert the following: "The appropriation hereby made for the use of the Department of Motor Vehicles shall be effective as of January 1, 1937."

Bill read second time, ordered to reprint, and on file for third reading.

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, January 18, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 4—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending sections 8 and 28o thereof, by amending and reenacting sections 68 and 69 and repealing section 28½h thereof and by adding to said act as amended new sections to be numbered and providing as follows, to wit: Section 28½h, relating to segregation of items of property on the assessment roll; section 28½o, relating to proceeds of tax-deeded lands; section 28½o, relating to quieting title to tax-deeded lands; section 28½o, relating to acquisition of claims

to property owned or claimed by the district; section 284, relating to proceeds of rentals of tax-deeded lands; section 70, relating to statute of limitations on tax deeds to the district; section 71, relating to statute of limitations on disposal of tax-deeded lands; declaring the legislative intention as to nonconstitutional and declaring the urgency of this act; has had the same under consideration and reports fully reports the same back with amendments and recommendations; that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Irrigation, the following amendment to Senate Bill No. 4 was read and adopted:

#### Amendment No. 1.

On page 2, line 28, of the printed bill, strike out the word "three", and insert in lieu thereof the word "four".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

#### Committee of the Whole.

Senator Swing moved that the Senate resolve itself into a Committee of the Whole in order to discuss Initiative Senate Bill No. 1.

Motion carried.

### SENATE MEETS AS COMMITTEE OF THE WHOLE

At nine o'clock and thirty-two minutes a.m. the Senate met as a Committee of the Whole.

#### COMMITTEE OF THE WHOLE ARISES

At ten o'clock and fifty-three minutes a.m. on motion of Senator Young, the Committee of the Whole arose.

#### IN SENATE.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

#### Motion.

Senator Young moved that the first page of the Initiative petition be printed, and that it be given a rush order.

Motion carried.

#### Committee of the Whole.

Senator Knowland moved that the Senate resolve itself into a Committee of the Whole in order to further discuss the Initiative petition.

Motion carried.

### SENATE MEETS AS COMMITTEE OF THE WHOLE

At ten o'clock and fifty-seven minutes a.m. the Senate met as a Committee of the Whole.

#### COMMITTEE OF THE WHOLE ARISES.

At twelve o'clock and fifteen minutes p.m. on motion of Senator Swing, the Committee of the Whole arose.

#### IN SENATE.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



### Communication.

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Rules.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO, CALIFORNIA, January 18, 1937.

Honorable George J. Hatfield, President of the Senate,  
State Capitol, Sacramento, California.

Subject: Skeleton Bills.

Request: No. 3882.

MR. PRESIDENT: You have asked us whether a bill which contains only a title and an enacting clause, and which does not set forth any of the law which it purports to propose, is in fact a bill.

In your letter requesting this opinion, you illustrate the general form of a skeleton bill as follows:

"An act to amend section ----- of -----, relating to -----.

*The people of the State of California do enact as follows:*

SECTION 1. -----"

We have made a careful investigation of the reported cases and have failed to find a case which even discusses this type of skeleton bill.

However, in this research we have found several authorities defining the word "bill." We believe these authorities indicate that the model skeleton bill illustrated above is not a "bill."

Webster defines a bill as follows:

"*b.* a. Orig., a petition to the sovereign praying the enactment of some act or statute usually set forth with the petition. *b.* Hence, a form or draft of a law presented to the Legislature for enactment; a proposed or rejected law. The petitionary form is still used in private bills in Great Britain." (P. 222. Webster's New International Dictionary)

This definition is enlarged upon in *Haddock vs. Leach*, (1915) 226 Fed. 135. The court was there considering the validity of a revenue bill which had originated as a nonrevenue bill in the Senate and had been amended into a revenue bill in the House of Representatives.

At page 137 the court says:

"Assuming that the constitutional phrase applies, inquiry may next be made as to the meaning of the word 'bill,' in contradistinction from 'statute' or 'act.' 'A "bill" is a draft of a proposed statute submitted to the Legislature for enactment.' *People vs. Reardon*, 184 N. Y. 431, 77 N. E. 970, 8 L. R. A. (N. S.) 314, 112 Am. St. Rep. 628, 6 Ann. Cas. 515. This definition has been universally accepted, although the word is often used loosely as synonymous with act or law.' *Sedgwick Co. Com'rs. vs. Bailey*, 13 Kan. 600. It follows that what the Constitution requires to originate in the House of Representatives is not the final product of the legislative will, not the statute, but a project for a statute, which may by amendment take a very different shape by the time it is ready for promulgation as law. Where, therefore, did the Cotton Futures Act originate, when it was in the chrysalis form of a 'bill'?"

The bill as introduced was the same as amended by the House except that the enforcement provisions as proposed by the Senate were based upon a prohibition of the use of the mails and those added in the House were by way of a heavy tax upon cotton futures contracts sought to be controlled.

Lewis' Sutherland Statutory Construction defines a bill as follows:

"Sec. 67 (60). Forms of legislation.—A bill is a form or draft of a law presented to a Legislature, but not yet enacted, or before it is enacted; a proposed or projected law. This is the meaning of a bill in practice, and has been judiciously commended." (Vol. 1, page 114, Second Edition).

And in *Amos vs. Gamm*, (1922) 94 So. 615, Florida, the Supreme Court, at page 634, defined a "bill" as follows:

"A 'bill' is a proposition reduced to writing, submitted to the consideration of the Legislature, which when it has received the indorsement or support of a majority vote of the members present of each house and the yeas and nays vote taken upon the final passage entered upon the Journals of each house, is said to have 'passed.' The use of the word 'bill' in section 28 of Article III of the Constitution, providing that every 'bill' that may have passed the Legislature shall, before becoming a law, be presented to the Governor, and in the proviso to section 17, Article III providing that all 'bills' so passed shall be signed by the presiding officers of the respective houses, etc., was not intended, as the Legislature by its rules has indicated, to designate the original written document first submitted. But it has reference to the last writing, which contains all the amendments and changes made by the Legislature in the 'bills' journey through the two houses. It contains the original proposition in its altered or amended form, if there have been any changes. It represents

the best thought of the legislature made. It is the repository of the latest expression of legislative purpose and intention concerning the proposed proposition."

These authorities indicate that a "bill" is a draft of proposed legislation which can be enacted into law, or as Webster puts it, "a proposal or legislative law."

These definitions would seem to preclude the contention that if a "bill" as introduced cannot be enacted into law it is not a bill.

This proposition is supported by a consideration of sections 2 and 15 of Article IV of the Constitution.

Section 15 of Article IV provides in part:

"No law shall be passed except on bill."

The use of the word "bill" in this sentence certainly presupposes that a bill is something which may be enacted into law. It is further evident by a consideration of some of the provisions of section 2 of Article IV.

"The sessions of the Legislature shall be biennial, . . . and shall continue for a period not exceeding 90 days. . . . The members of both houses shall be taken for one year from 90 days. . . . The members of the Legislature no bill shall be introduced or passed unless the number of three-fourths of the members thereof be present. . . . No bill shall be introduced by any one member. . . ."

A provision such as this would be meaningless if the word "bill" as used, is remedied. *Hilborn vs. Nye*, (1911) 15 Cal. App. 208. Cooley in his work on Constitutional Limitations, Eighth Edition at page 198, Cooley further explains as follows:

"The Constitution of Michigan provides that no new bill shall be introduced into either house of the Legislature after the first 90 days of the session shall have expired, and the Constitution of Missouri provides that no bill shall originate in either house within the first 90 days of its session. The purpose of these clauses is to prevent hasty and impetuous legislation, and to compel, so far as any provision law can accomplish that result, the careful examination of proposed laws."

Under constitutional provisions such as these and by Cooley, above it can clearly be ascertained which object is thwarted by the use of skeleton bills. Under the California system this object is of course frustrated by the use of skeleton bills, but still another object is thwarted.

This object is well summarized by Thomas S. Brainerd at Stanford University, writing for the California Law Review. At page 45 of Volume 20 (1934-1935) he says:

"In the first place, it may be regarded as a failure of improved legislative procedure and the conduct of legislative business to require any delay for the introduction of bills during the first portion of the session. . . . Their consideration during the session and their passage during the final session. Secondly, it may be regarded as frustrating legislative publicity, because the general public, as well as the legislature, would be given the opportunity to study the bills that had been introduced and thereby to discuss and help and guide bills. Thirdly, the interval between session would now furnish to legislators an opportunity to make known to their constituents their opinions and wishes with reference to proposed legislation. Thus, legislative legislation could be more easily enacted and reasonable legislation advanced according to the dictates of the people of the State before it is out of consideration. Finally, the restrictions upon the introduction of bills after the session would effectively prevent the passage of hasty and impetuous measures during the closing days and hours of the session. The plan, considered in the abstract, lays claims to many virtues."

Obviously the people can not study or interpret measures regarded as "bill" skeleton bills. It seems to follow inescapably that the word "bill," in view of the foregoing discussion, can not include a skeleton bill.

Another aid to interpretation, if another be required, is well expressed by Cooley at page 130. Speaking of Constitutions he says:

"In interpreting clauses we must presume that words have been employed in their natural and ordinary meaning. As Marshall, C. J. says: 'The framers of the Constitution and the people who created it must be understood to have employed words in their natural sense, and to have intended what they said.' (Cooley's Constitutional Limitations, Eighth Edition, Volume 1)

Prior to the adoption of the amendment to section 2 of Article IV the "skeleton bill" was not used in this State. *Barney*, 20 Cal. Law Rev. at 49, says:

"The skeleton bill practice, which violates the theory of the biennial session and which destroys its possible effectiveness, seems to have developed about 1919-1921."

On page 50 he continues:

"During the second part of the session the skeleton and partial skeleton bills are filled out. It is obvious that this practice nullifies one of the basic

ideas of the divided session. The evil reached alarming proportions in the sessions of 1923 and of 1925 when 303 and 304 such bills, respectively, were introduced. In his inaugural address, Governor Young, who had had long legislative experience and was thoroughly familiar with the situation, criticized the practice and indirectly stated that such bills, if passed by the Legislature, would be very critically examined by him. Indeed, the impression was general that the great majority of skeleton bills faced certain veto. The result was a sharp decrease in this type of proposed legislation both in the 1927 and in the 1929 sessions of the Legislature. In the former there were only 54 in the Assembly and 27 in the Senate, a total of 81; in the latter a total in both houses of 55, including 37 in the Assembly and 18 in the Senate."

Summarizing our opinion, we find that in ordinary usage, a bill is a draft which may become a law. This meaning was attached to the word when our Constitution was adopted and it prevailed when section 2 of Article IV was amended in 1911. To attribute any other meaning to the word would be to defeat the very objects the Legislature had in mind in proposing this amendment, and as Cooley says, the people must have understood when it was adopted.

Of course, we are aware that the question naturally occurs as to how much language must be inserted in the body of a bill to escape the appellation of a skeleton bill. We feel that such question can not be answered in the abstract, can be answered only in relation to the particular provisions of each such bill as and when the issue arises.

Respectfully submitted

SIDNEY L. WEINSTOCK, Deputy Legislative Counsel.

Approved: FRED B. WOOD, Legislative Counsel.

### Statement by Hon. George J. Hatfield, President of the Senate.

GENTLEMEN OF THE SENATE: I am herewith handing to the Secretary of the Senate an opinion from the Legislative Counsel of the State of California to the effect that a so-called skeleton bill is not a bill within the meaning of the Constitution.

Basing my action upon this opinion, I desire to notify the Senate that any attempt to amend and pass a skeleton bill through the Senate after the constitutional recess will be ruled by me as a noncompliance with the Constitution, and I will order the bill stricken from the files.

In the event that I am overruled upon an appeal from any such decision, I shall either refuse to certify the bill, or in my certification shall set forth the skeleton bill as originally introduced, together with a history of the amendment thereof, so that all of the facts may be properly certified and presented for any review sought in the courts as to the compliance with the constitutional provisions requiring all laws to be passed by bills.

### Motion.

Senator Slater moved that the President of the Senate appoint a committee to draft a telegram to President Roosevelt, congratulating him on his inauguration.

Motion carried.

### Appointment of Special Committee.

The President announced, in accordance with the above motion, the appointment of Senators Slater, Phillips and Deuel.

### Telegram.

The above named committee drafted the following telegram and the Secretary of the Senate was ordered to send said telegram to President Roosevelt:

January 19, 1937.

To Franklin D. Roosevelt, President of the United States, Washington, D. C.

The Senate of the State of California in session here extends its hearty felicitations to you on your inauguration as President of the United States. Accompanying our congratulations, we desire to express the sincere hope that your administration will reach the highest attainments in the promulgation of legislation which will count for the greatest good to the greatest number of our people. Be assured of our profound regard.

BY THE SENATE.

GEORGE J. HATFIELD, Lieutenant Governor.

ATTEST: JOSEPH A. BEEK, Secretary of the Senate.

**Motion.**

Senator Allen moved that the Senate join the Assembly tomorrow morning in patriotic exercises, and to hear the inaugural speech of President Roosevelt.

Motion carried.

**Recess.**

At twelve o'clock and twenty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Introduction, First Reading and Reference of Bills.**

**Senate Bill No. 263:** By Senator Slater—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency thereof, to take effect immediately.

Senate Bill No. 263 read first time, ordered to print, and laid at the desk.

**Senate Bill No. 264:** By Senator Knowland—An act to add section 134 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes.

Senate Bill No. 264 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 265:** By Senator Knowland—An act to amend section 24 of the Direct Primary Law, relating to party conventions.

Senate Bill No. 265 read first time, and referred to Committee on Elections.

**Senate Bill No. 266:** By Senator Biggar—An act to add section 625 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 266 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 267:** By Senator Fletcher—An act to amend section 538 of the Code of Civil Procedure, relating to attachments.

Senate Bill No. 267 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 268:** By Senator Fletcher—An act to amend section 92 of the Civil Code, relating to grounds for divorce.

Senate Bill No. 268 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 269:** By Senator Fletcher—An act to amend section 159 of the Civil Code, relating to postnuptial contracts.

Senate Bill No. 269 read first time, and referred to Committee on Judiciary.



**Senate Bill No. 270:** By Senator Fletcher—An act to amend section 158 of the Civil Code, relating to antenuptial and postnuptial contracts.

Senate Bill No. 270 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 271:** By Senator Fletcher—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales, and declaring the urgency thereof to take effect immediately.

Senate Bill No. 271 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 272:** By Senator Fletcher—An act to amend section 1626 of the Streets and Highways Code, relating to purchase, discharge and redemption of bonds of improvement road and highway districts.

Senate Bill No. 272 read first time, and referred to Committee on Roads and Highways

**Senate Bill No. 273:** By Senator Fletcher—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

Senate Bill No. 273 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 274:** By Senator Fletcher—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Senate Bill No. 274 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 275:** By Senator Law—An act to add a new section to be numbered section 6 to an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags.

Senate Bill No. 275 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 276:** By Senator Phillips—An act to amend sections 271, 275 and 283 of the Agricultural Code, pertaining to equity inspection and registration.

Senate Bill No. 276 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 277:** By Senator Phillips—An act to add a new section to the Agricultural Code to be numbered section 112A, relating to pest control.

Senate Bill No. 277 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 278:** By Senator Phillips—An act to add section 285 to the Agricultural Code, relating to rodents.

Senate Bill No. 278 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 279:** By Senator Phillips—An act to amend section 155 of the Agricultural Code, pertaining to weed free areas.

Senate Bill No. 279 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 280:** By Senator Phillips—An act to amend section 757g of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside.

Senate Bill No. 280 read first time, and referred to Committee on County Government.

**Senate Bill No. 281:** By Senator Phillips—An act to amend section 4241 of the Political Code, relating to the compensation of county and township officers in counties of the twelfth class.

Senate Bill No. 281 read first time, and referred to Committee on County Government.

**Senate Bill No. 282:** By Senator Phillips—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

Senate Bill No. 282 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 283:** By Senator Phillips—An act to repeal section 685 of the Code of Civil Procedure, relating to the execution of judgments.

Senate Bill No. 283 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 284:** By Senators Phillips, Gordon, and Jespersen—An act to amend section 21 of the Public Utilities Act, relating to highway common carriers.

Senate Bill No. 284 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 285:** By Senator Phillips—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest

cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Senate Bill No. 285 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 286:** By Senator Phillips—An act to amend section 24½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages.

Senate Bill No. 286 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 287:** By Senator Keough—An act to add sections 617 and 618 to the Streets and Highways Code, establishing additional secondary State Highways.

Senate Bill No. 287 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 288:** By Senator McGovern—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein.

Senate Bill No. 288 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 289:** By Senator McGovern—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein.

Senate Bill No. 289 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 290:** By Senator McGovern—An act to add Article 2, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein.

Senate Bill No. 290 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 291:** By Senator McGovern—An act to add Article 3, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Profes-

sions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein.

Senate Bill No. 291 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 292:** By Senator Pierovich—An act making an appropriation for the purchase and removal of the James W. Marshall Pioneer Museum Collection and the James W. Marshall Blacksmith Shop.

Senate Bill No. 292 read first time, and referred to Committee on Finance.

**Senate Bill No. 293:** By Senator Pierovich—An act to amend section 394 of the Streets and Highways Code, relating to State highways.

Senate Bill No. 293 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 294:** By Senator Biggar—An act to amend section 4 of the Use Tax Act of 1935, relating to exemptions.

Senate Bill No. 294 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 295:** By Senator Biggar—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to exemptions.

Senate Bill No. 295 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 296:** By Senator McGovern—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation.

Senate Bill No. 296 read first time, and referred to Committee on County Government.

**Senate Bill No. 297:** By Senators McGovern, Parkman, Holahan, and Young—An act extending Skyline Boulevard southeasterly along the Santa Cruz Santa Clara County line to a junction with Hacker Highway.

Senate Bill No. 297 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 298:** By Senator Powers—An act to amend section 4277 of the Political Code, relating to the compensation of county and township officers and jurors in counties of the forty-eighth class.

Senate Bill No. 298 read first time, and referred to Committee on County Government.

**Senate Bill No. 299:** By Senator Powers—An act to amend section 4278 of the Political Code, relating to the compensation of county and township officers in counties of the forty-ninth class.

Senate Bill No. 299 read first time, and referred to Committee on County Government.



**Senate Bill No. 300:** By Senator Powers—An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County.

Senate Bill No. 300 read first time, and referred to Committee on County Government.

**Senate Bill No. 301:** By Senator DeLap—An act to amend section 182 of the Penal Code, relating to criminal conspiracy.

Senate Bill No. 301 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 302:** By Senator McCormack—An act to add two new sections to the Political Code, to be numbered 3667a and 3667b and to amend section 3669 of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

Senate Bill No. 302 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 303:** By Senators Gordon, Phillips, Metzger, and Jespersen—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to operators.

Senate Bill No. 303 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 304:** By Senators Gordon, Phillips, Metzger, and Jespersen—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discrimination between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

Senate Bill No. 304 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 305:** By Senator Gordon—An act amending section 404 of the Streets and Highways Code, relating to State highways.

Senate Bill No. 305 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 306:** By Senator Hays—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts.

Senate Bill No. 306 read first time, and referred to Committee on Judiciary.

## Committee of the Whole.

Senator Young moved that the Senate resolve itself into a Committee of the Whole in order to resume discussion of the initiative petition.

Motion carried.

## SENATE MEETS AS COMMITTEE OF THE WHOLE

At two o'clock and twenty-one minutes past, the Senate met as a Committee of the Whole.

## COMMITTEE OF THE WHOLE ARISES

At four o'clock and eight minutes p.m., on motion of Senator Young, the Committee of the Whole arose.

## IN SENATE.

Lieutenant Governor George J. Hatfield, President of the Senate, is the chair.

Secretary Joseph A. Beck at the desk.

### Motion.

Senator Rich moved that the Senate take no action upon the initiative petition.

The roll was called, and the motion refused adoption by the following vote:

AYES, S. J., J. G. GIBLIN, H. J. KENNEDY, K. J. KENNEDY, M. C. MCGEE, M. J. O'NEILL, P. P. PROYCH, R. C. RICH, and W. J. WILSON. 1990.

Notes: Section A lists Cyprianus, Cyprianus, Debra, David, Elsie, Halister, Hilday, Jennifer, Kenneth, Lee, Margaret, Melvin, Nancy, Phyllis, Phyllis, Powers, Quinn, Scotty, Seville, Steve, Vicki, Warren, Williams, and Young. 26

### Messages from the Assembly.

The following messages from the Assembly were received and read:

Received 15 July 1991; accepted 18 July 1991

Mr. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed Assembly Bill No. 100. As such, it passed and took effect on 10, 11, 15, 19, and 25 of March, 1962. I want to thank the Members of both Houses, June 21, 1962, resulting in the early termination of government, including the regular session and providing for a small time office transition.

JAMES C. SUTHERLAND, Chief, Office of Assessment  
Research, U.S. Environmental Protection Agency

Assembly Bill No. 193 read first time, and referred to Committee on Judiciary.

Accepted for publication 22 September 2007

MR. PRESIDENT: I am honored to inform your Government that the New York Association on this day adopted the following:

Assembly Joint Resolution No. 1—Relative to summoning Congress to initiate an amendment to the Constitution of the United States to insure that the military college be abolished and that the President and Vice President be elected by a direct vote of the people.

Assembly Joint Resolution No. 8, Relative to amending the President and Congress to set up a farm products board of commerce to regulate production and distribution of farm products and to adopt necessary legislation therefor.

**JAMES G. SMYTH**, Chief Clerk of Assembly.  
By C. W. B. Assistant Clerk.

Assembly Joint Resolutions Nos. 1 and 8 read and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Concurrent Resolution No. 2 Relative to Joint Rules of the Senate and Assembly—and respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Concurrent Resolution No. 2.

#### **Assembly Amendments.**

##### **Amendment No. 1.**

Strike out the first sentence of Rule No. 12, and insert in lieu thereof the following:

"All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center and commonly known as 'strikeout' type."

##### **Amendment No. 2.**

Strike out brackets in sentence number four of Rule No. 12, and insert in lieu thereof "strikeout type."

##### **Amendment No. 3.**

On page 4, line 33 of Rule No. 13, thereof, after the word "shall", insert the words "more than five", and strike out the word "single".

The question being: Shall the Senate concur in Assembly amendments to Senate Concurrent Resolution No. 2?

The roll was called, and Assembly amendments to Senate Concurrent Resolution No. 2 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hollister, Jepsen, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Senate Concurrent Resolution No. 2 ordered to enrollment.

### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 574—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3543 of the Political Code, and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Bill No. 574.**

Senator Phillips asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 574, without reference to committee for purpose of passage.

#### **Resolution.**

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 574 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLay, Ferguson, Gentry, Hansen, Holahan, Jepsen, Keating, Keough, Knowland, Law, McArthur, McConner, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, Westover, and Young—31.

**NOES**—None.

Whereupon the President declared the provisions of section 13, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 574.

### Second Reading of Assembly Bill No. 574.

Assembly Bill No. 574—An act relating to and providing for a referendum with respect to forfeitures of State school lands as provided for in section 3.13 of the Political Code, and declaring the emergency thereon, to take effect immediately.

### Amendment from the Floor.

During second reading of Assembly Bill No. 574, the following amendment, offered by Senator Phillips, was read and adopted:

### Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "1935", and insert in lieu thereof "1939".

### Urgency Clause.

SEC. 2. This act is hereby declared an urgent measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such emergency are as follows:

Extensions of time given by statutes of this State, similar to this act will cease. The Legislature declares that an economic crisis and period of unusual distress still exists in this State. It is necessary for this act to take effect immediately to prevent the loss of lands and homes to a large number of small land purchasers.

### Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, DeLay, Ferguson, Gentry, Hansen, Holahan, Keating, Keough, Knowland, Law, McArthur, McConner, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, Westover, and Young—31.

**NOES**—None.

Assembly Bill No. 574 ordered to reprint, and on file for third reading.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 574—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.



**Consideration of Assembly Bill No. 273.**

Senator Phillips asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 273, without reference to committee for purpose of passage.

**Resolution.**

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 273 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

**Resolution read.**

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 273.

**Second Reading of Assembly Bill No. 273.**

Assembly Bill No. 273—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately.

**Amendments from the Floor.**

During second reading of Assembly Bill No. 273 the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 3, line 26, of the printed bill, as amended January 18, strike out "1938", and insert in lieu thereof "1939".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, as amended, strike out "1937", and insert in lieu thereof "1938".

Bill read second time, ordered to reprint, and on file for third reading.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 575—An act to amend section 14 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions, to take effect immediately.

**JAMES G. SMYTH**, Chief Clerk of Assembly.

By **C. W. BOOTH**, Assistant Clerk.

**Consideration of Assembly Bill No. 575.**

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 575, without reference to committee for purpose of passage.

**Resolution.**

The following resolution was offered:

By Senator Nielsen:

*Resolved*, That Assembly Bill No. 575 presents a case of urgency in that form as used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three separate days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, DeLoe, Doud, Fletcher, Garfield, Hays, Hollister, Jørgensen, Kauting Koenig, Knowland, Lee, McGowan, Metzger, Metzger, Mixter, Nielsen, Olson, Parkhill, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tacke, Wagy, Westover, and Young—31.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 575.

**Second Reading of Assembly Bill No. 575.**

Assembly Bill No. 575. An act to amend section 14 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds, to create an Athletic Commission empowered to license such contests and the participants therein, to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions to take effect immediately.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Hays, Hollister, Jørgensen, Koenig, Knowland, Lee, McGowan, Metzger, Metzger, Mixter, Nielsen, Olson, Parkhill, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Swing, Tacke, Wagy, Westover, and Young—31.

NOES—None.

**Third Reading of Assembly Bill No. 575.**

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 575 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 575 ordered transmitted to the Assembly.

### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 698. An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Bill No. 698.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 698, without reference to committee for purpose of passage.

#### **Resolution.**

The following resolution was offered:

By Senator Olson:

*Resolved*, That Assembly Bill No. 698 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, Law, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 698.

### **Second Reading of Assembly Bill No. 698.**

Assembly Bill No. 698—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

#### **Urgency Clause.**

**SEC. 4.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Fletcher, Gordon, Hays, Hollister, Keating, Keough, Kneafus and Lusk, McCarty and Myers, Morgan, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Senwell, Swing, Tickle, Wagy, Westover, Williams and Young—32

**NOES**—None

### Third Reading of Assembly Bill No. 698.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 698 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Fletcher, Gordon, Hays, Hollister, Keating, Keough, Kneafus and Lusk, McCarty and Myers, Morgan, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Senwell, Swing, Tickle, Wagy, Williams and Young—35

**NOES**—None

The title read and approved.

Assembly Bill No. 698 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 443. An act to amend sections 1, 2, 3 and 4 of the "Charter Mortgage Mortgages Act, 1925," relating to the right of certain mortgage debtors, declaring the urgency thereof, and providing that it shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Assembly Bill No. 443 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 509. An act to amend section 1 of an act entitled "An act in relation to and regulating the compensation and distribution of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency thereof, and providing that it shall take effect immediately," approved February 4, 1936, relating to the issuance of special assessment bonds, declaring the urgency thereof, and providing that it shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Assembly Bill No. 509 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted the following:

Senate Concurrent Resolution No. 3—Relating to investigation and report upon acquisition of the toll bridge across Carquinez Straits.

Senate Concurrent Resolution No. 6—Relative to granting leave of absence to the Honorable John B. McCall, member of the Senate of the 45th session, session of the Legislature of the State of California.

Senate Concurrent Resolution No. 7—Relative to approving six council members to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held thereon on the eleventh day of June, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Booth, Assistant Clerk.

Senate Concurrent Resolutions Nos. 3, 6 and 7 ordered to enrollment.



ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

Assembly Concurrent Resolution No. 12—Relative to granting leave of absence to Honorable James J. Boyle, member of the Assembly, to leave the State from January 16, 1937, to March 1, 1937.

Assembly Concurrent Resolution No. 13—Relative to urging that a suitable part of public employment be given to the deaf citizens of the State.

Assembly Concurrent Resolution No. 14—Relative to approving certain amendments to the charter of the county of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at a special election held in said county for that purpose on the twenty-fifth day of August, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 13 read, and referred to Committee on Social Security.

### **Consideration of Assembly Concurrent Resolution No. 12.**

Senator Deuel asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 12, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 12.**

Relative to granting leave of absence to Honorable James J. Boyle, member of the Assembly, to leave the State from January 16, 1937, to March 1, 1937.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That leave of absence from the State between the dates of January 16, 1937, and March 1, 1937, is hereby granted to Honorable James J. Boyle, member of the Assembly of the fifty-second session of the Legislature of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 14.**

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 14, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 14.**

Assembly Concurrent Resolution No. 14—Approving certain amendments to the charter of the county of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at a special election held in said county for that purpose on the twenty-fifth day of August, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McCormack, McGovern,

Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Robt. Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—32.  
 NOES—None.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 4—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending sections 8 and 28a thereof by amending and reconnecting sections 68 and 69 and repealing section 28½ thereof and by adding to said act as amended new sections to be numbered and providing as follows, to wit: Section 28½ relating to segregation of items of property on the assessment roll; section 28½a relating to proceeds of tax-deeded lands; section 28½b relating to quieting title to tax-deeded lands; section 28½c relating to acquisition of claims to property owned or claimed by the district; section 28½d relating to proceeds of rentals of tax-deeded lands; section 70 relating to Statute of Limitations on claims of tax-deeds to the district; section 71 relating to Statute of Limitations on claims of tax-deeds to the district; declaring the legislative intention as to nonassessability and declaring the urgency of this act and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Consideration of Senate Bill No. 4.

#### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Senate Bill No. 4 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the proposition of that section requiring that the bill shall be read on three several days in open house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLoe, DeLoe, Garrison, Harry Hallister, Holohan, Keough, Knowland, Law, McChesney, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Robt. Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Whereupon the President declared the provisions of section 15 Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 4.

#### Third Reading of Senate Bill No. 4.

Senate Bill No. 4—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending sections 8 and 28a thereof, by amending and reconnecting sections 68 and 69 and repealing section 28½ thereof and by adding to said act as amended new sections to be numbered and providing as follows, to wit: Section 28½b, relating to segregation of items of property on the assessment roll; section 28½c, relating to proceeds of tax-deeded lands; section 28½d, relating to quieting title to tax-deeded lands; section 28½e, relating to acquisition of claims to property owned or claimed by the district; section 28½f, relating to proceeds of rentals of tax-deeded lands; section 70, relating to Statute of Limitations on tax deeds to the district; section

71, relating to Statute of Limitations on disposal of tax-deeded lands; declaring the legislative intention as to unconstitutionality and declaring the urgency of this act.

Bill read third time.

#### Urgency Clause.

SEC. 14. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California and shall take effect immediately.

The facts constituting said urgency are as follows:

Palo Verde Irrigation District and the farmers living therein have been for many years in dire financial distress. The lands therein have become greatly in arrears in the payment of taxes and consequently the bonds of Palo Verde Irrigation District, Palo Verde Drainage District and of Palo Verde Joint Levee District of Riverside and Imperial counties, California, are and have been delinquent for more than six years. The great bulk of the property within the said district is and has been subject to tax liens of various kinds for delinquent taxes. Unless extraordinary means were provided for the returning of such lands to the tax rolls it would be impossible to farm in said district and the levees, drains and irrigation system could not be kept up or operated and the great bulk of the property owned by the farmers of said district would be lost to said farmers and danger to life, health and property would shortly exist. Said Palo Verde Irrigation District has adopted and entered upon the carrying out of certain plans of rehabilitation whereby such delinquent property may be returned to the tax rolls. The provisions of this act are intended to clear up and settle many questions relating to the returning of said properties to the tax rolls, both district and county, and to secure the continued payment of district and county taxes, water tolls and charges, to permit the resident farmers to retain possession of their lands and continue farming and to prevent the abandonment of the district and the property therein and to preserve the property of the district and of such farmers and thereby to prevent the destruction of life, health and property.

SEC. 15. In hereby amending sections 68 and 69 of said act as amended it is the intention of the Legislature to repeal and reenact each of said sections with the same force and effect as if each and every provision thereof were for the first time enacted at the time of this amendment to said act notwithstanding any provision to the contrary expressed in section 325 of the Political Code.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32

NOES—None

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 4 ordered transmitted to the Assembly.

#### Reports of Standing Committees—(Resumed).

The following reports of standing committees were received and read

##### On Engrössment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JANUARY 19, 1937

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined:

Senate Bill No. 6—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately;

Senate Concurrent Resolution No. 4: Relative to the establishment of a commission to foster better race relations and the designation of a Better Race Month Day.

Senate Concurrent Resolution No. 5: Relative to the adjournment of the Legislature for the constitutional recess, and to the postponing of the Legislature after said recess, and fixing the date for said adjournment such as a recess adjournment. And reports that the same have been correctly counted and presented to the Governor on the nineteenth day of January, 1937, at which point they are

RECEIVED.

### On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, January 19, 1937.

MR. PRESIDENT, Your Committee on Contingent Expenses to which was referred the following resolution by Senator Swigg

### Resolution.

Resolution relating to the investigating and study of the loss and sale of intoxicating liquor, defining the scope of such investigation, postponing the continuation of a committee for such purpose and providing an appropriation for the expenses thereof.

WHEREAS, On the tenth day of June, 1935, the Senate adopted a resolution authorizing the President of the Senate to appoint a committee to make a full and complete investigation of all matters and matters relating to the manufacture and sale of intoxicating liquor, which resolution is set out in full at page 31 of the Senate Daily Journal dated June 10, 1935, and

WHEREAS, President thereof the President of the Senate appointed Senators Ralph E. Spring, Andrew R. Schottky, A. L. Pomeroy, Harold J. Pomeroy and Nelson T. Edwards as the committee provided for in said resolution; and

WHEREAS, Said committee has conducted investigations as authorized in and by said resolution and has made a report to the Senate; And

WHEREAS, Said committee recommends that it be renewed with the same powers and authority set forth in said resolution, until it completes the work assigned it in and by said resolution; and

WHEREAS, One of the members of said committee has ceased to be a member of this Senate; now therefore be it

*Resolved*, That the remaining members of said committee, to-wit: Senators Andrew R. Schottky, A. L. Pomeroy, Harold J. Pomeroy and Ralph E. Spring, be continued as such committee with all the powers and authorities set forth in this resolution, and that the President of the Senate immediately appoint a member of this Senate to act on said committee in place and instead of Senator Nelson T. Edwards, and be it further

*Resolved*, That said committee be and it is hereby empowered and authorized to make a full and complete investigation of all of the matters and subjects hereinbefore referred to and relating thereto, and to do so and all things necessary or proper in connection therewith, and to sit and convene each and all of the things necessary or convenient to enable said committee to prepare and submit at the next session of the Legislature such additional legislation and recommendations as said committee shall deem necessary for properly and satisfactorily conducting the investigating, see and one of intoxicating liquors within the State of California; and be it further

*Resolved*, That the officers of this State and the heads of each and every department and the employees of such departments as have charge of the enforcement of such law and the levy and collection of the license fees and taxes imposed in and by said Senate bill, shall give and furnish to said committee, upon request, such information, records and documents as said committee shall deem necessary or proper for the purposes aforesaid. Said committee shall have power to engage such necessary assistance as it shall deem necessary or proper in connection with the aforesaid matters, and is authorized and empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports, documents, records and papers of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of said committee are, and each of them is, hereby authorized to administer oath; all of the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code of this State, relative to the attendance and examination of witnesses, before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and to do and perform any other service required or done by said committee; that said committee be and it is given leave to sit during the sessions of the Senate, and/or during recess, at such times, place or places as the



committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

*Resolved*, That said committee report to the Senate during the present regular session of the Legislature its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

*Resolved*, That the sum of \$1200 be and the same is hereby made available for the purpose of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund. Said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

RICH, Chairman.  
LAW.  
McCORMACK.

### Consideration of Senate Resolution.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senator Phillips.

### Second Reading of Senate Bill No. 100.

Senate Bill No. 100—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles II and IV of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

### Amendment from the Floor.

During second reading of Senate Bill No. 100, the following amendment, offered by Senator Young, was read and adopted:

#### Amendment No. 1.

On page 7, line 5, of the printed bill, after the period following "736.1", strike out the balance of line 5, and all of line 6, and insert in lieu thereof the following: "The director shall, prior to the formulation of a stabilization and marketing plan for any area, conduct a hearing in said area for the purpose of determining whether or not the producers who produce 65 per cent of the fluid milk for said area and whose major interest is in the production of fluid milk for said area or of the producers who produce 65 per cent of the fluid cream for said area and whose major interest is in the production of fluid cream for the area desire that a stabilization and marketing plan as to fluid milk or fluid cream be formulated for such area; but if a petition for a plan is presented by the producers who produce 65 per cent of the fluid milk for said area and whose major interest is in the production of fluid milk for said area or by the producers who produce 65 per cent of the fluid cream for said area and whose major interest is in the production of fluid cream for the area, it shall not be necessary that such hearing be held. If the director finds that

a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan.

Senate Bill No. 100 read second time, ordered to reprint, engrossment, and on file for third reading.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 948. An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 3886, relating to the validation of certain tax laws, to declare the urgency thereof and to provide that this act shall take effect immediately.

JAMES G. SMYTH, (Speaker of Assembly).  
By E. A. O'CONNOR, (Deputy Assistant Clerk).

Assembly Bill No. 948 read first time.

### Consideration of Assembly Bill No. 948.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 948, without reference to committee for purpose of passage.

Assembly Bill No. 948. An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 3886, relating to the validation of certain tax laws, to declare the urgency thereof and to provide that this act shall take effect immediately.

Bill read first time, and ordered on file for second reading.

### Notice of Motion to Amend Rule 8 of the Standing Rules of the Senate.

Senator Fletcher gave notice that he would move the adoption by the Senate of the following amendment to the Standing Rules of the Senate on the next legislative day:

#### Amendment No. 1.

Amend Rule 8, section 41, so that it shall read as follows:

"41. Public Morals, 7 members."

### Introduction, First Reading and Reference of Bills—(Resumed).

**Senate Bill No. 307:** By Senator Tickle—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 307 read first time, ordered to print, and held at the desk.

**Senate Bill No. 308:** By Senator Schottky—An act to amend section 80 of the Agricultural Code relating to agricultural districts.

Senate Bill No. 308 read first time and referred to Committee on Agriculture.

**Senate Bill No. 309:** By Senators Young, Seawell, Jespersen, Tickle, Williams, and Nielsen—An act relating to the State civil service including the adaptation thereof to Article XXIV of the State

Constitution and providing for reports in regard to personnel by other officers and employees of the State.

Senate Bill No. 309 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 310:** By Senator Quinn—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters.

Senate Bill No. 310 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 311:** By Senator Quinn—An act to make an appropriation for reclamation and flood control work on the Eel River.

Senate Bill No. 311 read first time, and referred to Committee on Finance.

**Senate Bill No. 312:** By Senator Slater—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institution Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded.

Senate Bill No. 312 read first time, and referred to Committee on Hospitals and Asylums.

**Senate Bill No. 313:** By Senator Metzger—An act to repeal "An act providing for the grant of certain lands to the United States of America for the creation of a National park or monument," approved June 11, 1935 (Chapter 328, Statutes of California, 1935).

Senate Bill No. 313 read first time, and referred to Committee on Conservation.

**Senate Bill No. 314:** By Senator Cunningham—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools.

Senate Bill No. 314 read first time, and referred to Committee on Education.

**Senate Bill No. 315:** By Senator Westover—An act to add section 327 to the Penal Code, relating to place of trial.

Senate Bill No. 315 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 316:** By Senator Westover—An act to add section 337f to the Penal Code, relating to place of trial.

Senate Bill No. 316 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 317:** By Senator Westover—An act to amend section 370 of the Penal Code, relating to public nuisances.

Senate Bill No. 317 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 318:** By Senator Westover—An act to amend section 70 of the Civil Code, prescribing who may solemnize marriages.

Senate Bill No. 318 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 319:** By Senator Westover—An act to amend section 6750 of the School Code, relating to the use of the schoolhouses.

Senate Bill No. 319 read first time, and referred to Committee on Education.

**Senate Bill No. 320:** By Senator Westover—An act to amend section 410 of the Vehicle Code, relating to suspension of licenses.

Senate Bill No. 320 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 321:** By Senator Nielsen—An act to amend sections 15, 16, 43, 51, 52, 63, 65, 65b, 66, 66b, 67, 70, 79, 85, 101, 108 and 109 of and to add sections 23a, 23b and 113 to an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 3, 1931 relating to the State Employees' Retirement System."

Senate Bill No. 321 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 322:** By Senator Nielsen—An act to amend section 1027 of the Political Code, relating to the Great Seal of the State of California.

Senate Bill No. 322 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 323:** By Senator Nielsen—An act to add section 6618 to the Political Code, relating to the payment of claims against the State and endorsing of warrants issued therefor.

Senate Bill No. 323 read first time, and referred to Committee on Finance.

**Senate Bill No. 324:** By Senators Nielsen, and Gordon—An act to repeal sections 5, 6, 7, 8, 9, 10, 11, and 12 of an act entitled "An act providing for the sale of certain State lands," approved May 13, 1915, as amended, relating to State lands.

Senate Bill No. 324 read first time, and referred to Committee on Conservation.

**Senate Bill No. 325:** By Senator Nielsen—An act to amend section 7, of "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating thereon, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled "An act to provide for the establishment, maintenance, and support of a bureau,



to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith, approved June 16, 1913, as amended, relating to the location of the offices, museum, library, and laboratory of the State Mineralogist.

Senate Bill No. 325 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 326:** By Senators Wagye, and Powers—An act to regulate the distribution of moneys received from the United States Government under the provisions of the Act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

Senate Bill No. 326 read first time, and referred to Committee on Finance.

**Senate Bill No. 327:** By Senator Swing—An act to amend section 629 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict.

Senate Bill No. 327 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 328:** By Senator Swing—An act to provide for the refunding, repayment, and adjustment from public funds, for street and highway purposes, of assessments and bonds which have become a lien upon real property and which were levied to pay the cost of street or highway improvements which are or may become of more than local benefit.

Senate Bill No. 328 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 329:** By Senator Swing—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof.

Senate Bill No. 329 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 330:** By Senator Swing—An act to add section 588.10 to the Vehicle Code, relating to parking.

Senate Bill No. 330 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 331:** By Senator Swing—An act to amend section 1271.5 and to add section 1271.6 to the Fish and Game Code, relating to deer, declaring the urgency of this act to take effect immediately.

Senate Bill No. 331 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 332:** By Senator Tickle—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929, to repeal section 6.470.3 of the School Code, and to add to Chapter VI and Part II of Division VI of the School Code a new article to be known as Article Ia, all relating to the purchase of standard school supplies for school districts.

Senate Bill No. 332 read first time, and referred to Committee on Education.

**Senate Bill No. 333:** By Senator Allen—An act authorizing the use, for major construction and equipment of plant quarantining border inspection stations, of moneys already appropriated, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 333 read first time, and referred to Committee on Finance.

**Senate Bill No. 334:** By Senator Parkman—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time, for such purpose, and to create board of fire commissioners," approved March 4, 1881, by adding a new section thereto numbered 24a, relating to fire protection, to take effect immediately.

Senate Bill No. 334 read first time, ordered to print, and held at the desk.

**Senate Bill No. 335:** By Senator Parkman—An act to add section 602 to the Streets and Highways Code, establishing additional secondary State highways.

Senate Bill No. 335 read first time and referred to Committee on Roads and Highways.

**Senate Bill No. 336:** By Senators Waggy, and Phillips—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists.

Senate Bill No. 336 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 337:** By Senator Crittenden—An act to amend section 6040 of the Insurance Code, relating to county mutual fire insurers.

Senate Bill No. 337 read first time, and referred to Committee on Insurance.

**Senate Bill No. 338:** By Senators Holohan, Waggy, Allen, Denel, and Williams—An act to amend section 1228 of the Penal Code, relating to capital punishment.

Senate Bill No. 338 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 339:** By Senators Holohan, and Allen—An act to add section 246a to the Penal Code, relating to assault by a convict.

Senate Bill No. 339 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 340:** By Senators Holohan, and Allen—An act to amend section 220 of the Penal Code, relating to the crime of assault with intent to commit rape, etc.

Senate Bill No. 340 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 341:** By Senators Holohan, and Allen—An act to amend section 110 of the Penal Code, relating to aid in escaping from a prison.

Senate Bill No. 341 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 342:** By Senators Holohan, and Allen—An act to amend section 171A of the Penal Code, relating to the taking of opium, firearms, etc., into jails.

Senate Bill No. 342 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 343:** By Senators Holohan, and Allen—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor" Statutes 1935, Chapter 497 relating to the California Institution for Women.

Senate Bill No. 343 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 344:** By Senators Holohan, and Allen—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Senate Bill No. 344 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 345:** By Senators Holohan, and Allen—An act to amend section 1203.4 of the Penal Code, relating to the fulfilling of conditions of probation.

Senate Bill No. 345 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 346:** By Senators Holohan, and Allen—An act providing when the allowance to a prisoner of time for good conduct shall begin to run, to provide for the conditional release of prisoners, and, further, to extend the provisions of the parole laws.

Senate Bill No. 346 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 347:** By Senators Holohan, and Allen—An act to amend Section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct.

Senate Bill No. 347 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 348:** By Senators Holohan, and Allen—An act to amend section 673 of the Penal Code, relating to the suspension of civil rights of prisoners.

Senate Bill No. 348 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 349:** By Senators Holohan, and Allen—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter.

Senate Bill No. 349 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 350:** By Senators Holohan, and Allen—An act to amend section 288A of the Penal Code, relating to sex perversion.

Senate Bill No. 350 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 351:** By Senators Holohan, and Allen—An act to amend section 286 of the Penal Code, relating to the crime against nature.

Senate Bill No. 351 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 352:** By Senators Holohan, and Allen—An act to provide for the temporary segregation of prisoners received at the State Prison at San Quentin, for examinations and investigations as a basis for classification, for the construction of housing facilities and making an appropriation therefor.

Senate Bill No. 352 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 353:** By Senators Holohan, and Allen—An act to provide for the special treatment of insane and feeble-minded prisoners, for the construction of special housing and medical facilities, and making an appropriation therefor.

Senate Bill No. 353 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 354:** By Senators Holohan, and Allen—An act to amend section 17 of the Penal Code, relating to the sentencing of felony and misdemeanor.

Senate Bill No. 354 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 355:** By Senator Slater—An act appropriating money for fireproof vault equipment in the office of the Secretary of State.

Senate Bill No. 355 read first time, and referred to Committee on Finance.

**Senate Bill No. 356:** By Senator Nielsen—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering



thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions." Approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

Senate Bill No. 356 read first time, and referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 8:** By Senator Rich—Proposed amendment to Article XIII of the Constitution, by adding section 17 thereto, relative to expenditures of the State.

Senate Constitutional Amendment No. 8 read, and referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 8:** By Senator Fletcher—Relative to highway planning.

Senate Concurrent Resolution No. 8 read, ordered to print, and held at the desk.

### Adjournment.

At five o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, January 20, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, January 20, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, January 19, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privileges of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Agnes O. Lennon, teacher of the Modesto High School, and the following

students: Margaret Andrews, Louise Appoqu, Nadene Barrett, Kathleen Beatty, Lena Bellaman, Pearl Bird, Grace Brown, Mayme Byers, Joyce Collison, Janet Cook, Dolores Dantary, Myrtle Frazier, Frank Freery, Florence Geller, Sarah Grossman, Anna Hansen, Ella Hansen, Samantha Henderson, Evelyn Hamer, Betty Leach, Emilie Jacup, Mila Littlell, Bert Jo Marshall, Carl Mackel, Jane Newman, Edna Outland, Matilda Parker, Mary Reina, Evelyn Peterson, Margaret Phoenix, Lucille Hansen, Helen Reinisch, Teresa Schenck, Frances Simi, Winifred Spohn, Marjorie Wallis, Clara Belle Weeks, Helen Williams, Jean Williams, Mary Wisniet, and Ruth Zetlin.

On request of Senator Kinnaman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Louis Goodrich of Oakland.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Joe Hart, Chairman of the Dairy Committee, California Farm Bureau Federation, Modesto.

On request of Senators Phillips and Keweenaw, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Donald H. Bury, Superintendent of the Sherman Institute, Riverside, California.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James E. Abbey, District Attorney; A. W. Bennett, City Councilman, and D. L. Ault, all of San Diego.

### Resolution.

The following resolution was offered:

By Senator Gordon:

WHEREAS, At the fifty-first session of the Legislature the sum of \$250,000 was provided for the use of the State Fish and Game Commission for the purpose of predatory animal control; and

WHEREAS, The members of the Legislature should be informed as to the uses to which this money was put, the amount expended and the results attained; now, therefore, be it

*Resolved, by the Senate,* That the Fish and Game Commission be and the same is hereby directed to report to the Senate on or before March 5, 1937, as to all receipts and disbursements made of the funds heretofore allotted for the purpose of predatory animal control, and the Secretary is hereby directed to transmit copy of this resolution to the Fish and Game Commission.

Resolution read, and on motion of Senator Gordon, adopted.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved,* That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$200 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crattenden, Cunningham, DeLap, Dangel, Fletcher, Gordon, Hayes, Hollister, Houchens, J. Stensen, Keating, Keweenaw, Kinnaman, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Takle, Wagy, Westaver, Williams, and Young—35.

**NOES**—None.

## Reports of Standing Committees.

The following reports of standing committee were received and read:

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 356—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," Approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to the Committee on Finance.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

Senate Bill No. 356 re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 193—An act to amend sections 2, 4, 5, 7, 9, 10, 14, 15, 19 and 25 of and to add section 32 to, the Mortgage and Trust Deed Moratorium of 1935, approved June 21, 1935, relating to the relief of debtors and guarantors; declaring the urgency hereof and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

HAYS, Chairman.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 193 were read and adopted:

#### Amendment No. 1.

On page 1, line 8, of the printed bill, as amended in Assembly January 15th, following the words "real property," add the following: "or of chattels necessary for the operation thereof,".

#### Amendment No. 2.

On page 1, line 12, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or of chattels necessary for the operation thereof,".

#### Amendment No. 3.

On page 2, line 34, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or upon chattels necessary for the operation thereof,".

#### Amendment No. 4.

On page 4, line 6, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or of chattels necessary for the operation thereof,".

#### Amendment No. 5.

On page 4, line 49, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or chattels necessary for the operation thereof,".

#### Amendment No. 6.

On page 5, line 7, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or upon chattels necessary for the operation thereof,".

#### Amendment No. 7.

On page 5, line 9, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or upon chattels necessary for the operation thereof,".

#### Amendment No. 8.

On page 5, line 37, of the printed bill, as amended January 15th, following the words, "real property," add the following: "or upon chattels necessary for the operation thereof,".

Assembly Bill No. 193 read second time, ordered to reprint, and on file for third reading.

### Motion to Amend Rule No. 8 of Standing Rules of the Senate.

Pursuant to his notice given on a previous day, Senator Fletcher moved to amend Rule No. 8 of the Standing Rules of the Senate as follows:

#### Amendment No. 1.

Amend Rule 8, section 41, so that it shall read as follows:

"41. Public Morals, 7 members."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment to Rule No. 8 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Kuykendall, Law, McBride, McCormack, McGovern, Menager, Miller, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schettler, Slater, Westover, Williams, and Young—34.

**NOES**—None.

### Appointment of Standing Committee

The President announced, in accordance with the above amendment, the appointment of Senators Fletcher, chairman; Swing, Lyle, Schettler, Young, Allen, and Holohan.

### Second Reading of Assembly Bill No. 948

Assembly Bill No. 948—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 3886, relating to the validation of certain tax levies, to declare the urgency thereof, and to provide that this act shall take effect immediately.

#### Resolution.

The following resolution was offered

By Senator Olson:

*Resolved*, That Assembly Bill No. 948 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days is dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Donald, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Kuykendall, Law, McBride, McGovern, Menager, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swing, Tickle, Westover, Williams, and Young—32.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 948.

### Third Reading of Assembly Bill No. 948.

#### Urgency Clause.

**SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. Following is a statement of the facts constituting such necessity: The boards of supervisors of various counties, city and counties of this State have heretofore levied taxes for county, city and county, school and dis-



strict purposes and for the payment of principal and interest on bonds of such counties, city and counties, school districts and district which levies have been attacked, or are threatened with attack upon the ground that in making such levies, said board of supervisors did not properly give effect to certain reserve funds or failed to include items of revenue other than taxes upon real and secured personal property in the fixing of the tax rates, or levied the tax in even cents upon each \$100 of assessed valuation, instead of using fractions of a cent, and suits have been or are about to be commenced for the recovery of taxes heretofore paid under such levies, and in event of judgment requiring such counties, city and counties, school and other districts involved to make such refunds, their only recourse will be to reassess property for the purpose of paying the refunds, all of which will result in needless expense to the counties, city and counties, school and other districts, and to tax-payers thereof without any ultimate resulting benefit.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 948 ordered transmitted to the Assembly.

### **Consideration of the Initiative Measure as Presented to the Legislature. Resolution.**

The following resolution was offered:

By Senator Young:

*Resolved*, That Initiative Senate Bill No. 1 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Initiative Senate Bill No. 1.

## Third Reading of Initiative Senate Bill No. 1.

## Initiative Senate Bill No. 1.

INITIATIVE FOR PRESENTATION TO LEGISLATURE. PROHIBITS OPERATION OF STATE WITHOUT PERMIT, OF FISHING VESSELS HARVESTING FISH, MOLLUSKS, OR CRUSTACEANS BEYOND STATE.

The Attorney General has summarized the proposed measure as follows: Fishing Control. Initiative measure for presentation to Legislature. Adds new section to fish and game laws. Prohibits operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters unless such delivery is permitted by State Fish and Game Commission. Authorizes commission to issue revocable permits for such delivery, provided it shall issue no permits which will tend to deplete the species or obstruct the operation of any law. Provides penalties for violation.

STATE OF CALIFORNIA,

County (or City and County) of \_\_\_\_\_

TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered qualified electors of the State of California, residents of the (City and) County of \_\_\_\_\_, present this petition to you and request that you transmit to the next regular session of the Legislature of the State of California, as soon as it convenes and organizes, the proposed law amending the Fish and Game Code of the State of California hereinafter set forth in full for enactment of such law without change or amendment by the Legislature; and we further petition and request that, if the Legislature rejects said proposed law or takes no action thereon within sixty days from the time it is received by the Legislature, said proposed law be passed to the people for their approval or rejection at the next ensuing general election, or at any prior special election that may be called for such purpose or at any previous by law.

The full text of the proposed amendment is:

The people of the State of California do enact as follows:

The Fish and Game Code of the State of California is hereby amended by adding thereto a new section to be known as 1110 and to read as follows:

1110—No person shall use or operate or assist in using or operating in this State or the waters thereof, any boat or vessel used in connection with fishing operations irrespective of its home port or port of registration which taking land or vessel delivers or by which there is delivered to any point or place other than within this State any fish, mollusks or crustaceans, except as may be permitted on board said boat or vessel from the waters of the Pacific Ocean within the State or on the high seas or elsewhere, under a permit authorizing the same shall have been issued by the Fish and Game Commission.

Where it appears to the commission that such permit will not tend to prevent, impede or obstruct the operation, enhancement or administration of this code or any provision thereof, and will not tend to result in the destruction or commercial in the waters of this State being taken or used otherwise than is authorized in this code, the commission may issue revocable permits under such terms and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel within the State, provided that nothing herein shall authorize the transportation or delivery out of this State or any district thereof, of any fish, mollusks or crustaceans, where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean or result in waste thereof. Any person who uses or operates or assists in using or operating any boat or vessel in violation of the provisions of this section is guilty of a misdemeanor and such boat or vessel and the net, gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest for the violation of any of the provisions of this code, to seize and keep such boat, vessel, net, gear or other equipment and to report such seizure to the commission. The commission shall thereupon cause, in the superior court of the county or city and county in which or nearest to which the seizure is made, proceedings for forfeiture of the seized property for its use in violation of this section, and such proceeding shall be had in the manner and according to the procedure provided by section 845 of this code for the forfeiture of nets.

#### Motion.

Senator Swing moved that no further action be taken upon the initiative measure.

Motion carried and such was the order.

### Re-reference of Assembly Bill No. 236.

Senator Knowland moved that Assembly Bill No. 236 be referred to Committee on Finance.

Motion carried, and such was the order.

### Recess.

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Communication.

The following communication was received, read, ordered printed in the Journal, and referred to the Joint Committee for the Hearing of Gavin W. Craig:

*Hon. George J. Hatfield, President of the Senate of the State of California, Senate Chamber, Sacramento California.*

DEAR SIR: I attach hereto an affidavit setting forth certain facts in re the hearing of the charge against me contained in the joint resolution to remove me from my office.

I am confident that no member of the Legislature can wish to be compelled to vote on this resolution and the charge contained in it with an entire lack of knowledge of facts vitally material to the issues involved.

Based upon that belief and the facts stated in my affidavit I make the following request:

That a sufficient sum of money be appropriated to provide for the preparation of my defense, including a fair sum for the fees of attorneys to act in preparing, and in presenting such defense at the hearing before the Legislature;

That such provision be made for the expenditure of said money as the Legislature may deem right, to the end that it be not improperly spent, and, also, that the use thereof may not be hampered and the purpose of its appropriation be destroyed by unnecessary red tape, since its use is, obviously an immediate need.

If attorneys in charge of the preparation of my defense are provided with funds for investigation purposes at once the number of witnesses will surely be much reduced, because it is believed that certain relevant, competent and material facts are within the knowledge of a number of persons, and it is not my purpose to unnecessarily produce cumulative evidence or to improvidently expend the State's money. Again, some persons whom there is reason to believe have knowledge of such facts may be found not to have such knowledge.

The State has no public defender; and as far as I know, there is no public officer charged with the duty of defending a citizen, who is without funds, against charges preferred under the circumstances here present.

Being in jail, it is apparent that I can not possibly prepare my own defense. Able counsel have been appointed to prepare and present the case against me. In spite of the verdict of the jury in my case in the Federal Court, it would seem that my unblemished record of 25 years in judicial office should suggest that my averment that I have a substantial defense is worthy of provision being made for a reasonable investigation of the merit of that claim before any judicial body should be willing to penalize me by removal from office. It would seem that the accused should be permitted to select his attorneys, and that they should use the money appropriated, subject to a rigid accounting for the same.

Respectfully,

GAVIN W. CRAIG.

STATE OF CALIFORNIA }  
COUNTY OF VENTURA } ss.

GAVIN W. CRAIG, being duly sworn, deposes and says: That he is the Gavin W. Craig who is a Justice of the District Court of Appeal of the State of California and who is named in a joint resolution of the Senate and Assembly of the State of California, which said joint resolution sets forth a certain charge as a reason for the removal of affiant from his said office; and that the hearing of said charge, as affiant has been notified, is set for the eighth day of March, 1937;

That affiant is confined as a prisoner in the county jail at Ventura, California, for a term of one year, which does not expire until November 15, 1937.

That affiant has no funds, or any means of securing funds, with which to prepare his defense to the charge set forth in said indictment for his removal from office, or to employ counsel to conduct such prosecution for him, or to present his defense at said hearing.

That because of being confined in jail affiant can do little toward the preparation of his defense.

That affiant has been informed by competent lawyers that he has a good and sufficient defense to said charges, and that by getting lawyers that he has such good defense.

That affiant is informed by said lawyers, and that he believes that the facts which he desires to, and if permitted, will prove at said hearing are pertinent, competent, relevant and material to the issues presented by said charges.

That affiant has reason to believe, and does believe, that there are 700 competent persons now in California, each one of whom has personal knowledge of some or more of the aforesaid facts.

That in addition to the said witnesses, several documents, of which some are voluminous, are, so affiant is informed by said lawyers, and so affiant believes, competent, relevant and material evidence in defense of said charges.

That it will be necessary to the proper presentation of affiant's said defense, to be made at said hearing, that each of said documents be copied and the copies certified, and the necessary expense of making such copies and the certification thereof will be approximately \$1000, unless said expense is permitted by statute or otherwise.

That if all of said witnesses are subpoenaed and transported from their respective residences to Sacramento, and maintained about the place of said hearing until the testimony of such witnesses has been given, affiant is informed and believes and therefore states that the entire expense thereof will amount to several thousands of dollars; however, the exact amount of such expense is unknown to affiant.

That affiant is informed that the Legislature of California has authorized and will employ three, perhaps six, lawyers to prepare and present the law against the affiant at said hearing, and affiant says that to properly prepare and present affiant's said defense, affiant is informed and believes and therefore states that the services of three attorneys will be needed for much of the time from this date until the conclusion of said hearing, for all of the time during said getting, and that the duration of said hearing may be as long as four weeks.

GAVIN W. CRAIG.

Subscribed and sworn to before me this thirteenth day of January, 1937.

J. C. P. MOORE, Notary Public.

My commission expires October 30, 1938.

[SEAL]

### Resolution.

The following resolution was offered:

By Senator Rich

*Resolved*, That the Secretary of the Senate do and he is hereby authorized to purchase for such members of the Senate as find the most desirable sets of the 1935 Edition of Deering's Codes and General Laws of the State of California all of said sets and volumes to be paid for out of the contingent fund of the Senate.

Resolution read.

### Amendment to the Resolution.

Senator Gordon moved to amend the proposed resolution by limiting the number of codes to be bought to five.

Amendment refused adoption.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Christensen, Cunningham, DeLap, Fletcher, Garrison, Hollister, Jorgensen, Keating, Law, McBride, McCreary, McGovern, Morgan, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schoutky, Sewell, Tisdie, Waggy, and Westover—25

**NOES**—Senators Biggar, Donel, Gordon, Kosch, Knowland, and Slater—6



### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a thereto, by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7.

SWING, Chairman.

Assembly Bill No. 236 ordered on file for third reading.

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred Senate Bill No. 159—An act to amend section 4 of the act entitled "Old Age Security Act," approved May 28, 1929, relating to liens for aid granted, declaring the urgency hereof to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 159 were read and adopted:

##### Amendment No. 1.

On page 2, line 7, of the printed bill, following the word "amount", insert the following: "or without consideration".

##### Amendment No. 2.

On page 2, line 33, of the printed bill, following the word "California", insert the following: "and as against the county or city and county participating in the granting of such aid".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

#### Withdrawal from Committee of Assembly Joint Resolution No. 11.

Senator McGovern moved that Assembly Joint Resolution No. 11 be withdrawn from Committee on Federal Relations for purpose of adoption.

Motion carried.

#### Consideration of Assembly Joint Resolution No. 11.

##### Assembly Joint Resolution No. 11.

Relative to the relief of transients problem.

WHEREAS, Natural interstate migrations of persons and families in search of employment are greatly extended during times of general unemployment or by reason of a calamity such as a drought, and conditions during the last five years have greatly increased the unsettled population in the United States and States with mild climates and good wages inevitably receive a disproportionate amount of such unsettled population; and

WHEREAS, It is to be expected in a continuing condition that unemployed transient individuals and families will be found in disproportionate numbers in several States and that public support and care will inevitably be required from time to time for a substantial percentage of such individuals and families regardless of residence laws; and

WHEREAS, During the operation of the Federal transient relief program in California this State had under care through this program 12 per cent of all of the transient cases receiving aid by the United States and 16 per cent of all of the families receiving aid, although the population of California was only 4.7 per cent of the population of the United States; and

WHEREAS, During the 18 month period, February 1, 1934, to August 31, 1935, the average number of transient cases resulting from California was 17,245, and on February 15, 1935, there were 22,458 such cases receiving relief; and

WHEREAS, During the period July 1, 1936, to November 30, 1936, approximately entering California with families obviously seeking employment earned 55,572 individuals, 42,469 of whom were from the drought States and a considerable additional number of families and individuals seeking employment obtained by other means of transportation; and

WHEREAS, There has not been and is not sufficient seasonal or permanent employment for transients entering the State and there have not all those during the past calendar year, and now are under care by the State Relief Administration and employed by the Works Progress Administration large numbers of persons for whom neither temporary nor permanent employment has been or is available; and

WHEREAS, It would be financially impossible for the State of California to continuously extend such aid as it could for transient individuals and families in California and even though emergency aid is extended to transient families, women, girls and boys pending verification of local resources, some States in verifying residence advise that no State aid of such kind is possible and that limitations of Federal security wage program make possible assistance from that source; and

WHEREAS, The emergency and more extended costs in excess of \$100,000 per year and this sum covers only a small portion of the emergency and every source of transient persons and families in California and extensive economic and health problems exist to such a degree that some sources have recommended more available public hospital and health facilities; and, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, unity,* That the Legislature of the State of California respectfully urges the President of the United States and the Congress to take cognizance of the problem of some of the unsettled population of the Nation as a national matter and make provision for an appropriation to be used in reimburse States for care of persons and families needing public assistance by States other than the States of their residence and making provision for the continuance of such aid to the transient classed after residence has been established in a State other than the State of origin.

Resolution read

The question being on the adoption of the resolution

The roll was called, and Assembly Joint Resolution No. 11 adopted by the following vote

**AYES**—Senators Allen, Biggs, Cruttenberg, Cunningham, DeLoe, Deuel, Foster, Garrison, Gordon, Hollister, Mahon, Jaspersen, Keating, Kewell, Lee, Metcarmack, McGovern, Metzger, Myer, Nelson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, and Westover—31.

**NOES**—None

Assembly Joint Resolution No. 11 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 263.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 263, without reference to committee for purpose of adoption.

#### Resolution.

The following resolution was offered

By Senator Slater:

*Resolved*, That Senate Bill No. 263 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that sec-

tion requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—32.  
 NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 263.

### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 263:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, January 19, 1937.

*To the Honorable Members of the Senate,  
 Sacramento, California.*

Senate Bill No. 263—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

In my opinion said Senate Bill No. 263 constitutes an urgency bill within the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 263 as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

There has been made available out of the "Fair and exposition fund" an appropriation of money to the several agricultural fairs of this State. Under present law this money may not be paid until a subsequent fair is conducted. In order to provide proper facilities and make necessary arrangements for fairs to be conducted in 1937 it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jepsen, Keating, Keough, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—30.  
 NOES—None.

#### Third Reading of Senate Bill No. 263.

Senate Bill No. 263—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

**AYES**—Senators Allen, Baggar, Crittenden, Cunningham, DeLeon, Deane, Fletcher, Garrison, Gordon, Hollister, Holsham, Jorgensen, Keating, Knight, Kuntz, Law, McBride, McCormack, McFovern, Metzger, Miller, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tolson, Westcott, and Young—15.  
**NOES**—None.

Title read and approved.

Senate Bill No. 263 ordered transmitted to the Assembly.

### Third Reading of Assembly Bill No. 236

Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a therein, repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10, and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect.

### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 236:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, January 11, 1937.

To the Honorable Members of the Senate:  
Sacramento, California.

Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a therein, by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10, and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect.

In my opinion said Assembly Bill No. 236 constitutes an urgency bill within the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 236 as such an emergency measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

### Urgency Clause.

SEC. 11. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.



The facts constituting such emergency are as follows:

It is the purpose of this act to provide that the license fees imposed by the act hereby amended upon vehicles of a type subject to registration in this State are in lieu of other taxes on such type of vehicles according to value thereof and to provide the exclusive means of collecting a tax according to value upon such type of vehicles. It is therefore necessary in order to accomplish such purpose and to avoid possible double taxation upon certain vehicles of a type subject to this act and to relieve local officials of the burden of assessing any such vehicles that this act shall take effect prior to the first Monday in March, 1937, at which time other taxes according to value are assessed under the laws of this State.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—32.

**NOES**—None.

#### **Amendment From the Floor.**

During third reading of Assembly Bill No. 236, the following amendment, offered by Senator Gordon, was read:

##### **Amendment No. 1.**

On page 4, line 48, of the printed bill, as amended, after "S", strike out "Second section 9 of said act, relating to the term-", and strike out line 49, and insert in lieu thereof the following: "Second section 9 of said act is hereby renumbered to be section 10 and is amended to read as follows:

Sec. 10. The license fees provided for by this act shall not be imposed on and after December 31, 1939, provided, however, that the term of this act shall continue in full force and effect with respect to all license fees due thereunder and penalties on account of operations of vehicles subject thereto to the end that the State may take any and all steps necessary to collect the amount of such license fees and penalties.

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Garrison, Rich and Gordon on the adoption of the amendment offered by Senator Gordon.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Garrison, Gordon, Jespersen, Keating, Law, Powers, Quinn, Schottky, and Seawell—12.

**NOES**—Senators Biggar, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Rich, Slater, Swing, Tickle, Westover, Williams, and Young—24.

#### **Amendment From the Floor.**

During third reading of Assembly Bill No. 236, the following amendment, offered by Senator Seawell, was read:

##### **Amendment No. 1.**

On page 4, line 20, of the printed bill, as amended, strike out "Twelve and one-half", and insert in lieu thereof the following: "Twenty-five".

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Seawell, Rich and Swing, on the adoption of the amendment offered by Senator Seawell.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Allen, Cunningham, Fletcher, Garrison, Gordon, Jespersen, Keough, Law, Nielsen, Quinn, Seawell, and Williams—12.

**NOES**—Senators Biggar, Crittenden, DeLap, Deuel, Hays, Hollister, Holohan, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—25.

**Amendment From the Floor.**

During third reading of Assembly Bill No. 236, the following amendment, offered by Senator Seawell, was read and refused adoption:

**Amendment No. 1.**

On page 4, line 5, of the printed bill, as amended in the Senate January 19, 1937, strike out the words "twenty five", as same occur in said line 5, and insert in lieu thereof the words "twelve and one-half".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 236 passed by the following vote:

**AYES.** Senators Allen, Bigger, Critchfield, Cunningham, DeLoe, Dool, Florence, Gordon, Hays, Hollister, Hobson, Jespersen, Keating, Knight, Kneveland, Lane, McBride, McCormack, McGovern, Metzger, Mixer, Neeson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagg, Westover, Williams, and Young—36.

**NOES.** None.

**Title read and approved.**

Assembly Bill No. 236 ordered transmitted to the Assembly.

**Resolution.**

The following resolution was offered

By Senator Gordon:

**WHEREAS**, The sets of codes heretofore directed to be purchased by the Secretary of the Senate for members of the Senate are to be paid for from the Senate contingent fund; and

**WHEREAS**, These codes will cost a very considerable amount of money; and, therefore, be it

**Resolved**, That those codes are and should remain the property of the Senate and that the Sergeant at Arms of the Senate is hereby directed to take custody of same codes at the end of this session and store them in a safe place for use at future sessions of the Legislature.

Resolution read, and on motion of Senator Gordon, adopted.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution, No. 3—Devising an investigation and report upon acquisition of the toll bridge across Camanche Straits—and reports that the same has been correctly enrolled and presented to the Governor on the twentieth day of January, 1937, at four o'clock and twenty minutes p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, January 20, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 100—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles II and IV of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and dairy cream, declaring the urgency of this act, to take effect immediately—and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

**Third Reading of Senate Bill No. 100.**

Senate Bill No. 100—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles II and IV of Chapter 10 of Division IV and to repeal sections 736.5, 736.6,

736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 100:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, January 20, 1937.

To the Honorable Members of the Senate,

Sacramento, California.

Senate Bill No. 100—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles II and IV of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

In my opinion said Senate Bill No. 100 constitutes an urgency bill within the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 100 as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

#### Urgency Clause.

SEC. 24. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and tax-paying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Mixter, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 100 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 100 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 4. An act to amend the Palo Verde Irrigation District Act, approved June 21, 1925, as amended, by amending sections 8 and 28a thereof, by amending and inserting sections 28 and 29 and repealing section 28½ thereof and by adding to said act two new sections, relating to the numbered and measuring of lands; to amend section 28½, relating to segregation of items of property not tax-exempted and section 28a, relating to proceeds of tax-excluded lands; section 28½, relating to setting apart of tax-exempt lands; section 28½, relating to segregation of lands to property owned or claimed by the district; section 28½, relating to proceeds of property of tax-excluded lands; section 70, relating to statute of limitations on tax claims in this district; section 71, relating to statute of limitations on deposit of tax-excluded lands; imposing the legislative intention as to assessment of taxes and changing the venue of the act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENE, Assistant Clerk.

### Senate Bill No. 4 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 457. An act to amend section 134 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the regulation of the public track, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and meeting places, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment relating to public gaming," approved June 5, 1933, relating to horse racing, modifying the original intent, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOSTER, Assistant Clerk.

### Assembly Bill No. 457 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1169. An act to add sections 2 and 3 to an act entitled "An act granting certain lands, interests and merged lands of the State of California to the City of Santa Barbara, subject to certain trusts," approved April 16, 1925, relating to, authorizing and releasing lands, granting additional lands to the city of Santa Barbara, removing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOSTER, Assistant Clerk.

### Assembly Bill No. 1169 read first time.

### Consideration of Assembly Bill No. 1169.

Senator Hollister asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1169, without reference to committee for purpose of passage.

#### Resolution.

The following resolution was offered:

By Senator Hollister:

*Resolved*, That Assembly Bill No. 1169 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution; and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.



The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—29.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1169.

#### **Second Reading of Assembly Bill No. 1169.**

Assembly Bill No. 1169—An act to add sections 2 and 3 to an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately.

#### **Urgency Clause.**

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall therefore take effect immediately.

The following is the statement of facts constituting such necessity:

It is intended that there shall be erected and constructed on certain of the lands referred to in this act to be conveyed by the city of Santa Barbara to the State, an athletic field and stadium for Santa Barbara State College, and it is necessary that the lands be conveyed as soon as possible in order that work may be commenced promptly so that this athletic field and stadium will be available for use during the fall semester of the present year. The prompt completion of an adequate athletic plant at Santa Barbara State College will be of substantial benefit both to the students at the college and to the residents of the city of Santa Barbara.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McGovern, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—28.

**NOES**—None.

#### **Third Reading of Assembly Bill No. 1169.**

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1169 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McGovern, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1169 ordered transmitted to the Assembly.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, Governor's Office.

Sacramento, January 20, 1937.

To the Members of the Senate and Assembly, State of California,  
Sacramento, California.

GENTLEMEN: In accordance with the provisions of Article I of Article VII of the Constitution of California, I hereby propose to you to accept of the grant of pardon, commutation of sentence, restoration of citizenship and reprieve issued to me from January 7, 1935, to January 4, 1937.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

### ACTS OF EXECUTIVE CLEMENCY OF CALIFORNIA GRANTED FOR PERIOD 1935-1937.

#### MESSAGE OF GOVERNOR CONCERNING PARDONS, COMMUTATIONS, RESTORATION OF CITIZENSHIP AND REPRIEVES GRANTED BY GOVERNOR FRANK F. MERRIAM FOR PERIOD 1935-1937.

To the Members of the Senate and Assembly of the State of California.

In accordance with the provisions of Article I of Article VII of the Constitution of California, I hereby propose to you to accept of the grant of pardon, commutation of sentence, restoration of citizenship and reprieve issued to me from January 7, 1935, to January 4, 1937.

FRANK F. MERRIAM, Governor.

#### Reprieves.

HARRY C. BROOKS, San Quentin No. 55775. Convicted in Los Angeles of the crime of Kidnaping for the Purpose of Robbery, sentenced to be executed August 23, 1935. William E. Tanner convicted of the same crime was given a reprieve, therefore this reprieve was granted to extend the judicial execution to the next trial in order to allow a cross-examination of both cases in the competency of the investigation of the District Attorney. Reprieved from August 23, 1935, to November 15, 1935. Dated August 19, 1935.

HARRY C. BROOKS, San Quentin No. 55775. Convicted in Los Angeles County of the crime of Kidnaping for the Purpose of Robbery, sentenced to be executed November 15, 1935. Reprieved to January 20, 1936, to allow an additional time in which to complete the investigation of the case. Dated November 15, 1935.

TONY CARRERA, San Quentin No. 55777. Convicted in San Bernardino County of the crime of Murder, First Degree, sentenced to be executed June 26, 1936. The Supreme Court suggested a reprieve to allow that a writ of habeas corpus be granted on an appeal that had just been filed with the court. Reprieved to June 24, 1936. Dated June 25, 1936.

CLARENCE DeMORA, San Quentin No. 557320. Convicted in Merced County of the crime of Murder, First Degree, sentenced to be executed January 8, 1936. Reprieved to March 27, 1936, to allow the State to make an appeal to determine the appeal from the court sitting in view of the execution. Dated January 2, 1936.

ELIAS J. LATONA, San Quentin No. 54766. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed June 26, 1936. Hon. V. Mahan, Chief Justice of the Supreme Court, stated that he would be prepared to accept the evidence accompanying the application for executive clemency. Reprieved from July 26, 1935, to August 30, 1935. Dated July 25, 1935.

ELIAS J. LATONA, San Quentin No. 54766. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed August 30, 1935. James B. Haldeman, Warden of San Quentin, proposed a further reprieve in order to allow additional time in which the district attorney could make a full investigation of the mental condition of ELIAS J. LATONA. Reprieved from August 30, 1935, to October 18, 1935. Dated August 27, 1935.

ELIAS J. LATONA, San Quentin No. 54766. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed October 18, 1935. Warden of San Quentin requested a further reprieve to allow Drs. C. A. Johnson and F. O. Burt to be considered their examination of ELIAS J. LATONA. Reprieved from October 18, 1935, to December 6, 1935. Dated October 7, 1935.

ALEXANDER MACKAY, San Quentin No. 56005A, and JOE KATSKY, San Quentin No. 56021A. Convicted in Marin County of the crime of Kidnaping, sentenced to be executed February 28, 1936. Reprieved to April 24, 1936, to allow time in which to reach a decision on the application for certiorari before the United States Supreme Court, and the application for executive clemency before the State Supreme Court. Dated February 24, 1936.

ALEXANDER MACKAY, San Quentin No. 50005A, and JOE KRISTY, San Quentin No. 50621A. Convicted in Marin County of the crime of Kidnaping, sentenced to be executed April 24, 1936. On the morning of the scheduled execution a telegram was received from Hon. Cordell Hall, Secretary of State, in which he requested a further reprieve to allow the British Government to complete its investigation of the case of its National. Reprieved to May 22, 1936. Dated April 24, 1936.

TELLIE MCQUATE, Folsom No. 19166. Convicted in San Diego County for crime of Murder, First Degree, sentenced to be executed April 19, 1935. Supreme Court of California requested a reprieve of one month to permit further consideration of the application for executive clemency before them. Reprieved from April 19, 1935, to May 24, 1935. Dated April 16, 1935.

JUSTO RAMIREZ, San Quentin No. 55123. Convicted in Los Angeles County for crime of Murder, First Degree, and sentenced to be hanged January 25, 1935. Reprieved from January 25, 1935, to March 29, 1935, at the request of the attorney representing Justo Ramirez. Dated January 23, 1935.

HUGH G. SMITH, No. 58168, and ALBERT PAINE, No. 58167, sentenced to be executed at San Quentin November 6, 1936. A reprieve granted to both men extending the date of execution to February 19, 1937, in order to give sufficient time in which a complete investigation could be made of the voluminous record that was presented in connection with their applications for executive clemency. Dated November 5, 1936.

CHARLES P. STEVENS, San Quentin No. 57844. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed March 20, 1936. Hon. Warren V. Tyron, Judge of the Superior Court, who presided at the trial of Charles P. Stevens, requested a reprieve in order to allow him time in which he could properly place his views of this case before the Governor. Reprieved to May 8, 1936. Dated March 6, 1936.

CHARLES P. STEVENS, San Quentin No. 57844. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed May 8, 1936. Reprieved to July 10, 1936, in order to allow sufficient time in which to investigate the facts and circumstances referred to in the letter from the Trial Judge which was received May 6, 1936. Dated May 7, 1936.

WILLIAM E. TANNER, Folsom No. 19005. Convicted in Los Angeles of the crime of Kidnaping for the Purpose of Robbery, sentenced to be executed August 23, 1935. Office of the District Attorney, Los Angeles County, requested a reprieve of ninety days in order to give their office sufficient time in which to complete a further investigation of the case. Reprieved from August 23, 1935, to November 15, 1935. Dated August 19, 1935.

WILLIAM E. TANNER, Folsom No. 19005. Convicted in Los Angeles County of the crime of Kidnaping for the Purpose of Robbery, sentenced to be executed November 15, 1935. Reprieved to January 10, 1936, in order to complete the study of the recommendations of the Trial Judge and the District Attorney of Los Angeles County. Dated November 13, 1935.

WILLIAM ZIRBES, San Quentin No. 57914. Convicted in Sacramento County of the crime of Murder, First Degree, sentenced to be executed September 25, 1936. Hon. Martin Welsh, Judge of the Superior Court, who presided at the trial recommended that a reprieve be granted in order to determine the genuineness of the affidavits that were filed in connection with the application for executive clemency. Reprieved to December 4, 1936. Dated September 24, 1936.

WILLIAM ZIRBES, San Quentin No. 57914. Convicted in Sacramento County of the crime of Murder, First Degree, sentenced to be executed December 4, 1936. On the afternoon of December 2, 1936, Muratt W. Hedge and Amelia E. Hedge, appeared before the Governor and for the third time changed the story of the homicide as they had told it during the trial of Zirbes. Further reprieve granted to February 5, 1937, to provide ample time in which every possible means may be exhausted to determine the real truth of the homicide. Dated December 3, 1936.

#### Pardons.

H. R. ADLER, San Quentin No. 44522. Convicted in Alameda County of the crime of Forgery, December 23, 1927. Released on parole April 9, 1929. Pardon recommended by Advisory Pardon Board: Hon. Earl Warren, District Attorney of Alameda County, and Ed. H. Whyte, State Parole Officer. Pardon granted December 21, 1935.

EDWIN S. ALLEN, San Quentin No. 36396. Convicted in Orange County of the crime of Rape, May 2, 1922. Released on parole April 10, 1926. Pardon recommended by Advisory Pardon Board. Pardon granted December 18, 1935.

THELMA CORTEZ ALLEY, San Quentin No. 56795. Convicted in Los Angeles County of the crime of Manslaughter, October 17, 1934. Released on parole November 30, 1935. Pardon recommended by Advisory Pardon Board and Hon. J. M. Futrell, Governor of the State of Arkansas. Pardon granted December 18, 1936.

SETH T. BAILEY, San Quentin No. 55083. Convicted in Los Angeles County of the crime of Forgery, November 26, 1933. Pardon recommended by a majority of the Justices of the Supreme Court. Pardon granted March 5, 1936.



**CHARLES EDMOND BARNES.** San Quentin No. 40525. Convicted in Fresno County of the crime of Kidnabement, March 2, 1925. Released on parole November 24, 1926. Pardon recommended by the Advisory Pardon Board, Hon. D. F. Conway, District Attorney of Fresno County, and Charles C. Cox, State Parole Officer. Pardon granted April 19, 1935.

**BURTON F. BECKER.** San Quentin No. 48814. Convicted in Alameda County of the crime of Conspiracy to Violate Section 68 of the Penal Code, June 14, 1920. Released on parole April 29, 1932. Pardon recommended by Advisory Pardon Board, Hon. Emmet Sweeney, Justice of the Supreme Court, and Charles C. Cox, State Parole Officer. Pardon granted December 14, 1936.

**MAX BECKER.** convicted in Los Angeles County in April 19, 1924, of the crime of Violating Section 288, 288 1/2 and 289 of the Penal Code. Pardon recommended by Advisory Pardon Board, Hon. B. Rex Selmon, Justice of the Supreme Court who presided at the trial. Pardon granted March 28, 1936.

**OLDS B. BERRY.** San Quentin No. 48931. Convicted in Los Angeles County of the crime of Grand Larceny, during the term of May, 1921. Released on parole June 30, 1924. Pardon recommended by the Advisory Pardon Board and Ed. H. White, State Parole Officer. Pardon granted December 18, 1936.

**HARRY BLECHER.** San Quentin No. 39511. Convicted in Riverside County of the crime of Rape, July 22, 1924. Released on parole October 8, 1927. Pardon recommended by Advisory Pardon Board, Hon. J. W. Rogers, District Attorney of Riverside County, and Chas. C. Cox, State Parole Officer. Pardon granted December 18, 1936.

**FRANK BLAY.** San Quentin No. 48981. Convicted in Stanislaus County of the crime of Violation of Section 476a of the Penal Code, June 15, 1920. Released on parole October 17, 1931. Pardon recommended by Advisory Pardon Board and Leslie A. Cherry, District Attorney of Stanislaus County. Pardon granted December 14, 1936.

**FRIEDA B. COLLINS-BREGLING.** San Quentin No. 48997. Convicted in Los Angeles County of the crime of Forgery, first offense, January 2, 1923. Released on parole August 4, 1932. Pardon recommended by Advisory Pardon Board and Robert A. Horan, Deputy State Parole Officer. Pardon granted December 31, 1936.

**TED BRONKHOR.** Prison No. 48906. Convicted in Santa Clara County of the crime of Robbery, First Degree, January 8, 1924. Pardon recommended by a majority of the Justices of the Supreme Court of California and Hon. William F. James, Judge of the Superior Court of Santa Clara County, who presided at the trial of Ted Bronkhor. Pardon granted March 28, 1935.

**EARL BUTCHER.** San Quentin No. 39526. Convicted in Los Angeles County of the crime of Burglary, First Degree, January 18, 1924. Released on parole May 12, 1927. Pardon recommended by Advisory Pardon Board. Pardon granted December 20, 1935.

**CARL A. CALVERT.** San Quentin No. 45990. Convicted in Santa Clara County of the crime of Possession of a § 1010, September 4, 1928. Released on parole November 5, 1929. Pardon recommended by the Advisory Pardon Board, Hon. F. W. Lynch, District Attorney of Santa Clara County, and Ed. H. White, State Parole Officer. Pardon granted August 8, 1935.

**JOHN C. CALVERT.** San Quentin No. 47794. Convicted in El Dorado County of the crime of Conspiracy to Rob, in second offense, May 10, 1922. Released on parole March 27, 1924. Pardon recommended by Advisory Pardon Board and Ed. H. White, State Parole Officer. Pardon granted December 21, 1935.

**MARY M. CAMPBELL.** San Quentin No. 35521. Convicted in Orange County of the crime of Manslaughter, October 31, 1923. Released on parole November 17, 1927. Pardon recommended by Advisory Pardon Board, Hon. S. R. Karchner, District Attorney of Orange County, and Robert A. Horan, Deputy State Parole Officer. Pardon granted December 21, 1935.

**JOHN CHIMES.** San Quentin No. 45459. Convicted in Los Angeles County of the crime of Assault With a Deadly Weapon, January 27, 1921. Discharged from the penitentiary December 22, 1922. Pardon recommended by Advisory Pardon Board. Pardon granted December 21, 1935.

**PAUL H. CHARK.** San Quentin No. 44195. Convicted in San Diego County of the crime of Grand Larceny, November 29, 1919. Released on parole January 6, 1921. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 22, 1936.

**WILLIAM C. COONEY.** San Quentin No. 46682. Convicted in Alameda County of the crime of Burglary, First Degree, February 26, 1929. Released on parole October 27, 1931. Pardon recommended by Advisory Pardon Board, Hon. Horace R. Spence, the Judge who presided at the trial, and Charles C. Cox, State Parole Officer. Pardon granted December 14, 1936.

**HARRY R. CRANDALL.** San Quentin No. 47677. Convicted in Los Angeles County of the crime of Manslaughter, March 5, 1929. Released on parole May 17, 1932. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 18, 1936.



HENRY P. DALTON, San Quentin No. 25091. Convicted in Alameda County of the crime of Bribery, July 24, 1911. Released on parole July 27, 1914. Pardon recommended by the Advisory Pardon Board; Hon. Earl Warren, District Attorney of Alameda County; Hon. Fred V. Wood, Judge of the Superior Court of Alameda County, and Ed. H. Whyte, State Parole Officer. Dated April 19, 1935.

JERRY DESMOND, San Quentin No. 15318. Convicted in Santa Barbara County of the crime of Murder, March 28, 1893. Released on parole July 6, 1920. Pardon recommended by Advisory Pardon Board and Ed. H. Whyte, State Parole Officer. Pardon granted December 21, 1935.

VON D. DOWNS, San Quentin No. 38953. Convicted in Alameda County of the crime of Seduction, February 1, 1924. Released on parole December 22, 1925. Pardon recommended by Advisory Pardon Board; Hon. Earl Warren, District Attorney of Alameda County, and Charles C. Cox, State Parole Officer. Pardon granted December 18, 1936.

WILLIAM O. DULIN, San Quentin No. 54155. Convicted in Los Angeles County of the crime of Murder, First Degree, February 7, 1927. An investigation subsequent to the trial by Deputy District Attorneys Vernon Ferguson, Harry C. Johnstone and Deputy Sheriffs Virgil P. Gray and Willard L. Killion, disclosed that William O. Dulin was innocent of the crime of which he was convicted. Pardon recommended by the Advisory Pardon Board, Deputy District Attorneys Vernon Ferguson, Harry C. Johnstone, Deputy Sheriffs Virgil P. Gray and Willard L. Killion and Hon. Isaac Paehl, Judge of the Superior Court, all of Los Angeles County. Pardon granted August 12, 1936.

ROSCOE C. EADS, San Quentin No. 43249. Convicted in Contra Costa County of the crime of Burglary, First Degree, February 7, 1927. Released on parole October 21, 1931. Pardon recommended by Advisory Pardon Board; Hon. James P. Hoey, District Attorney of Contra Costa County, and Charles C. Cox, State Parole Officer. Pardon granted December 18, 1936.

JOSEPH ELIN, San Quentin No. 21995. Convicted in San Francisco County of the crime of Murder, First Degree, January 5, 1907. Released on parole December 21, 1920. Pardon recommended by Advisory Pardon Board; Hon. Matthew Brady, District Attorney of San Francisco County, and Charles C. Cox, State Parole Officer. Pardon granted December 21, 1935.

MARLEY ELSHIE, San Quentin No. 41391. Convicted in Tulare County of the crime of Embezzlement, October 21, 1925. Released on parole April 16, 1927. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 23, 1935.

HARRY A. GABRIEL, San Quentin No. 31135. Convicted in Los Angeles County of the crime of Murder, First Degree, November 27, 1917. Released on parole November 28, 1927. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 21, 1935.

JOHN HENRY GARFORTH, San Quentin No. 26301. Convicted in Sacramento County of the crime of Embezzlement, February 8, 1913. Released on parole April 1, 1915. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 22, 1936.

LARRY GOULD, Folsom No. 18152. Convicted in Tuolumne County of the crime of Burglary, Second Degree, October 25, 1932. Pardon recommended by a majority of the Justices of the Supreme Court, dated December 16, 1935.

WALTER GRAVIER, San Quentin No. 19069. Convicted in Mendocino County of the crime of Attempted Bribery, June 29, 1901. Discharged from San Quentin Penitentiary February 16, 1903. Pardon recommended by Advisory Pardon Board and Hon. Lilburn Gibson, District Attorney of Mendocino County. Pardon granted December 21, 1935.

MARY A. GREGSON, San Quentin No. 34341. Convicted in San Joaquin County of the crime of Murder, Second Degree, during the month of December, 1919. Released from the penitentiary by a commutation of sentence, September 21, 1921. Pardon recommended by the Advisory Pardon Board, Hon. J. A. Plummer, who presided at the trial and Hon. George E. Frioux, Justice of the Peace of the City of Stockton. Pardon granted April 19, 1935.

EMERSON B. HARDMAN, San Quentin No. 30090. Convicted in San Joaquin County of the crime of Murder, First Degree, November 2, 1916. Released on parole February 5, 1923. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 22, 1936.

FOREST C. HILL, who was convicted in Sacramento County on February 14, 1934, of the crime of Grand Theft. Pardon recommended by the Sacramento County Grand Jury, which returned the indictment against him; Hon. Neil R. McAllister, District Attorney who prosecuted the case; and five of the members of the trial jury. Pardon granted February 16, 1934.

I. I. IRWIN, San Quentin No. 49989. Convicted in San Diego County of the crime of Grand Theft, April 1, 1931. Released on parole January 16, 1933. Pardon recommended by Advisory Pardon Board; Hon. Clarence Harden, Judge of the Superior Court of San Diego County, and Charles C. Cox, State Parole Officer. Pardon granted December 21, 1936.

LUTHER C. JOHNSON, San Quentin No. 48639. Convicted in Los Angeles County of the crime of Violation of Section 146 California Vehicle Act, May 13, 1930. Released on parole July 6, 1932. Pardon recommended by Advisory Pardon Board. Pardon granted December 23, 1935.

ALBERT E. JUMP, San Quentin No. 46702. Convicted in Alameda County of the crime of Manslaughter and Violation of Section 141 of the Motor Vehicle Act, May 2, 1929. Released on parole May 25, 1931. Pardon recommended by Advisory Pardon Board and Hon. George P. Ballou, Judge of the Superior Court of Los Angeles County. Pardon granted July 3, 1936.

SPIROS KASOLAS, San Quentin No. 41655. Convicted in Santa Clara County of the crime of Murder, April 30, 1918. Released on parole August 9, 1923. Pardon recommended by Advisory Pardon Board and Hon. W. T. O'Donoghue, Judge of the Superior Court of Santa Clara County. Pardon granted December 22, 1936.

GEORGE KELLER, San Quentin No. 40685. Convicted in Alameda County of the crime of Burglary, First Degree, February 26, 1929. Released on parole October 28, 1931. Pardon recommended by Advisory Pardon Board and Hon. Homer R. Spence, Judge, who presided at the trial. Pardon granted December 14, 1936.

J. J. KELLY, San Quentin No. 41080. Convicted in Los Angeles County of the crime of Manslaughter, June 3, 1924. Released on parole July 19, 1926. Pardon recommended by Advisory Pardon Board and Hon. Charles C. Cook, State Parole Officer. Pardon granted December 18, 1936.

JOSEPH F. LACEY, San Quentin No. 47118. Convicted in Alameda County of the crime of Grand Theft, two counts, February 17, 1931. Released on parole September 6, 1932. Pardon recommended by Advisory Pardon Board. Pardon granted May 27, 1936.

RAYMOND G. LAMBERSON, San Quentin No. 48544. Convicted in Alameda County of the crime of Involuntary Manslaughter May 17, 1930. Released on parole August 24, 1931. Pardon recommended by Advisory Pardon Board; Ed. H. Whyte, State Parole Officer, and Lee Wyman, District Attorney of Alameda County. Pardon granted March 28, 1936.

LEO A. LAXSON, San Quentin No. 44444. Convicted in Los Angeles County of the crime of Larceny, June 17, 1929. Released on parole December 19, 1927. Pardon recommended by Advisory Pardon Board and Charles C. Cook, State Parole Officer. Pardon granted August 8, 1935.

PAUL LECHE, Los Angeles No. 7344. Convicted in Santa Clara County of the crime of Receiving Stolen Property, May 27, 1909. Released on parole June 1, 1919. Pardon recommended by Advisory Pardon Board and Ed. H. Whyte, State Parole Officer. Pardon granted December 18, 1935.

PETER McANDREWS, San Quentin No. 41886. Convicted in San Joaquin County of the crime of Falsifying Bank Records, February 17, 1929. Released on parole September 23, 1929. Pardon recommended by the Advisory Pardon Board; Hon. Guard Darrish, District Attorney of San Joaquin County, and Charles C. Cook, State Parole Officer. Pardon granted December 18, 1935.

JAMES McCAIN, San Quentin No. 41575. Convicted in San Francisco County of the crime of Robbery, Second Degree, October 15, 1925. Detained from the penitentiary September 3, 1928. Pardon recommended by the Advisory Pardon Board and Hon. Pat R. Parker, Judge of the Superior Court, who presided at the trial. Pardon granted April 19, 1935.

HARRY MCCOY, San Quentin No. 37484. Convicted in the County of Imperial of the crime of Grand Larceny, December 11, 1922. Released on parole January 7, 1924. Pardon recommended by the Advisory Pardon Board; Hon. Frank W. Hoald, District Attorney of Imperial County, and Robert A. Hooper, District State Parole Officer. Pardon granted April 19, 1935.

KENNETH WARD McKINNEY, convicted in Los Angeles County June 18, 1935, of the crime of Violation of Chapter 329, Sections 1041 to Section 1, Art. 1670, General Laws. Pardon recommended by the Advisory Pardon Board; Hon. Rudolph Schmidt, Judge of the Superior Court of Los Angeles County, and Hon. Daniel Beecher, Deputy District Attorney of Los Angeles County. Pardon granted March 5, 1936.

J. C. McPHER, San Quentin No. 20499. Convicted in San Joaquin County of the crime of Assault With Deadly Weapon, April 1, 1916. Released on parole June 2, 1917. Pardon recommended by Advisory Pardon Board and Ed. H. Whyte, State Parole Officer. Pardon granted December 18, 1935.

EARI MEIER, San Quentin No. 46705. Convicted in Humboldt County of the crime of Robbery, First Degree, February 28, 1920. Released on parole September 2, 1932. Pardon recommended by Hon. Harry W. Falk, Hon. A. A. Ross, Sheriff of Humboldt County, and Hon. J. T. Fraser, District Attorney of Humboldt County. Pardon granted April 19, 1935.

CONRAD METZGER, San Quentin No. 26436. Convicted in Fresno County of the crime of Subornation of Perjury, June 17, 1912. Released on parole December 30, 1915. Pardon recommended by Advisory Pardon Board and Dan F. Conway, District Attorney of Fresno County. Pardon granted December 20, 1935.

SHERMAN A. MOORE, Folsom No. 18163. Convicted in Humboldt County of the crime of Forgery, November 9, 1932. Pardon recommended by a majority of the Justices of the Supreme Court upon condition that he be released to relatives and be taken to a Veterans' hospital in the State of Oregon. Pardon granted October 30, 1935, and Sherman A. Moore was placed in the custody of his sister, Mrs. Ernest Smith, who made a sworn statement that he would be placed in a Veterans' hospital in Oregon.

LOYD E. MÜNGER, San Quentin No. 29208. Convicted in Los Angeles County of the crime of Grand Larceny, January 13, 1916. Released on parole February 28, 1918. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 14, 1936.

GORDON OLSON, San Quentin No. 52546. Convicted in San Luis Obispo County of the crime of Burglary, Second Degree, July 18, 1932. Released on parole July 19, 1934. Pardon recommended by a majority of the Justices of the Supreme Court and A. H. Brazil, District Attorney of San Luis Obispo County at the time of conviction. Pardon granted December 16, 1935.

WILLIAM A. PINER, San Quentin No. 24001. Convicted in Lake County of the crime of Grand Larceny, February 27, 1909. Released on parole February 1, 1911. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 23, 1935.

ANDREW RAYMOND, Folsom No. 12466. Convicted in Alameda County of the crime of Robbery, November 20, 1911. Released on parole June 3, 1924. Pardon recommended by the Advisory Pardon Board and Earl Warren, District Attorney of Alameda County. Pardon granted December 20, 1935.

LEONARD E. REDMAN, San Quentin No. 32704. Convicted in Orange County of the crime of Burglary, Second Degree, August 8, 1918. Discharged from the penitentiary December 18, 1919. Pardon recommended by the Advisory Pardon Board. Dated March 28, 1935.

EUGENE I. ROBERTS, San Quentin No. 42665. Convicted in Humboldt County of the crime of Manslaughter, April 13, 1926. Discharged from the Penitentiary June 12, 1931. Pardon recommended by Advisory Pardon Board and J. F. Fraser, District Attorney of Humboldt County. Pardon granted December 20, 1935.

W. M. ROBERTS, San Quentin No. 43454. Convicted in Placer County of the crime of Embezzlement, April 3, 1927. Released on parole January 18, 1929. Pardon recommended by Advisory Pardon Board; Hon. J. B. Landis, Judge of the Superior Court of Placer County and Hon. Lowell Sparks, District Attorney. Pardon granted July 6, 1936.

CURTIS SHACKELFORD, San Quentin No. 55395. Convicted in Los Angeles County of the crime of Manslaughter, December 15, 1933. Released on parole March 27, 1935. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 16, 1935.

EDWARD SHAPIRO, San Quentin No. 33772. Convicted in San Francisco County of the crime of Grand Larceny, May 22, 1920. Released on parole November 29, 1922. Pardon recommended by the Advisory Pardon Board; Louis H. Ward, Judge of the Superior Court, and Hon. Matthew Brady, District Attorney of San Francisco County. Pardon granted August 8, 1935.

SALEM SHEHADEY, San Quentin No. 24255. Convicted in Mariposa County of the crime of Murder, First Degree, April 21, 1910. Released on parole April 21, 1920. Pardon recommended by the Advisory Pardon Board, Hon. J. J. Trabucco, Judge of the Superior Court, who presided at the trial; Louis T. Milburn, District Attorney of Mariposa County, and Ed. H. Whyte, State Parole Officer. Pardon granted April 19, 1935.

DAVID SOBEL, San Quentin No. 33260. Convicted in Los Angeles County of the crime of Grand Larceny, January 15, 1920. Released on parole August 23, 1921. Pardon recommended by Advisory Pardon Board and Charles C. Cox, State Parole Officer. Pardon granted December 14, 1936.

IRVING SOLOMON, San Quentin No. 42925. Convicted in San Diego County of the crime of Grand Larceny, October 5, 1926. Released on parole March 1, 1928. Pardon recommended by Advisory Pardon Board; Hon. Thomas Whelan, District Attorney of San Diego County, and Charles C. Cox, State Parole Officer. Pardon granted December 23, 1935.

LOUIS M. STOLL, San Quentin No. 43945. Convicted in San Diego County of the crime of Incest, October 24, 1926. Released on parole November 6, 1934. Pardon recommended by Advisory Pardon Board. Pardon granted December 18, 1936.

CAROL H. SWEARS. Convicted in Los Angeles County on September 12, 1934, of the crime of Violation of the Corporate Securities Act. Paroled from the Los Angeles County Jail November 11, 1934. Pardon recommended by the Advisory Pardon Board. Pardon granted December 18, 1935.

ARCHIE P. THATCHER, San Quentin No. 50814. Convicted in Mariposa County of the crime of Rape, September 5, 1931. Released on parole November 16, 1932. Pardon recommended by Advisory Pardon Board; Hon. J. J. Trabucco, Judge of the Superior Court, and Ed. H. Whyte, State Parole Officer. Pardon granted December 18, 1935.



CHARLES C. THOMPSON, San Quentin No. 24297. Convicted in Kern County of the crime of Murder, March 23, 1930. Released on parole May 26, 1929. Pardon recommended by Advisory Pardon Board and Charles C. Case, State Pardon Officer. Pardon granted December 20, 1935.

JOHN P. TURNER, San Quentin No. 28504. Convicted in Alameda County of the crime of Murder, First Degree, May 11, 1915. Released on parole May 11, 1926. Pardon recommended by the Advisory Pardon Board, Hon. Earl Warren, District Attorney of Alameda County, and Ed. H. Warren, State Pardon Officer. Pardon granted December 16, 1935.

FRANK VACARELLA, Folsom No. 19021. Convicted in Santa Clara County of the crime of Murder in the First Degree, June 23, 1922. Released on parole December 19, 1932. Pardon recommended by the Advisory Pardon Board, Hon. Fred L. Thomas, District Attorney of Santa Clara County, and George W. Lyle, Sheriff, and Charles C. Case, State Pardon Officer. Pardon granted August 8, 1936.

ROBERT J. WALSH, San Quentin No. 28540. Convicted in San Diego County of the crime of Arson, Second Degree, October 29, 1916. Released on parole October 30, 1925. Pardon recommended by Advisory Pardon Board and Charles C. Case, State Pardon Officer. Pardon granted December 16, 1935.

G. F. WARDWELL, San Quentin No. 24466. Convicted in Fresno County of the crime of Embodiment, February 14, 1915. Released on parole February 18, 1927. Pardon recommended by the Advisory Pardon Board and Ed. H. Warren, State Pardon Officer. Pardon granted March 28, 1936.

RANDOLPH S. WELLS, San Quentin No. 24180. Convicted in Inyo County of the crime of Grand Larceny, January 7, 1927. Released on parole February 10, 1928. Pardon recommended by Advisory Pardon Board and Hon. William F. Hottel, Judge of the Superior Court of Inyo County. Pardon granted December 20, 1935.

#### Commutations of Sentence

HARLEY C. BROSKE, San Quentin No. 25775. Convicted jointly with William F. Turner and James J. Hill in Los Angeles County of the crime of Kidnaping for the Purpose of Robbery, May 1, 1926. Commutation of sentence to the fullest possibility of parole was recommended by Los Angeles County Board of Prisoners of Los Angeles County. Sentence commuted to life imprisonment upon the condition that HARLEY C. BROSKIE remain in the penitentiary for the rest of his natural life without possibility of parole on January 7, 1936.

ANTHONY BIZZOGNI, San Quentin No. 26311. Convicted in Alameda County of the crime of Murder, First Degree, on March 8, 1922. Released on parole May 9, 1925. Commutation of sentence recommended by Advisory Pardon Board, Hon. Lincoln Church, Judge of the Superior Court of Alameda County, who presided at the trial, Hon. Fred Warren, District Attorney of Alameda County, and Arthur R. Holzhorn, Warden of San Quentin Penitentiary. Sentence commuted to time already served July 2, 1936.

KENNETH COMBES, San Quentin No. 50628. Convicted in Los Angeles County of the crime of Robbery, First Degree, on August 6, 1931. Released on parole November 8, 1933. Commutation of sentence recommended by a majority of the Justices of the Supreme Court. Sentence commuted to time served on December 16, 1935.

JOSE GONZALES, San Quentin No. 28500. Convicted in San Diego County of the crime of Murder, First Degree. Sentence to be executed on October 5, 1936. Commutation of sentence recommended by Hon. Thomas Warren, District Attorney of San Diego County, and each member of the jury who participated in the trial of Jose Gonzales. Sentence commuted from death to life imprisonment September 29, 1936.

PETE GRIVON, Folsom No. 18371. Convicted in Sonoma County of the crime of Perjury. Commutation of sentence to three years recommended by a majority of the Justices of the Supreme Court; the State Board of Prison Prisoners and Hon. Donald Geary, Judge of the Superior Court of Sonoma County, who presided at the trial of Pete Grivon. Sentence commuted from life imprisonment to three years on April 3, 1936.

JOAQUIN HIGUERA, Folsom No. 7494. Convicted in Santa Clara County of the crime of Highway Robbery on January 10, 1910. Released on parole July 16, 1929. Commutation of sentence recommended by a majority of the Justices of the Supreme Court. Sentence commuted to time served on December 28, 1935.

NELLIE MAY MADISON, San Quentin No. 26387. Convicted in Los Angeles County of the crime of Murder, First Degree, on July 5, 1934. Scheduled to be executed October 4, 1935. Commutation of sentence was recommended by each member of the jury and the two alternate jurors who participated in the trial of Nellie May Madison. Evidence accompanied the application which was not introduced at the trial, which indicated that the person she killed was guilty of many aggravating acts and misconduct which might well have been considered in her defense. Sentence commuted from death to life imprisonment on September 19, 1935.

JOHN J. McFADDEN, Folsom No. 19474. Convicted in Los Angeles County of the crime of Violating Section 288a of the Penal Code, August 29, 1934. Commutation



of sentence recommended by a majority of the Justices of the Supreme Court. Sentence commuted to time served on December 16, 1935.

**JUSTO RAMIREZ**, San Quentin No. 55123. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed March 29, 1935. Commutation of sentence was recommended by Hon. Fletcher Bowron, Judge of the Superior Court of Los Angeles County, who presided at the trial. Sentence was commuted from death to life imprisonment on March 27, 1935.

**GILMAN D. RANKIN**, San Quentin No. 45193. Convicted in Los Angeles County of the crime of Robbery, First Degree, during the month of March, 1928. Released on parole June 12, 1934. Commutation of sentence was recommended by Advisory Pardon Board, ten members of the jury who found Gilman D. Rankin guilty and Hon. William T. Aggeler, Judge of the Superior Court of Los Angeles County who presided at the trial. Sentence commuted to time served on March 28, 1935.

**CHARLES P. STEVENS**, San Quentin No. 57844. Convicted in Los Angeles County of the crime of Murder, First Degree, on February 13, 1935, and sentenced to be executed July 10, 1936. Commutation of sentence to life imprisonment recommended by Hon. Warren V. Tyron, Judge of the Superior Court, who presided at the trial, and Eugene D. Williams, Deputy District Attorney of Los Angeles County, who was in charge of the prosecution of Charles P. Stevens. Justice Langdon of the Supreme Court wrote a dissenting opinion in the case of Charles P. Stevens, which was concurred in by Chief Justice Waste which in part states that a new trial should have been granted Charles P. Stevens or that the trial judge should have exercised the power conferred upon him by section 1181 of the Penal Code and modified to judgment from death to life imprisonment. Sentence commuted from death to life imprisonment July 8, 1936.

**WILLIAM E. TANNER**, Folsom No. 19005. Convicted jointly with Harry C. Brooks and James J. Hill in Los Angeles County of the crime of Kidnaping for the Purpose of Robbery, March 5, 1934, and scheduled to be executed at Folsom Penitentiary January 10, 1936. Commutation of sentence to life imprisonment was recommended by a majority of the Justices of the Supreme Court; Hon. Burton Fitts, District Attorney of Los Angeles County, Hon. Charles W. Frieke, Judge of the Superior Court who presided at the trial, and Hon. George Rochester, foreman of the Grand Jury of Los Angeles County. Sentence commuted to life imprisonment upon the condition that William E. Tanner remain in the penitentiary for the rest of his natural life without possibility of parole on January 7, 1936.

**DONALD VREIDENBURG**, San Quentin No. 57142. Convicted in Alameda County of the crime of Robbery, First Degree, on January 10, 1935. Commutation of sentence recommended by the Advisory Pardon Board; Hon. Fred V. Wood, Judge of the Superior Court of Alameda County, who presided at the trial, and Hon. Earl Warren, District Attorney of Alameda County. Sentence commuted to time already served July 21, 1936.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,  
DIVISION OF STATE LANDS, SACRAMENTO, January 19, 1937.

#### *To the Senate of the State of California:*

Pursuant to the provisions of Chapter 800, Statutes of California, 1917, I respectfully report that, according to advices received, certificates of title have been issued to August 1, 1936, by the registrars of land titles under the Torrens Law in 17 of the 58 counties, as follows:

Alameda	167
Fresno	47
Humboldt	296
Imperial	479
Kern	139
Los Angeles	86,111
Orange	7,544
Riverside	272
San Bernardino	5,185
San Diego	4,980
San Francisco	6
San Luis Obispo	4
Santa Barbara	684
Santa Cruz	95
Sonoma	503
Tulare	66
Ventura	3

The Torrens Act provides that upon the original registration of any land, a sum equal to one-tenth of one per cent of the assessed value of the land including per-

manent improvements thereon as the same were valued for county taxation the last time said land and permanent improvements or either thereof were assessed for county taxes next preceding the filing of the petition shall be collected by the registrar and paid to the State Treasurer to be credited to the "Torrens Title Assurance Fund." The books of the State Treasurer show that on December 31, 1930, the "Torrens Title Assurance Fund" had a cash balance of \$827,009 and an investment of \$39,000 in bonds.

Respectfully submitted.

CARL E. STURZENACKER,  
Chief of the Bureau of State Lands  
of the Department of Finance.  
By A. P. IRELAND,  
Chief Clerk.

### Second Reading of Senate Bills.

Senate Bill No. 307.—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighty seventh and eighty eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 334.—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create board of fire commissioners," approved March 4, 1881, by adding a new section thereto numbered 24a, relating to fire protection, to take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

### Introduction, First Reading and Reference of Bills

**Senate Bill No. 357:** By Senator DeLap.—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, and 1556 of the Penal Code and to add sections 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1, and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto.

Senate Bill No. 357 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 358:** By Senator DeLap.—An act to amend section 17 of an act entitled "An act providing for the creation, organization and government of joint highway districts of the State of California, providing for the issuance of bonds and the levy and collection of all taxes, assessments and other moneys necessary for the retirement and payment thereof, and for the payment of the costs of all acquisitions and improvements and other expenses hereunder," approved June 17, 1931, as amended, Chapter 1025 of Statutes of 1931, relating to joint highway districts, to take effect immediately.

Senate Bill No. 358 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 359:** By Senator Metzger—An act to regulate the hours during which uncooked or uncured meat may be sold or offered for sale at retail.

Senate Bill No. 359 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 360:** By Senator Rich—An act to add a section to, and to amend the "Reclamation Board Act", approved December 24, 1911, as amended, by adding section 2.5 thereto relating to the name of the governing board of the Sacramento and San Joaquin Drainage District and by amending section 31 thereof relating to the short title of said act.

Senate Bill No. 360 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 361:** By Senator Rich—An act to amend the "Reclamation Board Act" approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925.

Senate Bill No. 361 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 362:** By Senator Rich—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Senate Bill No. 362 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 363:** By Senator Rich—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

Senate Bill No. 363 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 364:** By Senator Rich—An act to amend section 6 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris



Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a Reclamation Board and defining its powers," approved December 24, 1911, relating to attorneys and employees of the reclamation board.

Senate Bill No. 364 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 365:** By Senator Rich—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Senate Bill No. 365 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 366:** By Senator McGovern—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be returned the names and addresses of consular officers who make such requests.

Senate Bill No. 366 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 367:** By Senator McGovern—An act to amend section 328 of the Probate Code relating to notice prior to the hearing of application for letters.

Senate Bill No. 367 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 368:** By Senator McGovern—An act to amend section 441 of the Probate Code relating to notices prior to the hearing of application for letters.

Senate Bill No. 368 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 369:** By Senator McGovern—An act making an appropriation to pay the claim of the Massachusetts Mutual Life Insurance Company against the State of California.

Senate Bill No. 369 read first time, and referred to Committee on Finance.

**Senate Bill No. 370:** By Senator McGovern—An act providing for a State Exhibit at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, providing for the construction of a State Building therefor and the gardening and improvement of its surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and Building, defining its powers and duties and making an appropriation therefor.

Senate Bill No. 370 read first time, and referred to Committee on Finance.



**Senate Bill No. 371:** By Senator McGovern—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

Senate Bill No. 371 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 372:** By Senator McGovern—An act to amend section 3 and section 9 of the Pharmacy Law of the State of California.

Senate Bill No. 372 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 373:** By Senator McGovern—An act to amend section 488 of the Vehicle Code, relating to accident reports.

Senate Bill No. 373 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 374:** By Senator McGovern—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Senate Bill No. 374 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 375:** By Senator Seawell—An act to add section 3899 to the Political Code, relating to the collection of money advanced in payment of taxes on real property by coowners.

Senate Bill No. 375 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 376:** By Senator Seawell—An act to amend section 12 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 376 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 377:** By Senator Seawell—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles.

Senate Bill No. 377 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 378:** By Senator Seawell—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417, and 418, relating to civil liability and financial responsibility of owners and operators of vehicles.

Senate Bill No. 378 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 379:** By Senator Keough—An act to authorize boards of trustees of school districts to pay certain claims.

Senate Bill No. 379 read first time, and referred to Committee on Education.

**Senate Bill No. 380:** By Senators McGovern, Nielsen, Olson, Quinn, and Crittenden—An act relating to the adoption of Code of Fair Competition for certain trades and industries within this State and to amend Chapter 814 of the Statutes of 1935, approved July 20, A. D. 1936.

Senate Bill No. 380 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 381:** By Senator Fletcher—An act to amend section 737kk of the Political Code, relating to the salary of judges of the superior court, in and for the county of San Diego.

Senate Bill No. 381 read first time, and referred to Committee on County Government.

**Senate Bill No. 382:** By Senator Westover—An act to amend section 501 of the Vehicle Code, relating to persons driving under influence of liquor, and prescribing penalties therefor.

Senate Bill No. 382 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 383:** By Senator Westover—An act to amend sections 3479 and 3493 of the Civil Code, relating to nuisances.

Senate Bill No. 383 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 384:** By Senator Baggart—An act to add section 479 to Part 2 of Division IV of the Fish and Game Code, relating to commercial fishing.

Senate Bill No. 384 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 385:** By Senator Tickle—An act to amend section 25 of the Personal Income Tax Act of 1935, relating to credit for taxes paid other states.

Senate Bill No. 385 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 386:** By Senator Tickle—An act to amend section 4063 of the Business and Professions Code, relating to license fees imposed upon itinerant vendors.

Senate Bill No. 386 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 387:** By Senator Tickle—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, relating to license fees imposed upon itinerant vendors.

Senate Bill No. 387 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 388:** By Senators Keough, and Biggar—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Senate Bill No. 388 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 389:** By Senator Schottky—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein.

Senate Bill No. 389 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 390:** By Senator Schottky—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part II of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein.

Senate Bill No. 390 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 391:** By Senator Schottky—An act to add Chapter 1, comprising sections 2000 to 2225, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein.

Senate Bill No. 391 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 392:** By Senator Schottky—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part I of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein.

Senate Bill No. 392 read first time, and referred to Committee on Judiciary.



**Senate Bill No. 393:** By Senator Powers.—An act to add section 159a to the Agricultural Code, pending to the elimination of Austrian field cross, and to make an appropriation therefor.

Senate Bill No. 393 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 394:** By Senator Powers.—An act to amend sections 6901, 6902 and 6903 of the Labor Code, relating to train crews.

Senate Bill No. 394 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 395:** By Senator Powers.—An act to amend sections 1 and 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man trains," approved February 20, 1911, relating to train crews.

Senate Bill No. 395 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 396:** By Senator Powers.—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles.

Senate Bill No. 396 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 397:** By Senator Lacey.—An act to amend section 46 of the California Irrigation District Act, relating to certificates of sale.

Senate Bill No. 397 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 398:** By Senator Lacey.—An act to amend section 56 of the California Irrigation District Act, relating to the fixing and collecting of tolls and charges.

Senate Bill No. 398 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 399:** By Senator Lacey.—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Senate Bill No. 399 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 400:** By Senator Lacey.—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 151, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

Senate Bill No. 400 read first time, and referred to Committee on Irrigation.



**Senate Bill No. 401:** By Senator Law—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Senate Bill No. 401 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 402:** By Senator Law—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Senate Bill No. 402 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 403:** By Senator Seawell—An act to amend sections 292, 297, 311, and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses.

Senate Bill No. 403 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 404:** By Senator Seawell—An act to amend sections 252, 254, 257, 265, 269, 271, 276, and 277 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

Senate Bill No. 404 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 405:** By Senator McCormack—An act to amend section 3457 of the Political Code relating to interest payable on reclamation district warrants.

Senate Bill No. 405 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 406:** By Senator Crittenden—An act to amend section 330.17 of the Civil Code, relating to stock certificates.

Senate Bill No. 406 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 407:** By Senators Pierovich, Tickle, and Jespersen—An act to add section 8.09b to the Building and Loan Association Act, relating to building and loan associations.

Senate Bill No. 407 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 408:** By Senator Pierovich—An act to amend sections 738, 740 and 741 of the Vehicle Code, relating to procedure upon arrest.

Senate Bill No. 408 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 409:** By Senator Law—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to

repeal section 303 thereof, relating to the operation of vehicles by minors and the responsibility of other persons therein.

Senate Bill No. 409 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 410:** By Senators Wagy, and Powers—An act to add a new section to the Agricultural Code, to be numbered 291.1, relating to estray animals.

Senate Bill No. 410 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 411:** By Senators Wagy, and Powers—An act to add a new section to the Streets and Highways Code, to be numbered 101.1, relating to fences alongside highways.

Senate Bill No. 411 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 412:** By Senator Gordon—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

Senate Bill No. 412 read first time, and referred to Committee on County Government.

**Senate Bill No. 413:** By Senator Slater—An act to add sections 62, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 611 thereof, relating to trailer coaches.

Senate Bill No. 413 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 414:** By Senator Slater—An act to amend sections 621 and 675 of the Vehicle Code, relating to motor vehicles.

Senate Bill No. 414 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 415:** By Senator McBride—An act to amend section 191 of the School Code, relating to school buses.

Senate Bill No. 415 read first time, and referred to Committee on Education.

**Senate Bill No. 416:** By Senator McBride—An act to amend section 22140 of the School Code, relating to unified school districts.

Senate Bill No. 416 read first time, and referred to Committee on Education.

**Senate Bill No. 417:** By Senator Westover—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists.

Senate Bill No. 417 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 418:** By Senator Swing—An act to add section 1197b1 to the Political Code, relating to initiative petitions.

Senate Bill No. 418 read first time, and referred to Committee on Elections.

**Senate Bill No. 419:** By Senator Swing—An act to amend section 698 of the Fish and Game Code, relating to black bass.

Senate Bill No. 419 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 420:** By Senator Young—An act to amend sections 629 and 630 of the Fish and Game Code, relating to closing streams.

Senate Bill No. 420 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 421:** By Senator Nielsen—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State.

Senate Bill No. 421 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 422:** By Senator Nielsen—An act to amend section 664a to the Political Code, relating to the payment of State officers and employees.

Senate Bill No. 422 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 423:** By Senator Nielsen—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Senate Bill No. 423 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 424:** By Senator DeLap—An act to add two new sections to the School Code to be numbered 4.194 and 4.252, relating to instruction in the public schools.

Senate Bill No. 424 read first time, and referred to Committee on Education.

**Senate Bill No. 425:** By Senators Pierovich, Powers, and Swing—An act to promote temperance in the use of alcoholic beverages, relating to the manufacture, sale and use of alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 21, 24, 33, 34, 37, 54 and 60 of the Alcoholic Beverage Control Act, and to add new sections thereto all relating to the manufacture, sale and use of alcoholic beverages.

Senate Bill No. 425 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 426:** By Senators Allen, and Slater—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

Senate Bill No. 426 read first time, and referred to Committee on Finance.

**Senate Bill No. 427:** By Senator Garrison—An act making an appropriation for the encouragement of agriculture and the breeding

of better poultry stock, and providing for the payment of premiums at the National Egg Laying Contest at Modesto, California.

Senate Bill No. 427 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 428:** By Senator Quinn.—An act to amend section 493 of the Fish and Game Code, relating to night fishing.

Senate Bill No. 428 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 429:** By Senator Garrison.—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter cutting and wrapping licenses.

Senate Bill No. 429 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 430:** By Senator Tickle.—An act to amend School Code sections 4871 and 4884, relating to apportionments of State fund to high school districts.

Senate Bill No. 430 read first time, and referred to Committee on Education.

**Senate Bill No. 431:** By Senator Tickle.—An act to repeal sections 2123, 3610, 3611, 3612 of the School Code and to add thereto two new sections to be numbered 4190 and 4191, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county.

Senate Bill No. 431 read first time, and referred to Committee on Education.

**Senate Bill No. 432:** By Senator Tickle.—An act to amend sections 22010 and 22011 of the School Code, relating to unified school districts.

Senate Bill No. 432 read first time, and referred to Committee on Education.

**Senate Bill No. 433:** By Senator Phillips.—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District, and to provide for the carrying on of the functions of the consolidated district.

Senate Bill No. 433 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 434:** By Senator Phillips.—An act to amend the County Water District Act, approved June 16, 1911, as amended, relating to county water districts, by amending section 11 thereof and by adding to said act as amended, new sections to be numbered and providing as follows, to wit: Section 121, granting to county water districts the powers of mesquite abatement districts, and section 97.1, relating to segregation of items of property on the assessment roll.

Senate Bill No. 434 read first time, and referred to Committee on Irrigation.



**Senate Bill No. 435:** By Senator Phillips—An act to add a new section to the Agricultural Code to be numbered section 121.5, relating to the duties of the nursery service in the Department of Agriculture.

Senate Bill No. 435 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 436:** By Senator Phillips—An act to amend section 120 of the Agricultural Code, relating to nursery licenses.

Senate Bill No. 436 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 437:** By Senator Phillips—An act to amend the title of, and to add section 55.5 to, the Alcoholic Beverage Control Act, relating to the advertising of alcoholic beverages.

Senate Bill No. 437 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 438:** By Senator Phillips—An act to amend section 4 of an act entitled, "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to species illegally entered or kept.

Senate Bill No. 438 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 439:** By Senator Phillips—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables.

Senate Bill No. 439 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 440:** By Senator Phillips—An act to amend sections 1064, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons.

Senate Bill No. 440 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 441:** By Senator Phillips—An act to amend sections 1022, 1032, and 1037 of the Agricultural Code, relating to fertilizing materials.

Senate Bill No. 441 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 442:** By Senator Phillips—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons.

Senate Bill No. 442 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 443:** By Senator Holohan—An act to add section 12.5 and to amend sections 2 and 3 of an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications,

fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office," approved March 29, 1935, "approved May 31, 1937, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation.

Senate Bill No. 443 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 444:** By Senator Holohan—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons.

Senate Bill No. 444 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 445:** By Senator Knowland—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter 1 of Part III of Division IV of the School Code a new article to be known as Article IIa, relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

Senate Bill No. 445 read first time, and referred to Committee on Education.

**Senate Bill No. 446:** By Senator McGovern—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

Senate Bill No. 446 read first time and referred to Committee on Judiciary.

**Senate Bill No. 447:** By Senator Deuel—An act to amend sections 2170, 2190 and 2280 of the School Code, relating to the suspension, lapsation and reestablishment of school districts.

Senate Bill No. 447 read first time and referred to Committee on Education.

**Senate Bill No. 448:** By Senator Gordon—An act to add section 512 to the Vehicle Code, relating to speed limits in the vicinity of State institutions.

Senate Bill No. 448 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 449:** By Senator Powers—An act to amend section 373 of the Streets and Highways Code, relating to State Highway Route 73.

Senate Bill No. 449 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 450:** By Senator Seawell—An act to amend section 304 of the Streets and Highways Code, relating to State Highway Route 4.

Senate Bill No. 450 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 451:** By Senator Hays—An act to amend section 3669 of the Political Code, relating to assessment and levy of taxes upon insurance companies and providing the same shall take effect immediately.

Senate Bill No. 451 read first time, and ordered to print, and held at the desk.

**Senate Bill No. 452:** By Senator Hays—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

Senate Bill No. 452 read first time, and referred to Committee on Insurance.

**Senate Bill No. 453:** By Senator Hays—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance.

Senate Bill No. 453 read first time, and referred to Committee on Insurance.

**Senate Bill No. 454:** By Senator Hays—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers.

Senate Bill No. 454 read first time, and referred to Committee on Insurance.

**Senate Bill No. 455:** By Senator Hays—An act to amend sections 10669, 10692, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, and 10728 of the Insurance Code, and to add sections 10642, 10661.5, 10669.5, 10696.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance.

Senate Bill No. 455 read first time, and referred to Committee on Insurance.

**Senate Bill No. 456:** By Senator Hays—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add section 12975 thereto, all relating to the insurance fund in the State Treasury, and providing the same shall take effect immediately.

Senate Bill No. 456 read first time, and referred to Committee on Insurance.

**Senate Bill No. 457:** By Senator Hays—An act to amend sections 760, 761, 765, 1643, 1647, 1649, 1656, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1675.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance.

Senate Bill No. 457 read first time, and referred to Committee on Insurance.

**Senate Bill No. 458:** By Senator Hays—An act to amend sections 1390, 1391, 1392, and 1399 of the Insurance Code, relating to insurance.

Senate Bill No. 458 read first time, and referred to Committee on Insurance.

**Senate Bill No. 459:** By Senator Hays—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

Senate Bill No. 459 read first time, and referred to Committee on Insurance.

**Senate Bill No. 460:** By Senator Hays—An act to amend sections 10112, 10113, 10204, 10205 and 10313 of the Insurance Code, to repeal section 10241 thereof, to add section 10263.3 thereto, and to add Article 4, comprising sections 10460 to 10466, inclusive, to Chapter 2, Part 2, Division 2 of said code, all relating to insurance.

Senate Bill No. 460 read first time, and referred to Committee on Insurance.

**Senate Bill No. 461:** By Senator Hays—An act to amend section 1640 of the Insurance Code, and to add Chapter 7, comprising sections 1809 to 1815, to Part 2, Division 1, of said code, all relating to bad licenses.

Senate Bill No. 461 read first time, and referred to Committee on Insurance.

**Senate Bill No. 462:** By Senator Hays—An act to add Article 18, comprising sections 1120 to 1125, inclusive, to Chapter 1, Part 2, Division 1, of the Insurance Code, relating to insurance.

Senate Bill No. 462 read first time, and referred to Committee on Insurance.

**Senate Bill No. 463:** By Senator Hays—An act to repeal Article III, comprising sections 375 to 376, inclusive, of Chapter 113, Title 3, Part III of the Political Code, and to add Article III, comprising sections 375 and 376, to said chapter, title, and part thereof, all relating to State officers and officers having functions respecting investments of the public.

Senate Bill No. 463 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 464:** By Senator Hays—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1764, 1772, and 1773 thereof, and to add sections 1761.5 and 1773.5 thereto, all relating to insurance.

Senate Bill No. 464 read first time, and referred to Committee on Insurance.

**Senate Bill No. 465:** By Senator Hays—An act to add sections 1701.5, 1706.5, 1706.6 and 1713.5 to the Insurance Code, relating to insurance.

Senate Bill No. 465 read first time, and referred to Committee on Insurance.



**Senate Bill No. 466:** By Senator Hays—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add sections 900.5, 10250.5, 10291.5, 10728.5 and 10863 thereto, all relating to insurance.

Senate Bill No. 466 read first time, and referred to Committee on Insurance.

**Senate Bill No. 467:** By Senator Hays—An act to amend sections 1033, 1037, and 1047 of, and to add section 1043.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers.

Senate Bill No. 467 read first time, and referred to Committee on Insurance.

**Senate Bill No. 468:** By Senator Hays—An act to amend section 103 of the Insurance Code, relating to insurance.

Senate Bill No. 468 read first time, and referred to Committee on Insurance.

**Senate Bill No. 469:** By Senator Hays—An act to amend sections 10846, 10850 and 10860 of the Insurance Code, to add sections 10818, 10860.5, 10871, 10872, 10873, 10891 and 10919 thereto, and to add Article 13a, comprising section 10892, to Chapter 9, Part 2, Division 2 thereof, all relating to life and disability insurance.

Senate Bill No. 469 read first time, and referred to Committee on Insurance.

**Senate Bill No. 470:** By Senator Hays—An act to amend sections 945, 970, 973, 1325, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance.

Senate Bill No. 470 read first time, and referred to Committee on Insurance.

**Senate Bill No. 471:** By Senator Powers—An act to add a new section to the Agricultural Code to be numbered 308.5, relating to inspectors employed by the Director of Agriculture of the State of California.

Senate Bill No. 471 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 472:** By Senator Powers—An act to amend sections 44 and 130 of the Vehicle Code, relating to motor vehicles.

Senate Bill No. 472 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 473:** By Senator Powers—An act to amend sections 380.51, 380.52, 380.55 and 380.59 of the Agricultural Code, relating to live stock marks and brands.

Senate Bill No. 473 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 474:** By Senator Powers. An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County.

Senate Bill No. 474 read first time, and referred to Committee on County Government.

**Senate Bill No. 475:** By Senator Powers. An act to amend sections 332, 336, 338, 341, 344, 350, 354, 362, 366, 367 and 477 of the Agricultural Code, and to add sections 3601, 3602 and 3603 thereto, relating to live stock marks and brands.

Senate Bill No. 475 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 476:** By Senator Williams. An act to prohibit the use of a device known as the "Running W" or any other device used for the purpose of tripping or throwing a horse or other animal.

Senate Bill No. 476 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 477:** By Senator Young. An act to amend section 62 of the School Code, relating to powers of boards of school trustees and city boards of education.

Senate Bill No. 477 read first time, and referred to Committee on Education.

**Senate Joint Resolution No. 5:** By Senator Weger. Relative to memorializing petitioning the Congress to enact legislation distributing the revenues obtained from naval petroleum reserves on the same basis as the revenues from other public lands leased under the provisions of the mineral leasing act.

Senate Joint Resolution No. 5 read and by unanimous consent, ordered to print and held at desk without reference to committee.

**Senate Concurrent Resolution No. 9:** By Senator De Lap. Relative to approving a certain amendment to the charter of the city of Richmond, a municipal corporation in the county of Contra Costa, State of California, duly voted for and ratified by the qualified electors thereof at an election held therein on the third day of November, 1936.

Senate Concurrent Resolution No. 9 read.

#### Consideration of Senate Concurrent Resolution No. 9.

Senator DeLap asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 9, without reference to committee or print for purpose of adoption.

Senate Concurrent Resolution No. 9. Relative to approving a certain amendment to the charter of the city of Richmond, a municipal corporation in the county of Contra Costa, State of California, duly voted for and ratified by the qualified electors thereof at an election held therein on the third day of November, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Senate Concurrent Resolution No. 9 adopted by the following vote:

**AYES**—Senators Allen, Riggall, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jeppesen, Keough, Knowland, Law, McBride,

Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—30.  
NOES—None.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

### **Adjournment.**

At five o'clock and ten minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, January 21, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### **IN SENATE.**

#### **SENATE CHAMBER.**

**SACRAMENTO, Thursday, January 21, 1937.**

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Howard S. McIntire at the desk.

### **Roll Call.**

The roll was called, and the following answered to their names.

SENATORS—Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Wednesday, January 20, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leave of Absence.**

Senator Phillips was, on motion of Senator Gordon, granted leave of absence for this day.

### **Privilege of Floor of Senate Extended.**

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph D. McManus, vice president of the California State Federation of Labor, Harold McLaughlin, D. M. Coughlin, and Daniel McLaughlin, all of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carroll Smith, La Mesa.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge A. Caminetti, Jr., of Amador County.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and

Mrs. Jimmy Steitz and daughter Virginia Lee, and Mr. and Mrs. F. S. Williams.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. D. C. Williams of Madera, and Mr. A. E. Pruner of Eyster.

On request of Senator McIlver, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Matthew Murphy, cousin of the Irish Free State, Mr. Jerome Politzer, and Mr. Gerald P. Haggerts of San Francisco.

### Reports of Standing Committees

The following report of standing committee was received and read:  
**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, January 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined—

Senate Bill No. 344—An act to amend an act entitled "An act to amend and reorganize the laws and to change the department and to amend and reorganize the laws and to change the department and to amend and reorganize the laws and to change the department," approved March 3, 1935, by adding a new section numbered 24, relating to the position, to take effect immediately.

Senate Bill No. 397—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighth, seventh, and eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

And reports that the same have been carefully engrossed.

KEITH C. CHAMBERLAIN.

### Third Reading of Senate Bills

Senate Bill No. 397—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighth, seventh, and eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following constitutional recommendation for the passage of Senate Bill No. 397:

SENATE CHAMBER, SACRAMENTO, January 19, 1937.

SENATE CHAMBER, SACRAMENTO, January 19, 1937.

To the Honorable Members of the Senate, Sacramento, California:

Senate Bill No. 397—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighth, seventh, and eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 397 complies in every way with the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final passage of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 397 as such an emergency measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

#### Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an emergency measure and shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.



The question being on the adoption of the urgency clause.  
The roll was called.

### **Call of the Senate.**

Pending the announcement of the vote, Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, Nielsen, Parkman, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—22.

The Secretary announced the absentees.

Time, ten o'clock and twenty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Introduction, First Reading and Reference of Bills.**

**Senate Bill No. 478:** By Senator DeLap—An act to add section 371.5 to the Political Code, to abolish the State Relief Commission and the State Relief Administrator and to transfer their property, powers, duties, purposes, responsibilities and jurisdiction to the State Department of Social Welfare.

Senate Bill No. 478 read first time, and referred to Committee on Social Security.

**Senate Bill No. 479:** By Senator Knowland—An act to add a new article to Chapter III of Title I of Part III of the Political Code, to be numbered Article II-o, embracing sections 378 to 378h, both inclusive, relating to a Department of Revenue.

Senate Bill No. 479 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 480:** By Senator DeLap—An act to amend section 252 of the Harbors and Navigation Code, relating to the speed of vessels entering or leaving harbors of this State, or traveling within three miles of land within the State of California.

Senate Bill No. 480 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 481:** By Senator DeLap—An act to amend section 255 of the Harbors and Navigation Code, relating to vessels overtaking or passing other vessels.

Senate Bill No. 481 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 482:** By Senator DeLap—An act to amend section 254 of the Harbors and Navigation Code, relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire on regular routes between ports within this State.

Senate Bill No. 482 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 483:** By Senator Slater—An act making an appropriation to provide land for the *Semore State House*.

Senate Bill No. 484 read first time, and referred to Committee on Finance.

**Senate Bill No. 484:** By Senator Slater—An act to amend section 19 of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 22, 1922, relating to rules and regulations of said districts, the polling of the bridges and approaches thereto of said districts, the maintenance of directional signs in connection therewith, the maintenance of fire departments and towing and emergency services thereon, and the enforcement of laws by said districts.

Senate Bill No. 484 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 485:** By Senator Biggar—An act to validate the formation and existence of school districts of every kind and class.

Senate Bill No. 485 read first time, and by unanimous consent ordered to print, and held in the desk without reference to committee.

**Senate Bill No. 486:** By Senator Biggar—An act relating to public highways, the laying out, construction, improvement, maintenance, administration and control thereof, the allocation and expenditure of moneys appropriated therefor, designating certain highways State highways, amending and repealing certain provisions of the Streets and Highways Code and adding certain provisions thereto, and repealing certain acts relating to public highways.

Senate Bill No. 486 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 487:** By Senator Biggar—An act to amend the title and section 8 of an act entitled "An act authorizing the use of convict labor on State highways or State roads, providing for the compensation of such convict labor, regulating the handling of such convict labor, providing for payment of compensation to the dependents of such convicts, providing for a forfeiture of such compensation, providing for creation of prisoners' pension and educational fund, providing for manner of payment of compensation to said convicts upon release on parole or release on discharge from prison, authorizing allowance of extra good time credits for such labor, providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1924, relating to the employment of convicts on highways.

Senate Bill No. 487 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 488:** By Senator Nielsen—An act relating to the formation, organization and proceedings of municipal utility districts;

confirming the formation, organization and existing of such districts; establishing and validating the boundaries thereof; confirming proceedings for the annexation of territory to, incorporation and inclusion thereof within municipal utility districts; confirming the election of the members of the boards of directors of such districts and all acts and proceedings of such members heretofore had or taken; confirming and validating any and all acts and proceedings heretofore had or taken by such districts in connection with the issuance of bonds thereof and all bonds heretofore authorized or issued by such district and authorizing such bonds to be sold and delivered; providing for the levy and collection of a tax sufficient to pay the principal and interest of any such bonds, and declaring this act to be an urgency measure.

Senate Bill No. 488 read first time, and by unanimous consent ordered to print, and held at the desk without reference to committee.

**Senate Bill No. 489:** By Senator Hays—An act to add section 1703.5 to the Insurance Code, relating to agents for disability insurance.

Senate Bill No. 489 read first time, and referred to Committee on Insurance.

**Senate Bill No. 490:** By Senator Nielsen—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding a new section thereto to be numbered "Section 16a," relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district; and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

Senate Bill No. 490 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 491:** By Senator Nielsen—An act to amend sections 3197, 3198, and to add a new section to be numbered 3197a, to the Political Code, relating to trade marks.

Senate Bill No. 491 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 492:** By Senator Keough—An act to authorize governing boards of school districts to reimburse persons furnishing labor and materials for buildings constructed for school districts.

Senate Bill No. 492 read first time, and referred to Committee on Education.

**Senate Bill No. 493:** By Senator Swing—An act to amend section 588 of the Vehicle Code of the State of California, relating to parking.

Senate Bill No. 493 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 494:** By Senator Hollister—An act to amend section 13 of an act entitled "An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation



of this act, to make an appropriation for the enforcement of this act, to take effect immediately"; approved June 13, 1935.

Senate Bill No. 494 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 495:** By Senator Crittenden—An act to add sections 3a and 12a to the California District Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified.

Senate Bill No. 495 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 496:** By Senator Crittenden—An act to amend section 2 of the Corporate Securities Act, to transfer from the provisions of said act certificates of deposit for securities approved by the California District Securities Commission, by certification as legal investments for savings banks and trust companies.

Senate Bill No. 496 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 497:** By Senator Fletcher—An act to add section 23941 to the Business and Professions Code, relating to unprofessional conduct of an applicant for a certificate of a certificate holder under Chapter 3 of the Business and Professions Code and providing that advertising that professional services of a specified nature will be rendered for a particular, definite or fixed price, constitutes unprofessional conduct.

Senate Bill No. 497 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 498:** By Senator Fletcher—An act to amend section 812 of the Fish and Game Code, relating to poisons.

Senate Bill No. 498 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 499:** By Senator Fletcher—An act to amend section 808.5 of the Fish and Game Code, relating to poikilotherms.

Senate Bill No. 499 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 500:** By Senator Fletcher—An act making an appropriation for the support of San Diego State College.

Senate Bill No. 500 read first time, and referred to Committee on Finance.

**Senate Bill No. 501:** By Senator Waggy—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.1, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Article II and IV of Chapter 10 of Division IV and to amend sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Senate Bill No. 501 read first time, and referred to Committee on Live Stock and Dairying.



**Senate Bill No. 502:** By Senator Wagy—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor.

Senate Bill No. 502 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 503:** By Senator Fletcher—An act to provide compensation for innocent persons wrongfully charged with or convicted of crime, and creating a cause of action therefor.

Senate Bill No. 503 read first time, and referred to Committee on Finance.

**Senate Bill No. 504:** By Senators Quinn, Nielsen, Law, Fletcher, Cunningham, Tickle, Powers, Jespersen, Westover, DeLap, Parkman, Mixer, Pierovich, and Phillips—An act to amend section 890 of the Military and Veterans Code, relating to veterans and making an appropriation for aid to veterans' dependents.

Senate Bill No. 504 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 505:** By Senators Quinn, Nielsen, Law, Fletcher, Cunningham, Parkman, Powers, Tickle, Westover, DeLap, Jespersen, Mixer, Pierovich, and Phillips—An act to amend sections 891 and 895 of the Military and Veterans Code, relating to veterans' dependents educational assistance.

Senate Bill No. 505 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 506:** By Senators Quinn, Nielsen, Law, Fletcher, Parkman, Powers, Tickle, Cunningham, Westover, DeLap, Jespersen, Mixer, Pierovich, and Phillips—An act to amend section 890 of the Military and Veterans Code, relating to veterans.

Senate Bill No. 506 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 507:** By Senators Quinn, Nielsen, Law, Fletcher, Tickle, Cunningham, Powers, Jespersen, Westover, DeLap, Parkman, Mixer, Hays, Pierovich, and Phillips—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates.

Senate Bill No. 507 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 508:** By Senators Quinn, Nielsen, Law, Fletcher, Tickle, Jespersen, Powers, Parkman, Cunningham, Mixer, Westover, DeLap, Hays, Pierovich, and Phillips—An act to amend sections 5.10, 5.42, 5.60 and 5.84 of the School Code of the State of California, relating to the establishment of R.O.T.C. units in State colleges and the teaching of courses in military science and tactics in connection therewith.

Senate Bill No. 508 read first time, and referred to Committee on Education.

**Senate Bill No. 509:** By Senators Quinn, Nielson, Law, Fletcher, Powers, Jepsen, Westover, DeLap, Parkman, Miller, Pierovich, and Phillips—An act to amend section 5012 of the Political Code, relating to exemptions under section 14 of Article XIII of the Constitution.

Senate Bill No. 509 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 510:** By Senators Quinn, Nielson, Law, Fletcher, Tickle, Cunningham, Powers, Parkman, Jepsen, Westover, Miller, DeLap, Pierovich, and Phillips—An act to amend the title and sections 1, 2, 3, 4, 5, 7, 8, and 11 of and to add sections 12, 13 and 14 to an act entitled "An act to establish a board to be known as the Hetchy Dam Authority, to prescribe its duties, powers, functions and jurisdiction, to authorize the authority to construct a dam in Hetchy Canyon to impound the waters of Hetchy Creek and to sell and distribute said waters, to authorize the authority to lease and sell revenues known to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters, authorizing the Department of Public Works of the State of California to operate and maintain such dam and all projects appurtenant thereto, authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1925, and making an appropriation therefor.

Senate Bill No. 510 read first time, and referred to Committee on Conservation.

**Senate Bill No. 511:** By Senators Quinn, Nielson, Law, Fletcher, Tickle, Powers, Parkman, Cunningham, DeLap, Jepsen, Miller, Pierovich, and Phillips—An act to amend sections 800, 803, 804, 814 and 815 of the Military and Veterans Code, relating to veterans' home and home purchase.

Senate Bill No. 511 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 512:** By Senators Quinn, Nielson, Jepsen, Parkman, Pierovich, and Phillips—An act making an appropriation to be used in the construction of a neuropsychopathic hospital.

Senate Bill No. 512 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 513:** By Senator Quinn—An act to amend section 696 of the Military and Veterans Code, approved July 3, 1923, relating to Veterans' Welfare Board employment of veterans.

Senate Bill No. 513 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 514:** By Senator Gordon—An act to regulate auctions.

Senate Bill No. 514 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 515:** By Senator Gordon—An act relating to the purchase of wool from producers, prohibiting deductions for tags, fairs,

crutchings or other off wools, based upon a percentage of the weight or value of the wool, and providing a penalty for violation thereof.

Senate Bill No. 515 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 516:** By Senator Gordon—An act to amend section 4041.18 of the Political Code, relating to construction of public buildings.

Senate Bill No. 516 read first time, and referred to Committee on County Government.

**Senate Bill No. 517:** By Senator McCormack—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74.

Senate Bill No. 517 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 518:** By Senator McCormack—An act to add two new sections to the Political Code, to be numbered 3480e and 3480f, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 518 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 519:** By Senators Young, Tickle, Deuel, Keough, Parkman, Cunningham, Jespersen, Holohan, Hollister, Fletcher, Quinn, Westover, Allen, Mixter, Garrison, and McCormack—An act to add section 1110 to the Fish and Game Code, prohibiting operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters unless such delivery is permitted by State Fish and Game Commission; authorizes commission to issue revocable permits for such delivery; declaring it shall issue no permits which would tend to deplete the species or obstruct the operation of any law; provides penalties for violation.

Senate Bill No. 519 read first time, and referred to Committee on Fish and Game.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO, CALIFORNIA, January 20, 1937.

*Hon. Sanborn Young, Member of the Senate,*

*State Capitol, Sacramento, California.*

Subject, Fishing Control.

Request No. 5656

MY DEAR SENATOR: As requested by you we have prepared a legislative bill having a proper legislative title, adding section 1110 to the Fish and Game Code and with a context identical with that contained in the proposed initiative measure. We are enclosing this bill herewith.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

### Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and forty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

The names of the absentees were called, and the urgency clause to Senate Bill No. 307 adopted by the following vote:

**AYES.** Senators Allen, Bigger, Christensen, Christensen, DeLoe, Evans, Fletcher, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Knecht, Knecht, Lee, McBurn, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westmore, and Young—30.

**NOES.** None.

The question being on the passage of the bill—

The roll was called, and Senate Bill No. 307 passed by the following vote:

**AYES.** Senators Allen, Bigger, Christensen, Christensen, DeLoe, Evans, Fletcher, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Knecht, Knecht, Lee, McBurn, Mixer, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westmore, Williams, and Young—30.

**NOES.** None.

Title read and approved.

Senate Bill No. 307 ordered transmitted to the Assembly.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 334—As yet to amend an act entitled "An act to allow unincorporated towns and villages to organize and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create board of fire commissioners," approved March 4, 1881, by adding a new section thereto to read: "The following is a summary of the provisions to take effect immediately:

Bill read third time.

#### Urgency Clause.

Sec. 2. This act to become effective on its passage, and shall remain in force until the immediate reorganization of the police force, which shall take effect within the meaning of section 1 of Article IV of the Constitution of the State of California, and thereafter shall take effect immediately. The following is a summary of the provisions to take effect immediately:

Many towns and unincorporated towns, including unincorporated cities and towns, are now without adequate fire protection, or any fire protection at all. It is essential for the safety of the citizens of unincorporated towns of this State that they be supplied with fire protection. It is hereby provided, however, that it is necessary that this act go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause—

The roll was called and the urgency clause adopted by the following vote:

**AYES.** Senators Allen, Bigger, Christensen, Christensen, DeLoe, Evans, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Keating, Knecht, Knecht, Lee, McBurn, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westmore, Williams, and Young—30.

**NOES.** None.

The question being on the passage of the bill—

The roll was called, and Senate Bill No. 334 passed by the following vote:

**AYES.** Senators Allen, Bigger, Christensen, Christensen, DeLoe, Evans, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Keating, Knecht, Knecht, Lee, McBurn, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westmore, Williams, and Young—30.

**NOES.** None.

Title read and approved.

Senate Bill No. 334 ordered transmitted to the Assembly.



### Third Reading of Assembly Bills.

Assembly Bill No. 574—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 574 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 574 ordered transmitted to the Assembly.

Assembly Bill No. 273—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such necessity are as follows:

A period of economic crisis and financial distress still exists in this State. Many of the purchasers of State lands are still unable to pay the full balance of the purchase price thereof, because of conditions beyond their control. To permit forfeiture of such lands at this time would be inequitable.

It is necessary for this act to take effect immediately to prevent the loss of lands and homes by a large number of school land purchasers.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Nielsen, Parkman, Pierovich, Powers, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 273 ordered transmitted to the Assembly.



dent and the Congress of the United States to include the Central Valley Project in the National program of work-relief—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States to save from destruction and restore to Yosemite National Park certain unique and valuable forest land—and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 5—Relative to memorializing and petitioning the Congress to enact legislation distributing the revenues obtained from Naval Petroleum Reserves on the same basis as the revenues from other public lands leased under the provisions of the Mineral Leasing Act and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

## Consideration of Senate Joint Resolution No. 5.

### Senate Joint Resolution No. 5.

Relative to memorializing and petitioning the Congress to enact legislation distributing the revenues obtained from Naval Petroleum Reserves on the same basis as the revenues from other public lands leased under the provisions of the Mineral Leasing Act.

WHEREAS, Section 35 of the act of Congress approved February 25, 1920 (41 Stat. 437), known as the Mineral Leasing Act, provides that 52½ per centum of all amounts derived by the United States from bonuses, royalties, and rentals from leased oil or gas lands shall be paid into, reserved, and appropriated as a part of the reclamation fund created by Act of Congress approved June 17, 1902, and that 37½ per centum of all amounts so derived shall be paid to the State within the boundaries of which such leased lands are located; and

WHEREAS, This method of distribution of revenues received from this limited, exhaustible and non-recurring natural resource does recognize and does establish the fair and equitable policy, which is in the national interest, that the area of origin should participate in the revenue received therefrom as a measure of compensation for the permanent loss of such natural resources and for the exemption from taxation which occurs due to continued ownership of such lands by the United States; and

WHEREAS, Nearly all of the revenues from such leases is from lands in the western States where water development is a paramount necessity; and

WHEREAS, The distribution of the revenues from this source to the Bureau of Reclamation to be expended in upbuilding the permanent agricultural resources by the construction of water stabilization and control projects, thereby making water available for irrigation and hydro-electric power; the control of floods, improvement of navigation and other purposes is sound and just public policy; and

WHEREAS, Naval Petroleum Reserves are created by Executive Order of the President from public lands of the United States and leases thereon are made under the provisions of said Mineral Leasing Act; and

WHEREAS, Section 35 of said act further provides "That all moneys which may accrue to the United States under the provisions of the act from lands within Naval Petroleum Reserves shall be deposited in the treasury as 'miscellaneous receipts' so that neither the State in which such lands are located, nor the Navy Department of the United States, nor the Bureau of Reclamation, receives any benefit from the bonuses, royalties or rentals, as the petroleum or gas produced from said lands is such that it can only be used by the Navy for purposes of sale; and

WHEREAS, The total revenues from oil and gas leases under the Mineral Leasing Act since February 25, 1920, have been approximately \$131,000,000 of which more than \$32,000,000, or more than 25 per cent of such revenues have been from Naval Petroleum Reserves; and

WHEREAS, If the State of California had received 37½ per centum of the revenues from lands within Naval Petroleum Reserves situate in California since the adoption of said act up to June 30, 1936, the State of California would have received an additional \$11,906,209.39; and

WHEREAS, If the Bureau of Reclamation had received 52½ per centum of the revenues from the lands within Naval Petroleum Reserves since the adoption of

said act up to June 30, 1936, the Bureau of Reclamation would have received an additional \$17,114,390.79.) and

WHEREAS, Naval Petroleum Reserves in addition to being open oilfields have been created at any time, which render existing law inoperative; the Bureau of Reclamation and the respective States of granting new lease rights in such oilfields would be received; and

WHEREAS, It is not equitable that the oil reserves for the Navy be disposed of a few States to the detriment of others; and

Resolved, That a copy of this joint resolution be transmitted by the President of the United States to the Vice President of the United States, and to each member of the Senate and the House of Representatives of the United States.

Resolved by the Senate and Assembly of the State of California, jointly: That the Legislature of the State of California hereby recommends each member of the Congress to carry legislation which will insure that no revenue derived in hereafter received from business operations, now existing under the Federal Mining Act approved February 25, 1907 (34 Stat. 407), from lands within Naval Petroleum Reserves 593 per centum shall be paid into, transferred and appropriated as a part of the Reclamation Fund created by Act of Congress passed in the Reclamation Act approved June 17, 1907, and 34 Stat. 407, and revenue derived from such business operations and profits shall be paid by the Secretary of the Treasury after the expiration of each fiscal year in the State within the limitations of actual the leased lands at 50 cents per acre.

Resolved, That a copy of this joint resolution be transmitted by the President of the United States to the Vice President of the United States, and to each member of the Senate and the House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Biggar, Cushman, Cushman, DeLoach, Egan, Frazier, Garrison, Gordon, Harbo, Hollister, Johnson, Keene, Keith, Lee, Martin, McCormack, McGowan, Morgan, Miller, Nelson, Reed, Ferguson, Quinn, Roth, Schottky, Slater, Smith, Swick, Latta, Wagon, Wagon, Wagon, and Young—40.

NOES—None.

Senate Joint Resolution No. 5 ordered transmitted to the Assembly.

### Withdrawal and Re-reference of Senate Bills Nos. 389, 390, 391, and 392

Senator Schottky moved that Senate Bills Nos. 389, 390, 391, and 392 be withdrawn from Committee on Judiciary, and referred to Committee on Hospitals and Asylums.

Motion was carried, and such was the order.

### Recess.

At eleven o'clock and thirty minutes a. m., on motion of Senator Rich, the President of the Senate declared recess until three o'clock p. m.

### Reconvened.

At three o'clock p. m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

### Withdrawal from Committee of Assembly Joint Resolution No. 15.

Senator Slater moved that Assembly Joint Resolution No. 15 be withdrawn from Committee on Federal Relations for purpose of adoption.

Motion carried.



## Consideration of Assembly Joint Resolution No. 15.

### Assembly Joint Resolution No. 15.

Relative to memorializing the President to use his good offices to persuade the States that have not thus far ratified the child labor amendment to the U. S. Constitution to do so.

WHEREAS, It is one of the tragic paradoxes of our business that returning prosperity increases the exploitation of children, for with the greater demand for goods, factories are driven to employ more labor, but they seek the cheapest, and since it is no longer possible to get adults at starvation wages, they employ children; and

WHEREAS, This deplorable condition could easily and simply be relieved by the ratification of the amendment to the United States Constitution concerning child labor, which has been before the people of the United States for ratification these several years; and

WHEREAS, The good of such an amendment is self-evident, in that if it were adopted Congress could constitutionally enact legislation providing for a standard below which no State could go and thus alleviate the condition of competition between States which results in the deplorable employing of children; and

WHEREAS, California in 1925 was the first State to ratify the Child Labor Amendment and 24 States have thus far ratified this amendment; and

WHEREAS, The ratification of only 12 more States is needed to make the amendment become a reality; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully urges the President of the United States to continue to use his good offices to persuade the remaining States to follow in the footsteps of the 24 States that have ratified this worthy amendment; and be it further*

*Resolved, That the Governor of the State of California is hereby requested to transmit a copy of this resolution to the President of the United States.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—28.

NOES—None.

Assembly Joint Resolution No. 15 ordered transmitted to the Assembly.

### Report.

The following report by Special Committee, to Investigate the Abstraction of Oil and Gas from State Lands, was received, read, and ordered printed in the Journal:

#### *To the President and Members of the Senate:*

The Senate of the fifty-first Legislature on April 22, 1935, adopted a resolution providing for the appointment of a special committee of five members of the Senate to investigate the abstraction of oil and gas from tidelands and other lands belonging to the State and matters in connection therewith, which resolution reads as follows:

"WHEREAS, It has been ascertained and is common knowledge that one of the largest and most valuable oil and gas pools in the State of California underlies the tidelands belonging to the State in the vicinity of Huntington Beach, in Orange County; and

WHEREAS, It is commonly reported and claimed that many millions of barrels of oil and many billions of cubic feet of gas have been taken from said pool, aggregating in value many millions of dollars belonging to the State of California; and

WHEREAS, It is reported that the Director of Finance and the Chief of the Division of State Lands in the Department of Finance in the State are negotiating a settlement of the State's claim in the premises; and

WHEREAS, There are a number of bills now pending in the Legislature relating directly or indirectly to this great oil and gas resource of the State, in the consideration of which the Legislature should have before it all of the facts relating to the State's interest therein and its right to the oil and gas, and the proceeds thereof, and full information in regard to any pending proceedings and proposed settlements with reference thereto; now, therefore, be it

*Resolved by the Senate at the State of California:* That a special committee of three (3). Senators be appointed by the President of the Senate to make full and complete investigation of all connections and dealings, past and present, of oil and all other gas, from whatever source, belonging to the State, and all actions of the Department of Finance and of the Attorney General, with respect thereto, and all and singular the facts, circumstances and thereon or on account of or and with it and from them, pertaining heretofore to the State in the vicinity of the port of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of the purchase thereof and of any and all proceedings taken in respect thereto, by the Department of Finance and the Attorney General, and the circumstances, terms and conditions of any proposed settlement by the Department of Finance, and the action thereof, of the actions of the State of California, with reference thereto, and into such additional facts and circumstances as may pertain, with due regard proper to enable the Legislature to take prompt and effective action in the premises and to the oil and gas underlying lands and other lands belonging to the State, and be it enacted.

*Resolved:* That said special committee be known, authorized to hold sittings at any place in the State of California, and be it enacted.

*Resolved:* That said special committee in carrying out its duties in behalf of the State and in connection with the production of books, agreements, documents and reports of every kind and description, to cause witnesses to compel the production of testimony and the submission of evidence, and to do any and all things necessary to make a full and complete investigation of the matters herein provided. Each member of said special committee is hereby authorized to subscribe, with, and in the presence of, Article V(1) of Chapter II, Title I, Part III of the Uniform Code, relation to the attendance and nonattendance of witnesses before the Legislature and nonattendance thereof, shall apply to said special committee. Said committee is authorized to sit during the present session of the Legislature and during any recess or adjournment thereof, and to report back to the Senate with recommendations during the present or any future session of the Legislature, and be it enacted.

*Resolved:* That the usual twenty-five hundred dollars (\$2500), or so many thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of the investigation, in being sworn in and appointed out of the contingent fund of the Senate and the State Controller is authorized and directed to draw his warrants in favor of the group of persons entitled thereto, for such expenditure as may be required to him from time to time by the chairman of the committee, and the State Treasurer is hereby authorized and directed to pay the same.

The President of the Senate approved the following Senators as members of the special committee: Senators Oscar Chapman, Steve Hahn, Wagon and Brown.

Your committee held its first meeting at Sacramento on July 20 and 21, 1936, and subsequent meetings were held at Huntington Beach in Orange County and at Los Angeles on August 28 and October 13, 1936, at Anaheim in November 17, 1936, at Oceanside in December 28, January 29 and February 20, 1937. At these hearings your committee caused to be produced and received much of oral and documentary evidence and matter in regard to the Division of State Lands of the Department of Finance, bearing to various and sundry of that department in its dealings with operating companies and individuals with reference to the production of oil and gas from the State's tidelands. A report was made of oral and documentary evidence presented relating to the development, operation, drainage and production from the tidelands of the State, particularly at Huntington Beach in Orange County in which the production value, oil and and documentary evidence relating to the question of the boundary line which divides the State tidelands from the privately owned littoral lands at Huntington Beach. The report of the testimony taken before your committee comprises approximately 1200 pages of typewritten matter and many exhibits, including numerous maps, all of which accompany this report and are filed herewith for reference.

Your committee has also made a part of the record of its investigation testimony given before a committee of the Assembly on April 22, 23 and 24, 1937 a copy of which is therewith presented.

While attention was given and information secured as to developments being and production from the tidelands of the State at other places along the coast of California, the attention and time of the committee was devoted principally to inquiry into developments at Huntington Beach in Orange County and questions affecting the right and interest of the State in the oil and gas deposits underlying the tidelands at that point in accordance with the primary purpose of its appointment as stated in the resolution.

Your committee believes that the facts established in the course of its hearings, viewed in the light of the history of legislation affecting the development and production of oil from the State lands, should be given by it in its annual report.

densed form as possible in order to be of convenient service to members of the Senate in their consideration of needed legislation for the protection of the State's interest in this great natural resource found underlying State lands. With that purpose in view, the order of the report will be as follows:

- A. Location of Proved Oil and Gas Fields in State Tide and Submerged Lands.
- B. Development of Oil and Gas in State Tide and Submerged Lands at Huntington Beach.
- C. Location of the Boundary Line Between State-Owned Tidelands and Littoral Private Property.
- D. Wells Drilled Into and Producing From State Lands at Huntington Beach.
- E. Certain Wells Known to Be Producing From State Lands at Huntington Beach.
- F. Value of Past Production of Certain Wells From State Lands at Huntington Beach.
- G. Legislation Pertaining to State Oil and Gas Lands.
- H. Settlements and "Agreements of Easements" With Trespassers on State Lands at Huntington Beach.
- I. Conclusions.
- J. Recommendations.

#### A. Location of Proved Oil and Gas Fields in State Tide and Submerged Lands.

The total length of the coast line of the State of California is approximately 1200 miles of which not more than six miles is proved oil and gas land and not more than 14 miles is prospective oil and gas land. The proved fields from north to south are as follows:

The most northerly proved development is at Capitan, north of Elwood in Santa Barbara County. At this locality two wells have been drilled in the ocean on permits issued under the Leasing Act of 1921. These wells are of small production having to date (Jan. 1, 1937) produced a total of 19,435 barrels. The producing area under the tidelands is approximately 18 acres from which future production is estimated at 25,000 barrels.

Southward is the Elwood Field, about 15 miles west of Santa Barbara where more than 60 wells have been drilled from piers on the tide and submerged lands. Approximately three-fourths of the oil structure underlies the state-owned tide and submerged lands. The entire structure is covered by leases issued under the Leasing Act of 1921. Production to date from the tide and submerged portions of this field amounts to 35,694,396 barrels. It is estimated that 20,040,660 barrels will be recovered from this area in the future. The possibilities of production from known deeper sands are good. It is possible that wells drilled on the uplands trespass into the State tide and submerged lands. The field is large and important.

Farther southward on the coast in Ventura County, about 11 miles northwest of the town of Ventura, is the Rincon Field where about 12 wells have been drilled from piers and one island on the tide and submerged lands under authority of the Leasing Act of 1921. Production to date from State lands at Rincon has amounted to 1,229,938 barrels. Estimated future production from the wells is 2,130,000 barrels. The present known oil sands have been entirely developed over about 85 acres of the structure, but the existence of deeper sands is probable. Some wells on the uplands bordering the ocean may slant into the tide and submerged area at Rincon.

At Playa del Rey in Los Angeles County, some 15 miles due west of Los Angeles, wells have been drilled along the shore for a distance of more than a mile. Although no wells are known to have entered into the State tide and submerged lands there, it may be that some of the wells in that field are producing from beneath the tideland area. By geological interpretation the structure is known to extend into the ocean offering a chance for production seaward from the shore.

By the terms of prospecting permits issued prior to 1929 and leases of discovery well portions of the area embraced in such permits under the provisions of the leasing act of 1921, oil wells drilled on tidelands as at Elwood, and on other State lands, pay the State five per cent (5%) of the gross production. That act provides that the rest of the area embraced in such permits shall be leased to the highest responsible bidder, with a minimum royalty fixed at twelve and one-half per cent ( $12\frac{1}{2}\%$ ) of the gross production. As before stated, your committee did not attempt to go into the question of determining whether any wells drilled from the littoral or uplands at any of the above-mentioned fields were producing from the tideland areas.

The most southerly and by far the largest and most important development on State tide and submerged lands, and to which the attention of your committee was mostly given, is at Huntington Beach in Orange County. There, nearly 100 wells are at present known to have either intentionally or unintentionally trespassed into oil deposits in the tideland area. Most of that slant drilling is known to have been intentional. Those wells have been and are now producing oil and gas from



the tide and submerged lands. To date, their total known production is approximately 20,000,000 barrels. All these wells are located in the submerged lands of the municipality situated lying beneath the tide and submerged lands. It is estimated that these wells will produce 25,000,000 or more barrels of oil in the future.

The undeveloped portion of the oil and gas containing strata beneath the tide and submerged lands were about ten miles to the northeast to southeast to comprise from 80 to 100 acres. Deposits of strata producing this area range from 45,000,000 to 100,000,000 barrels of oil. These oil wells were practically developed here. For several years before along the littoral land to the northeast boundary trespassers have been drilling in the littoral and submerged lands which have been and are producing a large amount of oil and gas. Some of these wells trespass into and are producing oil from the submerged area. In the future that they are not offset by the state and the littoral area, which have drilling and are now draining oil and gas from the submerged area, which are now being offset by oil wells.

Here, at Huntington Beach, the State has found that in the position of having tide and submerged lands underlying with water bearing of oil and gas that are being drained by wells producing from littoral lands, and beyond the wells extending out under the littoral area, with the state of California, in order to produce taken from the State's lands by trespassers who are drilling in littoral areas for offsetting the drainage wells that are wholly within littoral property.

#### B. Development of Oil and Gas in State Tide and Submerged Lands at Huntington Beach.

The first indication that oil and gas were under the State tide and submerged lands at Huntington Beach, occurred shortly after the discovery of oil and gas about a mile and a half inland on May 24, 1901.

By the end of 1901, production was developed at a point about three or four miles from the coast. Drilling was done along the littoral boundary and about several miles up and down the coast for four or five years were found in littoral acquired for drilling purposes. Only the littoral strata in the city of Huntington Beach, which lies along the coast, and the State's lands, remained unexplored for drilling purposes. (See Map, H. B. Co. Field made by Department of Natural Resources, Division of Natural Resources, Division of Oil and Gas.)

In December, 1925, Seagram conducted a well on the beach. From this well, 100 feet from the coast. This well was drilled to the bottom of the littoral and the town lot area of Huntington Beach and was drilled by extensive trenching drilling and the drilling of a vertical well in the beach, and from the littoral and referred to as the P. E. strip, including the littoral.

Wells were drilled along the State littoral and as near to the littoral area as possible, the trend of development being to the northeast of Sacramento Street where initial production from the ground. The limits of the field production, however, extended to the southeast as far as Laguna Beach.

During the years 1909, 1910 and 1911, there were considerable land sales in the Huntington Beach area. The limits of production remained in this area developed by successful drilling to depths of 1000 to 1500 feet in 1910 and 1911, however, several failures and unproductive wells were drilled, which caused some production toward the coast. In 1922, oil and gas wells had been drilled and many new wells were drilled and apparently showed to some and others from the tide and submerged lands belonging to the State. Although wells were drilled along the littoral land known as the P. E. strip. This discovery was made proved the existence of large deposits of oil and gas in the State's tide and submerged lands at Huntington Beach.

Mention might be made here of what is known as the State's main well which is located about one mile northwest from the Huntington Beach field proper. This well was drilled into the same strata as the main well, under the Leasing Act of 1921. From it a few years ago, it was found that at a depth below 4250 feet. Permit to continue this well has been given and no further developments are being made by it. This is the main well that has ever been drilled in this vicinity under the 1921 Act.

#### C. Location of the Boundary Line between State-owned Tidelands and Littoral or Upland.

##### Section 830 of the Civil Code provides:

"Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders on a lake or stream, takes to ordinary high water mark; when it borders upon a navigable lake or stream, where there is no tide, the owner takes to the edge of the lake or stream, at low water mark; when it borders upon any other water, the owner takes to the middle of the lake or stream."



Adjacent to and extending along the tidelands at Huntington Beach northwesterly from Ninth Street the full length of the belt is a narrow strip of land averaging about 150 feet in width known as the "P. E." (Pacific Electric) strip. It parallels the Pacific Electric Company right of way along which the suburban electric trains of that company are operated, and lies between that right of way and the ocean. This strip of land and that occupied by the P. E. right of way are owned jointly by the Huntington Beach Company and the Pacific Electric Land Company. The Huntington Beach Company also owns land in the town-plot area, and is the owner of the Barley Field portion of the Huntington Beach field lying northwesterly from Twenty-third Street. The Standard Oil Company of California (which for convenience will be hereafter in this report referred to as "Standard") is the major stockholder of the Huntington Beach Company and is the operator of the Standard wells in this held under lease and agreement with the Huntington Beach Company and the Pacific Electric Land Company.

The title to the fee ownership of the P. E. strip and the uplands therefrom is derived from a Spanish (Las Bolsas) land grant confirmed under an act of Congress providing for the settlement of private land claims in the State of California. That grant conferred title in Ramond Yorba et al. to Las Bolsas Tract which is described as covering all the land bordering along the shore at Huntington Beach. It describes the oceanward boundary of Las Bolsas Tract as the "high water mark of the Pacific Ocean".

That description was embraced in a survey made for the United States Surveyor General's office at San Francisco, December 23, 1873, and approved by President Grant in 1874. The Pacific Electric strip extends along the shore embracing a natural bluff the average height of which, from the bottom of its escarpment, is about twenty (20) feet. A concrete retaining wall was built by Standard along this bluff extending from about Ninth Street westerly to a point between Twenty-second and Twenty-third Street, a distance of about one mile. At the bottom of this retaining wall and at the bottom of the continuation of the bluff westerly, the ocean sands, or beach, begins.

In January, 1935, the Division of State Lands made a survey of a line reached by the uppermost reach of the waves to points shown by erosion of the water along the shore line or the deposition of debris, seaweed, etc., brought in by the waves, which line is determined by the Division of State Lands as the high water mark. That survey, westerly from Tenth Street, is plotted on Map No. 1 which accompanies the report of the engineers and with reference to which the producing portion of the wells that are found to be producing from the tidelands and the surface location of those wells on the littoral and uplands are shown.

Your committee employed Professor U. S. Grant, Assistant Professor of Geology at the University of California at Los Angeles, specializing in the study of physiographic features found on beaches, and Professor W. C. Putnam, instructor of geology at the Los Angeles Junior College, also a specialist and student of the physiography of beaches, to make a study of the shoreline at Huntington Beach for the purpose of furnishing the committee information upon the question of location of the ordinary high water mark and high water mark of the waves. These witnesses located and made a survey of the escarpment that marks the upper edge of that portion of the shore that is ordinarily washed by the waves. That mark is indicated by an escarpment more or less consistent along the entire beach having an average height of  $1\frac{1}{2}$  feet. The line of that survey is placed on Map No. 1 accompanying the report of the engineers in red. These witnesses also located and surveyed the line marking the maximum reach of the waves which substantially corresponds with the uppermost reach of the waves found by Mr. Alexander for the Division of Lands plotted upon Map No. 1 by blue dotted line (see Map No. 1).

This study of the beach by Professors Grant and Putnam was made in November, 1936.

Colonel Charles T. Leeds, formerly of the United States Army Engineer Corps, now retired and in private engineering practice, appeared as a witness before the committee. He testified that he was employed by Standard to make a survey from which could be obtained any contour which was desired in the vicinity of high water mark. He testified that he plotted for Standard the elevation of neap tides above mean sea level, as 2.44 feet which he understood Judge Ames, of Orange County, had decided was a plane, projections from which could be located the ordinary high water mark. A copy of a decision of Judge Ames was presented giving that elevation as 3.75 feet. The Leeds line is plotted upon Map No. 1 submitted with the report of the engineers by a dotted dark line.

Colonel Leeds testified that he had at no time made any survey of the high water mark or ordinary high water mark reached by the tides and the waves and that this line is not intended to fix the line to which the tides and waves extend. No profiles were taken from this line to determine at what point a projection from this elevation would intercept the beach.

The committee obtained the services of the United States Coast and Geodetic Survey which detailed Lieutenant Fish to make a survey similar to the one made by Colonel Leeds and to establish with reference thereto permanent monuments



record of their own surveys and other material data to any engineer or committee of engineers satisfactory to that company that your committee might select.

The chairman of your committee received a letter from the Governor in which he stated that after conference with the Director of Finance he had concluded to submit to the Attorney General the matter of the allowance for the expense of surveys and audits. The Governor stated that he felt convinced that it would be impossible for him to set aside the amount required for the use of the committee; that possibly the work could be carried on by employments made through the Department of Finance, but it would be necessary to get the opinion of the Attorney General.

The committee was later advised that Standard had employed the surveyor who had been engaged by the committee to make surveys of its wells upon the understanding from the Chief of the Division of Lands that the money for that expense would not be available for the committee from the executive department, and that it was with a view of facilitating this matter that Standard had taken upon itself the work of having the surveys made of its wells by the surveyor selected by your committee.

The chairman of the committee received a letter from the Chief of the Division of Lands stating that Standard had agreed that it would survey the balance of its wells and any other wells likely to be in the tidelands and turn the surveys over to the Department of Finance or to an engineer selected by your committee, and that he had been advised by the attorney for that company that it had employed the surveyor selected by your committee for that purpose. The Chief of Division of Lands further stated in his letter that immediately upon the completion of that work he would advise the committee. He also expressed the hope that if the committee were advised by Standard that its wells, other than the six admitted by it to be in the tidelands were not in the tidelands the committee would have no objection to the completion of the proposed settlement with Standard, hereinafter explained.

Without funds to proceed with surveys of its own, your committee was compelled to confine itself to examination by engineers and geologists appointed by it, of surveys and other data furnished by operators of the wells and to rely upon the report of those engineers and geologists as to subsurface location of the wells with reference to the tideland boundary.

Dr. E. K. Soper, Associate Professor of Geology of University of California at Los Angeles; Dr. Wendell P. Mason, Professor of Civil Engineering at the same university, and Arthur H. Alexander, petroleum production inspector employed in the Division of State Lands, were finally appointed by your committee for that purpose, and Standard agreed to furnish its surveys and other data to those engineers for their inspection and report.

All the operators were requested by your committee to furnish these engineers all available information, surveys and other data of a technical nature having bearing upon the abstraction of oil and gas from the tidelands at Huntington Beach and the underground locations of various wells with respect to the tideland boundary, including written permission to examine the drilling and production history of the wells filed with the Division of Oil and Gas, which would otherwise be unavailable under existing law.

The work of the engineers so appointed embraced the collection of data requested from the operators, classifying the wells and production data made available to them, compiling and studying wells from production data, and checking and reploting the well surveys submitted, a consideration of the methods used in making these surveys, a consideration of the geological features, particularly as to possible effects upon wells' productivity and gravity of oil and the preparation of their report.

The engineers studied the records and data made available to them of 70 oil wells, and checked the operators' surveys of 53 of those wells at Huntington Beach oceanward from Walnut Avenue (see map), including 26 wells of Standard along the P. E. strip and 23 wells of that company inland therefrom. Their reports made to your committee are made a part of the record of its hearings and are submitted therewith.

That report identifies the particular wells investigated and gives the findings of the engineers upon the data furnished them by the operators as the location of each with reference to said respective lines of survey. It contains tabulations of data furnished and is accompanied by maps showing surface and subsurface locations of those wells investigated which are in the tidelands and the wells which are not shown by said data to be in the tideland. This report of the engineers recommends that 5 wells which have been previously surveyed by the operators be checked by the State by means of resurveys or joint survey, and recommends that nine other wells which have never been surveyed or for which no surveys are available should be surveyed in order to determine whether they are obtaining their oil and gas production partly or wholly from beneath the tidelands. The engineers also point out that there may be other wells inland from Walnut Street to which area the investigation did not extend that may have been drilled or drifted into the tidelands that are not included among those paying royalties to the State under settlements made by the Department of Finance.



### E. Certain Wells Known to Be Producing from State Lands at Huntington Beach.

By the report of the engineers data furnished by the operators and other evidence produced it is conclusively shown that the following wells are included among those 80 wells that have made settlements with the Department of Finance extend into State lands. If the present use of State and private owned lands is "high water mark of the Pacific Ocean" on the "concrete high water mark" as approved and plotted by the Division of State Lands and by the United and Public surveys made under supervision of Professor L. S. Corbett and William C. Thomas by your committee.

Standard Oil Company Wells Nos. 1, 3, 6, 8, 9, 10, 11, 12 and 14 on the P. E. strip.

Reston Petroleum Company's "Steam" Well No. 5.

Southern California Drilling Company's "Sevens" Well No. 1.

Standard's Well No. 5 (P. E. strip) is partially within the State land and partially within littoral and subject to tide survey.

Standard's Wells Nos. 14 and 15 (P. E. strip) likewise appear but are not shown to be extended into the State land as marked by State land and surveys.

Data was not made available for the determination of one location of some other wells under investigation, to wit:

Signal No. 1, Ames No. 1 and Fee No. 1 of Consolidated Petroleum Company, and Dealer No. 6 of Decker Oil Company.

This was due to changes in ownership and the fact that the consent of the present owner to examination of data filed with the Division of Oil and Gas is not accepted by the division inasmuch as former owners under the following provisions of Act 1916, Section 7, Statutes of 1929:

"The records of any and all operations which shall work the deposits comprising operators shall be open to inspection to those authorized in writing by each of said operators."

Lack of opportunity to conduct further operations in getting these records prevented the engineers from completing their investigation of these wells.

Certain operations referred to herein was done in the confidence for the commission. No opportunity was given to any one officer of Finance, particularly within your committee since receiving the engineers' reports. As shown by some reports, the Petrol Corporation desired to remove data on the "Steam" Well No. 1 because of pending litigation connected against it by Standard regarding the location of the bottom of that well. And the possibility of this withdrawal before the committee expressed willingness to attend the engineers' survey in this case.

The Superior Oil Company refused to furnish any information to the engineers concerning its wells, but following the subpoena of the committee to appear before the committee, that committee released to the engineers the substantial information concerning those wells filed with the Division of Oil and Gas. Information should be confirmed by the Division of State Lands of any other wells that may be on the tidelands, as indicated in the reports of the engineers.

### F. Value of Past Production of Certain Wells from State Lands at Huntington Beach.

The total production of oil to October 31, 1936, and the total production of gas from April 1, 1939 to October 31, 1936, of above mentioned wells from the tidelands area according to the survey of the Division of State Lands are as follows:

Well Number	Total quantity of Oil	Total value of Gas
Standard Oil Co. Well No. 1	1,871,451	732,811
Standard Oil Co. Well No. 3	1,939,678	727,292
Standard Oil Co. Well No. 6	629,710	247,292
Standard Oil Co. Well No. 8	527,881	178,215
Standard Oil Co. Well No. 9	421,895	167,897
Standard Oil Co. Well No. 10	317,268	89,296
Standard Oil Co. Well No. 11	71,986	12,583
Standard Oil Co. Well No. 12	79,529	11,698
Standard Oil Co. Well No. 14	87,764	64,289
Reston Petroleum Co. "Steam" Well No. 5	153,696	52,799*
Southern California Drilling Co. "Sevens" No. 1	200,000	42,500*
Standard Oil Co. Well No. 5 (One half within tideland boundary as surveyed by Division of State Lands)	819,770	377,429
	6,616,039	2,619,085

\*Estimated.

The value of this total production would approximate \$7,000,000 based upon the valuation of the oil as averaging \$1 per barrel and of gas as averaging 5 cents per 1000 cubic feet.



The precise amount and value of production to which the State is entitled can only be determined by the courts in the event the operators do not agree that the ownership of the littoral lands extends only to the high water mark of the Pacific Ocean or the ordinary high water mark as measured on the ground by the surveys of the Division of State Land and Professors Grant and Putnam.

This question is involved also in pending actions between the littoral land owners and the operators of certain wells drilled from the town-lot area in which the littoral land owners claim that those wells are bottomed in the littoral and not in the tideland area.

#### G. Legislation Pertaining to State Oil and Gas Lands.

Prior to 1921 there was no law in California covering the leasing of lands for the purpose of prospecting for oil or gas or the removal thereof from State lands. In 1921 the Federal Government adopted a leasing act under which oil and gas producing lands belonging to the Federal Government have since been prospected and leased.

In 1921 the State of California enacted a law (Chapter 303 of the Statutes of that year) providing for the issuance of oil and gas prospecting permits and oil and gas leases of State lands. This act was patterned somewhat after the Federal Act. It authorized leases of State lands including school sections, tidelands and parts of navigable lakes and rivers. Under this act as amended in 1923 leases were issued to operators at Summerland in Ventura County, California, where small producing wells had been drilled in the tidelands many years prior to 1921.

It was not until about 1926 that any other developments of oil and gas occurred along the coast. Between that year and 1929 about 208 applications were filed in the Surveyor General's Office for permits to prospect for oil and gas in the tidelands at different points along the coast. The issuance of these permits was held up by the Surveyor General. Actions were filed to compel their issuance and in a case which was carried to the Supreme Court it was decided that the Surveyor General had no power to refuse the issuance of permits under the applications filed. (*Boone vs. Kingsbury*, 206 Cal. 148).

In January, 1929, the Legislature then in session passed an urgency measure identified as Chapter 7, prohibiting until September of the same year the receipt of any applications by the Surveyor General to prospect for oil and gas or the issuance of any lease, and authorizing the Surveyor General to issue permits to all who had obtained the right by virtue of having filed applications prior to January 27, 1929. The 1929 session of the Legislature, following the adoption of this urgency measure, amended the 1921 Statute with provisions that on and after September 1, 1929, no applications for prospecting permits shall be received and no leases for drilling for oil or gas shall be made by the State or any political subdivision for tidelands, submerged lands, overflowed lands or beds of navigable rivers or lakes. No prospecting permits have since been issued for drilling for oil or gas into or upon the tidelands and no such permits and no oil or gas leases of tidelands or the right to produce oil or gas therefrom has since been authorized by any statute that has become effective.

By amendment to section 675 of the Political Code made in 1931, the Director of Finance was given power to lease, upon such terms as he should prescribe, any State land for the production of oil and gas. This provision was defeated by referendum.

By an amendment made to the 1921 Act by the 1933 Legislature, the Surveyor General was authorized to negotiate agreements for compensating the State for the draining of oil and gas from State lands by wells drilled upon private lands.

The 1935 Legislature made certain other amendments to the 1921 Leasing Act but none authorizing the leasing of the tideland areas or the production of oil or gas from the tidelands by means of wells drilled from littoral or uplands.

An act passed both houses of the 1935 Legislature known as Assembly Bill No. 1684 giving the owners of littoral lands the exclusive right to apply for and secure from the State, leases for slant drilling wells into and producing oil and gas from the tidelands areas upon minimum royalty to the State of 16 2/3 per cent of the production. This act was vetoed by the Governor.

A similar measure known as Proposition No. 4 was placed on the November 3, 1936 election ballot. That initiative measure granted the exclusive right to produce from the State's tidelands by means of wells slant-drilled therein from the littoral lands, upon a royalty to the State of 14 2/7 per cent of the production. This initiative proposition was defeated at that election.

Therefore, as heretofore stated, production and prevention of drainage by the State of oil and gas deposits underlying its tidelands by means of leases to private operators or otherwise has not been provided for since 1929.

#### H. Settlements and "Agreements of Easements" with Trespassers on State Lands at Huntington Beach.

Prior to 1931, Standard had drilled and had produced and was continuing to produce oil and gas from 12 of its 26 wells that have been drilled from the surface



They recite that the grantee (the trespassing oil operator) has drilled a certain well, naming the same, upon real property owned by the grantee in the Seventeenth Street addition to the city of Huntington Beach, California, and has caused the same to cross lands intervening between said Seventeenth Street addition to the city of Huntington Beach and the ordinary high-water mark of the Pacific Ocean, and to enter in, upon and under State lands seaward therefrom, and to enter the oil, gas and petroleum deposits thereof; that the bottoms of said wells and portions of said wells are now, through, in and under said State lands and that said wells have taken and received and are capable of taking and receiving oil, gas and other petroleum products from the oil and gas deposits of the State lands, for which the grantee is willing to compensate the State; that the State is willing to enter into an agreement for such compensation and to permit the grantee to continue to take oil, gas and petroleum products from said land upon the terms therein set forth.

It is then provided that "the State, in consideration of the royalty to be paid and covenants to be observed as herein set forth, does hereby grant to the grantee easements appurtenant to said lands of the grantee, \* \* \* through, in and under the said lands belonging to the State, \* \* \* and the right to drain, take, receive, extract, remove, produce and use oil, gas and other petroleum products, through certain oil wells," designating them, "the tops of which said wells are located upon those certain lands of the grantee" describing the same, and "through any other wells which may hereafter be drilled upon said property with the consent, in writing, of the Chief of the Division of Lands, first had and obtained, and subject to the terms, covenants and conditions contained, in so far as is applicable, and otherwise in accordance with the rules and regulations of the Division of State Lands, \* \* \* for a period of twenty (20) years from the date hereof, with preferential grant in the grantee to renew this agreement for successive periods of ten (10) years each \* \* \* unless otherwise provided by law at the time of the expiration of such periods."

It is provided that in consideration of this grant the grantee agrees to pay the State a royalty on the oil produced in accordance with the formula and schedule attached to the agreement and one-fifth (1/5) of the net proceeds received from the sale of gas produced, whether dry or wet, and upon all casinghead gasoline produced and sold. The grantee agrees that it will not drill any other wells into the State lands without the consent of the Chief of the Division of Lands and that it will not redrill, lengthen or deepen the wells referred to without such consent but the State shall not exact any royalty or royalties in addition to those specified.

The amount of "royalty" payable to the State by the grantee for all oil and gas and other petroleum products produced by the grantee from said wells previous to the effective date of the agreement is set forth, being based upon a certain formula or schedule applicable to past production which is attached to the agreement. Provision is made for payment of this past royalty in monthly installments with interest at six per cent per annum from the effective date of the agreement.

Other provisions of the agreements embrace details as to the mechanics of future operations thereunder.

The formula and schedule upon which future royalties are to be paid the State on oil produced is a sliding scale controlled by amount of average daily production over a period of one month and the current market price per barrel of oil produced. This royalty ranges from 5.42 per cent on the average daily production of 100 or less barrels, when the current market price is 50 cents per barrel, and upward for greater average daily production and higher current market price. The average daily production and the average current market price is such that the average royalties received by the State on all of these wells amounts to about 10 or 11 per cent of the value of the oil.

The formula agreed upon as a basis of settlement for past production is that the average daily production be determined by dividing the total number of days each well was on production by the total number of barrels produced up to the effective date of the agreement.

Since such "agreements for easements" were made in 1934, a few operators, said to have "spudded in" or started wells slanted to reach and produce from the tidelands, have been granted similar royalty easements to drill or conduct drilling into the tidelands, some within the past four or five months. In one case at least, an easement was granted for the drilling from the surface of the land occupied by its derrick.

#### LEGALITY OF "AGREEMENTS FOR EASEMENTS" DOUBTFUL.

The authority of the Director of Finance to grant these so-called easements allowing for the production from the State lands by trespassing wells is questioned. They are in fact leases of the right to enter and produce oil and gas from the subsurface of State tide and submerged lands by means of oil wells drilled from the uplands. No statute gives the Executive Department specific authority to grant or lease that right. The Director of Finance in making "agreements for easements" with the operators of wells found trespassing in the tideland area at Huntington Beach, and the Attorney General in approving them, rely upon the







those wells were taking oil wholly or partially from the State's land oceanward from that line as follows:

Wells		Percentages
Standard HB-PE No. 1	-----	57.4
Standard HB-PE No. 3	-----	100.
Standard HB-PE No. 6	-----	44.3
Standard HB-PE No. 8	-----	100.
Standard HB-PE No. 9	-----	100.
Standard HB-PE No. 10	-----	31.07

A new agreement was drawn up under date of March 27, 1935, which is also referred to as "Agreement for Easement No. 338". The consummation of this agreement was pending in the office of the Director of Finance when the resolution providing for the appointment of your committee was adopted, and it has not been consummated.

That agreement recites that the "bottoms or portions of bottoms" of the above named six wells "and portions of said wells" are now through, in and under said lands of the State, and that "said wells have drained, taken, received, and are capable of draining, taking and/or receiving oil and gas and other petroleum products from the oil and gas deposits of said lands of the State of California".

The agreement then provides for a grant to Standard, in consideration of royalty to be paid and covenants to be observed, of "easements appurtenant" to the littoral lands of Standard therein described "through, in and under the lands belonging to the State of California" therein described, and "the right to drain, take, receive, extract, remove, produce and use oil, gas and other petroleum products" through the said oil wells commonly known as Standard HB-PE Wells Nos. 1, 3, 6, 8, 9 and 10 respectively, the tops of which said wells are located upon those certain lands of the grantee, describing the littoral lands of the grantee as extending "to the line of the ordinary high tide of the Pacific Ocean" and also for a grant to Standard "through any other wells which the grantee may hereafter drill into said State land with the consent in writing of the Chief of the Division of Lands". The lands of the State are described in that agreement as

"beginning at a point in the ordinary high water mark of the Pacific Ocean

• • •"

and running

"thence \* \* \* along said ordinary high water mark a distance of 3 miles to a point in said ordinary high water mark"

and extending oceanward from said line a distance of three miles. The proposed agreement provides that this grant shall be for twenty (20) years with the preferential right in grantee to renew the agreement for successive periods of ten (10) years each on such reasonable terms and conditions as may be prescribed by the State acting through Chief of the Division of Lands.

The proposed agreement provides for the payment of "royalty" on the same percentages of the oil produced from said six wells that are given as the percentages of the producing portions of said wells that are extended into the State lands oceanward from the Leeds line set as a boundary by Standard; the amount of such royalty to be fixed by the application and the formula similar to the formula specified in the agreements made with the operators in the town-lot area.

It provides for a royalty of one-fifth (1) of the net proceeds received by Standard upon the said percentages of the production of said wells of all gas, dry or wet, and of all casinghead gasoline sold either to a subsidiary of Standard or any other buyer.

The agreement further provides that the grantee shall not drill any wells into said lands of the State nor redrill, lengthen or deepen said wells into the lands of the State without consent in writing from the Director of Finance.

Either party is given the right to terminate the agreement as a whole or as to any of said wells or portions upon notice of its determination to do so.

It is proposed in this agreement that the amount to be paid by Standard to the State for all oil and gas and other petroleum products produced by Standard from said six wells up to February 15, 1934, shall be the sum of \$473,498.91. The "royalty" thereafter to be paid upon the basis provided for future production.

Standard is given the option to adopt the form of any agreement made by the Director of Finance or Chief of the Division of Lands and any persons other than Standard relating to the taking of oil, gas and petroleum products from wells drilled upon the Seventeenth Street addition to the city of Huntington Beach.

### I. Conclusions.

It is clearly shown by the evidence contained in the record of the hearings before your committee, and the report of its engineers shows, not only that the apex of the anticline of the formation containing the oil zone from which oil and gas are being produced from the tideland area at Huntington Beach is out in the ocean a distance of 1000 to 1200 feet, but also that inland from the tidelands is a fault zone which, roughly stated, parallels the shore approximately one block back from the ocean (see map). It is also shown that there are about 100 wells between this fault and the tideland boundary most of which are producing; that 26 of these

wells are on the P. E. Strip which extends along the seaward boundary for a distance of about two miles. The positions of the derricks of the P. E. Strip wells are from 50 to 200 feet inland from the tideland boundary.

This fault entirely segregates the productive area seawardward from so that these numerous producing wells along the tideland lands and beyond seaward from the fault have been and are continuing draining the tideland zone. It is anticipated that the greater part of the production of the wells on the tideland and offshore not bottomed in the tideland zone, probably 50 to 60 per cent, comes from the tideland area. If this condition is continued to continue without action on the part of the State to effect this drainage by wells drilled on the State in the tideland zone, eventually in the future considerable amounts from Young's Point, Smith, Lee State will be depleted of oil and gas. It is proposed that new drainage from State lands by such wells be estimated to 25,000,000 or 50,000,000 barrels of oil.

As already shown, no present estimate available for production from the tideland area, and your committee believes that it is of great importance that suitable and proper legislation be enacted for that purpose by the Legislature.

It is obvious from the evidence before your committee and the present known methods of drilling, that the most effective and available and least costly method of securing the maximum production for the State from this zone would be the means of wells drilled on the tideland land about two seawards from the boundary line by means of earth ground or mooring or to some oil platform and barge. All the littoral and offshore are in public ownership. Also lands situated to be under authority of the State from littoral or offshore lands but not yet to be separated the maximum production from the tideland zone would require the removal of production of drilling from two regions of new wells would be from tideland during which the drainage of all such gas from the tideland area to the west in the littoral and offshore would continue.

Your committee also has found that important against the scattering of the heads of the State within the territorial waters in accordance to conditions found at Huntington Beach. There are already already wells drilled at spots extending along the beach for a distance of about one mile which already produce an unsightly. They practically confine the gas of most portion of the beach from any other than oil and development. They will continue to do so until the oil and gas underlying the tideland is extracted and drilling drilling along the beach are removed. Operations for the benefit of the State in areas producing from that point by means of new, more space wells drilling would be more economical to the State and will produce more revenue than the present use of this system of wells for recreational purposes have already shown. There are some of tractors in either drilled from the littoral and some portion of the beach available and more suitable for public use for bathing and other recreational purposes, such as oil fields exist. In fact, the beach there could be made more suitable to the public for bathing and fishing purposes than at present by removing the system of wells built for all with development, which would remove the system for public and access to and open the beach for public use. Your committee also knows that the removal of the State of revenue that may be made available for the public welfare and from which expenditures may be made for the protection and operation of recreational resorts, parks and beaches, would mean the loss of the revenue for the State by means of drilling within the limits of this oil and gas producing area of State land.

As to whether it shall be the policy of the State to proceed with the development by means of drilling for new development having with a maximum recovery and maximum revenue, should be made by means of wells drilled by the State directly or by either or both methods, your committee cannot be recommended because the views of the members are not in exact accord in that question of policy.

#### J. Recommendations.

Your committee however does recommend as follows:

1. That legislation be enacted by the present Legislature at the earliest possible date, as presently necessary, granting suitable development and production of oil and gas from State lands at Huntington Beach by means of wells drilled oceanward from the shore.

2. That the productive area be drilled and strung extending from the shore to the oceanward, and if developed by means of wells drilled from barge or ground, that shall be so constructed as to provide public access to the beach.

3. That if this development is to be money used by providing for leases to private operators such leases be awarded only to the highest qualified bidder, upon a minimum royalty and such other minimum terms as shall be fixed by the Legislature.

4. If the Legislature shall determine that the State shall or may proceed directly with said development instead of leasing the right to a private owner, that the productive area be developed by the State in similar manner with the requirement that the first wells drilled be spaced to effect wells drilled from the littoral lands now draining the tideland area.

5. That the Director of Finance for and in behalf of the State, shall be authorized and empowered to acquire and possess, for and in the name of the State, any real property, or any right of every easement or other interest therein that may be necessary or desirable for convenient access to the State's tide and submerged lands at Huntington Beach for the purpose of developing, producing and transporting the production of oil wells thereon and all construction work and incidental uses in connection therewith. That it be declared of public interest and necessity that the State shall have and that the Director of Finance for and in the name of the State be authorized and directed to institute condemnation proceedings pursuant to section 14 of Article I of the Constitution and Code of Civil Procedure relating to eminent domain and cause to be condemned and acquired by the State any real property or right or interest therein or thereon for the above mentioned purposes. That any property or right or interest so acquired shall be made available to any person, association or corporation to whom an oil and gas lease may be awarded covering any portion of the tideland area at Huntington Beach, upon such terms as may be prescribed by law or by the Director of Finance under authority vested in that office.

6. That no settlements, easements or leases shall be made or granted to any oil well operator whose well or wells are found producing from the State's land except under such authority and upon such terms as shall be provided by an act of Legislature.

7. That the Department of Finance and the Attorney General be required by act or resolution of the Legislature to take immediate and proper action and procedure to require the payment from all operators of wells drilled from littoral and/or upland area that are found producing or that have produced from the tideland area, the full amount of the proceeds derived from the oil and gas produced by these wells from the State's lands at Huntington Beach, to which the State is entitled.

8. That the Attorney General be directed to intervene in actions between littoral and upland operators for the protection of the interests of the State in cases in which it may be disclosed that any wells involved are bottomed in State lands.

9. That section 7 of Act 4916, Chapter 303, Statutes of 1921, be amended so as to provide that the records of all oil well operators, when filed with the deputy supervisors of the Division of Oil and Gas, shall be open to inspection to those authorized in writing by such operators or their assignees or successors in interest, and of State officials enforcing and administering that act, the Attorney General and his deputies, and to the board of commissioners therein provided for.

Your committee further reports that in order to complete its investigation and furnish the foregoing report, record of its hearings, surveys, documents and other data accompanying its report, it became necessary to secure the assistance of and employ engineers and other experts as indicated in the report. The appropriation from the contingent fund of the Senate of \$2500 provided for in the resolution has been exhausted and additional obligations necessarily incurred upon the understanding that their payment depends upon an appropriation being secured to cover payment of same. An account of expenditures, and such deficit (amounting to \$6696.21) and the purposes therefor, accompanies this report.

Your committee recommends an appropriation in the sum of \$6696.21 to cover this deficit.

Respectfully submitted.

CULBERT L. OLSON, Chairman.

Special Committee of State Senate Appointed to Investigate the Abstraction of Oil and Gas from State Lands.

(NOTE.—This report was prepared by the chairman in collaboration with other members of the committee and in contemplation that at least a majority of the committee would concur with the report in its entirety, but some irreconcilable differences have arisen, particularly regarding its recommendations, which have resulted in a failure of other members of the committee to join in the entire report. For that reason this report is to be taken as the report of the chairman, each of the other members to express such concurrences or disagreements as they may deem proper.

Former Senator Nelson T. Edwards has notified the committee that he concurs in this report, but not in all its recommendations; that he does not join in recommending drilling on the tidelands from piers, groins or islands because "it would mean that Orange County would not have the right to tax either the equipment used or the oil produced".)



**Account of Receipts and Expenditures of the Special Senate Committee  
Appointed to Investigate the Abstraction of Oil and Gas from State  
Tidelands.**

Appropriation made by Senate, under resolution adopted April 22, 1935. \$2500  
Expenditures

Warrant No.	Amount	Date	To Whom Issued	Explanation
G 1075	881.17	7-11-35	Carlisle L. Olson	Message and per diem
G 1076	82.90	7-11-35	Ingemar W. Shaw	Message and per diem
G 1077	42.48	7-11-35	Ray B. Hoyle	Message and per diem
G 1078	54.58	7-11-35	J. I. Wages	Message and per diem
D 111401	52.71	9-7-35	Ray W. Hoyle	Message and per diem
D 111402	51.95	9-7-35	Ingemar W. Shaw	Message and per diem
D 111411	24.82	9-10-35	J. I. Wages	Message and per diem
D 119793	631.11	10-7-35	James E. Pugh	Interoffice transcript
D 127106	110.00	10-8-35	C. H. Toney	Interoffice transcript
D 208300	245.47	11-1-35	Wm. J. Kinnaman	Interoffice transcript
D 24097	20.10	11-8-35	Ingemar W. Shaw	Message and per diem
D 27822	38.74	11-15-35	Ray W. Hoyle	Message and per diem
D 31480	174.80	11-16-35	C. R. Toney	Interoffice transcript
D 32558	24.07	11-19-35	Carlisle L. Olson	Interoffice transcript
D 39316	1.81	11-20-35	Samuel E. Edwards	Interoffice transcript
D 42610	56.92	12-6-35	Wm. J. Kinnaman	Interoffice transcript
D 50747	206.40	12-18-35	C. H. Toney	Interoffice transcript
D 59748	132.14	12-18-35	Carlisle L. Olson	Interoffice transcript
D 33853	91.48	1-7-37	Ray W. Hoyle	Message and per diem
D 35310	98.10	1-6-37	J. I. Wages	Message and per diem
C 68957	30.95	1-19-37	Frederic Edwards	Stenographic services
C 68958	31.07	1-19-37	Carlisle L. Olson	Message and per diem
C 68959	98.00	1-19-37	William J. Hall	Stenographic services
C 68960	131.80	1-19-37	J. A. Biele	Stenographic services

\$2,499.37 — Total warrant amounts.

Balances on hand as of January 20, 1937. 8 10.67

*Expenses Incurred That Have Not Yet Been Vouched*  
(Vouchers for which have not been received)

Wm. J. Kinnaman, engineering services	31.075.00
E. K. Soper, professional fees and expenses	2,252.63
Wendell E. Major, professional fees	1,000.00
C. R. Toney, secretary's telephone	60.00
William C. Parsons, field work and expenses	204.00
U. S. Grant, field work and expenses	200.00
Harry R. Wood, surveying services	11.00
Southern California Road Patrol Co., license plates	25.00
Paulin Edwards, stenographic services	7.75
Expenses incurred in connection with survey of tidelands of the State through the assistance of L. B. Foss and the United States Coast and Geodetic Survey, as itemized on attached sheet and vouchers for which are on file in the office of the Director of Planning	608.50

Total amount of unpaid bills. \$6,006.88

Cash on hand. 67

Deficit. \$6,606.21



**Expenses Incurred for Survey of the Boundaries of the State Tidelands by Lieutenant G. R. Fish and the U. S. Coast and Geodetic Survey in Connection with the Work of Said Special Senate Committee.**

Mileage due Lieut. G. R. Fish	\$ 79 59
Wages due C. R. Gage	110 00
Wages due David Tokes	118 25
Wages due E. E. Fish	87 75
Wages due R. K. Jewaway	72 00
Wages due W. E. Spikes	8 00
Wages due O. M. Wallace	6 00
Horace W. Green & Sons—materials	19 57
E. O. Adams—materials	10
Republic Supply Company—materials	2 66
Tovatt Hardware Co.—materials	15
Tovatt Hardware Co.—materials	52
H. T. Groves—groceries	4 50
Frank Curran Lumber Co. (lumber)	17 73
Groover's Garage, gasoline, oil, storage	16 62
Telephone call from Huntington Beach to Los Angeles,	
December 3, 1935	25
Express charges on shipments of surveying instruments from	
Washington, D. C., to Huntington Beach	
Bill of lading #C-165925	15 14
Bill of lading #C-167722	33 97
(due American Railway Express)	
McHenry Photo Copy—for photostatic copies of	
report of Lieut. Fish	15 70
Total	\$608 50

SACRAMENTO, CALIFORNIA, JUNE 4, 1937

THE STATE OF CALIFORNIA

To William J. Kemnitzer, Box 816, Laguna Beach, California, 16.

For professional services rendered as petroleum geologist and engineer and expert witness for the California Senate Committee Investigating the Extraction of Oil and Gas from Tide and Submerged lands; 63 days at \$25 per day as follows:

August 10, 11, 12, and 13, 1935: Trip to San Francisco office of the United States Coast and Geodetic Survey for consultation and arrangements of survey of tidal planes at Huntington Beach, 4 days	\$100 00
August 23, 24, 26, 27, 28, 29, 30, 31; September 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30; October 1, 2, 3, 4, 5, and 6, 1935: Collecting and analyzing geological and engineering data for the purpose of selecting wells to be surveyed for trespass on State tide and submerged lands at Huntington Beach, 39 days	975 00
October 7 and 8, 1935: Trip to San Francisco for consultation with representatives of United States Coast and Geodetic Survey regarding the establishment of bench marks and tidal planes in connection with the determination of the boundary line between private and State property at Huntington Beach, 2 days	50 00
November 16, 18, 19, 20, 21, 22, 23, 25; December 2, 3, 4, 5, 6, 9, and 24, 1935: Consultant and observer on establishment of bench marks, survey of those marks, and determination of tidal planes with relation thereto by the United States Coast and Geodetic Survey at Huntington Beach, 15 days	375 00
December 28, 29, and 30, 1935: Expert witness for State at hearings of committee in Los Angeles, 3 days	75 00

Total ----- 63 days \$1,575 00

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } ss.

WILLIAM J. KEMNITZER, being first duly sworn, deposes and says, that on the claim hereto attached the services therein mentioned were actually rendered and the money was actually paid, or is to be paid, as therein mentioned, solely for the benefit of the State. Affiant further states that he has not violated any of the provisions

of Article VII of Chapter VII of Title I of Part III of the Political Code in determining the items of expense incurred by the attached public or by any other person.

WILLIAM J. KEMPSTER

Subscribed and sworn to before me this twentieth day of January, 1937.

S. RIPPENBERG

Notary Public, Stanislaus County, California.

[SEAL]

LOS ANGELES, CALIFORNIA, December 23, 1936.  
(THE SEEN IN CALIFORNIA)

To E. K. Soper, 453 Loring Ave., Los Angeles, D-

November 1936 December 1936 January 1937

Professional fees for services consisting of preparing and submitting report to Chairman of the Investigating Subcommittee of the Special Committee of the Senate of the State of California, during the preparation of and testimony before the members of the Senate, 30 days at \$50 per day.

Expenses in connection with the foregoing investigation.

Employment of treatment amounting to per diem (estimated) 54 days at \$50.

Transportation of material items to get necessary treatment. 2 days at \$5.

Miscellaneous expenses incurred by E. K. Soper, as per attached list as follows:

10 telephone calls 81.40

Auto mileage on December 12, 1936, from West Los Angeles

to Huntington Beach without and returning 30 miles, at 5.00

Lunch at Huntington Beach December 12 40

7.70

7.70

Total 1817.10

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

E. K. SOPER, being first duly sworn, deposes and says that on the above date attached the several checks, vouchers, receipts, and bills for the above items was actually paid out by the State of California, and that the same fit of the State. Affiant further deposes that he has not received any of the proceeds of Article VII of Chapter VII of Title I of Part III of the Political Code in determining the items of expense incurred by the attached public or by any other person.

E. K. SOPER

Subscribed and sworn to before me this twentieth day of January, 1937.

JOHN F. WILSON

Notary Public, and for Los Angeles County, California.

My Commission expires June 7, 1937.

[SEAL]

Roy G. Monde, Consulting Engineer and Geologist, Suite 1234 Chamber Building,  
Los Angeles, Cal., Docket 2458.

December 23, 1936

Dr. E. K. Soper, Chairman, Investigating Subcommittee of the  
Special Committee of the Senate, State of California.

INVESTIGATING EXTRACTION OF OIL AND GAS FROM STATE-LANDS.

To professional services rendered at the request of E. K. Soper, 54 days at \$50 per day.

\$275.00

November 25—1 day

December 1—2 hours

December 2—1 hour

December 15—4 hours

December 16—1 hour

December 17—1 hour

December 18—4 hours

December 21—4 hours

December 22—4 hours

54 days

Roy G. Meade, Jr., Suite 1234 Chapman Building, Los Angeles, California.

December 24, 1936.

*Dr. E. K. Soper, Chairman, Engineering Sub-Committee of the  
Special Committee of the Senate, State of California.*

INVESTIGATING EXTRACTION OF OIL AND GAS FROM STATE TIDE LANDS.

Copying data in the office of the Oil & Gas Supervisor, Division of Oil &  
Gas, at request of E. K. Soper: 2 days at \$5 per day----- \$10 00

LOS ANGELES, CALIFORNIA, January 19, 1937.

THE STATE OF CALIFORNIA.

*To E. K. Soper, 453 Loring Avenue, Los Angeles, California, Dr.  
December 30, 1936 to January 19, 1937—*

Professional fees for services consisting of petroleum engineering and geo-  
logical work as chairman of the Engineering Sub-Committee of the  
Special Committee of the Senate of the State of California Investi-  
gating the Abstraction of Oil and Gas from the Tide Lands of the  
State. Investigation of and preparation of a supplementary report  
on certain oil wells near the tide lands at Huntington Beach, Cali-  
fornia. 9½ days at \$50 per day----- \$475 00  
Expenses: telegrams and telephone----- 1 50

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\$476 50

STATE OF CALIFORNIA, }  
COUNTY OF LOS ANGELES } ss.

E. K. SOPER, being first duly sworn, deposes and says, that on the claim  
hereto attached the services therein mentioned were actually rendered and the  
money was actually paid, or is to be paid, as therein mentioned, solely for the bene-  
fit of the State. Affiant further states that he has not violated any of the provisions  
of Article VII of Chapter VII of Title I of Part III of the Political Code in incurring  
the items of expense mentioned in the attached claim, or in any other way.

E. K. SOPER.

Subscribed and sworn to before me this 19th day of January, 1937.

EVELYN EDWARDS,

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

My commission expires December 23, 1940.

LOS ANGELES, CALIFORNIA, January 18, 1937.

THE STATE OF CALIFORNIA.

*To Dr. Wendell E. Mason, U. C. L. A., Westwood, California.  
November 19, 1936 to December 28, 1936.*

Services as member of Committee of Engineers and Geologists appointed  
by the Special Committee of the Senate of the State of California  
Investigating the Abstraction of Oil and Gas from the Tide Lands  
of the State. Services from November 19, 1936, to December 28,  
1936. 22 days at \$50 per diem----- \$1100 00

STATE OF CALIFORNIA, }  
COUNTY OF LOS ANGELES } ss.

DR. WENDELL E. MASON, being first duly sworn, deposes and says: that on the claim  
hereto attached the services therein mentioned were actually rendered and the  
money was actually paid, or is to be paid, as therein mentioned, solely for the bene-  
fit of the State. Affiant further states that he has not violated any of the provisions  
of Article VII of Chapter VII of Title I of Part III of the Political Code in incurring  
the items of expense mentioned in the attached claim, or in any other way.

WENDELL E. MASON.

Subscribed and sworn to before me this 18th day of January, 1937.

EVELYN EDWARDS,

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

My commission expires December 23, 1940.

LOS ANGELES, CALIFORNIA, January 19, 1937.

THE STATE OF CALIFORNIA.

*To Wendell E. Mason, 220 S. Swall Dr., Beverly Hills, California, Dr.  
December 29, 1936 to January 19, 1937.*

Professional fees for services on Engineering Sub-Committee of the Special  
Committee of the Senate of the State of California Investigating the  
Abstraction of Oil and Gas from the Tide Lands of the State. Inves-

receipt of and possession of a considerable amount of money and  
 some time in the month of Huntington Beach, California—on bank  
 at \$20 per day.

\$125.00

STATE OF CALIFORNIA,  
 COUNTY OF LOS ANGELES.

WINDFELL E. MASON, being first duly sworn, deposes and says that on the above  
 hereto attached the services herein mentioned were actually rendered and the  
 money was actually paid, or is to be paid, as therein mentioned, solely for the benefit  
 of the State. Affiant further avers that he has not retained any of the proceeds  
 of Article VII of Chapter VII of Title I of Part III of the Political Code in carrying  
 the items of expense mentioned in the attached items, or in any other way.

WINDFELL E. MASON.

Subscribed and sworn to before me this 20th day of January, 1937.

JEROME WALL.

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

My commission expires October 18, 1940.

LOS ANGELES, CALIFORNIA, January 11, 1937.

THE STATE OF CALIFORNIA.

To C. R. TRACY, 1206 City Hall, Los Angeles, California, for

For expenses of meetings held December 28, 29, 30 and 31, 1936, by the  
 Senate Committee for Investigation of the Government of CA and the  
 State Tax Lands of the State of California, for such services in the  
 connection, I request payment by check of C. R. Tracy, in the sum  
 of \$400.00, as duly was furnished by letter of this date, and as shown  
 on 10 bills of \$100.00 each, and as shown on the bills of \$100.00  
 per day.

\$400.00

The statement of meeting held January 1, 1937, was received by  
 this Tribunal—\$400.00 as receiving per day.

\$0.00

\$400.00

STATE OF CALIFORNIA,  
 COUNTY OF LOS ANGELES.

C. R. TRACY, being first duly sworn, deposes and says that on the above  
 hereto attached the services herein mentioned were actually rendered and the  
 money was actually paid, or is to be paid, as therein mentioned, solely for the benefit  
 of the State. Affiant further avers that he has not retained any of the proceeds  
 of Article VII of Chapter VII of Title I of Part III of the Political Code in carrying  
 the items of expense mentioned in the attached items, or in any other way.

C. R. TRACY.

Subscribed and sworn to before me this 11th day of January, 1937.

SAMUEL R. RAYBURN.

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

SACRAMENTO, CALIFORNIA, January 9, 1937.

THE STATE OF CALIFORNIA.

To William C. Putnam, Graduate 833 North Vermont Ave., Los Angeles, Calif., for

Nov. 14, 1936 Field work at Huntington Beach \$75.00

Nov. 16, 1936 Transportation between Huntington and Santa Ana, Los Angeles 25.00

Nov. 21, 1936 Field work at Huntington Beach 50.00

Nov. 23, 1936 Preparation of map at University of California at Los Angeles 25.00

Nov. 28, 1936 Field work at Huntington Beach 50.00

Total----- \$225.00

STATE OF CALIFORNIA,  
 COUNTY OF LOS ANGELES.

WILLIAM C. PUTNAM, being first duly sworn, deposes and says that on the above  
 hereto attached the services herein mentioned were actually rendered and the  
 money was actually paid, or is to be paid, as therein mentioned, solely for the benefit  
 of the State. Affiant further avers that he has not retained any of the proceeds  
 of Article VII of Chapter VII of Title I of Part III of the Political Code in carrying  
 the items of expense mentioned in the attached items, or in any other way.

WILLIAM C. PUTNAM

Subscribed and sworn to before me this 9th day of January, 1937.

J. W. LANCASTER.

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

My commission expires November 7, 1940.



SACRAMENTO, CALIFORNIA, January 14, 1937.

THE STATE OF CALIFORNIA.

*To U. S. Grant, Geologist, 405 Hilgard Ave., Los Angeles, California, Dr.*

For services rendered in connection with shoreline survey at Huntington Beach, Orange County, California.

Nov. 14, 1936	Field work at Huntington Beach-----	\$50 00
Nov. 16, 1936	Testimony before committee at State Bldg., Los Angeles-----	25 00
Nov. 21, 1936	Field work at Huntington Beach-----	50 00
Nov. 23, 1936	Preparation of map at University of California at Los Angeles-----	25 00
Nov. 28, 1936	Field work at Huntington Beach-----	50 00
Total -----		\$200 00

STATE OF CALIFORNIA, }  
COUNTY OF LOS ANGELES } ss.

U. S. GRANT, being first duly sworn, deposes and says, that on the claim hereto attached the services therein mentioned were actually rendered and the money was actually paid, or is to be paid, as therein mentioned, solely for the benefit of the State. Affiant further states that he has not violated any of the provisions of Article VII of Chapter VII of Title I of Part III of the Political Code in incurring the items of expense mentioned in the attached claim, or in any other way.

U. S. GRANT.

Subscribed and sworn to before me this 14th day of January, 1937.

D. W. GREGG,

Notary Public in and for the County of Los Angeles, State of California.

[SEAL]

LONG BEACH, CALIFORNIA, December 1, 1936.

THE STATE OF CALIFORNIA.

*To Harry R. Wood, 1452 Orange Avenue, Long Beach, California, Dr.*

October 28, 1936—1 day	Reid subpoena-----	\$5 00
October 29, 1936—1 day	Reid subpoena-----	5 00
20 miles-----		1 00

Total ----- \$11 00

STATE OF CALIFORNIA, }  
COUNTY OF LOS ANGELES } ss.

HARRY R. WOOD, being first duly sworn, deposes and says, that on the claim hereto attached the services therein mentioned were actually rendered and the money was actually paid, or is to be paid, as therein mentioned, solely for the benefit of the State. Affiant further states that he has not violated any of the provisions of Article VII of Chapter VII of Title I of Part III of the Political Code in incurring the items of expense mentioned in the attached claim, or in any other way.

HARRY R. WOOD.

Subscribed and sworn to before me this 18th day of January, 1937.

WILLIAM N. HAWKINS,

Notary Public in and for said County of Los Angeles, State of California.

[SEAL]

My commission expires February 9, 1940.

SOUTHERN CALIFORNIA BLUE PRINT CO.

114½ West Third Street, Los Angeles.

LOS ANGELES, CALIFORNIA, December 1, 1936.

*Senator Culbert L. Olson, 639 South Spring Street, Invoice No. 6673.*

No. of originals	No. of prints of each	Total prints	Kind of prints	Amount
1	6	6	Direct prints, layout of lots,	
			Division of State Lands Map-----	\$4 46
			Tax-----	13
Total -----				\$4 59

SOUTHERN CALIFORNIA WEST PRINTING CO.

1144 West Third Street, Los Angeles.

LOS ANGELES, CALIFORNIA, December 9, 1936.

Senator Gilbert L. Olson, 639 South Spring Street, Fresno No. 6912.

No. of originals	No. of prints of each	Total prints	Kind of prints	Amount
1	5	5	Image prints (Huntington)	
			Black's	\$8.56
			Sales tax	.20
			Total	\$8.76

Delivered to Mr. Alexander, 301 State Building.

SOUTHERN CALIFORNIA WEST PRINTING CO.

1144 West Third Street, Los Angeles.

LOS ANGELES, CALIFORNIA, December 9, 1936.

Senator Gilbert L. Olson, 639 South Spring Street, Fresno No. 6912.

No. of originals	No. of prints of each	Total prints	Kind of prints	Amount
1	2	2	Image print (Huntington)	
			Image	\$2.84
			Tax	.09
			Total	\$2.93

1 print delivered to Division of Oil &amp; Gas, South Hill Room.

1 print delivered to Division of State Lands, 301 State Building.

SOUTHERN CALIFORNIA WEST PRINTING CO.

1144 West Third Street, Los Angeles.

LOS ANGELES, CALIFORNIA, December 17, 1936.

Senator Gilbert L. Olson, 639 South Spring Street, Fresno No. 6912.

No. of originals	No. of prints of each	Total prints	Kind of prints	Amount
1	5	5	Black line prints (Huntington)	
			Black's	\$4.56
			Tax	.20
			Total	\$4.76

Delivered to Mr. Alexander, 301 State Building.

SOUTHERN CALIFORNIA WEST PRINTING CO.

1144 West Third Street, Los Angeles.

LOS ANGELES, CALIFORNIA, December 22, 1936.

Senator Gilbert L. Olson, 639 South Spring Street, Fresno No. 6912.

No. of originals	No. of prints of each	Total prints	Kind of prints	Amount
9	2	18	Image prints, Oil & Gas	
			Image, Hunting Tax	\$8.76
			Tax	.20
			Total	\$8.96

Delivered to 301 State Building.

LOS ANGELES, CALIFORNIA, January 19, 1937.

THE STATE OF CALIFORNIA.

To Evelyn Edwards, 704 Street, Pasadena Building, Los Angeles, California, Jr.

To typing and editorial work of Englewood Publishing Co. for the Special Senate

Committee Investigating the Abandoning of Oil and Gas from State

Tide Lands. \$7.75

Approved: \_\_\_\_\_

Chairman, Special Senate Committee.

STATE OF CALIFORNIA.

COUNTY OF LOS ANGELES. ss.

EVELYN EDWARDS, being first duly sworn, deposes and says that on the above hereto attached the services rendered and work actually rendered and the money was actually paid for as to the said, as shown mentioned, saying that the benefit of the State. Affiant further states that no law has violated any of the provisions

of Article VII of Title I of Part III of the Political Code in incurring the items of expense mentioned in the attached claim.

EVELYN EDWARDS.

Subscribed and sworn to before me this 19th day of January, 1937.

FERN E. WORMAN,

Notary Public in and for the County of Los Angeles, State of California.

[SEAL]

### Motion.

Senator Olson moved that 300 copies of the above report be printed under separate cover.

Motion carried.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendment to Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a thereto, by amending second section 9 thereof and renumbering said section to be section 10, and by renumbering third section 9 thereof to be section 11; and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect—and requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Consideration of Senate Amendments.

Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a thereto, by amending second section 9 thereof and renumbering said section to be section 10, and by renumbering third section 9 thereof to be section 11; and to repeal an act entitled "An act to require tax clearance by Assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof and providing that this act shall go into immediate effect.

The Senate took up for consideration Senate amendments to Assembly Bill No. 236.

#### Senate Amendments.

##### Amendment No. 1.

On page 1, in the title of the printed bill, as amended, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following: "by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal".

##### Amendment No. 2.

On page 4, line 5, of the printed bill, as amended, strike out "the eighty-ninth and ninetieth fiscal years", and insert in lieu thereof the following: "each fiscal year".

**Amendment No. 3.**

On page 4, line 23, of the printed bill, as amended, strike out "the eighteenth and nineteenth fiscal years" and insert in lieu thereof the following: "each fiscal year."

**Amendment No. 4.**

On page 4, line 25, of the printed bill, as amended, strike out "the eighteenth and nineteenth fiscal years" and insert in lieu thereof the following: "each fiscal year."

**Amendment No. 5.**

On page 4, lines 49 and 50, of the printed bill, as amended, insert the following: "SEC. 8. Second section 9 of said act, relating to the construction of said act, is hereby repealed."

**Amendment No. 6.**

On page 4 of the printed bill, as amended, strike out lines 51 and 52, and on page 5, strike out lines 1 to 8, inclusive.

**Amendment No. 7.**

On page 5, line 10, of the printed bill, as amended, strike out "15" and insert in lieu thereof the following: "10"

**Amendment No. 8.**

On page 5, line 11, of the printed bill, as amended, strike out "15" and insert in lieu thereof the following: "10"

**Amendment No. 9.**

On page 3, line 4, of the printed bill, as amended, after "whereas," insert the following: "executed by a person having knowledge of such fact."

**Amendment No. 10.**

On page 3, line 10, of the printed bill, as amended, strike out "the same are properly executed," and insert in lieu thereof the following: "at least once during the current year."

**Amendment No. 11.**

On page 4, line 3, of the printed bill, as amended, after the period, insert the following: "The aforementioned license shall be for the use of the licensee as Motor Vehicles shall be effective as of January 1, 1937."

The question being: Shall the Senate resolve from Senate amendments to Assembly Bill No. 236?

The roll was called, and the Senate refused to resolve from Senate amendments to Assembly Bill No. 236 by the following vote:

AYES: Senators Allen, Baggett, Chittenden, Chittenden, Indiana, Irsal, Pugh, Hays, Hollister, Keating, Kneale, Knowland, McCarty, Morgan, Murray, Nelson, Powers, Quinn, Rich, Westcott, Williams, and Wray—22.

NOES: Senators Gordon, Jorgensen, Law, and Wray—4.

**Appointment of Committee on Free Conference.**

Whereupon the President announced the appointment of Senators Knowland, Hays, and Wray to meet with a like committee from the Assembly for the consideration of amendments to Assembly Bill No. 236.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 8, Relative to highway planning, and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 4, Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work relief, and reports that the same has been correctly engrossed.

KEOUGH, Chairman.



## Consideration of Senate Joint Resolution No. 4.

### Senate Joint Resolution No. 4.

Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work-relief.

WHEREAS, California has one of the gravest unemployment problems in the United States, due to the fact that the State has become the haven of unemployed from every section of the country; and

WHEREAS, One of the most constructive methods of coping with the unemployment problem is the building of useful and necessary public works which will confer permanent and lasting benefits as well as afford immediate work-relief; and

WHEREAS, California is in urgent need of the development, conservation and stabilization of its water resources to prevent the abandonment of thousands of farms and homes, and to avert tremendous financial losses; and

WHEREAS, The State of California has prepared a comprehensive coordinated plan for the progressive economic development of the water resources of the State, carefully formulated over a period of 14 years, which provides for the control of floods and salinity encroachment, the improvement of navigation, the conservation and stabilization of water supplies for municipal, irrigation, industrial and mining uses, and for the generation of electric power; and

WHEREAS, The Legislature of the State of California in 1933 passed the Central Valley Project Act which was signed by the Governor and was thereafter approved by vote of the people of the State at a special election held on December 19, 1933; and

WHEREAS, The said Central Valley Project Act created the Water Project authority of the State of California, to execute and administer the Central Valley Project, which project is designated as the first step in the comprehensive plan for the Great Central Valley of California; and

WHEREAS, The people in California, in the Sacramento Valley and San Joaquin Valley, desire the water impounded soon, whether a dam be located at Kennett, at Baird, at Table Mountain, or at any two or all of these places, and desire to buy cheap hydroelectric power at the earliest possible moment; and

WHEREAS, Said Central Valley Project has been investigated and approved by at least 13 agencies of the Federal Government and has been recommended for Federal financing; and

WHEREAS, Said project has further been recommended by the President's Committee on Water Flow and by the National Resources Board as one of the country's foremost projects for a National program of public works; and

WHEREAS, The House of Representatives has the improvement of the Sacramento River in accordance with the plan as set forth in House of Representatives' Document numbered 35, Seventy-third Congress, which recommends a Federal contribution of \$12,000,000 to the cost of the Kennett Dam of the Central Valley Project; and

WHEREAS, The said project will be self liquidating, and the cost thereof will be returned with interest to the Federal Government from revenues obtained by the sale of water and power; and

WHEREAS, Said project is ready for immediate construction when funds are made available for such purpose; and

WHEREAS, The consummation of the said project will enable 50,000 American people to sustain themselves by their present means of livelihood, and will prevent their being thrown into the ranks of the unemployed, and further will stop the reversion to desert of one-half million acres of highly developed and settled lands valued at \$100,000,000; and

WHEREAS, A greater degree of flood protection in the Sacramento Valley is highly desirable as evidenced by the floods on the Sacramento River and its tributaries; and

WHEREAS, The construction of said project will give employment to thousands of workers, now unemployed, not only in California but throughout the Nation, thereby relieving unemployment in many branches of industry, particularly in the heavy manufacturing industries in the East and Middle West; and

WHEREAS, The public interest, welfare, convenience and necessity require immediate provision for adequate financing of said Central Valley Project; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the State of California, through its Legislature, recommends the Central Valley Project to the President and to the Congress of the United States as of first and prime importance to the State of California, and respectfully requests that adequate funds, \$40,000,000, more or less, be made available for immediate construction of the project, thereby conferring lasting benefits upon the people of the State of California and affording substantial unemployment relief, all in

a manner conforming liberally with the annual program initiated by the President of the United States to assist National recovery and be it further

*Resolved*, That the Governor is requested to transmit copies of this resolution to the President and to the Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in the Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Deane, Fletcher, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Keene, Kennard, Lee, McGovern, Metzger, Mixter, Nelson, Pennewick, Powers, Quinn, Rich, Schenck, Seawell, Slater, Swing, Thiele, Wagy, and Westover—31.

**NOES**—None.

Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

### Reference of Senate Concurrent Resolution No. 8.

Senator Knowland moved that Senate Concurrent Resolution No. 8 be referred to Committee on Roads and Highways.

Motion carried, and such was the order.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof, has had the same under consideration, and respectfully reports the same back with amendments thereto as follows:

Committee members present: Cunningham, Allen, and Ames.

MCCORMACK, Chairman.

### Consideration of Senate Bill No. 329.

#### Second Reading of Senate Bill No. 329.

Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof.

Bill read second time, and order on file for third reading.

#### Resolution.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Senate Bill No. 329 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and passed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Deane, Fletcher, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Keene, Kennard, Lee, McGovern, Metzger, Mixter, Nelson, Pennewick, Powers, Quinn, Rich, Schenck, Seawell, Slater, Swing, Thiele, Wagy, Westover, and Young—32.

**NOES**—None.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The region situated in the San Bernardino Mountains known as and called Arrowhead Lake and Big Bear Lake, and the vicinity surrounding and between said lakes, has become the main recreational area for all southern California and the maintenance of such area for recreational purposes is essential for the preservation of the public health; that annually many thousands of people frequent such recreational area for the purpose of regaining health and for recreational purposes, and many other thousands desire the opportunity to do so; that said recreational area is now reached by means of a State highway leading from San Bernardino by and through Waterman Canyon, along the crest of the said San Bernardino Mountains; that said State highway is wholly inadequate and insufficient to provide means for traffic to safely go to and from such recreational area; that it is necessary in the interest of public peace and safety that additional highways be provided; that the highways hereinbefore described are an essential part of the main thoroughfare to and from such area and are necessary to provide safe means of ingress to and egress therefrom; that the traffic to and from said recreational area has increased so rapidly that the additional roads have become necessary and the immediate construction of such additional roads is necessary in order to promote the said public health, peace and safety; that all of said recreational area is within the Federal Forest Reserve and the Federal Government is interested in the development of such areas and will make a Federal grant for the purpose of constructing said highways; that it is necessary that the highways, hereinbefore described, become a part of the State highway system in order that said Federal grant be available for such purposes; that unless such highways immediately become part of the State highway system it will be impossible for the State Department of Public Works to avail itself of the said Federal grant and said means of ingress to and egress from such recreational area can not be provided; that it is necessary, in order to promote the said public health and the public peace and safety in the manner aforesaid, that such means of ingress to and egress from such recreational area be immediately provided; and if this act is adopted and goes into effect immediately the funds provided by the Federal Government will become immediately available for such purpose and the work of providing such safe means of ingress and egress will immediately start. That unless such highways are immediately constructed many people will be deprived of an opportunity of enjoying the said recreational area and having the healthful benefits thereof, and the safety of many people attempting to enter such recreational area will be endangered.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—31.

NOES—None.

**Third Reading of Senate Bill No. 329.**

Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 329 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 329 ordered transmitted to the Assembly.



**Resolution.**

The following resolution was offered:

By Senator Metzger:

WHEREAS, Pursuant to appointment of a Senate Selecting Committee dealing with the subject of institutions such committees had meetings, made an extensive study of this subject and filed a report, which report has not with an advisory panel, formally and

WHEREAS, This report was supplied by one Mr. W. Barley who has not been paid for such report; therefore be it

Resolved, That the Comptroller be and he is hereby directed to keep his account upon the contingent fund of the Senate in the sum of \$500 to the order of Mr. W. Barley and the Treasurer is directed to pay the same, being payment for money in report filed with the Senate Selecting Committee.

Resolution read, and referred to Committee on Contingent Expenses.

**Resolution.**

The following resolution was offered:

By Senator Crittenden:

WHEREAS, The Senate, during the fifty-first regular session, adopted a resolution authorizing the President of the Senate to appoint a committee to investigate the agricultural industry of the State of California; and

WHEREAS, Said committee now has three members; and

WHEREAS, There are additional members which it is necessary and appropriate that said committee appoint; and

WHEREAS, From the money appropriated for the use of such committee there remains on hand the unexpended sum of \$834.24; now, therefore, be it

Resolved by the Senate of the State of California, That the membership of said committee be continued as such committee, with all the powers and authority set forth in this resolution, and in the resolution herein which said committee was originally appointed; and that the President of the Senate constitute against three members to fill the vacancies in said committee; and be it further

Resolved, That said committee continue to continue throughout the fifty-second session of the Legislature, and make its report on or about the first day of April, 1937; and if such report does not come in, be it further

Resolved, That the sum of \$834.24, being the unexpended balance from the original appropriation for the use of said committee, be appropriated for the purpose of defraying the expenses of such committee, other than those required by law to be paid from the Legislature's fee fund, and may be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons receiving therefor such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

**Messages From the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Messrs. Hornblower, Desmond, and Clark as a Committee on Free Conference concerning Assembly Bill No. 210. An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 74 thereto, by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal an act entitled "An act to regulate tax exemption by persons with the State Controller as a prerequisite for the registration of vehicles in the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency thereof, and providing that this act shall go into immediate effect.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.



## ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 263—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the urgency hereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 263 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 9—Relative to approving a certain amendment to the charter of the city of Richmond, a municipal corporation in the county of Contra Costa, State of California, duly voted for and ratified by the qualified electors thereof at an election held therein on the third day of November, 1936.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 9 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 100—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles II and IV of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 100 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1358—An act to repeal Chapters III, IV and V of Part VI of Division II of the School Code and to add to said part a new chapter to be known as Chapter III, all relating to governing boards of unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

**Consideration of Assembly Bill No. 1358.**

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1358 without reference to committee for purpose of passage.

Assembly Bill No. 1358 read first time, and ordered held at the desk.

**Resolution.**

The following resolution was offered:

By Senator Phillips:

WHEREAS, It is desirable that the Senate of the State of California do its part in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose; now, therefore, be it

*Resolved*, That there be established a standing committee of the Senate, to be officially known as the Senate Committee on Intergovernmental Cooperation, and to consist of five members of the Senate. The members and the chairman of the committee shall be designated in the same manner as is customary in the case of members and chairmen of other standing committees of the Senate. In addition to the regular members, the President of the Senate shall be ex officio an honorary member of this committee.

This committee shall function during the regular session of the Legislature and also during the interim periods between such sessions; the members shall serve until their successors are designated, and may elect members for this State the House Council of the American Legislative Association.

It shall be the function of this committee:

1. To carry forward the participation of this State as a member of the Council of State Governments.

2. To encourage and assist the legislative, executive, administrative and judicial officials and employees of this State in keeping and qualifying themselves as correspondents, as students, and otherwise, with officials and members of all other States of the Federal Government and of local units of government.

3. To endeavor to improve correspondents' service from State and other units of government, whenever it seems advisable to do so by communicating personnel list, and by intercepting:

(a) The reception of correspondence.

(b) The transmission of answers or responses thereto.

(c) The delivery of materials or responses to correspondents from and to recipients.

(d) The informal cooperation of governmental officials with one another.

(e) The personal cooperation of governmental officials and employees with one another, individually.

(f) The interchange and exchange of answers and information, and

(g) Any other suitable process.

It shall be the duty of each member, in the furtherance of this committee, assist this State to its full capacity more than by part in keeping a close contact with among the various governments in the United States and in forwarding the Council of State Governments for that purpose.

The committee shall report to the Senate and to the House of Representatives of each regular legislative session, and at such other times as it shall determine.

Resolution read, and referred to Committee on Rules.

### Reports

The following reports by the Joint Committee of the Senate and Assembly, created by Assembly Concurrent Resolution No. 6, were received, read, and ordered printed in the Journal:

#### REPORT OF JOINT COMMITTEE OF THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA, CREATED BY 1927 ASSEMBLY CONCURRENT RESOLUTION NO. 6

The joint committee created and organized under the provisions of 1927 Assembly Concurrent Resolution No. 6, entitled Assembly W. 1927, in pursuance of their obligations appointed by the President of the Senate and those members appointed by the Speaker of the Assembly to investigate and had suitable cause of procedure for the conviction for the hearing of the members of the Senate and Assembly, W. Craig, Associate Justice of the District Court of Appeal of the State of California and the defense thereto reports said committee has determined upon and established the following rules, and submits the same to the Senate and Assembly of the State of California for approval:

KEST H. HEDWINT  
LAHL D. THESMOND  
DEN ROSENTHAL  
OLBERT L. OLSON  
W. P. HOFF  
RAY W. HAYS

Rules of the Joint Convention of the Legislature Governing Procedure of the Senate and Assembly of the State of California in Joint Convention for Hearing Complaint for Removal of Judicial Officer.

#### I.

Subpoenas shall be issued by the Secretary of the Senate or the Chief Clerk of the Assembly, or both, for witnesses on the part of the convention or on the part of the Joint Committee of the Senate and the Assembly, upon the requisition of the President of the Senate or the Speaker of the Assembly, and the same shall be necessary and proper witnesses upon the hearing of said complaint. Upon request of the judicial officer sought to be removed, or his representative or counsel, the Secretary or the Chief Clerk shall issue subpoenas as aforesaid.

#### II.

The hearing of the complaint shall be held in the Assembly Chamber of the State Capitol, and the President of the Senate, with the participation of the Speaker of the Assembly, shall direct all necessary preparations in the Assembly Chamber and all proceedings while the joint convention is sitting, for the purpose of hearing said complaint, except as otherwise specifically directed by the Senate and the Assembly.

## III.

At the time fixed in the notice for the hearing of the judicial officer complained of, the judicial officer complained of shall be called to appear and answer the complaint against him. If he appears, or any person appears for him, the appearance shall be recorded, stating particularly if by himself or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded, and such proceedings taken as provided by the Constitution and by law.

## IV.

At ten o'clock a.m. of the day appointed for the hearing of said complaint, the legislative and executive business of the Senate and the Assembly shall be suspended, except as otherwise ordered by the Senate and the Assembly. The President of the Senate shall preside, or if he be not present, the Speaker of the Assembly shall preside.

## V.

The Secretary of the Senate shall then give notice to the members of the Senate and the Chief Clerk of the Assembly shall give notice to the members of the Assembly that the Joint Convention of the Legislature is organized and is ready to proceed upon the hearing of the complaint against Gavin W. Craig in the Assembly Chamber.

## VI.

On the hearing of the complaint the State shall be presented by the Attorney General and such additional counsel as he may designate, who shall present to the Joint Convention the complaint and the testimony in support of the same; the judicial officer complained of may appear in proper person, or by counsel, or both.

## VII.

All motions or objections to evidence made by the parties or their counsel shall be addressed to the presiding officer and shall be decided by him. If any five members of the Senate or of the Assembly demand a decision of the Joint Convention upon any motion or objection to evidence or any matter relating to the admission of evidence, or proceeding, which shall arise, such decision shall be taken without further argument and decided by a majority of the members of the Senate and of the Assembly present. No evidence or testimony shall be admissible which does not tend to prove or disprove the allegations of the complaint. The rules of each house of the Joint Convention, with respect to a call of the house, shall apply to the proceedings in Joint Convention.

## VIII.

All witnesses shall be examined by the party producing them, and then cross-examined in the usual form. Any member of the Senate or the Assembly desiring to ask a question of the witness shall submit the same to the presiding officer in writing, and if approved by him, he shall propound it to the witness.

## IX.

Before any witness shall give his testimony, the Secretary of the Senate or the Chief Clerk of the Assembly shall administer the following oath:

"You do solemnly swear that the evidence you shall give in the matter of the complaint for the removal of Gavin W. Craig from his office shall be the truth, the whole truth, and nothing but the truth, so help you God."

## X.

The law of evidence and rules of practice governing the trial of criminal cases in the superior court of the State of California shall govern the introduction and admission of evidence in the hearing of the complaint, except as otherwise provided herein; provided, however, that the deposition of any person without the jurisdiction of the State of California may be taken by oral examination or written interrogatories upon request of either party, before any person authorized to administer oaths, upon order of the President of the Senate, satisfactory showing of the materiality of the testimony to be given, and such notice of the time and place of taking such deposition shall be given to the opposite party as the President shall prescribe. Either party may attend the examination and put such questions direct and cross as may be proper. The deposition when completed must be carefully read to the witness and corrected by him or her in any particular, if desired; it must then be subscribed by the witness, certified by the judge or officer taking the deposition, enclosed in an envelope or wrapper, sealed, and directed to the Secretary of the Senate of the State of California, at Sacramento, State of California, and either delivered by the officer to the Secretary of the Senate, or transmitted through the mail; and thereupon such deposition may be used by either party upon the trial against any party given or receiving the notice, subject to all legal exceptions; but if the parties attend the examination, no exceptions to the form of an interrogatory shall be made at the trial, unless the same is stated at the time of the examination.



XI.

At all times while the Joint Convention is sitting upon the hearing of the complaint the doors of the Assembly Chamber shall be kept open, except upon a call of the house; provided, however, that no person not admitted upon such hearing shall be admitted within the bar of the Assembly during such hearing, except upon a card of admission issued by the presiding officer; and no person shall any person be permitted to sit at the desk of any member in the Senate or Assembly while the hearing is in progress.

XII.

No smoking shall be allowed within the Assembly Chamber and gallery during said hearing.

XIII.

During the hearing of the complaint the Sergeant-at-Arms of the Assembly, or in his absence, an assistant, shall serve as clerk of the Joint Convention, and shall perform the duties prescribed in the Rules of the Joint Convention, and shall bring before the Joint Convention, at the direction thereof, or at the direction of the presiding officer, any witness or any exhibit.

XIV.

No argument relating to the admission of evidence or issue in the complaint or the State or the Federal officer complained against shall be admitted to exceed five minutes; provided, however, that the presiding officer shall, in his discretion, extend the time.

XV.

At the conclusion of the testimony, the presiding officer shall fix the time and place for final argument of the respective parties to the proceeding.

XVI.

The Joint Convention shall be in session from ten o'clock to twelve o'clock from one o'clock and thirty minutes past until two o'clock and thirty minutes past each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the Joint Convention.

XVII.

Except as otherwise provided herein, the proceedings shall be governed by *Maxim's Manual of Legislative Procedure*.

XVIII.

The Joint Committee of the Senate and the Assembly is hereby authorized to provide for a stenographic report of the proceedings, to be paid for out of the contingent funds of the Senate and the Assembly, respectively.

XIX.

The Secretary of the Senate, or in his absence the Chief Clerk of the Assembly, or in their absence a deputy of either, shall serve as clerk of the Joint Convention, and shall administer the oath to its witnesses and perform all other duties usually performed by a clerk of a court of record in this State.

XX.

The law of evidence shall govern as to the introduction of the testimony of character witnesses and not more than five such witnesses shall be allowed on behalf of either party.

XXI.

At the conclusion of the testimony and following the argument the Joint Convention shall adjourn.

XXII.

The foregoing rules may be changed by a two-thirds vote of the Joint Convention.

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee created by Assembly Concurrent Resolution No. 6, to which was referred the following communication, to wit:

*Hon. George J. Harmon, President of the Senate of the State of California, Senate Chamber, Sacramento, California.*

DEAR SIR: I attach hereto an affidavit setting forth certain facts as to the hearing of the charge against me contained in the joint resolution to remove me from my office.

I am confident that no member of the Legislature can wish to be associated to vote on this resolution and the charge contained in it with an entire lack of knowledge of facts vitally related to the issues involved.

Based upon that belief and the facts stated in my affidavit I make the following request:

That a sufficient sum of money be appropriated to provide for the preparation of my defense, including a retainer for the fees of attorneys to act in preparing, and in presenting such defense at the hearing before the Legislature.



That such provision be made for the expenditure of said money as the Legislature may deem right, to the end that it be not improperly spent, and, also, that the use thereof may not be hampered and the purpose of its appropriation be destroyed by unnecessary red tape, since its use is, obviously an immediate need.

If attorneys in charge of the preparation of my defense are provided with funds for investigation purposes at once the number of witnesses will surely be much reduced, because it is believed that certain relevant, competent and material facts are within the knowledge of a number of persons, and it is not my purpose to unnecessarily produce cumulative evidence or to improvidently expend the State's money. Again, some persons whom there is reason to believe have knowledge of such facts may be found not to have such knowledge.

The State has no public defender; and as far as I know, there is no public officer charged with the duty of defending a citizen, who is without funds, against charges preferred under the circumstances here present.

Being in jail, it is apparent that I can not possibly prepare my own defense. Able counsel have been appointed to prepare and present the case against me. In spite of the verdict of the jury in my case in the Federal Court, it would seem that my unblemished record of 25 years in judicial office should suggest that my averment that I have a substantial defense is worthy of provision being made for a reasonable investigation of the merit of that claim before any judicial body should be willing to penalize me by removal from office. It would seem that the accused should be permitted to select his attorneys, and that they should use the money appropriated, subject to a rigid accounting for the same.

Respectfully,

GAVIN W. CRAIG.

STATE OF CALIFORNIA }  
COUNTY OF VENTURA } SS.

GAVIN W. CRAIG, being duly sworn, deposes and says: That he is the Gavin W. Craig who is a Justice of the District Court of Appeal of the State of California and who is named in a joint resolution of the Senate and Assembly of the State of California, which said joint resolution sets forth a certain charge as a reason for the removal of affiant from his said office; and that the hearing of said charge, as affiant has been notified, is set for the eighth day of March, 1937;

That affiant is confined as a prisoner in the county jail at Ventura, California, for a term of one year, which does not expire until November 15, 1937;

That affiant has no funds, or any means of securing funds, with which to prepare his defense to the charge set forth in said resolutions for his removal from office, or to employ counsel to conduct such preparation for him, or to present his defense at said hearing;

That because of being confined in jail affiant can do little toward the preparation of his defense;

That affiant has been informed by competent lawyers, that he has a good and sufficient defense to said charges, and that he verily believes that he has such good defense;

That affiant is informed by said lawyers, and that he believes, that the facts which he desires to, and if permitted, will prove at said hearing, are relevant, competent and material to the issues presented by said charge;

That affiant has reason to believe, and does believe, that there are 70, or more, persons now in California, each one of whom has personal knowledge of one or more of the aforesaid facts;

That in addition to the said witnesses, several documents, of which some are voluminous, are, so affiant is informed by said lawyers, and so affiant believes, competent, relevant and material evidence in defense of said charges;

That it will be necessary to the proper presentation of affiant's said defense, to be made at said hearing, that each of said documents be copied and the copies certified, and the necessary expense of making said copies and the certification thereof will be approximately \$1000, unless said expense is reduced by possible stipulation;

That if all of said witnesses are subpoenaed and transported from their respective residences to Sacramento, and maintained near the place of said hearing until the testimony of such witnesses has been given, affiant is informed and believes and therefore states that the entire expense thereof will amount to several thousands of dollars; however, the exact amount of such expense is unknown to affiant;

That affiant is informed that the Legislature of California has appointed and will employ three, perhaps six, lawyers to prepare and present the case against the affiant at said hearing, and affiant says that to properly prepare and present affiant's said defense, affiant is informed and believes and therefore states that the services of three attorneys will be needed for much of the time from this date until the conclusion of said hearing,—for all of the time

during said hearing, and that the duration of said hearing may be as long as four weeks.

GAVIN W. CRAIG.

Subscribed and sworn to before me this nineteenth day of January 1937.

J. C. F. MORRIS, Notary Public.

My commission expires October 20, 1938.

[REAL]

Respectfully reports that the same has been presented by the Joint Committee created by said resolution and said Joint Committee recommended said Bill on matter recommended as follows to wit:

1. That the said Gavin W. Craig be informed that he must make preparation for his own defense in the instant suit until the adjournment of the next day Legislature and that the Legislature will make no appropriation to assist the said Gavin W. Craig either in preparing his defense or in any manner to represent him at the time of the hearing or in carrying of his defense at the any other persons.
2. That the said Gavin W. Craig be further informed that his knowing of such complaint will be pertinent in future governing such hearing, and as such rules are set forth in Assembly Committee Committee No. 10.
3. That the Secretary of the Senate be and is hereby instructed to send a copy of this report and a copy of the rules heretofore referred to to the said Gavin W. Craig.

### Third Reading of Senate Bill No. 159

Senate Bill No. 159—An act to amend sections 4 of the act entitled "Old Age Security Act," approved May 18, 1930, relating to laws and granted, declaring the urgency thereof to take effect immediately.

Bill read third time

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgent measure necessary for the immediate passage thereof by the Senate, and every section the passing of section 4 of Article IV of the Constitution of the State of California. The following is a statement of the facts necessitating such passage:

No provision exists in the law for release of bond on payment of legal liability arising from payments of old age pensions. When a prior private lien is removed it becomes substantially in the lien for old age payments. Consequently some new persons have lost and would have lost their homes by reason of foreclosure unless provision is made for immediate release of such bond by the Senate of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hoys, Hollister, Holden, Keating, Keene, Law, McCann, McGovern, Metzger, Mixer, Nelson, Parkman, Patterson, Powers, Quinn, Rich, Schotky, Seawell, Slater, Tinkle, Wagy, Westover, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hoys, Hollister, Holden, Keating, Keene, Law, McCann, McGovern, Metzger, Mixer, Nelson, Parkman, Patterson, Powers, Quinn, Rich, Schotky, Seawell, Slater, Tinkle, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 159 ordered transmitted to the Assembly.

**Introduction, First Reading and Reference of Bills—(Resumed).**

**Senate Bill No. 520:** By Senators Crittenden, and Phillips—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof: to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending each section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a, and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

Senate Bill No. 520 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 521:** By Senator Fletcher—An act to add section 653.1 to the Penal Code, relating to parking.

Senate Bill No. 521 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 522:** By Senator Garrison—An act to amend section 28 of and to add section 60.5 to the Public Utilities Act, relating to public utilities.

Senate Bill No. 522 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 523:** By Senator Garrison—An act to add Chapter 1a to Part 2 of Division 1 of the Insurance Code, comprising sections 1109 to 1138, inclusive, to add Article 3 to Chapter 3, Part 3, Division 2 of said code comprising section 11760, to add Article 12 to Chapter 2, Part 6, Division 2 of said code comprising section 12640, and to amend sections 1282, 2010, 7060, 9060, 10190, 10395, and 12400 of said code.

all relating to insurance and providing for the expense of administration hereof.

Senate Bill No. 522 read first time, and referred to Committee on Insurance.

**Senate Bill No. 524:** By Senators Tinkle, Lane, Phillips, Troutman and Holaday.—An act to amend sections 2, 4, 10, 11, 15, 28, 29, 30, 42, 46, 52, 53, 59, 61, 62 and 63 of the State Housing Act, relating to houses designed for human habitation.

Senate Bill No. 524 read first time, and referred to Committee on Building and Construction.

**Senate Bill No. 525:** By Senator McGovern.—An act to amend section 1197b of the Political Code relating to initiative measures.

Senate Bill No. 525 read first time, and referred to Committee on Elections.

**Senate Bill No. 526:** By Senator McGovern.—An act to amend section 1197a of the Political Code relating to initiative measures.

Senate Bill No. 526 read first time, and referred to Committee on Elections.

**Senate Bill No. 527:** By Senator Metzger.—An act to establish a State highway and classifying it as a secondary State highway.

Senate Bill No. 527 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 528:** By Senator Metzger.—An act to establish a State park to be known as the "William Green Isle Memorial Park" in the city of Red Bluff, empowering the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.

Senate Bill No. 528 read first time, and referred to Committee on Conservation.

**Senate Bill No. 529:** By Senator Metzger.—An act to add a new section to the Fish and Game Code, to be numbered 41, providing for reimbursement to owners of property upon which property game birds and mammals are fed or cared for.

Senate Bill No. 529 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 530:** By Senator Metzger.—An act to amend section 4308 of the Political Code, relating to the district attorney's special fund.

Senate Bill No. 530 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 531:** By Senator Metzger.—An act to amend section 4307 of the Political Code, relating to county charges.

Senate Bill No. 531 read first time, and referred to Committee on County Government.



**Senate Bill No. 532:** By Senator Parkman—An act to amend section 2.481 of the School Code relating to the exclusion of elementary school districts from high school districts.

Senate Bill No. 532 read first time, and referred to Committee on Education.

**Senate Bill No. 533:** By Senator Garrison—An act to add a new chapter to Part III of Division VI of the School Code to be known as Chapter III, relating to the establishment of State insurance fund for the purposes of insuring real and personal property of school districts and of insuring school districts, their officers, agents and employees against liability.

Senate Bill No. 533 read first time, and referred to Committee on Education.

**Senate Bill No. 534:** By Senator Seawell—An act adding section 1275.5 to the Fish and Game Code, relating to the possession of deer.

Senate Bill No. 534 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 535:** By Senator Seawell—An act to amend section 487.5 of the Fish and Game Code, relating to the trout roe for bait.

Senate Bill No. 535 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 536:** By Senator McGovern—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California.

Senate Bill No. 536 read first time, and referred to Committee on Finance.

**Senate Bill No. 537:** By Senator DeLap—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such district to defray the expenses thereof," approved May 23, 1923, as amended, by adding a new section, to be numbered 10e, relating to maintenance of fire fighting equipment by cities within county fire protection districts.

Senate Bill No. 537 read first time, and referred to Committee on County Government.

**Senate Bill No. 538:** By Senator DeLap—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexation thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by amending section 7, relating to annual levy of taxes upon property in county fire protection districts.

Senate Bill No. 538 read first time, and referred to Committee on County Government.

**Senate Bill No. 539:** By Senator Delag—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

Senate Bill No. 539 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 540:** By Senator Metzger—An act to provide for the licensing, visitation and improvement of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Senate Bill No. 540 read first time, and referred to Committee on Education.

**Senate Bill No. 541:** By Senator Metzger—An act to add sections 3114 and 3116 to the Agricultural Code, relating to representation of the type, kind, quantity, sex or age of any animal, the meat of which is sold.

Senate Bill No. 541 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 542:** By Senator Metzger—An act to add section 628 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 542 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 543:** By Senator McCormack—An act authorizing and directing the Division of Water Resources of the Department of Public Works to make an investigation of the water resources of Santa County, California, and making an appropriation therefor.

Senate Bill No. 543 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 544:** By Senator McBride—An act to amend Chapter 493, Statutes of California, 1917, entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, and to add new sections thereto to be known as 7a, 7b, 7c, 7d, 7e, and 7f, setting forth the manner of application and providing for rules and regulations for the use of state-owned property.

Senate Bill No. 544 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 545:** By Senator McBride—An act to repeal "An act to provide for the survey and creation of pump sites on State lands," approved May 15, 1923 (Chapter 155, Statutes of California, 1923).

Senate Bill No. 545 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 546:** By Senator McBride—An act to amend sections 3, 4, 5, 6, 7, 8, 10, 14 and 16 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered

by the recession of the waters of such lakes and streams", approved April 27, 1911, relating to the powers and duties of the Division of State Lands with respect thereto.

Senate Bill No. 546 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 547:** By Senator McBride—An act to amend subsection 5, and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State.

Senate Bill No. 547 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 548:** By Senator McBride—An act to amend subsections 3 and 7, and to add a new subsection to be numbered 9 to section 690.10 of the Political Code.

Senate Bill No. 548 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 549:** By Senator McBride—An act to amend section 3805c of the Political Code, providing for the cancellation of assessments on certain lands of the State.

Senate Bill No. 549 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 550:** By Senator McBride—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts, and to the notice required therefor, the qualifications of bidders thereon, and the rights and remedies of bidders thereon in case of mistake.

Senate Bill No. 550 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 551:** By Senator McBride—An act to add two new sections to the Political Code, to be numbered 690.1 and 690.2, relating to the custody, control disposition and redemption of property sold to the State for delinquent taxes.

Senate Bill No. 551 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 552:** By Senator McBride—An act to amend sections 3772, 3773, 3785, 3816, 3817, 3897, 3897a, 3897b, 3897d, 3898 and 3898a, and to repeal section 3788, of the Political Code, relating to property deeded to the State for delinquent taxes, providing for the management, control and disposal thereof.

Senate Bill No. 552 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 553:** By Senator McBride—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and grant-



ing certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1931, as amended, relating to the powers of the Surveyor General now the Chief of the Division of State Lands, for the purpose of taking gold or other minerals from and granting of exemptions to recover gold or other minerals from the beds of title and submerged lands, and of navigable rivers and streams.

Senate Bill No. 553 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 554:** By Senator Fletcher.—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise land as are desirable for State forests, to manage such land and to dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes, to make an appropriation therefor and to repeal an act entitled "An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 18, 1931, to declare the urgency thereof, and to provide that this act shall take immediate effect.

Senate Bill No. 554 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 555:** By Senator Fletcher.—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

Senate Bill No. 555 read first time, and referred to Committee on County Government.

**Senate Bill No. 556:** By Senator Fletcher.—An act to add section 13.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the reporting on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions." Approved June 5, 1933, relating to horse racing.

Senate Bill No. 556 read first time, and referred to Committee on Finance.

**Senate Bill No. 557:** By Senator Fletcher.—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Senate Bill No. 557 read first time, and referred to Committee on Governmental Efficiency.



**Senate Bill No. 558:** By Senator Fletcher—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities.

Senate Bill No. 558 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 559:** By Senator Fletcher—An act authorizing cities to issue revenue bonds by a majority vote of the electors of said city.

Senate Bill No. 559 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 560:** By Senator Phillips—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district.

Senate Bill No. 560 read first time, and referred to Committee on Education.

**Senate Bill No. 561:** By Senator Hays—An act to amend section 2333 of the Political Code, relating to the powers and duties of the State Department of Social Welfare.

Senate Bill No. 561 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 562:** By Senator Hays—An act to add section 3666b to the Political Code, relating to taxation of insurance companies.

Senate Bill No. 562 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 563:** By Senator Westover—An act relating to military training in the colleges and universities of the State of California.

Senate Bill No. 563 read first time and referred to Committee on Military Affairs.

**Senate Bill No. 564:** By Senator Tickle—An act to provide for the raising of public revenue by imposing a tax upon the gross receipts, to provide for the ascertainment, assessment, and collection of said tax, to provide for the creation of a State Department of Revenue to be charged with the administration of this act, to provide penalties for the violations of the terms of this act, and to provide that this act shall take effect immediately.

Senate Bill No. 564 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 565:** By Senator Tickle—An act to amend section 101 of the Bank Act, relating to trust companies.

Senate Bill No. 565 read first time, and referred to Committee on Banking.

**Senate Bill No. 566:** By Senator Tickle—An act to repeal sections 22134, 22135 and 4373 of the School Code and to add thereto two new sections to be numbered 4368 and 4372, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Senate Bill No. 566 read first time, and referred to Committee on Education.

**Senate Bill No. 567:** By Senator Tickle—An act to repeal Article IV of Chapter VII of Part II of the School Code, to repeal an act entitled "An act providing for the annexation of elementary school districts to high school districts" approved May 31, 1928, and to add to Chapter VII of Part I of Division I of the School Code a new article to be known as Article IV, all relating to the annexation of elementary school districts to high school districts.

Senate Bill No. 567 read first time, and referred to Committee on Education.

**Senate Bill No. 568:** By Senator Tickle—An act to repeal section 22133 of the School Code and to amend section 4370 thereof, both relating to the issuance of bonds by school districts.

Senate Bill No. 568 read first time, and referred to Committee on Education.

**Senate Bill No. 569:** By Senator Slater—An act to amend sections 4.1, 4.791 and 4.881 of the School Code, relating to the Appropriation of fund to school districts for the education of physically handicapped children.

Senate Bill No. 569 read first time, and referred to Committee on Education.

**Senate Bill No. 570:** By Senator Slater—An act to amend sections 2.830 and 2.1145 of the School Code, to repeal section 3.401 of the School Code, to repeal an act entitled "An act relating to the election of teachers in the public schools" approved May 29, 1928, and to add to the School Code a new section to be numbered 3.401, all relating to the powers and duties of governing boards of school districts.

Senate Bill No. 570 read first time, and referred to Committee on Education.

**Senate Bill No. 571:** By Senator Slater—An act to add a new article to Chapter I of Part III of Division V of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts.

Senate Bill No. 571 read first time, and referred to Committee on Education.

**Senate Bill No. 572:** By Senators Phillips, Allen, Biggar, Schuttky, Jespersen, Mixer, Nielsen, Fletcher, McBrule and Hallister—An act to add a new section to be numbered 4041.29 to the Political Code, relating to powers of boards of supervisors.

Senate Bill No. 572 read first time, and referred to Committee on County Government.

**Senate Bill No. 573:** By Senators Phillips, Allen, Biggar, Schottky, Mixer, McBride, Crittenden, and Jespersen—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

Senate Bill No. 573 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 574:** By Senators Phillips, Allen, Biggar, Schottky, Jespersen, Crittenden, McBride, and Hollister—An act to provide that all liens upon real estate created by mortgage, deed of trust, or otherwise, as security for indebtedness, shall be foreclosed only by action.

Senate Bill No. 574 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 575:** By Senators Phillips, Allen, Biggar, Schottky, Jespersen, Crittenden, and McBride—An act to amend section 2924 of the Civil Code, relating to mortgages and trust deeds.

Senate Bill No. 575 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 576:** By Senators Phillips, Biggar, Jespersen, Crittenden, McBride, and Hollister—An act to amend section 2924½ of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Senate Bill No. 576 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 577:** By Senators Phillips, Biggar, Crittenden, Jespersen, and Hollister—An act to abolish deficiency judgments in all cases where a lien upon land is created by mortgage, deed of trust, or otherwise, as security for indebtedness.

Senate Bill No. 577 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 578:** By Senators Crittenden, Allen, Biggar, Schottky, Mixer, Nielsen, Fletcher, Hollister, and Jespersen—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor.

Senate Bill No. 578 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 579:** By Senator Olson—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes.

Senate Bill No. 579 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 580:** By Senator Olson—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon

substances from State lands by trespassing wells, and providing for the validation, upon certain conditions, of "agreements for agreements" heretofore made by the Director of Finance and the Chief of the Division of State Lands.

Senate Bill No. 580 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 581:** By Senator Olson—An act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17a, 18, 18a, 19, 20, 21, 24, 25, of "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain government rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing any or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act." Approved May 25, 1921, Statutes 1921, as amended.

Senate Bill No. 581 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 582:** By Senator Olson—An act to amend section 7 of an act entitled "An act to protect the natural resources of petroleum and gas from waste and destruction, relating to the creation of a division in the Department of Natural Resources for the prevention of such waste and destruction, providing for the appointment of a State Oil and Gas Supervisor, prescribing his duties and powers, fixing his compensation, providing for the appointment of deputies and assistants, providing for their duties and compensation, providing for the inspection of petroleum and gas wells, requiring oil and gas operators to make certain reports, permitting and authorizing agreements in the interests of conservation, providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California, providing procedure for arbitration of departmental rulings, creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof, and making an appropriation for the purposes of this act." Statutes of 1915, as amended.

Senate Bill No. 582 read first time and referred to Committee on Oil Industries.

**Senate Bill No. 583:** By Senator Olson—An act providing for the creation, incorporation, government and management of municipal power districts for the purpose of permitting municipalities and public corporations which own or operate works or systems for serving electrical energy to consolidate such works or systems, authorizing such districts to sell and distribute electrical energy, and to construct or otherwise acquire a system or systems, works, or property for the generation, transmission, and distribution of electrical energy, and to operate and manage such system, systems, works, and property; providing for the taxation of property therein and the performance by officers of counties of certain functions relating thereto and to the elections of



said district; authorizing the exercise of the right of eminent domain and providing procedure therefor, and authorizing such districts to incur bonded indebtedness and regulating the issuance of bonds and providing for the payment of such bonds and rights of the holders thereof; providing for addition of area thereto and authorizing municipal corporations, public corporations, and other political subdivisions to aid and participate in the incorporation of such districts.

Senate Bill No. 583 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 584:** By Senator Olson—An act to amend sections 1, 3, 16 and 21 and to add new sections to be designated as sections 15½, 15½a and 15½b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years," etc. Approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

Senate Bill No. 584 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 585:** By Senator Olson—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years," et cetera, approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

Senate Bill No. 585 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 586:** By Senator Olson—An act to amend section 2924 of the Civil Code, relating to mortgages.

Senate Bill No. 586 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 587:** By Senator Olson—An act to amend section 2924 of the Civil Code, relating to the sale of property upon foreclosure of mortgage, or sale under trust deed, or sale under power conferred in mortgages.

Senate Bill No. 587 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 588:** By Senator Olson—An act to amend sections 3, 10, 12, 13, 14 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

Senate Bill No. 588 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 589:** By Senator Olson—An act to amend sections 2, 2½, 3, 4, 5 and 14, of the Old Age Security Act of the State of California, relating to aid to the aged.

Senate Bill No. 589 read first time, and referred to Committee on Social Security.

**Senate Bill No. 590:** By Senator Olson—An act making an appropriation for the construction of the proposed "T" Tunnel connecting the highways of the Los Angeles and Long Beach Harbor districts.

Senate Bill No. 590 read first time, and referred to Committee on Finance.

**Senate Bill No. 591:** By Senator Olson—An act to amend section 437c of the Code of Civil Procedure, relating to summary judgments.

Senate Bill No. 591 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 592:** By Senator Olson—An act to amend section 583 of the Code of Civil Procedure of the State of California, relating to dismissal of actions.

Senate Bill No. 592 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 593:** By Senator Olson—An act to add section 1872 to the Code of Civil Procedure, relating to expert testimony.

Senate Bill No. 593 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 594:** By Senator Olson—An act to amend sections 330, 330.4 and 337.4 of the Penal Code, relating to gambling.

Senate Bill No. 594 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 595:** By Senator Olson—An act to amend section 642 of the Streets and Highways Code relating to State highways.

Senate Bill No. 595 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 596:** By Senator Olson—An act making an appropriation to pay the claim of A. E. Mabood and Susan Mabood against the State of California.

Senate Bill No. 596 read first time, and referred to Committee on Finance.

**Senate Bill No. 597:** By Senator Olson—An act to amend section 172 of the Penal Code, relating to selling, giving away or exposing for sale intoxicating liquors.

Senate Bill No. 597 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 598:** By Senator McGovern—An act to amend section 14 of an act entitled "The Motor Vehicle Transportation License Tax Act," relating to taxation.

Senate Bill No. 598 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 599:** By Senator Crittenden—An act to amend section 92 of the Agricultural Code, relating to fairs.

Senate Bill No. 599 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 600:** By Senator Crittenden—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Senate Bill No. 600 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 601:** By Senator Crittenden—An act to add section 90.5 to the Agricultural Code, relating to district agricultural associations.

Senate Bill No. 601 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 602:** By Senator Crittenden—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions" approved June 5, 1933, relating to horse racing.

Senate Bill No. 602 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 603:** By Senator Crittenden—An act to diminish the causes of labor disputes injuriously affecting the welfare of the people of this State; to encourage the practice of collective bargaining between employers and representative employee groups; to insure to employees the right of self organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide for the establishment of a California Labor Relations Board, including provisions defining its duties and powers, for administration and assistance therein, and for enforcement and review of its findings and orders, and to provide for enforcement of this act and penalties for its violation.

Senate Bill No. 603 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 604:** By Senator McGovern—An act to amend an act entitled "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the government of

the United States for the use of the Navy Department certain portions of the tidelands described in the above mentioned act.

Senate Bill No. 604 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 605:** By Senator McInerney.—An act to add Chapter 11 B to Part 2 of Division 3 of the Insurance Code, authorizing the creation, organization and government, and providing for the regulation of public associations to be known as medical service associations, entering medical service contracts, providing standard provisions for such contracts, providing for the deposit of monies by medical service associations, providing for certificates of authority for associations entering into medical service contracts, and entering through members medical services and providing for the powers and liabilities of medical service associations.

Senate Bill No. 605 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 606:** By Senators Yackie, Pomeroy, and Longenecker.—An act to add section 8.00b to the Building and Loan Association Act relating to building and loan associations.

Senate Bill No. 606 read first time and referred to Committee on Building and Loan Associations.

**Senate Bill No. 607:** By Senator Schottky.—An act to amend section 4041d of the Political Code, relating to the eyes, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons.

Senate Bill No. 607 read first time, and referred to Committee on Social Security.

**Senate Bill No. 608:** By Senator Law.—An act to amend section 170 of the Code of Civil Procedure by adding a new subsection therein to be known as subsection 7, relating to disqualification of judges in actions or proceedings by or against the Reclamation Board of the State of California or any irrigation, reclamation, levee, rearing, land or drainage district, or any public agency or trustee officer or employee thereof.

Senate Bill No. 608 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 609:** By Senator Law.—An act to amend section 32d of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds.

Senate Bill No. 609 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 610:** By Senator Law.—An act to amend section 32e of the California Irrigation District Act, relating to the pro-rata allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds.

Senate Bill No. 610 read first time, and referred to Committee on Irrigation.



**Senate Bill No. 611:** By Senator Law—An act to amend sections 438, 439, 440, and 441 of the Vehicle Code, and to add thereto section 437, relating to the conduct of garages and other places where vehicles are kept.

Senate Bill No. 611 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 612:** By Senator Tickle—An act making an appropriation to pay the claim of the State Treasurer against the State of California.

Senate Bill No. 612 read first time, and referred to Committee on Finance.

**Senate Bill No. 613:** By Senator Tickle—An act to amend section 96 of the "Bank Act", relating to deposits of money received by State Treasurer from trust companies.

Senate Bill No. 613 read first time, and referred to Committee on Banking.

**Senate Bill No. 614:** By Senator Tickle—An act to add section 461 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Senate Bill No. 614 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 615:** By Senator Tickle—An act making an appropriation for the support of the State Treasurer.

Senate Bill No. 615 read first time, and referred to Committee on Finance.

**Senate Bill No. 616:** By Senator Seawell—An act making an appropriation to pay the claim of Anna M. Madden against the State of California.

Senate Bill No. 616 read first time, and referred to Committee on Finance.

**Senate Bill No. 617:** By Senator Parkman—An act to amend section 622 of the Agricultural Code, relating to factory license fees upon persons engaged in dealing in receiving, manufacturing or processing frozen products.

Senate Bill No. 617 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 618:** By Senator Quinn—An act making an appropriation for flood control in connection with the Mad River, in Humboldt County.

Senate Bill No. 618 read first time, and referred to Committee on Finance.

**Senate Bill No. 619:** By Senator Quinn—An act making an appropriation for flood control and conservation in connection with Redwood Creek, in Humboldt County.

Senate Bill No. 619 read first time, and referred to Committee on Finance.

**Senate Bill No. 620:** By Senator Quinn.—An act making an appropriation for flood control and conservation in connection with the Van Duzen River, and its tributaries, in Humboldt County.

Senate Bill No. 620 read first time, and referred to Committee on Finance.

**Senate Bill No. 621:** By Senator Quinn.—An act to add section 627 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 621 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 622:** By Senator Gordon.—An act to amend section 156 of the Fish and Game Code, relating to Fish and Game Quota of 1937.

Senate Bill No. 622 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 623:** By Senator Williams.—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology.

Senate Bill No. 623 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 624:** By Senator Williams.—An act to amend section 1621 of, and to add new sections to be numbered 1621.1, 1621.2, 1621.3 and 1621.4 to the Streets and Highways Code, relating to expenditures by counties of highway funds received from the State.

Senate Bill No. 624 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 625:** By Senator Westover.—An act to amend sections 1193, 1217, 1228, 1239 and 1347 of the Penal Code, relating to persons convicted of the commission of perjury.

Senate Bill No. 625 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 626:** By Senator Phillips.—An act to add a new chapter to be numbered Chapter 9 in Division V of the Agricultural Code, relating to grades and standards for nursery stock.

Senate Bill No. 626 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 627:** By Senator Phillips.—An act to amend sections 137 and 138 of the Agricultural Code, relating to pest control.

Senate Bill No. 627 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 628:** By Senator Biggar.—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1910, relating to enforcement of the act.

Senate Bill No. 628 read first time, and referred to Committee on Conservation.

**Senate Bill No. 629:** By Senators Holahan and Allen.—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable

of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act.

Senate Bill No. 629 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 630:** By Senators Holohan, and Allen—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Senate Bill No. 630 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 631:** By Senators Holohan, and Allen—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Senate Bill No. 631 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 632:** By Senators Holohan, and Allen—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners.

Senate Bill No. 632 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 633:** By Senator DeLap—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions.

Senate Bill No. 633 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 634:** By Senator DeLap—An act to amend section 588 of the Vehicle Code, relating to angle parking on State highways.

Senate Bill No. 634 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 635.** By Senator Allen—An act to amend section 1512 of the Penal Code, relating to witnesses.

Senate Bill No. 635 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 636.** By Senator Knowland—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 636 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 637.** By Senators Jepsen, and Garrison—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, medicine, cosmetics, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

Senate Bill No. 637 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 638.** By Senators Jepsen, and Garrison—An act to amend sections 4061, 4063, 4065, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

Senate Bill No. 638 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 639.** By Senator Jepsen—An act to amend sections 2322a's and 4337 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the twenty-eighth class.

Senate Bill No. 639 read first time, and referred to Committee on County Government.

**Senate Bill No. 640.** By Senator Jepsen—An act requiring the licensing of certain vehicles used for the transportation of property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Senate Bill No. 640 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 641.** By Senator Jepsen—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Senate Bill No. 641 read first time, and referred to Committee on Public Utilities.



**Senate Bill No. 642:** By Senator Jespersen—An act to amend section 5120 of the School Code, relating to the issuing of credentials by the State Board of Education.

Senate Bill No. 642 read first time, and referred to Committee on Education.

**Senate Bill No. 643:** By Senator Jespersen—An act to repeal "An act relating to the apportionment of moneys to elementary school districts" approved May 31, 1929; to repeal sections 4784 and 4796 of the School Code; and to amend sections 4774, 4785 and 4797 thereof, all relating to the apportionment of funds to elementary school districts.

Senate Bill No. 643 read first time, and referred to Committee on Education.

**Senate Bill No. 644:** By Senator Jespersen—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4368 relating to school district budgets.

Senate Bill No. 644 read first time, and referred to Committee on Education.

**Senate Bill No. 645:** By Senator Jespersen—An act to amend sections 2100 and 2440 of the School Code, both relating to the change of boundaries of school districts.

Senate Bill No. 645 read first time, and referred to Committee on Education.

**Senate Bill No. 646:** By Senator Westover—An act authorizing the survey, location, and establishment of the high-water mark, bordering upon tidewater of the Pacific Ocean, between the northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California.

Senate Bill No. 646 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 647:** By Senator Hollister—An act to amend section 492 of the Fish and Game Code, relating to mutilation of fish.

Senate Bill No. 647 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 648:** By Senator Hollister—An act to amend an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places and making an appropriation therefor", approved May 15, 1917, as amended, by amending section 2 thereof relating to the duties of the State Forester.

Senate Bill No. 648 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 649:** By Senator Knowland—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same.

Senate Bill No. 649 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 650:** By Senator McGovern—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, as to add a new section thereto to be numbered section 1196b thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions.

Senate Bill No. 650 read first time, and referred to Committee on Elections.

**Senate Bill No. 651:** By Senator Williams—An act to amend section 384 of the Penal Code, relating to fires.

Senate Bill No. 651 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 652:** By Senator Garrison—An act to amend sections 2 and 3 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1935, relating to the regulation and inspection of the construction of public school buildings.

Senate Bill No. 652 read first time, and referred to Committee on Education.

**Senate Bill No. 653:** By Senator Garrison—An act to amend section 2 of, to an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1935, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

Senate Bill No. 653 read first time, and referred to Committee on Education.

**Senate Bill No. 654:** By Senator Garrison—An act to add a new section to the School Code to be numbered 653, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Senate Bill No. 654 read first time, and referred to Committee on Education.

**Senate Bill No. 655:** By Senator Rich—An act to amend section 107 of the Vehicle Code, relating to employment of counsel.

Senate Bill No. 655 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 656:** By Senator Nielsen—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol.

Senate Bill No. 656 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 657:** By Senator Nielsen—An act making an appropriation for the addition of another story to the building known as the Annex to the State Printing Plant.

Senate Bill No. 657 read first time, and referred to Committee on Finance.

**Senate Bill No. 658:** By Senator McGovern—An act to repeal sections 40, 41, 42 and 43 of the Probate Code, relating to limitations upon bequests and devises to charity.

Senate Bill No. 658 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 659:** By Senator McGovern—An act to repeal section 42 of the Probate Code, relating to the exemption of certain donees from the restrictions on bequests and devises to charity.

Senate Bill No. 659 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 660:** By Senator McGovern—An act to amend section 43 of the Probate Code.

Senate Bill No. 660 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 661:** By Senator McGovern—An act to amend section 42 of the Probate Code.

Senate Bill No. 661 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 662:** By Senator McGovern—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

Senate Bill No. 662 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 663:** By Senator Phillips—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code; to repeal sections 5.782, 5.783 and 5.784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

Senate Bill No. 663 read first time, and referred to Committee on Education.

**Senate Bill No. 664:** By Senators Phillips, and Young—An act to establish an unpaid Commission on Intergovernmental Cooperation.

Senate Bill No. 664 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 665:** By Senator Slater.—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles.

Senate Bill No. 665 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 666:** By Senator Slater.—An act to amend sections 71, 277, 281, and 382 of the Vehicle Code, and to repeal section 73 thereof, relating to chauffeurs.

Senate Bill No. 666 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 667:** By Senator Sewell.—An act to amend section 285 of the Vehicle Code, and to add thereto section 285.2, relating to stolen and altered vehicles and motors.

Senate Bill No. 667 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 668:** By Senator Hays.—An act to amend section 1030 of the Political Code, relating to office hours.

Senate Bill No. 668 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 669:** By Senator Sewell.—An act to add section 665e to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control.

Senate Bill No. 669 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 670:** By Senator Sewell.—An act to amend section 677 of the Political Code, relating to the State Department of Finance.

Senate Bill No. 670 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 671:** By Senator Sewell.—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Senate Bill No. 671 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 672:** By Senator Nielsen.—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment.

Senate Bill No. 672 read first time, and referred to Committee on Finance.

**Senate Bill No. 673:** By Senator Nielsen.—An act making an appropriation for office accommodations for the Bureau of Registration of Nurses.

Senate Bill No. 673 read first time, and referred to Committee on Finance.



**Senate Bill No. 674:** By Senator Nielsen—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Paroles, Department of Penology.

Senate Bill No. 674 read first time, and referred to Committee on Finance.

**Senate Bill No. 675:** By Senator Nielsen—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments.

Senate Bill No. 675 read first time, and referred to Committee on Finance.

**Senate Bill No. 676:** By Senator Nielsen—An act making an appropriation for office accommodations for the Superintendent of Collection Agencies.

Senate Bill No. 676 read first time, and referred to Committee on Finance.

**Senate Bill No. 677:** By Senator Swing—An act to amend section 4 of the Use Tax Act of 1935, relating to the taxation of the privilege of using personal property.

Senate Bill No. 677 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 678:** By Senator Swing—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to the taxation of retail sales.

Senate Bill No. 678 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 679:** By Senator Hays—An act to add section 352a to the Political Code, relating to salaries or wages of the State officers and employees.

Senate Bill No. 679 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 680:** By Senators Allen, DeLap, and Seawell—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence.

Senate Bill No. 680 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 681:** By Senators Mixter, Crittenden, Schottky, Wagy, Garrison, Pierovich, DeLap, Nielsen, Metzger, McColl, and Fletcher—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project, Authority of the State of California, in aid of the construction of the Central Valley Project.

Senate Bill No. 681 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 682:** By Senators Mixer, Crittenden, Schottky, Wagy, Garrison, Pierovich, DeLap, Nielsen, Metzger, McCall, and Fletcher—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units.

Senate Bill No. 682 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 683:** By Senators Mixer, Crittenden, Schottky, Wagy, Garrison, Pierovich, DeLap, Nielsen, Metzger, McCall, and Fletcher—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 31, relating to use of money appropriated by said act.

Senate Bill No. 683 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 684:** By Senators Mixer, Crittenden, Schottky, Wagy, Garrison, Pierovich, DeLap, Nielsen, Metzger, McCall, and Fletcher—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 11a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project and to further amend the title of said act relating to payment of expenses resulting from interference with State property or State activities.

Senate Bill No. 684 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 685:** By Senators Mixer, Crittenden, Schottky, Wagy, Garrison, Pierovich, DeLap, Nielsen, Metzger, McCall, and Fletcher—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain, and sale or lease of property no longer needed for the purposes of said act.

Senate Bill No. 685 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 686:** By Senator Hollister—An act to amend sections 580b and 725a of the Code of Civil Procedure and sections 2924 and 2924½ of the Civil Code, relating to mortgages, trust deeds, and contracts for the sale of real property.

Senate Bill No. 686 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 687:** By Senator Swing—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted

at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof.

Senate Bill No. 687 read first time, and referred to Committee on Finance.

**Senate Bill No. 688:** By Senators Parkman and McGovern—An act to add section 602 to the Streets and Highways Code, establishing additional secondary State highways.

Senate Bill No. 688 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 689:** By Senator Schottky—An act to repeal section 13½, to amend section 32 and to repeal section 32½ of the Public Utilities Act, relating to public utility rates.

Senate Bill No. 689 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 690:** By Senator Knowland—An act to create a commission to promote traffic safety upon the streets and highways of this State.

Senate Bill No. 690 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 691:** By Senator Keough—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Senate Bill No. 691 read first time, and referred to Committee on County Government.

**Senate Bill No. 692:** By Senator Holoohan—An act to amend sections 821, 827 and 1011 of, and to add sections 1012.4 and 1012.6 to, the Agricultural Code, relating to fruits and vegetables.

Senate Bill No. 692 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 693:** By Senator Tickle—An act to amend section 21.4 of the Fish and Game Code, relating to the recovery of damages for negligence.

Senate Bill No. 693 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 694:** By Senator Tickle—An act to amend section 459 of the Fish and Game Code, relating to game birds and mammals from other States.

Senate Bill No. 694 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 695:** By Senator Tickle—An act to amend section 1010 of the Fish and Game Code, relating to fish reduction licenses.

Senate Bill No. 695 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 696:** By Senator Tickle—An act to amend sections 990, 991, 992, and 993 of the Fish and Game Code, relating to commercial fishing licenses.

Senate Bill No. 696 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 697:** By Senator Tickle—An act to amend section 1064 of the Fish and Game Code, relating to penalties of fine and certain unlawful acts.

Senate Bill No. 697 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 698:** By Senator Tickle—An act to amend section 1061 of the Fish and Game Code, relating to the authority of the Fish and Game Commission.

Senate Bill No. 698 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 699:** By Senator Tickle—An act to amend section 1060 of the Fish and Game Code, relating to general commercial regulations and definitions concerning fish reduction plants, packers and fish offal.

Senate Bill No. 699 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 700:** By Senator Tickle—An act to amend section 10 of the Fish and Game Code, relating to organization of the Fish and Game Commission.

Senate Bill No. 700 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 701:** By Senator Fletcher—An act to amend sections 81 and 85 of the Agricultural Code, relating to district agricultural associations.

Senate Bill No. 701 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 702:** By Senator Fletcher—An act to amend section 85 of the Agricultural Code, relating to district agricultural associations.

Senate Bill No. 702 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 703:** By Senator Garrison—An act to repeal section 397a of the Penal Code and to add a new section 397; therein relating to the sale and disposition of intoxicating liquors between certain hours.

Senate Bill No. 703 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 704:** By Senator Nielsen—An act to add section 76 to the Agricultural Code and to repeal section 6944g of the Political Code, relating to the State Agricultural Society contingent fund.

Senate Bill No. 704 read first time, and referred to Committee on Agriculture.



**Senate Constitutional Amendment No. 9:** By Senators Quinn, Nielsen, Law, Westover, DeLap, Pierovich, Jespersen, and Parkman—Proposed amendment to Article XIII, section 1 $\frac{1}{4}$  of the Constitution, relative to exemptions of property on account of military service.

Senate Constitutional Amendment No. 9 read, and referred to Committee on Military Affairs.

**Senate Constitutional Amendment No. 10:** By Senator DeLap—Proposed amendment to section 3 of Article IX of the Constitution, relative to county superintendent of schools.

Senate Constitutional Amendment No. 10 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 11:** By Senator Biggar—Proposed amendment to Article XX of the Constitution by adding a new section to be numbered 23 thereto, relative to the investigation and settlement of disputes between employers and employees.

Senate Constitutional Amendment No. 11 read, and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 6:** By Senators Nielsen, Jespersen, Mixer, Pierovich, Parkman, and Quinn—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a Neuro-Psychopathic Hospital for Veterans of the World War.

Senate Joint Resolution No. 6 read, and referred to Committee on Military Affairs.

**Senate Joint Resolution No. 7:** By Senators Quinn, Nielsen, Law, Jespersen, Powers, Cunningham, Fletcher, Tickle, Westover, DeLap, Parkman, Mixer, Hays, and Pierovich—Relative to memorializing Congress to enact legislation relating to disabled veterans.

Senate Joint Resolution No. 7 read, and referred to Committee on Military Affairs.

**Senate Joint Resolution No. 8:** By Senators Pierovich, Powers, Seawell, Allen, and Williams—Relative to the control of white pine blister rust by the United States Government.

Senate Joint Resolution No. 8 read first time, and referred to Committee on Federal relations.

**Senate Joint Resolution No. 9:** By Senators Quinn, Nielsen, McGovern, and Fletcher—Relative to memorializing the Public Works Administration to furnish aid in the construction of certain improvements in San Francisco Bay and the vicinity thereof.

Senate Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

**Senate Concurrent Resolution No. 10:** By Senator Hays—Relative to approving amendments to the charter of the county of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3, 1936.

Senate Concurrent Resolution No. 10 read.

### Consideration of Senate Concurrent Resolution No. 10.

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 10, without reference to committee or print for purpose of adoption.

Senate Concurrent Resolution No. 10—Relative to approving amendments to the charter of the county of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

**AYES.**—Senators Bigger, Crittenden, Cunningham, Delap, Lord, Phillips, Garrison, Gordon, Hays, Hollister, Holman, Jasper, Keating, Kneigh, Kneipman, Law, McCormack, Nelson, Pierovich, Powers, Quinn, Rich, Schutsky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—41.

**NOES.**—None.

Senate Concurrent Resolution No. 10 ordered transmitted to the Assembly.

### Adjournment.

At five o'clock and twenty minutes p.m., on motion of Senator Hays, the President of the Senate declared the Senate adjourned until ten o'clock a.m., Friday, January 22, 1937.

ELLSWORTH W. SCAMMON, Minutes Clerk.

### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, JANUARY 22, 1937.

At ten o'clock a.m. pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, Delap, Lord, Phillips, Garrison, Gordon, Hays, Hollister, Holman, Jasper, Keating, Kneigh, Kneipman, Law, McBride, McCormack, McGowan, Metzger, Meyer, Nelson, Quinn, Phillips, Pierovich, Powers, Rich, Schutsky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kivther.

### Reading of the Journal.

During the reading of the Journal of Thursday, January 21, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Phillips was, on motion of Senator Delap, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Arthur McNamara of Oakland.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jane Cravens of Riverside.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Will S. Heller, County Treasurer of the county of San Diego.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major C. Bert Allen, D. S. C., Junior Past State Commander of the Disabled American Veterans.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work January 22, 1937:

E. W. Scammon, Minute Clerk	\$9 00
Clarence A. Kircher, Chaplain	4 00
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms	5 00
Maitland Pennington, Assistant at Desk	5 00
Chester I. Dale, Assistant at Desk	5 00
Elmer Larson, Assistant at Desk	5 00
Alfred Blatz, Assistant at Desk	5 00
Gladys Giusto, Chief Stenographer	6 00
Ada M. Pierce, Stenographer	5 00
Jeanne Vallee, Stenographer	5 00
Bernadine Owens, Stenographer	5 00
Patricia Whitman, Stenographer	5 00
Mabel Hoerning, Stenographer	5 00
Glenna May Wilson, Stenographer	5 00
Flora Gilliam, Stenographer	5 00
Katharine Layle, Stenographer	5 00
Mayme Riddle Poe, Stenographer	5 00
Marguerite Bridges, Stenographer	5 00
Martha Weaver, Stenographer	5 00
Maxine Duncan, Stenographer	5 00
Wanda Durkee, Stenographer	5 00
Grace Brown, Stenographer	5 00
Helen Melhorn, Stenographer	5 00
Ruth Tuttle, Stenographer	5 00
Margaret Douville, Stenographer	5 00
Robert G. Alderman, Engrossing and Enrolling Clerk	7 00
James Boyd Garrison, Assistant at Desk	5 00
Felix Grey, Assistant Sergeant-at-Arms	5 00
Clarissa E. Bowen, Stenographer	5 00
Dorothea Seawell Gimblett, Stenographer	5 00
Catherine McGill, Stenographer	5 00
Dan W. McCarthy, Assistant Sergeant-at-Arms	5 00
Virginia Crossan, Stenographer	5 00
Lloyd Wright, Jr., Page	2 50
Jim N. Hays, Page	2 50
Virginia Ford, Stenographer	5 00
Josephine F. Holohan, Stenographer	5 00
Winifred Elliott, Stenographer	5 00
Herman Snively, Assistant Sergeant-at-Arms	5 00
Hortense May, Stenographer	5 00
Grace McCarthy, Stenographer	5 00
Ralph Haurly, Stenographer	5 00

Kathleen Murlahan, Stenographer	5	(6)
Marjorie Samples, Stenographer	5	(6)
Francis Calverley, Stenographer	5	(6)
John Lee, Assistant Sergeant at Arms	5	(6)
Ernest Durbine, Stenographer	5	(6)
Charles Jackson, Assistant Sergeant at Arms	5	(6)

Resolution read, and on motion of Senator Tickle adopted.

### Resolution

The following resolution was offered:

By Senator Tickle:

WHEREAS, There will be necessary expenditures made and incurred during the year formed by certain officers of the Senate, to-wit: (one) the Secretary and the Sergeant at Arms, during the constitutional recess; and

WHEREAS, Under the provisions of Article IV, section five of the Constitution, compensation for such services must be paid from the allowance for legislative personnel, therefore, be it

*Resolved*, That the Committee be and he is hereby directed to draw the money on the fund for pay of officers and employees of the Senate in the sum of three hundred and fifty (\$350) in favor of the Secretary of the Senate and the Treasurer is directed to pay the same, and amount so drawn to be deposited for disbursement for services to be performed during the constitutional recess, neither printing or stationery thereunder to be paid with the Committee for the Secretary of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Israel, Packer, Gordon, Haynes, Hollister, Keating, Keough, Law, McRee, McCormack, Morgan, Myers, Schaefer, Parkman, Powers, Rich, Slater, Tickle, Wagy, Westover, Williams, and Young—29  
 NOES—None.

### Resolution

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Secretary of the Senate be and he is hereby authorized and directed to procure, during the constitutional recess, for the use of the members of the Legislature, a complete and comprehensive Legislative Manual or Handbook in the size and style uniform with similar publications of previous sessions, said to contain list of State officers, members and officers of both houses of the Legislature, lists of committees and rules of both houses and other items, together with letters to the same; also to procure for the use of members of the Legislature a Semifina Calendar containing a history of all bills introduced in each session with a complete index and cross-index to the same, to be printed and distributed during the constitutional recess, and the Comptroller is hereby ordered and directed to make the payment on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of seven hundred fifty dollars (\$750) to pay for such handbook and Semifina Calendar, and the Treasurer is hereby ordered and directed to pay the same. The Secretary of the Senate is further directed to furnish the Comptroller with vouchers for all expenditures made by him in pursuance of this resolution.

RICH, Chairman.  
 LAW  
 McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Bigger, Cunningham, Daniel, Packer, Gordon, Haynes, Hollister, Hollahan, Keating, Keough, Law, McRee, McCormack, Morgan, Myers, Parkman, Pienovich, Powers, Rich, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.



### Resolution.

The following resolution was offered:  
By Committee on Contingent Expenses:

*Resolved*, That there is hereby appropriated out of the contingent fund of the Senate two hundred dollars (\$200), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, mailing and expressing all papers and documents belonging to Senators to their places of residence. Immediately after the adjournment for the constitutional recess, the Sergeant-at-Arms of the Senate shall cause this work to be done and shall file with the Controller of the State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant or warrants in favor of the Sergeant-at-Arms of the Senate for the amount necessarily expended, and the Treasurer is directed to pay the same.

RICH, Chairman.  
LAW.  
McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Pierovich, Powers, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Metzger:

WHEREAS, During the closing days of the first part of the fifty-second session great numbers of bills are being introduced into both houses; and

WHEREAS, This influx of bills places a heavy load on the State Printing Department; and

WHEREAS, The purpose of the constitutional recess is nullified unless this legislation is printed and distributed to the public in order that the people of the State may become familiar with pending legislation before the Legislature reassembles after the constitutional recess; now, therefore, be it

*Resolved*, That the State Printer be and he is hereby urged to continue his force on a 24-hour basis until such time as all bills introduced shall have been printed.

Resolution read, and on motion of Senator Metzger, adopted.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, the following:

Senate Bill No. 159—An act to amend section 4 of an act entitled "Old Age Security Act," approved May 28, 1929, relating to liens for aid granted, declaring the urgency hereof to take effect immediately.

Senate Bill No. 334—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create board of fire commissioners," approved March 4, 1881, by adding a new section thereto numbered 24a, relating to fire protection, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 159 and 334 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

Senate Joint Resolution No. 5—Relative to memorializing and petitioning the Congress to enact legislation distributing the revenues obtained from Naval Petroleum Reserves on the same basis as the revenues from other public lands leased under the provisions of the Mineral Leasing Act.

Senate Concurrent Resolution No. 10—Relative to appointing commissioners to the charter of the county of Fresno, State of California, which were submitted to the joint election of said county and passed on and received by them at the general election held therein on November 3, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Bunker, Assistant Clerk.

Senate Joint Resolution No. 1 ordered to be printed.

Senate Concurrent Resolution No. 10 ordered to be printed.

Assembly Concurrent Resolutions, January 21, 1937.

Mr. President: I had thought to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19, relative to design of the Department of Employment and the Armed Commission of the United States American War Veterans.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Bunker, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 19.

Senator Richardson lay and was granted additional comment for the consideration of Assembly Concurrent Resolution No. 19, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 19.

Relative to reports of the Department of Employment and the Armed Commission of the United States American War Veterans.

Resolved by the Assembly, At Senate concurring, That there shall be printed as a public document, 500 copies of the report of the Department of Employment at San Francisco of the United States American War Veterans for the year 1936, and of such other department and of the Official Roll, 250 copies for the use of the Senate and 250 copies for the use of the Assembly. Annual cost estimated and approved \$100, payable from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Allen, Begg, Cunningham, DeLoe, Dool, Fletcher, Foster, Hays, Hollister, Hutton, Kettle, Kuykendall, Lyle, McCall, McConnel, McGovern, Meloy, Myers, Olson, Peltier, Powers, Quinn, Rife, Scrantom, Stewart, Slater, Wact, Westover, and Young—40.  
None—None.

Assembly Concurrent Resolution No. 19 ordered transmitted to the Assembly.

### Second Reading of Senate Bills.

Senate Bill No. 485—An act to validate the formation and existence of school districts of every kind and class.

#### Amendments from the Floor.

During second reading of Senate Bill No. 485, the following amendments, offered by Senator Birge, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, amend the title by adding at the end thereof the following: "and declaring the urgency hereof."

##### Amendment No. 2.

On page 1, after line 9 of the printed bill, add section 2 as read as follows: "Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity: The boundaries of many school districts, high school districts and junior college districts within the State of California have been established, enlarged, changed or altered within the last two years, and many of such districts thereafter

have voted bonds for raising money with which to purchase school lots, for building or purchasing one or more school buildings, or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such districts evidenced by bonds or warrants thereof. The proceedings in the establishment, enlargement, change or alteration of boundaries of such districts in many instances were irregular and by reason of such minor irregularities and defects in such proceedings not jurisdictional such bonds can not now be sold. The present school facilities of such districts are inadequate to meet the needs of the pupils in such districts, and it is necessary and urgent that such proceedings be validated at an early date."

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 451—An act to amend section 3669 of the Political Code, relating to assessment and levy of taxes upon insurance companies and providing the same shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### Resolution.

The following resolution was offered:

By Senator Hays:

*Resolved*, That Senate Bill No. 451 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—29.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time, Senate Bill No. 451.

#### Third Reading of Senate Bill No. 451.

Bill read third time.

#### Urgency Clause.

**SEC. 2.** This act, inasmuch as it provides for tax levies within the meaning of section 1 of Article IV of the Constitution, shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

**AYES.** Senators Allen, Bigger, Carpenter, Cunningham, DeLoe, Dyer, Frazier, Gordon, Hays, Hollister, Hollister, Keating, Kneass, Lusk, McElroy, McMillen, Munger, Mixer, Nelson, Olson, Parovich, Powers, Quinn, Rich, Schmitz, Senter, Strong, Wagy, Westover, and Young—30.

**NOES.** None.

Title read and approved.

Senate Bill No. 451 ordered transmitted to the Assembly.

### Second Reading of Senate Bills. (Resumed)

Senate Bill No. 488.—An act relating to the formation, organization and proceedings of municipal utility districts, authorizing the formation, organization and existing of such districts, establishing and amending the boundaries thereof, conferring proceedings for the formation of districts by incorporation and inclusion thereof within existing utility districts, conferring the election of the members of the boards of trustees of such districts and of such districts of such districts, authorizing such districts to borrow money and to issue bonds, and authorizing such districts to levy and collect a tax sufficient to pay the principal and interest of such bonds, and declaring this act to be an emergency measure.

Bill read second time, and ordered by the Senate to stand.

#### Resolution.

The following resolution was offered:

By Senator Nelson:

*Resolved*, That Senate Bill No. 488 passing a vote of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house at hereby suspended with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Bigger, Carpenter, Cunningham, DeLoe, Dyer, Frazier, Gordon, Hays, Hollister, Hollister, Keating, Kneass, Lusk, McElroy, McMillen, Munger, Mixer, Nelson, Olson, Parovich, Powers, Quinn, Rich, Schmitz, Senter, Strong, Wagy, Westover, and Young—29.

**NOES.** None.

Whereupon the President declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 488.

Third Reading of Senate Bill No. 488.

Bill read third time.

#### Urgency Clause.

**SEC. 7.** This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The foregoing is a statement of the facts constituting such urgency. Various municipal utility districts and their inhabitants are now faced with impending water shortages and with the absence of public utility service, and the peace, health and safety and welfare of the citizens of this State residing therein are dependent upon the immediate acquisition of an adequate and pure water supply for their public and domestic requirements and the acquisition of public utility services adequate for their public and domestic requirements. If the provisions of this act become a law immediately, the rate by such municipal utility districts of their securities will be furnished and they will thereby be able to obtain without delay the necessary funds for the acquisition of such



water supply and of such public utilities and thereby avoid a serious danger to public health and safety.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—30.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 488 ordered transmitted to the Assembly.

### **Second Reading of Assembly Bills.**

Assembly Bill No. 1358—An act to repeal Chapters III, IV and V of Part VI of Division II of the School Code and to add to said part a new chapter to be known as Chapter III, all relating to governing boards of unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### **Resolution.**

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That Assembly Bill No. 1358 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1358.

#### **Third Reading of Assembly Bill No. 1358.**

Bill read third time.

## Urgency Clause.

Sec. 2. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall take effect immediately. The facts constituting such necessity are as follows:

The unified school district law enacted in 1913 (Chapter 77, Statutes of 1913, School Code sections 2,000-2,100) provided that, in the case of unified school districts, notwithstanding such a charter, not in any of the first 1,000 schools, inclusive, now governing schools for an entire school year, there was to be voting on the first Friday in June 1937, to take effect July 1, 1937. Such a measure had the effect of destroying the continuity of policies of administration in said districts to the detriment of the pupils and schools of the districts. This measure eliminates dangers inherent in any abrupt change in management of existing boards of unified school districts by eliminating such abrupt change in management. This measure also makes it necessary reformation of the procedure of law relating to the filing of petitions on governing boards of unified school districts. If this measure is to serve its purpose, it must take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES. Senators Bigger, Cretaceous, Cummings, Delano, Evans, Fanning, Gordon, Hays, Hallahan, Hallahan, Johnson, Keating, Keweenaw, McHenry, McGovern, Metzger, Miller, Olson, Fanning, Fanning, Bush, Schaefer, Slater, Swing, Tickle, Wagy, Westmore, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1348 passed by the following vote:

AYES. Senators Bigger, Cretaceous, Cummings, Delano, Evans, Fanning, Gordon, Hays, Hallahan, Hallahan, Johnson, Keating, Keweenaw, McHenry, McGovern, McHenry, Metzger, Miller, Olson, Fanning, Fanning, Bush, Schaefer, Slater, Swing, Tickle, Wagy, Westmore, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1348 ordered transmitted to the Assembly.

## Report.

The following report by Special Committee Appointed for the Purpose of Considering the Contest of Charles F. Remchullar, Contestant, and Thomas F. Keating, Contestee, was received, read, and ordered printed in the Journal:

To the Senate of the State of California.

The Special Committee appointed pursuant to resolution of the Senate adopted on January 4, 1937, to hear the contest of Charles F. Remchullar, Contestant, vs. Thomas F. Keating, Contestee, in the Thirteenth Senatorial District, submit the following report:

After having notified the respective parties to the Senate that a hearing would be held on January 5, 1937, the committee met at two o'clock and after organizing proceeded to hear testimony, statements and arguments on behalf of the respective parties. At this meeting the contestant was represented by his attorneys, Robert D. Duke and Lawrence Cowan, and the contestee was represented by his attorneys, Carlos R. Freitas and Jerome A. Duffy, and after hearing the statements of the respective parties and reading the depositions which had been taken and transmitted to the President of the Senate through the Secretary of State, general at the mutual request of the attorneys for the respective parties, leave to be taken. When briefs had been filed with the committee by the respective parties the committee again met on January 22, 1937, at nine o'clock, a.m., at which time the parties appeared in person and by counsel and presented further oral argument whereupon the matter was submitted.

The committee, after hearing and considering the evidence, arguments and statements, finds that the evidence is insufficient to sustain the charges as set out in

the statement of the contestant and there is not sufficient evidence to justify a recount of the votes cast in the said Senatorial District and that said contest be dismissed.

The committee further finds that Thomas F. Keating was duly elected at the general election held on November 3, 1936, as State Senator in the Thirteenth Senatorial District.

HAYS, Chairman.  
WILLIAMS.  
PARKMAN.  
HOLOHAN.  
ALLEN.

Report read, and on motion of Senator Hays, adopted.

### Reports of Standing Committees—(Resumed).

The following reports of standing committees were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 6 Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California, and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1937, at 4 o'clock p.m.

KEOUGH, Chairman.

#### On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the Senate resolution by Senator Crittenden, which resolution continues in existence the committee appointed to investigate the agricultural industry of California, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 3; committee vote: Ayes: 3.

RICH, Chairman.  
LAW.  
McCORMACK.

### Consideration of Resolution Offered By Senator Crittenden.

#### Resolution.

WHEREAS, The Senate, during the fifty-first regular session, adopted a resolution authorizing the President of the Senate to appoint a committee to investigate the agricultural industry of the State of California; and

WHEREAS, Said committee now has three vacancies; and

WHEREAS, There are additional matters which it is necessary and appropriate that said committee investigate; and

WHEREAS, From the moneys appropriated for the use of said committee there remains on hand the unexpended sum of \$834.34; now, therefore, be it

*Resolved by the Senate of the State of California.* That the remaining members of said committee be continued as such committee, with all the powers and authority set forth in this resolution and in the resolution under which said committee was originally appointed, and that the President of the Senate immediately appoint three members to fill the vacancies on said committee; and be it further

*Resolved.* That said committee continue in existence throughout the fifty-second session of the Legislature, and make its report on or about the first day of April, 1937, and at such other times as may be necessary; and be it further

*Resolved.* That the sum of \$834.34, being the unexpended balance from the original appropriation for the benefit of this committee, be reapportioned for the purpose of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.





wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions" approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

In my opinion said Assembly Bill No. 457 constitutes an urgency bill within the meaning of that term as used in section 4 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the budget bill.

I therefore recommend consideration of Assembly Bill No. 457 as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

### Third Reading of Assembly Bill No. 457.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

It is anticipated that there will be a great increase in attendance at this fair due to the state-wide celebrations to be held in the next biennium. Provision must be made by improvement and construction at the fair ground for the adequate protection of the health and safety of persons attending the fair.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

NOES—None

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 457 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

NOES—None

Title read and approved.

Assembly Bill No. 457 ordered transmitted to the Assembly.

### Reference of Senate Joint Resolution No. 2.

Senator Williams moved that Senate Joint Resolution No. 2 be referred to Committee on Conservation.

Motion carried, and such was the order.

### Withdrawal from Committee of Assembly Bill No. 509.

Senator Olson moved that Assembly Bill No. 509 be withdrawn from Committee on Municipal Corporations for purpose of passage.

Motion carried.

### Second Reading of Assembly Bill No. 509.

Assembly Bill No. 509—An act to amend section 1 of an act entitled "An act in relation to and regulating the commencement

and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds, declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### Resolution.

The following resolution was offered:

By Senator Olson:

*Resolved*, That Assembly Bill No. 509, entitled an act to amend section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds, declaring the urgency hereof, and providing that it shall take effect immediately, be read for a third time and passed upon the passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Bagley, Cunningham, DeLoe, Donald, Fletcher, Gordon, Gordon, Hollister, Johnson, Keating, Knowlton, Lyle, McHenry, McQuinn, Miller, Minton, Olson, Parkman, Perkins, Powers, Price, Schuchman, Seawell, Slater, Sledge, Sweeney, Wagner, Westcott, and Williams.—29.

NOES—None.

Whereupon the President declared the provisions of section 16, Article IV of the Constitution, suspended for the purpose of considering, at this time, Assembly Bill No. 509.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of the facts constituting such urgency: The peace, safety and welfare of the citizens of this State are threatened upon immediate relief from the payment of the principal or continuation thereof due upon and special assessment bonds. Redemption of the present assessment bonds, the maturity of property upon which such special assessment bonds are a lien are due in the principal due thereon and other assessments and continuance of such bonds is delayed where such principal or assessments thereon are unpaid, such owners will lose their property and will cause great financial loss. The extension in the original 1935 act expires July 1, 1937.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bagley, Cunningham, DeLoe, Donald, Fletcher, Gordon, Hollister, Hollister, Johnson, Keating, Knowlton, Lyle, McHenry, McQuinn, Miller, Minton, Olson, Parkman, Schuchman, Seawell, Slater, Sledge, Sweeney, Wagner, Westcott, Williams, and Yarnall.—28.

NOES—None.

#### Third Reading of Assembly Bill No. 509.

Assembly Bill No. 509—An act to amend section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds,

declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Denel, Fletcher, Gordon, Hollister, Hohman, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Powers, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 509 ordered transmitted to the Assembly.

### **Withdrawal of Senate Bill No. 81.**

Senator Nielsen moved that Senate Bill No. 81 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried, and such was the order.

### **Second Reading of Senate Bill No. 81.**

Senate Bill No. 81—An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons.

#### **Amendment from the Floor.**

During second reading of Senate Bill No. 81, the following amendment, offered by Senator Nielsen, was read and adopted:

#### **Amendment No. 1.**

On page 1 of the printed bill, strike out lines 3, 4, 5, 6, 7 and 8, and insert in lieu thereof the following:

"1576.5 The employees at the several State prisons or branches thereof shall be entitled to one day off in seven and shall work only eight hours of any one shift. Eight hours of labor shall constitute a day's work for such employees except while they are actually engaged in quelling a riot or engaged in the pursuit of an escaped convict or engaged in the search of a convict in hiding within or without the confines of a prison or in any other emergency."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof—and respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Amendments.**

Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof.

The Senate took up for consideration Assembly amendments to Senate Bill No. 329.

#### **Assembly Amendments.**

#### **Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "(a)".

**Amendment No. 2.**

On page 1, line 9, of the printed bill, strike out all of line 9, all of line 10, and all of line 11.

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 329?

The roll was called, and Assembly amendments to Senate Bill No. 329 concurred in by the following vote:

**AYES.** Senators Allen, Cunningham, DeLay, Owen, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knecht, Knowlton, Law, McRee, McCormack, Metzger, Mixter, Nielsen, Olson, Parvillan, Pomeroy, Powers, Rich, Sawwell, Slater, Swing, Tickle, Westorser, and Young—45.

**NOES.** None.

Senate Bill No. 329 ordered to enrollment.

**Reports of Standing Committees—(Resumed)**

The following report of Standing Committee was received and read:

**On Contingent Expenses.**

SENATE COMMITTEE ON CONTINGENT EXPENSES, JANUARY 22, 1937.

MR. PRESIDENT: Your Committee on Contingent Expenses is hereby very respectfully informed the following resolution:

**WHEREAS,** Pursuant to appointment of a Senate Interim Committee dealing with the subject of contingent expenses said committee have an extensive study of this subject and filed a report, which report has met with an urgent public demand; and

**WHEREAS,** This report was supplied by one Mah. W. Bailey who has not been paid for such report; therefore, be it

**Resolved,** That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Senate in the sum of \$500 in the order of Mah. W. Bailey and the Treasurer is directed to pay the same being payment for copies of report sent with the Senate Interim Expense Committee.

Has had the same under consideration and respectfully returns the same back and recommends that it be adopted.

Committee membership: 3. Committee vote: Aye—3.

BUTL. Chairman.  
LAW.  
McCORMACK.

**Consideration of Resolution Offered by Senator Metzger**

**WHEREAS,** Pursuant to appointment of a Senate Interim Committee dealing with the subject of contingent expenses said committee have an extensive study of this subject and filed a report, which report has met with an urgent public demand; and

**WHEREAS,** This report was supplied by one Mah. W. Bailey who has not been paid for such report; therefore, be it

**Resolved,** That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Senate in the sum of \$500 in the order of Mah. W. Bailey and the Treasurer is directed to pay the same being payment for copies of report filed with the Senate Interim Expense Committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.**—Senators Allen, Cunningham, DeLay, Deane, Pomeroy, Garrison, Gordon, Hays, Hollister, Holohan, Knecht, Knowlton, Law, McRee, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parvillan, Powers, Rich, Sawwell, Slater, Swing, Tickle, Westorser, and Young—30.

**NOES.**—None.



**Introduction, First Reading and Reference of Bills.**

**Senate Bill No. 705:** By Senator Hollister—An act relating to the judges of the superior court in and for the county of Santa Barbara, decreasing the number and prescribing the salaries thereof.

Senate Bill No. 705 read first time, and referred to Committee on County Government.

**Senate Bill No. 706:** By Senator Hollister—An act relating to the judges of the superior court in and for the county of Santa Barbara decreasing the number thereof from two to one, and prescribing the salary thereof.

Senate Bill No. 706 read first time, and referred to Committee on County Government.

**Senate Bill No. 707:** By Senator Swing—An act to amend sections 12 and 14 of, and to add section 12.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 707 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 708:** By Senator Swing—An act to repeal section 468 of the Civil Code, to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to repeal an act approved February 9, 1897, entitled "An act to provide for the management and operation of railroads above certain elevations," all relating to the construction, operation and discontinuance of operation of railroads, or parts thereof, and prescribing penalties for failure to comply therewith.

Senate Bill No. 708 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 709:** By Senator Swing—An act to amend section 50 of the Public Utilities Act, relating to the construction, extension, operation and abandonment of railroads.

Senate Bill No. 709 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 710:** By Senator Swing—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads.

Senate Bill No. 710 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 711:** By Senator Swing—An act to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to

repeal an act approved February 9, 1897, entitled "An act to provide for the management and operation of railroads where certain obstructions," relating to the operation of railroads and prescribing penalties for failure to comply therewith.

Senate Bill No. 711 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 712:** By Senator Young—An act to repeal section 732 of the Fish and Game Code, relating to barramunda.

Senate Bill No. 712 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 713:** By Senator Young—An act to amend sections 215 and 46 of the Fish and Game Code of the State of California, relating to the defense of commissioners, officers, deputies and employees of the Fish and Game Commission for acts occurring in the performance of official duties.

Senate Bill No. 713 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 714:** By Senator Metzger—An act to amend section 48 and to repeal section 1412 of the Fish and Game Code, relating to fines and cost of trials.

Senate Bill No. 714 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 715:** By Senator Metzger—An act to add section 141 to, and to amend sections 515, 526.5, 526.6, and 526.9 of the Fish and Game Code, relating to fish screens.

Senate Bill No. 715 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 716:** By Senator Metzger—An act to amend section 171 of the Code of Civil Procedure, relating to judges and justices.

Senate Bill No. 716 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 717:** By Senator Metzger—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for non trial.

Senate Bill No. 717 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 718:** By Senator Metzger—An act to establish and promote the use of uniform standards for the classification, grading, and marking of the fresh products of dressed beef and veal, and providing a penalty for violation of the provisions thereof.

Senate Bill No. 718 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 719:** By Senator Metzger—An act to add section 1324 to the Fish and Game Code, relating to muskrats.

Senate Bill No. 719 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 720:** By Senator Metzger—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection.

Senate Bill No. 720 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 721:** By Senator Tickle—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Senate Bill No. 721 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 722:** By Senator Tickle—An act to amend section 51 of, and to add Article 10, comprising sections 120 to 135, inclusive, to an act entitled, "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Senate Bill No. 722 read first time, and referred to Committee on Social Security.

**Senate Bill No. 723:** By Senator Tickle—An act to amend sections 1065, 1066, and 1067, of the Fish and Game Code, relating to sardines, open and closed seasons therefor in certain districts, packing or reduction thereof, and processing limitations thereupon.

Senate Bill No. 723 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 724:** By Senator Tickle—An act to amend section 993 of the Fish and Game Code, relating to forfeiture or suspension of commercial fishing licenses.

Senate Bill No. 724 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 725:** By Senator Tickle—An act to amend section 1064, and to repeal sections 1066, 1067, 1068, 1070, and 1076, of the Fish and Game Code, relating to the reduction of sardines, and other fish, to fish flour, fish meal, fish scrap, fertilizer, fish oil or fishery products or by-products.

Senate Bill No. 725 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 726:** By Senator Tickle—An act to amend section 1068 of the Fish and Game Code, relating to the issuance of fish reduction permits.

Senate Bill No. 726 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 727:** By Senator Rich—An act to add a new section to "The Personal Income Tax Act of 1935" to be numbered 20.5 relating to refunds.

Senate Bill No. 727 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 728.** By Senator Fletcher.—An act making an appropriation to pay the claim of the Henry Conall Line and Cement Company, against the State of California.

Senate Bill No. 728 read first time, and referred to Committee on Finance.

**Senate Bill No. 729.** By Senator Fletcher.—An act limiting the hours of labor of personal and domestic employees.

Senate Bill No. 729 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 730.** By Senator Fletcher.—An act to amend section 2 of the Fish and Game Code, relating to definitions.

Senate Bill No. 730 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 731.** By Senator Fletcher.—An act to amend section 14 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities or other physical or mental conditions of human beings, to establish a Board of Medical Examiners, to provide for their appointments and to prescribe their powers and duties, and to repeal an article entitled: 'An act for the regulation for the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, by adding to said section 14 a clause relating to unprofessional conduct and advertising that certain services shall be rendered for a definite or fixed price.

Senate Bill No. 731 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 732.** By Senator Fletcher.—An act to amend sections 1 and 9 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1945, relating to assessments districts.

Senate Bill No. 732 read first time, and referred to Committee on County Government.

**Senate Bill No. 733:** By Senator Fletcher.—An act to amend Title IX of Part 3 of the Political Code, embracing Chapters 1 to 11, inclusive, of said Title IX, and including sections 3607 to 3900, inclusive, relating to taxation, including the assessment of property, equalization of taxes, levy of taxes, duties of auditors in relation to revenue, collection of property taxes, collection of taxes by the assessor on cer-



tain personal property, settlements with the Controller and payments into the State treasury, and other provisions relating to taxation.

Senate Bill No. 733 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 734:** By Senator Fletcher—An act to amend section 3868a of the Political Code, relating to county warrants and the medium of payment for taxes.

Senate Bill No. 734 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 735:** By Senator Nielsen—An act to amend section 1576 of the Penal Code, relating to the State prisons.

Senate Bill No. 735 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 736:** By Senator Nielsen—An act making an appropriation to pay the claim of the chief accounting officer for the Department of Finance against the State of California.

Senate Bill No. 736 read first time, and referred to Committee on Finance.

**Senate Bill No. 737:** By Senator Nielsen—An act to amend section 531 of the Political Code, relating to the State Printing Plant.

Senate Bill No. 737 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 738:** By Senator Nielsen—An act to amend section 14a of the "State Civil Service Act," relating to lay offs in the State Civil Service.

Senate Bill No. 738 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 739:** By Senator Nielsen—An act to amend section 14 of the "State Civil Service Act," relating to dismissals in the State Civil Service.

Senate Bill No. 739 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 740:** By Senator Nielsen—An act to amend section 13 of the "State Civil Service Act," relating to promotions in the State Civil Service.

Senate Bill No. 740 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 741:** By Senator Nielsen—An act to amend section 10 of the "State Civil Service Act" relating to Civil Service examinations.

Senate Bill No. 741 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 742:** By Senator Nielsen—An act to amend section 5 of the "State Civil Service Act," relating to the powers of the Civil Service Commission and State Personnel Board.

Senate Bill No. 742 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 743.** By Senator Nielson.—An act to amend section 9 of the "State Civil Service Act," relating to appointments in the State Civil Service.

Senate Bill No. 743 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 744.** By Senator Nielson.—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance.

Senate Bill No. 744 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 745.** By Senator Nielson.—An act to amend sections 2, 3, and 4 of the Old Age Security Act of the State of California, relating to qualifications to obtain aid, amount of aid, and manner of obtaining aid under the Old Age Security Act.

Senate Bill No. 745 read first time, and referred to Committee on Social Security.

**Senate Bill No. 746.** By Senator Nielson.—An act to amend section 191 of the School Code, relating to the construction, design, operation, equipment and color of school buses.

Senate Bill No. 746 read first time, and referred to Committee on Education.

**Senate Bill No. 747.** By Senator Nielson.—An act to amend section 841 of the Military and Veterans Code, relating to veterans' farm and home purchase funds.

Senate Bill No. 747 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 748.** By Senator Law.—An act to amend that certain act entitled "An act to provide for the formation, organization, and classification of new counties, for limiting the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907, Statutes of 1907, page 275, Chapter 227, amending section 1 thereof, and by adding thereto three new sections to be numbered section 2a, section 2b, and section 2c, to provide for the alteration of the existing boundary line or lines between two counties or between two or more counties.

Senate Bill No. 748 read first time, and referred to Committee on County Government.

**Senate Bill No. 749.** By Senator Law.—An act to add section 10a to an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and approved by electors November 2, 1920, and in effect

December 9, 1920, relating to ownership of real property by aliens, and providing a penalty for the violation thereof.

Senate Bill No. 749 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 750:** By Senator Biggar—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish.

Senate Bill No. 750 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 751:** By Senator Fletcher—An act making an appropriation to the Department of Motor Vehicles.

Senate Bill No. 751 read first time, and referred to Committee on Finance.

**Senate Bill No. 752:** By Senator Knowland—An act to add section 675B to the Political Code and to repeal section 675.1 thereof, relating to the approval of salaries by the Department of Finance.

Senate Bill No. 752 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 753:** By Senator Seawell—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof.

Senate Bill No. 753 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 754:** By Senator Seawell—An act to amend section 25 of the California Irrigation District Act, relating to the method of declaring the result of the election of officers in an irrigation district, and to the method of filling vacancies which may occur in any of said offices.

Senate Bill No. 754 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 755:** By Senator Seawell—An act entitled "An act to add section 290 to the Agricultural Code of the State of California."

Senate Bill No. 755 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 756:** By Senator Young—An act to add section 495 to the Fish and Game Code, relating to chumming.

Senate Bill No. 756 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 757:** By Senator Hays—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations' " approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision

of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 757 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 758:** By Senator Hays—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 758 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 759:** By Senator Hays—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 759 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 760:** By Senator Hays—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 760 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 761:** By Senator Hays—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of



companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 761 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 762:** By Senator Hays—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 762 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 763:** By Senators Allen and Holohan—An act to amend section 1576 of the Penal Code, relating to the powers and duties of the State Board of Prison Directors.

Senate Bill No. 763 read first time, and referred to Committee on Prisons and Reformatories.

**Senate Bill No. 764:** By Senator Allen—An act to repeal section 171 of the Fish and Game Code, relating to refugees.

Senate Bill No. 764 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 765:** By Senator DeLap—An act to amend section 141 of the Vehicle Code, relating to the registration of vehicles.

Senate Bill No. 765 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 766:** By Senator DeLap—An act to amend sections 545, 637, 656, 675.5, and 676 of the Vehicle Code, relating to motor vehicles.

Senate Bill No. 766 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 767:** By Senator McGovern—An act to add Article 7 to Chapter 4 of Part 4 of Division VI of the Harbors and Navigation Code, relating to the leasing and improvement of State property under the jurisdiction of the State Board of Harbor Commissioners for the harbor of San Francisco.

Senate Bill No. 767 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 768:** By Senator McGovern—An act to add section 2525.5 to the Political Code, relating to leases and improvements of State property under the jurisdiction of the State Board of Harbor Commissioners for the harbor of San Francisco.

Senate Bill No. 768 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 769:** By Senator McGovern.—An act to add section 2527 1/2 to the Political Code, relating to the State Board of Harbor Commissioners for San Francisco Harbor.

Senate Bill No. 769 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 770:** By Senator McGovern.—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco.

Senate Bill No. 770 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 771:** By Senator McGovern.—An act to amend section 47 1/2 of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State.

Senate Bill No. 771 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 772:** By Senator McGovern.—An act to amend section 1197 of the Political Code, relating to election bills.

Senate Bill No. 772 read first time, and referred to Committee on Elections.

**Senate Bill No. 773:** By Senator DeLap.—An act to amend the title and sections 1, 3, and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately.

Senate Bill No. 773 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 774:** By Senator DeLap.—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Senate Bill No. 774 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 775:** By Senator DeLap.—An act to add section 4886 of the Political Code, relating to sales of property to political subdivisions while taxes remain as a lien upon the property.

Senate Bill No. 775 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 776:** By Senator Allen.—An act to amend sections 143 and 148 of the Vehicle Code, relating to the registration of vehicles.

Senate Bill No. 776 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 777:** By Senator Schottky—An act to add section 61½ to the Alcoholic Beverage Control Act, relating to minors.

Senate Bill No. 777 read first time, and referred to Committee on Public Morals.

**Senate Bill No. 778:** By Senator Schottky—An act to add a new section to the Fish and Game Code to be numbered 536.4, relating to the installation of screens.

Senate Bill No. 778 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 779:** By Senators Schottky, and Mixer—An act to amend section 13 of the Public Utilities Act, relating to public utility charges.

Senate Bill No. 779 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 780:** By Senator Rich—An act to amend section 777 of the Vehicle Code, relating to support of the Division of Drivers' Licenses.

Senate Bill No. 780 read first time, and referred to Committee on Finance.

**Senate Bill No. 781:** By Senator McGovern—An act to amend the title of, and to add section 15a to, the State Medical Practice Act, relating to remedies for violations thereof.

Senate Bill No. 781 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 782:** By Senator McGovern—An act to add sections 2372.5, 2410, and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine.

Senate Bill No. 782 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 783:** By Senator McGovern—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof.

Senate Bill No. 783 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 784:** By Senator Olson—An act amending section 16 of an act known as the Juvenile Court Law approved June 5, 1915, as amended, relating to the designation as superior court judges to hear cases coming under said act.

Senate Bill No. 784 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 785:** By Senator Olson—An act to add section 44.5 to the Civil Code, relating to liability for statement broadcast over a radio or a radio broadcasting system.

Senate Bill No. 785 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 786:** By Senator Olson—An act amending sections 5, 6, and 11 of an act entitled: "An act regulating the employment of

women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including a minimum wage, providing for an appropriation therefor and fixing a penalty for violations of this act, approved May 26, 1911.

Senate Bill No. 786 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 787:** By Senator Olson—An act to amend section 5050 of the Insurance Code relating to security mutual fire insurers.

Senate Bill No. 787 read first time, and referred to Committee on Insurance.

**Senate Bill No. 788:** By Senator Olson—An act repealing section 662 of the Political Code relating to the payment of fees to private persons, firms and corporations, approved April 29, 1910.

Senate Bill No. 788 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 789:** By Senator Swing—An act to add section 614 to the Streets and Highways Code, authorizing certain additional State highways, this act to take effect immediately and delaying the revenue thereon.

Senate Bill No. 789 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 790:** By Senator Schottky (By request)—An act for the preservation of certain lands in the State of California for agricultural purposes, and prescribing penalties for violations of its provisions.

Senate Bill No. 790 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 791:** By Senator Schottky—An act to add section 136 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 791 read first time, and referred to Committee on Finance.

**Senate Bill No. 792:** By Senator Schottky—An act to add section 136 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 792 read first time, and referred to Committee on Finance.



**Senate Bill No. 793:** By Senator Jespersen—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, to take effect immediately.

Senate Bill No. 793 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 794:** By Senator Jespersen—An act making an appropriation for support at the California Polytechnic School

Senate Bill No. 794 read first time, and referred to Committee on Finance.

**Senate Bill No. 795:** By Senator Jespersen—An act making an appropriation for major construction and equipment at the California Polytechnic School.

Senate Bill No. 795 read first time, and referred to Committee on Finance.

**Senate Bill No. 796:** By Senator Jespersen—An act to amend section 121 of the Streets and Highways Code, relating to highways.

Senate Bill No. 796 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 797:** By Senator Jespersen—An act to amend section 2 of the State Contract Act, relating to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement.

Senate Bill No. 797 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 798:** By Senator Jespersen—An act to amend section of an act entitled "An act to establish the California Polytechnic School in the county of San Luis Obispo and making an appropriation therefor," approved March 8, 1901.

Senate Bill No. 798 read first time, and referred to Committee on Finance.

**Senate Bill No. 799:** By Senator Knowland—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code.

Senate Bill No. 799 read first time, and referred to Committee on Education.

**Senate Bill No. 800:** By Senator Metzger—An act to amend section 525 of the Fish and Game Code, relating to water flow through a dam.

Senate Bill No. 800 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 801:** By Senator Hammond—An act to add a new article to Chapter III of Title I of Part III of the Political Code to be numbered Article IIA, embracing sections 380 to 383A, both inclusive, relating to a Department of Revenue.

Senate Bill No. 801 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 802:** By Senator Seawell—An act to amend section 373g of the Political Code, relating to the development of natural resources.

Senate Bill No. 802 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 803:** By Senators Phillips and Hollister—An act to provide for the further development of vocational education in this form by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories", and making an appropriation therefor.

Senate Bill No. 803 read first time, and referred to Committee on Education.

**Senate Bill No. 804:** By Senator Phillips—An act to amend section 3472 of the School Code relating to vocational courses in agriculture.

Senate Bill No. 804 read first time, and referred to Committee on Education.

**Senate Bill No. 805:** By Senator Phillips—An act to amend section 22 of the Agricultural Code relating to agricultural fairs.

Senate Bill No. 805 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 806:** By Senator Phillips—An act to provide for the consolidation of Councils Valley County Water District and Councils Valley Storm Water District and to provide for the carrying on of the functions of the consolidated district.

Senate Bill No. 806 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 807:** By Senator Tickle—An act to amend the Fish and Game Code by the addition thereto of a new section designated 1069, relating to and regulating the granting of fish catching and fish reduction permits or licenses to persons not engaged in such business and lawfully processing fish resources of the State heretofore.

Senate Bill No. 807 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 808:** By Senator Young—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer.

Senate Bill No. 808 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 809:** By Senator Parkman—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act.

Senate Bill No. 809 read first time, and referred to Committee on County Government.

**Senate Bill No. 810:** By Senator Parkman—An act to amend section 17 (a) of the Public Utilities Act relating to free or reduced rate transportation for passengers.

Senate Bill No. 810 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 811:** By Senator Parkman—An act repealing Chapter 390, Statutes of 1933, entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof" approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act," as amended by Chapter 665, Statutes of 1935.

Senate Bill No. 811 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 812:** By Senator Parkman—An act to amend section 1 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved May 15, 1933, as amended.

Senate Bill No. 812 read first time, and referred to committee on Public Utilities.

**Senate Bill No. 813:** By Senator Parkman—An act to amend section 156 of the Vehicle Code, relating to license plates.

Senate Bill No. 813 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 814:** By Senators Knowland, Powers, and McBride—An act to establish an independent office of auditor.

Senate Bill No. 814 read first time and referred to Committee on Governmental Efficiency.

**Senate Bill No. 815:** By Senators Knowland, Powers, and McBride—An act to provide a Code of Procedure to be followed in the administration and control of the financial operations and transactions of the State.

Senate Bill No. 815 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 816:** By Senator McBride—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California to motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to licenses.

Senate Bill No. 816 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 817:** By Senator McBride—An act to amend section 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California to motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to licenses.

Senate Bill No. 817 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 818:** By Senator McBride—An act to amend section 602 of the Vehicle Code, relating to license for driving buses for certain persons.

Senate Bill No. 818 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 819:** By Senator DeLap—An act to amend section 375 of the Streets and Highways Code relating to secondary state highways.

Senate Bill No. 819 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 820:** By Senator Hays—An act to amend section 43004 of the Political Code, relating to judge administrator's fees.

Senate Bill No. 820 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 821:** By Senator Hays—An act to add section 43004½ to the Political Code, relating to moneys received by judges of the peace.

Senate Bill No. 821 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 822:** By Senator Hays—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind.

Senate Bill No. 822 read first time, and referred to Committee on Social Security.

**Senate Bill No. 823:** By Senator Hays—An act to amend sections 2, 24, 3, 4, 14, 15, 17, 18, and 18½, to add sections 5, and 25, and to



repeal section 8 of the Old Age Security Act of the State of California, relating to aid to the aged.

Senate Bill No. 823 read first time, and referred to Committee on Social Security.

**Senate Bill No. 824:** By Senator Hays—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents.

Senate Bill No. 824 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 825:** By Senator Hays—An act to amend section 420 of the Probate Code, relating to qualification of an administrator and administratrix.

Senate Bill No. 825 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 826:** By Senator Hays—An act to amend section 4307 of the Political Code, relating to county charges.

Senate Bill No. 826 read first time, and referred to Committee on County Government.

**Senate Bill No. 827:** By Senator Hays—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

Senate Bill No. 827 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 828:** By Senator Hays—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to a Commission on Uniform State Laws.

Senate Bill No. 828 read first time, and referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 11:** By Senators McGovern, Seawell, Parkman, Slater, Pierovich, Quinn, Law, Powers and DeLap—Relative to reports of the Annual Convention of the Disabled American Veterans of the World War of the Department of California and Department and Encampment of the Grand Army of the Republic.

Senate Concurrent Resolution No. 11 read.

### **Consideration of Senate Concurrent Resolution No. 11.**

Senator Parkman asked for, and was granted unanimous consent for the consideration of Senate Concurrent Resolution No. 11 without reference to committee for purpose of adoption.

#### **Senate Concurrent Resolution No. 11.**

Relative to reports of the Annual Convention of the Disabled American Veterans of the World War of the Department of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That there shall be printed as a public document 300 copies of the report of the respective annual conventions of the Disabled American Veterans of the World War of the Department of California during the years 1937 and 1938 respectively, together with illustration copies of the general orders enacted at such convention

and of the official roll, 150 copies for the use of the Senate and 150 copies for the use of the Assembly; the cost of same not to exceed \$6000 payable from the legislative printing appropriation, and be it further

*Resolved*, That there shall be printed as a public document 5000 copies of the sessions of the Department of Equipment of the Grand Army of the Republic for the years 1937 and 1938, together with illustrations, copies of general orders of the department and of the official rolls, 250 copies for the use of the Senate and 250 copies for the use of the Assembly, the cost of same not to exceed \$4000 payable from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 11 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Gifford, Gordon, Holmister, Holahan, Keough, Knowland, Law, McManus, Mathews, Minter, Nelson, Parkman, Powers, Schmitt, Sewell, Slater, Stone, Tuck, Wade, Westover, and Williams—20.

**NOES**—None.

Senate Concurrent Resolution No. 11 ordered transmitted to the Assembly.

**Senator Crittenden in the Chair.**

At twelve o'clock and thirty-five minutes p.m., Senator Crittenden of the Twentieth District was called to the chair.

### **Introduction, First Reading and Reference of Bills—(Resumed)**

**Senate Bill No. 829:** By Senator Westover—An act to amend section 21a of the Juvenile Court Law, relating to the appointment of a coordinator.

Senate Bill No. 829 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 830:** By Senator Olson—An act to amend sections 4, 6, 7, 8, the first paragraph and subdivision (a) of section 9, subdivision 2 of section 9, section 11, section 12, subsection (a) of section 18, subsection (a) of section 27, subdivision (c) of section 30, and section 59 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 26, 1917, as amended, relating to workmen's compensation.

Senate Bill No. 830 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 831:** By Senator Westover—An act to amend section 606 of the Welfare and Institutions Code, relating to the appointment of a coordinator.

Senate Bill No. 831 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 832:** By Senator Westover—An act to amend section 737dd of the Political Code, relating to salaries of the judges of the superior court.

Senate Bill No. 832 read first time, and referred to Committee on County Government.

**Senate Bill No. 833:** By Senator Westover—An act to add section 869 to the Fish and Game Code, relating to nets.

Senate Bill No. 833 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 834:** By Senator Olson—An act to provide ways and means for the payment of the expenses of administering the Workmen's Compensation, Insurance and Safety Act of 1917 and amendments thereto.

Senate Bill No. 834 read first time, and referred to Committee on Insurance.

**Senate Bill No. 835:** By Senator Olson—An act to amend sections 364 and 364b of the Political Code, relating to the appointment of a Director of Industrial Relations.

Senate Bill No. 835 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 836:** By Senator Olson (By request)—An act to amend paragraph 1 of subsection b of section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917" approved May 23 1917, as amended, relating to attorneys fees.

Senate Bill No. 836 read first time, and referred to Committee on Insurance.

**Senate Bill No. 837:** By Senator Olson—An act amending sections 221, 222, 226 and 227, of the Civil Code, as amended, relating to proceedings on adoption.

Senate Bill No. 837 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 838:** By Senator Gordon—An act to amend section 698.5 of the Fish and Game Code, relating to possession of black bass.

Senate Bill No. 838 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 839:** By Senator Keough—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer.

Senate Bill No. 839 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 840:** By Senator Keough—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

Senate Bill No. 840 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 841:** By Senator McBride—An act to repeal section 12.11 of the Building and Loan Association Act, relating to conversion of a building and loan association into a Federal Savings and Loan Association.

Senate Bill No. 841 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 842:** By Senator McBride—An act to amend section 4140 of the Political Code, relating to the duties and rights of county recorders.

Senate Bill No. 842 read first time, and referred to Committee on County Government.

**Senate Bill No. 843:** By Senator McBride—An act making an appropriation to pay the claim of William E. Lacey against the State of California.

Senate Bill No. 843 read first time, and referred to Committee on Finance.

**Senate Bill No. 844:** By Senator McBride—An act to add section 69011 to the Political Code, relating to the disposition of fees received under the provisions of section 69010 of the Political Code.

Senate Bill No. 844 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 845:** By Senator McBride—An act relating to recorders in counties of the twentieth class.

Senate Bill No. 845 read first time, and referred to Committee on County Government.

**Senate Bill No. 846:** By Senator Metzger—An act to create a Retail Meat Board, define its powers and duties, provide for its employees and their compensation, define certain terms used in advertising of meat, and prohibit their use otherwise; define and prohibit certain unfair trade practices, provide for competent examinations for all persons engaging in the retailing of meat, fixing fees for the maintenance of the Retail Meat Board, and providing penalties for violations hereof.

Senate Bill No. 846 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 847:** By Senator Metzger—An act to regulate delivery of uncooked or unmeat meat to any establishment for resale at retail.

Senate Bill No. 847 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 848:** By Senator Powers—An act to amend section 4268 of the Political Code, relating to expenditures for jury and witness fees and salaries of officers and employees of counties of the thirty-ninth class.

Senate Bill No. 848 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 849:** By Senator Powers—An act to add a new section to be numbered 86226½ to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, empowering cities of the sixth class to employ economic or financial experts.

Senate Bill No. 849 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 850:** By Senator McBride—An act to amend section 777 of the Vehicle Code, relating to the appropriation for the maintenance of the Department of Motor Vehicles.

Senate Bill No. 850 read first time, and referred to Committee on Finance.



**Senate Bill No. 851:** By Senator Powers—An act to amend section 737r of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lassen.

Senate Bill No. 851 read first time, and referred to Committee on County Government.

**Senate Bill No. 852:** By Senator Powers—An act to amend sections 1201, 1202 and 1203, and to add section 1203.4 to the Fish and Game Code, relating to quail.

Senate Bill No. 852 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 853:** By Senator Powers—An act to amend section 486 of the Fish and Game Code, relating to young fish.

Senate Bill No. 853 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 854:** By Senator Olson—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

Senate Bill No. 854 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 855:** By Senator Tickle—An act to amend sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 22, 23, 24, 26, and 27 of the State Fish Exchange Act.

Senate Bill No. 855 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 856:** By Senator McBride—An act to amend section 751 of the Vehicle Code, relating to speed controlled areas.

Senate Bill No. 856 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 857:** By Senators Keating and Tickle—An act to make an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 857 read first time, and referred to Committee on Finance.

**Senate Bill No. 858:** By Senator Williams—An act to amend section 24 of the State Bar Act, relating to admission to practice law.

Senate Bill No. 858 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 859:** By Senator Williams—An act to amend section 3212 of the Labor Code, relating to definitions.

Senate Bill No. 859 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 860:** By Senator Williams—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Senate Bill No. 860 read first time, and referred to Committee on Insurance.

**Senate Bill No. 861:** By Senator Williams—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies.

Senate Bill No. 861 read first time, and referred to Committee on Insurance.

**Senate Bill No. 862:** By Senator Williams—An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class.

Senate Bill No. 862 read first time, and referred to Committee on County Government.

**Senate Bill No. 863:** By Senator Gentry—An act providing for the control and management of a tract of land owned by the State of California and situated in the County of Yolo, in said State.

Senate Bill No. 863 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 864:** By Senator Phillips—An act to amend sections 136 and 137 and 138 of the Agricultural Code, relating to abatement of pest nuisances.

Senate Bill No. 864 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 865:** By Senator Phillips—An act to add a new section to be numbered 1385 to the Agricultural Code, relating to the collection of pest abatement costs.

Senate Bill No. 865 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 866:** By Senator Knowland—An act to amend sections 4, 8, 9, 12, 25, 33, 33a, 39, 42, 49, 67, 75, 83, 85a, 86, and 108 of, and to add sections 3a, 33a, 75a, and 81b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California.

Senate Bill No. 866 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 867:** By Senator Olson—An act relating to the selection and return of jurors, and repealing sections 203, 204, 204a, 204b, 204c, 204d, 204e, 205, 206, 208, 209, 210, 211, 214, 215, 219, and 220 of the Code of Civil Procedure.

Senate Bill No. 867 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 868:** By Senator Tinkle—An act to amend section 2 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to taxation of insurance under \$50,000 payable to named beneficiaries.

Senate Bill No. 868 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 869:** By Senator Tickle—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon.

Senate Bill No. 869 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 870:** By Senator Seawell—An act to amend section 675 of the Political Code, relating to the powers of the Director of Finance.

Senate Bill No. 870 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 871:** By Senator Phillips—An act to amend section 2.96 of the School Code, relating to expenses of school district elections.

Senate Bill No. 871 read first time, and referred to Committee on Education.

**Senate Bill No. 872:** By Senator Phillips—An act to add section 635 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 872 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 873:** By Senator Crittenden—An act to amend sections 50½ and 50¾ of the Public Utilities Act, relating to certificates of convenience and necessity.

Senate Bill No. 873 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 874:** By Senator Crittenden—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district.

Senate Bill No. 874 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 875:** By Senator Crittenden—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness.

Senate Bill No. 875 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 876:** By Senator Crittenden—An act to amend section 137 of the Agricultural Code, relating to liens for county charges in the abatement of pests.

Senate Bill No. 876 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 877:** By Senator Crittenden—An act to add section 1300.1a to the Agricultural Code, relating to processors of farm products.

Senate Bill No. 877 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 878.** By Senator Crittenden.—An act to amend section 632 of the Agricultural Code, relating to samples.

Senate Bill No. 878 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 879.** By Senator Crittenden.—An act to add section 2a to an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by rail road to properly man their trains," approved February 20, 1911, relating to train crews.

Senate Bill No. 879 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 880.** By Senators Crittenden, and Phillips.—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Preserve Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission, prescribing the powers, duties and authority of said commission and the members thereof, providing for the institution of preservation programs with respect to agricultural crops, providing for the enforcement of such programs, providing penalties for violation of such programs, providing for the creation of funds for the purpose of said act and providing for the collection thereof, and making an appropriation thereof," approved June 5, 1913, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.1, all relating to the institution and enforcement of agricultural preservation programs.

Senate Bill No. 880 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 881.** By Senator Crittenden.—An act relating to the establishment and maintenance of a Bureau of Safety in the Railroad Commission of this State.

Senate Bill No. 881 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 882.** By Senator Crittenden.—An act to add section 6902a to the Labor Code, relating to train crews.

Senate Bill No. 882 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 883.** By Senator Crittenden.—An act to amend sections 50½ and 50¾ of the Public Utilities Act, relating to certificates of convenience and necessity.

Senate Bill No. 883 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 884.** By Senator Nielsen.—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.

Senate Bill No. 884 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 885.** By Senator Nielsen.—An act to amend sections 4 and 38a of an act entitled "An act to provide for the creation, estab-



lishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California.

Senate Bill No. 885 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 886:** By Senator Nielsen—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county, a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

Senate Bill No. 886 read first time, and referred to Committee on County Government.

**Senate Bill No. 887:** By Senator Nielsen—An act to amend section 1 of "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to a tare allowance on grain bags.

Senate Bill No. 887 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 888:** By Senators Nielsen, Seawell, Metzger, and Crittenden—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on the revenues derived from the operation of said public utility; and defining the terms public agency and public utility as included herein.

Senate Bill No. 888 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 889:** By Senator Nielsen—An act to amend the title and sections 1, 2, 3, 4, 5, 6, and 16 of an act entitled "An act providing an additional and or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as included herein, and providing a

time for the expiration of said act." Approved May 27, 1933, relating to publicly owned public utilities.

Senate Bill No. 889 read first time and referred to Committee on Municipal Corporations.

**Senate Bill No. 890:** By Senator Nielsen.—An act to amend the title and sections 5, 6, and 19 of an act entitled "An act providing an additional and/or alternative method for financing the acquisition, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely out of the revenue derived or to be derived therefrom, providing for the operation of such systems in case of deficiencies in revenue, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the provisions of this act, providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as intended herein; and providing a time for the expiration of said act." Approved May 27, 1933, relating to publicly-owned public utilities.

Senate Bill No. 890 read first time and referred to Committee on Municipal Corporations.

**Senate Bill No. 891:** By Senator Pierovich.—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

Senate Bill No. 891 read first time and referred to Committee on Public Morals.

**Senate Bill No. 892:** By Senator Pierovich.—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California.

Senate Bill No. 892 read first time and referred to Committee on Finance.

**Senate Bill No. 893:** By Senator Pierovich.—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes.

Senate Bill No. 893 read first time and referred to Committee on Roads and Highways.

**Senate Bill No. 894:** By Senator Knowland.—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any

moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns.

Senate Bill No. 894 read first time, and referred to Committee on County Government.

**Senate Bill No. 895:** By Senator Knowland—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

Senate Bill No. 895 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 896:** By Senator Knowland—An act to add section 663e to the Political Code, relating to the power of the State Board of Control to authorize the writing off of bad and uncollectible accounts.

Senate Bill No. 896 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 897:** By Senator Knowland—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection.

Senate Bill No. 897 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 898:** By Senator Knowland—An act to amend section 4 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to registered warrants.

Senate Bill No. 898 read first time, and referred to Committee on County Government.

**Senate Bill No. 899:** By Senator Knowland—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

Senate Bill No. 899 read first time, and referred to Committee on County Government.

**Senate Bill No. 900:** By Senator Nielsen—An act to add section 10a to, and to amend section 16 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to civil engineers employed by the State.

Senate Bill No. 900 read first time, and referred to Committee on Governmental Efficiency.



**Senate Concurrent Resolution No. 12.**—Relative to the creation of an Interim Joint Legislative Committee or Council, and defining its powers and duties.

Senate Concurrent Resolution No. 12 read, and referred to Committee on Rules.

**Senate Constitutional Amendment No. 12.** By Senator Fletcher.—Proposed amendment to Article V, sections 2 and 15 of the Constitution, relative to the terms of office of the Governor and Lieutenant Governor.

Senate Constitutional Amendment No. 12 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 13.** By Senator Lee.—Proposed amendment to Article XIII of the Constitution by adding section 14 thereto, relative to exemption of household property in this State.

Senate Constitutional Amendment No. 13 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 14.** By Senator Young.—Proposed amendment to Article IV, section 13, of the Constitution, relative to fish and game.

Senate Constitutional Amendment No. 14 read, and referred to Committee on Fish and Game.

**Senate Constitutional Amendment No. 15.** By Senator Schuttler.—Proposed amendment to Article XX of the Constitution by repealing section 22 thereof and adding section 23 thereto, relating to alcoholic beverages.

Senate Constitutional Amendment No. 15 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 16.** By Senator Schuttler.—Proposed amendment to Article XX of the Constitution by repealing section 22 thereof and adding section 23 thereto, relating to alcoholic beverages.

Senate Constitutional Amendment No. 16 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 17.** By Senator Young.—Proposed amendment to section 2 of Article XIII of the Constitution, relative to State and county boards of equalization.

Senate Constitutional Amendment No. 17 read, and referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 18.** By Senator Powers.—Proposed amendment to Article IV of the Constitution by adding section 36 thereto, relative to the power of the State Highway Commission over highways.

Senate Constitutional Amendment No. 18 read, and referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 13.** By Senator Olson.—Directing the Director of Finance and the Attorney General to take immediate



and proper action to recover all production and proceeds of production of oil, gas or other hydrocarbon substances taken, removed and produced from State lands by means of oil wells drilled upon privately owned lands; to enjoin further trespasses; and to intervene in certain actions for the protection of the interests of the State.

Senate Concurrent Resolution No. 13 read, and referred to Committee on Oil Industries.

**Senate Joint Resolution No. 10:** By Senator Williams—Relative to memorializing Congress to enact legislation taxing off-shore sardine reduction plants.

Senate Joint Resolution No. 10 read, and referred to Committee on Federal Relations.

#### **Recess.**

At twelve o'clock and fifty minutes p.m., on motion of Senator Fletcher, the President of the Senate declared recess until two o'clock p.m.

#### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

#### **Call of the Senate.**

Senator Jespersen moved a call of the Senate.  
Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, DeLap, Deuel, Garrison, Gordon, Jespersen, Keough, Law, McBride, Metzger, Nielsen, Schottky, Seawell, Wagy, Westover, and Young—16.

The Secretary announced the absentees.

Time, two o'clock and three minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### **Proceedings under Call of the Senate.**

##### **Resolution.**

The following resolution was offered:

By Senators Seawell and Powers:

WHEREAS, A short time ago the Attorney General called a meeting of peace officers, district attorneys and other law enforcement officials in order to investigate and promote cooperation between the various law enforcement agencies, and,

WHEREAS, Legislative acts will undoubtedly be necessary to carry into effect the objective of closer cooperation between the various law enforcement agencies; now, therefore, be it

*Resolved*, That the President of the Senate appoint a committee of three members to act during the constitutional recess in order to investigate the present arrangement of law enforcement agencies and to determine how the State and the various local law enforcement agencies cooperate and to make recommendations to the Senate for suitable legislation to insure the fullest cooperation between all such agencies; and be it further

*Resolved*, That the sum of \$1,000 or so much thereof as may be necessary, be and the same is hereby appropriated from the contingent fund of the Senate for such incidental expenses as the committee may necessarily need. Such items of expense

and to be paid to the person entitled thereto upon certification by the Chairman of said committee.

*Resolved*, That said committee shall be and its members authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act intelligently and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind, to cause subpoenas and take all necessary action to compel the attendance of witnesses and to produce testimony; the members of such committee are and each of them is hereby authorized to administer within all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relating to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution, and said committee shall have the same powers, authority, the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve writs and all subpoenas and orders or other process that may be issued by said committee when directed so to do by the chairman thereof, and the said members may other service required of him by said committee; that said committee be and it be given leave to sit during the sessions of the Senate or during the recess, in such rooms, place or places, as the committee may determine, such resolution such as the Senate, hold public or executive meetings, as it shall deem necessary or desirable.

Resolution read, and referred to Committee on Rules.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and five minutes past, further proceedings under the call of the Senate were dispensed with, on motion of Senator Jorgensen.

### Resolution

The following resolution was offered:

By Senator Phillips:

*Resolved by the Senate of the State of California*, That the Legislative Council is hereby directed to prepare a Legislative Digest of all bills and constitutional amendments introduced in the January session of the Sixty-second session of the Legislature, and also, as a separate and distinct publication, a serial list in title, of all such bills and constitutional amendments, and to be it further:

*Resolved*, That the subject list or index shall be printed by the Senate of the Legislature as soon as possible after the commencement of the constitutional recess, and that the Legislative Digest shall be so printed later in the year as the constitutional recess, and be it further:

*Resolved*, That the Secretary of the Senate is hereby authorized to take and exceeding 1500 copies of the Legislative Digest and not exceeding 1000 copies of the subject list or index printed, the cost thereof to be apportioned from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Catterton, Cawston, DeLoe, Fletcher, Garrison, Gordon, Hays, Hobson, Jorgensen, Keating, Knight, Kunkel, Latta, McCormack, McGowan, Metzger, Nilsson, Olson, Parkman, Peterson, Peters, Quinn, Rich, Schottky, Seawell, Slater, Tinkle, Wagy, Wassover, Williams, and Young—33.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Olson:

WHEREAS, It is shown by a report from the Special Committee of the Senate appointed to investigate abstraction of oil and gas from State lands that reasonable costs and expenses necessarily incurred by that committee have exceeded the amount of the previous appropriation of \$2500 therefor; that the total amount of said costs and expenses incurred in excess of said previous appropriation is \$6696.21; that an itemized statement of the expenditures of said committee, and of its costs and expenses remaining unpaid is contained in said report as printed

in the Senate Journal of January 21, 1937, together with copies of vouchers for the items of expense remaining unpaid, now, therefore, be it

*Resolved*, That the sum of \$6696.21 is hereby made available and appropriated out of the contingent fund of the Senate for the purpose of paying said unpaid costs and expenses, and that the State Controller is authorized and directed to draw warrants in favor of the person or persons entitled thereto as shown in the statement thereof accompanying said report and printed in the Senate Journal of January 21, 1937.

Resolution read, and referred to Committee on Contingent Expenses.

### Approval of Journals.

The Senate Journals of Monday, January 4, 1937; Tuesday, January 5, 1937; Wednesday, January 6, 1937; Thursday, January 7, 1937; Friday, January 8, 1937; Monday, January 11, 1937; Tuesday, January 12, 1937; Wednesday, January 13, 1937; Thursday, January 14, 1937; Friday, January 15, 1937; Monday, January 18, 1937; Tuesday, January 19, 1937; Wednesday, January 20, 1937; Thursday, January 21, 1937, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

### Report.

The following report by Committee on Free Conference, appointed to consider Assembly Bill No. 236, was received and read:

#### On Free Conference.

SENATE CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a thereto, by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect—reports that it has met a like committee of the Assembly, consisting of Assemblymen Hornblower, Desmond, and Clark, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 4, lines 4 and 5, of the printed bill, as amended, strike out "during each fiscal year", and insert in lieu thereof the following: "during the eighty-ninth and ninetieth fiscal years."

#### Amendment No. 2.

On page 4, line 22, of the printed bill, as amended, strike out "each fiscal year", and insert in lieu thereof the following: "the eighty-ninth and ninetieth fiscal years".

#### Amendment No. 3.

On page 4, line 34, of the printed bill, as amended, strike out "each fiscal year", and insert in lieu thereof the following: "the eighty-ninth and ninetieth fiscal years".

#### Amendment No. 4.

On page 5, between lines 16 and 17, of the printed bill, as amended, insert the following:

"SEC. 9a. Section 11 is hereby added to said act, to read as follows:

Sec. 11. On and after July 1, 1939, the moneys in the motor vehicle license fee fund are hereby appropriated as follows:

(a) There shall be first appropriated from such fund for the use of the Department of Motor Vehicles such amount as the Department of Finance shall determine, and shall so certify to the State Controller, is necessary for the enforcement of the

provisions of this act, the total of which amounts shall be no more than one per cent of the net proceeds paid into said fund.

(b) The order of the State Commission there shall be transmitted to the general fund and set apart sufficient moneys on the account of the proceeds and interest paid or necessarily to be paid during each fiscal year on bonds of the State issued under

(1) The "State Highway Act" approved by the Governor March 22, 1926, and by a majority of the electors at the general election held November 8, 1916;

(2) The "State Highways Act of 1916" approved by the Governor May 16, 1915, and by a majority of the electors at the general election held November 7, 1916;

(3) Section 2 of Article XVI of our Constitution as amended by a majority of the electors at a special election held July 3, 1926, and

(4) Section 3 of Article XVI of the Constitution, as amended by a majority of the electors at the general election held November 8, 1926.

(c) The balance of the moneys in said fund shall, on order of the Commission, be disbursed as follows:

(1) Twenty per cent thereof to the general fund of the State of California;

(2) Forty per cent thereof shall be paid quarterly during each fiscal year to the cities and cities and counties of the State in the proportion that the population of each such city or city and county bears to the total population of all cities and cities and counties of the State, as certified by the Department. For the purpose of this subdivision, the population of each city or city and county is that determined by the last Federal Census. In the case of a city incorporated subsequent to the last Census, or in the case of an unincorporated settlement being populous in 1924 subsequent to the last Census, the Department shall ascertain the population of the city or the unincorporated settlement by multiplying the number of registered voters therein by three. The moneys so paid shall be expended by the cities and cities and counties for law enforcement and the regulation and control and the prevention of highway traffic;

(3) Forty per cent thereof shall be paid quarterly during each fiscal year to the counties and cities and counties of the State in the proportion that the population of each such county or city and county bears to the total population of all the counties and cities and counties of the State, as certified by the Department. For the purpose of this subdivision, the population of each county or city and county is that determined by the last Federal Census.

KNOWLTON,  
HAYS,  
WAGY.

Senate Committee on Free Conference.

#### HORNBLOWER

Assembly Committee on Free Conference.

#### Consideration of Report of Committee on Free Conference.

Concerning Assembly Bill No. 236.

Report of Committee on Free Conference Read.

The question being the adoption of the report of the Committee on Free Conference,

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES**—Senators Allen, Biggar, Christopher, Christopher, DeLeon, Dixon, Harrison, Hays, Holahan, Jassonson, Kettner, Knight, Knowlton, Lyle, McCall, McCormack, Metzger, Nielson, Parkman, Pearson, Powers, Quinn, John S. Smith, Sewell, Slater, Fickle, Wagv, Westover, Williams, and Young—31.

**NOES**—None.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 22, 1937.

**MR. PRESIDENT.** I am directed to inform your honor that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1512. An act to amend section 19, 20 and 21 of the Bank and Corporation Franchise Tax Act relating to taxes on banks and corporations and to provide that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 1512 read first time, and ordered held at the desk.



ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 22, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 844—An act to amend section 3773 of the Political Code, relating to lands sold to the State for delinquent taxes, the possession, rental and appraisal thereof, creating the tax deed land rental fund making an appropriation in relation thereto, and declaring the urgency thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 844 read first time, and referred to Committee on Governmental Efficiency.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, JANUARY 22, 1937

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the Senate resolution by Senator Olson, providing for the payment of costs and expenses incurred by Special Committee of the Senate appointed to investigate abstraction of oil and gas from State lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3

RICH, Chairman  
LAW,  
McCORMACK

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Contingent Expenses, the following amendments to Senate resolution, offered by Senator Olson, were read and adopted:

##### Amendment No. 1.

In the line following the word "Resolved", strike out "\$6696.21", and insert in lieu thereof "\$5121.21".

##### Amendment No. 2.

At the end of the resolution, add the following: "To cover all items excepting a disputed item of \$1575 for services of W. J. Kemnitzer".

#### Consideration of Resolution Offered by Senator Olson.

WHEREAS, It is shown by a report from the Special Committee of the Senate appointed to investigate abstraction of oil and gas from State lands that reasonable costs and expenses necessarily incurred by that committee have exceeded the amount of the previous appropriation of \$2500 therefor; that the total amount of said costs and expenses incurred in excess of said previous appropriation is \$6696.21; that an itemized statement of the expenditures of said committee, and of its costs and expenses remaining unpaid is contained in said report as printed in the Senate Journal of January 21, 1937, together with copies of vouchers for the items of expense remaining unpaid, now, therefore, be it

*Resolved*, That the sum of \$5121.21 is hereby made available and appropriated out of the contingent fund of the Senate for the purpose of paying said unpaid costs and expenses, and that the State Controller is authorized and directed to draw warrants in favor of the person or persons entitled thereto as shown in the statement thereof accompanying said report and printed in the Senate Journal of January 21, 1937, to cover all items excepting a disputed item of \$1575 for services of W. J. Kemnitzer.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

### Third Reading of Assembly Bills.

Assembly Bill No. 193—An act to amend sections 2, 4, 5, 7, 8, 10, 14, 15, 19 and 25 of and to add section 27 to, the Mortgage and Trust Deed Moratorium of 1933, approved June 21, 1933, relating to the relief of debtors and guarantors, decelerating the interest thereon and providing that it shall take effect immediately.

Bill read third time.

#### Urgency Clause

SEN. 12. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and morals, within the meaning of section 1 of Article IV of our Constitution, and shall therefore take effect immediately.

The facts constituting the necessity are the dangers to the State and to the people involved in the moratorium laws passed in 1933, and the suspension and terminations which will result in the near future under mortgages, deeds of trust, and contracts of purchase of real property or upon the basis of such property or upon contracts executed for the purchase, mortgage, transfer of interests, or payments by the owner or purchaser of such property. These dangers are the result of exceptionally depressed conditions in this State, which have resulted in a large proportion of the individuals and legal entities of this State being unable to meet their obligations. The danger is the resulting anarchy, as we observe, the suspension of law and order, and a threat to the preservation of our government which has become constituted an important part of the self-governing and constitutionally independent people of this State. This act will enable a speedy and efficient relief from these dangers, from current and future, as well as prevent emergency and bank purchasers to find means of meeting their obligations, and in the same time will protect the interests of creditors. The urgent necessity will, therefore, be justified.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLoap, Deuel, Fletcher, Garrison, Gordon, Jorgensen, Kauting, Kneigh, Law, McElvaine, Morgan, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—28.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p. m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twelve minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 193 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoap, Deuel, Fletcher, Garrison, Gordon, Holahan, Jorgensen, Kauting, Kneigh, Kneeland, Law, McElvaine, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wag, Westover, Williams, and Young—32.

**NOES**—Senator Rich—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—Keough, and Rich—2.

Title read and approved.

Assembly Bill No. 193 ordered transmitted to the Assembly.

### **Recess.**

At two o'clock and fifteen minutes p. m., on motion of Senator Rich, the President of the Senate declared a recess.

### **Reconvened.**

At two o'clock and twenty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Howard S. McIntire at the desk.

### **Consideration of Amendments to Committee Report Found on Page 50 of the Senate Daily Journal of January 21, 1937.**

#### **Amendment No. 1.**

At the end of paragraph 1, following the word "purpose", insert the following: "Except as otherwise provided by Assembly Concurrent Resolution No. 23".

#### **Amendment No. 2.**

In paragraph 2, line 2 thereof, after the word "hearing", ~~strike out all the balance of said paragraph 2~~, and insert in lieu thereof the following: "Adopted by the Senate and Assembly".

Amendments adopted.

### **Consideration of Amendments to Rules Appearing on Page 47 of the Journal of January 21, 1937.**

#### **Amendment No. 1.**

Amend paragraph VII of the Rules of Procedure, heretofore submitted by said committee, by inserting therein after the words "prove or disprove the" the words "issues tendered by the".

Amendment adopted.

### **Consideration of Report, as Amended.**

#### **REPORT OF JOINT COMMITTEE OF THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA, CREATED BY 1937 ASSEMBLY CON- CURRENT RESOLUTION No. 6.**

The joint committee created and appointed under the provisions of 1937 Assembly Concurrent Resolution No. 6, adopted January 11, 1937, to consist of three members appointed by the President of the Senate and three members appointed by the Speaker of the Assembly to determine upon and establish rules of procedure for the convention for the hearing of the complaint for the removal of Gavin W. Craig, Associate Justice of the District Court of Appeal of the State of California and the defense thereto reports said committee has determined upon and established the following rules, and submits the same to the Senate and Assembly of the State of California for approval.

KENT H. REDWINE.  
EARL D. DESMOND.  
BEN ROSENTHAL.  
CULBERT L. OLSON.  
W. P. RICH.  
RAY W. HAYS.

*Rules of the Joint Convention of the Legislature Concerning Procedure of the Senate and Assembly of the State of California in Joint Convention for Hearing Complaint for Removal of Judicial Officer.*

I.

Subpoena shall be issued by the Secretary of the Senate or the Chief Clerk of the Assembly, or both, for witnesses on the part of the complainant or on the part of the Joint Convention of the Senate and the Assembly, upon the certificate of the President of the Senate or the Speaker of the Assembly that the same are necessary and proper witnesses upon the hearing of said complaint. Upon request of the judicial officer sought to be removed, or his representative or counsel, the Secretary or the Chief Clerk shall issue subpoenas in blank.

II.

The hearing of the complaint shall be held in the Assembly Chamber of the State Capitol, and the President of the Senate, with the concurrence of the Speaker of the Assembly, shall direct all necessary participations in the Assembly Chamber and all proceedings while the said committee is sitting for the purpose of hearing said complaint, except as otherwise specifically directed by the Senate and the Assembly.

III.

At the time fixed in the notice for the hearing of the judicial officer complained of, the judicial officer complained of shall be sworn to appear and examine the complainant against him. If he appears, in person or through counsel, but fails the testimony shall be recorded stating particularly if by himself or by agent or attorney, naming the person appearing and the manner in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded and such proceedings taken as provided by the Constitution and by law.

IV.

At ten o'clock a. m. of the day appointed for the hearing of said complaint, the legislative and executive business of the Senate and the Assembly shall be suspended, except as otherwise ordered by the Senate and the Assembly. The President of the Senate shall preside or if he be not present, the Speaker of the Assembly shall preside.

V.

The Secretary of the Senate shall then give notice to the members of the Senate and the Chief Clerk of the Assembly shall give notice to the members of the Assembly that the Joint Convention of the Legislature is organized and is ready to proceed upon the hearing of the complaint against Gavin W. Craig in the Assembly Chamber.

VI.

On the hearing of the complaint the State shall be represented by the Attorney General and such additional counsel as he may designate and shall present to the Joint Convention the evidence and the testimony in support of the same. The judicial officer complained of may appear in person, or by counsel, or by help.

VII.

All motions or objections to evidence made by the parties or their counsel shall be addressed to the presiding officer and shall be decided by him. If any members of the Senate or of the Assembly demand a division of the Joint Convention upon any motion or objection to evidence or any matter relating to the admission of evidence or proceedings which shall arise, such division shall be taken without further argument and decided by a majority of the members of the Senate and of the Assembly present. No evidence or testimony shall be admissible which does not tend to prove or disprove the issues tendered by the allegations of the complaint. The rules of each house of the Joint Convention, with respect to a call of the house, shall apply to the proceedings in Joint Convention.

VIII.

All witnesses shall be examined by the party producing them, and then cross-examined in the usual form. Any member of the Senate or the Assembly desiring to ask a question of the witness shall submit the same to the presiding officer in writing, and if approved by him, he shall propound it to the witness.

IX.

Before any witness shall give his testimony, the Secretary of the Senate or the Chief Clerk of the Assembly shall administer the following oath:

"You do solemnly swear that the evidence you shall give in the matter of the complaint for the removal of Gavin W. Craig from his office shall be the truth, the whole truth, and nothing but the truth, so help you God."

X.

The law of evidence and rules of practice governing the trial of criminal cases in the superior court of the State of California shall govern the introduction and



admission of evidence in the hearing of the complaint, except as otherwise provided herein; provided, however, that the deposition of any person without the jurisdiction of the State of California may be taken by oral examination or written interrogatories upon request of either party, before any person authorized to administer oaths, upon order of the President of the Senate, satisfactory showing of the materiality of the testimony to be given, and such notice of the time and place of taking such deposition shall be given to the opposite party as the President shall prescribe. Either party may attend the examination and put such questions direct and cross as may be proper. The deposition when completed must be carefully read to the witness and corrected by him or her in any particular, if desired; it must then be subscribed by the witness, certified by the judge or officer taking the deposition, enclosed in an envelope or wrapper, sealed, and directed to the Secretary of the Senate of the State of California, at Sacramento, State of California, and either delivered by the officer to the Secretary of the Senate, or transmitted through the mail; and thereupon such deposition may be used by either party upon the trial against any party given or receiving the notice, subject to all legal exceptions; but if the parties attend the examination, no exceptions to the form of an interrogatory shall be made at the trial, unless the same is stated at the time of the examination.

#### XI.

At all times while the Joint Convention is sitting upon the hearing of the complaint, the doors of the Assembly Chamber shall be kept open, except upon a call of the house; provided, however, that no person not connected with said hearing shall be admitted within the bar of the Assembly during such hearing, except upon a card of admission issued by the presiding officer, and in no event shall any person be permitted to sit at the desk of any member of the Senate or Assembly while the hearing is in progress.

#### XII.

No smoking shall be allowed within the Assembly Chamber and gallery during said hearing.

#### XIII.

During the hearing of the complaint the Sergeant-at-Arms of the Assembly, or, in his absence, an assistant, shall serve as bailiff of the Joint Convention and shall perform the duties prescribed in the Rules of the Joint Convention, and shall bring before the Joint Convention, at the direction thereof, or at the direction of the presiding officer, any witness or any member.

#### XIV.

No argument relating to the admission of evidence on behalf of the complainant or the State or the judicial officer complained against shall be allowed to exceed five minutes; provided, however, that the presiding officer may, in his discretion, extend the time.

#### XV.

At the conclusion of the testimony, the presiding officer shall fix the time limit for final argument of the respective parties to the proceeding.

#### XVI.

The Joint Convention shall be in session from ten a.m. to twelve m. and from one o'clock and thirty minutes p.m. until five o'clock and thirty minutes p.m. each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the Joint Convention.

#### XVII.

Except as otherwise provided herein, the proceedings shall be governed by Mason's Manual of Legislative Procedure.

#### XVIII.

The Joint Committee of the Senate and the Assembly is hereby authorized to provide for a stenographic report of the proceedings, to be paid for one-half each out of the contingent funds of the Senate and the Assembly, respectively.

#### XIX.

The Secretary of the Senate, or in his absence the Chief Clerk of the Assembly, or in their absence a deputy of either, shall serve as Clerk of the Joint Convention, and shall administer the oath to all witnesses and perform all other duties usually performed by a clerk of a court of record in this State.

#### XX.

The law of evidence shall govern as to the introduction of the testimony of character witnesses and not more than five such witnesses shall be allowed on behalf of either party.

#### XXI.

At the conclusion of the testimony and following the argument the Joint Convention shall adjourn.

## XXII

The foregoing rules may be changed by a two-thirds vote of the Joint Convention.

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1937.

MR. PRESIDENT: Your Committee created by Assembly Concurrent Resolution No. 6, to which was referred the following communication, to wit:

*Hon. George J. Hatfield, President of the Senate of the State of California,  
Senate Chamber, Sacramento, California.*

DEAR SIR: I attach hereto an affidavit setting forth certain facts as to the hearing of the charge against me contained in the joint resolution to remove me from my office.

I am confident that no member of the Legislature can wish to be compelled to vote on this resolution and the charges contained in it with an entire lack of knowledge of facts actually material to the issues involved.

Based upon that belief and the facts stated in my affidavit I make the following request:

That a sufficient sum of money be appropriated to provide for the preparation of my defense, including a fair sum for the fees of witnesses to act in preparing and in presenting such defense at the hearing before the Legislature.

That such provision be made for the compensation of such witness as the Legislature may deem right to call and that it be not unreasonably exact, and also, that the witnesses called not be harassed and the purpose of the appropriation be destroyed by unnecessary and large sums for the use of absolutely all immediate funds.

If attorneys in charge of the preparation of my defense are provided with funds for investigation purposes at once the number of witnesses will surely be much reduced, because it is believed that serious physical, financial and material facts are within the knowledge of a number of persons, and it is not my purpose to unnecessarily produce confusion and chaos or to unnecessarily expend the State's money. Again, some persons believe there is reason to believe their knowledge of such facts may be vital, but to have such knowledge.

The State has no public defender, and as far as I know, there is no public officer charged with the duty of defending a citizen, who is without funds, against charges preferred under the circumstances here stated.

Being in jail, it is apparent that I can not possibly prepare my own defense. Able counsel have been furnished by counsel and parties who were against me. In spite of the verdict of the jury in my case in the Federal Court, it should seem that a well-qualified group of 25 years in Federal office should suggest that my statement that I have a sufficient defense in answer to questions being made for a reasonable investigation of the merits of the charges before any judicial body should be willing to question me be removed from office. It would seem that the counsel should be permitted to select his attorneys, and that they should use the money appropriated, within a reasonable amount for the same.

Respectfully,

GAVIN W. CRAIG

STATE OF CALIFORNIA }  
COUNTY OF VENTURA } ss.

GAVIN W. CRAIG, being duly sworn, deposes and says: That he is the Gavin W. Craig who is a Justice of the District Court of Appeal of the State of California and who is named in a joint resolution of the Senate and Assembly of the State of California, which said joint resolution sets forth a certain charge as a reason for the removal of said Craig from his said office, and that the hearing of said charge, as said joint resolution has been notified is set for the eighth day of March, 1937.

That said Craig is confined as a prisoner in the county jail at Ventura, California, for a term of one year, which does not expire until November 15, 1937.

That said Craig has no funds, or any means of securing funds, with which to prepare his defense to the charge set forth in said resolutions for his removal from office, or to employ counsel in conducting such preparation for him or to present his defense at said hearing.

That because of being confined in jail said Craig can do little toward the preparation of his defense.

That said Craig has been informed by competent lawyers, that he has a good and sufficient defense to said charges, and that he verily believes that he has such good defense.

That said Craig is informed by said lawyers, and that he believes, that the facts which he desires to, and if permitted, will prove at said hearing, are relevant, competent and material to the issues presented by said charge.

That said Craig has reason to believe, and does believe, that there are 50, or more, persons now in California, each one of whom has personal knowledge of one or more of the aforesaid facts.

That in addition to the said witnesses, several documents, of which some are voluminous, are, so said Craig is informed by said lawyers, and so said

believes, competent, relevant and material evidence in defense of said charges;

That it will be necessary to the proper presentation of affiant's said defense, to be made at said hearing, that each of said documents be copied and the copies certified, and the necessary expense of making said copies and the certification thereof will be approximately \$1000, unless said expense is reduced by possible stipulation;

That if all of said witnesses are subpoenaed and transported from their respective residences to Sacramento, and maintained near the place of said hearing until the testimony of such witnesses has been given, affiant is informed and believes and therefore states that the entire expense thereof will amount to several thousands of dollars; however, the exact amount of such expense is unknown to affiant;

That affiant is informed that the Legislature of California has appointed and will employ three, perhaps six, lawyers to prepare and present the case against the affiant at said hearing; and affiant says that to properly prepare and present affiant's said defense, affiant is informed and believes and therefore states that the services of three attorneys will be needed for much of the time from this date until the conclusion of said hearing,—for all of the time during said hearing, and that the duration of said hearing may be as long as four weeks.

GAVIN W. CRAIG.

Subscribed and sworn to before me this nineteenth day of January, 1937.

J. C. P. MOORE, Notary Public.

My commission expires October 30, 1938.

[SEAL]

Respectfully reports that the same has been considered by the Joint Committee created by said resolution and said Joint Committee recommended and this committee recommends as follows to wit:

1. That the said Gavin W. Craig be informed that he must make preparation for his own defense to the charges set forth in the complaint on file with the Legislature and that the Legislature will make no appropriations to assist the said Gavin W. Craig either in preparing his defense or hiring lawyers to represent him at the time of the hearing or in copying of documents or for any other purpose except as otherwise provided by Assembly Concurrent Resolution No. 23.
2. That the said Gavin W. Craig be further informed that the hearing of said complaint will be pursuant to rules governing such hearing, adopted by Senate and Assembly.
3. That the Secretary of the Senate be and is hereby instructed to send a copy of this report and a copy of the rules hereinabove referred to to the said Gavin W. Craig.

Report read as amended, and on motion of Senator Rich, adopted.

### Messages from the Assembly.

The following messages from the Assembly were received and read

#### On Free Conference.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 236—An act to amend an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, by amending sections 2, 3, 4, 5, 6 and first section 9 thereof, by adding section 7a thereto, by repealing second section 9 thereof, and by renumbering third section 9 thereof to be section 10; and to repeal an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department," approved May 15, 1933, relating to licensing and taxing of vehicles, declaring the urgency hereof, and providing that this act shall go into immediate effect.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 193—An act to amend sections 2, 4, 5, 7, 9, 10, 14, 15, 19 and 25 of and to add section 32 to,







Assembly for the hearing of the complaint for the removal of Gavin W. Craig, Associate Justice of the District Court of Appeal of the State of California, and the defense thereto.

Assembly Concurrent Resolution No. 23—Relative to appointing and compensating counsel for the defense of Gavin W. Craig.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 22 and 23 read.

### **Consideration of Assembly Concurrent Resolution No. 22.**

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 22, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 22.**

Relative to approving Rules of Procedure established upon and determined by the Joint Committee of the Senate and the Assembly for the hearing of the complaint for the removal of Gavin W. Craig, Associate Justice of the District Court of Appeal of the State of California, and the defense thereto.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Rules of Procedure determined upon and established by the Joint Committee of the Senate and the Assembly of the State of California, for the conduct of the hearing of the complaint for the removal of Gavin W. Craig, Associate Justice of the District Court of Appeal of the State of California and the defense thereto, be and they are hereby approved.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Fletcher, Hays, Holohan, Jepsen, Keating, Knowland, Law, McBride, Metzger, Olson, Parkman, Pirovich, Rich, Seawell, Tickle, Wagy, Westover, and Young—24.

NOES—None.

Assembly Concurrent Resolution No. 22 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 21.**

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 21, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 21.**

Relative to payment of expenses of Joint Committee created by Assembly Concurrent Resolution No. 6.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the expenses of the Joint Committee of the Assembly and the Senate heretofore created by Assembly Concurrent Resolution No. 6, and of their necessary assistants, and the expense of stenographic reporters at the hearing provided for by said resolution and all the fees and expenses of witnesses subpoenaed to appear before said hearing, be paid by the Assembly and Senate out of their respective contingent funds, and one-half of such expenses, but not to exceed the sum of \$500, shall be paid from, and is hereby set aside for that purpose, out of the contingent fund of each house. Upon authorization of the chairman of said committee the Controller is hereby directed to draw his warrant thereon, and the State Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 21 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Deane, Fletcher, Garrison, Hays, Holahan, Jorgensen, Kautling, Kneeland, Lyle, McBrine, McIntire, Olson, Parkman, Pierovich, Rich, Sewell, Tucke, Wagy, Westover, and Young—24.  
**NOES**—None.

Assembly Concurrent Resolution No. 21 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 23

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 23, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 23

Relative to appointing and compensating counsel for the defense of Harry W. Clegg.

**WHEREAS**, Harry W. Clegg has filed an affidavit with the Senate and the Assembly alleging that he is without funds to employ counsel and unable by reason of his commitment to jail to appear in any defense in the instance involving his removal as Associate Justice of the District Court of Appeal; now, therefore, be it

**Resolved**, by the Assembly of the State of Wisconsin, the Senate thereof concurring, That the President of the Senate and the Speaker of the Assembly are hereby authorized and directed to select counsel to represent Harry W. Clegg as requested by him upon his petition to said counsel, and so to advise.

**Resolved**, That the sum of \$200 or as much thereof as may be necessary is hereby appropriated out of the contingent funds of the Senate and the Assembly to equal shares to compensate such counsel as full for the fee and necessary expenses, and upon the authorization of the President of the Senate and the Speaker of the Assembly the Comptroller is hereby directed to cause the payment in favor of such counsel and the State Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution:

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Rich secured a roll of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Deane, Fletcher, Garrison, Hays, Holahan, Jorgensen, Kautling, Kneeland, Lyle, McBrine, McIntire, Olson, Parkman, Pierovich, Rich, Sewell, Tucke, Wagy, Westover, and Young—25.

The Secretary announced the absentees.

Time, two o'clock and twenty five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and Assembly Concurrent Resolution No. 23, adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Wagv, and Westover—23.

**NOES**—Senators Deuel, Metzger, Tickle, and Young—4.

Resolution No. 23 ordered transmitted to the Assembly.

### **Withdrawal from Committee of Assembly Bill No. 443.**

Senator Olson moved that Assembly Bill No. 443 be withdrawn from Committee on Finance for purpose of passage.

Motion carried.

### **Consideration of Assembly Bill No. 443.**

#### **Second Reading of Assembly Bill No. 443.**

Assembly Bill No. 443—An act to amend sections 1, 2, and 4 of the "Chattel Mortgage Moratorium of 1935," relating to the relief of chattel mortgage debtors; declaring the urgency thereof and providing that it shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### **Resolution.**

The following resolution was offered:

By Senator Olson:

*Resolved*, That Assembly Bill No. 443 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Tickle, Wagv, Westover, and Young—27.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 443.

#### **Third Reading of Assembly Bill No. 443.**

Bill read third time.

#### **Urgency Clause.**

**SEC. 4.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: A severe economic depression exists throughout the State, rendering many of its citizens unable to pay the principal sum of their debts or to otherwise finance their loans. As a result thereof, through foreclosure actions, they are being deprived of their property. The provisions of the real property mortgage moratorium statute are being evaded by persons who in addition to the security afforded by real estate mortgages and deeds of trust on real estate, also take chattel mortgages to secure the same obligation. Consequently the evil sought to be corrected by statutes relating to moratoria on mortgages and deeds of

(trustees and estate cannot be compensated) effective upon the action taken by them and is remedied.

Emergency clause read.

The question being on the adoption of the proposed phrase:

The roll was called, and the emergency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Driscoll, Garrison, Hays, Holsban, Jaspersen, Kenting, Knowland, Law, McIlwain, Morgan, Nielsen, Olson, Parkman, Pierovich, Powers, Reed, Seawell, Tiscue, Wags, Westover, and Young—27.

NOES—None.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 443 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Driscoll, Garrison, Holsban, Jaspersen, Kenting, Knowland, Law, McIlwain, Morgan, Nielsen, Olson, Parkman, Pierovich, Powers, Seawell, Wags, Westover, and Young—28.

NOES—Senators Hays and Reed—2.

Title read and approved.

Assembly Bill No. 443 ordered transmitted to the Assembly.

### Consideration of Assembly Bill No. 1512

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1512, without reference to committee for purpose of passage.

#### Resolution.

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 1512 presents a case of urgency, in that same is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Driscoll, Garrison, Hays, Holsban, Jaspersen, Kenting, Know and Law, McIlwain, Morgan, Nielsen, Olson, Parkman, Pierovich, Powers, Reed, Seawell, Tiscue, Wags, Westover, and Young—27.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1512.

#### Second Reading of Assembly Bill No. 1512.

Assembly Bill No. 1512—An act to amend sections 19, 20 and 21 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

#### Third Reading of Assembly Bill No. 1512.

Bill read third time.



**Urgency Clause.**

SEC. 4. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately, and shall be applied in the computation of taxes for taxable years commencing after December 31, 1937.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Tickle, Wagy, Westover, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1512 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1512 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At two o'clock and thirty minutes p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

**Resolution.**

The following resolution was offered:

By Senator Hays:

**Resolution.**

WHEREAS, There was this day presented to the Senate a resolution directing the Director of Finance and the Attorney General to take immediate and proper action to intervene in certain law suits for the protection of the interest of the State; and

WHEREAS, It was the judgment of the Senate that said resolution should not be acted upon until the Senate had had an opportunity to consider the report of the committee of the Senate, appointed to investigate the abstraction of oil and gas from State lands; and

WHEREAS, The Assembly has this date passed a resolution directing the Director of Finance and the Attorney General to take immediate and proper action to intervene in certain law suits involving said State lands; now, therefore, be it

*Resolved by the Senate of the Legislature of California.* That any action in reference to the interest of the State of California in the tideland belonging to the State of California be deferred until such time as the Legislature of the State of California has had an opportunity to consider the report of the Special Committee of the State Senate, appointed to investigate the abstraction of oil and gas from State lands.

Resolution read.

**Motion.**

Senator Garrison moved that the resolution be referred to Committee on Oil Industries.

**Motion.**

Senator Olson moved that the resolution be laid upon the table.

The roll was called, and the motion to table adopted by the following vote:

**AYES**—Senators Allen, Dean, Fletcher, Garrison, Hamilton, Jorgensen, Keating, Knowland, Lay, Nelson, Olson, Pennington, Powers, and Westmore—14.

**NOES**—Senators Crenshaw, Cunningham, Lindsay, Hays, McBride, Morgan, Rusk, Tickle, Wagy, and Young—10.

Whereupon the President announced that the resolution offered by Senator Hays was on the table.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 22. Resolved in SENATE SENES.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Bunker, Assistant Clerk.

Assembly Joint Resolution No. 22 read.

### Consideration of Assembly Joint Resolution No. 22

Senator Jorgensen asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 22, without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 22.

*Relative to sewage disposal.*

**WHEREAS**, There are in the State of California numerous lakes, rivers, streams and ocean waters bordering on tide and beach lands that are used by the general public for recreation and enjoyment and that are by law public resources for the betterment of the physical condition of those having advantage of such natural resources; and

**WHEREAS**, Many lakes, streams, rivers and bays are being polluted by such purposes and are being used for the collection of the sewage by the dumping and disposing thereof of sewage garbage, household wastes, oil, refuse, fish, debris, mineral and vegetable matter, chemicals and poisons in health and in the cases of the Salinas, the Sacramento and San Joaquin rivers, San Francisco Bay and the bays of the State such pollution deprives the people of the State from a free use of such natural resources because of loss of health and other diseases; and

**WHEREAS**, Such waters would be available for the recreation and the enjoyment of the people if only the sewage disposal system were improved in the State of California, and such points to be created would require Federal aid and assistance through money appropriations; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly:* That the Congress of the United States do pass appropriate legislation in order to investigation of the extent of such pollution of waters of the State of California and provide adequate appropriation to erect and operate sewage disposal plants for the disposal of foreign substances now created or destined into the waters of this State, and be it further

*Resolved:* That a copy of this resolution be sent by the President and Vice President of the United States and to each Representative and Senator from the State of California.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 22 adopted by the following vote:

**AYES**—Senators Reger, Crenshaw, Cunningham, Dean, Fletcher, Garrison, Hays, Hamilton, Jorgensen, Keating, Knowland, Lay, McBride, Morgan, Olson, Powers, Rusk, Seawell, Tickle, Wagy, Westmore, and Young—22.

**NOES**—None.

Assembly Joint Resolution No. 22 ordered transmitted to the Assembly.

**Resolution.**

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Fletcher, adopted.

**Appointment by the President.**

In accordance with the above resolution, Senators Fletcher, Biggar, and McCormack were named by the President as a committee to inform the Governor that the Senate was ready to adjourn for the constitutional recess and to ask if he had any further communications to transmit to the Senate.

**Resolution.**

The following resolution was offered:

By Senator McBride:

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the hour of three o'clock p.m., January 22, 1937, has arrived and the Senate is ready to adjourn for the constitutional recess pursuant to the provisions of Senate Concurrent Resolution No. 5, Chapter 11, Statutes of 1937, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator McBride, adopted.

**Appointment by the President.**

In accordance with the above resolution, Senators McBride, Nielsen, and Knowland were named by the President as a committee to inform the Assembly that the Senate was ready to adjourn for the constitutional recess and to ask if the Assembly had any further communications to transmit to the Senate.

**Introduction, First Reading and Reference of Bills—(Resumed).**

**Senate Bill No. 901:** By Senator Seawell—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

Senate Bill No. 901 read first time, and referred to Committee on Insurance.

**Senate Bill No. 902:** By Senator Seawell—An act to amend section 6 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the licensing and taxing of vehicles.

Senate Bill No. 902 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 903:** By Senator Seawell—An act to amend section 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, provid-

ing ways and means for enforcement and providing penalties for violations."

Senate Bill No. 903 read first time and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 904:** By Senator McBride—An act to amend section 809 of the Agricultural Code, relating to walnuts.

Senate Bill No. 904 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 905:** By Senator Garrison—An act to amend section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations.

Senate Bill No. 905 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 906:** By Senator Garrison—An act to add section 10114 to the Insurance Code to prohibit insurers charging or collecting interest on loans secured by life insurance policies.

Senate Bill No. 906 read first time, and referred to Committee on Insurance.

**Senate Bill No. 907:** By Senator Garrison—An act to regulate the sale of fuel oil, to provide special sessions therefor, and for an inspection thereof.

Senate Bill No. 907 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 908:** By Senator Garrison—An act to amend sections 1299 1/2, 1300, 1300 1/2 and 1300 3/4 of the Agricultural Code, relating to processors of farm products.

Senate Bill No. 908 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 909:** By Senator Garrison—An act to amend section 292 and to repeal section 304 of the Vehicle Code, relating to the suspension and revocation of operators' licenses.

Senate Bill No. 909 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 910:** By Senator Garrison—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person.

Senate Bill No. 910 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 911:** By Senator Garrison—An act to add section 605 to the Public Utilities Act, relating to public utilities.

Senate Bill No. 911 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 912:** By Senator Garrison—An act to add a new section to be numbered 32c to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments



and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect." approved June 16, 1913, as amended, relating to weights and measures.

Senate Bill No. 912 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 913:** By Senator Garrison—An act to add a new section to be numbered 32d to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect." approved June 16, 1913, as amended, relating to weights and measures.

Senate Bill No. 913 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 914:** By Senator Fletcher—An act to appropriate the sum of \$1,000,000 to be used in construction, renewal and repair of works for flood control on the San Diego River, to provide for the manner of expending such appropriation, and to create the San Diego River flood control fund.

Senate Bill No. 914 read first time, and referred to Committee on Finance.

**Senate Bill No. 915:** By Senator Olson—An act to add a new chapter to the School Code to be numbered Part VI of Division III thereof, relating to the regulation of private non-sectarian school in this State.

Senate Bill No. 915 read first time, and referred to Committee on Education.

**Senate Bill No. 916:** By Senator Olson—An act amending section 1714 of the Civil Code, relating to negligence.

Senate Bill No. 916 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 917:** By Senator Olson—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and, without limiting the generality of the foregoing, also to do the following: to define and regulate the agents, salesman and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize and regulate the issuing of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and maintain the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesman, collectors and employees and by other persons and corporations; and to amend Title XVI of Part IV of Division I of the Civil Code, Chapter 94 of the Statutes of 1911 and acts amendatory thereto and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 2, 1911, as amended.

Senate Bill No. 917 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 918:** By Senator Olson—An act amending sections 336 and 341 of the Code of Civil Procedure, relating to limitations of actions.

Senate Bill No. 918 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 919:** By Senator Olson—An act amending section 685 of the Code of Civil Procedure relating to judgments and executions thereof.

Senate Bill No. 919 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 920:** By Senator Keating—An act to amend section 7 of the California Nautical School Act, relating to admission fees.

Senate Bill No. 920 read first time, and referred to Committee on Finance.

**Senate Bill No. 921:** By Senator Olson (By request)—An act to amend Chapter III of Division V of the Military and Veterans Code consisting of sections 1120 and 1121, and to repeal section 4408a of the Political Code, relating to county and city institutions.

Senate Bill No. 921 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 922:** By Senator Schottky—An act to amend sections 204 (b), 204 (c), and 204 (d) of the Code of Civil Procedure, relating to selection of trial jurors.

Senate Bill No. 922 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 923:** By Senator McCormack—An act to amend sections 3466, 3466a, 3480, 3480a, 3480b, and 3480d, respectively, of the Political Code, all relating to reclamation districts.

Senate Bill No. 923 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 924:** By Senator Fletcher—An act to add section 131½ to the Vehicle Code, relating to the time of opening and closing the offices of the Motor Vehicle Department during certain seasons of the year.

Senate Bill No. 924 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 925:** By Senator Quinn—An act to provide armory facilities for the National Guard and making an appropriation therefor.

Senate Bill No. 925 read first time, and referred to Committee on Military Affairs.

**Senate Bill No. 926:** By Senator Quinn—An act to amend the State civil service by adding section 15.5, relating to qualifications.

Senate Bill No. 926 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 927:** By Senator McGovern—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Senate Bill No. 927 read first time, and referred to Committee on County Government.

**Senate Bill No. 928:** By Senator McColl—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license.

Senate Bill No. 928 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 929:** By Senator McColl—An act to add section 37 to the Fish and Game Code, relating to disposition of game.

Senate Bill No. 929 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 930:** By Senator McColl—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

Senate Bill No. 930 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 931:** By Senator McColl—An act to amend section 1270 and to repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to deer.

Senate Bill No. 931 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 932:** By Senator McColl—An act to amend section 1278 of the Fish and Game Code, relating to deer tag fee.

Senate Bill No. 932 read first time and referred to Committee on Fish and Game.

**Senate Bill No. 933:** By Senator McColl—An act to repeal an act entitled "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," as amended.

Senate Bill No. 933 read first time and referred to Committee on Building and Construction.

**Senate Bill No. 934:** By Senator McColl—An act to amend sections 5 and 7 of an act entitled "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act."

Senate Bill No. 934 read first time and referred to Committee on Building and Construction.

**Senate Bill No. 935:** By Senator McColl—An act to amend sections 4 and 5 and to add a new section 4.5, to an act entitled: "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Senate Bill No. 935 read first time and referred to Committee on Building and Construction.

**Senate Bill No. 936:** By Senator McBride—An act relating to the control and jurisdiction over, and disposition of certain State lands therein described.

Senate Bill No. 936 read first time and referred to Committee on Conservation.

**Senate Bill No. 937:** By Senator Fletcher—An act to add a new section to be numbered 112 to the Streets and Highways Code, relating to official grades of State highways within cities.

Senate Bill No. 937 read first time, and referred to Committee on Roads and Highways.



**Senate Bill No. 938:** By Senator Jespersen—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof.

Senate Bill No. 938 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 939:** By Senator Jespersen—An act to amend section 799 of the Fish and Game Code, relating to diving for abalones.

Senate Bill No. 939 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 940:** By Senator Jespersen—An act to amend sections 991 and 992 of the Fish and Game Code, relating to licenses for the commercial taking of abalones.

Senate Bill No. 940 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 941:** By Senator Jespersen—An act to add section 8.09b to the Building and Loan Association Act, relating to building and loan associations.

Senate Bill No. 941 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 942:** By Senators Jespersen, McCormack, Slater, Powers, Rich, Gordon, Holohan, Keating, Metzger, Garrison, and Deuel—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

Senate Bill No. 942 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 943:** By Senator Jespersen—An act to add section 597i to the Penal Code, relating to cruelty to animals.

Senate Bill No. 943 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 944:** By Senator Jespersen—An act relating to the acceptance of insurance policies by State departments, boards, commissions and officers.

Senate Bill No. 944 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 945:** By Senator Phillips—An act to amend section 4241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class.

Senate Bill No. 945 read first time, and referred to Committee on County Government.

**Senate Bill No. 946:** By Senator Phillips—An act prohibiting any lender from hereafter exacting from any borrower as a condition or consideration for the making or renewing of any loan secured by a lien on real property created by mortgage, deed of trust, or otherwise, any waiver of rights, privileges or immunities created by State or Federal

statute or by decision of any court within this State for the benefit or protection of the borrower, and fixing penalties for violation.

Senate Bill No. 946 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 947.** By Senator Phillips.—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

Senate Bill No. 947 read first time, and referred to Committee on Social Security.

**Senate Bill No. 948:** By Senator Rich.—An act to add section 12.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the settling on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1944, relating to horse racing.

Senate Bill No. 948 read first time, and referred to Committee on Finance.

**Senate Bill No. 949:** By Senator Deuel.—An act to add section 3810 to the Political Code, relating to payment of delinquent taxes before sale to the State.

Senate Bill No. 949 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 950:** By Senator Rich.—An act to amend section 527 of the Political Code, relating to legislative printing.

Senate Bill No. 950 read first time, and referred to Committee on Rules.

**Senate Bill No. 951:** By Senator Deuel.—An act making an appropriation for the purchase of property for State college at Chico.

Senate Bill No. 951 read first time, and referred to Committee on Finance.

**Senate Bill No. 952:** By Senator Knowland.—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 20 and 22½ thereof and by adding thereto new sections numbered 6½ and 9½a, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also providing for the acquisition in eminent domain of real property for the

purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately.

Senate Bill No. 952 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 953:** By Senator Powers—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15 and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Senate Bill No. 953 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 954:** By Senator Tickle—An act to add section 13.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 954 read first time, and referred to Committee on Finance.

**Senate Bill No. 955:** By Senator Tickle—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 955 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 956:** By Senator DeLap—An act to add section 503 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 956 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 957:** By Senator DeLap—An act to amend section 11 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended.

Senate Bill No. 957 read first time, and referred to Committee on Insurance.

**Senate Bill No. 958:** By Senator DeLap—An act to amend section 20(d) of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to containing jurisdiction of compensation.

Senate Bill No. 958 read first time, and referred to Committee on Insurance.

**Senate Bill No. 959:** By Senator DeLap—An act to amend section 12 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to average earnings.

Senate Bill No. 959 read first time, and referred to Committee on Insurance.

**Senate Bill No. 960:** By Senator DeLap—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to convey and dispose of certain marsh and tidal lands belonging to the State of California," approved March 30, 1868, or any of the acts supplementing thereof and amendatory thereof, and regulating the procedure thereon."

Senate Bill No. 960 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 961:** By Senator Young—An act to add section 745 to the Fish and Game Code, relating to bunnies.

Senate Bill No. 961 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 962:** By Senator McCormack—An act to amend section 893 of, and to add section 897.1 to the Agricultural Code, relating to field crops.

Senate Bill No. 962 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 963:** By Senator DeLap—An act to amend section 1 of the Fair Trade Act, relating to fair trade practices.

Senate Bill No. 963 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 964:** By Senator Crittenden—An act to add section 136 to an act entitled "An act to provide for the regulation and licensing of hours of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing.

Senate Bill No. 964 read first time, and referred to Committee on Finance.



**Senate Bill No. 965:** By Senator Tickle—An act to amend section 4250 of the Political Code, relating to compensation of officers and employees in counties of the twenty-first class.

Senate Bill No. 965 read first time, and referred to Committee on County Government.

**Senate Bill No. 966:** By Senator Rich—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Senate Bill No. 966 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 967:** By Senator Rich—An act to amend section 200 of the Code of Civil Procedure, relating to exemptions from jury duty.

Senate Bill No. 967 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 968:** By Senator McGovern—An act making bonds issued by California Toll Bridge Authority legal investments for certain purposes.

Senate Bill No. 968 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 969:** By Senator Westover—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts, for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such district," approved April 20, 1927, as amended, by amending section 20 of said act relating to the management and control of harbors created, developed and improved under the provisions of said act.

Senate Bill No. 969 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 970:** By Senator Waggy—An act to amend section 8 of and to add section 8a to "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith."

approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Senate Bill No. 970 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 971:** By Senator Wagy.—An act to amend sections 2, 3, and 4 of "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, kerosene, and lubricating oil; regulating the distribution and sale of such products, defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture and persons authorized by it, sealers of weight and measures, and their deputies, and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Senate Bill No. 971 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 972:** By Senator Hays.—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 114, 134, 194, 144, 144, 204, 204 and 214, and to repeal section 2 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

Senate Bill No. 972 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 973:** By Senator Metzger.—An act to amend section 10 and to repeal section 11 of an act entitled "An act regulating the use of public highways for commercial purposes for certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act; and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to rates charged by highway carriers.

Senate Bill No. 973 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 974:** By Senator Knowland.—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Senate Bill No. 974 read first time, and referred to Committee on Social Security.

**Senate Bill No. 975:** By Senator Knowland.—An act to amend section 41 of, and to repeal section 59 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Senate Bill No. 975 read first time, and referred to Committee on Social Security.

**Senate Bill No. 976:** By Senator Knowland—An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Senate Bill No. 976 read first time, and referred to Committee on Social Security.

**Senate Bill No. 977:** By Senator Swing—An act making an appropriation to pay the claim of Leigh G. Garnsey against the State of California.

Senate Bill No. 977 read first time, and referred to Committee on Finance.

**Senate Bill No. 978:** By Senator Swing—An act making an appropriation for the concreting of fish pond pools of the State Trout Hatchery at or near Forest Home on Mill Creek, San Bernardino County.

Senate Bill No. 978 read first time, and referred to Committee on Finance.

**Senate Bill No. 979:** By Senator Pierovich—An act to amend section 20j of the California Real Estate Act, relating to subdivisions.

Senate Bill No. 979 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 980:** By Senator Hays—An act to add to the Vehicle Code sections 32.5, 32.6, and Chapter 3a, to Division III, embracing sections 200, 200.1, 200.2, 200.3, 200.4, 200.5, 200.6, 200.7, 200.8, 200.9, and 200.10, relating to the licensing of dealers in motor vehicles.

Senate Bill No. 980 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 981:** By Senator Swing—An act to amend the title and sections 1, 1a, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 18, and to repeal sections 10, 12 and 17, of an act entitled "California Unemployment Relief Act of 1935," relating to the transfer of administration of relief to the Department of Social Welfare.

Senate Bill No. 981 read first time, and referred to Committee on Social Security.

**Senate Bill No. 982:** By Senator Holohan—An act to prevent fraud, deception and imposition in the solicitation within the State of California of the deposit of bonds, notes, debentures and other evidence of indebtedness under and or the consent of the holders or owners of such securities, to a protective committee agreement, and to prevent fraud, deception and imposition in the operations and activities of protective committees organized within the State of California to act for and in behalf of the holders or owners of such securities, and for such purposes to create a commission to regulate and supervise the establishment and the operations of protective committees, depositaries under protective committee agreements, and solicitors for protective committee agreements; to prescribe the powers and duties of such commission; to license members of protective committees, depositaries under protective committee agreements and solicitors for protective



committee agreements, and to prescribe penalties for violation of this act.

Senate Bill No. 982 read first time, and referred to Committee on Corporations and Financial Institutions.

**Senate Bill No. 983:** By Senator Holohan—An act to add section 816 to the Building and Loan Association Act, relating to the payment of dividends on stock.

Senate Bill No. 983 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 984:** By Senator Holohan—An act to add section 815 to the Building and Loan Association Act, relating to the payment of dividends on stock.

Senate Bill No. 984 read first time, and referred to Committee on Building and Loan Associations.

**Senate Bill No. 985:** By Senators McGoVERN and SWAN—An act to amend section 89 of the Penal Code of the State of California, relating to lobbying.

Senate Bill No. 985 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 986:** By Senator McBRIDE—An act to amend sections 22, 23, 24 and 30 of "An act to protect the natural resources of petroleum and gas from waste and destruction, relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers, fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the business of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental ratings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from leakage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

Senate Bill No. 986 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 987:** By Senator McGoVERN—An act to amend section 412 of the Penal Code prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, not concerning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the



issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

Senate Bill No. 987 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 988:** By Senator Rich—An act to amend the title of and sections 1, 2, 3, 4, 7, 9, and 10 and to add sections 7A, 7B, 14, 15, 16, 17, and 18 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act and an appropriation therefor.

Senate Bill No. 988 read first time, and referred to Committee on Social Security.

**Senate Bill No. 989:** By Senators Swing, and Holohan—An act to amend section 2,971 of the School Code, relating to election of boards of education.

Senate Bill No. 989 read first time, and referred to Committee on Education.

**Senate Bill No. 990:** By Senator Metzger—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout.

Senate Bill No. 990 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 991:** By Senator Metzger—An act to amend section 610 of the Fish and Game Code, relating to steelhead trout.

Senate Bill No. 991 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 992:** By Senator Hays—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws.

Senate Bill No. 992 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 993:** By Senator Fletcher—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller and payment of claims against the State.

Senate Bill No. 993 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 994:** By Senator Rich—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals.

Senate Bill No. 994 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 995:** By Senator Olson—An act relating to slum clearance and housing projects; to provide for the creation of housing

authorities to define the powers and duties of licensing authorities and to provide for the exercise of such powers, including formulating rules, issuing licenses and other obligations, and giving awards therefor; to provide for the making of grants and the issuing of money to licensing authorities by cities and by cities and counties of the first, second and third classes, and by counties.

Senate Bill No. 995 read first time, and referred to Committee on Social Security.

**Senate Bill No. 996.** By Senator Slater.—An act to amend section 737w of the Political Code relating to the salary of judges of the county of Seneca.

Senate Bill No. 996 read first time, and referred to Committee on County Government.

**Senate Bill No. 997.** By Senator Kneeland.—An act to add a new section to the School Code to be numbered 2321, relating to the membership of governing boards of school districts reorganized.

Senate Bill No. 997 read first time, and referred to Committee on Education.

**Senate Bill No. 998.** By Senator Crittenden.—An act to amend sections 5 and 14 of the State Civil Service Act, relating to civil service.

Senate Bill No. 998 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 999.** By Senator Slater.—An act to add section 547 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 999 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 1000.** By Senator Powers.—An act to amend sections 332, 336, 338, 341, 349, 350, 354, 362, 366, 367, and 371 of the Agricultural Code and to add sections 369L, 369E and 369F thereto, relating to live stock marks and brands.

Senate Bill No. 1000 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1001.** By Senator Powers.—An act to amend sections 380.51, 380.52, 380.53 and 380.59 of the Agricultural Code, relating to live stock marks and brands.

Senate Bill No. 1001 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1002.** By Senator Swing.—An act to amend an act entitled "An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor," approved June 7, 1913, as amended, relating to the revolving fund, making an appropriation therefor, and providing that it shall go into immediate effect.

Senate Bill No. 1002 read first time, and referred to Committee on Finance.

**Senate Bill No. 1003.** By Senator Powers.—An act adding section 3671e to the Political Code, providing for enforcing tax liabilities.

imposed by States extending like comity to this State and providing for bringing suit in other States to collect taxes due this State.

Senate Bill No. 1003 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1004:** By Senator Powers—An act imposing a tax upon the rolling stock of car companies and car-leasing companies, providing that such tax shall be in lieu of other taxes according to value, and providing for the administration of such tax.

Senate Bill No. 1004 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1005:** By Senator Powers—An act to amend sections 2, 3, 7, 11, 12 and 22 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and now providing that this act shall take effect immediately," approved June 25, 1935; to repeal section 32 of said act; to renumber sections 33 and 34 of said act; relating to the taxation of the storage, use or other consumption of tangible personal property.

Senate Bill No. 1005 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1006:** By Senator Powers—An act to amend sections 2, 19 and 20 of an act entitled "An act imposing a tax for the privilege of selling, renting, or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 33 of said act; to renumber section 32 $\frac{1}{2}$  of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property.

Senate Bill No. 1006 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1007:** By Senator Powers—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making an appropriation for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Senate Bill No. 1007 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1008:** By Senator Swing—An act to add section 640 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 1008 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 1009.** By Senator McBrine.—An act to amend section 367 of the Code of Civil Procedure.

Senate Bill No. 1009 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1010.** By Senator McBrine.—An act to amend section 3 of the Workmen's Compensation Insurance and Safety Act of 1917, relating to definitions and to define and declare when injury shall be deemed to have occurred.

Senate Bill No. 1010 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1011.** By Senator Seelig.—An act to appropriate the sum of \$4000 to pay the claim of Margaret Hishory against the State of California.

Senate Bill No. 1011 read first time, and referred to Committee on Finance.

**Senate Bill No. 1012.** By Senator Allen.—An act to add section 6101 to, and to repeal 6116, 612, 613 and 613 1/2 of the Fish and Game Code, relating to steelhead.

Senate Bill No. 1012 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1013.** By Senator Packman.—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 26, 1921, and relating to existing utilities thereon.

Senate Bill No. 1013 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 1014.** By Senator Packman.—An act to amend section 647 of the Penal Code, relating to definitions of warrants.

Senate Bill No. 1014 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 1015.** By Senator Packman.—An act to amend section 602 of the Penal Code, relating to criminal trespass.

Senate Bill No. 1015 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 1016.** By Senator Packman.—An act to amend section 4 of the County Water District Act, approved June 10, 1913, as amended and relating to the organization of such districts, and to the election and appointment of directors thereof.

Senate Bill No. 1016 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 1017.** By Senator Schottky.—An act to amend sections 5401, 5501 and 5504 of the School Code, relating to employment of teachers.

Senate Bill No. 1017 read first time, and referred to Committee on Education.



**Senate Bill No. 1018:** By Senator Metzger—An act to amend section 1200 of the Fish and Game Code, relating to doves.

Senate Bill No. 1018 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1019:** By Senator Gordon—An act to amend sections 1 to 20 inclusive of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of prorate programs with respect to agricultural crops; providing for the enforcement of said programs; providing penalties for violation of said programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to the conservation of agricultural wealth and the prevention of agricultural waste and providing for the Agricultural Prorate Commission.

Senate Bill No. 1019 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 1020:** By Senator Knowland—An act to amend sections 2, 2a, 4, 6, 9, 12 and 16 of the Motor Vehicle Fuel License Tax Act, relating to bonds, licenses and tax payments required thereunder, enforcement of collection thereof, revocation of such licenses and payments of such taxes under protest, and adding four new sections to said act, to be numbered 12a, 12b, 12c, and 12d, relating to correction of errors in assessments made thereunder, and repealing section 18 of said act relating to refund of taxes or cancellation of assessments, and providing when this act shall take effect.

Senate Bill No. 1020 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1021:** By Senator Williams—An act to add section 13a to the Dental Practice Act, relating to places of practice.

Senate Bill No. 1021 read first time, and referred to Committee on Public Health and Quarantine.

**Senate Bill No. 1022:** By Senator Williams (By request)—An act to add section 638 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 1022 read first time, and referred to Committee on Roads and Highways.

**Senate Bill No. 1023:** By Senator Young—An act to amend sections 1 and 4 of an act entitled "An act relating to the liability and damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the

State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931, relating to exemption of employees of the State Division of Narcotic Enforcement from the provisions of said act.

Senate Bill No. 1023 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 1024.** By Senator Powers.—An act to amend section 4300e of the Political Code, relating to the fees of county recorder.

Senate Bill No. 1024 read first time, and referred to Committee on County Government.

**Senate Bill No. 1025.** By Senator Delaney.—An act to amend section 20 of the "Highway Carriers' Act," relating to the transportation of property for one customer.

Senate Bill No. 1025 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 1026.** By Senator Jespersen.—An act to prohibit the display of red lights upon or adjacent to highways in this State.

Senate Bill No. 1026 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 1027.** By Senator Jespersen.—An act to prevent monopoly in the distribution of foods, drinks and personal care articles to the general public, to define certain practices which are hereby declared against public policy and providing for the penalties for the violation of the provisions of this act.

Senate Bill No. 1027 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1028.** By Senator Phillips.—An act to add section 2b to "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1884, relating to boundaries of municipal corporation.

Senate Bill No. 1028 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 1029.** By Senator Nielsen.—An act making an appropriation to the State Printing Plant.

Senate Bill No. 1029 read first time, and referred to Committee on Finance.

**Senate Bill No. 1030.** By Senator Hultmark.—An act to amend section 660 of, and to add 660 3 to, the Fish and Game Code, relating to salmon.

Senate Bill No. 1030 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1031.** By Senator Tickle.—An act to amend section 1 of an act to limit the meaning of the word "conspiracy", and also the using of "restraining order", and "injunction", as applied to disputes

between employers and employees in the State of California, approved March 20, 1903.

Senate Bill No. 1031 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 1032:** By Senator Tickle—An act to amend sections 1, 2½ and 13 of an act to define trust, and to provide for criminal penalties, and civil damages, punishments of corporations, persons, firms, and associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State, approved March 23, 1907, as amended.

Senate Bill No. 1032 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 1033:** By Senator Tickle—An act to amend the Fish and Game Code by the addition thereto of new sections designated 37, 38, and 39, bringing about increased consumption of certain processed fish by the people of California at reasonable prices, and to empower the commission to regulate buying and selling thereof.

Senate Bill No. 1033 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1034:** By Senator Tickle—An act to provide certain standards of fair competition for the sardine processing industry of California, prohibiting certain unfair trade practices, and prescribing penalties for violation of the act.

Senate Bill No. 1034 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1035:** By Senator Nielsen—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act", "California Marketing Agreement Act of 1935," and other acts designed to establish and enforce minimum prices for products produced, manufactured or processed in California.

Senate Bill No. 1035 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1036:** By Senator Schoutky—An act to add section 4255b to the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Senate Bill No. 1036 read first time, and referred to Committee on County Government.

**Senate Bill No. 1037:** By Senator Seawell—An act to repeal Chapter 5 comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers.

Senate Bill No. 1037 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1038:** By Senator Seawell—An act to add section 4041.29 to the Political Code, relating to reports relating to financial statements by county supervisors.

Senate Bill No. 1038 read first time, and referred to Committee on County Government.

**Senate Bill No. 1039.** By Senator Seawell.—An act to amend sections 616 and 619 of the Fish and Game Code, relating to the opening and closing dates for fishing in District 23.

Senate Bill No. 1039 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1040.** By Senator Seawell.—An act to amend section 429 of the Fish and Game Code, relating to license exemptions.

Senate Bill No. 1040 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1041:** By Senator Seawell.—An act to amend section 11715 of the Insurance Code, relating to workmen's compensation insurance.

Senate Bill No. 1041 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1042.** By Senator Seawell.—An act to amend section 4285 of the Political Code, relating to compensation of officers, officials and deputies in counties of the fifty-sixth class.

Senate Bill No. 1042 read first time, and referred to Committee on County Government.

**Senate Bill No. 1043.** By Senator Seawell.—An act to amend section 4272 of the Political Code, relating to compensation of officers, officials and deputies in counties of the forty-third class.

Senate Bill No. 1043 read first time, and referred to Committee on County Government.

**Senate Bill No. 1044.** By Senator Seawell.—An act to amend section 4260 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class.

Senate Bill No. 1044 read first time, and referred to Committee on County Government.

**Senate Bill No. 1045.** By Senator Seawell.—An act to amend section 1432 of the Insurance Code of the State of California, relating to reports and examinations of reciprocal and interexchange insurance companies.

Senate Bill No. 1045 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1046.** By Senator Seawell.—An act to amend section 1430 of the Insurance Code of the State of California, relating to reports and examinations of reciprocal and interinsurance companies.

Senate Bill No. 1046 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1047:** By Senator Seawell.—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers.

Senate Bill No. 1047 read first time, and referred to Committee on Insurance.



**Senate Bill No. 1048:** By Senator Seawell—An act to add section 112.5 to the Vehicle Code, relating to salaries of highway patrolmen.

Senate Bill No. 1048 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 1049:** By Senator Seawell—An act to amend section 1431 of the Insurance Code of the State of California, relating to reports and examinations of reciprocal and interinsurance companies.

Senate Bill No. 1049 read first time, and referred to Committee on Insurance.

**Senate Bill No. 1050:** By Senator Rich—An act creating the "California Commission on Interstate Cooperation," and defining its powers and duties.

Senate Bill No. 1050 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1051:** By Senator Pierovich—An act to add section 366f to the Political Code, relating to the conditions of employment at the Preston School of Industry.

Senate Bill No. 1051 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1052:** By Senator Pierovich—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry.

Senate Bill No. 1052 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1053:** By Senator Pierovich—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1933.

Senate Bill No. 1053 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1054:** By Senator Hays—An act to amend sections 12 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

Senate Bill No. 1054 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1055:** By Senator Pierovich—An act to provide for the erection of buildings and the furnishing of facilities for the Preston School of Industry, and making an appropriation therefor.

Senate Bill No. 1055 read first time, and referred to Committee on Finance.

**Senate Bill No. 1056:** By Senator Law—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in the service of any writ, order or paper, excepting a warrant of arrest.

Senate Bill No. 1056 read first time and referred to Committee on County Government.

**Senate Bill No. 1057:** By Senator Fiedler—An act to add section 225 to the Agricultural Code, relating to district agricultural associations.

Senate Bill No. 1057 read first time and referred to Committee on Agriculture.

**Senate Bill No. 1058:** By Senator Hays—An act to repeal sections 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290 and 2291 of the Political Code, and to add sections 2283, 2284, 2285, 2286, 2287, 2288, 2289 and 2290 thereto, all relating to and by children.

Senate Bill No. 1058 read first time and referred to Committee on Social Security.

**Senate Bill No. 1059:** By Senator Swing—An act to amend sections 13, 14, 61 and 65 of, and to add sections 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82 to the "Alcoholic Beverage Control Act", relating to alcoholic beverages.

Senate Bill No. 1059 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1060:** By Senator Swing—An act to amend sections 2, 6, 17 and 58 of the "Alcoholic Beverage Control Act", relating to alcoholic beverages.

Senate Bill No. 1060 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1061:** By Senator Swing—An act to amend sections 3, 14, and 42 of, and to add sections 15.5, 17.5 and 50.5 to the "Alcoholic Beverage Control Act", relating to alcoholic beverages.

Senate Bill No. 1061 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1062:** By Senator Swing—An act to amend sections 1, 20, 53, and 65 of, and to add sections 4.5, 36.5, 42.5 and 65.5 to the "Alcoholic Beverage Control Act", relating to alcoholic beverages.

Senate Bill No. 1062 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1063:** By Senator Swing—An act to add Article 4, consisting of sections 1660, 1661, 1662, and 1663 to Chapter 1 of Part 6 of Division 11 of the Labor Code, relating to licensing and regulating employment agencies such as moving picture casting offices.

Senate Bill No. 1063 read first time and referred to Committee on Judiciary.

**Senate Bill No. 1064:** By Senator Seawell—An act to amend section 561 of the Fish and Game Code, relating to planting of trout.

Senate Bill No. 1064 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1065:** By Senator Seawell—An act to amend section 429 of the Fish and Game Code, relating to issuance of licenses without payment of fees.

Senate Bill No. 1065 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1066:** By Senator Phillips—An act to amend sections 840, 842, 844, 845 and 845 1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards.

Senate Bill No. 1066 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 1067:** By Senator Hays—An act to amend section 4235 of the Political Code, relating to justice's courts in townships of the first class in sixth class counties.

Senate Bill No. 1067 read first time, and referred to Committee on County Government.

**Senate Bill No. 1068:** By Senator Hays—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13 15, 13¾ and 19½ to the City Carriers' Act.

Senate Bill No. 1068 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 1069:** By Senator Metzger—An act to enable the State of California to take title to its own land.

Senate Bill No. 1069 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1070:** By Senators Young, Hays, and Cunningham—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

Senate Bill No. 1070 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 1071:** By Senator Tickle—An act validating the election and classification of members of the sanitary board of sanitary districts reorganized pursuant to section 31 of the act of the Legislature entitled: "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved

May 17, 1923, as amended, and providing that this act shall take effect immediately.

Senate Bill No. 1071 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1072.** By Senator Tamm.—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the financing government operations, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, water works and other sanitary purposes, the acquisition of property thereby, the raising and collecting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to dissolution of sanitary boards in sanitary districts.

Senate Bill No. 1072 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 1073.** By Senator Biggar.—An act making an appropriation to pay the claim of C. L. Hargrave and H. L. Preston against the State of California.

Senate Bill No. 1073 read first time, and referred to Committee on Finance.

**Senate Bill No. 1074.** By Senator Biggar.—An act to amend section 4279 of the Political Code, relating to penalties of the fifth class.

Senate Bill No. 1074 read first time, and referred to Committee on County Government.

**Senate Bill No. 1075.** By Senator Biggar.—An act to amend section 4262 of the Political Code, relating to penalties of the thirty-third class.

Senate Bill No. 1075 read first time, and referred to Committee on County Government.

**Senate Bill No. 1076.** By Senator Williams.—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon, conferring powers upon the Railroad Commission with respect to the transportation of property by itinerant merchants, providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Senate Bill No. 1076 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 1077.** By Senator Garrison.—An act to add section 1300.4a to the Agricultural Code, relating to processors of farm products.

Senate Bill No. 1077 read first time, and referred to Committee on Agriculture.



**Senate Bill No. 1078:** By Senator Garrison—An act to add section 737.5a to the Agricultural Code, relating to persons purchasing milk.

Senate Bill No. 1078 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1079:** By Senator Garrison—An act to add section 13.9 to "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the fair and exposition fund.

Senate Bill No. 1079 read first time, and referred to Committee on Finance.

**Senate Bill No. 1080:** By Senator Garrison—An act making an appropriation for the purpose of providing for a national egg laying contest.

Senate Bill No. 1080 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1081:** By Senator Garrison—An act to amend section 26 of the Bank and Corporation Franchise Tax Act relating to exchanges of drafts.

Senate Bill No. 1081 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1082:** By Senator Garrison—An act to prevent evasion of payment of taxes on deposits in banks.

Senate Bill No. 1082 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1083:** By Senator Young—An act to amend section 993 of the Fish and Game Code, relating to commercial fishing licenses.

Senate Bill No. 1083 read first time, and referred to Committee on Fish and Game.

**Senate Bill No. 1084:** By Senator McCormack—An act to amend section 1 of an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to sales of farm products.

Senate Bill No. 1084 read first time, and referred to Committee on Agriculture.

**Senate Bill No. 1085:** By Senator Tickle—An act to amend section 2 of the Personal Income Tax Act of 1935, relating to taxation of incomes.

Senate Bill No. 1085 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1086:** By Senator Swing—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering

counties to render financial aid to such districts and making penalties to such districts the provisions of Chapter 2 of the act of Congress entitled "An act to establish a uniform system of bankruptcy (throughout the United States, approved July 1, 1898, as amended and to declare the urgency of this act to take effect immediately," approved February 1, 1913, relating to the relief of assessment districts.

Senate Bill No. 1086 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1087:** By Senator Metzger—An act to amend section 6 of an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor," and to repeal an act entitled "An act to define the duties of and to license land surveyors," approved March 16, 1907, relating to the scope of examinations.

Senate Bill No. 1087 read first time and referred to Committee on Judiciary.

**Senate Bill No. 1088:** By Senator Metzger—An act to levy an excise tax on the sale of all butter substitutes, providing for licensing dealers therein, fixing a penalty for a violation of the provisions of the act, and declaring that this act shall take effect immediately.

Senate Bill No. 1088 read first time and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1089:** By Senator Black—An act to add section 3 to an act entitled "An act creating a reclamation district to be known as Reclamation District No. 10, prescribing its boundaries and providing for the management and control thereof, dissolving Protection District No. 10, of Yuba County, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said district," approved May 26, 1912, relating to the disposition of funds impounded for the payment of outlaid bonds of said district.

Senate Bill No. 1089 read first time and referred to Committee on Drainage, Swamp and Overflowed Lands.

**Senate Bill No. 1090:** By Senator Nielsen—An act to amend sections 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, and 1787 of the Harbors and Navigation Code, relating to the boundaries of San Francisco Harbor.

Senate Bill No. 1090 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 1091:** By Senator Nielsen—An act to amend section 2524 of the Political Code, relating to the jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor.

Senate Bill No. 1091 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 1092:** By Senator Metzger—An act to add section 346.5 and to repeal sections 347 to 353, inclusive, of the Agricultural Code, relating to slaughterers.

Senate Bill No. 1092 read first time, and referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1093:** By Senator Nielsen—An act relating to taxation, adding section 6.5 to the Retail Sales Tax Act of 1933, and adding section 4.5 to the Use Tax Act of 1935, providing for the exemption of purchases of tangible personal property by the State of California.

Senate Bill No. 1093 read first time, and referred to Committee on Revenue and Taxation.

**Senate Bill No. 1094:** By Senator Hays—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties.

Senate Bill No. 1094 read first time, and referred to Committee on County Government.

**Senate Joint Resolution No. 11:** By Senator Metzger—Relative to memorializing the President and Congress of the United States to increase the W.P.A. appropriation.

Senate Joint Resolution No. 11 read, and referred to Committee on Federal Relations.

**Senate Joint Resolution No. 12:** By Senator Metzger—Relative to memorializing Congress to adopt a permanent policy regarding unemployment.

Senate Joint Resolution No. 12 read, and referred to Committee on Federal Relations.

**Senate Constitutional Amendment No. 19:** By Senators Garrison, Jespersen, and Seawell—Proposed amendment adding a new article to the Constitution, to be known as Article XIV A, relative to water and power development.

Senate Constitutional Amendment No. 19 read, and referred to Committee on Irrigation.

**Senate Constitutional Amendment No. 20:** By Senator Gordon—Proposed amendment to Article IV, section 2, of the Constitution, relative to the introduction of legislative bills.

Senate Constitutional Amendment No. 20 read, and referred to Committee on Constitutional Amendments.

### **Reports of Standing Committees—(Resumed).**

The following reports of standing committees were received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, January 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 4—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending sections 8 and 28o thereof, by amending and reenacting sections 68 and 69 and repealing section 28h thereof and by adding to said act as amended new sections to be numbered and providing as follows, to wit: Section 28h, relating to segregation of items of property on the assessment roll; section 28i, relating to proceeds of tax-deeded lands; section 28j, relating to quieting title to tax-deeded lands; section 28k, relating to acquisition of claims to property owned or claimed by the district; section 28l, relating to pro-

reads: of receipt of two hundred bonds) within the meaning or purport of financing as tax bonds to the district; and (2) assuming the amount of financing so provided to two hundred bonds. Whereas the legislative reference is to unconstitutionality and delaying the progress of the act.

SENATE CONCURRENT RESOLUTION No. 3—Relative to Joint Report of the Senate and Assembly.

And reports that the same have been previously reported and passed by the Governor on the twenty-second day of January, 1937, at two o'clock and thirty minutes p.m.

REPORTER Chairman.

SENATE CHAMBER, Sacramento, January 22, 1937.

MR. PRESIDENT: Your Committee on Engineering, Machinery and Printing has examined.

SENATE CONCURRENT RESOLUTION No. 7—Authorizing the printing proceedings of the District of Columbia at Harbison 8000, West of California, subject to the specified election of said district, and giving special executive powers said district on the expiration day of June, 1936, and reports that the same have been previously reported and passed by the Governor on the twenty-second day of January, 1937, at two o'clock and thirty-five minutes p.m.

REPORTER Chairman.

SENATE CHAMBER, Sacramento, January 22, 1937.

MR. PRESIDENT: Your Committee on Engineering, Machinery and Printing has examined.

SENATE BILL No. 262—An act to amend section 30 of the Agricultural Code, relating to appropriations for improvements, taxes, including the authority to take effect immediately and reports that the same has been previously reported, and presented to the Governor on the twenty-second day of January, 1937, at two o'clock and thirty-five minutes p.m.

REPORTER Chairman.

SENATE CHAMBER, Sacramento, January 22, 1937.

MR. PRESIDENT: Your Committee on Engineering, Machinery and Printing has examined.

SENATE BILL No. 159—An act to amend section 8 of the act entitled "Old Age Security Act," approved May 28, 1933, relating to (other law and general), including the urgency clause to take effect immediately.

SENATE BILL No. 100—An act to amend sections 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

And reports that the same have been previously reported and presented to the Governor on the twenty-second day of January, 1937, at two o'clock and thirty minutes p.m.

REPORTER Chairman.

SENATE CHAMBER, Sacramento, January 22, 1937.

MR. PRESIDENT: Your Committee on Engineering, Machinery and Printing has examined.

SENATE BILL No. 451—An act to amend section 1960 of the Political Code, relating to assessment and levy of taxes upon insurance companies and providing the same shall take effect immediately.

SENATE BILL No. 488—An act relating to the financing, organization and proceedings of municipal utility districts, confirming the creation, organization and winding up of such districts; establishing and confirming the business method of conducting proceedings for the association of territory for incorporation and district thereof within municipal districts; confirming the election of the members of the boards of directors of such districts and all acts and proceedings of such members heretofore had or taken, confirming and confirming any and all acts and proceedings heretofore had or taken by such districts in connection with the issuance of bonds thereof and all bonds heretofore authorized or issued by such district and authorizing such bonds to be sold and delivered, providing for the levy and collection of a tax sufficient to pay the principal and interest on any such bonds and declaring this act to be an urgency measure.

SENATE JOINT RESOLUTION No. 4—Relative to amending and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work relief.

SENATE BILL No. 207—An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission for the eighty-



seventh and eighty-eighth fiscal years, declaring the urgency thereof; and providing that this act shall take effect immediately;

Senate Concurrent Resolution No. 11—Relative to reports of the Annual Convention of the Disabled American Veterans of the World War of the Department of California, and Department and Encampment of the Grand Army of the Republic; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1937, at two o'clock and fifty minutes p.m.

**KEOUGH, Chairman.**

SENATE CHAMBER, SACRAMENTO, JANUARY 22, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 9—Relative to approving a certain amendment to the charter of the city of Richmond, a municipal corporation in the county of Contra Costa, State of California, duly voted for and ratified by the qualified electors thereof at an election held therein on the third day of November, 1936;

Senate Bill No. 334—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create board of fire commissioners," approved March 4, 1881, by adding a new section thereto numbered 24a, relating to fire protection, to take effect immediately;

Senate Joint Resolution No. 5—Relative to memorializing and petitioning the Congress to enact legislation distributing the revenues obtained from Naval Petroleum Reserves on the same basis as the revenues from other public lands leased under the provisions of the Mineral Leasing Act;

Senate Concurrent Resolution No. 10—Approving amendments to the charter of the county of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3rd, 1936;

Senate Bill No. 329—An act to add section 612 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1937, at two o'clock and fifty minutes p.m.

**KEOUGH, Chairman.**

### **Message from the Assembly.**

At two o'clock and fifty-five minutes p. m., a committee from the Assembly consisting of Messrs. King, Maloney, and Breed, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate and was now prepared to adjourn for the constitutional recess.

### **Report of Committee.**

Senator Fletcher as chairman of committee appointed to await upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communications to transmit to the Senate.

### **Report of Committee.**

Senator McBride as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess reported that the committee had delivered the message to the Assembly and had been requested by the Assembly to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the constitutional recess.

### **Approval of the Minutes.**

The minutes of this day, Friday, January 22, 1937 were read, and on motion of Senator Knowland, approved as read.

### Adjournment

Thereupon at three o'clock p.m., on motion of Senator Deuk, in accordance with the provisions of Senate Concurrent Resolution No. 5, Hon. William P. Rich, President pro tempore of the Senate, declared the Senate adjourned for the constitutional recess to reconvene at twelve o'clock m., on Monday, March 1, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE

#### SENATE CHAMBER

SACRAMENTO, Monday, March 1, 1937.

Pursuant to Senate Concurrent Resolution No. 5, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at twelve o'clock noon.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### Roll Call

The roll was called, and the following answered by their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Dool, Fletcher, Garrison, Gordon, Hays, Hollister, Hobbs, Jepsen, Keating, Keough, Knowland, Lusk, McBrink, Matlock, McCarroll, McCreary, Miller, Murray, Quinn, Quinn, Parks, Quinn, Phillips, Pomeroy, Potts, Quinn, Rich, Schuch, Seaton, Smith, Smith, Tickle, Wagy, Westover, Williams, and Young.

Quorum present.

### Prayer

Prayer was offered by the Chaplain, Rev. Clarence A. Kirtner.

### Leave of Absence

Senator Allen was, on motion of Senator Deuk, granted leave of absence for this day.

### Privilege of Floor of Senate Extended

On request of Senator Jepsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his mother, Mrs. J. H. Jepsen of Paso Robles, California.

### Appointments by the President of the Senate

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO, March 1, 1937.

To the Secretary and Members of the Senate:

I have this day appointed Andrew Schuck, Jr., Jos. S. Hays and George B. Jenkins as Pages in the Senate at the rate of \$2.50 per day.

GEORGE J. HATFIELD, Lieutenant Governor.

Senator Tickle moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called and the appointments confirmed by the following vote:

AYES: Senators Biggar, Crittenden, Cunningham, DeLap, Dool, Fletcher, Garrison, Gordon, Hays, Hollister, Hobbs, Jepsen, Keating, Keough, Knowland,

Law, McBride, McColl, McCormack, McGovern, Metzger, Minter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Tickle, Wagy, Westover, and Young—36.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Swing:

*Resolved*, That the President of the Senate appoint a special Committee of Three to notify the Governor that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 5 and is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Swing adopted.

### Appointment by the President.

In accordance with the above resolution, Senators Swing, Slater, and Powers were named by the President as a committee to inform the Governor that the Senate has reconvened, and was prepared to transact the business of the State.

### Resolution.

The following resolution was offered:

By Senator Rich:

*Resolved*, That the President of the Senate appoint a special Committee of Three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 5, and is ready to proceed with the business of the State.

Resolution read, and on motion of Senator Rich, adopted.

### Appointment by the President.

In accordance with the above resolution, Senators Rich, McBride, and DeLap were named by the President as a committee to inform the Assembly that the Senate had reconvened, and was prepared to transact the business of the State.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Senators	County	Mileage	Total at five cents per mile
Allen, James M.	Siskiyou	590	\$29 50
Biggar, George M.	Mendocino	468	23 40
Crittenden, Bradford S.	San Joaquin	98	4 90
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	160	8 00
Deuel, Charles H.	Butte	228	11 40
Fletcher, Ed.	San Diego	1,146	57 30
Garrison, J. C.	Stanislaus	164	8 20
Gordon, Frank L.	Napa	110	5 50
Hays, Ray W.	Fresno	338	16 90
Hollister, J. James	Santa Barbara	854	42 70
Holohan, James B.	Santa Cruz	396	19 80
Jespersen, Chris N.	San Luis Obispo	666	33 30
Kearney, Thomas F.	Marin	210	10 50
Keough, Karl P.	Inyo	1,406	70 30
Knoeland, W. F.	Alameda	178	8 90
Law, Edward H.	Imperial	1,322	66 10
McBride, James J.	Ventura	980	49 00
McColl, John B.	Shasta	342	17 10
McCormack, Thomas	Solano	124	6 20

Senators	Count	Value	Percentage
McGuire, Walter	San Francisco	180	5
Morgan, D. Jack	Tulare	286	14
Moser, Frank M.	Tulare	419	21
Nelson, Ross J.	Sacramento	3	
Olson, Gustaf L.	Los Angeles	686	34
Parkman, Harry L.	San Mateo	700	35
Phillips, James	Orange	100	5
Plimvieh, A. L.	Amador	110	5
Powers, Harold J.	Merced	833	41
Quinn, John T.	Stanislaus	302	15
Rice, W. P.	Yuba	104	5
Schottka, Arthur R.	Merced	222	11
Seaman, James J.	Yuba	100	5
Seaton, Herbert W.	Stanislaus	100	5
Seymour, H. E.	San Bernardino	100	5
Tucker, Edward H.	Merced	100	5
Wagon, J. J.	Yuba	100	5
Wheeler, Henry C.	Stanislaus	100	5
Williams, Dan F.	Stanislaus	100	5
Young, Stanford	Stanislaus	100	5

Officers	Count	Value	Percentage
Hughes, George J., President	San Francisco	180	115.00
Reed, Joseph A., Secretary	Orange	900	99.00
Nelson, Joseph F., Sergeant at Arms	Los Angeles	686	40.00
Schottka, Arthur R., Messenger	Tulare	286	30.00

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Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES:** Senators Butler, Chapman, Cunningham, Deane, Elmore, Gorman, Gordon, Hays, H. Jones, H. Jones, Johnson, Keating, Keating, Keating, Lee, McCall, McCracken, McGuire, Morgan, Myers, Olson, Parkman, Quinn, Rick, Schottka, Sewell, Tickle, Wagon, Wheeler, and Young, 36.

**NOES:** None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as specified by law, with the understanding set opposite their names, payable weekly, beginning March 1, 1937, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay for same.

	Per day (\$1000 per year)
Clarence A. Kieker, Chaplain	\$4.00
E. W. Seaman, Minute Clerk	5.00
Robert G. Alderman, Engraving and Engraving Clerk	7.00
Martland S. Pennington, Assistant Secretary	7.00
Alfred Blatz, Assistant Secretary	7.00
James Boyd Garrison, Assistant Minute Clerk	7.00
Elmer Larson, File Clerk	7.00
M. E. Geeting, Assistant at Desk	5.00
John Lea, Assistant at Desk	5.00
Margaret Donville, Stenographer at Desk	5.00
Gladys Gusto, Chief Stenographer	6.00
Mabel Hoerning, Clerk at Finance Committee	6.00
Glenna May Wilson, Stenographer	5.00
Martha Weaver, Stenographer	5.00
Flora Gilliam, Stenographer	5.00
Jeanne Valle, Stenographer	5.00



	<i>Per day 6 days per week</i>
Marguerite Brigdes, Stenographer.....	\$5 00
Maxine Duncan, Stenographer.....	5 00
Grace Brown, Stenographer.....	5 00
Kathleen Marlahan, Stenographer.....	5 00
Ada M. Pierce, Stenographer.....	5 00
Wanda Durkee, Stenographer.....	5 00
Winifred Elliott, Stenographer.....	5 00
Grace McCarthy, Stenographer.....	5 00
Patricia Whitman, Stenographer.....	5 00
Ruth Tuttle, Stenographer.....	5 00
Catherine McGill, Stenographer.....	5 00
Herman Snively, Assistant Sergeant-at-Arms.....	5 00
Charles Jackson, Assistant Sergeant-at-Arms.....	5 00
Felix Gray, Assistant Sergeant-at-Arms.....	5 00
Katharine Lytle, Stenographer.....	5 00
Josephine Holohan, Stenographer.....	5 00
Ralph Haurry, Stenographer.....	5 00
Mayme Riddle Poe, Stenographer.....	5 00
Frank Butler, Assistant Sergeant-at-Arms.....	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved.* That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, and the Controller is hereby directed to pay the same:

	<i>Per day</i>
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms.....	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olsen, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 485—An act to validate the formation and existence of school districts of every kind and class and declaring the urgency hereof—and reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Rich:

SENATE CHAMBER, SACRAMENTO, MARCH 1, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill the title of which is set forth below.

An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Respectfully submitted

SENATOR RICH

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MARCH 1, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Rich to introduce a bill entitled "An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately," has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
STAFFE,  
TUCKER,  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 4 of Article IV of the Constitution and the report adopted by the following vote:

AYES—Senators Biggart, Catterton, Cunningham, DeLoe, Dunn, Garrison, Gordon, Hays, Hollister, Holahan, Johnston, Keating, Kneale, Knowland, Lee, McCormick, McGovern, Metzger, Meyer, Nathan, Olson, Packard, Phillips, Povich, Powers, Quinn, Red, Schreyer, Seawell, Senter, Smith, Tamm, Tracy, Westover, Williams, and Young—36.

NOES—None.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Bill No. 1095:** By Senator Rich: An act making an appropriation for contingent expenses of the Senate and declaring that this act shall take effect immediately.

Senate Bill No. 1095 read first time and ordered held at the desk.

### Message From the Assembly.

Messrs. Maloney, Lyon, and Gilbert, a Special Committee from the Assembly, appeared at the bar of the Senate and notified the Senate that the Assembly had reconvened and was ready to proceed with the business of the State.

### Consideration of Daily File.

### Third Reading of Senate Bills.

Senate Bill No. 485—An act to validate the formation and existence of school districts of every kind and class and declaring the urgency hereof.

Bill read third time.

### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity: The boundaries of many school districts, high school districts and junior college districts within the State of California have been established, enlarged, changed or altered within the last two years, and many of such districts thereafter have voted bonds for raising money with which to purchase school lots, for building or purchasing one or more school buildings, or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such districts evidenced by bonds or warrants thereof. The proceedings in the establishment, enlargement, change or alteration of boundaries of such districts in many instances were irregular and by reason of such minor irregularities and defects in such proceedings not jurisdictional such bonds can not now be sold. The present school facilities of such districts are inadequate to meet the needs of the pupils in such districts, and it is necessary and urgent that such proceedings be validated at an early date.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 485 ordered transmitted to the Assembly.

### Reports of Special Committees.

Senators Swing, Slater, and Powers, the Special Committee appointed to notify the Governor that the Senate had reconvened, and was ready to receive any communication he might desire to make, reported that His Excellency, Governor Frank F. Merriam, had advised the committee that he was pleased to note that the Senate had reconvened, and that he had no communication to present to the Senate at this time.

Senators Rich, McBride, and DeLap, the Special Committee appointed by the President to notify the Assembly that the Senate had reconvened, and was ready to receive any communication the Assembly might make, reported that they had communicated with the Assembly as directed.

### Time and Place of Senate Committee Meetings

The President announced the following schedule of committee meetings:

1. Agriculture—Tuesday, 8:00 a.m., Room 406.
2. Aviation and Aeronautics—On call of chairman.
3. Banking—Tuesday on adjournment, Room 415.
4. Building and Construction—Friday, 8:00 a.m., Room 415.
5. Building and Loan Associations—Monday on adjournment, Room 415.
6. Civil Service—Monday, 8:30 a.m., Room 414.
7. Commerce and Navigation—Monday on adjournment, Room 406.
8. Conservation—Monday on adjournment, Room 414.
9. Constitutional Amendments—Wednesday, 8:00 p.m., Room 205.
10. Continental Expenses—On call of chairman.
11. Corporations and Financial Institutions—Wednesday, 8:00 a.m., Room 414.
12. County Government—Friday, 8:30 a.m., Room 406.
13. Drainage, Swamp and Reclamation Lands—Friday, 8:30 a.m., Room 414.
14. Education—Thursday, 8:00 p.m., Room 406.
15. Elections—Wednesday on adjournment, Room 406.
16. Employment, Labor and Unemployment—On call of chairman.
17. Federal Relations—On call of chairman.
18. Finance—Tuesday and Thursday, 8:30 a.m., Room 414.
19. Fish and Game—Friday on adjournment, Room 406.
20. Governmental Library—Thursday, 8:00 p.m., Room 414.
21. Hospitals and Asylums—Wednesday, 8:30 a.m., Room 406.
22. Insurance—Monday, 8:30 a.m., Room 406.
23. Irrigation—Wednesday, 8:30 a.m., Room 415.
24. Judiciary—Monday and Wednesday, 8:00 p.m., Room 414.
25. Labor and Capital—Friday on adjournment, Room 415.
26. Live Stock and Dairying—Thursday, 8:30 a.m., Room 406.
27. Monetary Affairs—Thursday, 8:00 p.m., Room 406.
28. Mines and Mining—Monday, 8:00 p.m., Room 406.
29. Motor Vehicles—Monday, 8:00 p.m., Room 406.
30. Municipal Corporations—Wednesday on adjournment, Room 414.
31. Oil Industries—Thursday on adjournment, Room 406.
32. Prisons and Reformatories—Monday, 8:00 p.m., Room 205.
33. Public Health and Quarantine—Friday on adjournment, Room 414.
34. Public Morals—Monday, 8:30 a.m., Room 415.
35. Public Utilities—Thursday, 8:30 p.m., Room 406.
36. Revenue and Taxation—Friday, 8:00 p.m., Room 415.
37. Revision of Criminal Law and Procedure—Monday and Wednesday, 8:00 p.m., Room 415.
38. Roads and Highways—Wednesday, 8:00 p.m., Room 406.
39. Rules—On call of chairman.
40. Social Security—Thursday, 8:00 p.m., Room 205.
41. Universities and State Colleges—Wednesday on adjournment, Room 415.

### Adjournment.

At twelve o'clock and twenty-six minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, March 2, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO, Tuesday, March 2, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair  
Secretary Joseph A. Beek at the desk.



### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Monday, March 1, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator Holohan was, on motion of Senator Keating, granted leave of absence for this day.

Senator Allen was, on motion of Senator Denel, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur T. Poheim, William Bereovich, and "Pat" Silberstein, all of San Francisco.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

*To the Members of the Senate.*

Pursuant to authority vested in me by the original resolution directing me to have printed and to distribute copies of Mason's Manual of Legislative Procedure, I forwarded a copy of the same to the presiding officers of such legislative bodies of the various States as are now in session.

I have received numerous acknowledgements from such officers, one of which, from the Hon. Hugh R. Adair, Lieutenant Governor of Montana, is particularly gratifying. I am submitting it to you in the hope that you may see fit to make it a part of the permanent records of the Senate.

Respectfully submitted,

J. A. BEEK, Secretary of the Senate.

SENATE OF THE STATE OF MONTANA.  
HUGH R. ADAIR, Lieutenant-Governor.  
M. B. BOSCKIS, Secretary.

HELENA, February 22, 1937.

*Hon. Joseph A. Beek, Secretary of the Senate,  
Sacramento, California.*

DEAR MR. BEEK: The copy of "Mason's Manual of Legislative Procedure" which was sent me through the courtesy of the California Senate was received and I have carefully examined same and I am of the opinion that the manual is the most carefully digested and usable small manual for legislative assemblies such as ours that I have yet seen.

The annotations and footnotes are particularly valuable and I know that the compilation of such a thorough and compact manual must have involved a vast amount of painstaking work.

Only yesterday the manual was used and accepted as authority in the settlement of a difference which had arisen in connection with a vote on the adoption of the report of a Conference Committee. The disputed matter was readily found in the index and the text was reasonable and accepted without question.

Mr. H. D. Rolph, the present Speaker of the House of Representatives, would like to obtain a copy of the manual and several other inquiries have been made as to the price of same and where same could be obtained.

One legislator today advised me that he had wired for a copy of the minutes to the California State Printing Office.

The writer has just completed a revision of the Rules of the Senate which carry with same annotations showing the rules that are based on either constitutional or statutory provisions. As soon as these new revised rules are received from the printer, we shall be pleased to supply you with a copy of same.

Kindly express to the Senate my appreciation for their thoughtfulness and courtesy in forwarding me a copy of the manual which I consider most valuable to presiding officers and members of legislative assemblies.

Very truly yours,

HUGH R. ADAIR

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 27, 1937

*Honorable Members of the Senate,*

*Sacramento, California.*

GENTLEMEN: I am returning herewith, without my signature, Senate Bill No. 6, being

An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs, declaring the amount thereof to take effect immediately.

This action is taken owing to a provision which was inadvertently included in the bill, and the veto is made with the consent of the authority in 1935, who having been later introduced of the same terms and effect.

Yours most respectfully,

FRANK F. MERRIAM, Governor of California.

### Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 6, read.

The question being: Shall Senate Bill No. 6 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Cunningham, DeLong, Dixon, Fletcher, Gordon, Gordon, Hays, Hollister, Jorgensen, Keating, Knight, Kneeland, Latta, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkinson, Phillips, Phipps, Quinn, Rich, Seawell, Slater, Swang, Tuck, Wagy, Westover, Williams, and Young—34.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 1, 1937, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	Per day 6 days per week
Frances Callicotte, Stenographer.....	\$5 00
Helen Nelson, Stenographer.....	5 00
Virginia Crossan, Stenographer.....	5 00
Bernadine Owens, Stenographer.....	5 00
Virginia Ford, Stenographer.....	5 00
Dorothea Gimblett, Clerk of Judiciary Committee.....	6 00
Howard S. McIntire, Assistant Secretary.....	7 00

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young 34.

NOES: None.

### Communications.

The following communications were received, and referred to the appropriate committees:

#### I.

A concurrent resolution from the State of Kansas, memorializing the Senate of the United States to oppose ratification of the Argentine Sanitary Agreement pertaining to live stock and meat importation from South American countries where foot-and-mouth disease exists or has not been uncommon.

Communication referred to Committee on Federal Relations.

#### II.

A joint resolution from the Legislature of the State of Oregon, petitioning Congress to enact into law legislation authorizing the use of Civilian Conservation Corps.

Communication referred to Committee on Federal Relations.

#### III.

A joint resolution from the Legislature of the State of Oregon, memorializing Congress not to ratify the Argentine Sanitary Agreement.

Communication referred to Committee on Federal Relations.

#### IV.

A joint resolution from the Legislature of the State of Oregon, to the Congress of the United States, pertaining to the interest rate on Federal farm mortgage corporation bonds.

Communication referred to Committee on Federal Relations.

#### V.

A joint resolution from the Senate and House of Representatives of the State of Washington to the Legislatures of the States of Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Montana, Wyoming, Colorado, North Dakota, and Texas, petitioning for the early enactment of such legislation as would petition Congress to continue the National reclamation program.

Communication referred to Committee on Federal Relations.

#### VI.

A joint resolution from the Legislature of the State of Idaho, petitioning Congress of the United States to protest the ratification of the Argentine Sanitary Convention.

Communication referred to Committee on Federal Relations.

#### VII.

A joint memorial from the Legislature of the State of Colorado, petitioning Congress of the United States to protest the ratification of the Argentine Sanitary Convention.

Communication referred to Committee on Federal Relations.

#### VIII.

From the members of the Social Service Curriculum of the University of California, requesting the appropriation for the University of California be sufficiently increased in order that the Curriculum in Social Service may have an adequate

budget to continue its needed existence. Signed by Max Edwards Hill and forty-six other members of the Social Service Commission.

Communication referred to Committee on Universities and State Colleges.

#### IX.

From the Captain H. A. Crow Post No. 884 Veterans of Foreign Wars of the United States, petitioning for necessary appropriations to relieve certain most existing conditions at the Veterans' Home in Napa County.

Communication referred to Committee on Military Affairs.

#### X.

From the General William Mitchell Camp No. 85 United Spanish War Veterans voicing its opposition to Assembly Bill No. 872 and requesting that the bill be killed in committee.

Communication referred to Committee on Military Affairs.

#### XI.

From the Ninety First Division Association, Inc., Northern California Section requesting that the condition of the Veterans' Home at Napa County be improved by appropriate appropriations.

Communication referred to Committee on Military Affairs.

#### XII.

From 12 members of the Los Angeles Bar Association opposing Assembly Bill No. 948 or any other bill calculated to bring about the same result.

Communication referred to Committee on Judiciary.

#### XIII.

Communications received from fifty labor unions and organizations in support of a measure now before the Legislature calling for a full and complete pardon for Tom Mooney.

Communication referred to Committee on Judiciary.

### Introduction, First Reading and Reference of Bills

The following bills were introduced:

**Senate Concurrent Resolution No. 14:** By Senators Gardner, Mixer, Law, Quinn, Hayes, Parkman, McBride, Powers, Fletcher, Kough, Young, and Slater—Authorizing and directing the Director of Finance of the State of California, for and in the name of the State of California, to enter into such lease or leases, or other contract or contracts, as, in his opinion, shall be necessary to obtain, within the shortest time practicable, an adequate supply of water for the several State institutions, State Farm and State Game Farm, situate in the county of Napa in said State.

Senate Concurrent Resolution No. 14 read, and held on file without reference to committee.

**Senate Concurrent Resolution No. 15:** By Senator Parkman—Relative to approving a certain amendment to the charter of the county of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at a general election held in said county on the third day of November, 1936.

### Consideration of Senate Concurrent Resolution No. 15.

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 15, without reference to committee for purpose of adoption.



Senate Concurrent Resolution No. 15—Relative to approving a certain amendment to the charter of the county of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at a general election held in said county on the third day of November, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32.

NOES—None.

Senate Concurrent Resolution No. 15 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Schottky:

Relative to memorializing Congress concerning pending legislation to increase the number of Justices of the Supreme Court of the United States.

WHEREAS, Legislation has been introduced, sponsored by the President of the United States, to increase the number of Justices of the Supreme Court of the United States; and

WHEREAS, Said legislation provides, among other things, that whenever a Supreme Court Justice, having attained the age of 70 years and having served 10 years upon the Federal bench, fails to retire, an additional justice may be appointed by the President, subject only to the limitation that there be no more than 15 judges upon the Supreme Court; and

WHEREAS, It is apparent from the message accompanying the President's proposal and the public utterances of the President and the chief supporters of said proposal that the reason for the proposal is the fact that certain legislation sponsored by the President and enacted by the Congress has been declared unconstitutional by the Supreme Court of the United States, and that the purpose of the proposal is to enable the President to appoint to the Supreme Court judges who will approve such legislation and declare it constitutional; and

WHEREAS, Under the Constitution of the United States the judicial power is vested in the Supreme Court, and the Supreme Court is intended to be a separate independent branch of our government; and

WHEREAS, The effect of the enactment into law of the said proposal of the President will be to pack the Supreme Court of the United States in order to secure approval of legislation heretofore and to be hereafter enacted by the Congress, and the further effect of the enactment by the Congress of legislation carrying out said proposal will be to destroy the function of the Supreme Court of the United States as an independent branch of our Government, and will in the language of the Senior Senator from California Hiram W. Johnson "render the Supreme Court subservient to the Presidency"; and

WHEREAS, The further effect of the enactment of such a proposal will be to amend the Constitution of the United States by indirection and to disregard the sound advice of George Washington when he said in his farewell address:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.

"But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

"The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

and further to disregard the words of Thomas Jefferson, when he said:

"A single consolidated government would become the most corrupt government on earth \* \* \* What has destroyed the liberty and the rights of man in every government which has existed under the sun, the generalizing and concentrating all cares into one body \* \* \*";

and

WHEREAS, It is vital to the preservation of our American institutions and our American form of government that the three great branches of our Government

should remain separate and independent, and there shall continue to be a judicial review by an independent court of justice of the acts of the Congress and of the President, in order to determine judicially whether the individual rights and liberties guaranteed under the Constitution have been infringed upon; and

WHEREAS, The separation of the executive, the legislative and the judicial branches of our Government, and the mutual independence of the three branches, one from the other are fundamental to the genius of our Constitution and our Government; now, therefore, be it

*Resolved by the Senate of the State of California, That the Senate of the State of California does respectfully urge and memorialize the Congress of the United States to reject that portion of the proposed legislation which will give to the President of the United States the right to appoint additional justices to the Supreme Court of the United States in the event that any of the justices of the Supreme Court fail to resign and to reject any legislation which will destroy the independence of the Supreme Court and render it subservient to the Presidency, and be it further*

*Resolved, That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to all the Senators and Representatives from California in the Congress of the United States.*

Resolution read, and ordered printed in the Journal.

### Special Order.

Senator Schottky moved that the above resolution be made a special order for eleven o'clock and thirty minutes a.m., Wednesday, March 3, 1937.

### Consideration of Daily File Second Reading of Senate Bills

Senate Bill No. 1095—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on the first third reading.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT, Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1095—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately—and reports that the same has been correctly engrossed.

KEOUGH, CHAIRMAN.

### Resolution.

The following resolution was offered:

By Senator Rich.

*Resolved, That Senate Bill No. 1095 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.*

Resolution read.

The question being on the adoption of the resolution.

**The roll was called, and the resolution adopted by the following vote:**

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McCall, McGowan, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tinkle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 1095.

### Third Reading of Senate Bills.

Senate Bill No. 1095—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of Article IV, section 2 of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1095 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1095 ordered transmitted to the Assembly.

#### Recess.

On motion of Senator Crittenden, the President of the Senate declared recess for the purpose of hearing from former Senator W. R. Sharkey.

#### Reconvened.

On motion of Senator Crittenden, the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Resolution.

The following resolution was offered:

By Senators Jespersen and Garrison:

WHEREAS, James Martin Shannon did for many years serve as elevator operator in the Capitol Building; and

WHEREAS, James Shannon was at all times most courteous and helpful and unswerving in his attention to his duties, ready at all times with a cheerful greeting to those who had occasion to visit the Capitol Building, including the members of the Senate, the Assembly and the public generally; and

WHEREAS, His attention to his duties and his cheerfulness and helpfulness was at all times deeply appreciated by the members of the Senate of the State of California and their families and friends; now, therefore, be it

Resolved, That when the Senate adjourns this day, it do so out of respect to the memory of James Martin Shannon; be it further

Resolved, That this resolution be printed in the Journal of the Senate and a properly engrossed copy be presented to the wife who survives James Martin Shannon, Mrs. Mary R. Shannon.

Resolution read, and on motion of Senator Jespersen, adopted.

**Resolution.**

The following resolution was offered:

By Senator Olson:

**WHEREAS**, The President of the United States, in a message to the Congress has recommended certain reforms in the procedure and personnel of the Federal Courts, for curing defects, removing inefficiency and abuses that have tended to destroy the faith of the people in the integrity of the judiciary and render them in question its competency to function as required by the Constitution; and

**WHEREAS**, The constitutionality of the President's proposed reforms is unquestioned, and its enactment by the Congress will serve the public in a prompt, more efficient and a more economical manner; and to justify the complete support therefor and confidence therein; now, therefore, be it

*Resolved*, By the Senate of the State of California, that the recommendations contained in the President's said message on the Judiciary be, and the same are hereby fully endorsed and approved; and that the Congress of the United States be and it is hereby recommended to enact prompt measures to carry them out.

*Resolved further*, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the United States.

**Special Order**

Senator Olson moved that the above resolution be made a special order for Wednesday, March 3, 1937, immediately after the consideration of Senator Schottky's resolution.

**Adjournment.**

On motion of Senator Rich, at twelve o'clock and fifty-four minutes p.m., the President of the Senate declared the Senate adjourned in respect to the memory of the late Jim Shannon until eleven o'clock a.m., Wednesday, March 3, 1937.

ELLSWORTH W. SCAMBERG, Minor Clerk.

**IN SENATE**

SENATE CHAMBER,

SACRAMENTO, Wednesday, March 3, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Bush at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Biggar, Cretzschmar, Cunningham, DeLoe, Dean, Frazier, Gorman, Gordon, Hays, Hester, Houston, Johnson, Kneale, Knepps, Kirtland, Lee, McColl, McGinnick, McGowan, Morgan, Myers, Nelson, Olson, Perkins, Phillips, Pienovich, Powers, Quinn, Rich, Schottky, Sorensen, Slater, Stone, Trafton, Westover, Williams, and Young—38.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, March 2, 1937, the further reading was, on motion of Senator Slater, dispensed with.



**Leaves of Absence.**

Senator Allen was, on motion of Senator Deuel, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edith V. A. Murphy of Covelo, California, State Chairman of Indian Welfare of the State Federation of Women's Clubs, and A. W. Biggar of Redding, California, W. P. Engineer for Shasta County.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Samuel Taylor of Piedmont, California.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Gilbert Gold and Rev. Aloysius Antlitz of St. Francis Church, Sacramento, California.

**Communications.**

The following communications were received, and ordered printed in the Journal:

January 27, 1937.

*Honorable J. S. Webb, Attorney General, State of California,  
San Francisco, California.*

SIR: Section 15 of Article 4 of the State Constitution provides in part "No law shall be passed except by bill \* \* \*."

Section 2 of Article 4 of the Constitution of the State of California reads in part: "The sessions of the Legislature shall be biennial \* \* \* and shall continue for a period not exceeding 30 days thereafter; whereupon a recess of both houses must be taken for not less than 30 days. On reassembling of the Legislature no bill shall be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling."

As the Presiding Officer of the Senate, I desire to have you advise me as to whether or not, after the constitutional recess, an attempt to amend or pass any of the following would be a violation of the constitutional provisions above referred to, or of any other constitutional provision.

No. 1.

SENATE BILL

No. 162.

---

INTRODUCED BY SENATOR BLACK.

January 20, 1937.

---

REFERRED TO COMMITTEE ON JUDICIARY.

---

*An act to amend section ----- of the Political Code.  
The people of the State of California do enact as follows:*

1 SECTION 1.

No. II.

SENATE BILL

No. 100

INTRODUCED BY SENATOR BLACK

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY

*An act to amend sections 4254 and 4254.5 of the Political Code, relating to the people of the State of California do enact as follows:*

1 SECTION 1.

No. III.

SENATE BILL

No. 101

INTRODUCED BY SENATOR BLACK

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY

*An act to amend section 2920 of the Civil Code, relating to mortgages. The people of the State of California do enact as follows:*

1 SECTION 1.

No. IV.

SENATE BILL

No. 102

INTRODUCED BY SENATOR BLACK

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY

*An act to amend section 2920 of the Civil Code, relating to mortgages. The people of the State of California do enact as follows:*

1 SECTION 1. Section 2920 of the Civil Code is hereby amended to read as follows:

No. V.

SENATE BILL

No. 103

INTRODUCED BY SENATOR BLACK

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY

*An act to amend section 2920 of the Civil Code, relating to mortgages. The people of the State of California do enact as follows:*

1 SECTION 1. Section 2920 of the Civil Code is hereby amended  
2 to read as follows:  
3 2920.

## No. VI.

SENATE BILL

No. 162.

INTRODUCED BY SENATOR BLACK.

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY.

*An act to amend "An act to prevent combinations to obstruct the sale of live stock in the State of California," approved February 27, 1893, relating to live stock sales.*

*The people of the State of California do enact as follows:*

1 SECTION 1.

## No. VII.

SENATE BILL

No. 162.

INTRODUCED BY SENATOR BLACK.

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY.

*An act to provide for the discharge, cancellation and retirement of the indebtedness represented by bonds of special assessment improvement districts issued under the Acquisition and Improvement Act of 1925 where said bonds were issued prior to January 1, 1932, and providing for the discharge, cancellation and retirement of said bonds or part thereof where such bonds have been purchased or redeemed by any city, county or city and county for the purpose of cancelling, discharging or reducing special assessment levies against the property in such districts, and to provide for contribution of public funds to assist in such discharging, cancellation or retirement of said bonds.*

*The people of the State of California do enact as follows:*

1 SECTION 1.

## No. VIII.

SENATE BILL

No. 162.

INTRODUCED BY SENATOR BLACK.

January 20, 1937.

REFERRED TO COMMITTEE ON JUDICIARY.

*An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.*

*The people of the State of California do enact as follows:*

1 SECTION 1. A new chapter is hereby added to Division IV of  
2 the Agricultural Code to be numbered 9 and to read as follows:

3  
4 Chapter 9. Production and Marketing of Milk and Other Dairy  
5 Products.

6 Article 1. General Provisions.

In Cases Nos. 1 and 6, the titles refer to an unspecified section of an existing code or act.

In Cases Nos. 2, 3, 4 and 5, the titles refer to the amendment of a specific portion of an existing law.

In Case No. 7, the title refers to a proposed new law and in Case No. 8, the title refers to the addition of a new chapter to an existing law.

In considering the question raised by me, I desire to be understood:

*First*—As to an amendment in Cases Nos. 2, 3, 4 and 5, if the proposed amendment set forth a law which actually amended the specific portion referred to in the title; and

*Secondly*—If the proposed amendment varied the title as used, I refer to a different section of the law which was actually amended; and

*Thirdly*—If it was a combination of these two methods.

Your reply to this inquiry before the first of March, 1937, the date of the reassembling of the State Legislature after the constitutional recess, will be greatly appreciated.

Respectfully,

GEORGE J. HATFIELD, Legislative Counsel.

P. S.—For your information, I am enclosing a copy of the Legislative Counsel dated January 18, 1937, addressed to me relating to skeleton bills.

SEVEN W. CALIFORNIA, FARM, DUBLIN, CALIF.

SIX, FARMERS, March 1, 1937

Honorable George J. Hatfield, Legislative Counsel,

State Capitol, Sacramento, California.

DEAR SIR:—I have before me a copy of your communication of January 27, 1937. Therein you refer to sections 2 and 15 of Article IV of the State Constitution and as Presiding Officer of the Senate, ask to be informed whether or not you do not interpret of the constitutional provisions to amend or pass, after the legislative recess mentioned in said section 2 any of the numerous copies of which you set forth your number in your communication, such copies being apparently combinations of bills that may have been introduced at the opening session of the Legislature. Each of such examples is numbered by you, and as there are more than eight hundred I must refer to them by such numbers as convenient for immediate reply.

With your request, you have furnished a copy of a communication to you from Mr. Sidney I. Woodruff, Deputy Legislative Counsel, approved by Mr. Fred R. Wood, Legislative Counsel. Such communication to this end is in response to an inquiry by you of the Legislative Counsel as to whether a bill must contain one or more titles and an enacting clause, and which does not set forth one of two law words or purports to propose, is in fact a bill. In your letter, containing such advice of the Legislative Counsel you have mentioned the general type of such skeleton skeleton bill as follows:

"An act to amend section \_\_\_\_\_ of \_\_\_\_\_ relating to \_\_\_\_\_"

"The people of the State of California do enact as follows:

"SECTION 1. • • • •"

In such communication to you, in response to your inquiry of this, the Legislative Counsel called attention to that provision of section 15 of Article IV of our State Constitution which is to the effect that:

"No law shall be passed except by bill • • • •"

He quoted several definitions of the word "bill" taken from Webster's Dictionary, from Lewis' Standard Southern Constitution and various legal cases, concluding that these authorities indicated that a "bill" is a draft or proposal which may be enacted into law, and that if a bill is introduced and not be passed into law it is not a "bill." In connection with the quoted portion of section 15 he stated:

"The use of the word 'bill' in this sentence necessarily understands that a bill is something which may be enacted into law. This is further confirmed by a consideration of some of the provisions of section 2 of Article IV.

The sessions of the Legislature shall be biennial. • • • • and shall continue for a period not exceeding 30 days thereafter; whereupon a recess of both houses must be taken not less than 30 days. On the reassembling of the Legislature no bill shall be introduced in either house without the consent of three-fourths of the members thereof; nor shall more than two bills be introduced by any one member after such reassembling."

He further stated that such a provision should be considered with reference to the evil to be remedied, and cited Cooley in his work on Constitutional Limitations, Eighth Edition, at page 286, where a similar constitutional provisions from other States were reviewed and it was stated that the purpose thereof is to prevent hasty and improvident legislation, and to compel, so far as any provision law can accomplish that result, the careful examination of proposed laws. The Legislative Counsel further stated that the object to be attained by such provision or provisions would be thwarted by the use of skeleton bills; and under the California system such object is of course thwarted by the use of skeleton bills, but still another object is thwarted, namely the offering of an opportunity to the general public, as



well as the legislators, to study the bills during the recess, and to accord such public an opportunity to make known to their representatives their opinions and wishes with reference to such proposed legislation. In accord with such views he referred to an article by Mr. Thomas S. Barclay, Stanford University, in Volume 20, California Law Review, at page 45. In such article Mr. Barclay also stated that the skeleton bill practice violated the theory of the bifurcated session provided for in the Constitution, and nullified one of the basic ideas of such divided session. Summarizing his opinion the Legislative Counsel expressed the view that a bill is a draft which may become a law, that to attribute any other meaning to the word would be to defeat the object of the constitutional provisions, and that the word "bill" could not include a skeleton bill. In conclusion he stated that as to how much language must be inserted in the body of a bill to escape the appellation of a skeleton bill was a question that could not be answered in the abstract, but could be answered only in relation to the particular provisions of each such bill as and when the issue arises.

With the conclusions of the Legislative Counsel I fully concur. As, however, you have presented several examples and requested my opinion in relation thereto, and as the opinion of the Legislative Counsel does not refer thereto, they not being before him, I shall herein apply my views to these examples respectively.

In Case No. I the title refers to an unnamed or unnumbered section of the Political Code. The body of the measure is completely lacking. Such a measure is clearly not a bill within the meaning of the Constitution.

In Case No. II, while the title is sufficient, the body of the measure is completely lacking. Such a measure is, in my opinion, not a bill within the meaning of the Constitution.

The Constitution expressly provides, in section 24 of Article IV, that every act shall embrace but one subject, which subject shall be expressed in its title; but if any subject shall be embraced in an act which shall not be embraced in its title, such act shall be void only as to so much thereof as shall not be expressed in its title; and no law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be reenacted and published at length as revised or amended. Obviously the measure in question could not be passed in the form stated. In such form it is a nullity and to be of any avail must have some matter added to it.

Obviously such additional matter could now be added to such a measure only by way of a proposed amendment. It is accepted legislative procedure that an amendment must be germane to the matter amended. A thing can not be germane to that which does not exist, and as within the purview of the constitutional provision that which is now represented or presented by the skeleton measure in question is void and has no existence, there could not be legally an amendment offered thereto or passed with reference thereto. An analogy to such matter exists in the well accepted legal principle that a void or repealed law can not be amended.

What is hereinbefore said with respect to the Cases Nos. I and II, particularly with respect to the latter, applies as well to Nos. III to VIII, inclusive.

You state that in considering the questions raised by you, you desire to be advised:

*Firstly*—As to an amendment in Cases Nos. 2, 3, 4 and 5—if the proposed amendment set forth a law which actually amended the specific section referred to in the title; and

*Secondly*—If the proposed amendment was to the title so as to refer to a different section of the law which was actually amended; and

*Thirdly*—If it was a combination of these two methods."

It is my view that all of the examples or cases which you have presented are so far deficient in form that they are not to be considered as bills within the meaning of the constitutional provision and that it would be in violation of the constitutional provisions to either amend or pass any of such measures, or any other measures which might be passed upon a purported amendment of the measures in question, either with respect to the title or body thereof.

Very truly yours,

U. S. WEBB, Attorney General.

The following report was received:

By Senator Gordon:

Report of Division of Fish and Game Pursuant to the Resolution Adopted on January 20, 1937.

DIVISION OF FISH AND GAME,  
SACRAMENTO, CALIFORNIA, March 1, 1937.

The Honorable President and Members of the Senate,  
State Capitol, Sacramento, California.

GENTLEMEN: Complying with your order of January 20, 1937, contained in a resolution which appears on page 2 of the Senate Journal of January 20th, we are submitting a report on predatory animal control.

This report consists of three parts. Part I is an accounting of the sum of \$80,000 appropriated by the fifty-first session of the Legislature for the purpose of predatory animal control and which summarizes the expenditures requested by your resolution of January 20, 1937. Part II is a summary of the predatory birds and animals taken over a period of time, and Part III consists of an outline of the predatory animal control program as a whole.

We beg to call the attention of your Honorable Body to several things in connection with this report. First, you will note that of the sum of \$80,000 appropriated at the fifty-first session for expenditure during the eighty-seventh and eighty-eighth fiscal years, that there will be an unexpended balance of approximately \$10,000.

This was due to two things. Firstly, the expenditures seemed to be controlled by a new and enlarged predatory animal control program which demonstrated careful planning, organization and cooperation with other State agencies engaged in the same type of work. Secondly, it concerned the employment of additional personnel. This personnel was not immediately forthcoming. In fact it was almost one year after the passage of the appropriation before the necessary personnel was available to us due to the practices of the Civil Service Administration in the Commission which fairly swamped the Personnel Board in providing Civil Service personnel.

We had no desire to waste this money and this it was much better to proceed slowly and lay a proper foundation both in personnel and organization to meet the intent of the Legislature in making the appropriation.

Some of this money was necessarily spent in providing permanent and semi-permanent organizations. It is now hoped that with this appropriation that a proper and necessary program of predatory animal control as laid out by this commission has been established and that similar sums of money should continue to be available for this type of work.

We call your attention specifically to Part III of this report which outlines in general the cooperative control program that has been made possible as a result of the appropriation that we are now accounting for.

It will be our pleasure to furnish further information or explanation in connection with the sums expended, the results obtained and the program outlined.

Respectfully submitted,

#### BOARD OF FISH AND GAME COMMISSIONERS

By HERBERT C. LEACH, Executive Officer.

### ACCOUNTING OF PREDATORY ANIMAL CONTROL SPECIAL FUND FOR EIGHTY-SEVENTH AND EIGHTY-EIGHTH FISCAL YEARS.

Accounting of Predatory Animal Control Fund for Eighty-seventh Fiscal Year July 1, 1935, to June 30, 1936.

Budget allotment \$40,000.00

Expenditures for Eighty-seventh Fiscal Year

S & W	\$10,280.67
M & S	760.35
S & E	6,527.77
P & F	2,512.12
	<hr/>
	\$20,080.91
	<hr/>
	20,080.91

Unexpended balance \$19,919.09

#### *Salaries and Wages*

Lion Hunters (3)	\$4,280.67
Trappers (5)	6,000.00
Total	<hr/>
	\$10,280.67

#### *Materials and Supplies*

1000 No. 3 Victor steel traps	
300 No. 4 Victor steel traps	
200 No. 4 Oneida jump traps	\$723.68
12 No. 3 Victor steel traps	5.45
240 No. 1 Oneida jump traps	38.78
1 Die for marking traps	2.06
	<hr/>
	\$769.35
Total expenditures	<hr/>
	\$769.35

#### *Service and Expense*

Lion bounties	\$5,042.28
Payment for use of dogs (Three lion hunters)	540.00
Travel expenses (Three trappers)	\$98.50
Service to automobiles	26.99
Total expenditures	<hr/>
	\$6,527.77

*Property and Equipment.*

One Plymouth coupe for D. D. McLean, biologist in charge of Predatory Animal Control .....	\$689 05
Three standard Chevrolet sedans purchased for Bureau of Patrol in exchange for four pickup trucks to be used by supervising trappers .....	1,823 07

Total expenditures..... \$2,512 12

**Accounting of Predatory Animal Control Special Fund for First Six Months of Eighty-eighth Fiscal Year—July 1, 1936, to December 31, 1936.**

Budget allotment..... \$40,000 00

Expenditures for six months—

S & W .....	\$12,778 22
M & S .....	1,264 61
S & E .....	3,955 34
P & E .....	38 12

\$18,036 29

Prior year, Eighty-seventh Fiscal Year expense paid in Eighty-eighth Fiscal Year..... 68 25 18,104 54

Unencumbered balance .....

\$21,895 46

*Salaries and Wages.*

Chief and assistants .....	\$1,950 00
Junior stenographer clerk .....	480 00
Lion hunters (3) .....	1,980 00
Hunters and trappers (7) .....	4,145 00
Assistant fish and game wardens (8) .....	4,223 22

\$12,778 22

*Materials and Supplies*

Gasoline, oil, tires, tubes, spark plugs, batteries, anti-freeze, etc., for the eight automobiles used in predatory animal control .....	\$1,234 14
First aid kits for hunters and trappers .....	30 47

Total Expenditures..... \$1,264 61

*Service and Expense.*

Service and repairs to the eight automobiles used in predatory animal control .....	\$241 78
Travel expenses for biologist in charge of predatory animal control, seven trappers and eight assistant fish and game wardens .....	1,216 23
Lion bounties .....	1,950 00
Payment to three lion hunters for use of dogs .....	540 00
Freight, cartage and express charges for shipment of traps .....	7 33

Total Expenditures..... \$3,955 34

*Property and Equipment.*

Desk for junior stenographer-clerk .....	\$25 00
Jacks and tire pumps for 3 trappers .....	13 12

Total Expenditures..... \$38 12

**Actual and Estimated Expenditures for Last Six Months of Eighty-eighth Fiscal Year—January 1, 1937, to June 30, 1937.**

Unencumbered balance from eighty-seventh fiscal year .....	\$19,910 09
Unencumbered balance from eighty-eighth fiscal year .....	21,895 46

\$41,805 55

Expenditures for 6 months (estimated)—

S & W .....	\$20,510 00
M & S .....	3,300 00
S & E .....	6,200 00
P & E .....	1,340 00

31,350 00

Estimated unencumbered balance at end of eighty-eighth fiscal year .....

\$10,455 55

*Salaries and Wages*

Chief and assistants.....	\$1,950 00
Junior stenographer-clerk.....	450 00
Lion hunters (5).....	2,700 00
Hunters and trappers (7).....	4,275 00
Assistant fish and game wardens (26).....	18,080 00
Total Expenditures.....	\$27,455 00

*Materials and Supplies*

Gasoline, oil, tires, tubes, spark plugs, batteries, and fixtures, etc., for automobiles used in predatory animal control.....	\$1,000 00
Game Traps.....	1,000 00
Explosives, cordau, fuse, etc., for crow control.....	300 00
Total Expenditures.....	\$2,300 00

*Service and Expense*

Service and repairs to the eight automobiles used in predatory animal control.....	\$ 100 00
Travel expenses for biologist in charge of predatory animal control, trappers and twenty-six assistant fish and game wardens.....	1,000 00
Lion bounties.....	1,000 00
Payment to five lion hunters for use of traps.....	750 00
Freight, cartage and express charges for shipment of traps.....	25 00
Total expenditures.....	\$ 3,875 00

*Property and Equipment*

Two automobiles for use in predatory animal control.....	\$ 2,000 00
Total expenditures.....	\$ 2,000 00

**Predatory Animal Control**

The predatory animal control program of the Bureau of Fish and Game commenced on January 1, 1932. At that time nine men were employed to trap coyotes and other predators on game refuges. This number being reduced to five on July 1, 1933. In June 1936, the force of trappers was increased to 12, and in January 1937, eight additional men brought the total number of trappers to the full of 20, not including the four men who have been contracted. We are now awaiting the certification of ten additional men and will have a total of 30 trappers working throughout California during the year of the 1937.

Following is a summary of the total number of predators taken and the certification of the predatory animal control program on January 1, 1932, and up to January 31, 1937:

Coyote.....	2,068
Wildcat.....	717
Skunk.....	584
Fox.....	300
Lion.....	221
Coon.....	200
Badger.....	164
Opossum.....	62
Wild house cat.....	50
Mink.....	24
Ringtailed cat.....	10
Weasel.....	9
Bear.....	9
Lions taken by other hunters on which bounties have been paid.....	1,241

4,463

The number of predatory animals taken during the eight-seventh fiscal year, July 1, 1935, to June 30, 1936, and during the first seven months of the eighth fiscal year, July 1, 1936, to January 31, 1937, are listed as follows:

Coyote.....	663
Wildcat.....	207
Skunk.....	90
Badger.....	88
Lion.....	65
Fox.....	56
Coon.....	40



Wild house cat .....	28
Opossum .....	6
Lions taken by other hunters on which bounties have been paid.....	236
Total .....	1,480

Following is a resume of the miles of trap line that have been run and the number of day sets that have been made by Division of Fish and Game trappers:

*Miles of Trap Line.*

1/1/32 to 6/30/33, 9 men.....	71,693 miles of trap line
7/1/33 to 6/30/36, 4 men.....	122,122 miles of trap line
7/1/36 to 1/31/37, 14 men.....	34,178 miles of trap line
Total, 228,300 miles of trap line	

*Number of Day Sets.*

1/1/32 to 6/30/33, 9 men.....	90,922 day sets
7/1/33 to 6/30/36, 4 men.....	163,144 day sets
7/1/36 to 1/31/37, 14 men.....	30,531 day sets
Total, 284,597 day sets	

Total coyotes and wildcats trapped since 1/1/32.....	2,815
Miles of trap line per animal.....	81.1
Day sets per animal.....	101.1
Total predators of all species trapped since 1/1/32.....	4,461
Miles of trap line per animal.....	51.1
Day sets per animal.....	63.8

**California Predatory Animal Control Program.**

By D. D. McLEAN, Economic Biologist.

On the first of January, 1932, a program of predatory animal control on State game refuges was begun by the Division of Fish and Game. Originally, nine men were appointed as trappers during that year, but of that number only four were retained. One of these men was transferred to other work and a new man appointed to work in northeastern California on the first of December.

These men did excellent work, as is evidenced by the catch from January 1, 1932, to July 1, 1936, during which time they took 1495 coyotes and 564 bobcats. Most of their work was done in San Benito, Monterey, Lake, Mendocino, Lassen, Modoc, Placer, El Dorado, Tulare and Ventura counties.

During the spring of 1936, a cooperative plan between the California Division of Fish and Game, United States Biological Survey and the State Department of Agriculture, was worked out whereby the Division of Fish and Game would take care of the game areas of the State and the United States Biological Survey and the State Department of Agriculture the range and agricultural land. This arrangement divided the State into two approximately equal areas. The plan also called for the appointment of additional trappers by the Division of Fish and Game to work in game areas, and on July 1st, seven new untrained men went to work under the supervision of the four experienced trappers. Up to the end of January, 1937, the catch for the prior seven months was 555 coyotes and 141 bobcats, although the trapping was greatly hampered by the bad weather during the winter of 1936 and 1937. However, the new men, being possessed of no preconceived ideas, followed the instructions of their supervisors and most of them began to take coyotes and bobcats on their traplines immediately.

In order to facilitate the work, the State was divided into five districts and a supervisor put in charge of each one. These five districts are as follows: The northwest coast, northeastern California, south Sierra, south central coast and the southern California district.

Whenever complaints of coyote damage to game come into the division's office, it is the duty of the supervisors to survey the critical areas and determine what procedure shall be followed. In some cases, these areas fall within the jurisdiction of the United States Biological Survey or the State Department of Agriculture. The three interested departments keep each other informed of where their trappers are working in order to do away with duplication of effort.

It is also the duty of the supervisors to look for new areas within their districts where coyotes and bobcats are particularly numerous and control work is needed. They distribute their men accordingly, and aid them in the transportation of traps and equipment, as not all of the new men are provided with transportation.

Particularly heavy concentration areas of coyotes have been in San Benito, Monterey, Lassen, Modoc, Placer, El Dorado and Kern counties. The population of coyotes in different areas fluctuates considerably from year to year because of food conditions and perhaps disease. There is also considerable seasonal fluctuation, especially at high altitudes and on migration routes.

All of the trappers state that when a coyote is ranging in a particular region for any length of time, the actual amount of territory covered is relatively small, generally being considered to be not more than five square miles unless food is scarce. Most of their traveling is done over a circuit which may be traversed nightly or over a period of several days. It is on these circuit routes that the trappers place their traps and at some sets as many as 40 coyotes have been taken. In other words, a good route for one coyote is generally acceptable to another. Contrary to the belief of many people, a set really becomes better after one coyote has been caught in it, as the scent attracts others.

A major part of the deer kill by coyotes is done on the winter range, when the snow is relatively deep. From stomach examinations in the laboratory, it was determined that out of 240 stomachs examined with food in them, 100 or 41 2/3 per cent contained deer meat, bones, hair or other parts. Two-thirds of the 100 were taken during and in the month following the deer season, when deer hides and deer bones can be picked up at every hunter's camp. Thirty were taken during the winter and 43 during other seasons of the year.

In San Benito County, at times as many as 100 miles of trap line will catch 20 day-sets to a coyote. In El Dorado County, about 95 miles and 125 day-sets to a coyote. In Lassen, about 50 miles and 25 day-sets per coyote. This indicates the relative abundance of coyotes in different regions. Bobcats were just mentioned in San Benito, Lake and Merced counties, though even in those we do not find bobcats outnumbering the coyotes. In the Sierra Nevada Mountains, most of the coyotes are taken between the 4000 and 6500 foot levels, their part of the mountains are trapped below the 5000 foot level. In the most rugged parts, hunters go to the tops of the mountains.

The division does not intend to slacken its efforts in controlling predators, but rather to increase them. An additional group of eight men has just been put on the trapping force and two experienced trap hunters will be engaged temporarily. The results of this activity of the division will be apparent in the game fields of our State.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Joint Resolution No. 30**—Relative to the granting of travel pay and other allowances to certain soldiers of the Spanish American Philippine Insurrection who were discharged in the Philippines.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBERG, Assistant Clerk.

Assembly Joint Resolution No. 30 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency:

**Senate Bill No. 485**—An act to validate the formation and existence of school districts of every kind and class and declaring the urgency thereof.

**Senate Bill No. 1095**—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 485 and 1095 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Senate Concurrent Resolution No. 15**—Relative to approving a certain amendment to the charter of the county of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at a general election held in said county on the third day of November, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 15 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Concurrent Resolution No. 24**—Relative to authorizing and directing the Director of Finance of the State of California, for and in the name of the State of California, to enter into such lease or leases, or other contract or contracts, as, in his opinion, shall be necessary to obtain, within the shortest time practicable, an adequate supply of water for the several State institutions, State Farm and State Game Farm, situate in the county of Napa in said State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Concurrent Resolution No. 24 read, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Joint Resolution No. 28**—Relative to memorializing and petitioning Congress to enact legislation adequate to stamp out and abolish the evil of lynching.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

### Consideration of Assembly Joint Resolution No. 28.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 28, without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 28.

Relative to memorializing and petitioning Congress to enact legislation adequate to stamp out and abolish the evil of lynching.

WHEREAS, During the last few years and throughout the nation as a whole, there have been many lynchings and attempts at lynching; and

WHEREAS, There is inadequate legislation by the United States and among the several States to discourage lynching; and

WHEREAS, Proper legislation by the Congress of the United States would have a salutary effect and would greatly tend to decrease the number of lynchings and attempts at lynching; and

WHEREAS, It has been definitely proved that legislation by the United States of America with regard to other crimes has tended to decrease such crimes, and that public protection now demands that the United States of America extend its legislation to this field of crime; and

WHEREAS, Many measures to curb lynching are now pending in the Congress; and

WHEREAS, The Legislature of the State of California desires to affirm its position taken at the 1935 session with regard to lynching; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the Legislature of the State of California hereby memorializes and petitions the Congress to enact adequate legislation to decrease and abolish mob violence and lynching; and be it further

*Resolved,* That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each member from California of the Senate and House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 28 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—33.

NOES—None.

Assembly Joint Resolution No. 28 ordered transmitted to the Assembly.



### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Schottky

SENATE CHAMBER, SACRAMENTO, March 3, 1937

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act providing means and means for transporting, returning and maintaining certain indolentness of citizenship citizens to induce the United States to carry out such purpose for the maintenance of peace for themselves, themselves and readjustment, and making the citizens of the United States and the power of eminent domain for the purpose and maintenance of citizenship of citizens and by persons not accepting such power, declaring an emergency and the Senate and providing that this act shall have effect immediately.

Respectfully submitted

SENATOR SCHOTTKY

Request referred to Committee on Rules

### Introduction, First Reading and Reference of Bills

**Senate Joint Resolution No. 13:** By Senator McGovern: Relating to memorializing the President or and the Congress to enact legislation proposed by H. R. 2528, providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster General during certain wars.

### Consideration of Senate Joint Resolution No. 13

Senator McGovern asked for and was granted unanimous consent for the consideration of Senate Joint Resolution No. 13, without reference to committee, for purpose of adoption.

#### Senate Joint Resolution No. 13.

Relating to memorializing the President or and the Congress to enact legislation proposed by H. R. 2528, providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster General during certain wars.

WHEREAS, Many persons who served in the Quartermaster's Corps or under the Quartermaster General during the American Revolution, the Mexican War, the Philippine Insurrection and the China Relief Expedition, were disabled while in such service; and

WHEREAS, Many of those persons, because of their disabilities, and aid from the National Government; and

WHEREAS, There was introduced into Congress by Honorable Richard J. Welch a bill known as H. R. 2528, which proposes to afford certain benefits to disabled persons mentioned therein; and

WHEREAS, Many social and civic organizations together with the service organization known as McKimley Post No. 1 have endorsed this bill; and

WHEREAS, The legislation proposed is humanitarian and for a worthy cause; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, sitting: That the President and the Congress are hereby respectfully requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California be jointly respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

**AYES**—Senators Biggar, Clifton, Cunningham, DeLay, Deuel, Edwards, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McColl,



McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—32.  
 NOES—None.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

### Communications.

The following communications were received:

#### I.

From the board of supervisors of Sonoma County, opposing the paying for San Francisco Bay Bridges and Carquinez Bridge out of gas tax money of northern California counties.

Communication referred to Committee on Revenue and Taxation.

#### II.

A petition signed by various citizens of Sierra Madre, California, during a mass meeting held at the City Hall to protest the bill before Congress to alter the number of judges on the Supreme Court.

Communication referred to Committee on Judiciary.

#### III.

From Fred C. Reis, Compton, California, protesting against the bill before Congress to alter the number of judges on the Supreme Court.

Communication referred to Committee on Judiciary.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 3, 1937, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Kathleen McGuinness, Stenographer

*Per day*  
*6 days per week*  
 \$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—32.  
 NOES—None.

### Withdrawal from Committee of Senate Bill No. 555.

Senator Fletcher moved that Senate Bill No. 555 be withdrawn from Committee on County Government for purpose of amendment.

Motion carried.

### Second Reading of Senate Bill No. 555.

**Senate Bill No. 555**—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

**Amendment from the Floor.**

During second reading of Senate Bill No. 404, the following amendment, offered by Senator Fletcher, was read and adopted:

**Amendment No. 1.**

On page 1, line 5 of the printed bill, immediately preceding "defeated", insert the following: "seven thousand five hundred."

Bill read second time, ordered to regular engagement, and referred to Committee on County Government.

**Resolution.**

The following resolution was offered:

By Senator Tinkle:

*Resolved*, That the following named persons be said that are hereby appointed to the positions hereinafter set forth as provided by law, with the understanding and stipulation that same, payable monthly, beginning March 3, 1937, and the appointment is hereby directed to issue the said appointments in favor of the respective persons for the same respective positions, and the President is hereby directed to sign the same.

Jesse E. Burdick, Assistant Sergeant at Arms.  
Elizabeth Lawson, Strategist.

Per day  
\$ three per year  
\$7.00  
5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.**—Senators Biggs, Cummings, Telling, Dean, Egan, Gurnea, Gurnea, Hays, Hollister, Hutton, Johnson, Kneale, Kneeland, Lane, McCall, McCormack, McGovern, Metzger, Miller, Nye, O'Neil, Perkins, Phillips, Plummer, Quinn, Rich, Schottky, Swing, Tinkle, Wagon, and Westerman.  
**NOES.**—None.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senator Schottky's resolution, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

**Resolution.**

Relative to memorializing Congress concerning pending legislation to increase the number of Justices of the Supreme Court of the United States.

**Amendment from the Floor.**

During the reading of Senator Schottky's resolution, the following amendment, offered by Senator Swing, was read and adopted:

**Amendment No. 1.**

Strike out paragraphs 3, 4, 5, and 6 of the resolution as appearing on page 6 of the Senate Journal of March 2, 1937.

**President Pro Tempore in the Chair.**

At eleven o'clock and forty-five minutes a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Consideration of Senator Schottky's Resolution, as Amended.**

Relative to memorializing Congress concerning pending legislation to increase the number of Justices of the Supreme Court of the United States.

**WHEREAS**, Legislation has been introduced, sponsored by the President of the United States, to increase the number of Justices of the Supreme Court of the United States; and

**WHEREAS**, Said legislation provides, among other things, that whenever a Supreme Court Justice, having attained the age of 70 years and having served 10 years upon the Federal bench, fails to retire, an additional justice may be appointed by the President, subject only to the limitation that there be no more than 15 judges upon the Supreme Court; and

WHEREAS, It is vital to the preservation of our American institutions and our American form of government that the three great branches of our Government should remain separate and independent, and there shall continue to be a judicial review by an independent court of justice of the acts of the Congress and of the President, in order to determine judicially whether the inalienable rights and liberties guaranteed under the Constitution have been infringed upon; and

WHEREAS, The separation of the executive, the legislative and the judicial branches of our Government, and the mutual independence of the three branches, one from the other, are fundamental to the genius of our Constitution and our Government; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Senate of the State of California does respectfully urge and memorialize the Congress of the United States to reject that portion of the proposed legislation which will give to the President of the United States the right to appoint additional justices to the Supreme Court of the United States in the event that any of the justices of the Supreme Court fail to resign and to reject any legislation which will destroy the independence of the Supreme Court and render it subservient to the Presidency; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to all the Senators and Representatives from California in the Congress of the United States.

### Recess.

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Swing, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Schottky to introduce a bill entitled—A bill providing ways and means for liquidating, refinancing and readjusting certain indebtedness of irrigation districts in default; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that the request and motion be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out.)

RICH, Chairman.  
SLATER.  
MCCOLL.  
TICKLE.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixter, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

## Introduction, First Reading and Reference of Bills

(The following bills were introduced.)

**Senate Bill No. 1096:** By Senator Schottky—An act providing ways and means for liquidating, refinancing and readjusting certain indebtedness of irrigation districts in default; for federal proceedings to carry out such purpose; for the consolidation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not accepting such plan; declaring an emergency and the urgency thereof and providing that this act shall take effect immediately.

Senate Bill No. 1096 read first time, and referred to Committee on Irrigation.

**Senate Concurrent Resolution No. 16:** By Senator Rich, relating to securing the presence of Gayn W. Urie before the Legislature.

Senate Concurrent Resolution No. 16 read, ordered to print, and held at the desk.

**Senate Constitutional Amendment No. 21:** By Senator Olson—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 23, 25 and 24 of Article IV of said Constitution, relating to the legislative department.

Senate Constitutional Amendment No. 21 read, and referred to Committee on Judiciary.

## Consideration of Special Order—(Resumed)

The Senate resumed consideration of the Schottky resolution.

### Motion.

Senator Garrison moved that the resolution presented by Senator Schottky be laid on the table.

### Ayes and Nays Demanded

A roll call was demanded by Senators Garrison, Hunter and Knowland on the adoption of the motion to table the resolution.

The roll was called, and (the motion refused) adoption by the following vote:

**AYES:** Senators Cunningham, Dool, Garrison, Halsted, Johnson, Keating, Keough, Law, Metzger, Olson, Piorovich, Quinn, Seawell, Senter, and Westover. 11.  
**NOES:** Senators Biggar, Crittenden, DeLam, Farmer, Gerson, Hays, Hunter, Knowland, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Swang, Tickle, Wagy, Williams, and Young. 22.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES:** Senators Biggar, Crittenden, DeLam, Farmer, Gerson, Hays, Hunter, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Swang, Tickle, Wagy, Williams, and Young. 24.  
**NOES:** Senators Cunningham, Dool, Garrison, Halsted, Johnson, Keating, Keough, Law, Olson, Piorovich, Quinn, Seawell, Senter, and Westover. 14.



### Consideration of Special Order.

The hour having arrived for the consideration of Senator Olson's resolution, heretofore set as a special order immediately following the consideration of Senator Schottky's resolution, the same was taken up for consideration.

WHEREAS, The President of the United States, in a message to the Congress has recommended certain reforms in the procedure and personnel of the Federal Courts, for curing defects, delays, inefficiency and abuses that have tended to destroy the faith of the people in the integrity of the judiciary and caused them to question its competency to function as intended by the Constitution; and

WHEREAS, The constitutionality of the President's proposed measure is unquestioned, and its enactment by the Congress will serve to establish a stronger, a more efficient and a more competent judiciary, and to restore the people's respect therefor and confidence therein; now, therefore, be it

*Resolved*, By the Senate of the State of California that the recommendations contained in the President's said message to the Congress be, and the same are hereby fully endorsed and approved; and that the Congress of the United States be and it is hereby memorialized to enact proposed measures in keeping therewith.

*Resolved further*, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the United States.

**Motion.**

Senator Seawell moved that Senator Olson's resolution be laid on the table.

Motion carried.

**Motion.**

Senator Swing moved that a copy of the remarks, made by the various Senators during the discussion on Senator Schottky's resolution, be printed in the Senate Journal of March 4, 1937, in the order given during debate.

Motion carried.

### Consideration of Senate Concurrent Resolution No. 14.

Senator Gordon asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 14, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 14.

Authorizing and directing the Director of Finance of the State of California, for and in the name of the State of California, to enter into such lease or leases, or other contract or contracts, as, in his opinion, shall be necessary to obtain, within the shortest time practicable, an adequate supply of water for the several State institutions, State Farm and State Game Farm, situate in the county of Napa in said State.

WHEREAS, There is a shortage of water at the Veterans' Home of California situate in Napa County, California, for domestic, irrigation and fire protection purposes; and

WHEREAS, The number of veterans residing at said Veterans' Home is rapidly increasing; and

WHEREAS, No provision has been made for providing an adequate supply of water for said Veterans' Home or the State Farms in said county for any of the purposes mentioned; and

WHEREAS, Most of the water supplied to the Napa State Hospital in Napa County is obtained from wells which are contiguous to salt water; and

WHEREAS, It is urgent that the State of California make provision immediately for an ample supply of water for said Veterans' Home, the State Farms and State Hospital, in said county, for domestic, fire protection and irrigation purposes; and

WHEREAS, Practically a year's time may be required within which to erect a dam and pipe line sufficient to impound and distribute to the said State institutions an ample supply of water for their said needs, and that the work of the erection of said dam and pipe line should be commenced not later than April 10, 1937; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein*, That the Director of Finance of the State of California be, and he hereby

is authorized, empowered and directed, for and in the name of the State of California, and on or before April 1, 1937, to make and execute all such contracts, and to insert in the State budget for the fiscal year ending June 30, 1937, in his opinion shall be necessary to provide for the State of California, and adequate supply of water available for use in the Veterans' Hospital and State Prison for domestic use, and to provide for the same, or before March 1, 1938.

Resolution read

The question being on the adoption of the resolution

The roll was called and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Baggot, Cushman, Cushman, Deffen, Deffen, Fletcher, Emerson, Gordon, Hayes, Hollister, Houston, Johnson, Keating, Keating, Wagoner, Law, McCormack, McGovern, Melcher, Miller, Nelson, Nelson, Patterson, Patterson, Powers, Quinn, Rich, Scherby, Senter, Senter, Senter, Senter, Senter, Williams and Young. 34

None None

Senate Concurrent Resolution No. 14 ordered transmitted to the Assembly.

### Adjournment

At three o'clock and thirty five minutes p.m. on motion of Senator Rich, the President of the Senate declared the Senate adjourned until eleven o'clock a.m. Thursday, March 4, 1927.

ELI SWORTH W. SCAMMON, *Memphis, Tenn.*

## IN SENATE

SENATE CHAMBER  
SACRAMENTO, Thursday, March 4, 1907

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

## Roll Call

The roll was called, and the following answered to their names:

Senators: Biggar, Crittenden, Cushman, DeLong, Dyer, Feltus, Gurnea,  
Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keene, Kinsley,  
McCull, McCormack, McGovern, Miller, Mullan, Nelson, O'Brien, Patterson,  
Pierovich, Powers, Quinn, Rich, Scribner, Sewell, Smith, Stryker, Tamm, West-  
over, Williams, and Young. 38

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Karpis.

### Reading of the Journal.

During the reading of the Journal of Wednesday, March 4, 1903, the further reading was, on motion of Senator Siskier, dispensed with.

### Leaves of Absence.

Senator Allen was, on motion of Senator Denel, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Karlton I. Pidgeon of Los Angeles.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. A. Hush and Miss Julith Hush, of Oakland.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. K. Hawley Jackson of Merced and Rev. H. R. Irwin of North Sacramento.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. D. McKinnon, Carl L. Ladd, R. L. Townsend and Wm. Dunlap, all of Hollister, San Benito County.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. L. Hunsaker and Joe L. Vickers of Visalia.

### Messages from the Assembly.

The following messages from the Assembly were received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 13—Relative to memorializing the President of and the Congress to enact legislation proposed by H. R. 2528, providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster General during certain wars.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Joint Resolution No. 13 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25—Relative to the adjournment of the Legislature out of respect to the memory of the late Honorable Henry E. Stubbs.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 25.

Senator Hollister asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 25, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 25.

Relative to the adjournment of the Legislature out of respect to the memory of the late Honorable Henry E. Stubbs.

WHEREAS, Divine Providence has seen fit to remove from this earthly sphere of activities the Honorable Henry E. Stubbs; and

WHEREAS, During the period of his incumbency as a member of the House of Representatives commencing in 1932 he so endeared himself to his constituency that it was unnecessary for him to campaign for reelection in 1936; and

WHEREAS, Said Honorable Henry E. Stubbs was educated as a minister of the Gospel and in all respects in his public and private life comported himself in accordance with the highest standards of that calling; and

WHEREAS, In public life he was ever in the van of any liberal movement for the welfare of the people; and

WHEREAS, The members of this Legislature have learned with profound regret and deepest sorrow of the passing of this esteemed representative of the people of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature adjourns this day it do so in all respect to the memory of the late Honorable Henry L. Stoddard and be it further*

*Resolved, That the Chief Clerk do and he causing to be prepared or caused to be prepared and transmitted to the family of the deceased a suitable memorial resolution properly engrossed.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 75 adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLong, Dodd, Fletcher, Gorman, Hays, Hollister, Holden, Jaspersen, Keating, Keene, Knott, Lyle, McHenry, McCormack, McGovern, Merger, Owen, Patterson, Powers, Quinn, Ross, Schottky, Senwell, Slater, Swing, Tamm, Wagon, Westover and Young—14.

NOES—None.

Assembly Concurrent Resolution No. 23 ordered transmitted to the Assembly.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading.

#### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

Mr. President: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 135—An act to amend sections 14, 17, 18, 19, and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the terms and powers of the general manager, the redemption of and securities to bonds, utility service, and the establishment of a retirement system, all relating to municipal utility districts.

Senate Bill No. 1013—An act to amend section 61 of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein.

Has had the same under consideration, and respectfully presents the same back with amendments, and recommends that the amendments be adopted and that the bill pass as amended.

Committee membership—5; committee vote—Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

Mr. President: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 173—An act to amend Section 4 of the "County Water District Act," relating to elections under the authority of said act.

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote—Ayes—5.

McGOVERN, Chairman.

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

Mr. President: Your Committee on Finance, to which was referred:

Senate Bill No. 687—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and the several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted at the general election, November 7, 1922, declaring the urgency thereof, and providing that this act shall



take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof:

Senate Bill No. 323—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and endorsing of warrants issued therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

SWING, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Bill No. 950—An act to amend section 527 of the Political Code, relating to legislative printing;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.

SLATER.

MCCOLL.

TICKLE.

KNOWLAND.

#### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred

Senate Bill No. 1072—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to elections of sanitary boards in sanitary districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

#### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Hollister:

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add sections 3615, 3366.3 and 4041.14a to the Political Code, relating to exemption of community theaters from taxation.

Respectfully submitted,

SENATOR HOLLISTER.

Request referred to Committee on Rules.

#### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Hollister for permission to introduce a bill entitled—An act to add sections 3615, 3366.3 and 4041.14a to the Political Code, relating to exemption of

community theaters from taxation, has had the same exact composition, and respectfully reports the same back, and recommends that permission be granted.

Committee membership: 5; committee vote: Affirmative.

RICH, Chairman.  
MCCOY,  
TICKLE,  
SLATTER,  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES:** Senators Crittenden, Cunningham, DeLong, Dool, Farnham, Gurney, Gordon, Hays, Hollister, Housh, Keating, Kneugh, Knowland, Lee, McCall, McCormack, McGovern, Metzger, Miller, Nelson, Otter, Parkman, Phillips, Povich, Quinn, Rich, Schottky, Selby, Smith, Spring, Tamm, Wagon, Wicks, Williams, Williams, and Young—35.

**NOES:** None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1097.** By Senator Hollister.—An act to add sections 3615, 3366.3 and 1011.14a to the Political Code, relating to exemption of community theaters from taxation.

Senate Bill No. 1097 read first time, and referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 22.** By Senator Hollister.—Proposed amendment by adding section 1.2 to Article XIII of the Constitution, relative to exemption from taxation of community theaters.

Senate Constitutional Amendment No. 22 read, and referred to Committee on Revenue and Taxation.

**Senate Concurrent Resolution No. 17.** By Senator Parkman.—Relative to directing an investigation and report on acquisition of the San Mateo Toll Bridge across San Francisco Bay.

### Consideration of Senate Concurrent Resolution No. 17.

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 17, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 17.

Directing an investigation and report on acquisition of the San Mateo Toll Bridge across San Francisco Bay.

**WHEREAS,** It is the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the State, and in view of ultimately eliminating all toll charges thereon; and

**WHEREAS,** The privately owned San Mateo Toll Bridge, extending across San Francisco Bay from a point near San Mateo, California, to a point near Hayward, California, constitutes an important connecting link between highways of the State, and

**WHEREAS,** The present rates of tolls across said bridge are relatively higher than tolls on other toll bridges, and

**WHEREAS,** The acquisition of said toll bridge by the State or the California Toll Bridge Authority at the earliest possible date is in conformity with said established policy; now, therefore, be it

*Resolved by the Senate of the State of California, The Assembly thereof concurring,* That the California Toll Bridge Authority is hereby authorized and directed to conduct a survey and investigation of said toll bridge with a view to the feasibility and practicability of the acquisition, as of the first of October, 1937, and as of the first of July, 1938, of this toll bridge by purchase or condemnation by the State, or the California Toll Bridge Authority, which survey and investigation

shall comprehend the appraisal of the value of the structure in case of its acquisition; the amount of compensation to the owner which in the judgment of said authority should be paid on the basis of the value of the structure and the length of time which the franchise has yet to run; the feasibility of providing funds for such acquisition by issuing and selling revenue bonds; the rate of tolls by it estimated as necessary to collect pending the retirement of such revenue bonds, and the reduction, if any, in the rate of tolls which may be effected immediately upon acquisition of said toll bridge; and be it further

*Resolved*, That as a part of the report hereinafter referred to, the California Toll Bridge Authority shall prepare and submit to the Legislature:

(a) Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20 year period together with interest thereon computed at 3 per cent, and with interest computed at  $3\frac{1}{2}$  per cent.

(b) Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls, from the first of January, 1937, to the expiration of the franchise on said bridge.

(c) Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collections costs from the gas tax fund.

(d) A report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge; and be it further

*Resolved*, That the California Toll Bridge Authority shall prepare a report of the results of such investigation and survey and deliver it to the Secretary of the Senate prior to April 27, 1937.

#### Amendments from the Floor.

During the reading of Senate Concurrent Resolution No. 17, the following amendments, offered by Senator Young, were read and adopted:

##### Amendment No. 1.

On page 1, line 3 of the title of the original resolution, after the word "Mateo", strike out the words "Toll Bridge", and insert in lieu thereof the following: "and Dumbarton Toll Bridges".

##### Amendment No. 2.

On page 1, line 5, of the resolution, after the words "San Mateo", strike out the following: "toll bridge", and insert in lieu thereof the following: "and Dumbarton Toll Bridges".

##### Amendment No. 3.

On page 1, beginning in line 6 of the resolution, strike out the words "from a point near San Mateo, California, to a point near Hayward".

##### Amendment No. 4.

On page 1, line 8, of the resolution, strike out the word "constitutes", and insert in lieu thereof the word "constitute", and strike out the word "an", following the word "constitute"; and strike out the word "link", and insert in lieu thereof the word "links", as it appears in said line.

##### Amendment No. 5.

On page 1 of the resolution, strike out all of lines 10 and 11.

##### Amendment No. 6.

On page 1, line 12, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

##### Amendment No. 7.

On page 1, line 19, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

##### Amendment No. 8.

On page 1, line 21, of the resolution, strike out the words "this toll bridge", and insert in lieu thereof the words "these toll bridges".

##### Amendment No. 9.

On page 1, line 24, of the resolution, strike out the word "structure", and insert in lieu thereof the word "structures".

##### Amendment No. 10.

On page 1, line 25, of the resolution, strike out the word "its", and insert in lieu thereof the word "their".

**Amendment No. 11.**

On page 1, line 27, of the resolution, strike out the word "structure", and insert in lieu thereof the word "structures".

**Amendment No. 12.**

On page 1, line 28, of the resolution, strike out the words "structure and", and insert in lieu thereof "structures and".

**Amendment No. 13.**

On page 2, line 2, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

**Amendment No. 14.**

On page 2, line 12, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

**Amendment No. 15.**

On page 2, line 16, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

**Amendment No. 16.**

On page 2, line 18, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

**Amendment No. 17.**

On page 2, line 20, of the resolution, strike out the word "bridge" and insert in lieu thereof the word "bridges".

**Amendment No. 18.**

On page 2, line 26, of the resolution, strike out the word "bridge", and insert in lieu thereof the word "bridges".

**Consideration of Senate Concurrent Resolution No. 17, as Amended.**

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 17, without reference to report, for purpose of adoption.

**Senate Concurrent Resolution No. 17.**

Directing an investigation and report on possession of the San Mateo and Trans-San-Fernando Toll Bridges across San Francisco Bay.

WHEREAS, It is the policy of the State of California to acquire and own all toll bridges situated upon or across any part of the highways of the State with the view of ultimately eliminating all toll charges thereon; and

WHEREAS, The privately owned San Mateo and Trans-San-Fernando Toll Bridges crossing across San Francisco Bay, California, constitute important connecting links between highways of the State; and

WHEREAS, The acquisition of said toll bridges by the State or the California Toll Bridge Authority at the earliest possible date is in conformity with said established policy; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly stand adjourned,* That the California Toll Bridge Authority is hereby authorized and directed to conduct a survey and investigation of said toll bridges with a view to the feasibility and practicability of the acquisition, as of the first of October, 1937, and as of the first of July, 1938, of these toll bridges by purchase or condemnation by the State, or the California Toll Bridge Authority, which survey and investigation shall comprehend the appraisal of the value of the structures in case of their acquisition; the amount of compensation to the owner which in the judgment of said authority should be paid on the basis of the value of the structures and the length of time which the franchises have yet to run; the feasibility of providing funds for such acquisition by issuing and selling revenue bonds; the rate of tolls to be estimated as necessary to collect pending the retirement of such revenue bonds; and the extension, if any, in the rate of tolls which may be effected immediately upon acquisition of said toll bridges; and be it further

*Resolved,* That as a part of the report hereinafter referred to, the California Toll Bridge Authority shall prepare and submit to the Legislature

(a) Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20 year period together with interest thereon computed at 3 per cent, and with interest computed at 4 per cent.

(b) Itemized tables of the traffic over said bridges for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridges at the present rate of tolls, from the first of January, 1937, to the expiration of the franchise on said bridges.



(c) Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridges and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collections costs from the gas tax fund.

(d) A report upon the effect the lowering of tolls upon said bridges may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge; and be it further

*Resolved*, That the California Toll Bridge Authority shall prepare a report of the results of such investigation and survey and deliver it to the Secretary of the Senate prior to April 27, 1937.

Resolution read, as amended.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 17, as amended, adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—36.

**NOES**—None.

Senate Concurrent Resolution No. 17 ordered transmitted to the Assembly.

### **Withdrawal from Committee of Senate Bill No. 105.**

Senator DeLap moved that Senate Bill No. 105 be withdrawn from Committee on Education for purpose of amendment.

#### **Second Reading of Senate Bill No. 105.**

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols.

#### **Amendment from the Floor.**

During second reading of Senate Bill No. 105, the following amendment, offered by Senator DeLap, was read and adopted:

#### **Amendment No. 1.**

On page 2, line 5, of the printed bill, strike out "inconsistent", and insert in lieu thereof the following: "consistent".

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

### **Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 4, 1937, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
	<i>6 days per week</i>
Marjorie G. Samples, Stenographer-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McCor-

muck, McGovern, Metzger, Meyer, Nelson, Olson, Peterson, Phipps, Quinn, Hill, Schottky, Sewall, Slater, Strong, Tarkenton, Wagy, Westcott, and Young, 20.  
 NOES—None.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw the warrant on the contingent fund of the Senate in the sum of \$1000 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman.  
 LAW,  
 McCOMBARK.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Rogers, Callahan, Cunningham, Fisher, Ford, Fowler, Gordon, Hays, Holmberg, Johnson, Johnson, Kottler, Kottler, Kottler, Fox, McColl, McCormick, McGovern, Metzger, Meyer, Nelson, Olson, Peterson, Phipps, Pirovich, Powers, Quinn, Rich, Schottky, Sewall, Slater, Strong, Tarkenton, Westcott, and Young, 26.  
 NOES—None.

### REPORT OF SPECIAL SENATE COMMITTEE TO INVESTIGATE THE ABSTRACTION OF OIL AND GAS FROM STATE LANDS.

*To the President and Members of the Senate:*

Your committee, consisting of Senator Olson, Chairman, Senators Hays, Wagy, and Edwards, was organized pursuant to Senate resolution adopted April 22, 1935, by which it was directed:

"to make a full and complete investigation of

"all operations and proceedings, past and present, of land and oil persons, firms, associations, or corporations in connection with the abstraction of oil and gas from tide lands belonging to the State; and

"all acts of the Department of Finance and of the Attorney General with respect thereto; and

"all and singular the facts, information and documents in the hands of oil and gas, if any, taken from tide lands belonging to the State in the vicinity of the city of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of the commission, and

"any and all proceedings taken in respect thereto by the Department of Finance and the Attorney General; and

"the circumstances, means and resources of any person or persons, by the Department of Finance, or any division thereof, of the nature of the State of California with reference thereto; and

"into such additional facts and circumstances as said committee may deem proper to enable the Legislature to fully protect the rights of the State in its premises and in the oil and gas underlying tide lands and other lands belonging to the State."

Meetings were held at Sacramento on July 9 and 10, 1935, at Huntington Beach on August 28, 1935, at Los Angeles on October 21 and 22, November 16 and 17, 1935, and October 30, December 28, 29 and 30, 1935.

Transcript of its proceedings, with maps and other exhibits, have been transmitted to the Senate by the chairman.

The investigation was confined to oil and gas deposits underlying the State's tide and submerged lands, especially to such lands in the vicinity of Huntington Beach, in Orange County.

Consideration of the facts requires preliminary reference to:

- (a) Legislation Pertaining to Oil Well Drilling on Tide and Submerged Lands;
- (b) Surveying and Directional Drilling of Oil Wells; and
- (c) The Law and Evidence Received Relating to the Boundary of Tide lands.

#### (A) Legislation Pertaining to Oil Well Drilling on State Tide and Submerged Lands.

The Act of May 25, 1921 (Stats., 1921, Ch. 303, p. 404), authorized issuance of oil and gas prospecting permits, and oil and gas leases covering lands belonging

to the State, including tide and submerged lands. This was the first legislation in this State on the subject.

Numerous applications for such permits were filed with the Surveyor General, who refused to act thereon. In December, 1928, the Supreme Court held that the withholding of permits was unauthorized and directed their issuance (*Boone vs. Kingsbury*, 206 Cal. 148). The Legislature (on January 17, 1929; Stats. 1929, p. 11) amended the Act of May 25, 1921, by prohibiting the granting of any permit or lease covering tide, overflowed or submerged lands fronting on an incorporated city and for one mile on either side thereof, and forbidding the presentation or reception of any application for prospecting permit prior to the first day of September, 1929 (Stats. 1929, p. 11). The latter act was further amended on May 28, 1929 (Stats. 1929, p. 44).

By an act approved May 15, 1931, section 675 of the Political Code was amended by adding a subdivision, No. 10, authorizing the Director of Finance to lease, upon such terms and conditions and under such rules and regulations as he might prescribe, any land belonging to the State for the production of minerals, oil, gas or other hydrocarbons (Stats. 1931, pp. 843, 846). Afterwards, but on the same day (May 15, 1931), another act was approved, amending the same section, by deleting the authorization above referred to. On referendum, the deletion was sustained.

In 1935, the Legislature passed the act commonly known as Assembly Bill No. 1684, extending to littoral landowners the exclusive right to apply for and obtain State leases for drilling slanted wells into and producing oil and gas from tidelands and prescribing a minimum royalty to the State of 16 2/3 per cent of the production. This act was vetoed by the Governor.

At the general election on November 3, 1936, the initiative measure known as Proposition No. 4, proposing to authorize the granting of the right to produce oil from State tideland by means of wells slanted from littoral lands, was defeated.

It will thus be seen that, since 1929, drilling in tidelands has been expressly forbidden by law, and that the people have, by popular vote, twice expressed disapproval of tideland oil wells (Shadle, 1-210).

#### (B) Surveying and Directional Drilling of Oil Wells.

Your committee heard considerable testimony with reference to the development of appliances adapted to the making of underground surveys, particularly with reference to their use in the survey and directional drilling of oil wells. (Atherton, 1-163, 193; Bush, 7-565; Garrison, 6-390; Little, 6-384; Anderson, 2 20; Emerson, 4-83, 85; Kemnitz, 5-185; Shadle, 1-208.)

It seems to be generally conceded that, up to a few years ago, no one was able to determine the direction or the location of the perforated portion of an oil well (Atherton, 1-163).

As observed in the course of the testimony of Mr. Shadle: "The matter of trespass underground was never gone into before because \* \* \* probably surveys never advanced far enough to determine where the bottom of the well was; maybe the driller of the well himself did not know." (1-208)

The testimony before the committee was also to the effect that survey and directional drilling of oil wells was very largely developed during the campaign of slant well drilling into the State tidelands at Huntington Beach in the spring of 1933 (Atherton, 1-193).

#### (C) Tideland Boundary.

The general subject of precise location of the boundary between littoral and tidelands has long been the subject of controversy. It is, of course, essentially a judicial question.

Your committee will not attempt to solve the question. A brief statement, however, may contribute to a better understanding of some of the exhibits and testimony, especially the maps accompanying the report of the Special Committee of Engineers and Geologists hereinafter referred to.

Section 830 of the Civil Code and section 2077 of the Code of Civil Procedure of California, declare that when tidewater is the boundary, the upland owner "takes to ordinary high water mark."

The Supreme Court of the United States held, in a recent decision, that the expression "high water mark" does not mean a physical mark upon the ground by the water; it means a line of high water as determined by the course of the tides."

*Borax Company vs. Los Angeles*, 296 U. S. 11, 22.

The Supreme Court of California has defined the method of locating the line of high water as follows:

"The method of locating the line of high tide by ascertaining the intersecting line of the plane of water at mean high tide with the surface of the land, and using this line of intersection as the boundary line between the tidelands of the city and the adjoining lands of the defendants was used in the case of *City of Los Angeles vs. San Pedro etc. R. R. Co.*, 182 Cal. 652,



although a slight change in elevation resulted in a variation of a foot or more in the line of high tide. \* \* \* this is the only possible method of locating the boundary line fixed by statute (San. S. Co. Order on the boundary of lands bordering on tide water). The place of ordinary high tide is a rising-tide point fixed by observation and comparison on the mean average high tide and its location is fixed by running of this line on the shore."

*Miller & Lee vs. State*, 103 Cal. 715, 717.

The location of the boundary of the State lands then, begins upon the tide line.

Our State Supreme Court has not been entirely clear as to the proper method of determining the boundary line. This confusion is referred to and the California decisions concerned in by the Supreme Court of the United States in the *Beach* case, from which the concept here is quoted in *Beach*. There, in *Beach* vs. *Beach*, the tide boundaries of a possession patent were involved. There seemed to have been determined that the mean high tide line is the level of all the high tides.

"In ascertaining the limit of the Federal grant, its surveyors, in construction for taking neap high tides, or the mean of the tides, as the boundary between upland and tideland and for those extending from the shore the land which is actually covered by the tides must at the time. In order to include the land that is then occupied it is necessary to take the mean high tide line, which as the court of appeals said, is neither the spring tide nor the neap tide, but a mean of all the high tides."

*Beach vs. Beach*, 241 U. S. 11, 36.

The city of Huntington Beach is within the boundaries of the Los Berris Rancho, a Mexican grant confirmed and patented by the United States pursuant to treaty and congressional enactment. One of the covenants in the patent donation, and that involved in this investigation, is to a "post at high water \* \* \* thence along the sea shore at high water mark."

Mr. Alexander of the Division of State Lands made observations on certain days in November, 1934, and in January, 1935, for the purpose of ascertaining and locating the mark left by the water on the beach on the days indicated. A line showing the results of his observations, surveyed by a survey line the eastern ranch of the waves in November, 1934, and by a dotted line a corresponding mark left by the waves on January, 1935. As stated by the witness:

"The line we have been referring to as the high water mark is the point which is either shown by erosion or the deposition of debris. (Vol. 2, p. 20) it represents the approximate point of all the waves as they pass over the beach along the beach" (Vol. 7, p. 62).

Dr. I. S. Grant, Associate Professor of Geology at the University of California at Los Angeles, an expert on physical features on the beach, and in the junction with Dr. W. C. Patton, Professor of Geology at the Los Angeles Junior College, employed by the committee to examine and report upon shore conditions at Huntington Beach. Dr. Grant testified that "high water mark is a legal term that we don't use in marine survey work" (Vol. 4, p. 181), but Dr. Patton mapped the position of the "scarp" or ridge in sand marking the upper edge of the foreshore" on Friday, November 11, 1935, on the map the dotted or dashed line indicates the "upper scarp" that marked the "average" level of the waves, which in the field we call the storm scarp or storm line" (Vol. 4, p. 102).

Dr. Grant further stated that the physiographic feature indicating high water mark is a feature which varies greatly, not only seasonally but annually (Vol. 4, p. 105).

At the request of the chairman of your committee, the United States Coast and Geodetic Survey caused observation and survey to be made by Lieutenant G. B. Fish, detailed for the purpose. Certified copy of the results of Lieutenant Fish's work was received by the committee and has been transmitted to the chairman to the Senate. The Fish line is indicated on Map No. 1 accompanying the report of the Special Committee of Engineers and Geologists by a green line.

Colonel Charles H. Lewis, retired, formerly of the United States Army Engineer Corps, has had such experience in harbor lines and other water matters, particularly in southern California. He was employed by Stanford Oil Company to make a survey from which could be located any contour desired along the shore at Huntington Beach. He was a witness before the committee. His testimony shows that he plotted, in the course of his employment by Stanford, mean high water mark, ascertained by the same method used by Lieutenant Fish and in accordance with the practices of the United States Coast and Geodetic Survey referred to in the decision of the Supreme Court of the United States above referred to, and also plotted the mean high tide line as interpreted by Judge Ames of Orange County. His survey was such that therefrom there can be ascertained the elevation and location on the ground of any line which may be designated as the boundary. He made profiles along the beach at intervals of every block and a half. His testimony shows that the United States has maintained primary tide stations at San Diego, the records of which have been kept for 20 years, and that by correlating those records with actual observations at Huntington Beach, tide levels at the latter place can be and have been readily



ascertained. The Leeds line is considerably oceanward of both the Alexander and Grant-Putnam lines. It is indicated on maps numbered 1 and 2 accompanying the report of the Special Committee of engineers and geologists, by a dotted dark line.

The Fish line, also indicated on Maps No. 1 and No. 2, is somewhat farther oceanward than the Leeds line. The lines of both Colonel Leeds and Lieutenant Fish are based upon the same mean high tide level, the difference being accounted for by the difference in condition of the beach on the occasions when their respective surveys were made.

The subject matters of this report will be presented in the following order:

1. Location of State Tide and Submerged Lands Other than at Huntington Beach, Having Present or Prospective Value for Oil and Gas.
2. Huntington Beach Tidelands.
  - (a) General Description.
  - (b) Oil Discovery and Development.
  - (c) Drainage of State Land by Shoreline Wells.
  - (d) Negotiations for Drainage Compensation.
  - (e) Discovery of Trespasses by Slanted Wells.
  - (f) Lawsuits Against Trespassers.
  - (g) Settlements.
  - (h) Standard Settlement.
  - (i) Efforts to Ascertain Whether There Are Trespasses for Which Settlements Have Not Been Made.

# 1. Location of State Tide and Submerged Lands Other Than at Huntington Beach Having Present or Prospective Value for Oil and Gas.

## *El Capitan, Santa Barbara County.*

The most northerly tideland area in California having oil prospects or production is at El Capitan, Santa Barbara County.

Some years since, a number of drilling leases were made by the State under the Leasing Act of May 25, 1921, covering tidelands in this area. The wells were, however, with two exceptions, nonproductive. Of the latter, one is producing seven and the other about ten barrels per day (Dahlman, 7-533). Except as to the wells last referred to, all tideland leases at El Capitan have been cancelled.

Production from El Capitan tidelands has been 19,435 barrels;

Future potential prospects, estimated, 25,000 barrels (Pemberton, 7-572).

## *Ellwood, Santa Barbara County.*

Oil was discovered at Ellwood in 1929.

Under leases pursuant to the Act of 1921, some 40 or more wells have been drilled from piers projecting into the ocean (Kemnitzner, 4-23).

Production has been about 36,500,000 barrels;

Future potential prospect, estimated, about 20,000,000 barrels (Pemberton, 7-573).

## *Goleta, Santa Barbara County.*

At Goleta, a few oil and gas wells have been developed near the ocean, no discovery has been made or attempted in tidelands. Tideland oil prospects are apparently not considered good (Kemnitzner, 4-24).

## *Mesa, Santa Barbara County.*

At Mesa, the oil field is on littoral land and small in area; no discovery of oil or gas has been made or attempted in tidelands, production within 800 feet of the ocean is the only circumstance called to the committee's attention suggesting possibility of oil in tidelands (Kemnitzner, 4-26).

## *Summerland, Santa Barbara County.*

Tideland production in this field commenced in 1900, by wells drilled from piers in the ocean (Shadle, 1-17).

The field is pretty well depleted, said to be flooded with water (Kemnitzner, 4-27); and appears to be of minor importance.

## *Rincon, Santa Barbara County.*

At Rincon, operations in tidelands are pursuant to leases under the Act of 1921. There are about a dozen wells drilled from piers projecting into the ocean, and one well derrick on an artificial island (Kemnitzner, 4-28).

The field is said to be substantial, with possibilities of deeper production; suggestion has been made that wells may have been slanted into tidelands, but no facts are available in this respect (Kemnitzner, 4-28).

It is estimated that there are 85 acres of probable oil land below the mean high tide line (Pemberton, 7-574).

Tideland production has been approximately 1,225,000 barrels (Pemberton, 7-574).

Future potential tideland prospects, estimated, 2,130,000 barrels (Pemberton, 7-574).

### *Venice and Playa del Rey, Los Angeles County*

At Venice and Playa del Rey, 200 or more wells have been drilled in littoral lands close to the ocean. Mr. Kennitzer testified that there is a regime for development of oil in the tidelands (Kennitzer, 4-30).

### *Redondo and Hermosa Beach, Los Angeles County*

The same witness testified that there are possibilities of oil and gas in the tidelands at Redondo and Hermosa Beach. No tidal-land exploration has been attempted (Kennitzer, 4-30).

### *Newport Beach, Orange County*

The same witness testified that there is possibility of oil and gas in tidelands off Newport Beach. No exploration therefor has been attempted (Kennitzer, 4-31).

## 2. Huntington Beach Tidelands

### *General Description*

The most important tideland oil and gas deposit in the State is at Huntington Beach. Because of the large amount of oil already produced from this important the circumstances of such production, and the extent and nature of subsidence of the oil structure therein, particular attention was given by the committee to this area.

To date 88 wells are shown in large horizontal cross-sections on the Huntington Beach tideland area. Of course all but six were information obtained from the State's land. About 28,000,000 barrels of oil have been produced since 1921, with more produced by these 88 wells (Pemberton, 7-577). Practically all of these wells are bottomed in the easterly part of the tidal-land structure. It is estimated that there are about 100 acres in the area in which these wells are located and that it has a future potential of 25,000,000 or more barrels of oil (Pemberton, 7-579, 584).

The undeveloped portion of this tideland oil structure is estimated to contain from 80 to 500 acres, estimated as to the future potential of 25,000,000 to 350,000,000 barrels of oil (Andrews, 6-373; Pemberton, 7-582; Kennitzer, 4-31).

A brief description of the conditions at Huntington Beach and a chronological statement of oil activities involving tideland there may contribute to a better understanding of the facts and problems presented.

The city of Huntington Beach, a city of the sixth class, was incorporated February 17, 1909; it fronts for about two and one-half miles on the Pacific Ocean, Ocean Avenue, 100 feet wide, extends from one city boundary to the other along the ocean front.

The so-called Town Lot area is on the landward side of Ocean Avenue and extends northwesterly from the southeasterly city limits to 23d Street. The subdivision occurred long before May, 1920, when oil was first discovered at Huntington Beach.

From 23d Street to the northwesterly city limits there is a large cemetery, and area commonly referred to as the "Barley Field".

On the oceanward side of Ocean Avenue is the Pacific Electric Railroad right of way, 60 feet wide; between said right of way and the Pacific Ocean there is a precipitous bluff some 20 or more feet high, from the bottom of which the land beach slopes to the ocean;

The area between Ocean Avenue and the Pacific Ocean is commonly called the "Pacific Electric Strip", subject to the railroad right of way; it is and has been since 1926 held and operated by Standard under an oil lease from Pacific Electric Railway and Huntington Beach companies. The oil wells therein are between and right of way and the top margin of the bluff above mentioned.

### *(a) Oil Discovery and Development*

Oil was discovered at Huntington Beach in May, 1920, about a mile and a half from the ocean. Development proceeded rapidly oceanward in the Town Lot area.

A portion of the Town Lot area, extending from Ocean Avenue about two or three blocks landward and from 23d Street southeasterly was used against oil development; in December, 1925, these restrictions were removed, and intensive oil drilling ensued therein.

Standard leased the Barley Field from the Huntington Beach Company for oil development, and drilled wells therein. In 1926 it also leased the Pacific Electric Strip, and drilled wells between the railway right of way and the edge of the bluff, off-setting the wells on the opposite side of Ocean Avenue.

No wells have ever been drilled on the beach at or in the vicinity of Huntington Beach, except the Shallmiller Well, near the northwesterly city limits. This well was drilled under a State tideland lease issued under the Act of 1921.

There is a well known geological fault approximately parallel to and a short distance oceanward from Walnut Street (the latter being the first street landward from Ocean Avenue). This fault acts as a barrier between the oil on the landward side and oil on the oceanward side thereof (Shadle, 1-34; 1-35).

By 1933, the intensive Town Lot production had so depleted the area landward of said fault that many of the oil wells therein had been abandoned, production from those continuing to operate was negligible and the area was generally conceded to be practically exhausted (Shadle, 1-30).

*(c) Drainage of State Lands by Shoreline Wells.*

Conditions indicated that the oil measures on the seaward side of the fault extended into the State's tidelands (Atherton, 1-106; Shadle, 1-200), and that the wells along the shore were draining oil therefrom. The statutory restriction against tideland drilling prevented the drilling of wells in the ocean to offset this drainage.

*(d) Negotiations for Drainage Compensation*

The Director of Finance initiated negotiations with Standard to obtain compensation for such drainage by its wells on the Pacific Electric Strip (Atherton, 1-108, 109; 1-117; Shadle, 1-231). There was no evidence or suggestion that any of the latter wells had trespassed into the State's land.

Tentative agreement, subject to legislative approval, was prepared, requiring payment of 5 per cent royalty on production from all of Standard's wells on the Pacific Electric Strip. (Shadle, 1-23, 24; 25; 27; 62; Sturzenacker, 3-269).

The Legislature in 1933 amended the act of 1921, by providing that

"whenever it appears to the Surveyor General that wells now drilled upon private lands are draining oil and gas from the lands belonging to the State \* \* \* upon which drilling is now prohibited by law, the Surveyor General is hereby authorized and empowered on behalf of the State \* \* \* to negotiate in the name and on behalf of the State, agreements whereby the State will be compensated for such drainage."

Negotiations were, however, dropped, for reasons about to be stated.

*(e) Discovery of Trespasses by Slanted Wells.*

Negotiations concerning drainage compensation were dropped because of the discovery that the Standard's wells on the Pacific Electric Strip were already offset by slanted wells drilled through its property into the State's lands. The circumstances of that discovery are as follows:

As early as 1931 the Division of State Lands suspected that wells whose derricks were on town lots were being slanted under the tidelands, and unsuccessfully sought legislation authorizing surveys (Shadle, 1-19):

Flush production from wells drilled in the depleted Town Lot area behind the fault in late 1932 and early 1933 inspired activity by State officials (Alexander, 1-211, 214; Shadle, 1-20, 27):

Operators denied that the wells were slanted (Shadle, 1-31). The wells were spudded in at night, and much difficulty was encountered in obtaining evidence warranting institution of proceedings to protect the State against trespasses.

State officials sought and received the cooperation of Standard and other companies in obtaining the facts (Shadle, 1-200, 202).

The investigation disclosed that more than 80 wells had been purposely slanted from the Town Lot area into the State's tidelands; that more than 20,000,000 barrels of oil and an unknown amount of gas had been extracted from tideland, and production was continuing.

The existence of a valuable oil deposit in the State's tideland and extensive and illegitimate drainage of oil therefrom were thus demonstrated; it was also demonstrated that the wells on the Pacific Electric Strip, compensation for drainage by which was being negotiated for, were already more than offset by the trespassing wells, for which the State was receiving no compensation.

After this discovery, and prior to August, 1933, the Director of Finance negotiated an agreement with Standard proposing to extend to the latter right to slant wells from its littoral lands northwesterly of 23d Street oceanward into the tideland oil deposit. These negotiations were prompted by the consideration that the illegitimate slanted wells were producing from the area to the southeast, and it was felt that production from the same structure in front of the Barley Field was proper and in the State's interest (Shadle, 1-57). Such an agreement was signed by the Director of Finance on August 14, 1934 (designated No. 328). It was understood that said agreement was subject to legislative approval, and on September 21, 1934, it was stipulated that it would "not be effective unless and until approved by an act of the Legislature which convenes in 1935," and if not "approved and or confirmed by the Legislature at the session \* \* \* which convenes in 1935, the said agreement shall be wholly null and void."

There was no legislative action thereon.

Following the discovery that six of Standard's wells were trespassing, and on March 27, 1935, an agreement, designated "Agreement for Easement No. 338," hereinafter referred to, was executed.

Similarity of the numbers of this and the agreement previously referred to—328 and 338, respectively—is perhaps responsible for the confusion in assuming that they were related transactions; they were not.

*(f) Lawsuits Against Trespassers.*

Actions were filed by the Attorney General, on behalf of the State, to enjoin the operation of the slanted wells and for accounting and payment for the oil and gas extracted from the State's land. Because, in order to reach the tidelands the wells necessarily trespassed across the lands of the Pacific Electric Railway, Hunt-



Hunting Beach and Standard Oil Companies, and pass through the hands of the latter was required for the service of such property for the last named companies were included as deductions, namely, 1.42, 1.01. They accordingly counterpoised, asking the same total paid for by the State.

#### (g) Settlements

In November, 1933, conference was held in Governor Lodge at Sacramento. It was attended by many operators and other interested parties and State officials including the Attorney General and Director of Finance. Settlements were strenuously urged. As a result the Governor directed that settlements be made, if possible. The Director of Finance and Director of State Lands consequently undertook negotiations contemplating continued operation of the slanted wells (Shadle, 1.29, 7.615).

Because of difficulties as to the authority of the State officials to make the settlements, an action (*Utt vs. Huntington*) was filed in the superior court at Sacramento against the Director of Finance to test the authority of doing it and that the settlements were withdrawn (Shadle, 1.414, 941; Shadle, 7.620).

No settlement by the State contemplating continued operation of the slanted wells was possible without the consent of Standard Pacific Electric and Huntington Beach companies that the slanted wells could be continued along their land. The Director of Finance asked Standard for such consent, and was answered that Standard the possibility that some of the latter's rights on the Pacific Electric Strip may have trespassed on the lands, and urged surveys be made. It was said that it found to be trespassing like settlements be made. There was no evidence showing that any of Standard's wells had trespassed on State lands, and the suggestion that if they had, the trespass was done prior to 1926 and 1927, before surveying and directional control of wells was practiced (Shadle, 1.351).

Several of Standard's wells had been drilled in 1926 and 1927, before surveying and directional control of wells was practiced (Shadle, 1.351).

The Company's vice president, the late Mr. Omar Soto, assured the State authorities that the wells would be drilled and in the same process was the covered settlement as suggested would be made (Shadle, 1.39, 400).

Mr. Soto also assured State officials that when settlements were made with the slant well operators, permits to cross the Pacific Electric Strip would be given with appropriate reservations, of course, protecting the company's property and operations therein (Shadle, 7.618, 621).

The director fixed November 15, 1934, as the dead line for settlements with the slant well operators (Shadle, 7.615).

Operators of some 88 wells responded.

The State presented royalty for production from slanted wells on a sliding scale, graduated on price, 25¢/bbl. etc., in accordance with a formula similar to that applied by the United States in its settlements with trespassers of oil wells withdrawn by presidential order in 1909 (Shadle, 1.181).

Payments for past production were required to be made either in cash or in four annual installments with interest at 6 per cent. The latter arrangement was in the opinion of State officials necessary because of inability of operators to pay cash. In order that there might be no entry with which the State and Standard could deal and thus facilitate adjustment, most of the slant well operators formed the Huntington Beach Taxpayers Association, a corporate corporation (7.480).

Pursuant to the settlement agreements, the operators have paid to the State the money consideration required, have received easements from the State passing permits from Standard have been applied for through the Association. Most of the latter have been issued, agreement has been completed with practically all of the operators. Under the settlements the State has received, or will receive, the following amounts:

Deferred oil royalties Accounts receivable, March 1, 1934	\$1,351,361.42
Amount of principal paid on above, March 1934-Dec. 31, 1936	729,542.94
Balance of principal due on above deferred royalties	\$ 621,818.48
Amount received on current royalty from Huntington Beach tideland wells, March 1934-Dec. 31, 1936	\$2,217,995.92
The total royalty production of the Huntington Beach tideland wells to date of settlement with the State: 5,896,406 barrels of oil, 1,036,070 m.c.f. of gas.	
Since the date of settlement to December 31, 1936 16,968,412 barrels of oil, 15,147,988 m.c.f. of gas.	

#### (h) Standard Settlement

In accordance with the assurance theretofore given, the results of surveys of Standard wells on the Pacific Electric Strip were submitted to the State. They showed that six old wells, drilled during the years 1926 and 1927, to wit: Pacific Electric Nos. 1, 3, 6, 8, 9 and 10, had pursued irregular courses; that the bottoms of Nos. 3, 8 and 9 were wholly in tidelands, and the bottoms of Nos. 1, 6 and 10 were probably partially so.



Whether any part of the producing portion of either of the last three wells is in tidelands depends upon the location of the tideland boundary. For the purposes of the settlement, the boundary was agreed upon in accordance with a line located by Colonel C. H. Leese. That line, as heretofore explained, is the place where Colonel Leese found that the place of the mean high tide, established in accordance with the practice of the United States Coast and Geodetic Survey, meets the shore at Huntington Beach.

Based upon the Leese line, 57.4 per cent of the producing portion of Pacific Electric Well No. 1, 44.3 per cent of the producing portion of Pacific Electric Well No. 6, and 31.07 per cent of the producing portion of Pacific Electric Well No. 10, is in State tidelands; and 100 per cent of the producing portion of Wells Nos. 3, 8 and 9 is in State tidelands. (It is to be noted that according to the line ascertained by Lieutenant Fish of the United States Coast and Geodetic Survey, no part of either of these three wells is bottomed beyond the mean high tide line.)

The State's percentage of the production from the six Standard Wells just referred to up to December 31, 1936, is as follows:

*Well No. 1*, 57.4 per cent of total production, 761,069 barrels of oil, 425,138 m.c.f. of gas.

*Well No. 3*, 100 per cent of total production, 1,919,422 barrels of oil, 731,108 m.c.f. of gas.

*Well No. 6*, 44.3 per cent of total production, 306,900 barrels of oil, 97,300 m.c.f. of gas.

*Well No. 8*, 100 per cent of total production, 533,606 barrels of oil, 181,119 m.c.f. of gas.

*Well No. 9*, 100 per cent of total production, 433,709 barrels of oil, 142,144 m.c.f. of gas.

*Well No. 10*, 31.07 per cent of total production, 99,102 barrels of oil, 28,558 m.c.f. of gas.

(Note: Cumulative gas production dates from April 1, 1930, earliest date gas figures shown on Standard's records.)

Settlement agreement was accordingly drawn and executed by Standard. It contains the same terms as those made with operators of intentionally slanted wells, except that it provides that it may be cancelled and the wells plugged up and abandoned at any time, and except, also, that it contains the following stipulation:

"This stipulation is made on the basis of the present facts and figures at hand, and should any investigation hereafter, either public or private, disclose any different facts or figures, the same to be adjusted accordingly."

The total royalty required to be paid for production to February 15, 1934, is \$473,498.91. Payment for current and future production is required on the same basis prescribed in the settlements with operators of intentionally slanted wells.

Recapitulating: In 1933, the trespasses were discovered, and actions commenced, the Governor directed settlements with the trespassers; a judicial decision and the advice of the Attorney General sanctioned the legality of the settlement; the settlements were openly arrived at; the State has received and is receiving the money payments prescribed thereunder; State easements have been granted which expressly contemplate permits from Standard to cross the Pacific Electric Strip; such crossing permits have been requested and many granted; Standard voluntarily submitted surveys of its wells, which could not have been compelled, and was assured that if trespass was shown, like settlements would follow; settlement agreement has been executed, but not delivered, because of the suggestion from the chairman of this committee that the matter be deferred; the Assembly Committee, after full hearing, approved and recommended consummation of the settlements.

Whether the settlements were all that the circumstances warranted seems beside the issue; the State's Chief Executive and other officers took notice of the situation, the Assembly investigated and gave its sanction, all parties to the settlements have materially changed their position and parted with substantial consideration. The honor and good faith of the State had been pledged, and fair dealing would seem to dictate that settlements be carried out.

(i) *Efforts to Ascertain Whether There Were Trespasses for Which Settlements Have Not Been Made.*

Actions were commenced against all operators of wells concerning which the State had evidence warranting resort to the courts (Atherton, 241).

Because, however, of the suggestion that other wells at Huntington Beach than those concerning which settlements had been made or negotiated were trespassing on tidelands, an investigation was made in that respect.

The committee concluded that if data concerning all wells oceanward of Walnut Street and its projection northwesterly across the Barley Field were available for examination and report by qualified experts, it would have substantial bases for determining whether the suggestion of additional trespassing wells was well founded.

It appears that there is a general recognition among the part of engineers to the desirability of publishing their data. One practicing civil engineering engineer in the requirement that data from wells of the Province of Oil and Gas be kept confidential. The engineering men, therefore, unanimously advising the committee that a special committee of engineers be designated to secure the necessary legal sanction for their data, the engineering type selected to report were the members of this organization without disclosure of details, authoring statements in which found to be either in, or in some in doubt, as to their proper handling. (See Alexander, 2:223, 2:235; Anderson, 2:26; Stephens, 2:277; Anderson, 2:299, 2:31; Alexander, 2:34; Higgins, 4:118, 4:167, 168.)

Your committee accordingly selected the following engineers and geologists to make the examination:

Dr. F. K. Sayer, Chairman, University of California at Los Angeles.

Dr. Wendell F. Mason, and

Arthur H. Alexander, engineer of the Division of State Lands.

The operations, with a few exceptions, required three months in the spring committee. The latter generally accepted and studied the original records of operators, including surveys of wells. These records and the supplemental studies have been transmitted to the Senate by the chairman of this committee.

#### *So-Called "Border Line" Wells*

The first report of the Special Committee of Engineers and Geologists to this committee is dated December 28, 1936. It appears that said committee found that, on comparison specified by your committee for data pertaining to wells at Huntington Beach, made available to it, the said data pertaining to said wells, including the methods of well surveying, showed and required on well surveys and records the more geological testimony at the time but not related alone at Huntington Beach. The report states that:

Standard Oil Company of California permitted members of the engineering committee to inspect the well survey plots and the well survey data in the company's possession for all their wells on the line given to this report. The engineering committee was also permitted to view the surveying records and resolution data pertaining to all these wells. Most were complete and operators . . . responded by authorizing the State Division of Oil and Gas to release all data in its files concerning the wells mentioned . . . . A few operators sent the data given to the engineering committee to the Senate Committee of the Senate. It was found that two few wells on the line were then those of the Standard Oil Company of California had been surveyed.

Said report is substantiated by two maps. On May 4 a boundary STANDARD line, whose bottoms are close to it except at the highest. (A boundary line indicated thereon. All of the wells on the boundary, except the one well on the line mentioned has been registered, and located at the line line.

Map 2 indicates bottoms of wells at other parties plots are separated at the Alexander line.

Except for the six wells heretofore referred to, no well of the Standard Oil Company was found by the committee to be bottomed beyond the mean high tide line indicated by Colonel Lees.

Unless and until there is a judicial determination that the all companies are to be hereby indicated by the Alexander line, and that the line of mean high tide is defined by the Supreme Court of the United States and determined by Lieutenant Fish and Colonel Lees is not the bottom line, as it is to be used any well bottomed landward of such mean high tide line is known to be producing from State lands.

The production of oil on October 31, 1936, and of gas from April 1, 1936, to October 31, 1936, from each of the so-called border line wells referred to by the Special Committee of Engineers and Geologists is as follows:

Well No.	Barrels of oil	cu ft of gas
Standard No. 5 ( $\frac{1}{2}$ below Alexander line).....	\$19,770	377,429
Standard No. 11.....	71,086	1,281
Standard No. 12.....	76,520	11,098
Standard No. 13.....	39,190	8,141
Standard No. 14.....	87,164	14,280
Bottom No. 5.....	152,056	2,500 (est.)
Southern California Sevens No. 1.....	200,000	42,500 (est.)

With reference to Standard wells, the engineering committee found that:

"A total of 47 Standard Oil Company wells were studied and surveyed, and all other data asked for relating to these wells were given promptly to the Engineering Committee by the Standard Oil Company of California . . . .

Six of the wells on the Pacific Electric lease, namely, P. E. No. 1, P. E. No. 2, P. E. No. 6, P. E. No. 8, P. E. No. 9, and P. E. No. 10, are situated to be bottomed beneath State tideland. Three of these wells, P. E. No. 3, P. E. No. 8, and P. E. No. 9, have their perforations (Producing portions of the wells) wholly beneath the State tideland; the remaining three (P. E. No. 1,

P. E. No. 6, and P. E. No. 10) have parts of their perforations beneath the State tidelands, and according to the survey by the Division of State Lands all of the perforations are beneath State tidelands. These six Standard Oil Company wells are covered by Easement No. 338, not yet accepted by the State of California. Meanwhile, pending completion of the agreement, accurate record is being kept of the oil and gas production from the wells. The total cumulative oil production of these wells to October 31, 1936, and the total gas production for the period from April 1, 1930, to October 31, 1936, is shown in the following tabulation:

*100% on State Tidelands.*

<i>Well No.</i>	<i>Total oil prod. to 10/31/36 (bbls.)</i>	<i>Total (MCF) gas prod. 4/1/30-10/31/36</i>
P. E. 3-----	1,916,358	727,202
P. E. 8-----	532,881	178,215
P. E. 9-----	431,895	137,897
	<hr/> 2,881,134	<hr/> 1,043,414

*Partly on State Tidelands.*

<i>Well No.</i>	<i>Total oil prod. to 10/31/36 (bbls.)</i>	<i>Total (MCF) gas prod. period 4/1/30-10/31/36</i>
P. E. 1-----	1,319,421	733,311
P. E. 6-----	690,710	217,262
P. E. 10-----	317,268	89,206
	<hr/> 2,327,399	<hr/> 1,039,779

"Of the remaining 41 Standard Oil Company wells studied, the data shows that five wells have all or part of their perforations beneath the present beach and therefore near the tideland boundary. These wells are P. E. 5, P. E. 11, P. E. 12, P. E. 13, and P. E. 14. \* \* \* These five wells, which existing well surveys show to be bottomed beneath the beach but not oceanward from the high water mark of the survey known as the Leeds survey (See Map 1), may be regarded as border line wells, for the reason that the position of the boundary of the State tidelands is a controversial question. If the courts should decide at some future date that the line established by the Leeds survey is not the true boundary of the State tidelands, then the status of certain or all of these five wells might be changed so as to make them trespassers on the State tidelands. It should also be pointed out that if errors have been made in the surveys of any of these five wells, the status of such wells with reference to the tideland boundary might be changed." (Tr., pp. 426, et seq.)

With reference to the five Standard wells above specified, the Committee of Engineers made the following recommendation:

"In order to remove all doubts as to the exact positions of the bottoms of these wells \* \* \* and of the perforations in the oil strings in the wells, it is our opinion and we recommend that joint resurveys or check surveys of these five wells should be made. If these check surveys should indicate that any of the wells have encroached upon State lands, then a third or umpire joint survey should be made in such well or wells, the result of which survey should be final." (Tr. p. 430)

Your committee approves this recommendation and urges that it be put into effect.

In said report of December 28, 1936, and in a supplemental report dated January 19, 1937, the Special Committee at Engineers and Geologists set forth the result of its examination of data concerning wells of other operators, and made the following recommendations:

*Consolidated Petroleum Company wells, Signal No. 1, Area No. 1 and Fee No. 1 (Block 116, Huntington Beach):* There was insufficient time to obtain the consent of the predecessors of the present operators of these wells to the examination of records; therefore, further investigation is suggested.

*Southern California Drilling Company Sevens well No. 1 (Lots 5 and 7, Block 221, Huntington Beach):* The committee of engineers states that it is "located on State tidelands a few feet beyond the line of the Leeds survey."

As to the following wells, the engineering committee found conditions indicating that all or some part of the producing portion thereof may be in tideland, and recommended that each "be surveyed to determine whether the productive portion of the well is located under the State tidelands":

*Sunset Pacific Oil Company well, Davis No. 1 (Block 117, Huntington Beach);*

*The Texas Company well, Jones No. 1 (Lots 1, 2, 3 and 4, Block 119, Huntington Beach);*



*Wilshire Oil Company, H. B. Well No. 1 (Lots 7 and 8, Block 118, Huntington Beach).*

*Wilshire Oil Company, H. B. Well No. 2 (Lots 5 and 6, Block 118, Huntington Beach).*

*Wilshire Oil Company, H. B. Well No. 3 (Lots 7 and 8, Block 118, Huntington Beach).*

*Superior Oil Company, Nizon No. 1 (Block 119, Huntington Beach).*

*Superior Oil Company, Nizon well No. 1 (Block 118, Huntington Beach).*

*Superior Oil Company, Concord well No. 1 (Lots 7 and 8, Block 113, Huntington Beach).*

*Dollar Oil Corporation (Affiliated Oil Company, Dollar well No. 3 (Block 113, Huntington Beach).*

Your committee also concurs in the foregoing recommendations.

Said committee also prints and files H. B. 1937 (194) in its opinion.

"There may be other wells in the Concord zone (Huntington Beach) drilled prior to 1934 not on the list submitted to the committee for consideration, which may have drilled under the title H. B. 1937 and which are not giving royalties to the State."

Among the wells to which attention has been called are to which title has not been presented in Superior Nizon No. 2.

The discovery of wholesale intentional violations of such wellhead restrictions of oil from the State's tideland at Huntington Beach was made in 1934; ample opportunity has been afforded taxpayers to submit the facts and merit for their transmission. It would seem under the circumstances they are well equipped who continue to contribute of lawlessness and failure to well head of the opportunity to settle this alleged, should be held to strict accountability.

Your committee recommends that the present State authority make prompt investigation and take vigorous action against any future violation the local and any well is or has been producing from State lands, for which settlement has not been made.

Your committee further recommends:

That recovery of the Eyr Standard Wells (Nos. 1, H. B. 11, 12 and 14) be made as suggested by the committee of engineers, that on completion of any such survey, any part of the producing portion of either of said wells be determined to be oceanward of the so-called beach line, that it be included in the settlement therefore negotiated covering the six Standard wells referred to be made on specially bottomed oceanward of said beach line. That such settlement cannot constitute that if it be hereafter judicially determined that said lands are in fact the correct boundary line between said Pacific Eastern Strip and the State lands, the settlement be rendered accordingly.

Your committee further recommends that as to each of the following wells, to wit:

*Consolidated Petroleum Company, S. 2nd No. 5, Southern California Drill-*

*ing Company, Severns No. 1, Severn Pacific Oil Company, Lucas No. 1,*

*Texas Company, Jones No. 1, Wilshire Oil Company, Wells H. B. No. 2,*

*H. B. No. 3 and H. B. No. 4, Superior Oil Company, Nizon No. 1 and*

*Concord No. 1, Dollar Oil Corporation (S. 2nd No. 5) Company, Taylor No. 6,*

and any other well or wells as to which settlement has not been made, the payment thereof be requested by the State Department of Finance in payment with survey and other data as will enable said department to determine whether the producing portion of any such well is located on the State lands; that, if any part of such producing portion is so located, settlement be made, including arrangement with Standard Oil Company for permit to operate such well and give such Pacific Eastern Strip, in the same manner that such settlement and payment permit has been arranged with reference to each well as to which settlement has been made by the State for slanted wells at Huntington Beach.

Your committee further recommends that, as to any well concerning which survey or other information is, after reasonable opportunity to furnish the same, refused, and as to any well as to which there is reasonable cause to believe, from the data presented, that it is or has been producing from State lands and as to which settlement for such production is refused, the Attorney General being and vigorously prosecute appropriate action or actions to enforce all of the rights of the State with reference thereto.

It is further recommended that careful inquiry be made concerning several law suits pending in Orange County involving alleged slanted wells, to the end that any interest of the State therein may be protected by intervention at other appropriate action.

#### *c. Conclusion*

Your committee has undertaken this investigation and makes this report with one primary purpose in view, that of determining how the interests of the State in the tideland oil deposits may best be protected. Within the scope of this inquiry your committee has reached the conclusion that the development of the tideland reserves at Huntington Beach by upward drilling must be restricted in particular instances. Correspondingly, it has of necessity reached the conclusion that the interests of the State in these tideland deposits at this point may require development from the surface of the tidelands under certain prescribed conditions. Your committee realizes that the people of the State have caused their opposition to tide-



land drilling, but in view of the fact that a particular situation and condition exists at Huntington Beach, your committee suggests that an exception be made and if the State interests can not be protected by upland directional drilling, then tidal land drilling be authorized in this restricted area.

(k) *Recommendations.*

The recommendations of your committee may be summarized as follows:

1. That regardless of whether the legality of existing easements granted trespassing operators has been definitely established, it is felt that the honor and good faith of the State require that the settlements regarding them be carried out and confirmed.

2. Specifically, that the Director of Finance execute on behalf of the State and deliver to Standard Oil Company of California, Easement No. 338, in substantially the same form as that agreed upon on March 27, 1935, but containing a clear provision that the settlement set out in said agreement is based upon the line fixed by the Leeds survey, and that if at any future time a definite boundary line between tidelands and uplands is established by judicial determination the easement shall be adjusted accordingly. The easement shall further provide that if the establishment of such new line shall result in a determination that either present or future wells of the operator, other than those now specified in said easement, are found to be bottomed on State lands, or if any present existing and allegedly trespassing wells shall be found to be not bottomed upon State land, that said easement shall be adjusted accordingly.

3. That the operators of boundary line questioned wells be given a reasonable time in which to provide proper State office with authentic surveys of their wells and that if such are found to be trespassing, they shall be granted easements in the same form as that heretofore granted to other operators. If the question of trespass involves the location of the line separating tidelands from uplands, the Leeds line shall be taken as the boundary for the purpose of settlement, but the easement shall include the provisions for adjustment described in Recommendation No. 2 above in connection with easement No. 338;

4. That the proper State officials take immediate steps to obtain a judicial determination of the boundary line separating tidelands from uplands.

5. That where operators of questioned wells have not submitted to the State surveys and or other pertinent information bearing upon the direction or location of their wells, if there is reasonable cause to believe that such wells are trespassing on or under State lands, immediate steps be taken by the proper State officials to establish the facts and to recover the full value of oil or gas produced by those wells from the tidelands;

6. That the Attorney General be directed to intervene for the protection of the interests of the State in any actions disclosing wells bottomed in State tidelands;

7. That necessary legislation be enacted at the present session of the Legislature to authorize the Director of Finance to grant a lease or leases as a result of competitive bidding for drilling from the uplands or from piers, groins, or islands situated on the tidelands. It is the further recommendation of your committee, however, in view of the present overproduction of oil in the State of California with resulting proration to a point where total production approximates consumption, that the development of this pool be restricted for the time being by the terms of such lease or leases to wells necessary properly to offset wells which are now draining such pool.

Respectfully submitted,

RAY W. HAYS,  
EDGAR W. STOW,  
J. I. WAGY,  
Special Senate Committee.

(COPY)

WESTERN UNION, March 2, 1937, 4:45 p.m.

*Ray W. Hays, Senator, State Capitol.*

I am in accord with the recommendations of the committee report with the exception of tidal land drilling. I do not favor tidal land drilling because the voters of California have decided against it on two different occasions, and furthermore because the county of Orange and the city of Huntington Beach, who would furnish police, fire and other protection for the property involved, would receive no revenue and could not assess for taxation purposes either the property involved or the oil produced.

NELSON T. EDWARDS.

**Motion.**

Senator Hays moved that 300 extra copies of the above report be printed under separate cover.

Motion carried, and such was the order.



"This message has dealt with four present needs. First, to eliminate congestion of calendars and to make the judiciary as a whole less static by the constant and systematic addition of new blood to its personnel:

If these measures achieve their aim, we may be relieved of the necessity of considering any fundamental changes in the powers of the courts or the Constitution of our Government—changes which involve consequences so far-reaching as to cause uncertainty as to the wisdom of such course."

I am sure that we are familiar with American history. We know that after our Nation gained her independence the Articles of Confederation were adopted. Those Articles of Confederation did not bind the several States together into an effective union and the dissatisfaction was so great that it was decided to hold a Constitutional Convention at Philadelphia for the purpose of adopting a Constitution of the United States. So there met in Independence Hall in Philadelphia in 1787 seventy-two of the ablest men of that time, or in fact of any time, whose purpose it was to try to give to the new Nation a Constitution that would endure through the ages. That convention was presided over by George Washington, father of our country, whose picture looks down upon us in this Senate Chamber as we debate this issue so fundamental to our Republic. The men who met in that convention labored over a period of several months and with extraordinary intelligence, wisdom, and courage. Their task was to establish liberty as well as a government. They understood the civilizations of the past and had studied the failures of government in every age. They were familiar with the cruelties of unbridled power. They determined to erect a government dedicated to all the noble purposes of government, and at the same time, so restrained as not to be able, under any circumstances, to deprive the humblest man of rights which they had declared in the Declaration of Independence to be inalienable—the rights to life, liberty, and the pursuit of happiness. They created a government of specified powers. They created a dual form of government, of States having control of the local activities and functions and of a Republic having control of foreign affairs, of National defense, of money and currency, of foreign commerce, and commerce between the States. They wrote out the fundamental rights of man in the charter of the new government and expressly recognized the powers reserved in the people. And over the exercise of the vast powers of the Government by the Executive, by the Congress, by the States, and the people they erected a Supreme Court, sole and independent, to preserve this Constitution, to declare whenever its powers were exceeded, and so to protect the people against every attempted encroachment upon their liberties. And finally they gave to the three great arms of the Government, the executive, the legislative, and the judicial, each a sole independence, and distinctly declared function, in order that any one of them, or any two, might check encroachments by any one of them beyond its prescribed power.

It has been asserted and will perhaps be asserted here that the Constitution of the United States does not give to the Supreme Court the power to declare acts of the Congress unconstitutional. This assertion is not borne out by the Constitution itself because a reading of the Constitution will demonstrate that such power must necessarily be given to the Supreme Court and was given. Section 1, Article 3 of the Constitution of the United States reads as follows:

"The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, received for their services, a compensation, which shall not be diminished during their continuance in office."

In Article 6 of the Constitution it is declared as follows:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

From these quotations it will be observed that the judicial power of the United States is vested in the Supreme Court and in the inferior courts and that the Constitution is the supreme law of the land. And it would be difficult to understand how any government could function under a written Constitution such as ours unless there was a final tribunal to pass upon the constitutionality of acts of the Congress and of Legislatures. James Madison, the Secretary of the Constitutional Convention, and later the fourth President of the United States, perhaps the most acutely comprehensive and dispassionate mind of his day, declared that the court would "be an impenetrable bulwark against every assumption of power in the legislative or executive". Furthermore, the power and right of the Supreme Court to pass upon the constitutionality of acts of the Congress has been definitely established and accepted for more than 100 years, and the President himself in proposing the appointment of additional Justices to the Supreme Court recognizes the fact that the court has the power to pass upon the constitutionality of acts of



Congress because he is, in my judgment, afraid that the court can do what he himself constituted, will declare unconstitutional the acts of Congress which he has just after propose. I have before me the proceedings of the Constitutional Convention and also the articles of James Madison in the "Federalist," and there can be no doubt that the framers of the Constitution of the United States intended that the Supreme Court should have some power, and desired that the Supreme Court should have such power.

Mr. President, I do not forgive the authors of the Federal of the United States in making the proposal that we have made. I am willing to concede that he is acting sincerely and for what he believes to be the best interests of the Nation. But I do believe that the effect of the proposal of the President will be to destroy the independence of the Supreme Court as a separate branch of our Federal Government and to place what was of our fundamental constitutional ideal in jeopardy to the continued existence of a Republic with a constitutional form of government.

I can do no better than to quote on this point from the monumental work of James Bryce, "The American Commonwealth." "Who could write in a good English writer more than 50 years ago in perhaps the best study of the American form of government that has ever been written. Mr. Bryce writes:

"Suppose a Congress and President began by doing something which the Supreme Court deems contrary to the Constitution. They pass a statute. A case arises under it. The court, on hearing of that case, unfortunately declares the statute to be valid, and being beyond the control of Congress, Congress furtherly passes and the President signs another statute, thus doubling the number of statutes. The President responds to this last judgment, ships men, who are obliged to hold the former statute unconstitutional. The Senate confirms his appointments. Another case arising the validity of the disputed statute is brought up to the court. The new statute remains the old one, the statute is held valid, the statute remains and the protection of the Constitution is gone like the morning mist."

I assert that the result of a law such as the President proposes will be to push the Supreme Court of the United States in order to destroy freedom, freedom upon legislation desired by the President. I make this assertion without the desire to attribute any form of weakness or any weakness to the President. Any of this is not the purpose behind the proposal. I say so to you to understand what the purpose can be. I cannot, therefore, the President's personal attempt to do indirectly what can not be done directly. That is, attempt to amend the Constitution by indirection.

If an amendment to the Constitution of the United States is possible, then that amendment should be achieved in the manner provided by the Constitution. Let us heed those words of George Washington in his Farewell Address:

"If, in the opinion of the people, the interference or amendment of the constitutional powers be in any particular thing, let it be removed by an amendment in the way which the Constitution prescribes."

And let there be no change by usurpation, (as though there is, and perhaps, more in the usurpation of power, is in the confidence placed by voters and governments in the usurper.)

The President must always remain subordinate to government and not attempt to represent himself as the government of the Nation.

One week before the President sent his last message to Congress United States Senator Henry F. Ashurst of Arizona, Chairman of the Senate Committee on Judiciary delivered a speech in the United States Senate. This speech was evidently delivered without knowledge on the part of Senator Ashurst that the President's proposal was to be made to Congress, and it is therefore particularly significant. Senator Ashurst said:

"Mr. President, I do not know that I should say out of my mouth this morning in discussing the asserted power of the Supreme Court of the United States to declare acts of Congress beyond the powers of Congress further than to say that in any tyrannical government, no matter what day be there, whether an oligarchy, or, as Thomas Jefferson said, 148 men, no person, no group, makes any progress whatever unless and until he seems to have found the legislative, the executive, and the judicial powers. Men, in Europe, some may call these 'tyrants,' would be effectively hampered in their efforts unless they hold in one hand the legislative, the executive, the executive, and the judicial powers. So the first thing a wise, prudent, ambitious, monarch in Europe does if he wants complete control is to secure legislative, executive, and judicial powers."

Let me say that I have no sympathy with attempts to whittle or to chisel, by indirection, circumlocution, and periphrasis, and "house-that-Jack-build" methods, in order to acquire power. Let us manfully stand up and say "Mr. President, we ought to have more power. We need more power." The way to obtain it is by consulting the States.



In my judgment the way to reach the desired objective is by bold frankness, by asking the people of the States to ratify the necessary amendments. If we think the Supreme Court should not exercise the power of passing upon laws, let us say so by amendment. In the long run there will be niches in the hall of time, and places in the record of history, for men who act directly in that way; but there will be found no niches, no place in the record of history, nor will there be a glowing tribute on the page of any history book for a Congress which by such methods as I have indicated tries to do indirectly that which it can not do directly."

Woodrow Wilson, twice elected President of the United States, twice the nominee of the Democratic Party, a great scholar, a master of government, the foremost liberal of his time, wrote in his book entitled "Government Under the Constitution":

"It is within the undoubted constitutional power of Congress, for example, to overwhelm the opposition of the Supreme Court upon any question by increasing the number of justices and refusing to confirm any appointments to the new places which do not promise to change the opinion of the court. Once at least it was believed that a plan of this sort had been carried deliberately into effect. But we do not think of such a violation of the spirit of the Constitution as possible, simply because we share and contribute to that public opinion which makes such outrages upon constitutional morality impessible by standing ready to curse them."

When considering the Supreme Court of the United States, it is well to consider the following facts: Congress has enacted 24,902 laws in the years since 1789. The Supreme Court, in all of that time, has found only 73 of those acts—or parts of them—to be in conflict with the Constitution. Out of those 73, barely 16 concerned acts of Congress that affected the everyday lives of citizens—57 were largely technical. The legislative mill ground out an average of 170 laws in each year. The judicial appraisal disclosed an average of one piece of legislation in each two years that could not pass the constitutional test. Yet today the courts of the country are under fire from the President. A National debate is opening over the future of the Supreme Court and of the Constitution. One or the other is accused of standing in the path of progress.

Why the sudden burst of this problem into the National limelight?

A glance at the facts and figures may show. That glance quickly discloses that during 144 years the Supreme Court found only 61 legislative acts of Congress or parts of them to be in conflict with the Constitution. But during the last four years the Court has found 12 to be in conflict—an average of three a year.

Even more important: Out of 16 Supreme Court decisions that bore on economic and social problems, eight were decided in the last two years.

From the foregoing figures it will be seen that very few acts of the Congress have been declared unconstitutional by the Supreme Court. And the records of the court further show that during the past year the number of cases considered and disposed of was higher than the number considered and disposed of in any year in the history of the nation. The report of the Solicitor General of the United States shows that cases are speedily disposed of in the Supreme Court and that the delay is not in the Supreme Court but in the time that is required for cases to get to the Supreme Court. So it can not be demonstrated from the records that the age of the members of the Supreme Court has hampered their efficiency because as the average age of the court has increased, the number of decisions rendered by the court has likewise increased. Under the Constitution, judges of the Supreme Court and of all Federal Courts hold office for life during good behavior. This provision was placed in the Constitution in order to remove the court from the temptation of majorities and from political pressure. If it is desirable that the judges shall not serve on the Supreme Court after they have reached a certain age, then this question should be submitted in the form of a constitutional amendment and passed upon by the several States.

It has been asserted by some that because President Roosevelt was elected by tremendous majority at the last presidential election, this was in effect an endorsement of his program. Upon this point I desire to quote from an editorial written by David Lawrence on the issue in the United States News of February 8, 1937.

"It is a serious thing to impugn the good faith of a presidential policy however well-intentioned may be the motives of the President himself. But it is always the duty of the press to speak frankly and point out the dangers to our system of government occasioned by a President's bold assertion of political power.

Mr. Roosevelt's hostility to the present membership of the Supreme Court became known when, on the day after the NRA was declared unconstitutional by a unanimous vote of all nine justices, liberal and conservative alike, he exhibited a surprising pique. This, it was insisted by his supporters during the recent campaign, was abandoned because public opinion voiced nationwide disapproval. Millions of conservatives in the Democratic party voted for Mr. Roosevelt on that supposition.

Not a word did Mr. Roosevelt say during the last campaign about his intent to change the tenure of Justices on the Supreme Court. He refused to answer the challenge of the opposing candidate who wanted to know if the Supreme Court would be "renewed." The American voters' (President) answer voted for him. Mr. Roosevelt emphatically has constituted any and all judges on a blanket endorsement to do what he pleased, granting all those things he had not mentioned in his speeches.

The President would be right in assuming that the American people bestowed on him a general grant of leadership, but he can not by any stretch of the imagination believe that they had done a thing as important as to bestow the strength of our judicial system on his whims. The responsibility is a far heavier one than he might be able to carry.

What structure it will be, is entirely up to him. Any thing he may want to do in the remodeling of Justice on the Supreme Court, especially that part are beyond him.

There can never be any question as to what is the responsibility and duty in the American way. If life tenure for Federal Judges is wrong, if 70 or 75 should be the maximum retirement limit, may the American people should have an opportunity to give voice that permanent justice differ?

There is no doubt that President Roosevelt had a strong hand in the difference and confusion of the American people. For that matter, why not willing to give to the President unlimited power to do as he may desire, but at the same time, to effect a curbing on the power given to the President, may not make him the Supreme Court, as they have not understood it, may be the least wanted that it will establish a precedent that may be the thing to do in the future. President Roosevelt will not attempt to President, with all the way, may make President, and as well understood, what is if the President is substituted and the power is given.

There is no doubt that the American people in Washington were a proper listened to with interest by all Californians. That is the voice of the Senior Senator of California, Hiram W. Johnson, whose name and name was written with a not only upon the history of California, but also the history of the Nation. The Nation has been told in California, that is, in California, that the progress of the people has been a long struggle toward the rights of the people, one who has been a constant to the people, for the rights of the people, one Senator Johnson, whose history in Washington, from Pacific with. The man stepped of all these people in the State. Since the American people is understood in the President.

That Mr. President is the same history as the American people, that is, the American people. Do we wish to keep an independent Supreme Court of the United States to protect the nation's rights and the government by the Constitution, which is the American have the Constitution of the United States, should be the same, the same enactment? Who can say what the Constitution of the United States will be two years from now? The Constitution of the United States is a living document and there is no tribunal to determine the constitutionality of any act of Congress.

I desire to close with the words of a distinguished American Senator of the United States Senate, Senator Charles W. McNary of the State of Oregon. Senator McNary is a (Hiram Johnson) and a distinguished member of the Democratic Party. He is the president of the President, because he regards the proposal as dangerous to the American institutions and the American form of government. Speaking on this issue he said in a recent address:

"We have a great people, but we have a great people of people, at the same of millions and millions of people, of President and Congress, of State and individuals, how could any man or any government have long enough the history guaranteed by the Constitution. The Constitution of the United States of Independence. I can see no reason that history, since we have been trusted with unlimited power, that there is no one who is not a person, to the high places of power. To whom would one look? To government? Then he takes his rights of being and they are the history and the right to the memory. His rights are preserved as the history of a part of the story. Are we so ignorant of what is going on in the world that we are so willing of the question of liberty and the constitution of the American people of government in the past and present of President, National, State, and Congress, through the history and the past of Asia? Of the constitution of States and the degradation of men? Are we so stupid as not to realize that the only remedy to these conditions is the selective assistance that there is something better for man than liberty?"

There is no substitute for our inalienable rights. There is no compensation for liberties taken away. There are no safeguards save those safeguards in the Constitution, the present knowledge which the history has got. We remove them and only we can find the way to the end of civilization."

Members of the Senate, I ask you to adopt this resolution.

By Senator Jespersen:

*Mr. President and Members of the Senate:*

I have been very much interested in the remarks of the Senator from the San Joaquin Valley who has presented this matter to the Senate today. I yield to no one in my high regard for the integrity of the members of the United States Supreme Court but I recognize that extreme old age naturally to some extent causes a slow-down and certain incapacities in every man. This would apply, of course, to members of this very August Body. I feel that a certain amount of hysteria has been aroused over this issue, but cool and calm consideration has forced me to the conclusion that where a justice of any court fails to retire that it may become necessary in the public interest to appoint an additional justice to assist him in his work. I do not feel that the adequacy of this change necessarily comes from those who have given careless thought to the matter and call your attention respectfully to an editorial in the Sacramento Bee of today in which Professor Roscoe T. Steffen of the very conservative Yale School of Law ridicules the opposition to the change. I would like your indulgence while I read this editorial.

#### **"Yale Law Professor Urges Court Reform."**

Professor Roscoe T. Steffen of the Yale Law School ridicules the uncalled for "fuss and fury" inaugurated by the Old Guard opponents of President Roosevelt's court reorganization program.

In an article in the New York Times, he shows how much of this opposition is due to ignorance, to political prejudice, to an ultra conservatism that refuses to read the signs of the times.

And he challenges critics with the declaration that in the last fifty years 'the supreme court has been steadily assuming—not to say usurping—greater and even greater power.

'There is no question it is exerting far more power than the fathers ever intended to give it. It is no longer merely content to construe the Constitution—it has undertaken to rewrite that document to conform with the court's own economic view.'

Dr. Steffen cites in particular the use the court in recent years has made of the phrase "due process of law" as illustrating most clearly the assumption of vast powers not committed to its trust by the Constitution.

Since the time of the Magna Charta in the Thirteenth Century, "due process of law" had meant the regular and legal procedure in the enactment of legislation and in the enforcement of the law.

It was written into the Fifth Amendment in that sense. It was repeated in the Fourteenth Amendment so that no State, any more than the Nation, should deprive any person of life, liberty or property without due process of law.

It was so interpreted continuously by the Supreme Court itself until 1885. Then what happened. This is what Steffen says:

'To begin with, hesitantly, but in recent years boldly, these words have been used to upset literally hundreds of State and National statutes designed to provide for the social and economic welfare of the citizens.

'The words adopted to protect the individual citizen, have been turned about in their tracks by the United States Supreme Court and used instead to protect large business interests in disregard of the individual.

'The late Associate Justice Holmes spoke but the obvious truth when he declared that nothing but the sky and the conscience of the court—of which he evidently had doubts—set any bounds to the court's power to invalidate legislation under its new and novel construction of "due process".'

Reviewing the action of the court in nullifying the New York law providing minimum wages for women, Dr. Steffen points out that this statute was held a violation of the due process of law clause because it interfered with the liberty of a woman to work for any wages she pleased.

And he asks, was such a doctrine or such a finding dictated by the Constitution? And he answers:

'No. There is probably not a person alive today who would deny that the court simply was legislating its economic and social views upon the country.'

And those views are an archaic survival of the horse and buggy era in our history.

President Roosevelt's proposal to give the modern point of view proper representation on the court has the vigorous support of Dr. Steffen. He puts it this way:

'Life tenure was granted to the judiciary on the assumption that it would perform a strictly judicial function. When it departs from that course and trespasses on the rights of the Legislature, the mildest



and most conservative check possible is to authorize the President, in and with the advice and consent of the Senate, to appoint and remove to sit with those eminent men who still present in the Federal Judiciary legislative ideas of a higher generation.

The suggestion is not only wholly constitutional, but it again restores the checks and balances between the three departments as conceived by the founders of our Government. Legislation passed by our Government suffers from the defect we have in point of a legislative oligarchy responsive only to the market place. The proposal is a brilliant piece of statesmanship.

Now, Mr. President, I was very much impressed by this editorial and find that Professor Stetten of the Yale Law School, who has given long and conscientious to this entire question and who has been a member of the Committee and of the Supreme Court for many years, and who is much closer to the seat of power than we are here, has a very deep understanding of the issues involved. I know that many of the great members of the legal profession are very much misled when they can point to the fact that only one generation of men pass that institution. I know from talking to them that they have a very deep respect and high regard for the hand of the Yale Law School. Certainly they would not accuse Professor Stetten of being misled in any sense of the word and certainly they must be impressed with his views on this matter.

We have been fighting for a number of years for adequate pensions for our people of California. I have been presenting this question of pensions for a number of years so that today a number of very large corporations in the United States provide pensions on retirement on the age of 65 or 70 years. We, in California, have provided a very adequate pension at the age of 65 for our people and we do this because of the fact that at the age of 65 men and women were frequently and unaccountably burdened with old age. In other words, we have adopted a policy of retirement at 65 years of age. This is not a very thought in the sense of the word, and I feel that the President of the United States, who was endorsed by 27 million American voters, is doing what he believes is the best interest of the people of the United States. Feeling as I do on this question, therefore, I will oppose the resolution even on the hand of the Yale Law School would oppose it.

By Senator Westover

*Mr. President and Members of the Senate:*

Inasmuch as I am one of the baby members of the Senate I have been rather hesitant in participating in debates on the floor of this house as I understand that there is a feeling on the part of the "oldsters", whether it is in the Senate of the State of California or in the United States Supreme Court, that "youngsters" should be seen and not heard. However, the matter before the Senate today is of such importance that I feel it is necessary for me to express myself upon the question.

Being a newcomer to this body I have possibly received impressions that might have escaped those who have been here for a long time. When I first came to the Senate I discovered that there was a well expressed sentiment that the Legislature of California should be nonpartisan and several bills have been introduced making the Legislature nonpartisan. No I find in contradiction of this sentiment there has been brought upon the floor a very partisan issue. This issue was decided yesterday in the Assembly upon a partisan basis and it will be decided today in the Senate upon a partisan basis.

I discovered shortly after coming to the Senate that there was quite a sentiment against memorializing Congress and several of you have spoken from the floor of the Senate against memorializing Congress, admitting that such a procedure was a vain and useless act. We now find ourselves in a position upon this body is entering into a partisan conference and using a vote and business act.

If we act favorably upon the resolution before us we are going into contradiction to the Assembly because the Assembly yesterday, by a vote of 41 to 41, favorably endorsed the President's plan of reorganization of the Supreme Court. We are doing nothing more, if we act favorably upon this resolution, than telling the President and the Congress of the United States that the Legislature of the great State of California can not agree upon this question.

This is not the first time that charges have been made in the history of the country about packing the Supreme Court. There have been other times when Presidents have been accused of such procedure. The Supreme Court has not been a constant body and has been changed from time to time in the history of the country.

During the Civil War it was necessary for the United States—I would correct that—it was necessary for the northern States to raise finances in order to carry on the war. Finances were raised by the issuance of greenbacks, and during the war and thereafter questions arose as to the legality of the greenbacks issued by the Government for the purpose of obtaining money to carry on the war. I wish



to read, if I may, from Volume 16 of the Virginia Law Review a short discussion in regard to the so-called legal tender cases:

"\* \* \* when the case was taken up, on November 27, 1869, it was found, after a conference of several hours, in which all members of the court participated, that the eight judges then on the court were evenly divided. They thereupon proceeded to the consideration of other cases, and in the course of the discussion of another case during the same conference Mr. Justice Robert C. Grier, then 75 years of age and unable to walk alone, made a statement inconsistent with his previous vote in favor of the constitutionality of the legal tender provision. This led to further discussion of the question with him, and, after being reminded by another member of the court of what he had agreed to in a private conversation, he changed his vote, and joined those who were against constitutionality. The court then stood five to three against constitutionality. Within a week all the other members of the court united in advising Mr. Justice Grier that it was their opinion that his physical condition was such that he ought to resign. He submitted his resignation, to take effect February 1, 1870, and retired from the court on that date, dying the following September 26th.

It was contemplated that the decision in *Hepburn vs. Griswold*, the legal tender case, would be handed down January 31st, in which event Grier would have participated in it. It was, however, postponed one week, at the request of the minority, in order to enable dissenting opinions to be prepared, and consequently was not rendered until February 7, 1870, six days after Grier's resignation had taken effect. Thus the decision was technically participated in only by seven Justices, divided four against three, in a court legally composed of nine. \* \* \*

Dramatic events followed fast upon announcement of the decision. An act had been passed on April 10, 1869, increasing the membership of the court from eight to nine, to take effect the first Monday in December, 1869, and on February 7, 1870, the day the decision in *Hepburn vs. Griswold* was announced, President Grant sent to the Senate the nominations of William Strong and Joseph P. Bradley as Associate Justices, one to fill the vacancy by Grier's resignation and the other to increase the number of Justices to nine."

With the help of the two new appointees the original decision was reversed, and the Supreme Court held the Legal Tender Act constitutional.

I say again that this is not the first time in the history of the country when Presidents have been accused of packing the Supreme Court. To my mind the question before the Senate today is of more importance than the question of packing the Supreme Court. We here are supposed to represent the people of the State of California and if we vote in favor of the resolution before us we do not represent the people. The people of this county, the people of this State, the people of this Nation indorsed, last November, President Roosevelt and his program, and if we do not support the President in this program now before us, we are not following out the indorsement of the people whom we are supposed to represent.

As far as I can remember there has never been a question of governmental policy discussed as much on the street as this question is and has been discussed. The people are interested; the people feel that President Roosevelt is attempting to work out a program for their benefit; they are keenly interested, and they have discussed this matter on many occasions. During the past few weeks I have received many letters from my constituents relative to the Supreme Court. I want to read a letter which I received from a resident of Orange County several days ago. I do not believe I would know the writer if I were to see him upon the street. I do not know whether he was a supporter of mine, but to me he expresses the opinion of the people upon the street who are in favor of the Roosevelt program:

"SANTA ANA, CALIFORNIA, Feb. 19, 1937.

*Hon. Harry C. Westover, Santa Ana, California.*

DEAR SIR: We wish to commend you on supporting the President's desires to modernize the Supreme Court and make it adaptable to modern conditions.

So far as we can determine from our observations, the only people in this vicinity who are opposed to the present action are the same who opposed the election of Mr. Roosevelt, many of them being "Stand Pat" Republicans. I have been a strong Republican for many years, but the "Old Guard" and its methods are simply passing out, and the kicks are quite hard. Anything that modernizes government and makes the government for the people, instead of yolkng the people by the government, is going quite hard with the opposition.

Roosevelt and the New Deal have made a Democrat out of me, temporarily at any rate. So far as I can see, there is nothing wrong in his court proposals."



secure appointments to the Supreme Court and all other courts of judges who look upon social and economic questions from their standpoint and not from the standpoint of the laborer, the farmer and the working classes generally. And through that influence there has ever been a continuous packing of the Supreme Court. If the proposed measure results in an unpacking in such cases it will be an added achievement of the Roosevelt Administration.

I studied my constitutional law at the feet of members of the Supreme Court of the United States in Washington. They were my college teachers. Like many other lawyers my ideal was and is yet that every court of justice should be not only respected but held inviolate of any outside influence in holding even the scales of justice and reaching conscientious conclusions in cases submitted to it; that it should occupy a position of sanctity and so conduct its work as to be above reproach or question. That ideal has not always, but, I regret to say, too often been shattered. No court is sacrosanct. However, venality or conscious wrongdoing is not to be attributed to, in fact it is rarely found in the conduct of the judges of our courts. They are honorable men and I am sure all will agree that neither President Roosevelt nor any other President would knowingly appoint to the high office of Justice of the Supreme Court any but honorable men and capable lawyers.

But there is no question that vital decisions of the Supreme Court of the United States, in cases involving economic and social questions, are decided by the judges of that court in accordance with their economic and social views. The divergence of opinion in the court itself, irreconcilable as it sometimes is, proves this.

It is stated in the resolution proposed by me declaring in favor of the recommendations of the President that the proposed law will not only cure defects, prevent injustices, secure more efficient administration of justice, but also will tend to restore confidence of the people in the court. Is it any wonder that that confidence is shaken when the same judges of that court hold in one case that an act of the Congress fixing minimum wages in the production of commodities for shipment in interstate commerce is unconstitutional as not being within the power granted by the States to the Federal Government to regulate interstate commerce, and in another case hold that an act of a State Legislature fixing minimum wages for women in the production of commodities in that State is also unconstitutional, as being in violation of a provision of the Federal Constitution that no person shall be deprived of life, liberty or property without due process of law?

Will not the people ask if the States did not grant that power to the Federal Government and all other powers are reserved to the States, why the States for the protection of the health, safety and welfare of its citizens may not enact and enforce such a law? And wherein does such a State law deprive any person of his life, liberty or property?

When Judges of the Supreme Court of the Land become so scholastic in the interpretation of the Constitution of the United States as to say that it is not due process of law for the Legislature of a State to protect working women and children from penance by means of minimum wage laws on the theory that it deprives those persons and their employers of freedom of contract, is it any wonder that confidence in the court is shaken?

The measure recommended by the President respects the Constitution. It does not challenge the validity of the doctrine of interpretation that the Supreme Court has the right to declare acts of the Congress invalid when it deems them in conflict with the plain provisions of the Constitution. It only seeks to bring the courts into more harmonious working order with Congress at the same time maintaining a Judicial Department separate from and not subservient to either of the other departments of the Government. All the hysteria raised over this very mild proposal is supported, promoted and encouraged in the centers of great corporate interests dealing with the lives and welfare of the masses of the people, ever seeking judicial decisions that buttress them in the power of exploitation without interference on the part of Government for the protection, safety and social welfare of the masses of the people.

President Roosevelt, like Abraham Lincoln, believes in the American people. He does not, nor will the American people, fear that the mild measure of judicial reform proposed by him will either tend toward or tempt any President to reach for dictatorial powers in America. It is a great disappointment to me to observe that some of the liberal members of the Senate have seen fit to voice opposition to that measure on the ground that it is executive encroachment on the powers of the judiciary. At the same time those members advocate a constitutional amendment which would give the Congress the power to override decisions of the Supreme Court as to the constitutionality of statutes.

To talk of a tendency to dictatorship in the adoption of such a measure when any power given to the President today by the Congress can be taken away tomorrow, and when no act of the President in reference to reconstituting the Supreme Court or in the manner of making appointments to it can be exercised without the approval of the Congress and the Senate, seems an idle speculation indulged in for lack of better arguments.



It was not until John Marshall's decision in the case of *Marbury vs. Madison* that it was in any way officially declared that the Supreme Court had the power to declare acts of the Congress invalid. And that doctrine, though early and denominated from the interpretation of the Court, was not when operations were now made against the proposed amendment of the Constitution. It is true that finally that there would have been great reaction against it, but the social and economic problems of changing conditions during the history and growth of our Nation had the Congress from the beginning been the one judge of the constitutionality of its own acts. No Congress will ever declare the rights of that fundamental rights enshrined in the Constitution and they to be null. No one will say that individual liberty and property and all that is dear to persons and to the more seriously guarded by England, where the Parliament was indeed the supreme constitutional institution, was without any further meaning from the constitutionality of its law.

The arguments here today are based on government today. A majority vote of this body upon these resolutions will not support the doctrine of the people of California. I say that for the reason that the majority of this Senate does not represent a majority of the people of the State. If the majority of the Senate, Senator Schuyler is right, and you persons, what I have pointed to myself, which will probably be the case, is moved only from the consideration of less than 15 per cent of the population of the State, we are not a majority of the State. We have gone on record against the President. I cannot go any further than three-fourths of the voters of California would vote to remove the President in this hour.

### By Senator Knowland

*Mr. President, Gentlemen of the Senate:*

The United States is facing one of the most important issues since the Civil War period. The President's plan to subvert the Supreme Court carries with it the germ of destruction for the American system.

We, in this country, are among a few of the few nations in the world that have guaranteed certain rights so that no temporary majority could ever legislate them out of existence. It was this set up in limited government and only limited majority of a majority, but it is against the institution, however, that we are in a majority. Thus, we find in this Nation, in the years of the great social, economic, economic or political, are given the protection of the law in the name of the Nation of Europe.

There are some who say, however, the Supreme Court is not a part of the government, upon the constitutionality of government, and it is not a part of the government. It is true that the logic of the constitutional amendment, and even the Supreme Court has passed. The founders of the Republic set up a system, and the Supreme Court is the institution and by the method of amendment the American people have passed constitutional amendments from time to time. For any man to hold that the Supreme Court would not have the power to pass upon the constitutionality of the acts of Congress, would be to set a precedent for the Constitution to a mere act of legislation. Their position falls under the same weight, the way would a person, before making, for amending the Constitution, be set up if the amendment contained in that amendment could in fact be changed by legislative action.

Some believe that constitutionality by the Senate of presidential appointments to the Supreme Court is a violation of government, and it is not a part of the government. My answer to that is that members of Congress have during the last few years approved legislation that they had no right to do, and that with no seen in print or the way of the Chief Executive. There are men who hold that Congress itself has shown a tendency to be subservient to the President. We, who are opposing the President's plan to pack the court, do not wish to use the Supreme Court as an institution, because subordination to the Chief Executive. The Constitution set the Supreme Court up as one of the three great branches of government, providing us with our system of checks and balances. We wish to see the Supreme Court remain a coordinate branch of our Government. Unless it does so remain, American institutions, as we have known them, will be almost at an end.

With whatever faults the American system may have, this hour at least has been said in its favor. It has outlasted us from a nation of less than 100,000,000 people to one of the most powerful countries in the world with a population of over 120,000,000. The system set up under the Constitution has survived the Civil War and foreign conflicts. It has given the people of this country the highest standard of living of any Nation on the face of the globe. Even during the period of the economic depression the standard of living of the American people was far higher than that in many other nations during their periods of greatest prosperity. I do not hold that our system is perfect, but maintain that the American people, as a whole, do not care to trade it for the systems that have been set up under either Communism or Fascism.

We do not state that the present Chief Executive now seeks the power to set himself up as a dictator. We do maintain, however, that if this precedent is allowed



to go unchallenged that it may be used in the future to plague the American people. There are two methods used in setting up a dictatorship, one is the coup d'état in which armed men, by a bold stroke, seize control of the functions of the government. The other is where the instruments of democracy are used to gain power and the power, once having been gained, is used to destroy democratic institutions.

Not many years ago the German people were living under a Constitution and a government that they thought was both democratic and subject to constitutional restraint. The then Chancellor of Germany was a firm believer in democracy. In order to meet a National emergency, however, he found it necessary to use a loophole in the German Constitution which permitted him to adjourn the Reichstag and govern, for a time, by a decree. Little did he realize that he was setting up a dangerous precedent that would be used later by Hitler to destroy the rights and liberties held dear in democratic countries. However, the precedent established by a believer in democracy was used by an opponent of democracy in establishing himself in power. It did happen there. It must not happen here.

This is no partisan issue. Men, regardless of party affiliations, are uniting in the Congress of the United States to defend the President's plan to pack the Supreme Court. I wish here and now to commend the efforts of such men as: Carter Glass of Virginia, Burton K. Wheeler of Montana, Arthur H. Vandenberg of Michigan, Joseph W. Bailey of Texas and Hiram W. Johnson of California and all others who have joined together, regardless of their partisan affiliations, to defend American constitutional government, as we have known it.

This Senate has an obligation to the people of California to make known its protest against this attempt of the Executive to seize control of the Supreme Court of the United States. I sincerely hope that this Senate will today approve of the resolution offered by the Senator from Merced.

### By Senator Crittenden:

#### *Mr. President and Gentlemen of the Senate:*

I am in favor of the Schottky Senate Resolution. I believe it involves the most important question which has come before this Senate since the admission of the State of California. It is a question involving a change in the fundamental principles of our government. I do not believe it to be a party question, or a political question in the common sense of that word. I believe it to be a question in which every citizen is vitally interested and should express himself, free from party feelings. However, if it is a party issue, I accept the challenge.

I do not believe it to be a question involving any personal criticism of the President of the United States. On the other hand, I do believe every citizen has a right to read the statements of the President of the United States and differ with them as his conscience may dictate. I now wish to quote from the statement of the President's message as it appears in the public press:

"If all of these things were done (referring to his proposed bills enlarging the Supreme Court and reorganizing the Judiciary) we should go a long way toward our high objectives. If these measures achieve their aim, we may be relieved of the necessity of considering any fundamental change in the powers of the courts or the constitution of our government—changes which involve consequences so far reaching as to cause uncertainty as to the wisdom of such course."

These are the President's own words. Therein he states the purposes of the proposed legislation.

It is clear from that statement that the President by the enactment of his proposed bills enlarging the Supreme Court, and pursuant thereto by the appointment of new members to the Supreme Court proposes to have enacted laws by Congress, the constitutionality of which will be sustained by the Supreme Court, which will be of such a character as would be unconstitutional under the Constitution as heretofore interpreted by the Supreme Court.

In this I am not imputing the motives of the President. I am not charging him with stacking wrongfully the Supreme Court. I am taking him at his word. Every school child knows that our government consists of three separate parts, a Congress consisting of two houses which enact our laws; a President or Executive Department, who has the power of veto of any law, and also the power and the duty of administering our laws; and third, the Judicial Department which consists of the Supreme Court of the United States, which is a court of last resort.

The Constitution of the United States is a written document through and by which the complete form of our democratic government is prescribed and upon which all of the rights and liberties of our people depend. The interpretation of this written statute, this Magna Charta of America, can not be interpreted by every citizen in his own way; necessarily there would be a wide divergence of opinion. Many are incompetent to interpret such a statute and apply it to all of our lives; therefore, we have provided in the Constitution for a Supreme Court, whose duty it is to interpret and to apply the principles of the Constitution in all issues arising from governmental or individual controversies. It is then the Supreme Court of the United States that breathes into this otherwise cold document the breath of life.



Thank God for Hiram Johnson—the man who has given his life in the interests of the people, who has in these halls here in Sacramento, and in Washington, always fought against predatory wealth and for the people. He has protected us from foreign wars. He has kept us from wasting our moneys with foreign countries, and again he comes forward to protect the liberties of the people and to preserve to them the right of amending their own Constitution.

It is fortunate that we have leading Democrats like Senator Bayley of North Carolina, and Senator Wheeler, and Progressive Republicans like Senator Borah and others, who place patriotism higher than politics and are fighting to protect the liberties and the rights of our people.

I sincerely urge, gentlemen, that you vote for the Senate resolution before us!

By Senator Garrison:

*Mr. President and Gentlemen of the Senate:*

It is amusing to me to note the insistence of the sponsors of this resolution that it is a nonpartisan issue, particularly my good friend Senator Schottky from Merced who has introduced practically the same bill at this session which I introduced upon this floor in the 1927 session, making the Legislature nonpartisan. It is also amusing to me to note the ardor with which my good friend, Senator Knowland, praises our beloved Senator Hiram W. Johnson for his stand on this issue, whereas, I have never yet had the privilege of hearing him praise the Senator on a single one of the thousands of stands Senator Johnson has courageously taken on behalf of the working people and the common ordinary citizens of this Nation. He has been significantly silent on the Senator's splendid progressive record up to this time. It is with no thought of belittling Senator Johnson that I take the opposite view upon this question, realizing as I do that no matter how great the statesman, we can not expect to agree upon every single issue.

In listening to the arguments in support of this measure on this floor today, while I recognize the voices of the Senators of California, the words are the words of the reactionary press of this State and Nation who suffered defeat at the last election by the largest landslide in the history of the country. Neither do I hear a single criticism from the distinguished Senators of the actions of the Republican Presidents who have heretofore enlarged the membership of the Supreme Court of the United States. It seems to me to be a question of "whose ox is getting gored," and the best test of whether or not this is a partisan issue will be the roll call upon which this resolution is passed or defeated today.

We have no better right to criticize the motives of President Roosevelt, who in my humble opinion, is the greatest President the United States has had since Lincoln, than we have to criticize the motives of those Republican Presidents who have increased the membership upon the Supreme Court. Neither should we impugn the motives of the Senate of the United States, because that honorable body must approve, under President Roosevelt's plan, any nomination for Supreme Court Justice submitted by the President. It seems presumptuous to me for this body, the Senate of a single State of this great Union, to say to the United States Senate and to the President of the United States that we know more about the business of the Congress than does the Congress itself. We are placing ourselves in the ridiculous position of "the tail wagging the dog."

There has been no argument presented that President Roosevelt's plan is contrary to the Constitution of the United States. My good friend, the Senator from Merced County has stated that he would favor a constitutional amendment providing for compulsory retirement of Supreme Court Justices at the age of 70 years. Therein, he defeats every argument he has presented in favor of his resolution. Because, were such a constitutional provision now in effect, President Roosevelt would have the appointment of six Supreme Court Judges. Could it be argued that he would be less likely to appoint judges in sympathy with his own economic views under that arrangement than under the one he has proposed? Can it be expected that any President, be he Republican or Democrat, would appoint Judges of the Supreme Court or heads of any other department of government known to him to be opposed to his philosophy of government?

Much has been said here with reference to insulating the courts against outside influences. Regardless of to what lengths we go in this regard, we must realize that judges are still human beings and subject to the frailties and imperfections of mankind. It is only for the purpose of keeping the judiciary of this Nation in step with the progress of its people that the President has presented this admirable plan of supplying new blood, new talents and younger men to this most high tribunal. Personally, I feel it should have been done years ago.

It has been argued that this plan was not an issue at the last campaign, but I wish to remind you gentlemen that President Roosevelt's plan of recovery and his philosophy of government was the only issue at the last campaign, and it was with full confidence that he would continue in his efforts to relieve the suffering of human kind that the people gave him such an outstanding victory at the last election. Our good Senator from Merced has expressed the apprehension that we may not always have a Franklin D. Roosevelt in the President's chair. I join him



in that apprehension and, to the extent, agree with you that it would be more unfortunate indeed should we ever have another proslavery Resolution at this high office.

I am at a loss to understand how and Senators representing a great farming community, in view of the President's heroic efforts to relieve the distress of the farmers, can oppose this upon this issue. Here we recognize the great drive preceding President Roosevelt's first term in office and how our farmers appeared to him personally for some aid to put the farmers on an economic basis whereby they could pay a living and a decent wage to their labor. Have we forgotten the hard times we have sent representatives some of those members of this honorable body to Washington seeking not only the Congress but the personal assistance of the President to help us in solving our economic problems? He has taken a personal interest in our George Valley Water Project, as well as our domestic and social. Even now we are seeking his intervention for assistance help for some work in this State. Personally Mr. President and Gentlemen of the Senate, I am not one of those who would help the hand that feeds us.

My good friend the Senator from Alameda County fears we might come to have a dictatorship in this Nation. Strongly believing as I do, that that you will never come to pass, I say to you gentlemen, that should such a time come, I would rather see a dictatorship such as we have in a state of the people rather than be named revolution. And I say to you that I fear nothing so much as our social and external economic ruin to the working man and the country citizen of this Nation. We are faced with some such revolution and I could but remind you of my understanding experience of that danger, the international labor union as exemplified by the outburst which springs up all over this Nation.

Now I say to you that we may not control the actions of the other houses of this Legislature, but we must be responsible for our own actions in this body, and should we pass this resolution today, we alone will bear the responsibility of placing this State in a most perplexing position in the eyes of the Nation. It is one thing to oppose and condemn the actions of our President and the Federal Congress, and quite another to pass resolutions reflecting their failure in the office they are making. Who are we to fly in the face of the wishes of our people as well expressed by the tremendous popular vote returned on President [Roosevelt] in this State at last November's election? I say to you that, in face of that vote and the attitude of some of the Senators upon this floor. The least that we could do would be to take no official action upon this question. Therefore, Mr. President, I wish to move that this resolution be called and I say to you, Senators, that if my motion succeeds, I will make a motion to name Table Senator [Harris] resolution amending the proposed change in the National Guard. I believe that is the sensible and logical manner for us to take and should move that the resolution presented by Senator Schuchert be called.

### By Senator Keough

*Mr. President and to members of the Senate:*

I have listened to the flow of oratory and big words with great interest. Some of the words were a bit difficult for me to understand, as they had to burn down the school to get me out of the fourth grade. However, I do know that if, when you return to your homes and you want to be able to go to the Post Office to get your mail you had better vote "No" on this resolution.

### By Senator Seawell

*Mr. President and Gentlemen of the Senate:*

I have sat patiently all day and listened to the arguments presented on both sides regarding this Supreme Court problem. I have heard it stated here that the issue is nonpartisan and one that affects only the fundamental principles upon which our Government and its institutions were founded. The Senator from Orange County read a letter from a constituent, not constituting, and based this letter as expressing the feelings of the people of California as being wholeheartedly in favor of the President's program. It may be that the Senator from Orange has never heard of a county called Placer which I happen to represent along with Nevada and Sierra counties. But I can assure him that the people of those counties have not indicated to me either by person or by letter their feelings on this matter. The only knowledge that I have regarding the Supreme Court issue is that information that I read in the daily newspapers and whose editorials indicate to me that the newspaper fraternity certainly is not in full accord with the proposal. It is my honest opinion that this Legislature is not in order when it attempts to resolve Congress as to what the Congress should do regarding the issue which all speakers have stated affects the fundamental structure of our American Government. We have two United State Senators who are widely apart on the issue and 20 Congressmen who represent this State in the National Congress and it is my belief that the people of California can better express themselves by direct



communication to the Congressional Representatives rather than through legislative action of the California Legislature. The last roll call on the motion to lay the resolutions on the table clearly indicated to me that this issue is being made a partisan issue. I am of the sincere opinion that every member of this body is either voicing his personal opinion on this subject or is bound by partisan ties regarding the issue involved and is not indicative in my mind that any one of you are in a position to honestly state that your vote will be the feeling of the people of your district which certainly is a part of the State and partially explains the views of the people of the State of California. I believe these resolutions are based upon partisanship and not introduced for the purpose of expressing the feelings of the people of this State to Congress. I must oppose the same in order to let the people express their feelings to the Congressmen and individual opinions rather than through me and my vote as a member of the State Senate.

### **Adjournment.**

At eleven o'clock and fifty-four minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, March 5, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### **IN SENATE.**

SENATE CHAMBER.

SACRAMENTO, Friday, March 5, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Roll Call.**

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Quinn, Rich, Schottke, Seawell, Slater, Swing, Wag, Westover, and Williams—32.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Thursday, March 4, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leaves of Absence.**

Senator Young was, on motion of Senator Crittenden, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

Senator Tickle was, on motion of Senator Cunningham, granted leave of absence for this day.

Senator Allen was, on motion of Senator Deuel, granted leave of absence for this day.

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Minton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George Trauger of Lindsay.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously returned to Mrs. C. E. Goss of San Bernardino, and Mrs. W. C. Dallas.

### Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred

Senate Bill No. 100—An act relating to lease lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbon minerals, authorizing the transmission and sale of other minerals or oil, gas, and other hydrocarbons from such lands to the state, and authorizing the state to lease lands. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—4; absent—3.

WAGY, Chairman.

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Senate Bill No. 947—An act to simplify the government relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new parcel communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an expenditure therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

#### On Conservation.

SENATE CHAMBER, SACRAMENTO, March 3, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

RIGGAR, Chairman.

#### On Education.

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 122—An act to amend sections 171 and 181 of the School Code relating to the transportation of pupils, and declaring the urgent thereof, so take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 104—An act to add a new section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 477—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 431—An act to repeal sections 2.123, 3.610, 3.611 and 3.612 of the School Code and to add thereto two new sections to be numbered 4.192 and 4.193, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code; to repeal sections 5.782, 5.783 and 5.784 thereof and Articles VI and VII of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIIa, all relating to payments from school district funds;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 432—An act to amend sections 2.2010 and 2.2011 of the School Code, relating to unified school districts; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

## On Agriculture.

## SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 790—An act for the preservation of certain lands in the State of California for agricultural purposes, and prescribing penalties for violations of its provisions;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

CRITTENDEN, Chairman.

## On Governmental Efficiency.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 241—An act to provide for the organization of an industrial court, to define its powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the

Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such lands and to dispose of the products thereof, and providing for the disposition of income therefrom, and to acquire land for management for State forestry purposes, to make an appropriation therefor, and to amend in all quarters. An act authorizing the Director of Natural Resources to provide and sell land for forest development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of income therefrom, and to acquire land for development for State forestry purposes. Approved July 15, 1935, to become emergency thereof, and is provided that this act shall take immediate effect.

Senate Bill No. 425—An act to promote transportation to the use of Alcoholic beverages, relating to the manufacture, sale and use of Alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18 and 19 of the Alcoholic Beverage Control Act, and to add new sections thereto and relating to the manufacture, sale and use of alcoholic beverages:

Has had the usual joint deliberations, and passed the Senate the same day with amendments, and provisionally that the amendments be adopted, and the bill be referred to this committee.

Committee membership: 7. Committee title: Act. 3. Amend: 2.

STANWELL, Chairman.

## Consideration of Daily File Second Reading of Senate Bills

Senate Bill No. 104—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other dispositions of oil, gas and other hydrocarbons from such lands to the State, and making an appropriation therefor.

### Amendments from the Floor

During second reading of Senate Bill No. 104 the following amendments, offered by Senator Stang, were read and adopted:

#### Amendment No. 1.

Amendment to title. In line 3 of the title as the printed bill, after the word "authorize", strike out the language of said line 3, and the of lines 4, 5 and 6 of the title, and insert in lieu thereof the following: "the commission to management of easements and rights of way for drilling wells and surface easements on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for compensation for the said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands to the State, providing for the exercise of the powers of eminent domain as granted to such State (here and hereinafter) and adjacent lands thereto, and relating to the production of oil, gas and other hydrocarbons from State lands relative those those specifically mentioned in the act, and providing for the protection of the State's interests in and to oil, gas and other hydrocarbons in State lands".

#### Amendment No. 2.

On page 1, line 3, of the printed bill, after the word "only", insert the word "or".

#### Amendment No. 3.

On page 1, line 3, of the printed bill, strike out the word "acts", and insert in lieu thereof the word "statutes".

#### Amendment No. 4.

On page 1, line 14, of the printed bill, strike out the words "to which this act applies", and insert in lieu thereof the words "referred to in section 2 of this act".

#### Amendment No. 5.

On page 2, line 5, of the printed bill, strike out the words "real property", and insert in lieu thereof the words "littoral lands and lands adjacent to the State lands described in section 3".

#### Amendment No. 6.

On page 2, line 6, of the printed bill, strike out the words "The Director of", and in line 7, strike out the word "Finance", and insert in lieu thereof the words "Whenever the Director of Finance, with the consent of the Governor, has elected to proceed under the provisions of this act be".



**Amendment No. 7.**

On page 2, line 8, of the printed bill, strike out the word "condemn", and insert in lieu thereof the word "and".

**Amendment No. 8.**

On page 2, line 9, of the printed bill, following the comma after the word "domain," insert the word "condemn".

**Amendment No. 9.**

On page 2, line 10, of the printed bill, after the word "easements", insert the words "in, upon, over or through such littoral lands or adjacent lands".

**Amendment No. 10.**

On page 2, line 14, of the printed bill, after the period following the word "act", strike out balance of said line and all of lines 16, 17 and line 18, to and including the word "constitution", and the period following the same in line 19, and insert in lieu thereof the following:

"Any person, firm or corporation which has entered into a contract with the State of California, as in this act provided, for the extraction, development, protection, recovery and/or storage of oil, gas and other hydrocarbons from any of the lands described in section 3 of this act, shall be deemed an agent of the State for the purposes of this act and may, either in the name of the people of the State of California or in his or its own name, and in the manner provided for in and by the sections of the Code of Civil Procedure relating to eminent domain condemn any right of ways and/or easements whenever he or it shall deem the acquisition thereof necessary or convenient for the accomplishment of the purposes of this act and or the execution of his or its obligations under said contract."

**Amendment No. 11.**

On page 2, line 22, of the printed bill, after the first word "the", insert the words "surface or subsoil of the".

**Amendment No. 12.**

On page 2, line 23, of the printed bill, after the word "director", insert the words "or contractor".

**Amendment No. 13.**

On page 2, line 24, of the printed bill, after the word "out", insert the words "any of".

**Amendment No. 14.**

On page 2, line 30, of the printed bill, after the word "necessary" insert the words "or convenient".

**Amendment No. 15.**

On page 2, line 34, of the printed bill, after the word and number "Sec. 5", strike out the balance of said line, and all of lines 35 to 47, inclusive, and insert in lieu thereof the following:

"The Director of Finance, on behalf of the State of California, subject only to the provisions of this act, and irrespective of any acreage limitation, is hereby authorized and directed to contract for the development, extraction, recovery, storage and sale of oil, gas and other hydrocarbons within and from the subsurface of the lands described in section 3, whether within the known geologic structure of a producing oil or gas field or not, and whether or not they front on an incorporated city or be within any given distance on either side thereof, but excepting and excluding any portion of all of the state-owned lands which may then be subject to a previously issued oil and gas lease or a valid and subsisting prospecting permit issued pursuant to law in that behalf.

Said director shall first prepare the form of contract to be executed, and such contract shall contain such terms and conditions consistent with the provisions of this act as shall be necessary or proper to carry into effect the provisions of this act and protect the rights and interests of the State."

**Amendment No. 16.**

On page 2, line 48, of the printed bill, after the word and figure "Sec. 6", strike out the balance of said line 48, and all of lines 49, 50, 51 and 52, and on page 3, strike out all of lines 1 to 10, inclusive, and insert in lieu thereof the following:

"The form of contract to be prepared by the said director shall provide for a term of not exceeding 30 years from and after the date of its execution, and shall provide for a royalty to the State which shall be the percentage in amount or value of oil, gas and other hydrocarbons produced and saved from the property covered by said contract as offered in the bid of the successful applicant for the contract, but in no event shall said royalty be for an amount less than fifteen per centum (15%) of the gross proceeds.

Said form of contract shall contain the following provisions:

(a) That all operations thereunder shall be conducted in such manner as will not destroy or impair any right of fishing, navigation, or commerce, or any easement, right, privilege, trust, or use vested in the people of this State:

(c) In case there be any well or wells drilled so that the producing strata thereon are within three hundred (300) feet of any adjacent boundary line of the property embraced by the contract, and which are producing oil, gas or other hydrocarbon substances in economically paying quantities and so to work as readily is being paid to the State, the contractor shall reasonably offset such wells so as to satisfy drainage. But where possible the contractor shall not be required to operate such wells from any storage of money.

(c) That the contractor shall comply with all reasonable laws and regulations not inconsistent with the provisions of this act and the Division of Finance, thereafter makes affecting the leased lands and the production of oil, gas and other hydrocarbon products.

(d) That the contractor at any time after the drilling of the first well may relinquish the lands described in his contract to the extent, so far as he holds or parts thereof, with the privilege of obtaining 20 years, commencing with the drilling of the first well, and throughout the term, such lands be released from all further obligations and duties as to the same as stipulated, and all records and drilling requirements shall be reduced pro rata. All lands relinquished shall remain subject to the easements and right of access to said surface provided for, through the said easements and right of access as in previous, but upon the land so relinquished shall remain to the State free and clear of all claims of the contractor, except that the State, its easements and interest shall not hold any well on the land relinquished within two years of any producing or drilling well retained by the contractor, and the State is obligated to cover any such surface area respect to said relinquished lands in accordance with the provisions of this act.

(e) The contractor shall within ninety (90) days from the execution of said contract, commence drilling operations and shall prosecute the same with diligent diligence until all or any of them is being completed, or to a depth at which further drilling would be the subject of a contract to be negotiated. In the event that the contractor shall not within ninety (90) days from the execution of said contract commence drilling operations, then the contract here so entered into shall be null and void, and all rights of the contractor under said contract be at an end. If well is found in paying quantities in any well so drilled by the contractor, said contractor shall continue to drill additional wells, within such reasonable degree, until a total number of wells, including other wells, shall have been drilled equal to one (1) well for each three hundred (300) acres, but in no case less than one of the direct lands along the boundary right-hand side of the lands included in the contract. The contractor may drill or more additional wells up to such desire.

(f) Each well drilled pursuant to the terms of said contract shall, unless otherwise provided in such contract, be slant drilled from littoral lands or lands adjacent thereto and into the interior of the State lands. The contract shall be located upon the littoral lands or lands adjacent thereto and all surface operations shall be conducted on and from said lands.

(g) Said contract shall, if approved by the State, be entered in payment of such sum as the director shall decide, which amount shall be credited against the royalties as they accrue for said year.

#### Amendment No. 17.

On page 3 of the printed bill between lines 29 and 35 insert the following:

"SEC. 7. After the form of such contract shall have been approved by the State, the execution thereof, the said contractor shall secure said State lands first amount of not less than 20 or more than 50 acres, each of which lands shall be appropriately numbered, and shall give public notice of his intention to enter into a contract or contracts for the development and extraction of the oil, gas and other hydrocarbons from each of said tracts and also from said State lands as to which subject to the provisions of this act and the largest reasonable addition to be made, offering the largest percentage of value as estimated of the oil, gas and other hydrocarbons recovered therefrom. Said notice shall state the time and place for the receiving and opening of sealed bids for said contract or contracts and may prescribe the form of such bids and shall provide for someone here for the development and extraction of oil, gas and other hydrocarbons from each of said tracts and also from said State lands as to which. Any person, firm or corporation may in accordance with said notice enter his or its bid for the development and extraction of oil, gas and other hydrocarbons from the whole of said State lands or any one or more of said tracts. When and bid is made a contract on a portion of said State lands the said bid shall assign the particular tract or tracts for which the bid is entered. All bids submitted in answer to said notice shall be accompanied by a certified check payable to the Treasurer of the State of California in an amount to be fixed by the Division of Finance but not less than an amount equal to the first year's rental as provided in section 6 of this act, which sum shall be deposited as evidence of good faith and except in the case of the successful bidder shall be returned to the bidder. Upon

the execution of the contract said money deposited by the contractor shall be applied to the first year's rental as provided in said contract. In the event of the failure or refusal of the successful bidder to execute said contract after the award, the said sum shall be forfeited to the State of California. Such bids must also state either that the bidder has, at the time of submitting his bid, all rights, right of ways and/or easements in, upon, over, or through littoral lands or lands adjacent to the State lands described in the director's notice necessary for the extraction, development, protection, storage, and or recovery of oil, gas and other hydrocarbons from the said State lands, or that the bidder will, within a period of fifteen (15) days after the execution of the said contract, commence proceedings in eminent domain under the provisions of section 4 of this act for the acquisition of all such right of ways and or easements necessary or convenient for the proper discharge of the bidder's obligations under said contract by filing a complaint in the superior court of the county in which said lands are located, and shall further state that the said bidder will diligently prosecute such action. The said notice shall be published once a week for at least two consecutive weeks, or, if a longer period of publication is deemed necessary by said director, then once a week for not more than four consecutive weeks next preceding the day set for the receiving of bids, in two newspapers of general circulation, one published in the county of Los Angeles, and one in the City and County of San Francisco."

**Amendment No. 18.**

On page 3, line 11, of the printed bill, strike out the figure "7", and insert the figure "8".

**Amendment No. 19.**

On page 3, line 13, of the printed bill, after the word "bidder", insert the words "or bidders".

**Amendment No. 20.**

On page 3, line 15, of the printed bill, after the word "bid", insert the words "or bids".

**Amendment No. 21.**

On page 3, line 16, of the printed bill, after the word "reject", strike out the words "all bids", and insert in lieu thereof the words "any or all bids which he deems not for the best interests of the State".

**Amendment No. 22.**

On page 3, line 18, of the printed bill, strike out the figure "6", and insert the figure "7".

**Amendment No. 23.**

On page 3, line 18, of the printed bill, following the word "act", insert a period, and strike out the balance of said line 18, and all of lines 19 and 20, and insert in lieu thereof the following:

"In the event, however, that a bid is received from any person, firm or corporation which offers to pay to the State of California a royalty not less than the minimum royalty as provided in section 6 hereof, and which bid is accompanied by evidence conclusive to the Director of Finance of present existing rights, rights of ways and/or easements over littoral lands or lands adjacent thereto without resort to the provisions of section 4 hereof, necessary to enable the bidder to commence work under the terms of the proposed contract immediately upon its execution and it satisfactorily appearing to said director that the acceptance of such bid will be for the best interests of the State of California, the director shall accept said bid unless there is received a bid offering a higher rate of return to the State from another bidder, also able, with respect to the necessary present existing rights, rights of way and/or easements, to commence immediately upon the work required to be done by the terms of said contract, in which case it shall be mandatory upon the director to accept the bid offering the State the highest rate of return, coupled with said conclusive evidence of the present existing rights, rights of way and or easements necessary to enable the said bidder to commence immediately upon the work required to be done under the terms of said contract.

Each successful bidder shall as a condition precedent to the execution of any contract, furnish to the director such evidence of the financial ability of the bidder to meet any award or awards made to the defendant or defendants in any eminent domain proceedings instituted under the provisions of this act, as the director may require."

**Amendment No. 24.**

On page 3, line 21, of the printed bill, strike out all of lines 21 to 28, both inclusive.

**Amendment No. 25.**

On page 3, line 31, of the printed bill, strike out all of lines 31 to 45, both inclusive.



**Amendment No. 26.**

On page 4, line 3, of the printed bill, strike out all of lines 3 to 44, both inclusive.

**Amendment No. 27.**

On page 4, line 45, of the printed bill, strike out the figures "14", and insert in lieu thereof the figures "12".

**Amendment No. 28.**

On page 5, line 2, of the printed bill, strike out the word "shall".

**Amendment No. 29.**

On page 5, line 5, of the printed bill, strike out the phrase after the word "provided", and insert period, and strike out balance of line 5.

**Amendment No. 30.**

On page 5, line 6, of the printed bill, strike out line 6, and all of line 7 to 16, both inclusive, and including the word "section".

**Amendment No. 31.**

On page 5, line 25, of the printed bill, after the word "proceeds", insert the words "with any funds appropriated for such purpose".

**Amendment No. 32.**

On page 5, line 44, of the printed bill, strike out all of line 44, and all of lines 45 to 52, both inclusive, and insert in lieu thereof the following:

"Sec. 14. All of the provisions of this act other than section 11 relative to the development and extraction of oil from the lands described in section 3 hereof, shall be applicable to any other lands owned by the State containing gas, oil and other hydrocarbons, and the said applicability is extended to include, in the event same provided, other than as is provided in section 11 hereof, the development and extraction of oil, gas and other hydrocarbons from any and all other lands owned by the State.

Provided, however, that in the event of any development or extraction of oil, gas and other hydrocarbons from submerged lands, other than those described in section 3 hereof, no lease, contract, or a previously issued grant or any other instrument purporting to grant or convey shall be developed under the provisions of this act, until and to that extent to which hole, derrick, barge or other structure or other structure used in the development or operation thereof, shall be located closer than 500 feet from the ordinary high water mark of the Pacific Ocean.

**Amendment No. 33.**

On page 3, line 46, of the printed bill, strike out the figure "11", and insert in lieu thereof the figure "10".

**Amendment No. 34.**

On page 3, line 50, of the printed bill, strike out the figure "12", and insert in lieu thereof the figure "11".

**Amendment No. 35.**

On page 6, line 1, of the printed bill, strike out the figure "10", and insert in lieu thereof the figure "14".

**Amendment No. 36.**

On page 6 of the printed bill, strike out all of lines 6 to 38, both inclusive.

Senate Bill No. 103 read second time, ordered to report, and referred to Committee on Oil Industries.

Senate Bill No. 241—An act to provide for the organization of an industrial court, to define its powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof.

**Amendments From the Floor.**

During second reading of Senate Bill No. 241 the following amendments, offered by Senator Biggar, were read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the title of the printed bill, after the word "its", insert the word "jurisdiction", and a comma.

**Amendment No. 2.**

On page 1, line 16, of the printed bill, strike out the word "compensation", and insert in lieu thereof the word "hire".



**Amendment No. 3.**

On page 2 of the printed bill, strike out all of lines 7 to 15, inclusive, and insert in lieu thereof the following:

"(a) One judge shall be appointed by the Governor from a list of 25 names submitted by employees of California.

(b) One judge shall be appointed by the Governor from a list of 25 names submitted by employers of California.

(c) One judge shall be appointed from a list of 25 names submitted by farmers of California.

(d) One judge shall be a lady member, chosen from a list of 25 names submitted by the Federated Women's Clubs of California.

(e) The Governor shall appoint three judges from the State at large, none of whom shall be directly identified with any of the groups specified in subsections a, b, c and d of this section.

All appointments made by the Governor shall be submitted to both houses of the Legislature for approval, sitting in joint session for the purpose at the next regular session following the appointments. In the event the Legislature shall fail to approve any of those appointed then the Governor shall make other appointments from the lists of names submitted, or from the State at large, as the case may be, continuing in this manner until the full court has been appointed. Vacancies on the court shall be filled in like manner."

**Amendment No. 4.**

On page 2 of the printed bill, strike out all of lines 16 to 30, inclusive, and insert in lieu thereof the following:

"Sec. 10. Of the judges first appointed two shall hold office for a term of two years, for a term of three years, and three for a term of four years. Thereafter all terms shall be for four years. The judges first appointed shall draw lots to determine the order in which their terms shall expire."

**Amendment No. 5.**

On page 2, line 31, of the printed bill, strike out the figure "13", and insert in lieu thereof the figure "11".

**Amendment No. 6.**

On page 2 of the printed bill, strike out all of lines 33 to 48, inclusive, and insert in lieu thereof the following:

"Sec. 12. At the time of qualification each judge shall be over the age of 35 years; he shall have been a citizen of the United States for at least 21 years and a citizen of California eligible to vote; he shall not be in the employ of, or a member of, or hold any office in any labor union or organization. He shall not be in the employ of, or be a member of, any firm, partnership, company, corporation or association subject to this act; nor shall he own any stocks or bonds of any such firm, partnership, company, corporation or association; nor shall he be in any way financially interested in any such firm, partnership, company, corporation or association. However, should any judge become the owner of any stocks or bonds of any such firm, partnership, company, corporation or association, or become financially interested therein involuntarily he shall, within a reasonable time divest himself of such ownership or interest, failing to do so his office shall become vacant."

**Amendment No. 7.**

On page 2, line 49, of the printed bill, strike out the figure "16", and insert in lieu thereof the figure "13".

**Amendment No. 8.**

On page 2, line 51, of the printed bill, strike out the figure "17", and insert in lieu thereof the figure "14".

**Amendment No. 9.**

On page 3, line 1, of the printed bill, strike out the figure "18", and insert in lieu thereof the figure "15".

**Amendment No. 10.**

On page 3, line 3, of the printed bill, strike out the figure "19", and insert in lieu thereof the figure "16".

**Amendment No. 11.**

On page 3 of the printed bill, strike out all of lines 6 to 14, inclusive, and insert in lieu thereof the following:

"Sec. 17. On the second Monday in January, of each year, the court shall select, by majority vote, one of its members to act as presiding judge for that year, who shall preside at all hearings and regulate the business and work of the court. A majority of the judges shall constitute a quorum for the transaction of business and for the exercise of any powers of the court. The concurrence of at least four of the judges is required to render a decision of the court."

**Amendment No. 12.**

On page 3, line 15, of the printed bill, strike out the figure "21", and insert in lieu thereof the figure "18".

**Amendment No. 13.**

On page 3, line 19, of the printed bill, strike out the period, and insert a comma and the following words: "and such seal shall be judicially noticed by all courts and tribunals".

**Amendment No. 14.**

On page 3, line 20, of the printed bill, strike out the figure "22", and insert in lieu thereof the figure "19".

**Amendment No. 15.**

On page 3, line 24, of the printed bill, after the word "interstate", add the words "and foreign".

**Amendment No. 16.**

On page 3, line 25, of the printed bill, strike out the period after the word "merch", and insert a comma and the following words: "and shall have jurisdiction to render decisions and judgments in all cases submitted to it, and to make all necessary orders and rulings therein, which shall be binding upon the parties thereto".

**Amendment No. 17.**

On page 3, line 37, of the printed bill, after the word "or", insert the word "or".

**Amendment No. 18.**

On page 3, line 38, of the printed bill, after the word "or", insert the word "or".

**Amendment No. 19.**

On page 3, line 39, of the printed bill, strike out the figure "23", and insert in lieu thereof the figure "20".

**Amendment No. 20.**

On page 3 of the printed bill, at the end of line 40, strike out the period, and insert a comma and the following words: "and it may adopt any rules or procedure which it deems necessary to effectuate its jurisdiction and facilitate its work".

**Amendment No. 21.**

On page 3, line 41, of the printed bill, strike out the figure "24", and insert in lieu thereof the figure "21".

**Amendment No. 22.**

On page 4, line 1, of the printed bill, strike out the figure "25", and insert in lieu thereof the figure "22".

**Amendment No. 23.**

On page 4, line 5, of the printed bill, strike out the figure "26", and insert in lieu thereof the figure "23".

**Amendment No. 24.**

On page 4, line 10, of the printed bill, strike out the figure "27", and insert in lieu thereof the figure "24".

**Amendment No. 25.**

On page 4, line 13, of the printed bill, strike out the figure "28", and insert in lieu thereof the figure "25".

**Amendment No. 26.**

On page 4, line 19, of the printed bill, strike out the figure "29", and insert in lieu thereof the figure "26".

**Amendment No. 27.**

On page 4, line 37, of the printed bill, strike out the figure "30", and insert in lieu thereof the figure "27".

**Amendment No. 28.**

On page 4, line 42, of the printed bill, strike out the figure "31", and insert in lieu thereof the figure "28".

**Amendment No. 29.**

On page 4, line 46, of the printed bill, strike out the figure "32", and insert in lieu thereof the figure "29".

**Amendment No. 30.**

On page 4 of the printed bill, at the end of line 47, strike out the period, and insert a comma and the following words: "and not subject to review by any other tribunal or court".

**Amendment No. 31.**

On page 4, line 48, of the printed bill, strike out the figure "33", and insert in lieu thereof the figure "30".

**Amendment No. 32.**

On page 5, line 5, of the printed bill, strike out the words "in the event of a rehearing, the decision".

**Amendment No. 33.**

On page 5, line 6, of the printed bill, strike out the words "of the court shall be final", and the word "and" after the word "rehearing".

**Amendment No. 34.**

On page 5, line 11, of the printed bill, strike out the figure "34", and insert in lieu thereof the figure "31".

**Amendment No. 35.**

On page 5, line 15, of the printed bill, strike out the figure "35", and insert in lieu thereof the figure "32".

**Amendment No. 36.**

On page 5, line 34, of the printed bill, strike out the figure "36", and insert in lieu thereof the figure "33".

**Amendment No. 37.**

On page 5, line 42, of the printed bill, strike out the figure "37", and insert in lieu thereof the figure "34".

**Amendment No. 38.**

On page 5, line 46, of the printed bill, strike out the figure "38", and insert in lieu thereof the figure "35".

**Amendment No. 39.**

On page 6, line 5, of the printed bill, strike out the figure "39", and insert in lieu thereof the figure "36".

**Amendment No. 40.**

On page 6, line 11, of the printed bill, strike out the figure "40", and insert in lieu thereof the figure "37".

**Amendment No. 41.**

On page 6, line 19, of the printed bill, strike out the figure "41", and insert in lieu thereof the figure "38".

**Amendment No. 42.**

On page 6, line 25, of the printed bill, after the period, insert the following: "Nothing in this act shall be construed as prohibiting any employee or group of employees, from peaceably quitting their place or places of employment at any time, if they desire to do so."

**Amendment No. 43.**

On page 6, line 26, of the printed bill, strike out the figure "42", and insert in lieu thereof the figure "39".

**Amendment No. 44.**

On page 6, line 31, of the printed bill, strike out the figure "43", and insert in lieu thereof the figure "40".

**Amendment No. 45.**

On page 6 of the printed bill, at the end of line 32, strike out the word "a".

**Amendment No. 46.**

On page 6 of the printed bill, at the beginning of line 33, strike out the word "report".

**Amendment No. 47.**

On page 6, line 36, of the printed bill, strike out the word "as".

**Amendment No. 48.**

On page 6, line 38, of the printed bill, strike out the figure "44", and insert in lieu thereof the figure "41".

**Amendment No. 49.**

On page 6, line 39, of the printed bill, strike out the word "five", and insert in lieu thereof the word "ten".

**Amendment No. 50.**

On page 6, line 40, of the printed bill, strike out the figure "45", and insert in lieu thereof the figure "42".

**Amendment No. 51.**

On page 6, line 49, of the printed bill, strike out the period, and insert a comma and the following words: "and it shall be the duty of the Governor to see that this section is impartially carried into effect when requested to do so by the court."

**Amendment No. 52.**

On page 6, line 50, of the printed bill, strike out the figure "46", and insert in lieu thereof the figure "43".

**Amendment No. 53.**

On page 7, line 1, of the printed bill, strike out the figure "47", and insert in lieu thereof the figure "44".

**Amendment No. 54.**

On page 7, line 3, of the printed bill, strike out the figure "48", and insert in lieu thereof the figure "45".

**Amendment No. 55.**

On page 7, line 7, of the printed bill, strike out the figure "49", and insert in lieu thereof the figure "46".

Senate Bill No. 241 read second time, ordered to reprint, and referred to Committee on Governmental Efficiency.

Senate Bill No. 687—An act making an appropriation to the emergency fund specified in item 18c of section 7 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 94 of Article IV of the Constitution of the State of California, approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1936, for the purposes therein specified, and declaring the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 323—An act to add section 601.8 to the Political Code, relating to the payment of claims against the State and rendering of warrants issued therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 135—An act to amend sections 11, 13, 15, 16c, and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 135 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, after the word "and", insert the word "may".

**Amendment No. 2.**

On page 2, lines 3 and 4, of the printed bill, strike out the words "an assistant to any officer of the district, which assistant," and insert in lieu thereof "assistants to any officer of the district which assistants."

**Amendment No. 3.**

On page 2, line 6, of the printed bill, strike out the word "his", and insert in lieu thereof the word "their".

**Amendment No. 4.**

On page 2 of the printed bill, following line 22, insert the following: "Provided, however, that until such time as the district shall have operated, controlled or used works or parts of works for the providing of the inhabitants and municipalities within the boundaries of said district with the utility services, or any of them, specified in the fifth paragraph of section 11 hereof for a period of six months, the board, in its discretion, may or may not appoint a general manager, who during such time shall hold office at the pleasure of the majority of the board."

**Amendment No. 5.**

On page 6, line 32, of the printed bill, strike out the word "elections", and insert in lieu thereof the word "election".

**Amendment No. 6.**

On page 6, line 36, of the printed bill, strike out the word "purposes", and insert in lieu thereof the word "purpose".

**Amendment No. 7.**

On page 7, line 20, of the printed bill, after the partial word "trict", strike out the comma, and insert in lieu thereof the following: "or if there be no such newspaper printed and published within the district then the publication shall be made in a newspaper of general circulation printed and published within the county in which the said district or any part thereof is situated,".

**Amendment No. 8.**

On page 7, line 30, of the printed bill, strike out the period after the word "treasurer", and insert the following: "by his lithographed or engraved signature."

**Amendment No. 9.**

On page 10, line 1, of the printed bill, strike out the word "centum", and insert in lieu thereof the word "cent".

**Amendment No. 10.**

On page 10, line 6, of the printed bill, strike out the comma after the word "district", and insert in lieu thereof the following: "or if there be no such newspaper printed and published within the district then the publication shall be made in a newspaper of general circulation printed and published within the county in which the said district or any part thereof is situated,".

**Amendment No. 11.**

On page 10, line 17, of the printed bill, strike out the period after the word "treasurer", and insert the following: "by his lithographed or engraved signature."

**Amendment No. 12.**

On page 10, lines 35 and 36, of the printed bill, strike out the words "purchasing with the proceeds thereof", and insert in lieu thereof the following: "using the proceeds of such sale to purchase or retire".

**Amendment No. 13.**

On page 11, line 3, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "eighth".

**Amendment No. 14.**

On page 12, lines 19 and 20, of the printed bill, strike out the words "the general manager shall adopt a civil service system" and insert in lieu thereof the following: "a civil service system shall first be adopted".

**Amendment No. 15.**

On page 12, line 24, of the printed bill, strike out the period after the word "thereto", and insert the following: "but shall not be subject to the six months probation period hereinafter set forth".

**Amendment No. 16.**

On page 12 of the printed bill, strike out lines 25 to 34, inclusive.

**Amendment No. 17.**

On page 13 of the printed bill, strike out line 2, and insert in lieu thereof the following: "ments or divisions, other than the department or division in which the accused person".

**Amendment No. 18.**

On page 13, line 7, of the printed bill, after the word "and", insert the following: "and may among other things order the employee discharged, suspended, or reinstated".

**Amendment No. 19.**

On page 13, line 25, of the printed bill, strike out the period following the word "suspension", and insert the following: "but the employee so suspended may have the order of suspension reviewed in the manner provided for the review of charges for removal or discharge."

**Amendment No. 20.**

On page 13 of the printed bill, following line 28, add the following: "Provided, however, that anything herein to the contrary notwithstanding the provisions of this section shall not apply to any district which may claim to it has acquired, acquired or used works or parts of works for the purposing of the industries and municipalities within the boundaries of said district with the utility systems of any of them specified in the fifth paragraph of section 11 hereof for a period of six months."

Senate Bill No. 135 read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1013—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1931, and relating to existing utilities therein.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Senate Bill No. 1013 was read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, following the word "hereinafter", substitute a period for the comma, and strike out all of the remainder of said bill.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 950—An act to amend section 527 of the Political Code, relating to legislative printing.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1072—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce

sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to elections of sanitary boards in sanitary districts.

Bill read second time, ordered to engrossment, and on file for third reading.

### **Reports of Standing Committees.**

The following reports of standing committees were received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 555—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

#### **On Education.**

SENATE CHAMBER, SACRAMENTO, March 4, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 83—An act to amend section 4,102 of the School Code, relating to an appropriation for vocational rehabilitation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—9; committee vote. Ayes—7; absent—2.

TICKLE, Chairman.

Senate Bill No. 83, ordered re-referred to Committee on Finance.

### **Re-reference of Senate Concurrent Resolution No. 16.**

Senate Concurrent Resolution No. 16 was, by order of the President, re-referred to Committee on Rules.

### **Adjournment.**

At eleven o'clock and ten minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, March 8, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### **IN SENATE.**

SENATE CHAMBER,

SACRAMENTO, Monday, March 8, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

# Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Chubbuck, Cunningham, DeLoe, Dwyer, Fletcher, Gordon, Gordon, Hays, Hollister, Hunter, Johnson, Keene, Keene, Keene, Keene, Law, McGill, McConach, McGowan, Metzger, Moore, Nelson, Olson, Parkman, Phillips, Pionovich, Quinn, Rick, Schaffner, Seaman, Slater, Stone, Tinkle, Westover, Williams and Young. 28.

Quorum present.

# Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kirsner.

# Reading of the Journal.

During the reading of the Journal of Friday, March 5, 1937, the further reading was, on motion of Senator Slater, dispensed with.

# Leaves of Absence.

Senator Powers was, on motion of Senator McGill, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

# Privilege of Floor of Senate Extended.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dick Welch, of Riverside and Mervyn Hope of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. C. Barger of Ramona and M. P. McChesney of Canby.

# Communication.

The following communication was received, read, and ordered printed in the Journal:

*Hon. George J. Hatfield, President of the Senate.*

The Woman's Democratic Club of Sacramento County, with the Democratic members of the Senate and their wives to a luncheon at Hotel Sacramento, Monday, March 8th, at twelve noon.

Mrs. Lucretia Del Valle Grady will be the guest speaker.

Very sincerely,

MARY BRAINERD, Corresponding Secretary.

Luncheon 77 cents.

# Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 857—An act to amend section 480 of the Agricultural Code relating to market milk.

Assembly Bill No. 864—An act to amend section 973 of the Agricultural Code relating to dairy equipment.

Assembly Bill No. 865—An act to repeal section 1084 of the Agricultural Code relating to commercial feeding stuffs.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 857 read first time, and referred to Committee on Live Stock and Dairying.



Assembly Bill No. 864 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 865 read first time, and referred to Committee on Live Stock and Dairying.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 14—Authorizing and directing the Director of Finance of the State of California, for and in the name of the State of California, to enter into such lease or leases, or other contract or contracts, as, in his opinion, shall be necessary to obtain, within the shortest time practicable, an adequate supply of water for the several State institutions, State Farm and State Game Farm, situate in the county of Napa in said State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Concurrent Resolution No. 14 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 34—Relative to memorializing the President and Congress to establish a summer White House in California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

### Consideration of Assembly Joint Resolution No. 34.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 34, without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 34.

Relative to memorializing the President and Congress to establish a summer White House in California.

WHEREAS, The climate of the District of Columbia is insufferably hot during the summer months to the extent that the President of the United States and the executive officers thereof are forced to seek refuge in a cooler portion of the country; and

WHEREAS, The Chief Executives of recent years have during the summer months left the District of Columbia and gone to various camps or resorts; and

WHEREAS, The selection of camps and resorts far removed from the National scene has made the conduct of necessary business during the summer months difficult and inconvenient; and

WHEREAS, It is customary for the nations of the world to provide in addition to the official residence a vacation home in a different section of the country where the Chief Executive may retire during the vacation months; and

WHEREAS, The climate of the State of California during the summer months by reason of its mild dry heat and its freedom from rainy or stormy weather is drawing increasing hundreds of thousands to the West Coast every summer; and

WHEREAS, It is becoming increasingly manifest that the future destiny of the United States lies in the Pacific; and

WHEREAS, The natural scenic beauty of the western States is unsurpassed; and

WHEREAS, There are in California many sites which are exceptionally well adapted for the erection of a summer White House, being sufficiently secluded to afford the presidential party ample opportunity for privacy and relaxation and yet sufficiently close to substantial cities to afford the advantages of comfort, convenience and efficiency; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President and Congress of the United States are hereby respectfully urged to establish in the State of California a summer White House for the use and convenience of the President and the executive staff; and be it further

*Resolved,* That copies of this resolution be transmitted to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 34 adopted by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Jones, Lester, Garrison, Gordon, Hays, Holtzner, Houston, Jorgensen, Keating, Koenig, Kunkland, Law, McColl, McCormack, Metzger, Minter, Nielsen, Olson, Parkinson, Phillips, Pierovich, Quinn, Rock, Schetzky, Seawell, Smith, Strong, Tucker, Wagon, Wastner, Williams, and Young—37.

**NOES.** None.

Assembly Joint Resolution No. 34 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAIRMAN, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 33, Relative to requesting the opinion of the Attorney General of the United States concerning the effect of the proposed legislation to prohibit delinquency judgments upon the loaning of Federal funds to the citizens of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENSTADT, Assistant Clerk.

### Consideration of Assembly Joint Resolution No. 33.

Senator Law asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 33 without reference to committee for purpose of adoption.

Assembly Joint Resolution No. 33—Relative to requesting the opinion of the Attorney General of the United States concerning the effect of the proposed legislation to prohibit delinquency judgments upon the loaning of Federal funds to the citizens of the State of California.

#### Motion.

Senator Olson moved that Assembly Joint Resolution No. 33 be referred to the Committee on Federal Relations.

Motion carried, and such was the order.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

#### On County Government.

SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1036—An act to add section 4256b to the Political Code, relating to compensation of officers of counties of the twenty sixth class.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—2; absent—2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 894—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns;

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

## On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act;

Senate Bill No. 323—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and endorsing of warrants issued therefor;

Senate Bill No. 687—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof;

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns;

Senate Bill No. 950—An act to amend section 527 of the Political Code, relating to legislative printing;

Senate Bill No. 1072—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to elections of sanitary boards in sanitary districts;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 668—An act to amend section 1030 of the Political Code, relating to office hours;

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.



## SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Senate Bill No. 844—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Senate Bill No. 894—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.

Senate Bill No. 644—An act to add section 464 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

Senate Bill No. 923—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller and payment of claims against the State.

Senate Bill No. 365—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Senate Bill No. 362—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Senate Bill No. 58—An act to amend section 4 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement.

Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 669—An act to add section 696 to the Political Code, relating to the fixing of maximum percentage limitations of certain State officers and employees by the State Board of Control.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 5, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 8—Proposed amendment to Article XII of the Constitution, by adding section 17 thereto, relative to expenditures of the State.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

## On Insurance.

## SENATE CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 452—An act to amend sections 732, 1151, 1168, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate seizures and their issues.

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add section 12975 thereto, all relating to the insurance fund in the State treasury, and providing the same shall take effect immediately.

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1643, 1647, 1649, 1656, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal



sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1675.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance;

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance;

Senate Bill No. 460—An act to amend sections 10112, 10113, 10204, 10209, and 10213 of the Insurance Code, to repeal section 10241 thereof, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance;

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.5 to the Insurance Code, all relating to insurance;

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add sections 900.5, 10250.5, 10291.5, 10728.5 and 10863 thereto, all relating to insurance;

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1325, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance;

Senate Bill No. 1037—An act to repeal Chapter 5, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 8, 1937, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i> <i>6 days per week</i>
Clarissa Bowen, Stenographer-----	\$5 00
Hortense May, Stenographer-----	5 00
Helen Melhorn, Stenographer-----	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

NOES—None.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 947 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as introduced January 22d, strike out lines 21 and 22, and insert in lieu thereof the following: "subject them to a fair and equitable distribution of commodities, benefits or funds to its members or employees in proportion to the amount and"

**Amendment No. 2.**

On page 2, line 34, of the printed bill, as above, following the words "shall assess the", insert the word "estimated", and in line 36, in the same section (Section 4), strike out the period, and insert in lieu thereof a comma and the following words: "as determined from experience with such cases in preceding years."

**Amendment No. 3.**

On page 2, line 37, of the printed bill, as above, immediately following the section number, strike out the words, "For the purposes of this act", and insert in lieu thereof the following: "Subject to such regulations as may be made by the State Department of Social Welfare, and subject also to the appropriation of sufficient money on the part of the Federal Government."

**Amendment No. 4.**

On page 3, line 18, of the printed bill, as above, following the period, add the following words: "Repayment on such loans shall begin with the fifth year and shall be amortized quarterly thereafter at a rate of not less than one per cent of the principal amount per quarter; provided, however, that such loans may be indemnified to any loans made by the Federal Government and provided further that should the repayment provided for in this section conflict with terms of repayment required for such Federal loans, if any, then the terms of repayment herein set forth may be changed by the State Department of Social Welfare in agree with the Federal terms."

Bill read second time, ordered to reprint, and re-referred to Committee on Social Security.

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 122—An act to amend sections 171 and 181 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 432—An act to amend sections 22010 and 22011 of the School Code, relating to unified school districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 663—An act to amend the title of Article V of Chapter 1 of Part III of Division IV of the School Code, to repeal sections 5782, 5783 and 5784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code, and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 431—An act to repeal sections 2.123, 3.610, 3.611 and 3.612 of the School Code and to add thereto two new sections to be numbered 4.192 and 4.193, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 104—An act to add a new section to the School Code to be numbered 5.751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 104 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 4, of the printed bill, after the word "employed", insert the following: "in a day school of the district".

##### **Amendment No. 2.**

On page 1, line 21, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifty".

##### **Amendment No. 3.**

On page 1, line 22, of the printed bill, strike out the word "county", and insert in lieu thereof the word "district".

##### **Amendment No. 4.**

On page 1, line 24, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "eighty".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 477—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 477 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 8, of the printed bill, strike out "solvent".

##### **Amendment No. 2.**

On page 1, line 9, of the printed bill, after the word "authorized", insert the following: "under the laws of this State".

##### **Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 10 and 11, and insert in lieu thereof the following: "therein."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 790—An act for the preservation of certain lands in the State of California for agricultural purposes, and prescribing penalties for violations of its provisions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 790 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. No agricultural land shall be destroyed and waste on the surface of such agricultural land be lessened or removed by any person conducting the piling of other mineral substances."

Sec. 2. Any person violating this act is guilty of a felony.

Sec. 3. It shall be the duty of the Sheriff attending to any such violation to injunctive."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such land and to dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes, to make an appropriation therefor, and to repeal an act entitled "An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1933, to declare this proposed District, and to provide that this act shall take immediate effect.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 554 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following: "Sec. 4. The Director of."

**Amendment No. 2.**

On page 2, line 11, of the printed bill, strike out "said properties", and insert in lieu thereof the following: "lands acquired pursuant to the provisions of this act."

**Amendment No. 3.**

On page 2, line 22, of the printed bill, after the word "properties," insert the following: "now owned or".

**Amendment No. 4.**

On page 2 of the printed bill, strike out line 34, and insert in lieu thereof the following: "lease lands and the products and resources thereof under his consideration, when in his judgment it is".

**Amendment No. 5.**

On page 2, line 36, of the printed bill, strike out "development", and insert in lieu thereof the following: "development".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 425—An act to promote temperance in the use of alcoholic beverages, relating to the manufacture, sale and use of alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 21, 24, 33, 34, 37, 54 and 60 of the Alcoholic Beverage Control Act, and to add



new sections thereto all relating to the manufacture, sale and use of alcoholic beverages.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

##### Amendment No. 1.

On page 1, in the title of the printed bill, strike out lines 1 to 5, inclusive, and in line 6 of the title, strike out "the manufacture, sale and use of", and insert in lieu thereof the following: "An act to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 14, 19, 22, 24, 26, 27, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 4 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 22a, 22b, 22c, 22d, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 38a, 38b, 38c, 38d, 38e, 38f, 49.2, 49.4, 49.5, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 51.8, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.2, 66.5, 67.5, relating to".

##### Amendment No. 2.

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. The title of the Alcoholic Beverage Control Act is hereby".

##### Amendment No. 3.

On page 1, line 7, of the printed bill, strike out "to prescribe", strike out line 8, and in line 9, strike out "tion for the enforcement of this act";.

##### Amendment No. 4.

On page 1, line 12, of the printed bill, after the semicolon, insert the following: "to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act";.

##### Amendment No. 5.

On page 1, line 14, of the printed bill, strike out "1b", and insert in lieu thereof the following: "2".

##### Amendment No. 6.

On page 2 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following:

"SEC. 3. Section 2 of said act is hereby amended to read as follows:".

##### Amendment No. 7.

On page 2 of the printed bill, strike out lines 25, 26 and 27, and insert in lieu thereof the following:

"(d) "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and shall also include alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof."

##### Amendment No. 8.

On page 3 of the printed bill, strike out lines 10 to 18, inclusive, and insert in lieu thereof the following:

"(i) "Beer manufacturer" means any person engaged in the manufacture of beer.

(ii) "Brandy manufacturer" means any person engaged in the manufacture of brandy only and not in the manufacture of any other distilled spirits.

(iii) "Wine manufacturer" means any person engaged in the manufacture of wine, except that any person who manufactures not to exceed 200 gallons of wine per year for his own consumption shall not, because of such manufacture, be considered a wine manufacturer within the meaning of this act.

(iv) "Industrial alcohol dealer" is a person who sells alcohol, distilled spirits, or wine in packages of more than one gallon for use in the trades, professions, or industries, but not for human consumption.

(v) "Retailer" means and includes any on- or off-sale licensee."

##### Amendment No. 9.

On page 3 of the printed bill, strike out lines 22 to 25, inclusive, and insert in lieu thereof the following:

"(k) "Importer" means any consignee of alcoholic beverages brought into this State from without this State when such alcoholic beverages are for delivery or use within this State, or any person bringing alcoholic beverages into this State from without this State which are not consigned to any person and which are for delivery or use within this State.

(k1) "Exporter" means any person who conspires, transports, conveys, exports within this State to a destination without the State for delivery or use without this State.

(k2) "Private warehouse" means any place other than the licensed premises used solely for the storage of alcoholic or vinous beverages for a licensee and approved by the board for such purpose.

(k3) "Public warehouse" means any place where bonded or unbonded alcoholic beverages are stored for the account of customers and which include United States Customs bonded warehouses and United States Internal Revenue Service warehouses.

(k4) "Retail sale" or "sale at retail" means the sale by the licensee of alcoholic beverages for consumption and not for resale."

#### Amendment No. 10.

On page 2 of the printed bill, strike out lines 17 to 22, inclusive, and insert in lieu thereof the following: "Includes and transfers thereto, for use in distillation, title to alcoholic beverages is transferred from one person to another, no means and includes the shipping of alcoholic beverages pursuant to all laws relating to the purchase of such beverages, but shall not perform the intent of alcoholic beverages by a licensee to the licensee from whom such alcoholic beverage was purchased."

#### Amendment No. 11.

On page 2 of the printed bill, strike out lines 39 and 41, and insert in lieu thereof the following:

(p) "Distilled spirits manufacturer" means and means any person who distills spirits from naturally fermented materials or in any other manner."

#### Amendment No. 12.

On page 4, line 12, of the printed bill, strike out "person" and insert in lieu thereof the following: "licensee."

#### Amendment No. 13.

On page 4 of the printed bill, strike out lines 18, 19 and 20 and insert in lieu thereof the following:

(c) "Within the State" means all territory within the boundaries of the State.

(c1) "Without the State" means all territory within the boundaries of the State."

#### Amendment No. 14.

On page 4 of the printed bill, strike out lines 42 to 51, inclusive, and insert in lieu thereof the following:

"Sec. 4. Section 3 of said act is hereby amended to read as follows:

Sec. 3. No person shall exercise the privilege or perform any act or act which a licensee under this act may exercise or perform under the authority of a license issued under this act unless such person is authorized to do so by a license duly issued pursuant to the provisions of this act."

#### Amendment No. 15.

On page 5, line 2, of the printed bill, strike out the period and insert in lieu thereof a comma and the following: "except that any person exercising the privileges or performing any act or acts which a still licensee duly exercises or performs without having a still license duly issued under this act is guilty of a felony."

#### Amendment No. 16.

On page 5, of the printed bill, strike out lines 3 and 4, and insert in lieu thereof the following:

"Sec. 5. Section 4 of said act is hereby amended:

Sec. 6. Section 5 of said act is hereby amended to read as follows:

#### Amendment No. 17.

On page 5, line 8, of the printed bill, strike out "one thousand" and strike out line 9, and insert in lieu thereof the following: "for gallonage manufactured or sold, whichever is greater, one thousand gallons or less per year. 5.00 per year."

#### Amendment No. 18.

On page 5 of the printed bill, between lines 33 and 34, insert the following:

"10. Public warehouse license ----- per year".

#### Amendment No. 19.

On page 5, line 34, of the printed bill, strike out "10", and insert in lieu thereof the following: "11."

#### Amendment No. 20.

On page 5 of the printed bill, strike out lines 35 and 36.

**Amendment No. 21.**

On page 6, line 22, of the printed bill, after the period, add the following: "The provisions of this paragraph shall not be deemed to restrict the power of the board to make the refunds authorized by section 11a."

**Amendment No. 22.**

On page 6, line 31, of the printed bill, strike out "Sec. 4.", and insert in lieu thereof the following: "Sec. 7."

**Amendment No. 23.**

On page 6, line 41, of the printed bill, after "license," insert the following: "and whether manufactured by him or any other person."

**Amendment No. 24.**

On page 7, lines 5 and 6, of the printed bill, strike out "color and bottle distilled spirits and to export or", and insert in lieu thereof the following: "and color distilled spirits and wine, upon which the excise tax imposed by section 23 has been paid, and, whether so cut, blended, mixed, flavored or colored by him or any other person, to package, export, and to".

**Amendment No. 25.**

On page 7, line 11, of the printed bill, strike out "beverage.", and insert in lieu thereof the following: "beverages, and to transfer such beverages to himself under another license."

**Amendment No. 26.**

On page 7 of the printed bill, between lines 22 and 23, insert the following: "A wholesaler's license shall not be issued to any person who is the holder of more than one off-sale license."

**Amendment No. 27.**

On page 7, line 30, of the printed bill, strike out "one gallon or less", and insert in lieu thereof the following: "not more than one gallon or not less than one-half pint".

**Amendment No. 28.**

On page 7, line 35, of the printed bill, strike out the period, and insert in lieu thereof the following: "and not for beverage consumption."

**Amendment No. 29.**

On page 7 of the printed bill, strike out lines 48 and 49, and insert in lieu thereof the following:

"(l) A public warehouse license authorizes the storage of alcoholic beverages for the account of another licensee, including the storage of such beverages in a United States Customs bonded warehouse and a United States Internal Revenue bonded warehouse.

(m) Any manufacturer's, rectifier's or wholesaler's license shall also authorize the transfer of title to such alcoholic beverages to other licensed manufacturers, rectifiers and wholesalers when such alcoholic beverages are in storage in a licensed United States Customs bonded warehouse or United States Internal Revenue bonded warehouse located at any place within the State without any additional or other license therefor."

**Amendment No. 30.**

On page 7, line 50, of the printed bill, strike out "(1)", and insert in lieu thereof the following: "(n)".

**Amendment No. 31.**

On page 8, line 12, of the printed bill, strike out "Sec. 5.", and insert in lieu thereof the following: "Sec. 8."

**Amendment No. 32.**

On page 8, line 17, of the printed bill, strike out "Sec. 6.", and insert in lieu thereof the following: "Sec. 9."

**Amendment No. 33.**

On page 8, line 19, of the printed bill, strike out "license", and insert in lieu thereof the following: "licensee".

**Amendment No. 34.**

On page 8, line 26, of the printed bill, after the period, insert the following: "Any person who violates any of the provisions of this section is guilty of a misdemeanor."

**Amendment No. 35.**

On page 8, line 27, of the printed bill, strike out "Sec. 7.", and insert in lieu thereof the following: "Sec. 10."

**Amendment No. 36.**

On page 8 of the printed bill, between lines 15 and 16, insert the following:  
 "Alcoholic beverages may be stored in a bonded or approved public warehouse separate from a licensee's premises without the payment of any warehouse license, provided such warehouses are located within the limits of the county in which the licensed premises are located; and a licensee, without any additional license, may store any alcoholic beverages in any quantity at licensed public premises which are also United States Customs bonded warehouses or bonded public United Revenue bonded warehouses, as located in that part of the State park boundaries are located."

**Amendment No. 37.**

On page 8, line 51, of the printed bill, strike out "Sec. 11" and insert in lieu thereof the following: "Sec. 11"

**Amendment No. 38.**

On page 9, line 38, of the printed bill, strike out "Sec. 9" and insert in lieu thereof the following: "Sec. 12"

**Amendment No. 39.**

On page 9, line 41, of the printed bill, strike out "Sec. 10" and insert in lieu thereof the following: "Sec. 13"

**Amendment No. 40.**

On page 9, line 47, of the printed bill, strike out "Sec. 11" and insert in lieu thereof the following: "Sec. 14"

**Amendment No. 41.**

On page 10, line 2, of the printed bill, strike out "Sec. 12" and insert in lieu thereof the following: "Sec. 15"

**Amendment No. 42.**

On page 10, line 18, of the printed bill, after the phrase, insert the following:  
 "The application shall be signed by the applicant. In the case of a partnership the application shall be signed by each of the partners, and in the case of a corporation by an officer and under the seal of the corporation."

**Amendment No. 43.**

On page 10 of the printed bill, between lines 21 and 22, insert the following:  
 "Sec. 14. A new section to be numbered 14a is hereby added to said act, to read as follows:

Sec. 14a. If after an application for a license is made, the license is first denied within the quarter applied for, but is being reconsidered, the applicant shall refund one portion of the license fee as is set forth in the license laws, except.

Sec. 15. Section 14 of said act is hereby amended, to read as follows:

Sec. 14. No retail license shall be issued to any applicant for any premises in which a license has been granted, during the three months immediately preceding the filing of such application.

Sec. 16. Section 10 of said act is hereby amended, to read as follows:

Sec. 10. Brearly purchased a license first by retail sold to persons holding a wine manufacturer's license.

**Amendment No. 44.**

On page 10, line 22, of the printed bill, strike out "Sec. 10" and insert in lieu thereof the following: "Sec. 17."

**Amendment No. 45.**

On page 11 of the printed bill, between lines 13 and 14, insert the following:  
 "Sec. 18. Section 22 of said act is hereby amended, to read as follows:

Sec. 22. In the case of any applicant whose license (by reason where the total amount of alcoholic beverages manufactured or sold, the applicant shall) at the time of filing application for license, previously such application with the following license fee required, or such larger fee as the applicant shall elect.

Sec. 19. A new section to be numbered 22a is hereby added to said act, to read as follows:

Sec. 22a. Off-sale retail package distilled spirits licensees shall report quarterly at such time and in such manner as the board may prescribe, the amount of distilled spirits sold during the preceding quarter. Persons holding retail manufacturer's licenses shall report annually at the end of each fiscal year, in such time and in such manner as the board may prescribe, the amount of wine manufactured or sold by them during the fiscal year.

Sec. 20. A new section to be numbered 22b is hereby added to said act, to read as follows:

Sec. 22b. If any such report shows that the total amount of alcoholic beverages manufactured or sold during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall accompany such report



with such additional license fee as shall authorize him to continue to manufacture or sell additional amounts of alcoholic beverages in accordance with the schedule provided in section 5.

SEC. 21. A new section to be numbered 22e is hereby added to said act to read as follows:

Sec. 22e. Failure to report the amount of alcoholic beverages manufactured or sold as herein required and to pay such additional license fees when due within ten days of the date set by the board, shall be considered a violation of this act, and shall also subject the licensee to an arbitrary assessment of such license due by the board.

SEC. 22. A new section to be numbered 22d is hereby added to said act, to read as follows:

Sec. 22d. Failure to make a final report and payment of any license due at the end of any tax year shall operate to prevent the board from issuance of any license to any delinquent licensee."

#### Amendment No. 46.

On page 11 of the printed bill, strike out lines 14 to 19, inclusive, and insert in lieu thereof the following:

"SEC. 23. Section 24 of said act is hereby amended to read as follows:

Sec. 24. An excise tax is hereby imposed upon all distilled spirits sold in this State by manufacturers, rectifiers, importers, or wholesalers thereof, at the following rates:"

#### Amendment No. 47.

On page 11 of the printed bill, strike out lines 34 to 52, inclusive, and on page 12, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following:

"SEC. 24. A new section, to be numbered 24.2, is hereby added to said act to read as follows:

Sec. 24.2. It shall be presumed that all distilled spirits acquired by any distilled spirits manufacturer, rectifier, importer or wholesaler have been sold unless proven to the satisfaction of the board, in verified reports on forms prescribed by the board, that such distilled spirits are (1) still in the possession of such licensee, or (2) that such distilled spirits have been sold or delivered to another licensed distilled spirits manufacturer, rectifier, importer or wholesaler, or (3) that such distilled spirits have been exported without this State by the licensee making this report, or (4) that prior to the termination of possession such distilled spirits have been lost through unintentional destruction, or (5) that prior to the termination of possession there has been an unaccounted for loss, but such unaccounted for loss shall not exceed a tolerance to be fixed by the board.

SEC. 25. A new section, to be numbered 24.3, is hereby added to said act to read as follows:

Sec. 24.3. The word "sale" as used in sections 23 and 24 shall include, in addition to the definition in section 2 of this act, the transaction whereby alcoholic beverages are transferred, with or without consideration, by a licensee holding one type of license to himself for purposes of sale under a retailer's license held by himself.

SEC. 26. A new section, to be numbered 24.4, is hereby added to said act to read as follows:

Sec. 24.4. On- or off-sale distilled spirits licensees shall keep books of accounts in which shall be kept records of all distilled spirits acquired by such licensees, or in lieu thereof shall preserve all original bills and invoices for distilled spirits acquired. Such records or bills and invoices shall be in the form prescribed by the board and shall show at all times all purchases of distilled spirits made during the previous two years."

#### Amendment No. 48.

On page 12, line 12, of the printed bill, strike out "(d)", and insert in lieu thereof the following:

"SEC. 27. A new section, to be numbered 24.5, is hereby added to said act to read as follows:

Sec. 24.5."

#### Amendment No. 49.

On page 12 of the printed bill, strike out line 21, and insert in lieu thereof the following:

"SEC. 28. A new section, to be numbered 24.7, is hereby".

#### Amendment No. 50.

On page 12, line 23, of the printed bill, strike out "24.5", and insert in lieu thereof the following: "24.7."

#### Amendment No. 51.

On page 12 of the printed bill, between lines 32 and 33, insert the following:

"SEC. 29. Section 26 of the said act is hereby amended to read as follows:

Sec. 26. Every manufacturer or importer of beer or wine taxable under this act shall render to the board, on or before the tenth day of each succeeding month,

a verified statement of the quantity of such beer or wine sold to each manufacturer or importer during the preceding calendar month. Such statement shall be in such form as the board may prescribe, together with such other information the board may require.

SEC. 30. A new section, to be numbered 26a, is hereby added to said act to read as follows:

SEC. 26a. If any manufacturer or importer of beer or wine shall fail, neglect or refuse to file such report, within the time prescribed for filing such report, the board may note such failure, neglect or refusal upon the tax roll hereinafter described, and may estimate the amount of alcoholic beverage sold by said manufacturer or importer, assessing the excise tax thereon, adding to said excise tax a penalty of 15 per cent thereof for failure, neglect or refusal to comply. Such portion of the board shall be final, and subject only to review by a court of competent jurisdiction.

SEC. 31. A new section, to be numbered 26b, is hereby added to said act to read as follows:

SEC. 26b. The board shall, on or before the twentieth day of the month when the report is due, assess the excise tax due hereunder, and prepare and complete an assessment roll showing the amount of the excise tax payable against each manufacturer and importer of beer or wine and manufacturers and importers assessment roll to the State Controller.

SEC. 32. A new section, to be numbered 26c, is hereby added to said act to read as follows:

SEC. 26c. The excise tax herein required to be paid by the manufacturer or importer of beer or wine shall be payable in monthly installments to the State Controller for the month ending July 31, 1935, and for each and every calendar month thereafter. The amount of such excise tax for each month shall be paid on or before the tenth day of the second calendar month thereafter, and if not paid prior thereto shall become delinquent at the which in the event of said day, and ten per cent penalty shall be added herein for delinquency.

SEC. 33. Section 27 of said act is hereby amended to read as follows:

SEC. 27. If any examinations or investigations made by the board shall disclose that any reports theretofore filed with the board have shown inaccuracies the amount of alcoholic beverage sold or the excise tax payable thereon, the board shall have the power, and it hereby is granted, to make such changes by a subsequent assessment, as to beer or wine, as may be necessary to correct the errors disclosed.

SEC. 34. A new section, to be numbered 27a, is hereby added to said act to read as follows:

SEC. 27a. The board shall give to any manufacturer, wholesaler, retailer or importer of distilled spirits against whom any levy is made under the provisions of section 27 of this act notice of such levy.

SEC. 35. A new section, to be numbered 27b, is hereby added to said act to read as follows:

SEC. 27b. Any manufacturer, wholesaler, retailer or importer against whom a levy is made by the board under the provisions of sections 27 or 27a herein may petition for a relevy thereof within 15 days after service of the notice thereof. If such a petition for relevy is not filed within said 15-day period the amount of the levy becomes final at the expiration thereof.

SEC. 36. A new section, to be numbered 27c, is hereby added to said act to read as follows:

SEC. 27c. If a petition for relevy under section 27b is filed within said 15 day period the board shall reconsider the levy, and if the petitioner has so requested in his petition, shall grant said petition, in and during said 15 day period the petitioner ten days notice of the time and place thereof. The board shall have the power to continue the hearing from time to time as may be necessary.

Notice of the board's order or decision upon a petition for relevy shall be served upon the petitioner. Any levy made by such order or decision of the board shall become due and payable at the time of the service of the notice thereof.

SEC. 37. A new section, to be numbered 27d, is hereby added to said act to read as follows:

SEC. 27d. Upon payment to the board of the amount of any levy paid under the provisions of sections 27, 27b or 27c herein the board shall credit its distilled spirits excise tax stamp account of the manufacturer, wholesaler, retailer or importer against whom the levy was made with the amount of such payment for the period for which such levy was made. Thereupon, the board shall set aside distilled spirits excise stamps in an amount equivalent to the amount of such levy so paid. Such distilled spirits excise tax stamps so set aside shall not be delivered to the manufacturer, wholesaler, retailer or importer against whom the levy was made, but within 30 days from the payment of the amount of the levy the board or its employees shall destroy the same in the presence of a representative of the Department of Finance.

SEC. 38. Section 30 of said act is hereby amended to read as follows:

SEC. 30. The board is authorized to bring such legal actions as may be necessary to collect any deficiency in the tax required to be paid under section 24 of this act and, upon the board's request, the Attorney General shall bring such actions.

SEC. 39. Section 31 of said act is hereby amended to read as follows:

SEC. 31. In any case in which any tax, interest or penalty imposed under section 23 of this act is not paid when due, the Controller shall notify the board and may file in the office of the county clerk of Sacramento County or any other county a certificate specifying the amount of the tax, interest and penalty due, the name and last known address of the manufacturer or importer of the beer or wine liable for same, that the board has complied with all the provisions of this act, in relation to the computation and levy of the tax and a request that judgment be entered against such manufacturer or importer in the amount of the tax, interest and penalty set forth in the certificate. The county clerk immediately upon the filing of such certificate shall enter a judgment for the people of the State of California against such manufacturer or importer in the amount of the tax, interest and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Special Judgments for State Excise Tax."

SEC. 40. A new section, to be numbered 31a, is hereby added to said act to read as follows:

SEC. 31a. An abstract of such judgment or a copy thereof may be recorded with the county recorder of any county and from the time of such recording, the amount of the taxes, interest and penalty therein set forth shall constitute a lien upon all the real property of such manufacturer or importer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon the request of the Controller in the same manner as execution may issue upon other judgments, and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the Controller shall be authorized to act on behalf of the people of the State of California.

SEC. 41. A new section, to be numbered 31b, is hereby added to said act to read as follows:

SEC. 31b. In the event that any such manufacturer or importer is delinquent in the payment of the excise tax herein provided for, the Controller shall notify the board forthwith and may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control, any credits or other personal property belonging to such manufacturer or importer, or owing any debts to such manufacturer or importer, at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, other personal property or debts until the Controller shall have consented to a transfer or disposition, or until 20 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the Controller of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

SEC. 42. A new section, to be numbered 31c, is hereby added to said act to read as follows:

SEC. 31c. Whenever any such manufacturer or importer shall be delinquent in the payment of the excise tax herein provided for, the Controller or his duly authorized representative may proceed forthwith to collect the excise tax due from such manufacturer or importer in the following manner: The Controller shall seize any property, real or personal, of the taxpayer, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the excise tax due hereunder, together with any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent manufacturer or importer and to all persons appearing of record to have an interest in such property, in writing at least ten days before the date set for such sale by inclosing such notice in an envelope addressed to said manufacturer or importer at his last known residence or place of business in this State if any, and depositing same in the United States registered mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the excise taxes, penalties and costs, the name of the manufacturer or importer and the further statement that, unless such excise taxes, penalties and costs are paid on or before the time fixed in



said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

SEC. 43. A new section, to be numbered 31d, is hereby added to said act to read as follows:

Sec. 31d. At any such sale the property shall be sold by the Controller or by his duly authorized agent in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the property sold, such a bill for any real property so sold, and such bill of sale shall contain a statement of the purchaser subject to a right of redemption as provided in the Code of Civil Procedure upon sales of real property on execution. The unpaid portion of any interest so seized may be left at the place of sale at the risk of such purchaser or importer. If, upon any such sale, the moneys so received were toward the payment of all taxes, penalties and costs due the State from such manufacturer or importer, any such excess shall be retained to such manufacturer or importer, who has obtained therefor obtained, provided, however, that if such person having the option to sell then upon the property has filed with the Controller prior to any such sale notice of such interest said Controller shall withhold any such excess pending a determination of the rights of the respective parties thereto. If a court of competent jurisdiction. If, for any reason, the receipt of such manufacturer or importer shall not be available, the Controller shall deposit such excess moneys with the State Treasurer as trustee for such owner, subject to the order of such manufacturer or importer, or heirs, successors or assigns.

SEC. 44. A new section, to be numbered 31e, is hereby added to said act to read as follows:

Sec. 31e. The Controller must also immediately transmit notice of such delinquency to the Attorney General who shall at once proceed to attach all assets of the State from any such manufacturer or importer to satisfy any claims for necessary parties to effect forfeiture of the bond or bonds of the manufacturer or importer, reducing any delinquency to judgment against the manufacturer or importer.

SEC. 45. A new section, to be numbered 31f, is hereby added to said act to read as follows:

Sec. 31f. It is expressly provided that the foregoing remedies of the State under sections 31, 31a, 31b, 31c, 31d and 31e shall be cumulative and that no action taken by the board, Controller or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

SEC. 46. A new section, to be numbered 31g, is hereby added to said act to read as follows:

Sec. 31g. In any suit brought to enforce the rights of the State under section 31f the assessment roll prepared by the board pursuant to section 26 of this act, or a copy of so much thereof as is applicable in such suit, together with the Controller showing default on said assessment roll, may such manufacturer or importer, shall be prima facie evidence of the delinquency of the person or persons in the delinquency thereof, the amount of the same, and unpaid to the State, that such manufacturer or importer is indebted to the people of the State of California in the amount of such taxes, tax and penalties therein unpaid and that all the forms of law in relation to the assessment, the levy of such excise tax have been duly complied with on all persons required to perform administrative duties under this act.

#### Amendment No. 52.

On page 12 of the printed bill, strike out lines 31 to 31, inclusive, and insert in lieu thereof the following:

"SEC. 47. Section 31 of said act is hereby amended to read as follows:

Sec. 33. The tax imposed by section 24 of this act upon the sale of distilled spirits shall be collected from manufacturers, rectifiers, importers and wholesalers of distilled spirits and payment of the tax shall be evidence by stamps issued by the board to such manufacturers, rectifiers, importers and wholesalers. In exceptional instances the board may sell such stamps to on- and off-sale distilled spirits licensees and other persons.

SEC. 48. A new section, to be numbered 33a, is hereby added to said act to read as follows:

Sec. 33a. The excise stamps shall be of such size, type and character as the board shall determine, provided that all such stamps must be specially prepared and of a character, design and process which will give the State the maximum amount of protection against counterfeiting. The board shall have full charge and control of the issuance, securing and purchasing out of the sale of such stamps, and shall keep a record of all stamps sold.

SEC. 49. A new section, to be numbered 33b, is hereby added to said act to read as follows:

Sec. 33b. All distilled spirits delivered to"



**Amendment No. 53.**

On page 13 of the printed bill, strike out line 29, and insert in lieu thereof the following:

"Sec. 50. A new section, to be numbered 33c, is hereby added to said act to read as follows:

Sec. 33c. When distilled spirits in original cases are received on the".

**Amendment No. 54.**

On page 13 of the printed bill, strike out lines 38 to 46, inclusive, and insert in lieu thereof the following:

"Sec. 51. A new section, to be numbered 33d, is hereby added to said act to read as follows:

Sec. 33d. Whenever the licensee shall find himself lawfully in possession".

**Amendment No. 55.**

On page 14 of the printed bill, between lines 8 and 9, insert the following:

"Sec. 52. A new section, to be numbered 33e, is hereby added to said act to read as follows:

Sec. 33e. The board, in its discretion, may refund the value and repurchase excise stamps from any distilled spirits manufacturer, rectifier, importer, or wholesaler, when such licensee discontinues business."

**Amendment No. 56.**

On page 14, line 9, of the printed bill, strike out "Sec. 14.", and insert in lieu thereof the following: "Sec. 53."

**Amendment No. 57.**

On page 15, line 12, of the printed bill, strike out the period, and insert in lieu thereof the following: "or less than one-half pint; except that the provisions of this paragraph shall not apply to packages of distilled spirits in containers less than one-half pint which are sold and delivered to railroad companies for use and consumption on trains.

(f) It shall be unlawful for any unlicensed person or any on- or off-sale distilled spirits licensee to have in his possession any distilled spirits in packages or containers larger than one gallon, unless such distilled spirits have been sold and delivered to such person or licensee by the holder of an industrial alcohol dealer's license for use in the trades, professions, or industries."

**Amendment No. 58.**

On page 15 of the printed bill, between lines 18 and 19, insert the following:

"Sec. 54. Section 35 of said act is hereby amended to read as follows:

Sec. 35. It shall be unlawful for any person other than the board or its duly authorized agents to sell, purchase, give away, or possess any distilled spirits excise stamps unless such stamps are attached to packages of distilled spirits except as such sale, purchase, gift or possession is permitted by sections 33, 33a, 33b or 33c of this act.

Sec. 55. A new section to be numbered 35a is hereby added to said act to read as follows:

Sec. 35a. It shall be unlawful for any on- or off-sale licensee to have in his possession, either on or off his licensed premises, any distilled spirits excise stamps which are unattached to containers of distilled spirits.

Sec. 56. A new section to be numbered 35b is hereby added to said act to read as follows:

Sec. 35b. Any person violating the provisions of sections 35 or 35a shall be guilty of a misdemeanor.

Sec. 57. A new section to be numbered 35c is hereby added to said act to read as follows:

Sec. 35c. The board may seize any excise stamps sold, purchased, given away or possessed contrary to the provisions of sections 35 or 35a and after 30 days from the date of seizure it shall destroy the same.

Sec. 58. A new section to be numbered 36a is hereby added to said act to read as follows:

Sec. 36a. Every person, whether licensed or not, who refills or causes to be refilled with distilled spirits any distilled spirits container to which excise stamps are or have been attached shall be guilty of a felony."

**Amendment No. 59.**

On page 15, line 19, of the printed bill, strike out "Sec. 14.", and insert in lieu thereof the following: "Sec. 59."

**Amendment No. 60.**

On page 16 of the printed bill, between lines 22 and 23, insert the following:

"Sec. 60. Section 38 of said act is hereby amended to read as follows:

Sec. 38. The board shall administer all of the provisions of this act, and for the performance of its duties shall have the power conferred by section 353 of the Political Code.

SEC. 61. A new section to be numbered 38a is hereby added to said act to read as follows:

Sec. 38a. In addition to any other reports required under this act the board shall have the power by rule and regulation and otherwise to require additional other or supplemental reports from licensees, common and private carriers and other persons and to prescribe the form, including verification, of the information to be given on, and the times for filing of such additional other or supplemental reports. The failure or refusal of any such person to render the reports so required under this paragraph shall constitute a misdemeanor.

SEC. 62. A new section to be numbered 38b is hereby added to said act to read as follows:

Sec. 38b. The board may make any examination of the books and records of any licensee or other person and may visit and inspect the premises of any licensee it may deem necessary to perform its duties under this act.

SEC. 63. A new section to be numbered 38c is hereby added to said act to read as follows:

Sec. 38c. The members of the board and the persons employed by the board for the administration and enforcement of the provisions of this act shall have the authority to administer and certify oaths in the administration and enforcement of this act.

SEC. 64. A new section to be numbered 38d is hereby added to said act to read as follows:

Sec. 38d. The members of the board and the persons employed by the board for such purposes shall have all the powers of peace officers in the enforcement of the penal provisions of this act, the rules and regulations of the board adopted under the provisions of this act and any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, possession, giving away, adulteration, dilution, misbranding or mislabeling of alcoholic beverages or intoxicating liquors."

#### Amendment No. 61.

On page 16, line 23, of the printed bill, strike out "Sec. 14a," and insert in lieu thereof the following: "Sec. 65."

#### Amendment No. 62.

On page 16, line 24, of the printed bill, strike out "38 2" and insert in lieu thereof the following: "38a."

#### Amendment No. 63.

On page 16, line 26, of the printed bill, strike out "38 2", and insert in lieu thereof the following: "38a."

#### Amendment No. 64.

On page 17 of the printed bill, strike out line 30, and insert in lieu thereof the following:

"Sec. 66. A new section to be numbered 38f is hereby added".

#### Amendment No. 65.

On page 17 of the printed bill, strike out line 32, and insert in lieu thereof the following:

"Sec. 38f. The board may adopt regulations for this State".

#### Amendment No. 66.

On page 17, line 34, of the printed bill, after "Administration", insert a comma and the following: "not inconsistent with this act."

#### Amendment No. 67.

On page 17 of the printed bill, strike out lines 36 to 44, inclusive, and insert in lieu thereof the following:

"Sec. 67. Section 40 of said act is hereby amended to read as follows:

Sec. 40. Complaints may be made to the board by any person, agent or licensee. Complaints must be in writing and must state one or more grounds which would authorize the board to suspend or revoke the license or licenses of the licensee against whom the complaint is made.

A written report of a member of the board or of an employee of the board engaged in the enforcement of this act, or of a public officer disclosing grounds for the suspension or revocation of the license or licenses of any licensee shall be deemed a complaint against the licensee within the meaning of this act, even though not in the form of a complaint.

The original copy of complaints must be verified unless made by public officers acting in their official capacity or by employees of the board engaged in the enforcement of this act.

The following are the grounds which constitute a basis for the suspension or the revocation of licenses:

1. When the continuance of such license would be contrary to public welfare or morals; but proceedings under section 40 upon this ground shall not be deemed a limitation upon the board's authority to proceed under Article XX, section 22 of the Constitution of this State.

2. The violation or the causing or the permitting of a violation by a licensee of (a) this act, (b) any rules and regulations of the board adopted under the provisions of this act, (c) any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding or mislabeling of alcoholic beverages or intoxicating liquors.

3. The misrepresentation of a material fact by any applicant in obtaining any license hereunder.

4. The plea, verdict or judgment of guilty to any public offense involving moral turpitude charged against the licensee.

SEC. 68. Section 41 of said act is hereby amended to read as follows:

Sec. 41. The board shall cause written notice of the time and place of hearing the protest, complaint or petition for a license to be given to the protesting or complaining party as well as the applicant, licensee or petitioner.

The hearing shall be set on a date not more than 15 days nor less than five days subsequent to the mailing of the notice and shall be held in the county seat of the county in which the premises of the applicant or licensee are located.

Enclosed with a copy of the notice of the time and place of hearing sent to the applicant or licensee shall be a copy of the protest or complaint as filed with the board.

The failure of an applicant for a license or a licensee to appear before the representative of the board at the time set for the hearing, except for the intervention of an act of God, shall be deemed an admission by him of the facts or acts charged in the protest or complaint and thereupon the representative of the board shall have the power to act as if the facts charged in the protest or complaint were found to be true.

The board or any member thereof or any representative appointed by the board to conduct hearings shall have the power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State.

Each witness who shall appear, by order of the board or member thereof or a representative appointed by it, shall be entitled to receive, if demanded, for each attendance the same fees and mileage allowed by law to witnesses in civil cases in the superior court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the board or the representative. When any witness who has not been required to attend at the request of any party is subpoenaed by the board, or a member thereof or a representative of the board, his fees and mileage may be paid from the funds appropriated for the use of the board in the administration of this act in the same manner as other expenses of the board are paid in the administration of this act.

The superior court in and for the county, or city and county in which any inquiry, investigation, hearing or proceeding may be held by the board or a representative appointed by it shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents as required by any subpoena issued by the board or any member thereof or a representative appointed by the board.

The board or any representative appointed by it, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court, in and for the county, or city and county, in which the proceeding or hearing is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that witness had been subpoenaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding or hearing, and ask an order of said court, compelling the witness to attend or testify or produce said papers before the board or representative. The court, upon the petition of the board or any member thereof or a representative appointed by the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he did not attend and testify or produce said papers before the board or representative of the board. A copy of said order shall be personally served upon said witness, and service shall not be made by registered mail as otherwise provided in this act.

If it shall appear to the court that said subpoena was regularly issued by the board or member thereof or a representative of the board and the witness was legally bound to comply therewith, the court shall thereupon enter an order that said witness shall appear before the board or representative at a time and place to be fixed in such order, and testify or produce the required papers, and upon failing to obey such order said witness shall be dealt with as for contempt of court.

SEC. 69. Section 45 of said act is hereby amended to read as follows:

Sec. 45. Within 30 days after receipt by the board of a petition for reconsideration the board may itself rehear the entire matter de novo and if it holds such



hearing shall within ten days after the conclusion thereof either affirm, modify or set aside its previous order.

SEC. 70. Section 48 of said act is hereby amended to read as follows:

Sec. 48. Notice of any act of the board required by this act to be given may be signed and given by the board, its secretary or an employee of the board and may be made personally or by mail; if by mail service shall be made in the manner prescribed by section 1013 of the Code of Civil Procedure.

SEC. 71. Section 49 of said act is hereby amended to read as follows:

Sec. 49. Alcoholic beverages shall be brought into this State from without this State for delivery or use within the State only when such alcoholic beverages are consigned to a licensed importer and only when consigned to the premises of such licensed importer or to the premises of a public warehouse licensed under this act; provided, however, that alcoholic beverages not exceeding one gallon in any one calendar month may be personally transported into this State for the private use thereof for his personal use without the necessity of said person being a licensed importer. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State. Alcoholic beverages imported into this State contrary to the provisions thereof shall be seized by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 72. A new section to be numbered 49.2 is hereby added to said act to read as follows:

Sec. 49.2. Common or private carriers transporting alcoholic beverages into this State from without the State for delivery or use within this State must obtain the receipt of the licensed importer for the alcoholic beverages so transported and delivered and, if the consignee refuses to give such receipt and when the importer's license to the carrier, the carrier shall be subject of all responsibilities for delivering said alcoholic beverages. Where the consignee is not a licensed importer or where the consignee refuses to give his receipt and when the importer's license the carrier shall immediately notify the board at Sacramento giving full details as to the character of shipment, point of origin, destination and address of the consignee and consignee, and within ten days such alcoholic beverages shall be delivered to the board and shall be forfeited to the State of California. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 73. A new section to be numbered 49.4 is hereby added to said act to read as follows:

Sec. 49.4. Postal authorities may refuse delivery of any shipment of alcoholic beverages originating outside this State. Postal authorities may return alcoholic beverages over to the board. The beverage when returned shall be delivered to the State."

#### Amendment No. 68.

On page 17, line 45, of the printed bill, strike out "Sec. 10," and insert in lieu thereof the following: "Sec. 74."

#### Amendment No. 69.

On page 18 of the printed bill, between lines 4 and 5, insert the following:

"Sec. 75. Section 51 of said act is hereby amended to read as follows:

Sec. 51. (a) It shall be unlawful for any person or persons to have come into premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at such premises under his license. It shall be presumed, unless the contrary appears from all alcoholic beverages found or located upon premises for which license has been issued belong to the person or persons to whom such license were issued. Every person violating the provisions of this section shall be guilty of a misdemeanor. The board may seize any alcoholic beverages found in violation of this section.

(b) The board shall also have the power to seize the following alcoholic beverages:

1. Alcoholic beverages manufactured or bottled in this State by any person other than a licensed manufacturer or another registered wholesaler.

2. Beer and wine upon the sale of which the excise tax imposed by this act has not been paid, regardless of where found;

3. Distilled spirits except (a) distilled spirits located upon the premises of distilled spirits manufacturers, retailers, wholesalers, importers, or public warehouses licensed under this act; (b) distilled spirits consigned to (a) in the course of transportation to distilled spirits manufacturers, retailers, wholesalers or public warehouses and importers licensed under this act; (c) distilled spirits the containers of which bear the stamps herein required to be attached thereto."

#### Amendment No. 70.

On page 18 of the printed bill, strike out line 5, and insert in lieu thereof the following:

"Sec. 76. A new section to be numbered 51a is hereby added."

#### Amendment No. 71.

On page 18, line 7, of the printed bill, strike out "Sec. 51.2. (a)", and insert in lieu thereof the following: "Sec. 51a."



**Amendment No. 72.**

On page 18 of the printed bill, strike out lines 15 to 35, inclusive, and insert in lieu thereof the following:

"SEC. 77. A new section to be numbered 51b is hereby added to said act, to read as follows:

Sec. 51b. When alcoholic beverages or any other property is seized under the provisions of this act such alcoholic beverages or other property shall be forfeited to the State and all such forfeitures are hereby declared to be statutory forfeitures.

Sec. 78. A new section to be numbered 51c is hereby added to said act, to read as follows:

Sec. 51c. When alcoholic beverages or other property is seized for forfeiture or forfeited under this act they may be disposed of by the board, its officers or employees by summary destruction when such alcoholic beverages are unfit for human consumption or when such alcoholic beverages or other property is incapable of lawful use or incapable of lawful sale by the persons from whom seized.

Sec. 79. A new section to be numbered 51d is hereby added to said, act, to read as follows:

Sec. 51d. When alcoholic beverages or other property is seized or forfeited under this act and such alcoholic beverages or other property are not disposed of under section 51c then such alcoholic beverages or other property shall be subjected to a forfeiture proceeding in the superior court as in this act provided and upon a judgment in favor of the forfeiture the alcoholic beverages or other property shall be ordered turned over to the State Department of Finance for disposition as follows: (1) Delivery to the State Board of Equalization for use in the needs of said board as may be requested by said board (2) delivery to any other State department, board, commission, officer, hospital or institution (3) sale at public auction.

Sec. 80. A new section to be numbered 51e is hereby added to said act, to read as follows:

Sec. 51e. When alcoholic beverages or other property are seized under this act a record of the seizure and disposition shall be kept by the board.

Sec. 81. A new section to be numbered 51f is hereby added to said act, to read as follows:

Sec. 51f. Any member of the board, or officer, employee or agent of the board who disposes of any alcoholic beverages or other property, seized under any section of this act, in any manner other than as directed by order of the court or the provisions of this act shall be liable to the State in a civil action and shall be guilty of a felony.

Sec. 82. A new section to be numbered 51g is hereby added to said act, to read as follows:"

**Amendment No. 73.**

On page 18, line 36, of the printed bill, strike out "Sec. 51.5 (a)", and insert in lieu thereof the following: "Sec. 51g."

**Amendment No. 74.**

On page 18, line 37, of the printed bill, after "to", insert the following: "conceal,".

**Amendment No. 75.**

On page 18 of the printed bill, strike out line 39, and in line 40, strike out "of section 51.2", and insert in lieu thereof the following: "provisions".

**Amendment No. 76.**

On page 18 of the printed bill, strike out line 49, and insert in lieu thereof the following: "Any automobile or other vehicle so used to conceal, convey, carry or".

**Amendment No. 77.**

On page 18, lines 51 and 52, of the printed bill, strike out "as provided in this section".

**Amendment No. 78.**

On page 19 of the printed bill, strike out lines 1 to 29, inclusive, and insert in lieu thereof the following:

"SEC. 83. Sec. 52 of said act is hereby amended to read as follows:

Sec. 52. (a) Any peace officer of this State upon seizing any alcoholic beverages or other property under this act shall hold the same as evidence until a forfeiture has been declared or a release ordered as provided in this section. All forfeitures under this act are hereby declared to be statutory forfeitures.

(b) Notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms or corporations having any right, title or interest in the alcoholic beverages or other property seized; and when the owner or owners are unknown or can not be found then notice of the seizure and intended forfeiture proceedings shall be made upon such owners by one publication in a newspaper of general circulation in the county where such seizure was made.

(c) Within 20 days after service of the notice of seizure and intended forfeiture proceedings, or within 20 days after the date of publication, the owner or owners

of the alcoholic beverages or other property so seized and for a period limited by the fact of the alleged unlawful use of the alcoholic beverages or other property; provided, however, that the claimant of any right (this is interest in said property, beverages or other property) so seized may make a verified answer to establish his claim as provided in subdivision (1) of this section. No summary of issue shall be granted for the purpose of making the verified answer above required.

**Amendment No. 79.**

On page 19, line 33, of the printed bill, strike out "building, vessel, transportation or other vehicle", and insert in lieu thereof the following: "land thereof, under the alcoholic beverages or other property."

**Amendment No. 80.**

On page 19, line 36, of the printed bill, strike out "not less than", and insert in lieu thereof the following: "within".

**Amendment No. 81.**

On page 19 of the printed bill, strike out lines 38 and 39, and insert in lieu thereof the following: "be given to the owner or other bona fide verified possessor."

**Amendment No. 82.**

On page 19 of the printed bill, strike out lines 42 to 51, inclusive, and in lieu thereof, insert in lieu thereof the following: "If the alcoholic beverages or other property was not in fact used contrary to the provisions of this act. The claimant of any right (this is interest in said alcoholic beverages or other property) may prove that such right, title or interest in such alcoholic beverages and was created after a reasonable investigation of the moral reputation, character and reputation of the person, manufacturer or owner and without any knowledge that such alcoholic beverages or other property was being or was to be, used contrary to the provisions of this act."

(c) In the event of such proof, the court shall order such alcoholic beverages or other property released to such bona fide or innocent owner, manufacturer, distributor or vendor if the amount due to such person shall be equal to or be less than the value of the alcoholic beverages or other property. If the amount due to such person shall be less than the value of said alcoholic beverages or other property, then such alcoholic beverages or other property shall be sold at public auction by the board and the remainder of the proceeds of such sale after payment of the balance due on the purchase price mortgage, or that shall be assessed in the State Treasury.

Should the fact be determined that the alcoholic beverages or other property was not used contrary to the provisions of this act, the court shall order the alcoholic beverages or other property released to the owner or vendor thereof.

(d) In any case the State Department of Finance shall have the right within 30 days after judgment, to pay the balance due to such bona fide or innocent purchaser, holder, mortgagee or vendor and to purchase the alcoholic beverages or other property for the State."

**Amendment No. 83.**

On page 20, line 26, of the printed bill, strike out "Sec. 10.", and insert in lieu thereof the following: "Sec. 84."

**Amendment No. 84.**

On page 20 of the printed bill, strike out lines 31 and 32, and insert in lieu thereof the following:

"Sec. 85. Section 53 of said act is hereby amended to read as follows:

Sec. 53. Every person who sells, serves or otherwise dispenses of any alcoholic beverage, except beer which may be so sold, served or dispensed at, over or in any public bar or in any public barroom, for consumption on the premises, shall be guilty of a misdemeanor.

Sec. 86. A new section to be numbered 53.5 is hereby added to said act, to read as follows:

Sec. 53.5. All beer sold in this State must have a label affixed to the package or container thereof, upon which shall appear the true and correct name and address of the manufacturer thereof, and also the name and correct name of the owner of such beer if other than the manufacturer. No manufacturer, importer or wholesaler of beer shall use a container or carton as a package or container of a beer other than such beer as is manufactured by the manufacturer whose name or brand of beer appears upon any such container or carton.

Sec. 87. Section 54 of said act is hereby amended to read as follows: "

**Amendment No. 85.**

On page 21, line 43, of the printed bill, strike out "Sec. 21.", and insert in lieu thereof the following: "Sec. 88."

**Amendment No. 86.**

On page 22, line 30, of the printed bill, strike out "Sec. 22.", and insert in lieu thereof the following: "Sec. 89."

**Amendment No. 87.**

On page 22 of the printed bill, between lines 35 and 36, insert the following:

"Sec. 90. Section 58 of said act is hereby amended, to read as follows:

Sec. 58. Every licensee or employee of any licensee who keeps or permits to be used or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience or safety shall be guilty of a misdemeanor."

**Amendment No. 88.**

On page 22, line 36, of the printed bill, strike out "Sec. 23.", and insert in lieu thereof the following: "Sec. 91."

**Amendment No. 89.**

On page 22, line 42, of the printed bill, strike out "Sec. 24.", and insert in lieu thereof the following: "Sec. 92."

**Amendment No. 90.**

On page 22, line 51, of the printed bill, strike out "p.m.", and insert in lieu thereof the following: "a.m."

**Amendment No. 91.**

On page 23 of the printed bill, between lines 5 and 6, insert the following:

"Sec. 93. Section 61 of said act is hereby amended, to read as follows:

Sec. 61. (a) Every person who sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 years shall be guilty of a misdemeanor; provided, that this section shall not apply to the parents or guardians of such persons under 21 years of age.

(b) Any minor who purchases any alcoholic beverage and any minor who consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor.

Sec. 94. Section 62 of said act is hereby amended, to read as follows:

Sec. 62. Every person who sells, furnishes, gives or causes to be sold, furnished or given away, any alcoholic beverage to any habitual or common drunkard, or to any obviously intoxicated person shall be guilty of a misdemeanor.

Sec. 95. Section 65 of said act is hereby amended, to read as follows:

Sec. 65. Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another punishment is not specifically provided for herein, shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 96. A new section to be numbered 65a is hereby added to said act, to read as follows:

Sec. 65a. Every person convicted of a felony for a violation of any of the provisions of this act for which another punishment is not specifically provided for herein, shall be punished by a fine of not more than \$5000 or by imprisonment in the State penitentiary for not less than one year nor more than five years or by both such fine and imprisonment.

Sec. 97. A new section to be numbered 65b is hereby added to said act, to read as follows:

Sec. 65b. All fines and forfeitures of bail imposed for a violation of this act and collected in any court, except police courts, city justices' courts, city courts, and recorders' courts of cities or towns, must be paid to the county treasurer of the county in which the court is held; provided that all fines and forfeitures of bail collected in any police court, city justices' court, city court, or recorders' court, of any city or town that is maintained and the salaries of the officers thereof paid by the city shall be paid to the city treasurer of the city in which such court is located, excepting, however, all forfeitures of bail collected by the judge of any of said courts when sitting as a committing magistrate.

Sec. 98. Section 66 of said act is hereby amended to read as follows:

Sec. 66. Where alcoholic beverages are brought into this State from without this State for delivery or use without this State such alcoholic beverages shall be exempt from the provisions of this act only while in continuous transit through this State; except that the board, to insure such continuous transit, may require affidavits of any person on forms prescribed by the board and may require any such shipments to be checked in and checked out at the boundaries of the State. Any person refusing to make such report or refusing to check in or check out such alcoholic beverages shall be guilty of a misdemeanor."

**Amendment No. 92.**

On page 23, line 6, of the printed bill, strike out "Sec. 25.", and insert in lieu thereof the following: "Sec. 99."

**Amendment No. 93.**

On page 23, line 15, of the printed bill, strike out "Sec. 26.", and insert in lieu thereof the following: "Sec. 100."



**Amendment No. 94.**

On page 23 of the printed bill, following line 22, add the following:

"Sec. 101. A new section to be numbered 67.5 is hereby added and said act to read as follows:

Sec. 67.5. No tax under this act shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier when such alcoholic beverages are to be used within this State; nor in such case need such common carrier procure a license under this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Rush Order to Printer.**

On motion of Senator Peterson, the Secretary was directed to secure a rush order for printing Senate Bill No. 425.

**Third Reading of Senate Bills.**

Senate Bill No. 173. An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act.

**Amendment from the Floor.**

During third reading of Senate Bill No. 173, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

On page 2, line 33, of the printed bill, insert after the word "act", a comma and the words "except sections 25 and 25a."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 854. An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

**Amendment from the Floor.**

During third reading of Senate Bill No. 854, the following amendment, offered by Senator Olson, was read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out certain sections of the Political Code herein specified, and insert in their stead, as follows: "sections 4354 to 4408, inclusive, and 4409 to 4449, inclusive, of the Political Code."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 950. An act to amend section 527 of the Political Code, relating to legislative printing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 950 passed by the following vote:

AYES—Senators Allen, Bugar, Crittenden, DeLong, Donald, Edwards, Gervasoni, Hays, Hollister, Holahan, Knowland, Lee, Mitchell, Mortenson, Morgan, Murrie, Nielsen, Olson, Parkman, Peterson, Quinn, Rich, Schlotzky, Seasholtz, Shand, Strong, Tinkle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 950 ordered transmitted to the Assembly.



Senate Bill No. 1072—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to elections of sanitary boards in sanitary districts.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1072, the following amendments, offered by Senator Tickle, were read and adopted:

##### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, strike out "amending sections 9 and 31 of the act of the Legislature of the State of California", and insert in lieu thereof the following: "to amend sections 9 and 31 of an act".

##### Amendment No. 2.

On page 1, line 16 of the title of the printed bill, strike out "elections of".

##### Amendment No. 3.

On page 1, lines 1, 2 and 3, of the printed bill, strike out "above mentioned act of the Legislature of the State of California, approved May 17, 1923, as amended", and insert in lieu thereof the following: "act cited in the title hereof".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Adjournment.

At eleven o'clock and fifty-nine minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, March 9, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, March 9, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Minter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by Rev. William F. Elmatau.

### Reading of the Journal.

During the reading of the Journal at Monday, March 8, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence

Senator Powers was, on motion of Senator McGill, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

Senator Seawell was, on motion of Senator Rogers, granted leave of absence for this day.

### Privilege of Floor of Senate Extended

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. James and Jesse H. Miller, both of San Francisco.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Harold C. Cloudman of Berkeley.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph W. Fay, Mayor of Stockton.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 4, 1937.

*To the Honorable Members of the Senate of the State of California,*

*Senate Chamber, State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, John G. Munroe, as a member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island and Boston. Your Captain Francis M. Edwards, deceased, for the term ending March 4, 1943.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

#### On Engrössment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined:

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State;

Senate Bill No. 122—An act to amend sections 1.71 and 1.81 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 431—An act to repeal sections 2.123, 3.610, 3.611 and 3.612 of the School Code and to add thereto two new sections to be numbered 4.192 and 4.193, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county;

Senate Bill No. 432—An act to amend sections 2.2010 and 2.2011 of the School Code, relating to unified school districts;

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code, to repeal sections 5782, 5783 and 5784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds;

Senate Bill No. 1013—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein;

Senate Bill No. 135—An act to amend sections 11, 13, 15, 15c and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act;

Senate Bill No. 854—An act to repeal sections 4354 to 4408, inclusive, and 4409 to 4449, inclusive, of the Political Code, relating to cities and towns;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 104—An act to add a new section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications;

Senate Bill No. 790—An act for the preservation of certain lands in the State of California for agricultural purposes, and prescribing penalties for violations of its provisions;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 17 to Article XIII thereof, relating to expenditures of the State;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 477—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 33—An act to add sections 23.1 and 23.2 to an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, relating to interest and charges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Forestry, to which was referred

Senate Bill No. 327: An act to amend section 3103 of the Code of Civil Procedure, relating to judgments enforcing the forest.

Senate Bill No. 1071: An act concerning the creation and administration of waters of the certain kind of waters within two general streams, to wit: 1. of the act of the Legislature entitled "An act to provide for the creation of sanitary districts in any part of the State, for the purpose of creating, maintaining and conducting of sanitary districts, the creation, levy, collection, custody and disbursement of funds therefor, the manner and amount of the payment of such funds and the manner of their payment, to maintain sanitary bonds to make and enforce sanitary regulations and provide penalties for violations thereof," approved May 11, 1935, as amended, and providing that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—9; absent—0.

HAYS, Chairman.

## On Conservation.

## SENATE CHAMBER, SACRAMENTO, MARCH 8, 1937

MR. PRESIDENT: Your Committee on Conservation, to which was referred

Senate Bill No. 158: An act to amend sections 25, 26, 27 and 28 of the Code of Civil Procedure, to reserve all minerals in State lands, to provide for maintaining, maintaining and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and mine for such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of plans, specifications and contracts necessary to carry out the purposes of this act; and providing for the use of such acts in certain herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1931, as amended, and to perfect the mineral resources of oil and gas and similar hydrocarbons in State lands, including its mining, leasing and information of certain types to the public as authorized, including the use of such data in suits and legal action, according for method of locating public data furnished by parties and operating on State lands; and providing means for not carrying out terms and purposes of this act.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be passed as amended.

Committee membership: 3; committee vote: Ayes—3.

EDGAR, Chairman.

## On Federal Relations.

## SENATE CHAMBER, SACRAMENTO, MARCH 8, 1937

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred

Assembly Joint Resolution No. 22: Resolved, in memory of the passing of the Attorney General of the United States, concerning the effect of the national legislation to prohibit deficiency judgments upon the financing of Federal loans to the citizens of the State of California.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership: 3; committee vote: Ayes—3.

PHILLIPS, Chairman.

## On Live Stock and Dairying.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 515: An act relating to the purchase of wool from growers, prohibiting deductions for tags, fees, and bays or other charges, based upon a percentage of the weight or value of the wool, and providing a penalty for violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—6; absent—3.

WAGY, Vice Chairman.



**On Motor Vehicles.**

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 413—An act to add sections 52, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches;

Senate Bill No. 414—An act to amend sections 621 and 675 of the Vehicle Code, relating to motor vehicles;

Senate Bill No. 448—An act to add section 512 to the Vehicle Code, relating to speed limits in the vicinity of State institutions;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

**On Commerce and Navigation.**

SENATE CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 176—An act authorizing the Director of Finance to provide for the sale or lease of certain lands known as "Guadalupe Canal" located in Section 10, T. 3 S., R. 5 W., M. D. M., in the county of San Mateo;

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Senate Bill No. 73—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego;

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein;

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3

NIELSEN, Chairman.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 11—An act to add a new section to be numbered 5.5 to an act entitled "An act to provide for the formation, management and dissolution

of county fire protection districts, and prosecuting officers, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof; approved March 24, 1937, relating to the regulation and government of fire protection districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 11 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 211—An act to amend section 4312 of the Political Code, relating to the place of office of county county officers.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 211 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 642—An act to amend section 4417 of the Political Code, relating to the powers of boards of supervisors to levy, sell and first priority.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 642 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 664—An act to amend section 461 of the Streets and Highways Code, relating to State highways.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 664 read first time, and referred to Committee on Roads and Highways.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 694—An act to amend section 7371 of the Political Code, relating to compensation of the judges of the superior court in and for the county of Sacramento.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 694 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1208—An act to add section 6077 to the Vehicle Code, relating to authorized emergency vehicles on vehicular crossings.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1208 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1213—An act to amend sections 140, 241, and 225 of the Vehicle Code, and to add thereto sections 143.5 and 164.5, relating to motor vehicles.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1213 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1221—An act to amend sections 453, 541, 554, 633, and 671 of the Vehicle Code, to add thereto section 454, and to repeal section 517 thereof, relating to authorized emergency vehicles and warning devices.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1221 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1222—An act to amend sections 471, 516, and 715 of the Vehicle Code, relating to highways, including bridges and structures, and the regulation and control of vehicles thereon.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1222 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1706—An act to amend section 7371 of the Political Code, relating to salaries of the judges of Humboldt County.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1706 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2061—An act to amend section 73700 of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Mateo.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2061 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2356—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2356 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2784: An act providing ways and means for financing, refinancing and readjusting certain indebtedness of irrigation districts in respect for judicial proceedings to carry out such property for the maintenance in place for liquidation, refinancing and readjustment, authorizing the exercise of the police power and the power of eminent domain for the acquisition and disposition of obligations of districts held by persons not carrying such water, including in emergency and the urgency hereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2785 read first time, and referred to Committee on Irrigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 28—Relative to an amendment to Joint Rule No. 15.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 28 read, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 17—Relative to amending an ASSEMBLY BILL report on acquisition of the San Mateo Toll Bridge from San Francisco Bay.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 17 ordered to enrollment.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Rules, to which you referred the following message from the Governor:

*To the Honorable Members of the Senate of the State of California, Senate Chambers, State Capitol, Sacramento, California.*

GENTLEMEN: I am pleased to inform you that I am this day conforming with the advice and consent of the Senate, John G. Moreno, as a member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island and Benicia, vice Captain Francis M. Edwards, deceased, for the term ending March 4, 1941.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

Committee membership—5; committee vote—AYES—5

(Signed out)

RICH, Chairman  
MCCOLL  
KNOWLAND  
SLATER  
TICKLE

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of John G. Moreno as a member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island and



Benicia, vice Captain Francis M. Edwards, deceased, for term ending March 4, 1941.

The President put the question, "Will the Senate confirm and consent to the appointment of John G. Moreno?"

The roll was called, with the following result:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Tickle, Waggy, Westover, Williams, and Young—34.

**NOES**—None.

**Appointment Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John G. Moreno as a member of the Board of Pilot Commissioners.

**Message from the Governor.**

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 8, 1937.

*The Honorable Senate, Sacramento, California.*

**GREETINGS:** Copy of Joint Resolution No. 11, "Relative to the relief of transients problem" was forwarded to ten of the Western States for consideration of the Executive Departments, with a request that the resolution be referred to the Legislatures of the several States as far as such Legislatures might be in session, and further requesting that similar action be taken in memorializing the President and the Congress relative to the transients problem.

In reply to the request, I am today in receipt of copy of House Joint Memorial No. 5 adopted by the Legislature of the State of Colorado, relating to this question.

Thinking you might be interested in the resolution of the Legislature of Colorado, and that the cooperation with California as indicated by the resolution would be appreciated, I am herewith enclosing copy of same.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

"House Joint Memorial No. 5—By Representative Smith (Denver)."

**WHEREAS**, There is now pending in the Congress of the United States, Senate Resolution No. 298, which said resolution gives consideration to the problem of relief of thousands of unemployed and needy persons now designated as "transients"; and,

**WHEREAS**, Due to the geographical position and climatic advantages of the State of Colorado and continued periods of unemployment, the problem of relief for such transients in the State of Colorado has become increasingly serious and alarming; and,

**WHEREAS**, No adequate solution of said problem can be accomplished without the coordinating activities of other States and the Federal Government under a unified Federal transient program; and,

**WHEREAS**, Said Senate Resolution No. 298, proposes such a program of united Federal and State cooperation in the solution of the transient problem, now therefore,

*Be It Resolved by the House of Representatives of the Thirty-first General Assembly, the Senate concurring herein:*

That the Congress of the United States be urged to take such action under Senate Resolution No. 298 as will speedily and adequately solve the problem of transient relief for the States of the United States; be it further

*Resolved*, That copies of this resolution be forwarded to the President of the Senate of the United States and to the Senators and Representatives of the State of Colorado in Congress assembled.

(s) FRANK F. HAYES,  
President of the Senate.

(s) M. J. WALSH,  
Secretary of the Senate.

(s) WAYNE N. ASPINALL,  
Speaker of the House of Representatives.

(s) R. H. LAVERTY,  
Chief Clerk."

Message referred to Committee on Social Security.

## Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 1036—An act to add section 4255a to the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1036 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "and section 4255a", and insert in lieu thereof the following: "amend section 4255 and repeal section 4255a of".

#### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4255 of the Political Code is hereby amended to read as follows:

4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services rendered of them by law as follows: (a) their offices the following salaries, fees and expenses, to wit:

1. The auditor, \$3,000 per annum.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive \$150 from the general fund of the county as compensation for compiling such report.

2. The district attorney, \$4,000 per annum, provided that neither the county attorney nor his deputy shall engage in private practice while they shall receive all their time and attention during business hours in the duties of their office.

3. Supervisors, each shall receive the sum of \$3,500 per annum for all services performed by them as supervisors or members of the board of equalization and road commissioners. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors and road commissioners.

4. Juror fees shall be as follows: For attending as a grand juror, or as trial juror in the superior court, for each day's attendance, \$4 per day; for each day he is present in attending court as such juror, 12 cents per day in kind only.

5. The salaries of all county and township officers and other deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Sec. 2. Section 4255a of the Political Code is hereby repealed."

Bill read second time, ordered to reprint, and reconsidered by Committee on County Government.

Senate Bill No. 894—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintain-

ing records as to matters affecting the economic welfare of their several counties and their inhabitants.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 195 were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, strike out the comma and "and one deputy at a salary of fourteen", and strike out all of lines 18 to 23, inclusive, and insert in lieu thereof a period.

**Amendment No. 2.**

On page 3, line 16, of the printed bill, strike out the semicolon and "one deputy at a salary of four-", and strike out lines 17 to 21, inclusive, and insert in lieu thereof a period.

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 668—An act to amend section 1030 of the Political Code, relating to office hours.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 668 was read and adopted:

**Amendment No. 1.**

On page 1, lines 16 and 17, of the printed bill, strike out the following: "eleven-thirty o'clock a.m.", and insert in lieu thereof the following: "twelve o'clock noon".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency the following amendments to Senate Bill No. 744 were read and adopted:

**Amendment No. 1.**

On page 1, lines 14 and 15, of the printed bill, strike out the following: ", unless otherwise authorized by the State Department of Finance".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 17, and insert in lieu thereof the following: "Public Works, except as in this section provided. As to any project, the total cost of which does not exceed four thousand dollars (\$4,000.00), if the nature of the work in the opinion of the Department of Public Works is such that the services of said department in connection therewith are not required, said department with the approval of the Department of Finance may authorize the performance of said work directly by the agency of the State concerned therewith. The Department of Public Works, before entering into any".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 571—An act to amend section 570a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 544—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 584—An act to amend section 479c of the Political Code, relating to the defense of State officers and employees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 614—An act to add section 641 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 595—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 365—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 362—An act to amend section 622 of the Political Code, relating to the approval of contracts by the Director of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 58—An act to amend section 4 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 669—An act to add section 663e to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 17 to Article XIII thereof, relating to expenditures of the State.

**Amendment from the Floor.**

During the reading of Senate Constitutional Amendment No. 8, the following amendment, offered by Senator Rich, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed amendment, strike out lines 7 and 8, and insert in lieu thereof the following: "unless estimates of revenue, approved by the Board of Control, indicate that funds will become available during the biennium for which the expense is incurred or the payment is to be made."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 452 were read and adopted:

**Amendment No. 1.**

On page 1, line 24, of the printed bill, strike out "The provisions of this section", and insert in lieu thereof the following: "The commissioner shall not issue such order under this section to any solvent admitted insurer if 25 per cent or more in value of the assets thereof is invested in the securities specified by sections 1171, 1172, 1173, 1174 and 1175, or in securities specified in sections 1191 and 1192 if such securities are listed on a securities exchange subject to regulation, supervision, or control under a statute of the United States of America. The provisions of this section likewise".

**Amendment No. 2.**

On page 2, line 12, of the printed bill, strike out "real".

**Amendment No. 3.**

On page 2 of the printed bill, strike out lines 15 to 20, inclusive, and insert in lieu thereof the following: "All such appraisals of real property shall be in writing."

**Amendment No. 4.**

On page 2, line 40, of the printed bill, after "appraised", insert the following: "or caused to be appraised".

**Amendment No. 5.**

On page 2, line 42, of the printed bill, after "valuation", insert the following: "thereof may be".

**Amendment No. 6.**

On page 2, line 43, of the printed bill, strike out "shall be conclu-", also strike out lines 44 and 45, and in line 46, strike out "disposal thereby".

**Amendment No. 7.**

On page 3, line 1, of the printed bill, strike out "six months" and insert in lieu thereof the following: "six months".

**Amendment No. 8.**

On page 3, line 23, of the printed bill, strike out "the program, also, strike out "including", and insert in lieu thereof in parenthesis and the following: "He may also employ".

**Amendment No. 9.**

On page 3, line 25, of the printed bill, after "and", insert the following: "person".

**Amendment No. 10.**

On page 3 of the printed bill, strike out from 27 to 30, inclusive, and insert in lieu thereof the following: "commissioner assigned to duty, subject to the provisions of the civil service laws. The commissioner may then

**Amendment No. 11.**

On page 3, line 32, of the printed bill, after the period, insert the following: "The provisions of this section shall not be deemed to affect or modify position or seniority of officers or employees existing and held in the office of the commissioner immediately prior to the date this section takes effect, nor all such persons then serving in any capacity therein shall continue and remain in such capacity without change of position or seniority, subject to the provisions of the law regulating civil service in the same manner and to the same extent as prior to the date this section takes effect."

**Amendment No. 12.**

On page 4, line 11, of the printed bill, after the period, insert the following: "Any person who (1) holds, or has applied for, a license as commissioner of insurance under this code, (2) is affected by any order, ruling, decision, or act of the commissioner, and (3) believes that order, ruling, decision, or act to be in conflict with, or not authorized by, law, may in writing request the commissioner to submit to the Attorney General the question of the legality and expediency thereof. Upon receipt of such written request, including or accompanied by a written statement of the grounds for such belief, together with a copy of such request and statement, it shall be the duty of the commissioner to submit same, together with the Attorney General within ten business days from and after such receipt. The commissioner shall forward the copy of such request and statement to the Attorney General as part of such submission. The opinion of the Attorney General as to the submission shall govern and control the commissioner in respect to the matter so submitted, subject only to review by a court of competent jurisdiction. The commissioner shall not be liable, either personally or in his official capacity, for any order, ruling, decision, or act made or done pursuant to such an opinion and in the absence of such review."

**Amendment No. 13.**

On page 4 of the printed bill, strike out from 24 to 25, inclusive.

**Amendment No. 14.**

On page 5 of the printed bill, between lines 22 and 23, insert the following:

"Sec. 12a. A new section is hereby added to the Insurance Code, to be numbered 12928.6 and to read as follows:

12928.6. Whenever the commissioner believes, from evidence submitted to him, that any person is violating or about to violate any provision of this code or any order or instruction of the commissioner issued or promulgated pursuant to authority expressly granted the commissioner by any provision of this code or by law, the commissioner may bring an action in the name of the people of the State of California in the superior court of the State of California against such person, to enjoin such person from continuing such violation or suggesting thereof or doing any act in furtherance thereof. In such action an order or judgment may be entered awarding such preliminary or final injunction as is proper."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1643, 1647, 1649, 1656, 1662, 1663, 1675, 1676, 1677 and 1796 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1675.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 457 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "1643, 1647, 1649, 1656," and insert in lieu thereof the following: "1640, 1643, 1647, 1649, 1656, 1661."

**Amendment No. 2.**

On page 1, line 6 of the title of the printed bill, strike out "1675.5."

**Amendment No. 3.**

On page 2 of the printed bill, strike out lines 32 and 33, and insert in lieu thereof the following: "ful rebate if the purchaser is duly licensed to transact insurance."

**Amendment No. 4.**

On page 2 of the printed bill, between lines 48 and 49, insert the following: "SEC. 6 a. Section 1640 of the Insurance Code is hereby amended to read as follows:

1640. This article shall not affect:

(a) Employees of title insurers or persons engaged in the business of examining, certifying, or abstracting titles when no commission is paid such employees or persons transacting insurance.

(b) Mortgage insurers or their solicitors or agents.

(c) Fraternal benefit societies or their solicitors or agents.

(d) Reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees, except as provided by Chapter 3 of this part.

(e) Any insurer admitted to transact life insurance, or life and disability insurance, or the agents, solicitors or employees of any such insurer, or agents licensed under the provisions of Article 2 of this chapter.

(f) Surplus line brokers.

(g) Persons whose transaction of insurance does not include the solicitation, negotiation, or effecting of contracts of insurance and who do not sign policies or other evidences of insurance.

(h) Salaried traveling employees or officers of insurers, of the type commonly known as special agents, while performing duties and exercising functions such as are commonly performed by special agents, if such persons:

(1) Do not effect insurance.

(2) Solicit or negotiate insurance only as a part of and in connection with the business of an insurance agent licensed under this chapter."

**Amendment No. 5.**

On page 3, line 4, of the printed bill, strike out "to".

**Amendment No. 6.**

On page 3 of the printed bill, strike out lines 15 to 17, inclusive, and insert in lieu thereof the following: "license accordingly."

**Amendment No. 7.**

On page 3 of the printed bill, strike out lines 49 and 50, and insert in lieu thereof the following: "enabling the obtaining of insurance as to which the right to take commission is limited by section 760, at a cost less".

**Amendment No. 8.**

On page 4, line 3, of the printed bill, strike out "during", and insert in lieu thereof the following: "covering".

**Amendment No. 9.**

On page 4, line 4, of the printed bill, after "for", insert a comma.

**Amendment No. 10.**

On page 4, line 8, of the printed bill, strike out "That the", and insert in lieu thereof the following: "The".

**Amendment No. 11.**

On page 4, line 17, of the printed bill, after "document", insert the following: "executed by the insurer, its representative, or the applicant or appointee."

**Amendment No. 12.**

On page 4 of the printed bill, strike out lines 19 and 20, and in line 21, strike out "1661.5," and insert in lieu thereof the following:

"Sec. 12. Section 1661 of the Insurance Code is hereby amended to read as follows:

1661."

**Amendment No. 12.**

On page 4, line 22, of the printed bill, strike out "and", and insert in lieu thereof the following: "1649."

**Amendment No. 14.**

On page 5, line 10, of the printed bill, strike out "permission", and insert in lieu thereof the following: "will authorize".

**Amendment No. 15.**

On page 5 of the printed bill, strike out lines 26 to 28, inclusive, and in line 25 strike out "Sec. 17", and insert in lieu thereof the following: "Sec. 16."

**Amendment No. 16.**

On page 5, line 37, of the printed bill, strike out "insured or officer", and insert in lieu thereof the following: "insured."

**Amendment No. 17.**

On page 5, line 41, strike out "Sec. 18", and insert in lieu thereof: "Sec. 17."

**Amendment No. 18.**

On page 5, line 51, of the printed bill, strike out "insured or officer", and insert in lieu thereof the following: "insured."

**Amendment No. 19.**

On page 6, line 6, of the printed bill, strike out "Sec. 19", and insert in lieu thereof the following: "Sec. 18."

**Amendment No. 20.**

On page 6, line 8, of the printed bill, strike out "Sec. 20", and insert in lieu thereof the following: "Sec. 19."

**Amendment No. 21.**

On page 6, line 17, of the printed bill, strike out "Sec. 21", and insert in lieu thereof the following: "Sec. 20."

**Amendment No. 22.**

On page 6, line 24, of the printed bill, strike out "Sec. 22", and insert in lieu thereof the following: "Sec. 21."

**Amendment No. 23.**

On page 7, line 4, of the printed bill, strike out "Sec. 23", and insert in lieu thereof the following: "Sec. 22."

**Amendment No. 24.**

On page 8, line 7, of the printed bill, after the word, "from the business" or life agent".

**Amendment No. 25.**

On page 8, line 43, of the printed bill, strike out "Sec. 24", and insert in lieu thereof the following: "Sec. 23."

Bill read second time, ordered to print, and referred to Committee on Insurance.

Senate Bill No. 454—An act to amend section 820 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 454 was read and adopted:

**Amendment No. 1.**

Strike out lines 18 and 19 of the printed bill, and insert in lieu thereof the following: "But every".

Bill read second time, ordered to reprint, and referred to Committee on Insurance.

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add section 12975 thereto, all relating to the insurance fund in the State treasury, and providing the same shall take effect immediately.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 456 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "add section 12975", and insert in lieu thereof the following: "add sections 12975 and 12975.5".

**Amendment No. 2.**

On page 1, line 4 of the title of the printed bill, after the comma, insert the following: "making an appropriation".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "SECTION 1.", and insert in lieu thereof the following:

"SECTION 1. Section 12975.5 is hereby added to the Insurance Code, to read as follows:

12975.5. The commissioner may in any investigation or hearing conducted by him take or cause to be taken the deposition of any witness residing within or without this State and may pay the expense thereof out of the insurance fund. He may pay out of the insurance fund to any witness subpoenaed by him the necessary and reasonable traveling expenses of any such witness, to the place of hearing or investigation and return and a per diem of two dollars for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena.

SEC. 2."

**Amendment No. 4.**

On page 1, line 13, of the printed bill, strike out "SEC. 2", and insert in lieu thereof the following: "SEC. 3."

**Amendment No. 5.**

On page 1, line 15, of the printed bill, strike out "SEC. 3", and insert in lieu thereof the following: "SEC. 4."

**Amendment No. 6.**

On page 1, line 25, of the printed bill, after "moneys", insert a comma and the following: "not to exceed \$750,".

**Amendment No. 7.**

On page 2, line 7, of the printed bill, strike out "Sec. 4.", and insert in lieu thereof the following: "Sec. 5."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 459 were read and adopted:

**Amendment No. 1.**

On page 2, line 5, of the printed bill, strike out "assets or".

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 30 and 31, and insert in lieu thereof the following: "final, and such other insurer has reinsured, with the principal, any liability or portion thereof under the policy which was".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 460—An act to amend sections 10112, 10113, 10204, 10209, and 10213 of the Insurance Code, to repeal section 10241 thereof, to add section 10203.5 thereto, and to add article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

## Consideration of Committee Amendments

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 460 were read and adopted:

**Amendment No. 1.**

Strike out lines 1 and 2 of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend sections 10112, 10113, 10204, 10209, 10212 and 10571 of the Insurance Code, to repeal section 10241"

**Amendment No. 2.**

On page 2, line 9, of the printed bill, strike out "1936" and insert in lieu thereof the following "1938"

**Amendment No. 3.**

On page 2 of the printed bill, strike out lines 15 to 17, inclusive, and insert in lieu thereof the following: "attached to the policy. The policy or writing"

**Amendment No. 4.**

On page 2, line 20, of the printed bill, strike out "in the case of", and strike out lines 21 to 26, inclusive, and in line 27, strike out "rancies."

**Amendment No. 5.**

On page 2, line 44, of the printed bill, strike out "Ten thousand" and insert in lieu thereof the following: "fifteen thousand"

**Amendment No. 6.**

On page 3, line 11, of the printed bill, strike out "10205", and insert in lieu thereof the following: "10203.5"

**Amendment No. 7.**

On page 4 of the printed bill, strike out lines 17 to 40, inclusive, and insert in lieu thereof the following:

"10488. Assets equal in value to the reserves required to be maintained on life insurance effected in this State on and after the effective date herein, on contracts supplemental thereto as provided in section 10271, and for claims and settlements agreements arising under such life insurance contracts and such contracts supplemental thereto, shall be held for the benefit of the policyholders whose contracts contributed thereto, and of their beneficiaries, and for the holders of contracts for whom assets are maintained as provided in section 10489, and their beneficiaries, as against the holders of and beneficiaries under all other contracts of the insurer involved, hereafter made or renewed."

10489. On and after December 31, 1938, assets equal in value to the reserves required to be maintained on life insurance contracts effected in this State prior to the effective date herein and then in force, on contracts supplemental thereto as specified in section 10271, and for claims and settlements agreements arising under such life insurance contracts or such contracts supplemental thereto, shall be held for the benefit of the holders of and beneficiaries under such contracts and of the contracts specified in section 10488, as against the holders of and beneficiaries under all other contracts of the insurer involved, hereafter made or renewed."

10490. The fact that assets equal in value to the reserves specified in sections 10488 and 10489 are maintained and held as provided therein, and the amount of such reserves, shall be reflected in the records of such insurer required, and shall be separately stated in the annual statement of such insurer required by section 1001. Any insurer which maintains and distributes assets equal in value to the reserves on all its life insurance business in the United States and to the purposes prescribed in this article with respect to life insurance effected in this State, need not separately show the amount of such reserves or contracts effected in this State, and need not make such segregation in respect to California business."

10491. Every such life insurer shall, in any statement or report of its condition or affairs, issued or caused or permitted to be issued by it in this State or for use in this State, setting forth its assets or net worth or the amount or nature thereof, specify that of the assets so set forth, assets equal in value to the reserves specified in this article are maintained as prescribed in this article, and shall state the amount thereof, and shall not state that such assets are available to discharge its obligations under contracts other than those specified in sections 10488 and 10489, or in section 10490.

10492. Such insurer shall not in this State directly or indirectly advertise or represent, or cause or permit its officers, employees, or agents to advertise or represent, to the public or to its policyholders, that assets held pursuant to sections 10488 and 10489 or 10490, are available in any manner for the performance, or as security, for the performance of any of its contracts other than those contracts specified in sections 10488 and 10489, or in section 10490."

**Amendment No. 8.**

On page 4 of the printed bill, strike out lines 44 to 51, inclusive, and on page 5, strike out lines 1 to 23, inclusive, and insert in lieu thereof the following:

"SEC. 9. Section 10511 of the Insurance Code is hereby amended to read as follows:

10511. If authorized by its charter, such an incorporated life insurer may transact, in addition to life insurance, any of the following classes of insurance if its total paid in capital is at least \$200,000 in excess of the sum of the amounts set forth opposite the classes of insurance transacted:

Number and name of class transacted		Amount of capital to be added
6	Disability -----	\$50,000
8	Liability -----	
9	Workmen's compensation } -----	\$50,000 for all or any of them".
10	Common carrier liability }	

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6 and 1713.5 to the Insurance Code, relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 465 were read and adopted:

**Amendment No. 1.**

On page 2, line 1, of the printed bill, after the comma following "mail", insert the following: "registered and".

**Amendment No. 2.**

On page 2, line 12, of the printed bill, strike out "1701a", and insert in lieu thereof the following: "1701.5".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add sections 900.5, 10250.5, 10291.5, 10728.5 and 10863 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 466 were read and adopted:

**Amendment No. 1.**

Strike out line 3 of the title of the printed bill, and insert in lieu thereof the following: "to add section 900.5".

**Amendment No. 2.**

On page 4 of the printed bill, strike out lines 1 to 28, inclusive, and in line 29, strike out "Sec. 14.", and insert in lieu thereof the following: "Sec. 10."

**Amendment No. 3.**

On page 4, line 34, of the printed bill, strike out "Sec. 15.", and insert in lieu thereof the following: "Sec. 11."

**Amendment No. 4.**

On page 4 of the printed bill, between lines 40 and 41, insert the following: "Sec. 11. Section 12974 of the Insurance Code is hereby amended to read as follows:

12974. All moneys received by the commissioner for fees, fines, penalties, taxes, or from similar sources, and belonging to the State, shall be accounted for and reported monthly by the commissioner to the State Controller. At the same time such moneys shall be remitted to the State Treasurer to the credit of the insurance fund, which fund is hereby continued in existence. All such moneys received or collected for filing of documents specified in sections 705, 882, 1500, 1678, 1679, 1713, 1765, 11060, and 11061 shall, for the purposes of section 12975 be deemed

to be received during the license period covered by the license or certificate or authority applied for."

**Amendment No. 5.**

On page 4, line 41, of the printed bill, strike out "Sec. 16," and insert in lieu thereof the following: "Sec. 12."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 470. An act to amend sections 945, 970, 973, 1325, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 470 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "1325."

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 16 to 19, inclusive, and in line 20 strike out "Sec. 6," and insert in lieu thereof the following: "Sec. 5."

**Amendment No. 3.**

On page 2, line 29, of the printed bill, strike out "Sec. 7," and insert in lieu thereof the following: "Sec. 6."

**Amendment No. 4.**

On page 2, line 38, of the printed bill, strike out "inserted here," and insert in lieu thereof the following: "person transacting insurance for members of."

**Amendment No. 5.**

On page 2, line 39, of the printed bill, strike out "be exempted," and insert in lieu thereof the following: "for".

**Amendment No. 6.**

On page 2, line 49, of the printed bill, strike out "Sec. 8," and insert in lieu thereof the following: "Sec. 7."

**Amendment No. 7.**

On page 3, line 9, of the printed bill, strike out "Sec. 9," and insert in lieu thereof the following: "Sec. 8."

**Amendment No. 8.**

On page 3, line 28, of the printed bill, strike out "Sec. 10," and insert in lieu thereof the following: "Sec. 9."

**Amendment No. 9.**

On page 3, line 38, of the printed bill, strike out "Sec. 11," and insert in lieu thereof the following: "Sec. 10."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 1037. An act to repeal Chapter 5, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 1037 were read and adopted:

**Amendment No. 1.**

**Article 3. Acquisition and Withdrawal of Members.**

11950. A policy shall not be issued by any association organized under this chapter until applications for insurance have been received from a sufficient number of employers having annual pay rolls large enough so that the deposit premiums collected thereunder before commencement of business will aggregate at least \$100,000, nor until the amount of the assets of the association are in a sum sufficient to discharge all liabilities and to maintain a surplus of \$125,000 over all liabilities, of which surplus at least \$25,000 must be surplus exclusive of deposit premiums.



Whenever the association fails to maintain said surplus, then no further policies shall be issued until additional contributions to surplus are made so as to bring said surplus to said minimum of \$125,000.

Any insurer organized under this chapter having a certificate of authority on or before December 31, 1936, shall have until December 31, 1937, to make good a deficiency in such surplus requirements.

11951. Every employer accepting a policy in any insurer organized under this chapter thereby becomes a member of such insurer and becomes liable for his proportionate share of losses and operating expenses, as set forth in section 11970.

11952. Unless a longer period of notice is provided in the policy of insurance between the insurer and the member, any member of any insurer organized under this chapter may withdraw at any time after giving 30 days' written notice of his intention to withdraw, surrendering his policy and discharging all his obligations to the insurer existing at the time of his withdrawal.

11953. The termination of the insurance does not release the withdrawing member from liability for the payment of his share of all assessments made to make up deficiencies due to injuries happening while he was insured by the association.

11954. Upon the member's withdrawal, there shall be returned to him the excess of the premium for his surrendered policy over the customary short term premium for the time during which the policy was in force. This section does not require the return of any portion of the original deposit premium.

11956. The association may cancel any policy after giving the insured five days' written notice to that effect and returning to the insured his proportionate part of the premium. Such proportionate part is the ratio which the time the policy was in force bears to the total period covered by the premium. The proportionate part of the premium to be returned to the member shall not reduce the premium to be retained by the association below the deposit premium stated in the policy in those cases in which the policy has been canceled by the association because of nonpayment of premium by the member.

#### Article 4. Assessments.

11970. Every insurer organized under this chapter shall in its by-laws and policies fix the contingent liability of the members for the payment of losses in excess of its available cash funds. Such contingent liability shall not be less than an amount equal to one annual premium and shall be in addition to the annual premium charged.

11971. Whenever any insurer organized under this chapter is not possessed of cash funds sufficiently in excess of the total reserve for claims and liabilities, so that such excess will pay incurred losses and expenses, such association shall assess the amount needed to pay such losses and expenses upon its members in proportion to their several liabilities, as set forth in section 11970.

11972. Such insurer shall cause to be recorded in a book kept for that purpose:

(a) The order for such assessment.

(b) The amount of the assessment called for.

(c) A statement setting forth the condition of the insurer at the date of the order, including the amount of its cash assets and contingent funds.

11973. Such record of assessment order and supporting data shall be signed by the directors who vote for the order. Approval of the record by the commissioner shall be procured before any part of the assessment is collected. Any person liable to assessment may inspect and take a copy of the record.

#### Article 5. Annual Statement and Finances.

11990. Every insurer organized under this chapter shall file its financial statement with the commissioner on or before the first day of March of each year. Such statement shall exhibit the condition of the insurer on the preceding December 31st. Such statement shall be made as provided in the blanks furnished by the commissioner.

11991. The administrative expenses for any calendar year of any insurer organized under this chapter, including commissions and fees to agents and officers but not including expenses incurred for the prevention of injuries, shall be limited to 30 per cent of the aggregate amount of gross premiums actually received during that year. The liability prescribed in section 11992 accrues when expenditures are made in excess of this amount.

11992. Expenditures in violation of section 11991 render the officers, directors and all persons having similar powers in relation to the insurer jointly and severally liable to it for the amount of any such excess. In the event that such insurer fails or refuses to recover such excess of expenditures, the commissioner may sue for and recover the excess from any person liable, for the benefit of the insurer's members.

11993. In the case of a person whose duty it is to determine the character of the risks and to decide what applications shall be accepted and what applications shall be rejected by such insurer, such person shall not receive a commission upon premiums as any part of his compensation. Such person's compensation shall be a fixed salary and such share of the net profits as the directors or trustees determine.

11994. In estimating the financial condition of any insurer organized under this chapter, the commissioner shall observe the following rules:

(a) He shall charge as liabilities the same premiums as are reported of incorporated insurers issuing noncancellable policies on a reserve basis.

(b) There shall be allowed as admitted assets the actual paid deposit premiums of members.

(c) The paid deposit premiums of members shall not be charged as liabilities.

(d) No deposit premium unless actually collected shall be considered an admitted asset.

(e) An assessment levied as provided in this chapter and not collected shall in no event be allowed as an asset.

11995. The directors of every such insurer shall maintain a sum sufficient to provide a surplus of \$125,000, \$250,000 of which shall be from surplus accumulations of a surplus accumulated from members' deposit premiums.

If such insurer has an excess of assets over liabilities including the maintenance of such surplus of \$125,000, the directors of every such insurer may, in their discretion and if it appears in their judgment advisable for the best interests of the insurer, either declare a cash dividend to its members or allow them a credit on their renewal premiums, out of any funds not used above such surplus.

11996. A dividend shall not be declared without previous approval by the commissioner.

11997. The funds of any insurer organized under this chapter shall be invested in the manner allowed for the investment of the funds of other insurers.

#### Article 6. Insolvency.

12010. Whenever the liabilities of any such insurer for losses reported, expenses and taxes, together with its claims receivable, exceeds a greater amount than its admitted cash assets, such insurer is insolvent.

#### Article 7. General Powers.

12020. The directors of any such insurer shall make and enforce reasonable rules and regulations for the protection of members on the premises of members. For this purpose the inspectors of the insurer shall have free access to all such premises during regular working hours. Any employer or employers organized by any such rule or regulation may petition the Industrial Accident Commission for a review, and it may affirm, amend or annul the rule or regulation.

12021. Any insurer organized under this chapter may own, hold and acquire such property as is necessary or convenient for the transaction of its business.

12022. Any such insurer may sue and be sued, with the same rights and obligations as a natural person. In addition to the powers otherwise enumerated, it shall exercise all such rights and powers as are necessarily incident to the exercise of the powers expressly granted to it, and its directors may do any and all things necessary or convenient for the proper conduct of its business as fully and completely as any corporate insurer transacting the same type of business.

12023. Auditors, inspectors, and other agents of the insurer shall, for the purpose of verifying pay rolls, have free access to the wages, accounts, and pay rolls of members."

#### Amendment No. 2.

On page 1, line 1 of the title of the printed bill, after "repeal", insert the following: "and add".

#### Amendment No. 3.

On page 1 of the printed bill, following line 3, insert the following:

"Sec. 2. A new chapter, to be numbered Chapter 5, comprising sections 11910 to 12023, inclusive, is hereby added to Part 3, Division 2, of the Insurance Code to read as follows:

### CHAPTER 5. MUTUAL WORKMEN'S COMPENSATION INSURANCE

#### Article 1. Definition and Scope of Chapter.

11910. This chapter does not apply to unincorporated interindemnity compacts.

11911. The term "employer" as used in this chapter includes every employer subject to the operation of the Workmen's Compensation Laws, except public or municipal corporations, State agencies or political subdivisions.

#### Article 2. Formation and Organization.

11930. Insurers consisting of a mutual association of any number of employers, not less than five, may, subject to the approval of the commissioner, be formed by incorporating under the laws of this State, for the purpose of issuing workmen's compensation insurance to their members.

11931. Unless the articles of incorporation otherwise provide, such insurers may admit to membership employers engaged in any character of business permitted by the laws of this State, subject to the approval of the Insurance Commissioner at the time the articles of incorporation or amendments thereof are approved by him.

11932. The articles of incorporation shall not be filed until a copy is submitted to and approved by the commissioner.

11933. The articles of incorporation shall set forth:

(a) The names of the employers entering into such association, their places of residence, the nature of the business in which they are engaged and the number of persons employed by each.

(b) The name by which such association is to be known.

(c) The period for which such association is incorporated.

(d) The number of directors and the names and residences of the directors for the first year.

(e) The location of the principal place of business.

11934. Such articles shall be executed, acknowledged, and filed as provided by law for the formation of other corporations.

11935. The name of the association shall include the word "mutual" or, if the liability of members is limited, the words "limited mutual."

11936. There shall not be less than five nor more than eleven directors of the association.

11937. The location of the principal place of business of the association shall be in this State.

11938. The members of any such association shall have power to make such by-laws, not inconsistent with law, as are deemed necessary:

(a) For the government of its officers and members.

(b) For the admission of new members.

(c) For the assessment and collection of premiums and assessments.

(d) In general, for the proper conduct of its affairs.

Such by-laws shall become effective upon approval by the commissioner of a copy filed with him.

11939. Any association organized under this chapter may amend its articles of incorporation and by-laws at its regular annual meeting or at special meetings called and held as provided in its by-laws. Nothing herein contained prevents any such association from amending its articles of incorporation or by-laws in the same manner in which other corporations permitted to do business under the laws of this State may amend their articles of incorporation or by-laws, and nothing herein contained prevents the members of such association from delegating to the directors the power to change or amend the by-laws of the association whenever it is necessary or convenient for the association so to do in the conduct of its business.

Such by-laws shall become effective upon approval by the commissioner of a copy filed with him.

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

### Third Reading of Senate Bills.

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 173 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGovern, Metzger, Minter, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 173 ordered transmitted to the Assembly.

Senate Bill No. 135—An act to amend sections 11, 13, 15, 15c, and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved



May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts.

#### Amendments from the Floor.

During third reading of Senate Bill No. 135, the following amendments, offered by Senator Knowland, were read and adopted:

#### Amendment No. 1.

On page 2, line 26, of the amended bill, after the word "section", strike out the figure "11", and insert the figure "12".

#### Amendment No. 2.

On page 13, line 50, of the amended bill, after the word "section", strike out the figure "11", and insert the figure "12".

Bill read third time, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1013—An act to amend section 52 of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1013 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittendon, Cunningham, DeLap, Dool, Fletcher, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Low, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkinson, Phillips, Piorovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 1013 ordered transmitted to the Assembly.

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittendon, Cunningham, DeLap, Dool, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Low, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkinson, Phillips, Piorovich, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 112 ordered transmitted to the Assembly.

Senate Bill No. 122—An act to amend sections 171 and 181 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately.

Bill read third time.



## Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and should therefore take effect immediately.

The following is a statement of facts constituting such necessity: Many such contracts for the furnishing of transportation of pupils are now immediately terminating and school districts can make terms much more advantageous to the public if they are allowed to contract for five years rather than three years.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 122 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 122 ordered transmitted to the Assembly.

Senate Bill No. 431—An act to repeal sections 2.123, 3.610, 3.611 and 3.612 of the School Code and to add thereto two new sections to be numbered 4.192 and 4.193, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 431 ordered transmitted to the Assembly.

Senate Bill No. 477—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride,

McCall, McCormick, Metzger, Mixer, Parsons, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Tickle, Wagon, Weston, Williams, and Young. 32  
None. None.

Title read and approved.

Senate Bill No. 477 ordered transmitted to the Assembly.

### Second Reading of Senate Bill No. 33—(Out of Order).

Senate Bill No. 33—An act to add sections 22.1 and 22.2 to an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1935, as amended, relating to interest and charges.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 33 were read and adopted:

##### Amendment No. 1.

Strike out the title of the printed bill, and insert in lieu thereof the following:

"An act to amend sections 2, 5, 21 and 22 of and to add section 22.1 to the "Personal Property Brokers Act," relating to interest and charges."

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and on page 2 of the printed bill, strike out lines 1 to 22, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

(1) The word "Commissioner" means the Commissioner of Corporations of the State of California, or any deputy, investigator, auditor or any other person employed by him.

(2) The term "personal property broker" as used in this act, includes all who are engaged in the business of lending money and taking in the name of the lender, or in any other name, in whole or in part, as security for such loan, any contract or obligation involving the forfeiture of rights in or to personal property, the use and possession of which property is obtained by other than the mortgagee or lender, or all who are engaged in the business of lending money and taking in the name of the lender, or in any other name in whole or in part as security for such loan, and lien on, assignment of, or power of attorney relative to wages, salary, earnings, income or commission.

(3) The word "broker" as used in this act shall be deemed to include all who are engaged in the business as agent of the borrower, or otherwise, in negotiating, for a compensation, a loan to be made by a personal property broker.

(4) The term "personal property broker" and the word "broker" as herein defined shall not include employees of the "personal property broker" or a "broker" regularly employed by such "personal property broker" or "broker" at the particular location specified in the license of such "personal property broker" or "broker."

(5) The word "charges" includes the accurate interest, fees, bonuses, commissions, discounts, and other forms of compensation charged, contracted for, or received by a personal property broker as consideration for a loan.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Sec. 5. (a) No broker shall arrange, negotiate, procure, or cause any loan to be made by a personal property broker, and charge, contract for, or receive at any time from or at the expense of the borrower any compensation for services in arranging, negotiating or procuring any such loan, unless such broker has previously obtained a license from the commissioner as hereinafter provided, nor unless such loan is made in accordance with the provisions of this act and the rules and regulations made and issued by the commissioner under the authority of this act.

(b) No personal property broker shall by exacting charges as hereinabove defined receive from a borrower more than ten per cent per annum upon any loan or forbearance of any money, goods, or things in action, unless such personal property broker shall have previously obtained a license from the commissioner as hereinafter provided, nor unless such loan or forbearance is made in accordance with the provisions of this act and the rules and regulations made and issued by the commissioner under the authority of this act.

Sec. 3. Section 21 of said act is hereby amended to read as follows:

Sec. 21. All who shall be engaged in business as personal property brokers, or brokers as herein defined, either directly as principal or indirectly as agent, employee, manager, fiduciary, representative or in any other capacity, or at any

unlicensed location, without applying for and receiving the license herein required, or who shall violate any of the provisions of sections 5 or 22.1, are guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months and not exceeding twelve months, or by a fine of not less than \$250 and not exceeding \$1,000, or by both.

SEC. 4. Section 22.1 is hereby added to said act to read as follows:

Sec. 22.1. (a) Every personal property broker licensed under this act may lend any sum of money and charge, contract for and receive thereon a rate of interest and charges not exceeding ten per cent per annum, or, on any loan of \$500 or less, or on the first \$500 or less of any loan in excess of that amount, may charge, contract for and receive thereon charges at the rate of three per cent per month on that part of the unpaid principal balance of the loan not in excess of \$300, and two and one-half per cent per month on that part of the unpaid principal balance in excess of \$300 and up to and including \$500. Charges shall be computed only on unpaid principal balances, shall not be compounded, and shall not be paid, deducted or received in advance. For the purpose of computing charges for a fraction of any month, one day shall be considered one-thirtieth of a month. No personal property broker shall induce or permit any husband and wife or any other borrower or borrowers, to split up or divide any loan or loans, or to become obligated under more than one contract of loan at the same time, for the purpose or with the result of obtaining higher charges than would otherwise be permitted under this act. No personal property broker shall, directly or indirectly, receive from a borrower any amount in excess of the charges herein provided for, but nothing herein contained shall be construed to deny to any personal property broker the right to charge, contract for and receive from any borrower the necessary cost of insurance, if any, and the lawful expenses, if any, actually paid by the personal property broker to any public officer for acknowledging, filing, recording and releasing in any public office any instrument securing the loan, or the right to collect such expenses when the loan is made or at any time thereafter, nor the right to recover costs in any suit and to recover reasonable attorney's fees when authorized by the contract of loan. If the total amount charged, contracted for or received is in excess of that permitted under this section, the contract of loan shall be void and no person shall have any right to collect or receive any principal, interest or charges whatsoever thereon.

(b) The payment of \$500 or less in money, credit, goods, or things in action, as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purpose of regulation under this act be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall, for the purpose of regulation under this act, be deemed interest, fees, bonus, commissions, discounts, or other compensation upon or for such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this act.

SEC. 5. Section 23 of the said act is hereby amended to read as follows:

Sec. 23. Any personal property broker or broker as herein defined having a license in effect under Chapter 634, Statutes of 1909 as amended, shall notwithstanding this amendment thereto be deemed to have a license as a personal property broker or broker for the calendar year 1937 only to operate as such personal property broker or broker at the particular location specified in such license; provided that such license may be suspended or revoked for cause in the manner and on the grounds specified herein. Such licensees however, shall be required forthwith to apply for and secure licenses for additional locations, if any are being operated, in accordance with this act as amended."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

### Announcement of Change of Committee Meetings.

The President announced the following changes in the schedule of committee meetings:

1. Insurance—Monday on adjournment, Room 205.
2. Civil Service—Wednesday, 8:30 a.m., Room 205.

### Adjournment.

At twelve o'clock and nineteen minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, March 10, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.



## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, March 10, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. Wm. P. Rich, President pro tempore of the Senate, to the chair.  
Secretary Joseph A. Beck at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Bogart, Crittenden, Cunningham, Delap, Dodd, Fletcher, Gannon, Gordon, Hayes, Hollister, Johnson, Keating, Kneass, Kunkin, Linn, Marshall, McCormick, McGovern, Mason, Nelson, Olson, Packman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Stone, Tule, Wake, Wammes, Williams, and Young.—37.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kynher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, March 9, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leaves of Absence.**

Senator Metzger was, on motion of Senator Nelson, granted leave of absence for this day.

Senator Jepsen was, on motion of Senator Phillips, granted leave of absence for this day.

Senator McBride was, on motion of Senator McColl, granted leave of absence for this day.

**Privilege of Floor of Senate Extended**

On request of Senator Delap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Fitzpatrick and Mr. Bogart, teachers, and Marie Ahern, Elizabeth Barnett, Morris Barnett, Ann Beede, Evelyn Bellato, Edith Buchanan, Harold Barnes, John Buxton, John Brady, Roger Cairns, Ersilia Casagrande, Lewis Cervaseo, Vernon Claeys, Flora Colombo, Verney Cook, Zyetra Capella, Rita Davi, Elwood Draper, Cleo Dresser, William Fitzpatrick, George Foster, Helen Fukuchi, Francis Gill, Audrey Grady, Dustin Grady, Mary Guanyani, Rosemary Greenwood, Wesley Gilbert, William Hurley, Robert Ford, Dolores Harmon, Juanita Hix, Betty Johnson, Helen Kennedy, Robert Joost, Ramon Lamp, Janice Moore, Luis Morriethew, Winifred Newell, Joseph Rebrecht, Ella Schaffer, Henry Speetzen, Anthony Vegas, Eleanor Vega, Blain Walsworth, Ruth Ward, Francis Wilkerson, and Dorothy Wilkins, students of the Alhambra Union High School at Martinez, California.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. L. Martineill, principal of the Colfax Grammar School, and the following students: Jack Hutchinson, Marjorie Hyatt, Charlotte Cooper, Lorraine Thomas, Robert Marson, Ralph Reed, Angelo Morotti, Bryan Broadhurst, Robert Grondona, Louis Stein, Wm Chinkibeard, Max Horn, Victor Albonico, Raymond Owen, Evelyn Termine, Josephine Patry, Bertha



Keck, Julia Delsindico, Catherine Judy, Carl Horn, Maxine Holmes, Lillian Winton, Aileen McCullough, Lewis Ennis, Walter Vernon, Robert Thomas, Clinton Sweat, Docie Arrighi, Louise Thomsen, Florence Wallace, Gertrude Pearce, and La Verne Thomas.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Harry Pulcifer and Judge Chris B. Fox, both of Oakland.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Adolph Mueheison, Mrs. Mildred Hale, and Mrs. Oscar Kendall, all of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of Napa Union High School: Marien Knox, Phyllis Darbley, Mary Baggiali, Kennett Imrie, Edna Coward, Marion McGinnis, Dorine Asborne, Marcia Viney, Edwin Bishop, Newport Hayden, LeRoy Bromley, Margaret Burrows, Norman Montillier, Marghatta Kent, Rufus E. Cook, Marian Brien, Kenneth Wildeson, Dorothy Bulman, Pauline Heston, Lorelle Miller, Margaret Watson, Edith Tanita, Irma Rodgers, Billie Powell, Wilma Holmes, Will O'Brien, Marie Cappadona, Alice Moffitt, Evelyn Hafei, Roberta Curtis, Lola Duprey, Harold Hansen, Gifford Dickel, Eunice Landgrebe, Charlotte Staton, Charles Anglim, Jas. L. Guidice, Bernard Jacobs, and John Land.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Neil N. Cummins, principal of the Larkspur-Corte Madera School, Larkspur, Marin County; parents: Mrs. A. C. Mulker, Mrs. Lewis, Mrs. Guetter, Mrs. Pinther, Mrs. Cummins, Mrs. Eatherton, and the following eighth grade students: Lena Manzi, Audrey Ossman, June Whitney, Virginia Newman, Josephine Reimers, Leona Leavell, Loraine Seley, Garold Ruhl, Sheila Longley, Ellen Lewis, Dorris Pinther, Helen Rothschild, Russell Kelly, Richard Guetter, James Duncan, Benjamin Cassidy, Donald Hoffman, Bob Fischer, Thomas McCarthy, Fred Mulker, Joe Vitek, Arthur Ammann, and Andrew Cunningham.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Levinson Jr., of San Francisco.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bernard P. Calhoun, attorney-at-law of Los Angeles and George W. Malone, consulting engineer of Reno, San Francisco, and Washington, D. C., vice president, National Reclamation Association, vice president National Rivers and Harbors Congress, member of National Defense Commission for Western States of American Legion, and one of the foremost exponents of reclamation and flood control in the western States.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 13—Relating to memorializing the President of the United States and the Congress to enact legislation proposed by H. R. 2528, pro-

viding benefits to persons who served in the Quartermaster's Office or under the Quartermaster General during certain wars.

**Senate Concurrent Resolution No. 14**—Authorizing and directing the Director of Finance of the State of California, for and in the name of the State of California, to enter into such lease or leases, or other contract or contracts, as in his opinion, shall be necessary to obtain, within the shortest time practicable, an adequate supply of water for the several State Institutions, State Park and State Game Farm, situate in the county of Napa in said State.

And reports that the same have been necessary procured, and presented to the Governor on the ninth day of March, 1937, at three o'clock noon.

KIRKLOGGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 49, 66 and 67 thereof, and by adding thereto sections 32.5, 33, and 32.5, relating to definitions of words and phrases.

Assembly Bill No. 1216—An act to amend sections 146 and 146.5 of the Vehicle Code, and to repeal section 180.5 thereof, relating to the registration of vehicles.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DEXTER, Assistant Clerk.

Assembly Bill No. 1211 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1216 read first time and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 12—An act to amend sections 3817a, 3817b, 3817c, 3817d, 3817e, 3817f, 3817g, 3817h, 3817i, and 3817j of the Public Code and to add sections 3817.1 and 3817.2 thereto, relating to taxation and assessment, including tax delinquency, tax penalties and costs, tax redemption from tax sales and securing the payment thereof, to take effect immediately.

Assembly Bill No. 1207—An act to amend section 647 of the Vehicle Code, relating to tests of lamps or devices.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DEXTER, Assistant Clerk.

Assembly Bill No. 12 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1207 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 29—Directing an investigation and report on the acquisition of the Antioch toll bridge.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBERG, Assistant Clerk.

Assembly Concurrent Resolution No. 29 read and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 35—Relative to memorializing the President and Congress to provide for the investigation by the United States Geological Service and the United States Biological Survey of the engineering problems involved in.

and the feasibility of diverting sump waters from the Tule Lake area into the Lower Klamath Lake area.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 35 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1215—An act to amend section 134 of the Vehicle Code, relating to motor vehicle publications.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1215 read first time, and referred to Committee on Motor Vehicles.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file.

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance;

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance;

Senate Bill No. 844—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code;

Senate Bill No. 884—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees;

Senate Bill No. 894—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns;

Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State;

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 58—An act to amend section 4 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a division of narcotic enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement;

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants;

Senate Bill No. 362—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance;



Senate Bill No. 365—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Senate Bill No. 614—An act to add section 461 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Senate Bill No. 669—An act to add section 963a to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined:

Senate Bill No. 1072—An act to amend sections 9 and 31 of an act entitled "An act to provide for the formation, organization, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, sewers, tanks and other sanitary purposes, the acquisition of property thereby, the raising and levying of money in such districts, the assessment, levy, collection, custody and disbursement of taxes thereon, the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to sanitary boards in sanitary districts.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined:

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 17 to Article XIII thereof, relating to expenditures of the State.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined:

Senate Bill No. 668—An act to amend section 1030 of the Political Code, relating to office hours.

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 2786—An act providing ways and means for facilitating refinancing and readjusting certain indebtedness of irrigation districts in default, for judicial proceedings to carry out such purposes, for the continuation of plans for liquidation, refinancing and readjustment, authorizing the exercise of the police power and the power of eminent domain for the acquisition and construction of obligations of districts held by persons not accepting such plans, declaring by emergency and the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be pass as amended.

Committee membership—7; committee vote: Ayes—6, absent—1.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 139—An act to add a new section to the California Irrigation District Act to be numbered section 481, relating to time in which actions may be commenced;

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 471, relating to time in which actions may be commenced;

Senate Bill No. 177—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water;



Senate Bill No. 423—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District, and to provide for the carrying on of the functions of the consolidated district;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 147—An act relating to the redemption of property sold to irrigation districts for delinquent assessments;

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation district for delinquent assessments;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass;

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property;

Senate Bill No. 149—An act to amend section 11 of the California Districts Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

#### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 61—An act to amend section 647 of the Penal Code, relating to vagrants;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 18—An act to repeal section 307 of the Penal Code, relating to the sale and use of opium;

Senate Bill No. 216—An act to add Chapter Va, comprising sections 852 to 852.4, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime;

Senate Bill No. 187—An act to add Chapter IIIa, comprising sections 1334 to 1334.6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses without the State in criminal proceedings;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 215—An act to amend section 1449 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote—Ayes—4.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Bills and on Criminal Law and Procedure, to which was referred:

Senate Bill No. 357—An act to amend sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1, and 1556.2 to the Penal Code, all relating to punishment against fugitives from justice and provisions in this State against persons charged with crime in other States, and to make the law uniform with substance thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote—Ayes—5.

LAW, Chairman.

### On Conservation.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 313—An act to amend "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1925 (Chapter 28, Statutes of California, 1925).

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote—Ayes—3.

BIGGAR, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 926—An act relating to the control and disposition of certain State lands (House Bill 1000).

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—3; committee vote—Ayes—3.

BIGGAR, Chairman.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 111—An act to add section 3627d to the Penal Code, relating to value of works of art.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 539—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 219—An act to amend section 3817d of the Political Code relating to sales of tax delinquent property.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—9; committee vote—Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 897—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

#### On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, March 8, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 632—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

HOLOHAN, Chairman.

#### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8h, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics;

Senate Bill No. 237—An act to amend sections 10b, 10c, 10d, 10e, and 10g of the State Narcotic Act, relating to fines and forfeitures;

Senate Bill No. 721—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DELAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 507—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

DELAP, Chairman.

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 276—An act to amend sections 271, 275, and 283 of the Agricultural Code, pertaining to apiary inspection and registration;

Senate Bill No. 278—An act to add section 28.5 to the Agricultural Code, relating to refunds;

Senate Bill No. 279—An act to amend section 155 of the Agricultural Code, pertaining to weed free areas;

Senate Bill No. 436—An act to amend section 120 of the Agricultural Code, relating to nursery licenses;

Senate Bill No. 701—An act to amend sections 81 and 85 of the Agricultural Code, relating to district agricultural associations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 10, 1937

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Senate Bill No. 704—An act to amend section 79 of the Agricultural Code and to repeal section 6944a of the Political Code, relating to the State Agricultural Society's contingent fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—7; yeas—2.

CRITTENDEN, Chairman.

## On Fish and Game.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 1018—An act to amend section 1200 of the Fish and Game Code, relating to doves;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 852—An act to amend sections 1201, 1202 and 1203, and to add section 1203.4 to the Fish and Game Code, relating to quail.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 756—An act to add section 495 to the Fish and Game Code, relating to chumming;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 490—An act to amend section 808.5 of the Fish and Game Code, relating to jackknife clams.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 714—An act to amend sections 48 and to repeal section 1312 of the Fish and Game Code, relating to laws and use of relays.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 498—An act to amend section 812 of the Fish and Game Code, relating to mussels;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 428—An act to amend section 493 of the Fish and Game Code, relating to night fishing;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.



SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 235—An act to repeal section 808.5 of the Fish and Game Code, relating to clams; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 233—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 217—An act to amend section 790 of the Fish and Game Code, relating to abalones; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game birds; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 156—An act to amend section 797 of the Fish and Game Code, relating to abalones; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 930—An act to add section 461 to the Fish and Game Code relating to prizes for game;

Has had the same under consideration, and respectfully reports the same back with amendment, and recommends that the amendment be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 932—An act to amend section 1478 of the Fish and Game Code relating to deer tag fee;

Has had the same under consideration, and respectfully reports the same back with amendment, and recommends that the amendment be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 719—An act to add section 1624 to the Fish and Game Code relating to muskrats;

Has had the same under consideration, and respectfully reports the same back and recommends that the bill be referred to the Committee on Agriculture.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 730—An act to amend section 2 of the Fish and Game Code relating to definitions;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be amended.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 213—An act to amend sections 612, 615 and 635 of the Fish and Game Code, relating to fish;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 212—An act to add section 875.5 to the Fish and Game Code, relating to nets;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MARCH 9, 1937

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 90—An act to amend section 1340.6 of the Fish and Game Code, relating to bears;

Has had the same under consideration, and respectfully reports the same back with amendment, and recommends that the amendment be adopted, and that it do pass as amended.

Committee membership—9; committee vote—Ayes—9

McCOLL, Chairman.

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, March 8, 1937

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 991—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

**President of the Senate in the Chair.**

At eleven o'clock and thirty minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Howard McIntire at the desk.

**Withdrawal and Re-reference of Senate Bill No. 259.**

Senator Knowland moved that Senate Bill No. 259 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Revision of Criminal Law and Procedure.

Motion carried, and such was the order.

**Withdrawal and Re-reference of Senate Bills Nos. 86 and 183.**

Senator McColl moved that Senate Bills Nos. 86 and 183 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 10, 1937, and the Controller is hereby directed to pay the same:

	<i>Per day 6 days per week</i>
Helyn Stewart, Journal Clerk.....	\$7 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Gordon, Hays, Holister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be stricken from the list of the Senate Attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of March 10, 1937.

	<i>Per day</i>
Frances Callicotte, Stenographer.....	\$5 00
Virginia Crossan, Stenographer.....	5 00
Grace Brown, Stenographer.....	5 00
Marguerite Bridges, Stenographer.....	5 00
Hortense May, Stenographer.....	5 00
Winifred Elliott, Stenographer.....	5 00
Katharine Lytle, Stenographer.....	5 00

Resolution read, and on motion of Senator Tickle, adopted.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Denel

SENATE CHAMBER, SACRAMENTO, MARCH 10, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add sections 1484 and 1417 to the Fish and Game Code, relating to the taking of birds.

Respectfully submitted,

SENATOR DENEL.

Request referred to Committee on Rules.

### Introduction, First Reading and Reference of Bills

The following bills were introduced:

**Senate Constitutional Amendment No. 23** By Senator Westover—A resolution to propose to the people of the State of California an amendment to section 8 of Article I of the Constitution of said State relating to grand juries.

Senate Constitutional Amendment No. 23 read, and referred to Committee on Revision of Criminal Laws and Procedure.

**Senate Concurrent Resolution No. 18** [By Senator Seawell]—Relative to approving a certain amendment to the charter of the city of Roseville, a municipal corporation in the county of Placer, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the fourteenth day of April, 1936.

### Consideration of Senate Concurrent Resolution No. 18

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 18, without reference to committee, print or file, for purpose of adoption.

Senate Concurrent Resolution No. 18—Relative to approving a certain amendment to the charter of the city of Roseville, a municipal corporation in the county of Placer, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the fourteenth day of April, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Allen, Brien, Crittenden, Cunningham, Delap, Denel, Foster, Garrison, Gordon, Hays, Hollister, Huber, Kettner, Keene, Kneeland, Lyle, McColl, McCormack, McGowan, Mason, Nelson, Parkinson, Phillips, Pomeroy, Powers, Rich, Schottky, Seawell, Slater, Swain, Tickle, Wagy, Westover and Young—34.

NOES—None.

Senate Concurrent Resolution No. 18 ordered transmitted to the Assembly.

### Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 327—An act to amend section 629 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 1071—An act validating the election and classification of members of the sanitary board of sanitary districts reorganized pursuant to section 31 of the act of the Legislature entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 158—An act to add sections 26, 27, 28, 29 and 30 to "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, and to protect the natural resources of oil and gas and similar hydrocarbons on State lands; relating to records, documents and information of certain types to be held as confidential; providing for use of such data in suits and legal action; providing for method of handling similar data furnished by parties not operating on State lands; and providing penalty for not carrying out terms and purposes of this act.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Conservation, the following amendments to Senate Bill No. 158 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 51, of the printed bill, after the word "degrees", strike the period, and insert in lieu thereof a semicolon.

##### **Amendment No. 2.**

On page 2 of the printed bill, add a new line to be numbered 52, and to read as follows:

"5. Deviation in feet, both vertical and horizontal, between each survey interval."

##### **Amendment No. 3.**

On page 3, line 1, of the printed bill, strike the following: "Deviation in feet between each survey interval."

**Amendment from the Floor.**

During second reading of Senate Bill No. 148, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, after the word "now", insert the word "drilling".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 515—An act relating to the purchase of wool from producers, prohibiting deductions for tags, frisks, ranchings or other off-wools, based upon a percentage of the weight or value of the wool, and providing a penalty for violation thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 413—An act to add sections 32, 315.5, 627.3, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 414—An act to amend section 624 and 676 of the Vehicle Code, relating to motor vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 418—An act to add section 512 to the Vehicle Code, relating to speed limits in the vicinity of State institutions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 176—An act authorizing the Director of Finance to provide for the sale or lease of certain lands known as "Guadalupe Canal" located in Section 10, T. 3 S., R. 5 W., M. D. M., in the county of San Mateo.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 176 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, immediately following line 3, insert the following: "All of that area known as Guadalupe Canal, situate, lying and being in the county of San Mateo, State of California, in Section 10, T. 3 S., R. 5 W., M. D. M. & M., being particularly bounded and described as follows:

Beginning at a point designated as Point X, which point is on the westerly meander line and also S. 5° 15' W. 47.52 feet from a point designated as Engineers Station No. 61 on "Map No. 1 of salt, marsh and tule lands situate in the county of San Mateo, State of California", approved by the State Board of Tide Land Commissioners on the twenty-fifth day of September, 1871; thence from said point of beginning S. 5° 15' W. 348.48 feet, thence S. 22° 45' E. 118.80 feet, thence N. 78° E. 237.60 feet, thence S. 39° 30' E. 211.20 feet, thence S. 14° 30' E. 31.68 feet to the south line of Guadalupe Canal; thence along the said south line E. 763.47 feet, more or less, to the intersection of said line with the westerly right of way line of the Southern Pacific Company, thence N. 33° 43' 14" W. 722.34 feet to the north line of Guadalupe Canal, thence along the said north line W. 751.20 feet to the point of beginning, containing 11.98 acres, more or less.

Saving and excepting therefrom the following described tract of land:

Beginning at a point designated as Point X, which point is on the westerly meander line and also S. 5° 15' W. 47.52 feet from a point designated as Engineers' Station No. 61 on "Map No. 1 of salt, marsh and tidelands situate in the county of San Mateo, State of California"; thence east along the north line of Guadalupe Canal 320.51 feet, more or less, to the point of beginning of the parcel of land to be described, said point being the intersection of the center line of the State highway known as Bayshore Highway with the north line of Guadalupe Canal; thence from said point of beginning along said north line of canal E. 89.84 feet to a point in a line parallel to and 62.5 feet northeasterly, at right angles, from the center line of said highway; thence along said parallel line S. 45° 55' E. 862.44 feet to a point in the south line of said canal; thence along said south line of canal W. 179.68 feet to a point in a line parallel to and 62.5 feet southwesterly, at right angles, from the center line of said highway; thence along said last named parallel line N. 45° 55' W. 862.44 feet to a point in the north line of said canal; thence along said north line of canal E. 89.84 feet to the point of beginning, containing 2.47 acres, more or less;

Further saving and reserving the right to the State to deposit and maintain earth and other material necessary to provide for and maintain adequate slopes for the support of the State highway located in and upon the parcel of land above described, said slopes in no event to extend more than one hundred (100) feet on either side of the center line of said highway.

SEC. 2. The Director of Finance is hereby authorized to execute upon behalf of the State of California such deed or other conveyance as may be necessary to pass title to the purchaser or purchasers of the foregoing described land; reserving to the State of California all deposits of minerals, including oil and gas, in the land, and also reserving to the State of California, or persons authorized by the State, the right to prospect for, mine and remove such deposits from said land; and reserving also for the people of the State of California the absolute right to fish in the waters of said Guadalupe Canal, with the right of convenient access to said waters over said lands for said purpose."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 214 was read and adopted:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, strike out all the words beginning with "and", to and including the words "to wit:" in line 8, and insert in lieu thereof the following:

"County of Contra Costa, State of California, and particularly described as follows, to wit:

Commencing at a point bearing north 16½ degrees east and distant five hundred (500) feet from the northeast corner of Block 18 of Hooper's Addition to said town of Black Diamond as said town appears from the map or plat thereof filed in the office of the county recorder on the tenth day of February A. D. 1903, said point being the center line of the channel of New York Slough; thence from said point south 16½ degrees west five hundred (500) feet to said northeast corner of Block 18; thence south 16½ degrees west eleven hundred and forty (1140) feet; thence at right angles west 16½ degrees north thirteen hundred and fifty (1350) feet; thence at right angles south 16½ degrees west one hundred and eighty (180) feet; thence at right angles west 16½ degrees north eleven hundred and seventy-five (1175) feet; thence at right angles north 16½ degrees east fifteen hundred and fifty (1550) feet; thence at right angles east 16½ degrees south three hundred and seventy-five (375) feet; thence at right angles north 16½ degrees east two hundred and fifty (250) feet; thence at right angles east 16½ degrees south fifty (50) feet; thence at right angles north 16½ degrees east fifty (50) feet; thence north 68 degrees 45 minutes east one hundred and sixty (160) feet more or less to ordinary high water mark on New



York Slough; thence north 16½ degrees east two hundred (200) feet more or less to a point in New York Slough on the center line of the channel of said slough; thence southerly and easterly following the center line of said channel of said slough four thousand (4000) feet more or less to the point of commencement.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 73—An act to amend section 3627 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to Harbors, ports, and navigation, and matters incident thereto, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the bay of San Diego, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

Assembly Joint Resolution No. 33—Relative to requesting the opinion of the Attorney General of the United States concerning the effect of the proposed legislation to prohibit deficiency judgments upon the loaning of Federal funds to the citizens of the State of California.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Assembly Joint Resolution No. 33 were read and adopted:

**Amendment No. 1.**

In the title of the resolution, strike out the words "opinion of the Attorney General of the United States", and insert in lieu thereof the words "advice of The Federal Land Bank, the Federal Home Owners Loan Corporation and the Federal Housing Administration".

**Amendment No. 2.**

In the second paragraph of said resolution, before the word "prosperity", insert the words "growth and", and strike out the words "the building trades in", and following the words "available for", insert the words "farm land development and".

**Amendment No. 3.**

In the third paragraph of said resolution, strike out the last clause thereof, reading as follows: "and to rejuvenate and revitalize the construction and building trades in the State of California".

**Amendment No. 4.**

In the next to the last paragraph of said resolution, after the word "respectfully requests the", strike out the words "Attorney General of the United States", and insert in lieu thereof the words "The Federal Land Bank, the Federal Home Owners Loan Corporation and the Federal Housing Administration"; strike out the word "his", and insert in lieu thereof the word "their", after the words "whether or not in", and after the words "continued granting of", in the next to the last sentence in the next to the last paragraph of said resolution, insert the words "The Federal Land Bank, the Federal Home Owners Loan Corporation and".

**Amendment No. 5.**

In the last paragraph of said resolution, strike out the words "Attorney General of the United States", and insert in lieu thereof the words "The Federal Land Bank, the Federal Home Owners Loan Corporation and Federal Housing Administration".

**Consideration of Assembly Joint Resolution No. 33, as Amended.****Assembly Joint Resolution No. 33.**

Relative to requesting the advice of The Federal Land Bank, the Federal Home Owners Loan Corporation and the Federal Housing Administration concerning the effect of the proposed legislation to prohibit deficiency judgments upon the loaning of Federal funds to the citizens of the State of California.

WHEREAS, Numerous bills have been introduced in the Senate and the Assembly of the State of California, proposing to limit or abolish deficiency judgments following foreclosure sales of encumbrances of real property within the State of California; and

WHEREAS, It is essential to the proper housing of the citizens of the State of California and to the growth and prosperity of the State of California that money be kept available for farm land development and the construction, improvement and maintenance of California homes; and

WHEREAS, At the present time the Federal Government has loaned and is loaning to the citizens of California sums of money in a sufficient amount greatly to stimulate the building of new homes and the improvement of existing homes of the citizens of the State of California on a wide scale; and

WHEREAS, It is reported that the abolition of deficiency judgments following foreclosures in the State of California would greatly jeopardize the lending of money to the citizens of the State of California and would influence the Federal Government to cease to make such loans within the State of California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California respectfully requests The Federal Land Bank, the Federal Home Owners Loan Corporation and the Federal Housing Administration to advise the Legislature of the State of California whether or not in their opinion the adoption of legislation in this State abolishing deficiency judgments, would have a tendency to hamper, curtail, make difficult or prevent the continued granting of The Federal Land Bank, the Federal Home Owners Loan Corporation and Federal Housing Administration loans to the citizens of the State of California; and be it further

*Resolved*, That a copy of this resolution be transmitted to The Federal Land Bank, the Federal Home Owners Loan Corporation and Federal Housing Administration.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 33 adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Diesel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, McCormack, McGovern, Mixter, Nielson, Olson, Phillips, Piravich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

Assembly Joint Resolution No. 33 ordered transmitted to the Assembly.

### Re-reference of Senate Bill No. 104.

Senator Tickle moved that Senate Bill No. 104 be re-referred to Committee on Finance.

Motion carried, and such was the order.

### Third Reading of Senate Bills.

Senate Bill No. 432—An act to amend sections 2201 and 22011 of the School Code, relating to unified school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Diesel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixter, Nielson, Olson, Phillips, Piravich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 432 ordered transmitted to the Assembly.

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code, to repeal sections 5782, 5783 and 5784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code, and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Diesel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixter, Nielson, Olson, Phillips, Piravich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 663 ordered transmitted to the Assembly.

Senate Bill No. 668—An act to amend section 1030 of the Political Code, relating to office hours.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 668 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 668 ordered transmitted to the Assembly.

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 671, the following amendments, offered by Senator Seawell, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 5, of the printed bill, after the word "structures", insert the following: "which are not subject to the State Contract Act".

##### **Amendment No. 2.**

On page 1 of the printed bill, between lines 25 and 26, insert the following: "This section shall not apply to the rental of equipment for State highway purposes, or to the leasing or purchase of space, other than office space, for State highway purposes."

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 614—An act to add section 461 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 614 ordered transmitted to the Assembly.

Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 895 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl,

McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Parnham, Powers, Rich, Schottky, Seawell, Slater, Swing, Tuckie, Wagy, Westover, and Young—  
 NOES—None.

Title read and approved.

Senate Bill No. 895 ordered transmitted to the Assembly.

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 993 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Parnham, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tuckie, Wagy, Westover, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 993 ordered transmitted to the Assembly.

Senate Bill No. 365—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies.

Bill ordered to unfinished business file.

Senate Bill No. 362—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Parnham, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tuckie, Wagy, Westover, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 362 ordered transmitted to the Assembly.

Senate Bill No. 58—An act to amend section 4 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a division of narcotic enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law,



McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
NOES—None.

Title read and approved.

Senate Bill No. 58 ordered transmitted to the Assembly.

Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
NOES—None.

Title read and approved.

Senate Bill No. 670 ordered transmitted to the Assembly.

Senate Bill No. 669—An act to add section 663c to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 669 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
NOES—None.

Title read and approved.

Senate Bill No. 669 ordered transmitted to the Assembly.

### **Reference of Senate Bill No. 844.**

Senator Swing moved that Senate Bill No. 844 be referred to Committee on Finance.

Motion carried, and such was the order.

### **Special Order.**

Senator Rich moved that Senate Constitutional Amendment No. 8 be made a special order for Thursday, March 11, 1937, at eleven o'clock and thirty minutes a.m.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Deuel to introduce a bill entitled:

An act to add sections 1184 and 1417 to the Fish and Game Code, relating to the taking of birds;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote—AYES, 5.

RICH, Chairman  
MCOLL  
SLATER  
TICKLE  
KNOWLAND

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES: Senators Allen, Bigger, Crittenden, DeLap, Deak, Fletcher, Garrison, Hollister, Holahan, Keating, Kough, Knowland, Lee, McCall, McCormack, McGovern, Nielson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

### Introduction, First Reading and Reference of Bills.—(Resumed)

The following bill was introduced:

**Senate Bill No. 1098:** By Senator Deak—An act to add sections 1184 and 1417 to the Fish and Game Code, relating to taking of birds.

Senate Bill No. 1098 read first time and referred to Committee on Fish and Game.

### Adjournment.

At twelve o'clock and forty-six minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Thursday, March 11, 1937.

ELLSWORTH W. SEAWORTH, Minute Clerk.

### IN SENATE

#### SENATE CHAMBER

SACRAMENTO, Thursday, March 11, 1937

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, president of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deak, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Kough, Knowland, Lee, McCall, McCormack, McGovern, Metcalf, Nielson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Wednesday, March 10, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. A. E. Corson, District President of the Parent-Teachers' Association, Susanville, Maude E. Tombs of Susanville, and Mrs. L. E. Lampton of Los Angeles.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. F. Hoadley, Jr., of Perris, California.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the California Scholarship Federation of the Stockton High School: Lois Archibald, Aileen Brokaw, Bill Biddick, Edna Brandt, Jerry Bryan, Margaret Caldera, Dorothy Comer, Eleanor Comer, Eleanor Clark, Nevada Chalmers, Jean Dysinger, Ruth Ellis, Kent Elsworth, Karen Jean Fuller, Mary Ellen Fuller, Helen Flanagan, Charles Gardipee, Don Jonte, Jessie Hamay, Jack Hanner, Jacqueline Judge, Dorothy Kato, Sam King, Louvan Kolher, Bob Mannhalter, Anna Jean Martin, Kikuko Morita, Lola Marraccini, Priscilla Porter, Edward Rea, Edgar Robinson, Sam Ruvkun, Ruth Schmidt, Pearl Sifford, Gladys Southard, Walter Temme, Dick Ulrey, Jack Whipple, Mildred Yano, and Gong Yut.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Vesta C. Muehleisen, member of City Board of Education, of San Diego, California.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. C. Drown, Mr. and Mrs. R. L. Marvin, and Mrs. B. T. Sheppard.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George H. Schuyler.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. A. M. Drury of Porterville, Mr. Walter Haight of Visalia, and Mr. William Rosenberg of Exeter.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. B. C. Clark, President of the State Parent-Teachers' Association of Sutter Creek; Mrs. W. A. Price, editor of State Magazine, Parent-Teachers' Association of San Diego; Mrs. Pauline Ripson of Sutter Creek, and Mrs. L. B. Hedges of Los Angeles.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Floyd J. McCabe.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. T. Kirven.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Andrew Han-

cock, chairman of Founders' Day, California Congress of Parents and Teachers, and Mrs. Carl Nair, president of the Seventh District, California Congress of Parents and Teachers.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence R. Palacios, Jr., president and business representative of Laundry Workers' Union, San Francisco.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following officers of the California Congress of the Parents and Teachers: Mrs. B. C. Clark, president; Mrs. J. K. Lytle, first vice president; Mrs. George Schuyler, second vice president; Mrs. G. H. Spradling, third vice president; Mrs. P. D. Bevil, fourth vice president; Mrs. E. K. Strong, fifth vice president; Mrs. E. T. Bartlett, sixth vice president; Mrs. H. Ward Campbell, seventh vice president; Mrs. S. A. Ramsaville, treasurer; Mrs. Stephen Gould, financial chairman; Mrs. Robert Hill, recording secretary; Mrs. Walter Knapp, corresponding secretary, and Mrs. Calvin McCray, statistician.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alta B. Cyball.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. P. D. Bevil.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lloyd Beaver, of Oakland.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Luther D. Wool, of San Jose.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Bertrand, of Sonoma.

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. I. N. Cooney, District President of the California Congress of Parents and Teachers, of Etna, Siskiyou County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harrison George of Petaluma, President of the Fourteenth District of the Parent Teachers Association; Walter H. Nagle, County Clerk of Sonoma County; Harry L. Patteson, Sheriff of Sonoma County; Vernon Silvershield and Herbert Waters, newspapermen of Santa Rosa; W. Findlay Geary and C. J. Tanzer, members of the firm of Geary, Geary & Tanzer, lawyers, Santa Rosa.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Rita Atchison, teacher, and the eighth grade class of the Vincent Grammar School in Merced County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Robert Hill, Recording Secretary of California Congress of Parent and Teacher



ers, of Empire, California, and Gay H. Miller, President of the Milk Producers' Association of Central California, of Modesto, California.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers and students: Lafayette School, Lafayette, California, Mr. U. B. Ellis, teacher; and the following students: Richard Gadsden, Doris Christensen, Mary Mukuno, Betty Breck, Lourdis Solider, Tashie Kaya, Clarence Stanley, David Crosett, Peggy Combs, Jerry Whitaker, Daphne Coleman, Margaret Jenkinsen, Izozara Kido, Ellen Lagundas, Cleofe Bertera, Lois Hallmyer, Mary Sangmaster, Barbara Loukup, Inez Huntsman, Rose Sares, Mary Bisson, Charles Malley, Victoria Soares, Bernice Miller, Billy Grug, Fred Langmaster, Edward Allen, Tony Lobo, Junior Spyers, Shirley Peters, Tony Lagundas, Mary Machado, Earl Guipe, Dick Corbett, Dudley Myers, and Ralph Smith; Walnut Creek, Mr. G. W. Toomey, teacher, and the following seventh grade students: Laura Wedsted, Lyle Palmer, Ronald Skow, Mildred Hook, Harry Hemstock, Billy Johnson, Ethel Tinkham, Verna Steele, Sally Tyce, Marilyn Reinke, Alan Anderson, Charlotte Hofer, Robert Green, Helen Raine, Clifford Leschinsky, Jean Cook, Marie Lemoine, Jack Edwards, Leslie Geary, Charles Sanders, Beverley Thomson, Clifford Young, Muriel Penfield, Donald Parsons, Lois Cabus, Marelle McCombs, Billy Grant, Darrell Hopkins, Richard Salmon, Andrey Burk, Warren Flanders, Alice Starr, Celia Starr, Robert Walker, Marion Chedle, and Marjorie Hawes; Pleasant Hill School, Mrs. Irene Spencer, Principal, and the following students: Bobby Rivera, John Rivera, Lotus Lesnick, Richard Hardy, Carolyn Palmgren, Alfred Kerr, Betty Anne Edwards, Armeta Oxley, Lester Hardy, Frances Luce, Ralph Green, Francis Whaley, Glenn Erickson, Mary De Mello, Louis Mengini, Jack Peabody, Lorraine Marshall, Bonnie Smith, Muriel Kerr, Muriel Meier, and George Stover; Walnut Creek, Mr. E. Ensz, teacher, and the following eighth grade students: Mary Deane Bradley, Marjorie Miller, Barbara Cassell, Bernice Feagans, Suzann Lawrence, Helen Harmon, Helen Lehto, Dorothy Raine, Bernice Adams, Augusta Eagelson, Velma Stromberg, Matilda Figuerira, Orwren Esley, Jimmy Lockhead, Dick Higgins, William Jessup, Louis Dewing, Halbert Moller, John Nourse, Jim Bart, Jimmie Moura, Arthur Fleuti, Hubert Furth, Richard Symmons, Dick Penfield, Ted Lawrence, and Eddie Cadwell; Walnut Creek, Mr. S. Rankin, teacher, and the following students: Ruth Wharton, Frances Giammona, Barbara Lawrence, Bernice Kennedy, Lois Grafelman, Beverly Richardson, Betty Hawes, Lorraine Royall, Helen Wedsted, Carolyn Humble, Oscar Johnson, Edward Powell, Roger Harding, Marshall De Bisschop, Douglas Brown, John Bertino, Jack Paulson, Don Walker, Billy Pitts, Jim Ferrier, Hall Clark, Vincent Graziano, Peter Giammona, Lloyd Adams, Marlin Van Brocklin, Milton Proskey, and Fred Cussner.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Otto Sandman, Commander of the One Hundred Forty-third Field Artillery, Stockton.

Mar 11, 1937

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### Messages from the Assembly.

The following messages from the Assembly were received and read:

ANASTASIOU, S. C. 1983. *Journal of Fish Biology* 23:1-10.

MR. PRESIDENT: I am directed to inform your honorable body that the Aesc on this day adopted.

**Senate Concurrent Resolution No. 19.** Relative to approving a certain amendment to the charter of the City of Boston, a resolution passed by the Senate of Massachusetts, State of Connecticut, July 1st last, and printed by the published orders of said city at its meeting held thereon on the 10th day of July, 1867.

DAVID C. BARNETT, *Chair, Board of Directors*  
 Dr. James C. Smith, *President, American Youth*

Senate Concurrent Resolution No. 18 (referred to committee)

Submitted: 12 November 2003; Accepted: 12 February 2004

MR. PRESIDENT: I am pleased to follow you around here this day and night.

Assembly Committee Resolution No. 14, "Declaring emergency of full employment  
plate prior to Thomas J. Murray

1) E. A. Tsvetkov, *Academician of the USSR Academy of Sciences*  
2) E. A. Tsvetkov, *Academician of the USSR Academy of Sciences*

**Motion for Committee of the Whole.**

Senator M. Giverni moved that the Senate resolve itself into a Committee of the Whole in order to consider Assembly Concurrent Resolution No. 18.

### Postponement of Consideration

On motion of Senator McGowan, the further consideration of the motion to refer to Committee of the Whole was postponed until Tuesday, March 16, 1937.

### Special Order.

Senator Holahan moved that the matter be refer to Committee of the Whole be made a special order for Tuesday, March 16, 1937, at twelve o'clock m.

**Motion.**

Senator Schottky moved that the President of the Senate request from the Attorney General and the Legislative Council an opinion as to whether or not the Legislature has the authority to grant a pardon to Tom Mooney.

Motion carried, and such was the order.

### Messages from the Assembly---(Resumed).

The following messages from the Assembly were passed and read:

Accepted for publication, September 10, 1997.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1215. An act to amend Section 184 of the Vehicle Code relating to motor vehicle publications.

Assembly Bill No. 2024. An act to amend Section 4307 of the Penal Code of the State of California, relating to assault with a firearm.

JAMES G. SMYTH, Clerk of Court.  
By E. A. (Took) BERRY, Assistant Clerk.

Assembly Bill No. 1215 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2024 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 31—Relative to the appointment of Delwin W. Smith as a member of the State Personnel Board, in lieu of the Legislative Counsel as a member of said board.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 31 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 35—Relative to memorializing the President and Congress to provide for the investigation by the United States Reclamation Service and the United States Biological Survey of the engineering problems involved in, and the feasibility of, diverting sump waters from the Tule Lake area into the Lower Klamath Lake area.

JAMES G. SMYTH, Chief Clerk of Assembly  
By E. A. (TOOK) BERRY, Assistant Clerk.

### **Consideration of Assembly Joint Resolution No. 35.**

Senator Allen asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 35, without reference to committee for purpose of adoption.

Assembly Joint Resolution No. 35 ordered placed on file as unfinished business.

**Senator Swing in the Chair.**

At eleven o'clock and thirty minutes a.m., Senator Swing of the Thirty-sixth District was called to the chair.

### **Consideration of Special Order.**

The hour having arrived for the consideration of Senate Constitutional Amendment No. 8, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 17 to Article XIII thereof, relating to expenditures of the State.

**President of the Senate in the Chair.**

At twelve o'clock and fifteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Amendments from the Floor.**

During the reading of Senate Constitutional Amendment No. 8, the following amendments, offered by Senator Biggar, were read and refused adoption:

#### **Amendment No. 1.**

On page 1, line 18, of the printed measure, after "Constitution", add the following: "except section 6 of Article IX".

#### **Amendment No. 2.**

On page 1 of the printed measure, between lines 19 and 20, insert the following: "... except appropriations or expenditures required by section 6 of Article IX of the Constitution."

**Amendment No. 3.**

On page 2 of the printed measure, following line 11, as a new paragraph, add the following:

"Nothing in this section shall be construed in any way to modify or repeal any provision in section 6 of Article IX of this Constitution."

**Senate Constitutional Amendment No. 8.**

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 17 to Article XIII thereof, relating to expenditures of the State.

*Resolved by the Senate, the Assembly concurring:* That the Legislature of the State of California at its fifty-second regular session, commencing on the twenty day of January, 1937, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State of California be amended by adding a new section to Article XIII thereof to be known as section 17 thereof to read as follows:

SEC. 17. The State shall not incur any deficiency liability or indebtedness exceeding in any biennium the income and revenue provided for that biennium except upon the issuance of bonds as provided in Article XVI of this Constitution or except in case of war or to repel invasion or suppress insurrection. It shall be the duty of the Legislature to prevent the incurring of any such deficiency liability or indebtedness in behalf of the State.

The Legislature is hereby granted the authority, with exception of this Constitution to the contrary notwithstanding, to reduce any or all appropriations or expenditures of the State in an amount sufficient to keep the total expenditures of the State within its income; provided that the payment of interest and redemption on bonds heretofore authorized by a vote of the people shall not be reduced but shall continue as provided by the particular bond acts.

If during any biennium it shall appear to the Governor that there is a probability that the income of the State shall not be equal to the expenditures authorized it shall be the duty of the Governor to immediately call the Legislature in extraordinary session and present to it the facts demonstrating such probable deficiency and the Legislature shall take such action as may appear to it necessary to avert a deficiency.

The State Controller shall not draw his warrant for any expenditure of money unless the funds for the payment of such warrant are available for the payment of the warrant or unless estimates of revenue, approved by the Board of Control, indicate that funds will become available during the biennium for which the expense is incurred or the payment is to be made.

**Senate Constitutional Amendment No. 8 read**

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 8 refused adoption by the following vote:

**AYES**—Senators Gordon, Hays, Rich, Swing and Williams—5

**NOES**—Senators Allen, Bigger, Crenshaw, Cunningham, DeLong, Daniel, Fletcher, Garrison, Hollister, Holohan, Keating, Keough, Keweenaw, Lave, McCall, McMinnick, McGovern, Mixer, Nielson, Olson, Packness, Phillips, Pierce, Powers, Quinn, Schottky, Seawell, Slater, Tinkle, Wagy, Westover, and Young—32

**Recess.**

At twelve o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



## Reports of Standing Committees.

The following reports of standing committees were received and read.

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Senate Bill No. 73—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego;

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein;

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3552, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 327—An act to amend section 620 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict;

Senate Bill No. 413—An act to add sections 52, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 444—An act to amend sections 621 and 675 of the Vehicle Code, relating to motor vehicles;

Senate Bill No. 448—An act to add section 512 to the Vehicle Code, relating to speed limits in the vicinity of State institutions;

Senate Bill No. 515—An act relating to the purchase of wood from producers, prohibiting deductions for tags, fiber, cutchings or other off-woods, based upon a percentage of the weight or value of the wood, and providing a penalty for violation thereof;

Senate Bill No. 1071—An act validating the election and classification of members of the sanitary board of sanitary districts reorganized pursuant to section 31 of the act of the Legislature entitled: "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the assessment of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes thereon; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, and providing that this act shall take effect immediately; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.



Senate Bill No. 216—An act to add Chapter Va. comprising sections 852 to 852.4, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 187—An act to add Chapter IIIa, comprising sections 1334 to 1334.6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses without the State in criminal proceedings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 215—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 313—An act to repeal "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1935 (Chapter 328, Statutes of California, 1935).

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 936—An act relating to the control and jurisdiction over, and disposition of certain State lands therein described.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Conservation, the following amendments to Senate Bill No. 936 were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, strike out all of the title, and insert in lieu thereof the following:

"An act authorizing the Director of Finance to provide for the sale or lease of certain State lands therein described".

##### **Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1, 2, 3, 4, 5 and 6, and insert in lieu thereof the following:

"SECTION 1. The Director of Finance is hereby authorized to sell or lease, upon behalf of the State of California, the following described real property, if he deems it to be for the best interests of the State:"

**Amendment No. 3.**

On page 1, line 8, of the printed bill, strike out the word "Humboldt", and insert in lieu thereof the word "Siskiyou".

**Amendment No. 4.**

On page 1, line 16, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following:

"Save and except a strip of land 100 feet in width lying 50 feet on either side of the center line of the existing State Highway Route 46, where said highway passes through said property.

All that small parcel of land situate, lying and being in the county of Yolo, State of California, being a part of the largest tract of land recorded in Book 90 of deeds, Yolo County records, at page 266, and being that portion of Lot 57 of Jimeno Rancho situated west of the east corner of Section Eddy Cut Off, and lying between the new levee and the bank of the old river channel, and more particularly described as follows:

Beginning at a point on the easterly right-of-way line of the east levee of "Old Line Eddy Cut Off" where said right-of-way line intersects the line corner line of the "Old Channel" of the Sacramento River, said corner being S. 1° 38' 46" E. 2,875.47 feet from the Southwest corner of the S1/4 of Section 18, T. 12 N., R. 1 E., M. D. R. & M., thence following the said line westerly to S. 85° 20' E. 802.00 feet, thence S. 68° 10' E. 392.00 feet, thence N. 14° 10' E. 145.00 feet, thence N. 50° 45' W. 518.00 feet, thence N. 39° 00' W. 390.00 feet to a point on the westerly right-of-way line of the east levee of "Old Line Eddy Cut Off", thence following said right-of-way line on a curve to the right from a tangent which bears S. 20° 12' W., with a radius of 3300.00 feet through an angle of 14° 04' for a distance of 810.18 feet (long chord bearing S. 30° 36' W. 808.15 feet) to the point of beginning containing 9.597 acres of land, more or less."

**Amendment No. 5.**

On page 1 of the printed bill, strike out all of lines 17, 18, 19, 20, 21, 22, 23, 24 and 25, and insert in lieu thereof the following:

"SEC 2. The Director of Finance is hereby authorized to execute upon behalf of the State of California such deed or other instrument as may be necessary to pass title to the purchaser or purchasers of the foregoing described lands, reserving to the State of California one-twentieth of all coal, oil, gas and other mineral deposits contained in said lands, as provided by an act of the Legislature approved May 25, 1921, Chapter 303, Statutes of California, 1921, and reserving also for the people of the State of California the absolute right to fish thereon, as provided by section 25 of Article I of the Constitution of the State of California."

Bill read second time, ordered to print engrossment, and on file for third reading.

Senate Bill No. 219—An act to amend section 3817d of the Political Code, relating to sales of tax delinquent property.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 219 were read and adopted:

**Amendment No. 1.**

On page 1, line 27, of the printed bill, after the word "prohibit", insert the following: "the making of".

**Amendment No. 2.**

On page 1, line 28, of the printed bill, strike out the word "made".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 111—An act to add section 3627d to the Political Code, relating to value of works of art.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 539—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 897—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 632—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1018—An act to amend section 1200 of the Fish and Game Code, relating to doves.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8j, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 237—An act to amend sections 10b, 10c, 10d, 10e, and 10g of the State Narcotic Act, relating to fines and forfeitures.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 721—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 507—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 507 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 20, of the printed bill, as introduced January 21, 1937, strike out the word "signature" and in lieu thereof insert the word "name".

##### **Amendment No. 2.**

On page 2, line 45, of the printed bill, strike out the word "signature", and in lieu thereof insert the word "name".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 276—An act to amend sections 273, 275 and 280 of the Agricultural Code, pertaining to animal inspection and registration.  
Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 278—An act to add section 283 to the Agricultural Code, relating to refunds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 279—An act to amend section 144 of the Agricultural Code, pertaining to seed free agent.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 436—An act to amend section 170 of the Agricultural Code, relating to nursery business.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 701—An act to amend sections 81 and 82 of the Agricultural Code, relating to district agricultural associations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 862—An act to amend sections 1201, 1202 and 1203, and to add section 1204 to the Fish and Game Code, relating to snail.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 756—An act to add section 425 to the Fish and Game Code, relating to chumming.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 714—An act to amend section 48 and to repeal section 1412 of the Fish and Game Code, relating to fines and cost of trials.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 499—An act to amend section 808.5 of the Fish and Game Code, relating to jackknife clams.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 498—An act to amend section 812 of the Fish and Game Code, relating to mussels.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 428—An act to amend section 493 of the Fish and Game Code, relating to night fishing.

**Amendment from the Floor.**

During second reading of Senate Bill No. 428, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after "fish", insert the following: "for the taking of which a sporting fishing license is required."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 235—An act to repeal section 808.5 of the Fish and Game Code, relating to clams.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 233—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 217—An act to amend section 799 of the Fish and Game Code, relating to abalones.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game birds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 156—An act to amend section 797 of the Fish and Game Code, relating to abalones.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 901 was read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out "obli-", also strike out lines 4 to 7, inclusive, and insert in lieu thereof the following: "any obligation unless the obligation is interest or income-bearing or dividend-paying."

An interest or income-bearing obligation not in default in payment of interest or income on the date of acquisition by the insurer and where no such default was imminent on such date, is interest or income bearing within the meaning of this

section where such obligation is not thereafter in default as to payment for a period of more than 18 months."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 139—An act to add a new section to the California Irrigation District Act to be numbered section 48 1, relating to time in which actions may be commenced.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 47 1, relating to time in which actions may be commenced.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 177—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 433—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley State Water District, and to provide for the carrying on of the functions of the consolidated district.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 147—An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 147 were read and adopted:

##### Amendment No. 1.

On page 1, lines 12 and 13, of the printed bill, strike out all of line 12, and the word "amended" in line 13.

##### Amendment No. 2.

On page 2, lines 5 and 6, of the printed bill, strike out the words "and any of the provisions of the Palo Verde Irrigation District Act, as amended."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 193 were read and adopted:

##### Amendment No. 1.

On page 1, lines 11, 12, and 13 of the printed bill, strike out the words "or the provisions of the Palo Verde Irrigation District Act, as amended".

##### Amendment No. 2.

On page 1, line 20, of the printed bill, strike out the word and figures "September 30, 1939", and insert in lieu thereof the following: "July 1, 1938".



**Amendment No. 3.**

On page 1, line 21, of the printed bill, strike out the figure "1940", and insert in lieu thereof the following: "1939".

**Amendment No. 4.**

On page 2, lines 5 and 6, of the printed bill, strike out the words "not any of the provisions of the Palo Verde District Act, as amended".

**Amendment No. 5.**

On page 2 of the printed bill, strike out all of lines 9 to 16, both inclusive.

**Amendment No. 6.**

On page 2, line 17, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "2".

**Amendment No. 7.**

On page 2, line 18, of the printed bill, strike out the words "sections 1 and 2", and insert in lieu thereof the following: "section 1".

**Amendment No. 8.**

On page 2 of the printed bill, strike out all of lines 24 to 52, both inclusive, and insert in lieu thereof the following:

"SEC. 3. This act shall not affect the operation of any existing law providing for such redemption by installments, but shall be a separate independent means of such redemption. Provided, however, that in all cases where redemption of such property was commenced under the provisions of that certain act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, or any amendment thereof, or of that certain act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments," approved June 12, 1933, and default was had in any installment thereof, and the district has not taken a deed to the property, any money, except that paid on account of interest as provided in those acts, shall be credited on the amount necessary for redemption under the provisions of this act."

**Amendment No. 9.**

On page 3 of the printed bill, strike out all of lines 1 to 4, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Irrigation, the following amendment to Senate Bill No. 92 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out "or", and insert in lieu thereof the following: ", or trespasses".

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property.

**Amendment No. 1.**

On page 1, lines 11, 12 and 13, of the printed bill, strike out the words "or the provisions of the Palo Verde Irrigation District Act, as amended".

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 148 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, strike out "operative prop-", and strike out all of line 8 and all of line 9 down to and including the word "assessments",

and insert in lieu thereof the following: "any person in whose name power of attorney"

#### Amendment No. 2.

On page 1, line 12, of the printed bill, after the word "and", insert the following: "notwithstanding any other provision of law."

#### Amendment No. 3.

On page 1, line 13, of the printed bill, after the word "may", insert the following: "with such funds."

#### Amendment No. 4.

On page 2, lines 5 and 6, of the printed bill, strike out the words "and" and all the provisions of the Palo Verde Irrigation District Act, as amended.

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 149—An act to amend section 11 of the California Districts Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 149 were read and adopted:

#### Amendment No. 1.

On page 1, lines 4 and 5, of the printed bill, strike out the words "The California Districts Securities Commission Act" and insert the following: "the California Districts Securities Commission Act, as amended," and insert in lieu thereof the following: "the terms of this bond."

#### Amendment No. 2.

On page 3, line 18, of the printed bill, after the word "and" insert the following: "or any other person or persons who are not known to the person issuing such bond."

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 932—An act to amend section 1278 of the Fish and Game Code, relating to deer tag fee.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 932 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 7 and 8, and insert in lieu thereof the following: "and no such tag shall be issued to any person whose name and address are not known to the person issuing such tag."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 920 was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "as may be provided in this code", and insert in lieu thereof the following: "under permit of the commission, issued under such rules and regulations as the commission may prescribe."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 928 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out "the holder of a deer license tag", and insert in lieu thereof the following: "any person".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, after "time, any", insert the following: "deer".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out "the number of tags", and insert in lieu thereof the following: "those".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 730—An act to amend section 2 of the Fish and Game Code, relating to definitions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 730 was read and adopted:

**Amendment No. 1.**

On page 2 of the the printed bill, after line 9, insert the following:

"Q. 'Chumming' means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 213—An act to amend sections 612, 615 and 653 of the Fish and Game Code, relating to fish.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 213 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 17, and insert in lieu thereof the following: "in tidewater only, between six o'clock a.m. and eight o'clock p.m. under the authority of a sporting and fishing license. The bag and possession limit for steelhead trout in this district shall be the same whether such trout are taken by spear, by hook and line, or both."

**Amendment No. 2.**

On page 1, line 27, of the printed bill, strike out "one", and all of line 28, and insert in lieu thereof the following: "six o'clock a.m. and eight o'clock p.m."

The bag and possession limit in this district shall be the same whether said salmon are taken by spear, by hook and line or by boat.

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 212—An act to add section 875.5 to the Fish and Game Code, relating to nets.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 212 were read and adopted:

##### Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "section 875.5" and insert in lieu thereof the following: "sections 875.5 and 1410.5."

##### Amendment No. 2.

On page 1 of the printed bill, after line 4, insert the following:

"Sec. 2. Section 1410.5 is hereby added to said code to read as follows:  
1410.5 Violation of the provisions of section 875.5 is punishable by a fine of \$100."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 90—An act to amend section 1440.6 of the Fish and Game Code, relating to bears.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 90 was read and adopted:

##### Amendment No. 1.

On page 1, line 9, of the printed bill, after "killing", insert the following: "or trapping".

Bill read second time, ordered to print, engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

Assembly Bill No. 2786—An act providing ways and means for liquidating, refinancing and readjusting certain indebtedness of irrigation districts in default, for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Assembly Bill No. 2786 were read and adopted:

##### Amendment No. 1.

On page 3, line 32, of the printed bill, after the word "years," strike out the following "prior to the effective date of this act", and insert in lieu thereof a comma and the following: "or unable to pay its debts as they mature."

##### Amendment No. 2.

On page 5, line 28, of the printed bill, after the word "mailed", insert the following: "at least thirty (30) days prior to the date set for the hearing."

Bill read second time, ordered to print, and on file for third reading.



**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be stricken from the list of the Senate Attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of March 11, 1937:

	<i>Per day</i>
Kathleen McGuinness, Stenographer.....	\$5 00
Clarissa Bowen, Stenographer.....	5 00
Marjorie G. Samples, Stenographer.....	5 00
Elizabeth Lawson, Stenographer.....	5 00

Resolution read, and on motion of Senator Tickle, adopted.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That M. E. Geeting, heretofore appointed to the office of Assistant at Desk of the Senate at a per diem of \$5 per day, payable six days per week, be and he is hereby appointed to the office of History Clerk at a per diem of \$7 per day, payable six days per week, and the Controller is hereby directed to draw his warrants for the said amounts and the Treasurer is directed to pay the same, the said per diem herein established to become effective Monday, March 15, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

**President Pro Tempore in the Chair.**

At two o'clock and thirty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Resolution.**

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$2,590.03 to pay the bills and for the purposes set forth below, and the Treasurer is hereby directed to pay the same:

Postal Telegraph Cable Co.....	\$0 93
Western Union.....	19 19
Bancroft-Whitney Co., 37 sets Codes as per resolution, including sales tax .....	1,924 55
<b>State Department of Finance—</b>	
Carpenter work in Senate Chamber.....	19 02
Pro rata cost of Capitol Building telephone service.....	117 13
Railway Express Agency, expressage on sets of bills.....	118 45
Postage for Senate Mailing Department.....	300 00
H. S. Crocker Co., supplies to Senate.....	90 76

**\$2,590 03**

**RICH**, Chairman.  
**LAW**,  
**McCORMACK**.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baggot, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keweenaw, Keweenaw, Law, M. O. L., Metzger, Mixer, Nielsen, Olson, Pierovich, Quinn, Roth, Seawell, Slater, Tarkenton, Waggoner, and Young—20.

**NOES**—None.

### Report of Special Senate Committee on Public Utilities.

The following report of Special Committee was received:

*Mr. President and Honorable Members of the Senate of the State of California:*

Your Special Senate Committee on Public Utilities, appointed pursuant to the following resolution:

*Resolved, by the Senate of the State of California: That a Special Senate Committee on Public Utilities, consisting of five members of the Senate to be appointed by the President of the Senate, be and they are hereby authorized to investigate the ownership and management of, and to report to the Senate at the next annual session of the Legislature, concerning the report such legislative bills, resolutions and constitutional amendments as the committee may find appropriate to carry into effect its recommendations; and be it further*

*Resolved, That the Railroad Commission of California and the Board of Equalization and any and all other public agencies, boards, bureaus and departments hereby directed to cooperate with the committee in furnishing it all assistance and information necessary to carry out the purposes of this resolution; and be it further*

*Resolved, That the committee shall proceed to organize by the election of one of its members as chairman and by the selection of a secretary and such technical and professional assistants as the committee shall deem appropriate and thereupon proceed with the investigation to which it is authorized to determine; and be it further*

*Resolved, That the committee is authorized to hold hearings at any and all places and to investigate all matters and things pertinent to the subject of this resolution; and be it further*

*Resolved, That the committee is hereby authorized and empowered to require the production of books, accounts, documents, records, memoranda and papers of every kind; to issue subpoenas, to compel the attendance of witnesses and to procure testimony and so far as practicable to take evidence in person; and reported so that the same may be available for use by the Legislature; and each member of the committee is authorized to administer the oath of office to the witnesses of Article VIII of Chapter 11 of Title 1 of Part III of the Political Code relating to the attendance and testimony of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution and it shall be the duty of all officers and employees of the State or of any county, city, town and village, or political corporation of the State to furnish such records, documents and evidence upon request of the committee as may be pursuant to the purposes herein stated; and be it further*

*Resolved, That the sum of \$10,000, or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of its investigation, is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the persons or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee and the State Treasurer is hereby authorized and directed to pay the same.*

Has the honor to submit this its report:

#### Organization of Committee.

Pursuant to the authority granted under the resolution hereinbefore set forth, the following members of the Senate of the State of California were appointed by the President thereof: Jerrold L. Seawell, Leonard J. Difani, J. C. Garrison, Walter H. Duval, and Chris N. Jespersen.

The committee held a preliminary meeting at November, 1935, and elected the following members as officers of the committee: Jerrold L. Seawell, Chairman; Leonard J. Difani, Vice Chairman; J. C. Garrison, Secretary.

Pursuant to the authority granted to him by the terms of the resolution, the chairman called upon the Legislative Counsel for the purpose of aiding in the planning of the work of the committee and the preparation of plans for the work of the committee for the purposes set forth in the resolution.

### Activities of the Committee.

The activities of the committee were for the most part hampered because of the limitation in the amount of funds available to the committee compared to the tremendous task which the committee found itself faced with under the terms of the resolution. Due to a ruling of the Controller, based upon an opinion of the Attorney General, the committee was unable to use any of the funds available to it for the purpose of employing engineers and other experts who could make the necessary surveys in order to ascertain the true magnitude of the problems which the committee was authorized to survey. It was not until some time late in 1936 that the California Supreme Court, in the case of *Phillips vs. Riley*, 91 California Decisions, 832, held that investigating committees of the State Legislature could expend moneys for the purposes which your committee desired, but this decision, coming as it did at a date which was so close to the time set for the meeting of this session of the Legislature, it was impossible for your committee to completely survey the problems involved.

Faced with the difficulties heretofore set forth, the committee decided at its first meeting upon a plan of action which, though limited in its scope, could at least give the committee preliminary information with reference to how various groups concerned in the problem to be surveyed would be affected by any plan which the committee might recommend. It was, therefore, determined that the committee adopt a plan calling for testimony from the various representatives of publicly and privately owned public utilities concerned with the development and/or distribution of water and hydro-electric energy. In this connection your committee determined that its policy should not be one of conducting an "investigation" in the strict sense of the word but rather that the committee should seek information upon which to base its recommendations concerning the "advisability and practicability of centralizing in the State of California the ownership, conduct and control of public utilities concerned with the development and exploitation of power and water."

In accordance with the policy adopted by the committee, various persons representing the publicly owned and privately owned public utilities concerned with the problems before the committee were called upon and were asked to present their views concerning these matters.

The complete transcript of testimony taken before the committee at its various hearings and the exhibits presented are so voluminous and of such magnitude that it would be impossible to include them in their entirety in this report. We are, therefore, filing this with the Secretary of the Senate that it may be available and open to the inspection of the public. Certain exhibits, however, reflect in a concise and printable form the views of the witnesses, and in the case of certain prepared statements, contain valuable information which your committee feels should be contained in this report. Therefore, rather than attempt to set out our own version of this testimony, and so that your honorable body may have this information in the exact words of the witnesses, we are including in this report as Appendix "A", a true copy of certain of the exhibits filed with the committee. Each exhibit is marked with the same letters by which it is identified in the transcript of testimony and the official minutes of each hearing. Appendix "A" we believe will give a good perspective of the information obtained in this investigation, all of which is elaborated upon at length by questions and answers in the transcript of testimony.

In addition to calling upon persons actually engaged in publicly owned and privately owned public utility enterprises, the committee invited other persons and organizations representing the public in general to appear before the committee for the purpose of informing the committee of their views in connection with the problems before the committee.

Pursuant to the provisions of the resolution creating the committee, the chairman called the first meeting, after the preliminary organization meeting, in Los Angeles, California, which meeting took place in January, 1936.

The following people appeared and were heard by the committee:

M. J. Dowd, Chief Engineer, Imperial Irrigation District; Harold P. Huls, City Attorney, Pasadena; William S. Crawford, City Council, Santa Barbara; Carl Froerer, City Engineer, Ventura; Fred Long, City Clerk, Glendora; Fred S. Porter, General Manager, Long Beach Water Department; E. A. Vaughn, Manager, Light and Water Department, Lompoc; Ralph L. Criswell, Public Lands Agent, Bureau of Water and Power, Los Angeles; James McCambridge, Superintendent, Public Service Department, Burbank; P. Diederich, Superintendent of Plant, Water and Light Department, Glendale; H. A. Van Norman, General Manager, Water Works and Supply, Los Angeles; T. A. Panter, Engineer, Electric Distribution, Los Angeles; C. R. Reid, Executive Secretary, California Municipal Utilities Association; George L. Hoxie, Southern California Edison Company; T. A. Hunter, Secretary, Municipal League of Los Angeles; John E. Gray, Secretary, Municipal Light and Power Defense League, Los Angeles; W. H. Anderson, President, Municipal Light and Power Defense League; G. E. Austin, Master, Riverside County Pomona Grange.



The next meeting of the committee was held in the city of Fresno in February, 1936. Pursuant to the plan adopted by the committee, the personnel policy was again made known to the various persons appearing to the effect that the committee was conducting a survey rather than an "investigation" and that the committee, although limited in its scope, hoped and expected to get the complete cooperation of all the persons interested in the problems involved.

The following people appeared and were heard:

Samuel L. Heisinger, Assessor, Fresno County; Louis Bartlett, Special Counsel, Central San Joaquin Municipal Utility District; J. L. Myers, Secretary, Central San Joaquin Municipal Utility District; Carlos F. Pitt, President, Central Counties Municipal Utility District; John L. Anderson, Commissioner of Public Works, Fresno; J. P. Grange, Master, Tulare County; Pauline Morgan, J. B. Harvey, Master, Pixley Grange; Edgar J. Smith, City Attorney, Fresno; Kenneth V. Bogart, City Clerk, Los Angeles; E. A. Miller, California Power Ownership League; John W. Sturgeon, Tulare Grange; L. A. Heising, Master, Fresno County; Pauline Grange; T. Simonis, Caruthers Grange; Axel W. Stralder, Director, Multiple Irrigation District; R. W. Criswell, Electric Engineer, Multiple Irrigation District; Lawrence B. Myers, Fresno, California.

Although representatives of the Pacific Gas and Electric Company and of the San Joaquin Light and Power Corporation were present at the Fresno meeting, at their request the committee excused them for the purpose of having some thing at the San Francisco meeting of the committee.

The committee met in San Francisco in December, 1936, and continued the policy of the committee in attempting to gain information from the various groups represented, called upon and heard from the following persons:

Ralph L. Criswell, Department of Water and Power, Los Angeles; Benjamin F. Delanty, General Manager, Light and Power Department, Pasadena; O. H. Hurler, Mechanical Engineer, Light and Power Department, Pasadena; Albert Grant, Chief Engineer, Sacramento Municipal Utility District; Pauline Morgan, Sacramento, California; T. P. Wittich, Chief Counsel, Los Angeles Municipal Utility District; J. R. Mason, San Francisco, California; Louis Bartlett, Berkeley, California; Glenn A. Baxter, Secretary, Board of Public Utilities, Alameda; Arthur J. Janns, Assistant Utility Engineer, City of Palo Alto; Fred M. Haywood, President, Board of Supervisors, San Francisco; Robert H. Curtis, Pacific Gas and Electric Company and subsidiary companies.

The next meeting of the committee was held in Sacramento at which time the committee heard from the following persons:

Albert Given, Chief Engineer, Sacramento Municipal Utility District; Carlo Rybke, Counsel, Redwell Municipal Utility District; John B. McCall, State Senator, Redding, California; James M. Roche, Attorney, Tulare Water Conservancy; John F. Blakely, City Clerk, Los Angeles; Edward Hyatt, State Engineer and Commissioner, California Water Project Authority; George Scholapp, Master, California State Grange; Ralph L. Criswell, Board of Governors, California Municipal Utility Association.

#### Findings of the Committee.

From the survey conducted by the committee, the committee feels convinced that the problems with reference to the development of the water and hydroelectric energy for the State of California was one which could not be solved in a short period of time and that the problem was complex. At this meeting the committee at its Los Angeles meeting found that although the representatives of the numerous publicly owned utility groups in southern California were interested in the problems involved, they were for the time being satisfied with the results which had been obtained from the development of the Boulder Dam Project.

The committee found that various municipalities in southern California had contracted with the Metropolitan Water District for the taking of water from the Colorado River and in addition many of the cities which were not generating electrical energy by means of steam generating plants had contracted with the city of Los Angeles and the Federal Government for the taking of electrical energy developed and distributed from Boulder Dam.

The feeling of the representatives of the various southern California municipalities may be summarized to the effect that the State of California should not interfere with existing water and power development and distribution projects now being conducted by various municipalities and political subdivisions of the State, but that the State should cooperate with these municipalities and political subdivisions for the purpose of further development in these fields.

The representatives of the San Joaquin and Sacramento valleys publicly owned utility groups, including the East Bay and San Francisco areas, were definitely of the opinion that it was incumbent upon the State of California to develop the water resources of the State as completely as possible and that the Central Valley Water Project was essential for the continued well being of the people in that area. In this connection, the development of the Central Valley Water Project, as the same was outlined before the committee by Mr. Hyatt, has had a slow but steady progress. Construction of the project is now completely under the direction of the



United States Bureau of Reclamation and, at the time that Mr. Hyatt appeared before the committee, a comprehensive investigation of the Kennett Dam Site had been made and negotiations were under way for the major construction contracts and preparations are now being conducted for the development of power in connection with this Central Valley Project.

The survey conducted by your committee showed conclusively that the municipalities, utility, and irrigation districts engaged in the furnishing of water or electrical energy to their inhabitants, have attained a marked degree of success.

The benefits derived from the public ownership of these utilities have been reflected in numerous ways, including lower utility rates, lowered taxes, and in general public improvements.

It is expected that the Central Valley Water Project, when completed, will be of inestimable benefit to the inhabitants of northern California as will be the benefits from the Boulder Dam Project to the inhabitants of southern California.

It is significant that in all the hearings before this committee no testimony was presented which indicates that there had been any failures of publicly owned public utilities or that the policy of public ownership had not been successful.

Many of the public ownership experts appearing before the committee stated that the plan of water and power development which has attained remarkable success in the Province of Ontario, Canada, would be a most logical plan for this state to follow.

The findings of your committee clearly indicate that the consensus of opinion of the people who appeared before the committee was that they are opposed to centralization in the State of California of the control of the water and power resources of the state where such policy would interfere with existing publicly owned utilities.

Without exception every representative of existing publicly owned public utilities and representatives of the public generally who appeared before the committee, favored the policy of the state owning and developing the water and power resources of this State, not now being developed by an existing publicly owned utility, and transmitting the water and power so developed to local public agencies for distribution to the people.

#### Recommendations.

Based upon the testimony taken before the committee and, in accordance with the findings heretofore made, the committee recommends as follows:

1. Rejection of any contemplated plan looking toward the complete centralization in the State of California of the existing water and electric energy facilities as the same are now being conducted and managed by the municipalities and political subdivisions of the State.

2. Development by the State of the water and electrical energy resources of the State and make the same available to municipalities and public agencies for distribution by them to the people.

3. Continued development of the Central Valley Water Project, and that the power developed in connection with said project shall be reserved for the benefit of the people of the State of California.

4. Purchase of existing private utilities, whenever the same shall be necessary and practical, at their fair value.

5. Issuance of revenue bonds to be used for financing the purchase of privately owned public utilities and for the financing of the future development of water and power projects in this State.

In accordance with the recommendations heretofore mentioned, your committee has prepared and introduced a legislative program for the purpose of carrying these recommendations into effect.

The committee wishes to express its appreciation for the kind cooperation of Mr. Fred B. Wood, Legislative Counsel, and Mr. Sidney L. Lipsitch, Special Counsel for the committee, in organizing the work of the committee and the preparation of this report.

The sincere thanks of the committee is also extended to the Industrial Accident Commission for making available reporters to take the testimony before the committee.

Respectfully submitted,

SPECIAL SENATE COMMITTEE ON  
PUBLIC UTILITIES.

JERROLD L. SEAWELL  
J. C. GARRISON  
CHRIS N. JESPERSEN

**BEFORE THE INTERIM INVESTIGATING COMMITTEE OF THE  
LEGISLATURE OF THE STATE OF CALIFORNIA INQUIRING  
INTO THE QUESTION OF CENTRALIZATION OF  
PUBLIC OWNERSHIP OF PUBLIC UTILITIES  
IN THE STATE OF CALIFORNIA**

**APPENDIX "A"**

**CONTENTS**

Exhibit A.	Statement of City of Pasadena.
Exhibit B.	Report of Department of Water and Power, City of Los Angeles, in its entirety, deleting therefrom all exhibits therein, except Exhibit VII (Average cost of electricity per kilowatt hour) which is to be included.)
Exhibit E.	Resolution of California Municipal Utilities Association.
Exhibit F (a)	Statement of George I. Howe, Southern California Edison Company.
Exhibit H.	Statement of Louis Bartlett.
Exhibit H (a)	Article in "Nation"—May 17, 1933.
Exhibit I.	Statement of Central San Joaquin Municipal Utility District.
Exhibit J.	Statement of California Public Ownership League.
Exhibit K.	Letter—L. H. Harding, Mayor, Fresno County Public Service.
Exhibit L.	Statement of Modesto Irrigation District.
Exhibit M.	Statement of City of Berkeley.
Exhibit N.	Statement of City of Santa Barbara.
Exhibit R.	Statement of Franklin Hieborn.
Exhibit T.	Statement of City of Alameda.
Exhibit X.	Statement of J. R. Mason, San Francisco, California.
Exhibit Y.	Statement of Pacific Gas and Electric Company.
Exhibit Z.	Statement of Sacramento Municipal Utility District.
Exhibit CC.	Graphs of Comparative Rates, City of Los Angeles.
Exhibit GG.	Statement of California Municipal Utilities Association.
Exhibit HH.	"Comparative Cost of Electric Power" by Ralph L. Crieswell.
Exhibit II.	"Public Power—Its Financing and Advantages" by J. D. Ross.
Exhibit JJ.	"The Case for Public Ownership" by R. E. McDaniel.

**STATEMENT OF THE CITY OF PASADENA  
OPPOSING CENTRALIZATION OF PUBLIC OWNERSHIP OF  
PUBLIC UTILITIES IN THE STATE OF CALIFORNIA**

Represented by

**C. W. Koiner, City Manager; Harold P. Huls, City Attorney.**

The City of Pasadena is unalterably opposed to the centralization of public ownership of public utilities in the State of California.

The City of Pasadena owns and operates its own municipal electricity generating and distribution system, and develops and distributes water from its own municipal plant. In 1932-1934 the City of Pasadena constructed and completed its Morris Dam in San Gabriel Canyon on the San Gabriel River at a cost of approximately \$7,500,000.00, the project including some 18 miles of aqueduct for the transportation of the water to the City of Pasadena. It likewise is a member city of the Metropolitan Water District and has contracted with said District for the sale of its said dam to the said District upon the delivery of a sufficient supply of Colorado River water for the City and its inhabitants by the District. It likewise has contracted to sell the said dam to the said District upon the delivery of said Colorado River water. Pasadena has developed its own water program without

aid from any other agency, and enjoys a water rate which compares favorably with that of other cities or agencies under comparable circumstances.

The history of municipal ownership of electric utilities has been one of ever decreasing rates not only as far as the municipally owned utilities are concerned, but also as regards the rates charged by privately owned electric utilities which have been forced to lower rates by the competition with municipally owned utilities. The electric plant of the City of Pasadena, having its inception in 1906, is one of the outstanding examples of successfully owned municipal utility plants in this country, and the history of light and power rates in the City of Pasadena under municipal ownership shows a continual downward trend in cost to consumers so that now the City of Pasadena affords a light rate for residence use of \$6.30 per 500 KWH consumption, which according to our information is the lowest residential rate in the United States. This is graphically depicted on the graph attached hereto and marked Exhibit "A". This is further shown by comparison with rates existing in the leading cities in the State of California on Exhibits "B" and "C" attached hereto.

The City of Pasadena's Municipal Light and Power plant was constructed from bond issues of \$1,492,000.00, of which \$252,991.00 is now unpaid, the entire expense of operation and additions to the plant having been taken care of out of earnings.

In addition to that the earnings of the Light Department have assisted materially in the construction of a Municipal Golf Course, a Municipal Hall of Justice, a Civic Auditorium, and has provided work relief and funds for the unemployed at times when such aid to other city projects was most needed. In 1935 a charter amendment became effective requiring the transfer from the Light and Power Fund annually of 8% of gross income of the Municipal Light and Power Department received during the previous fiscal year from the sale of electrical energy for use in the City to be expended for the payment of interest and or principal on any bonds of the City which are at said time or shall become wholly payable out of moneys received from general taxes of the City. This amendment is effective until June 30, 1939.

On September 29, 1931, the City of Pasadena contracted with the United States of America for the generation and delivery of 68,000,000 KWH of electrical energy from Boulder Dam. The life of this contract is 50 years from the time of first delivery with the option to extend the same for another 50 years. In addition the City of Pasadena has contracted with the City of Los Angeles for the transmission of said electrical energy from Boulder Dam, and has agreed to bear its proportionate share of the cost of construction, operation and maintenance of said transmission line to be constructed by the City of Los Angeles.

The City of Pasadena conceives that the development, transportation and storage of water for its domestic supply, and the generation and distribution of electrical energy to the City and its inhabitants is a municipal affair over which the State legislature has no control whatsoever, and over which it should be accorded no control. The City of Pasadena believes that to permit the State to gain control over such utilities which have operated, as has been shown, in the most advantageous manner for such cities and their inhabitants, would be an unwise invasion of the rights reserved to charter cities by the Constitution of the State of California to be free from outside interference in matters which concern themselves purely.

The fine development and growth of cities in the State of California has been largely due to the autonomy accorded them by the municipal home rule provisions contained in the Constitution of the State of California, and the City of Pasadena believes that to centralize the development of these resources in the State of California would be a distinctly backward step and an invasion of the guaranteed rights of home rule to cities which is not warranted by the facts of the situation with respect to such utilities in the State of California.

Dated this 14th day of January, 1936.

Respectfully submitted,

**CITY OF PASADENA**

By C. W. Koerner, City Manager  
Harold P. Huls, City Attorney.

## EXHIBIT "B"

### DEPARTMENT OF WATER AND POWER LOS ANGELES, CALIFORNIA

#### Before the SENATE SPECIAL COMMITTEE

January 15, 1936.

Presented by Ralph L. Criswell.

The Department of Water and Power, being an integral part of the Los Angeles city government, and existing by virtue of the provisions of the Charter of the



City of Los Angeles, which provides for the successful operation of said Department in the field of business, as contrasted with functions that are purely governmental, first came into being as a municipally owned water works in 1892 and was known as the Water Department, under the jurisdiction of the Board of Water Commissioners (seven in number). By amendment to the Charter in March, 1911, the Board of Public Service Commissioners succeeded to the Board of Water Commissioners, and subsequently the new Charter adopted in 1925 provided that the Board of Water and Power Commissioners was thereby created to be the successor in interest to both the Board of Water Commissioners and the Board of Public Service Commissioners, and that the Department was thereafter to be known as the Department of Water and Power.

The Charter provides that the powers conferred upon the Department of Water and Power shall be exercised by a Board of Water and Power Commissioners (five in number) who are subject to the general directions relating to all commissioners of all other city departments, and whose duty it is to supervise, control, regulate and manage the Department of Water and Power, and to make and enforce all necessary and desirable rules and regulations therefor. Each of the five members of the Board is appointed for a five-year term, subject to confirmation by the City Council.

The present Board is made up of the following members, with the year of expiration of their term of office: Dr. John R. Hayes, president, July 1, 1941; Arthur J. Mullen, July 1, 1939; W. H. Hay, July 1, 1938; Alfred Lansing, July 1, 1937; A. F. Southwick, vice president, July 1, 1936. The Board appoints its secretary, and James P. Vreman has been secretary for more than twenty-five years.

The funds of the Department are administered through a Departmental controller by the city controller and the city treasurer. F. M. Anderson has been auditor and controller since the organization of the Water Department in 1892. The fiscal year extends from July 1 to June 30.

As a self-supporting proprietary department, with control of definite revenues, the Department of Water and Power, through its commissioners, is required to adopt an annual budget. No expenditures may be made or expenses incurred except in accordance with that budget, unless specific appropriations are made subsequent to adoption of the budget.

The Board formulates the policies of the Department, authorizes necessary ordinances and employees and fixes their salaries and duties, subject of course, to city service regulations. The Charter provides that the Department of Water and Power shall have the power and duty to construct, operate, maintain, control, manage, and control works and properties for the purpose of supplying the city and its inhabitants with water and electrical energy, at either and to regulate and take by purchase, lease, condemnation, or otherwise, and to hold in the name of the City, any and all property situated within or without the City and within or without the State, that may be necessary or convenient for such purpose, to regulate and control the use, sale, and distribution of water and electrical energy owned or controlled by the City, and to collect for water and electrical rates, to fix the rates to be charged for connections and, subject to the approval of the Council, by ordinance to fix the rates to be charged for water and electrical energy for use within or without the City.

The Charter further provides that at the discretion of the Board of Water and Power Commissioners, they may divide the work of the Department into two bureaus, namely, the Bureau of Water Works and Supply, and the Bureau of Power and Light, and in case such division is made, the General Manager of the Bureau of Water Works and Supply shall be the Chief Engineer of said Bureau, and shall be known as the Chief Engineer of Water Works, and the General Manager of the Bureau of Power and Light shall be the Chief Engineer of said Bureau, and shall be known as the Chief Electrical Engineer. Each said Bureau General Manager shall be directly responsible to the Board in relation to the affairs of said Bureau, and in relation to the Board.

In accordance with the above-mentioned provision, the Department of Water and Power is divided into two Bureaus, known as the Bureau of Water Works and Supply, with H. A. Van Norman as General Manager, and the Bureau of Power and Light, with E. F. Scattergood as General Manager.

#### Joint Activities.

In addition to directing their respective bureaus, the general managers serve with a member of the Board as a "joint committee", supervising activities of various divisions of the Department that function for both Bureaus. These divisions have been established where economic advantages are to be gained through creating facilities to meet requirements common to both Bureaus.

It is provided in the charter that the general manager of each Bureau shall be directly responsible to the Board and shall have the same powers and duties as a department general manager in relation to the affairs of such Bureau and in relation to the Board.

In volume of business handled, the Department of Water and Power far exceeds any other city department. Its revenues from the sale of electricity are approx-



nately \$16,000,000 annually, while water revenues are in the neighborhood of \$9,000,000 a year. Combined assets of the water and power systems total \$275,000,000. The annual payroll of its 6200 employees, including construction field forces, was approximately \$10,906,000 for the year ending June 30, 1935.

To administer efficiently this great municipal enterprise, executive management of highest order is required. That it has been rendered is evidenced by the long service records of the General Managers and the very creditable showings they have made. When William Mulholland retired from active connection with the department, in 1928, he had been identified with the local water supply system more than fifty years. H. A. Van Ness, Chief Engineer and General Manager of the Bureau of Water Works and Supply and E. F. Scattergood, Chief Electrical Engineer and General Manager of the Bureau of Power and Light have been with the department since the time of aqueduct construction, almost thirty years ago.

The Department of Water and Power consists primarily of two major units, or Bureaus, the Bureau of Power and Light and the Bureau of Water Works and Supply. Each Bureau is divided into several divisions, the heads of each reporting to its respective General Manager. A secondary group of divisions, termed "Joint", because they function in the interests of both Bureaus, report to a committee composed of the two General Managers and a member of the Board.

Only two divisions are directly under the Board, the controller's, which is headed by the chief accounting employee in accordance with charter provisions, and the legal, which is staffed by deputy city attorneys.

The controller's division audits accounts and funds, reporting conditions to the Board, audits and approves demands, checks, budgets and general accounting and cost accounting work. Frequent contact is established with the city financial officers. The division provides the management with statistical cost engineering and economic studies, estimates and reports.

The legal division gives advice to the Board and Department officials, represents the Department in law suits, prepares contract forms and cares for the general legal business of the Department. The legal staff is appointed by the City Attorney and paid by the Department. This staff consists of an assistant city attorney and nine deputies. Clerical forces are regular employees of the Department.

Many important divisions are included in the joint group functioning for both Bureaus and reporting to the committee made up of the two General Managers and the president of the Board.

The tremendous volume of detail required in billing and collecting more than 500,000 consumer accounts for water and electricity each month with a monthly average in excess of \$2,000,000, requires the most modern methods of commercial practice.

Besides this activity, the duties of the commercial division include 5,000,000 readings of water and electric meters annually, addressographing 7,000,000 regular and special consumer bills each year, starting up contracts for light and water service with new consumers, receiving office and mail collections for service rendered. Seventeen branch offices at strategic locations facilitate service applications and consumer payments. Modern communication equipment including telephones, teletypes and teleautographs speed up all transactions with the public and within the organization. One and one-half million consumer account records, covering a three month period, are available almost instantly in the bookkeeping section. Use of tabulating cards makes this compact arrangement possible.

Purchases totaling \$5,000,000 in a year are made by the purchasing division. Standard specifications are established for items repeatedly ordered, thus reducing purchase costs. A traffic section has effected savings of many thousands of dollars by surveying all possible shipping methods and routes and selecting the most economical.

In the acquisition of hundreds of sites for operation of the water and electric systems, including the Boulder Dam transmission system, the Department has developed a large and efficient right of way and land division. The large volume of escrow work made it feasible for the division to install its own escrow section, effecting material savings and eliminating all escrow expense to the seller.

As many of the properties owned by the Department were needed only for water rights or for right of way purposes, it has been possible to lease such parcels and derive some income. Other functions of the division are the collection of rentals and supervision of the properties, to secure easement deeds, right of way permits for water main, extensions and power line extensions, serve summons for court actions and investigate claims for damages against the Department. Acquisition of 206 miles of right of way for the Power Bureau's transmission line to Boulder Dam has been in progress for some time.

General shops, transportation equipment and stores divisions are consolidated under the direction of one head.

The stores division coordinates the receiving, storing, issuing, reclaiming and accounting of all new and salvage material, equipment and supplies.

The transportation division cares for the 1,053 automotive vehicles owned by the Department. In the course of a year this fleet of cars rolls up almost 11,000,000 miles. The units range from light passenger cars to 12-ton trucks and their range

of operations extends from San Pedro to Moss River in the High Sierra, more than 300 miles north and south, and from the San Fernando Valley to the Colorado River, more than 300 miles east and west. As an example of efficiency quoted at all points of the organization to keep costs to a minimum, the division operates an oil refining plant, whereby used crankcase oil is treated and returned to a machine supply at the highest quality cost of oil. An average of 1,500 gallons a month is produced in this manner. The division also builds its own batteries.

The smallest division of the Department is that of accident prevention. Its function is to prevent accidents that might cause injury or property damage by enforcing the cooperation of workers and their superiors in eliminating unsafe practices.

With over 6,000 employees engaged in some 200 different kinds of work incident to the design, construction, operation and maintenance of the Department's several hundred miles of water and electric works, there is of necessity a constant necessity to organize and direct employee activities over these far-flung systems. To come from the Civil Service Board specifications, 1919 system. Handling all matters between this Department and that of Civil Service, including merit system principles.

making personnel studies and recommendations for improvements affecting the wage and salary schedule and for improvements in working conditions and personnel efficiency and related work. Supervision of employee health through the existing nurse's office and the administration of the workers' compensation provisions of the state law is part of the personnel division activities.

The thoroughness with which "merit system" activities are administered may be judged by comparing results with other city departments working under the same civil service provisions. Although the Department of Water and Power is independent of many charter restrictions applying to such departments as are financed by tax funds, and is in direct competition with other public utilities maintaining rigid economy in management, this Department might be expected to follow complex civil service procedure only with some degree of reluctance. However, difficulties relating to "merit system" personnel activities have been so numerous as to place the Department of Water and Power in this respect among the leaders of city departments.

## BUREAU OF WATER WORKS AND SUPPLY

The Bureau of Water Works and Supply consists of the following divisions, headed directly to H. A. Van Norman, Chief Engineer and General Manager, as follows:

The Engineer of Water Works, who is in charge of the design, construction, maintenance and operation of domestic and irrigation distribution systems, pumping plants, reservoirs, supply main lines, water meters, water treatment, chemical laboratories, specifications, meters and services, system extensions, new business, surveys, drafting, engineering laboratories, etc.

The Engineer of Sources of Water Supply, who is in charge of the acquisition, maintenance and operation, construction, source of water supply, pumping plants, canals, pipe lines, buildings, shops, irrigation water, hydrographic division, etc. (Owens Valley and Mono Basin Divisions).

The Superintendent of Construction, who is in charge of the construction of all major projects, such as tunnels, canals, buildings, and all other structures as designed.

The Director of Personnel, who is in charge of all personnel matters and the records pertaining thereto.

The Executive Assistant to the General Manager, who is in charge of statistical research studies, engineering publications, budget, financial statements, cost studies, Bureau files, presentation of special reports, field construction, handling forces, administration of Bureau policies, etc.

### Historical

The Pueblo of Los Angeles was established by the Spanish crown in 1781 for the primary purpose of raising subsistence supplies for the small army of occupation. Water was the element that determined the location of a pueblo and the area of the grant was adjusted to the available supply. This was done in the case of the Pueblo of Los Angeles. A grant of one league square was made and the Los Angeles River became appurtenant to this grant in 1781, and no lands were separately held until after the American occupation in 1848. The water was diverted by canals to the respective homes or ranches within the grant.

In 1857, William Dryden realized that the pueblo needed a domestic water supply that would afford more convenience than the open ditches. He obtained a franchise to raise water from the "Zanja Madre," or "mother ditch," by means of a water wheel, and also the franchise to lay pipes and conduits for a water system. The next year Dryden, Hancock, and Temple formed a corporation known as the Los Angeles Water Works Company. This company, operating under Dryden's franchise, extensively enlarged and developed the distribution system.

In 1868 a thirty year franchise was granted to the Los Angeles Water Works Company, the consideration being the establishment of a fountain in the old city plaza. The expiration of the franchise in 1898 was preceded by two years of





limits of cost and time fixed by the engineers in their first estimate. It is not an exaggeration to say that the builders of the aqueduct system and a water record for efficiency and economy. Their estimate the work would be completed in five years. The work began in November, 1910, and water was delivered to the San Fernando Reservoir in November, 1914, and within the agreed limits.

The Owens Valley lies between the eastern base of the Sierra Nevada and the Inyo Ranges. The valley is about 150 miles long and ranges from one to twenty miles in width and has an elevation between 5,000 and 8,000 feet. It is situated in Inyo and Mono Counties, approximately in the central portion of California, north and south, and on the thrust side of the Sierras. It is drained from the San Joaquin Valley and San Francisco Bay south by the High Sierras. The Mono, Inyo, and Coast Range interpose between it and Southern California.

The waters of the Owens River flow on the high slopes of the Sierra Nevada. The rainfall on the valley floor is about twenty-five inches, but on the higher altitudes and on the slopes of the surrounding part of the precipitation is in the form of snow and averages more than 100 inches.

A vast amount of preparatory work had to precede construction. Roads, trails, power plants, telegraph and telephone lines were built and water supplies for camps were established along 100 miles of mountainous terrain. The work included 245 miles of road, 250 miles of pipe line, 218 miles of power transmission lines, 377 miles of telephone and telegraph lines, and 57 miles along the line of the aqueduct.

The problem of transportation of material through the desert by constructing camps between Mono and Owens Valley was solved by the building of a branch of the Southern Pacific Railway known as the Nevada and California Railway from Mojave to a junction with the main line at Owens Valley in 1910. The road was a standard gauge, with four heavy roads and is a permanent part of the Southern Pacific System at the present time. The line also built a temporary line about nine miles long from the main line near the Tiemeyer Division to near of Red Rock.

Hydrographic studies made by the Water Department together with cooperation with United States Geological Survey engineers resulted in a report showing that a supply of 20,000 miner's inches (400 second feet) of water could be obtained from Owens Valley. The report consisted of a series of six canals, distributives and miles of conduit. Approximate figures show south of Independence the main canal, with a capacity of two cubic feet per second, divides the area and carries tributaries to which are passed discharging into Haiwee reservoir at 61 miles below the intake. This 900 second foot canal will carry an average flow of 1,000 second feet of the melting of snow. Then the canal, with a capacity of 10,000 second feet, discharges five miles north of the intake, discharges into Haiwee from the southern portion of the basin to the capacity of the canal above Haiwee.

Haiwee reservoir, with a capacity of 65,000 acre feet, regulates the flow of the southern portion of the aqueduct. Its carrying capacity is 100 cubic feet per second. The first 24 miles of the canal, situated in the volcanic lands of Owens Valley, forms practically a natural river course and is not lined. For the next 17 miles to Haiwee reservoir, the canal is concrete lined but not covered. From Haiwee reservoir to the suburbs of Los Angeles the canal consists of 97 miles of covered concrete conduit, 53 miles of head tunnels, 42 miles of siphons, and 2 miles of by-pass immediately south of Haiwee reservoir.

The flow near the southern portion of the aqueduct is regulated by Patterson, Bonquet, Dry Canyon, and San Fernando reservoirs. Patterson reservoir, with a storage capacity of 7,500 acre feet, which lies north of the Coast Range regulates the flow through the Elizabeth tunnel to Bonquet and Dry Canyon reservoirs, having capacities of 36,500 and 750 acre feet respectively, working usually in flow through the municipally owned hydroelectric power plants into the San Francisco mountains at the terminus of the aqueduct proper.

Since the inception of the Los Angeles aqueduct an average of 250 second feet has been delivered into Haiwee reservoir. The crop of 1913-14 delivery was 1914-15 with 47 second feet and the highest was in 1931-32 when 570 second feet were delivered.

Wells from the Alabama Hills to Bishop were drilled to supplement the surface flow during periods of deficient rainfall. At present there are 410 wells equipped with pumps. Since 1917-18 these wells have contributed an average of 42.6 second feet per annum. The year of lowest production was in 1917-18 with 5.1 second feet, and the highest was in 1930-31 when the wells produced a yearly average of 188.8 second feet.

The completion of the Mono Basin project, which is under construction at the present time, will permit the diversion of the water from this basin for use in the City of Los Angeles. The supply from this source, together with the present estimated safe yield of the Owens River watershed, will keep the aqueduct flowing at full capacity without pumping, except in extremely dry years, and will furnish a continuous flow of 480 cubic feet per second out of Haiwee reservoir.



With the addition of Grant Lake reservoir and Long Valley reservoir, having storage capacities of 48,000 acre feet and 163,000 acre feet, respectively, the total storage along the line of the aqueduct will be 358,630 acre feet.

#### *Rates.*

February 12, 1902, after the municipality had taken over the operation of the water-works, an ordinance became effective reducing meter rates from 20c per 100 cubic feet for the first 2,000 c.f. and 15c for each 100 c.f. above 2,000 to a sliding scale of from 15c, maximum, to 10.2c minimum. The present residence rate is 13c per 100 c.f., with a minimum of \$1.00 per month for an ordinary residence.

In 1915 an irrigation rate of \$1.50 for the first 800 c.f. was established and 7½ mills per 100 c.f. for all in excess of 800 c.f. June 1, 1920, there was established a combination irrigation and domestic rate of 2c per 100 c.f., with a minimum of \$1.00 per month, and an intermittent irrigation rate of 1.4c per 100 c.f., with a \$2.00 minimum. The present combination rate is \$1.65 per month minimum for 1300 c.f. supplied through a 1-inch meter, and 4c per 100 c.f. for any excess, supplied from the gravity system and 6c per 100 c.f. if supplied by pumping. The intermittent irrigation rate is 1.5c per 100 c.f. supplied by gravity and 3.5c if pumped, with a minimum charge of \$2.00 for each time water is used.

Many privately owned systems have been absorbed by the Bureau. In some instances these systems were supplying water to users outside the city as well as inside. In these cases the Bureau has continued to supply the rural users, although the rate is slightly higher outside the city limits.

#### *Reservoirs and Tanks.*

The locations of the reservoirs and tanks are indicated by the several major headings given on the chart captioned "Reservoir and Tank Data." They are Los Angeles Aqueduct, San Fernando Valley, Los Angeles City and the Los Angeles Harbor District.

The functions of the reservoirs are as here described. The Los Angeles Aqueduct reservoirs serve several purposes. As a group they serve to impound and to store the waters of the Los Angeles Aqueduct supply, and also to regulate their flow through the aqueduct. In addition to this, Fairmont, Bouquet Canyon, and Dry Canyon reservoirs are directly used to control the generation of hydroelectric power at the San Francisco power plants.

The San Fernando Valley reservoirs function as follows: The Upper and Lower San Fernando Reservoirs act as terminal storage reservoirs for the Los Angeles Aqueduct, as service reservoirs to the areas lying below them, and as regulation for the San Fernando power plants. All other San Fernando Valley reservoirs, excepting the MacKay Reservoir, are supplied from these two either by gravity or by pumping. The large reservoirs, Chatsworth Reservoir and Encino Reservoir, serve as additional terminal storage for the aqueduct and help regulate the large irrigation use of water during the summer months. The smaller reservoirs and tanks serve various local areas with either pumped or gravity supply as shown on the chart. They serve for day to day regulation of the use of water required for local areas.

The Los Angeles City reservoirs and tanks serve as aqueduct terminal storage, and for local service area storage and regulation. The Hollywood, Stone Canyon, and Franklin Canyon reservoirs are the larger of the reservoirs used to regulate and store Los Angeles Aqueduct water. Upper Franklin Reservoir acts as a fore bay for power generation at the Franklin power plant. Silver Lake Reservoir functions as a storage reservoir for Los Angeles River water and also Los Angeles Aqueduct water. All other reservoirs and tanks are used for regulation of day by day variations in demand by local areas, whether supplied by gravity or by pumps.

The Los Angeles Harbor District reservoirs were designed to store and regulate the well waters which for many years were the source of supply for this area. In 1935 a new supply line was constructed which supplies this district with Los Angeles Aqueduct water, and the Harbor District reservoirs now serve to regulate this supply.

The capacities of all the reservoirs are given on the chart in units of millions of gallons, and also of acre feet.

#### *Wells.*

To augment the supply of water from the Los Angeles River and the Owens River aqueduct, the Bureau operates 86 wells in and near the city. These wells are in addition to 110 wells in Owens Valley which are operated for the purpose of equating the aqueduct flow. The Bureau also operates 67 pumps in the city for the purpose of lifting water to the higher elevations which cannot be supplied by gravity flow.

The distribution system consists of 3828 miles of pipe, ranging in diameter from 4 inches to 78 inches.

*Financial.*

Bonds for the Bureau have been authorized and issued from time to time, to the amount of \$93,200,000, of which there are now outstanding \$64,504,200. The interest rate ranges from 3 1/2% to 5%, and the bonds mature in various amounts from 1936 to 1974. As of June 30, 1935, the assets of the Bureau totaled \$154,189,183.

The gross income of the Bureau for the last fiscal year amounted to \$9,114,288. After deducting operating expenses, interest and depreciation, there was left a surplus of \$1,298,021. For the fiscal year ending June 30, 1935, ten years ago the surplus was \$742,095.

*Mono Basin*

The Mono Basin Project is a plan to provide additional water for the City of Los Angeles. This plan embraces the acquisition of properties and water rights and the construction of concrete canyons and conduits to convey the water and storage of the waters of the several streams in Mono Basin and their transmission to the Owens River and thence to Los Angeles. The project has made financially possible by a water bond issue, which was authorized by the voters of the city at an election held on May 20, 1920.

Mono Basin is situated in Mono County, California. It is about 47 miles in length and 22 miles in width and extends to elevation over 10,000 feet above 6,400 feet at Mono Lake water surface to more than 14,000 feet at the highest peaks.

The principal water supply of Mono Basin has its origin in the eastern slope of the Sierra Nevada, which forms the western boundary of the basin. The runoff from this area is collected by several streams, all of which empty into Mono Lake, lying approximately in the center of the basin. This lake is a large body of water, exclusive of its two basins of salt water, and has a surface elevation of 6,419 feet above mean sea level. The surface drainage into Mono Lake is supplemented by many springs, some of them of considerable size. Most of these streams are either in the bottom of the lake or near its shores, being quite numerous along the base of mountains which abut the eastern shore. The southern portion of the basin is very arid, largely destitute of vegetation and not productive of sufficient water to reach far into the basin.

The important streams of the basin, in the order of the importance of their contribution with the largest first, are: Rush Creek, forming the tributaries North Fork, Reversed Creek, Parker Creek, and Walker Creek; Leeving Creek, receiving its tributaries—Greener Canyon Creek and Walker Lake; Mono Creek and its tributary—Lake Canyon Creek; and Cedar Canyon Creek. The mountain flows of these creeks constitute practically the entire flow of the basin and are the main source, which a supplementary supply of water is being obtained.

The City of Los Angeles has long been interested in Mono Basin as a source of additional water supply. As early as 1915 a preliminary study was made, consisting of field surveys and investigations, to consider the feasibility of diverting the waters of the basin.

Hydrographic studies have shown that it is possible to divert and deliver from Mono Basin a quantity of water which, when added to the Owens River supply, and supplemented by the Owens Valley underground water system, when necessary, would enable the city to operate comfortably the Los Angeles Aqueduct at its maximum mean annual flow of 480 second feet.

For the twenty-six year period 1906 to 1931, inclusive, the average annual flow of all these Mono Basin streams, as nearly as can be determined, was approximately 226 second feet of which 195 second feet (86%) may have been diverted had the water supply system now being constructed been in operation. However, for the eleven years 1923 to 1933 inclusive, a period of satisfactory operation, the average annual flow of these streams was about 150 second feet, of which 140 second feet could have been diverted.

Engineering investigations have shown that Greener Lake is the most suitable reservoir site of large capacity in Mono Basin. The site for this reservoir will be located on Rush Creek at the narrows below Greener Lake. It will be of the earth-fill type and will rest on a gravel foundation. A dam approximately eighty-five feet in height above the stream bed at this point will create a reservoir of 48,000 acre feet capacity. Preliminary work up to July 1, 1935, consisted of removing the top soil at the dam site, and digging a ditch to divert the waters of Rush Creek during the period of construction. About 2,400 cubic yards of earth had been removed from the dam site, and approximately 6,500 cubic yards from the ditch by this same date.

The different sections of the proposed Mono Basin aqueduct will vary in capacity to carry the added water as the different streams are diverted into it at convenient points along the line. From Leeving Creek to Walker Creek the capacity of the aqueduct will be 300 second feet, increasing to 325 second feet at the Walker Creek diversion, and continuing with this capacity to Parker Creek, with another increase to 350 second feet at the Parker Creek diversion, which capacity continues

into the Grant Lake Reservoir. The aqueduct from Grant Lake Reservoir to the Owens River will be a gravity line, consisting of a tunnel approximately 3450 feet long at Grant Lake, about three miles of trapezoidal conduit, and the Mono Craters Tunnel, 11.3 miles long, with a capacity of 390 second feet.

The Mono Craters tunnel, 59,812 feet in length, as being built, has a nine-foot section, wide horseshoe type, and will be concrete-lined throughout. Due to its length, two shafts, one of them, Shaft Number One, 900 feet deep and the other, Shaft Number Two, 300 feet in depth, are being sunk along its axis to avoid an unduly long construction period. Excavation will be carried on from six headings, two at each shaft, and one at each portal. The estimated time required to complete the Mono Craters tunnel is three and one-half years.

Construction on the Mono Basin Project was authorized by the Board of Water and Power Commissioners on July 3, 1934, and actual drilling was started at West Portal on September 24, and at East Portal on November 23. Excavation for sinking Shaft Number One was begun on November 28, 1934, and excavation work at Shaft Number Two was started February 8, 1935.

Up to the end of the fiscal year, July 1, 1935, 5059 feet of excavation had been made in Heading No. 1, West Portal, including 1879 feet of support, and 3790 feet, entirely supported, at Heading No. 6, East Portal. On this date, Shaft No. 1 had been sunk to a depth of 539 feet, and Shaft No. 2 had been excavated to a depth of 340 feet, 40 feet below the invert grade of the tunnel. It is expected that Shaft No. 1 will be completed to tunnel grade about April, 1936. Shaft No. 2 was completed approximately September 1, 1935. When Shaft No. 1 is completed, drifting will begin in Heading No. 2, westerly from the shaft toward West Portal, and easterly in Heading No. 3, toward Shaft No. 2. Excavation will start easterly in Heading No. 4, toward Shaft No. 1, and westerly in Heading No. 5, toward East Portal, as soon as Shaft No. 2 is sunk to tunnel grade and the muck pocket, surveyor's drifts, and other works necessary at the bottom of the shafts, have been finished.

From the East Portal of the Mono Craters Tunnel to the Long Valley Reservoir at the upper dam site at the head of the Owens River Gorge, a distance of about 30 miles, the water flows in the natural channel of the Owens River. Here a dam of the rockfill type and 132 feet high above stream bed, will form a storage reservoir of approximately 163,000 acre feet capacity. Preliminary work on the Long Valley dam site was begun in April, 1935, and approximately 3400 cubic yards of top soil had been removed up to July 1st.

Expenditures to July 1, 1935, have consisted of \$3,295,000 on the Mono Craters Tunnel, \$71,000 at Grant Lake Dam and Reservoir, and \$206,000 at Long Valley Dam, a grand total of \$3,572,000. This total includes the cost of erecting camps, installing water supply, telephone and power lines to the various camps and points of construction, the purchase of construction equipment, material and supplies, as well as the amount chargeable to direct construction.

#### *Labor.*

All employees, excepting certain laborers, are under the jurisdiction of the City Civil Service Commission, and employees are selected by merit system only. The scale of wages paid to employees is generally satisfactory to labor organizations affected.

There are 18 employees of the Bureau in executive capacities who receive over \$5,000 per year each. The average monthly salary of these executives is \$589. Eight California utilities (Southern California Edison, Los Angeles Gas and Electric, Pacific Gas and Electric, San Diego Consolidated Gas and Electric, San Joaquin Light and Power, Southern California Gas, Los Angeles Railway and Southern California Telephone) have 233 employees in this class who receive a monthly average salary of \$771. The Bureau has 2,499 employees who receive less than \$5,000 per year each. The average monthly wage of these employees is \$146. The eight utilities listed above have 30,227 employees of this class, whose average wage is \$127 per month. Of the above employees of the Bureau 1084 are employed on construction projects.

### **BUREAU OF POWER AND LIGHT**

When the City of Los Angeles entered upon the task of bringing a domestic water supply from the Owens River Valley, hydro-electric power came into the picture as a valuable by-product. In 1906 E. F. Scattergood was appointed as consulting electrical engineer on the Owens River aqueduct project. Soon after his appointment, Mr. Scattergood submitted his preliminary report on aqueduct power development.

The Bureau of Power and Light was organized on March 23, 1911, under the control of the Board of Public Service Commissioners, predecessors in interest to the Board of Water and Power Commissioners. Its Chief Electrical Engineer and General Manager, E. F. Scattergood, has been in active charge of the construction and operation of the Bureau from its inception. Operations of the Bureau's generating plants commenced in April, 1917.



The first power bonds, to the amount of \$2,500,000, for the acquisition of land and the construction of a power plant and transmission and distributing systems, were authorized at a city election, held April 19, 1919, by a vote of 12,296 to 1,600. At an election held March 6, 1911, the voters of the city authorized the municipal distribution of power, instead of turning the power over to a private company; by a vote of 11,809 to 1,315. A proposal to issue bonds to the amount of \$6,500,000 to continue the construction of generating works and a transmission and distributing system was defeated at an election held April 15, 1914, by a vote of 31,063 for and 21,249 against, thus falling short of the necessary two-thirds by 3,812 votes. However, the proposal was reconsidered at an election held May 8, 1914, and the issuance of the bonds was authorized by a vote of 50,183 to 24,564.

When the water first poured through the Owens River conduit in 1914, it should have swept into action generating that would have supplied the city with cheap electrical energy. But it was not until the spring of 1917, nearly three years behind the carefully planned schedule that the city began to generate and distribute its own power from the aqueduct, and then just a distributing system that covered only a limited portion of the community. Losses, partly and unconsciously aided and abetted by opponents of public ownership by means of obstructive litigation and the defeat of the bond issue of April 16, 1913, for the construction of a transmission and distribution system.

#### *Edison Purchase*

In 1916, after extensive negotiations for the purchase of the distributing systems of the privately owned power companies operating in Los Angeles had failed, the city started the construction of its own distributing lines. After a few months of intensive competition, in which the municipal system was able to take over from the private corporations more than 70 per cent of their business in the metropolitan area, and threatened to extend this area, the Southern California Edison Company and the Pacific Light and Power Company, whose system was then being united with the Edison Company, agreed to sell. A third company, the Los Angeles Gas and Electric Corporation, refused to negotiate.

An agreement was entered into on April 30, 1917, through which the city was given an option to purchase the two above named distributing systems, and pending the purchase, the Edison Company agreed to operate them for the city. But handicapped by war conditions and by the further acquisition of the private power interests, it was not until May, 1922, that the city was able to take over these lines. Bonds for their purchase were approved in 1910, but their use was delayed by litigation until 1922. The operating agreements were extended from time to time. Since the actual transfer to the city of the distributing lines, the municipal electrical system has been able to demonstrate its real efficiency.

#### *Litigation*

Litigation has at times greatly delayed and impeded the work of the Los Angeles municipal system, and a large number of lawsuits have been directed against the Bureau. In by far the greater number of instances the Bureau has ultimately prevailed, but at considerable cost of time and money.

In 1914 Superior Court cases Nos. 15,569 and 17,165 were filed by Henry H. Hart and Edgar M. Frost, respectively. As both suits dealt with the same facts, they were consolidated for trial. These suits sought to enjoin the bringing of the water from Owens Valley on a proposed charge of its impurity. Actually they were intended to make it impossible for the city to carry the water through its aqueduct and use it on its way for the generation of electric power. The Superior Court gave judgment in favor of the city July 10, 1915. The plaintiff's appealed the case to the Supreme Court, which on August 11, 1919, affirmed the decision of the lower court. It cost the Bureau about \$104,000 to defend itself in these cases.

On May 1, 1917, a suit was brought to restrain the Bureau from carrying out the operating agreement with the Edison Company. Judgment in favor of the Bureau was handed down August 27, 1917. The case was appealed to the Supreme Court, December 11, 1917, and on February 25, 1922, the judgment of the lower court was sustained. The case was then appealed to the United States Supreme Court, where the case was dismissed, December 20, 1922.

#### *Territory Served.*

The City of Los Angeles comprises 450.6 square miles and is located on the south coastal plain of Southern California, extending from the Pacific Ocean inland about forty miles. Approximately 80% of the area is fairly level with 20% in rugged hills. Over half of the area served by the municipal electric system is located in the San Fernando Valley, mainly a sparsely settled farming territory with several small towns, all a part of Los Angeles. The main part of the city and the center of commercial development is located from ten miles east to twenty miles south of the Pacific Ocean. The incorporated area is very irregular in shape. The central portion of the city is connected by a narrow strip or corridor one half mile wide and extending approximately ten miles southward to the harbor district.



The central business section comprises primarily buildings from eight to thirteen stories, the present limit height. The industrial section is fairly well zoned, with a considerable portion outside the city limits. Although there are many apartments and flats, the major residential development is of single-family houses on lots of forty feet frontage or more. Streets are fairly wide, tree obstruction not serious. The population of Los Angeles at the 1930 census was 1,238,048. The density varies from 250 per square mile in the rural areas of San Fernando Valley to from 12,000 to 20,000 in the central urban sections. A relatively low average density of 2,803 per square mile is largely accounted for by the agricultural area in the San Fernando Valley, which amounts to nearly half of the total area of the city.

The main economic foundation of the community is represented in manufacturing, motion picture industries, oil field development, and large citrus and agricultural developments in the surrounding area and in southern San Joaquin Valley and the Imperial Valley. A considerable part of the industrial development is located just outside the city limits. Industrial and manufacturing output for the metropolitan district, approximated \$471,000,000 in 1931. The port has developed a large shipping activity.

#### *Distribution.*

Climatic conditions are favorable to low cost of distribution construction, the temperature seldom falling to freezing. There is no sleet menace, thunder storms occur seldom, rainfall averages 15.3 inches per annum and is limited to the winter season. Relatively higher standards of construction and maintenance tend to keep up costs, as does competitive construction. The growth of the territory has been rapid during the period of fairly high prices and has required rapid expansion of the system.

The municipal system had been planned with the utmost care. A consulting board of three mechanical and electrical engineers of national reputation had been selected to check the details of the system designed by E. F. Scattergood, the Chief Electrical Engineer and General Manager of the Bureau. These men were Dr. W. F. Durand, head of the department of mechanical engineering at Stanford University, Dr. Harris J. Ryan of the department of electrical engineering at the same institution, and O. H. Ensign, for many years chief electrical engineer in charge of electrical design and construction for the United States Reclamation Service throughout the western states.

At an election held June 13, 1919, a bond issue of \$13,500,000 was authorized by a vote of 46,656 to 21,248 to finance the purchase of the distribution system of the Southern California Edison Company within the city. Three years later (in 1922), after successfully resisting several suits which had been filed in the courts to prevent their issuance and sale, the bonds were sold and the city acquired the distribution system of the Edison Company in the city as it then existed. Since then a number of annexations have been made to the city in territory which the Edison Company still serves. The property of the Edison Company located in the annexed territory is in process of condemnation in the courts, and will eventually be acquired by the Bureau in accordance with the terms of the contract entered into by the Edison Company and the Bureau at the time the Bureau took over the Edison lines within the city.

The service of electricity in the City of Los Angeles is divided between the Bureau of Power and Light and the Los Angeles Gas and Electric Corporation, and in the annexed territory referred to above, by the Southern California Edison Company. Measured in kilowatt-hours supplied, the Bureau serves approximately 68%, the Los Angeles Gas and Electric Corporation, 30%, and the Southern California Edison Company, 2%. The electric revenues within the city are divided approximately as follows: Bureau of Power and Light, 62%; Los Angeles Gas and Electric, 32%, and the Edison Company, 6%. The Bureau supplies the major part of low-priced industrial power, the Los Angeles Company has a limited service of power, while the Edison Company service is mainly in residential areas. These facts account for the Bureau's lesser percentage of revenue than sales.

The Bureau of Power and Light and the Los Angeles Gas and Electric Corporation are in direct competition in the commercial and industrial center of the city and in portions of the residential section. For many years a policy has been in effect by which active competition for obtaining existing customers has been discontinued—each system retaining customers served. New subdivisions and territory have been divided so that duplication of distribution line construction and of commercial effort have been largely eliminated. What is generally termed "cut-throat" competition does not exist. There does exist, however, considerable duplication of system between the two companies. This is particularly true in the underground area. Practically all of the street lighting is supplied by the Bureau, even in districts where the Los Angeles Company supplies the domestic and commercial service.

There is an understanding between the Bureau and the Los Angeles Company that, in order to avoid economic waste, one utility will not extend its lines into territory served exclusively by the other utility, nor will either utility duplicate or displace the facilities of the other. Both utilities have agreed to not extend their direct current distribution systems, which at present are confined to a limited

section of the downtown district. The Los Angeles Gas and Electric Corporation supplies at 60 cycles frequency and the Bureau at 50 cycles, but the Bureau will change to 60 cycles when Boulder Dam power is available.

#### Generation.

The Bureau at present obtains its electric supply from hydroelectric plants constructed in connection with the municipal water works and from purchases of electrical energy from the Southern California Edison Company. The Bureau has no steam driven stations. The Edison Company has a large steam electric plant at Long Beach from which it can, in an emergency, deliver energy to the Bureau's system, but the larger part of its output is from hydro plants situated in the southern end of the High Sierras. Under the terms of an existing contract between the Bureau and the Edison Company, the latter guarantees to keep sufficient steam turbines in reserve to supply the Bureau's requirements in emergency. Consequently, hereafter the greater part of the Bureau's power requirements will be supplied from the Boulder Dam power plant.

Generating facilities serving the municipal electric system consist of five hydroelectric plants having a combined capacity of 110,005 kw (or 175,750 hpi, all situated at the lower end of the Los Angeles aqueduct, which extends south from the Owens River Valley, approximately 120 miles to Los Angeles.

The two largest plants are situated on the San Fernando River, approximately fifty miles north of the city, with a total area (one of storage, constructed above for reliability. Plant No. 1, at the head of San Fernando, has a normal effective head of 870 feet. The plant consists of two units, the first installed in 1917 and the last in 1928, and has a rated capacity of 58,125 kw. Plant No. 2 is about six miles down the river from No. 1. It consists of three units, the first two installed in 1920 and the last in 1922, has a normal effective head of 515 feet and a rated capacity of 47,000 kw. San Fernando Dam installed in 1922, is situated at the northern edge of the San Fernando valley and contains two units. The normal effective head is 250 feet and the rated capacity 5,600 kw. Two small plants, one just south of the city and the other just west are: River, installed 1917, rated capacity 2,880 kw and 450 normal effective head and Franklin, installed 1921, rated capacity 2,000 kw and 240 normal effective head.

While not electrically connected to the city, the municipal electric system, the Bureau also owns and operates two small plants in the Owens Valley. These plants have a combined capacity of 8,890 kw, and are reserved primarily to maintain operations to assure an adequate water supply for the Owens River Gardens.

In addition to the city's hydroelectric plant output, energy is purchased from the Southern California Edison Company at three small generating plants situated in the metropolitan area.

Aside from a small amount of energy delivered direct to the distribution system from Franklin and River plants, all generated energy is transmitted to a central receiving point within the city over a 110,000 volt, double circuit, steel-tower, transmission line.

Three Receiving Stations within the city, namely, Receiving Stations "A", "B", and "C", having a combined step-down transformer capacity of 381,000 kva, transform the generated and purchased energy from transmission voltage to distribution, a 33,000-volt sub-transmission network to distributing points throughout the city.

Receiving Stations "B" and "C" are connected by means of a 142,000 volt steel-tower, transmission line which will include Receiving Station "A" by an extension now partially constructed. A similar extension between Receiving Station "B" and the proposed Receiving Station "D" is a part of the Boulder Dam transmission line system.

A sub-transmission network operating at 33,000 volts extends throughout the city, supplying twenty-four attended and twenty unattended local distributing stations, as well as eighty industrial consumers served directly at 33,000 volts, all making up a combined distributing capacity of 608,828 kva. This network consists of 473.45 circuit miles of overhead lines and 53.41 circuit miles of underground lines, the latter using approximately 242 tower miles. A master plan includes considerable advance construction, making further further underground extensions. The underground system also includes approximately 48 miles of rubber cable.

Primary distribution from distributing stations is at 10,000 volts, 1 phase, 50 cycles, over a low voltage system of both overhead and underground construction. The overhead system of 2507 pole line miles is made up of 17.00 circuit miles of primary lines and 1012 circuit miles of secondary line and uses approximately 132,500 poles. The underground system has 1064 circuit miles of primary, 267 miles of secondary cable, 360 miles of secondary cable and 320 miles of primary. Voids and manholes total 5128, with all necessary equipment. There are 17,264 transformers in the overhead system, having a total capacity of 298,234 kva, and 1640 in the underground system with a capacity of 75,248 kva, both including transformers in street lighting service.

The Bureau maintains and operates an extended overhead incandescent street lighting system of approximately 13,000 lamps serving practically the entire city, and supplies energy to and maintains approximately 60,000 incandescent lamps on ornamental street lighting systems.

#### *Boulder Dam Transmission.*

The Boulder Dam transmission line and terminal facilities include 275,000-volt transmission line from Boulder Dam to Los Angeles; two intermediate switching stations; a step-down transforming station; Receiving Station facilities at Station "B"; a 132,000-volt transmission line extension from Receiving Station "B" to Receiving Station "D"; Receiving Station "D"; 132,000-volt tie line terminal facilities at Receiving Stations "A", "B" and "C".

The transmission line, now under construction and nearly completed, will extend a distance of 266 miles from the City of Los Angeles to Boulder Dam power plant in Nevada. It will consist of two 3-phase circuits, operating at a nominal voltage of 275,000 volts, carried on steel towers of enduring construction anchored in concrete. The capacity of the two circuits is 292,000 kw, which amount can be transmitted previous, and immediately subsequent, to a fault involving two conductors to ground without interruption of service. For conservative and exceedingly stable operation the operating capacity has been fixed at eight-tenths of the above, or 234,000 kw.

The first 41 miles of line from Los Angeles are to be of double circuit construction with two circuits suspended from the same tower. The remaining 225 miles of line are of single circuit construction with each circuit on separate tower lines, separated on the right-of-way a distance of 265 feet.

Conductor is of hollow copper construction, 1.4-inch in outside diameter. The conductors are suspended from the tower crossarms by strings of suspension insulators having a 60-cycle dry flashover value of more than 1,000,000 volts effective, and an impulse flashover value on a 1.5 micro-second wave of slightly less than 3,000,000 volts.

The towers are supported by reinforced concrete footings carefully adapted to the topography and soil conditions. The average span between towers of the single circuit section is 980 feet and the average span between towers of the double circuit section is 790 feet.

The line is designed and constructed in accordance with the best engineering practice. It is protected against the troubles incident to lightning by four overhead ground wires and four buried counterpoise wires, running the full length of the single circuit section of line. The double circuit section is similarly protected by two overhead ground wires and two buried counterpoise wires. The line is sectionalized by two intermediate switching stations dividing the line into three sections, the purpose of which is to give the line greater stability in case of faults, and to provide continuity of service. These switching stations are equipped with the largest oil circuit breakers ever manufactured, and of radically new design.

The step-down transforming station consists of six 60,000 kva single phase auto transformers arranged in two banks of 180,000 kva each, plus one spare transformer. These banks have a two-hour overload capacity of 240,000 kva each. The purpose of the step-down transforming station is to reduce the transmission line voltage from 275,000 volts to 132,000 volts for use on the local system and interconnecting receiving stations.

Receiving Station "B" facilities are being expanded to receive Boulder Dam power. Two 60,000 kva three-winding transformer banks are being installed, which transform the voltage from 132,000 volts to 34,500 volts. Two 60,000 kva synchronous condensers are being installed for transmission line regulation. The 132,000 volt bus is being expanded and equipped with high interrupting capacity oil circuit breakers throughout.

The transmission line extension to Receiving Station "D" will be approximately thirteen miles long and will consist of two 3-phase circuits carried on steel towers operating at a nominal voltage of 132,000. Receiving Station "D" is being designed as an outdoor station and will consist essentially of electrical switch gear, transformers and appurtenant structures. Its purpose will be to transform the voltage from 132,000 to 34,500 volts, for use in the local distribution system in southwestern and western Los Angeles. There will be included two 60,000 kva transformer banks similar to those in Receiving Station "B", a 132,000-volt double bus, together with the necessary oil circuit breakers. The station structures will include a control house for housing switchboards, control and protective equipment.

#### *Receiving Stations.*

Receiving Station "A," with four banks of transformers of 96,000 kva capacity, is the terminus of the existing 110,000-volt transmission line which delivers power from the present generating plants. A 60,000 kva transformer bank has been installed at this point, stepping up the voltage from 110,000 volts to 132,000 volts for interchange of power between the generating plants along the Owens River aqueduct and the Boulder Dam System. There is being installed at present a duplicate 60,000 kva transformer bank and 132,000-volt switching facilities. The latter



will consist of two double bus or circuit breaker positions to receive the two outgoing 132,000-volt lines to Receiving Station "B."

At Receiving Station "B" terminal facilities are being provided at this time for two 132,000-volt tie line circuits to Receiving Station "A" and three circuits to Receiving Station "C," thus receiving an installation of eight high-voltage circuit breakers, 132,000-volt oil circuit breakers and substation, together with the necessary switchboards, control and relay protection equipment.

At Receiving Station "C" the tie line terminal facilities are being installed for two outgoing 132,000-volt tie line circuits to Receiving Station "B," together with the 132,000-volt double bus and the necessary oil circuit breakers. In addition, a 60,000-kva transformer bank similar to that at Station "B" is being installed, and also a 60,000-kva hydrogen-cooled frequency changer is being provided near its future stand-by service from the Diesel system in event of trouble in the Boulder Dam transmission line.

#### *Planned For Future*

The engineers of the Bureau of Power and Light, under the immediate direction of the Chief Electrical Engineer and General Manager, have long since developed a general system plan including existing stations and distribution. The plan covers the whole area in the present city and covers complete development along the whole area built up of homes, business establishments and factories, and a full extension point of use of electricity.

The plan contemplates, in addition to the central receiving station mentioned in this statement, additional receiving stations as required, an interconnected wire double circuit 132,000-volt tie line as herein described, the interchange of power between the respective receiving stations and in turn in receiving business supply to any one such receiving center to cover its independent supply in its life. The plan contemplates protective installation fitting the line of supply in event of trouble at any one receiving center to automatically go around, bypassing, thus making possible complete service to one station when its source of power may be on off, without interfering with the service of any other in the line.

The plan for distribution from receiving centers to the numerous land distributing stations and from these stations to the numerous residential groups has one whole area and is entirely flexible and may be expanded as the community develops.

The advantages of having such a plan are twofold: First, it enables entirely sound planning and the delay resulting therefrom, second, it gives the possibility of obsolescence in portions of the system of lines, stations and station equipment. For example, the highly developed and extensive oil circuit-breaker equipment in such a system are located in such a manner that the removal equipment and the connections simplified for converting purposes, and as the same stand out as a possible duty for capacity such that they will serve without replacement throughout the period of their life.

This is equally true of lines, stations and station equipment throughout the system that they will be obsolete for service in their respective areas when the total area is completely developed and the full capability of the power plant capacities behind the system many times greater than the present. Such planning and building means the avoidance of great waste and necessity of modification of existing arrangements, in that no portions of the system need be discarded and discarded as the system develops.

#### *Engineering.*

The Bureau has an enormous grade of outstanding ability in engineering research, of system design and operation, of national rank. The work of the engineering group under the general direction of the Chief Electrical Engineer has developed engineering practices through research for the advance of the general art. It is building with the highest degree of reliability and permanency and simplicity in design, as well as in accordance with the professional practice of which results in reduced capital investment, in the distribution of development of system and equipment, and in the highest degree of service in operation and low cost.

The research and development work being done by this group in connection with the Harris J. Ryan High Tension Laboratory of Stanford University, the research engineers of the largest manufacturing corporations, and in the laboratories of the Bureau, with respect to the characteristics of insulation and the design and characteristics of the Boulder Dam plant and transmission system is such that the investment of approximately \$20,000,000 in machinery and transmission will give the system a greater reliability and flexibility in operation than could have resulted from the best modern practice respecting voltage and design existing at the time, at an investment cost of approximately \$42,000,000.

Provision for depreciation of the depreciable properties of the Bureau is taken into the accounts monthly, the amount being determined generally in accordance with the 5% sinking fund method. It is the conservative practice of the Bureau to charge the cost of minor replacements under certain conditions to maintenance account instead of the depreciation reserve. This practice, together with the policy of the Bureau to maintain its properties in the highest degree of operating



efficiency and the use of conservative life tables, assures adequate provision for depreciation and an ample reserve. Equipment used to service the operating and construction work of the Bureau is in most cases depreciated on the straight line or somewhat comparable basis, and in the case of automobiles, trucks, tools and construction equipment, the capital accounts are written down currently in the amount of the estimated accrued depreciation.

#### **Rates.**

Prior to 1910 the base rate for residence lighting in Los Angeles and vicinity was 9c per kwh. The first board of Public Utilities under the charter made a scientific survey of rates in 1910 and recommended and the City Council adopted a base rate of 7c. Bonds for preliminary construction of the municipal plant were authorized by the people in 1910, and during the time litigation was pending against the bonds, the 7c rate remained in effect. In 1912, when the bond money became available, the corporations reduced their rates to 6.5c and in 1913 made another reduction to 6c. In 1914, when additional power bonds were authorized, the corporations reduced their rates to 5.5c, which rate remained in effect during the litigation against the bonds. When this bond money became available, in 1916, the Bureau of Power and Light established a rate of 5c per kwh in the territory covered by its distributing system. In the portions of the city where the power companies were in direct competition with the city, the companies met the Bureau's rate of 5c, but in those portions of the city served only by the companies, the rates remained at 5.5c. In 1920, because of the burden imposed on the Bureau by the construction of Power Plant No. 2 from revenue, the Bureau found it advisable to increase the residence rate from 5c to 5.6c. Although the private companies had for several months been contending for an increase of 25%, they did not go beyond the Bureau's rate, but retained the same inequality by increasing their rate to 5.6c in that part of the city served by the municipal system and from 5.5c to 6.2c in that part of the city not covered by the municipal system. In 1922, after the usual litigation, bond money for the purchase of the Edison system became available and the system was taken over by the Bureau, and the Bureau's rate extended to all parts of the city. The remaining competitor of the Bureau immediately reduced its rate to 5.6c. When the Bureau, in 1927, returned to the 5c rate, it was followed by its competitor.

Effective January 1, 1930, the Bureau dropped the base rate to 4 8c per kwh. Another reduction, effective February 1, 1936, dropped the base rate further to 4.4c per kwh.

Notwithstanding these substantial reductions in the base rates, there were even greater benefits extended to residential consumers by virtue of changes in other parts of the domestic service schedules, which were also followed by the competing company. For a few examples of these other changes: the minimum charges for range and water heater loads were abolished January 1, 1930; the last block in the domestic rate was changed in 1934 from 2.0c to 1.5c per kwh; a further reduction to 1.25c per kwh in the last step was made effective February 1, 1936 and a change in the water heating rate was made from 1c to 3c per kwh.

From 1910 to 1916, the average cost of residence electricity in thirty-two of the largest cities of the United States dropped from a fraction over 9c per kwh to 8c. During that same period, while the private corporations were combatting the demand of the public that a municipal plant be established, they reduced the average residence rate from 9c per kwh to 5.5c. From 1916 to 1921 the average rate for residence electricity in the same thirty-two cities remained at approximately 8c per kwh while in Los Angeles the municipal plant had been established with a rate of 5c per kwh. From 1921 to 1927 the average rate in Los Angeles remained at approximately 5.5c per kwh while the average in the thirty-two cities dropped from 8c to about 7.5c. From 1927 to 1936 the average for the whole of the United States dropped from 7c to 5.5c per kwh, while in Los Angeles the average cost of residence electricity dropped from 5.5c to considerably less than 4c per kwh.

It has been conservatively estimated that the users of electrical energy in the city of Los Angeles have saved from \$70,000,000 to \$71,000,000 since the plans for a municipal plant was first started in 1910. This saving of more than \$70,000,000, to 1936, is based on the higher rates, in effect throughout the period, by the private corporations in that territory immediately adjacent to Los Angeles. Prior to 1910, the rates in the adjacent territory had not been higher than the rates in Los Angeles.

It is the policy of the Bureau to maintain rates as low as possible, consistent with sound business practice. Rates have been lowered from time to time, and yet surplus earnings have been maintained in recent years at an approximate average of \$4,000,000 a year.

The present electric system has been well designed and constructed, is operated in an efficient manner and is maintained in good condition. The Bureau maintains a good engineering staff and an active and effective new business division. Existing competitive conditions, however, result in higher costs of operation and construction than would be expected with a unified non-competitive system. The irregular shape of the city itself and the relatively large semi rural area within

the city limits, approximately one-half the total city area, tend not to cause higher costs, particularly for transmission service, than for strictly urban service in compact cities. The Bureau's records show that 22.5% of the total mass of overhead lines is located in the semi-rural section of San Fernando Valley, serving only 7% of the total customers and approximately half of the revenue from the overhead system. The costs determined therefore represent a composite rural and urban system.

All the distribution service of the Bureau is within the city limits of Los Angeles. A small isolated system in Orange Valley, northern Los Angeles, for other parts of Los Angeles, is operated separately for pumping purposes in connection with the water supply of the city and therefore has not been considered herein.

#### Financial.

The financial status of the Bureau is readily ascertainable from the annual audit reports of Price, Waterhouse & Company. The report of June 30, 1935, shows liabilities (including \$12,000,000 in administrative bonds) and \$12,250,000 of Reconstruction Finance Corporation assets of \$20,743,777. After the assets (represented by plant and equipment, working capital, working funds and cash on hand) totaled \$110,481,777. The difference (\$87,737) is not important, because the assets the city has acquired through reimbursement of the city.

During the present fiscal year, an additional \$10,000,000 was borrowed from the Reconstruction Finance Corporation to complete the construction of the Boulder Dam transmission system, making a total indebtedness of \$22,000,000. As a special election held October 29, 1935, the voters by a vote of 59,522 to 29,730 authorized the issuance of forty-year revenue bonds to refund the Reconstruction Finance Corporation loan. These bonds, bearing interest at the rate of 4 per cent, were sold at a premium which reduces the interest rate to 3.92, and the Reconstruction Finance Corporation loan has been liquidated.

Primarily it is the policy of the Bureau to carry its own maintenance work. The physical properties of the Bureau are spread over a large area and, in the main, are of fireproof and earthquakeproof construction. The main transmission lines are constructed of steel with towers anchored in concrete and the major substations and other structures are constructed of steel or reinforced concrete on concrete foundations. The expense of a number of years covers the policy to be sound.

During the period when the plan of the Bureau was under construction and the first years of operation, before enough income sufficient to meet all financial obligations relating to the Bureau, the carrying of the debt (incurred through the issuance of general obligation bonds for the purpose of the electric system) was not principally through the levying and collection of taxes. Such collections, together with minor appropriations made by the city council to carry the plan of the Bureau, amounted to the sum of \$7,892,197.77. Since the fiscal year 1931-32, there has been no tax levy on account of these bonds, except upon income produced only because of technical requirements of State laws, which levies have been raised currently out of the Power Bureau revenues, so that all requirements have been met annually from the power revenue fund. The total of these tax and non-tax contributions have been entirely equal (any surplus of the Bureau, so that there are now no such monies invested in the Bureau's system).

#### Boulder Dam.

In order to control the floods and better utilize the flow of the Colorado River for water conservation, the late Arthur F. Davis, formerly Director of the United States Reclamation Bureau, conceived the idea which ultimately led to the present Boulder Canyon Project.

The Bureau of Power and Light, cooperating with the Imperial Irrigation District and the United States Bureau of Reclamation, made a careful and extensive industrial economic survey of the Southwest. This survey showed the need for the water that might be conserved at Boulder Dam and for the kind of low-cost power that could be developed and transmitted to points of use. These studies indicated that the complete utilization of the power over a period of six to eight years, and also considering the utilization of water for irrigation and domestic use, would result in doubling the total invested wealth of the Southwest and in more than doubling the total gross annual output of all industry.

Exhaustive investigations showed that the largest block of power and the lowest in cost could be obtained and the community welfare otherwise served best through the construction of a high dam for flood control, the storage of water for irrigation and domestic use and the development of hydroelectric power. This solves for many years to come the three most pressing problems, namely flood control of the lower Colorado River, domestic water for future generations for the great Southwest and a large permanent supply of low-cost power.

The Boulder Canyon Project became a reality when Congress passed an act in 1928, known as the Boulder Canyon Swing-Johnson Bill. This act authorized the government to construct a dam and power plant on the Colorado River at or near Black Canyon, for the purpose of flood control, water conservation and the genera-

tion of power but stipulated that the government must secure contracts for the sale of the firm power, to assure the complete financing of the project without cost to the Federal treasury, before actual construction could be started.

The dam that was finally recommended by a commission of consulting engineers rises 585 feet above tail water and thus will form a reservoir extending 115 miles upstream and will have a storage capacity of 30,500,000 acre feet, which is equivalent to two years of normal run-off of the Colorado River.

#### *Boulder Dam Power Plant.*

The power plant will have an ultimate installed capacity of 1,368,910 k.w. (or 1,835,000 h.p.) and will be capable of generating 4,240,000,000 kilowatt hours of firm energy per year. In addition to the firm energy, there will be for some years an excess of about 150,000 k.w. of secondary power available at an average of 70% of the time.

#### *Power Contracts.*

Before construction work was commenced on the dam, the United States Government secured contracts with the various allottees. The contracts have a life of fifty years and call for payment to the government, for the use of the falling water, of 1.63 mills for each kilowatt-hour of firm power generated, and  $\frac{1}{2}$  mill for each kilowatt-hour of secondary energy. The Bureau of Power and Light and the Southern California Edison Company, Ltd., were designated as the two lessees and generating agencies for all the power to be generated.

The generating machinery will be housed in a U-shaped building of steel and reinforced concrete, located just below the dam, one-half on the Arizona side of the river and one-half on the Nevada side. There will be installed fifteen 85,000 k.w. or 115,000 h.p. and two 40,000 k.w. or 55,000 h.p. units. The generating machinery, transforming and switching equipment, costing \$17,700,000, will be installed and owned by the government. As compensation for its use, the lessees will pay an amount equivalent to the cost thereof in ten equal annual installments, at the beginning of the lease period, amounting to a prepayment of rent for the entire lease period. This will be in addition to the charge for falling water.

As one of the two lessees the Bureau, in addition to its own allocation, was made the generating agent for the power allocated to the states of Arizona and Nevada, the Metropolitan Water District of Southern California, and the municipalities of Glendale, Pasadena, and Burbank. The Southern California Edison Company was made the generating agent for the power allocated to the Los Angeles Gas and Electric Corporation and the Southern Sierras Power Company, as well as for its own allocation.

The total allocation of firm power is as follows:

<i>Allottees</i>	<i>Per Cent</i>
Arizona -----	18
Nevada -----	18
Metropolitan Water District -----	36
City of Los Angeles -----	14.9054
City of Glendale -----	1.8867
City of Pasadena -----	1.6183
City of Burbank -----	0.5896
Southern California Edison Company -----	7.2
Los Angeles Gas and Electric Corporation -----	0.9
Southern Sierras Power Company -----	0.9
<b>Total -----</b>	<b>100.</b>

The Bureau of Power and Light contracted with the government for a total of 14.9054% of the 4,240,000,000 kwh together with an additional 90,000,000 kwh that have been made available by an increase in the height of the dam.

The Bureau also contracted to take and/or pay for one-half of the firm energy allocated to the states of Arizona and Nevada, if not used by those states. The Bureau's allotment, therefore may be as low as 15% and may be as high as 37% of the total firm energy generated at Boulder Dam power plant.

Taking advantage of a provision in the Boulder Canyon Project Act regarding transmission, the municipalities of Glendale, Pasadena and Burbank entered into an agreement with the Bureau for joint transmission of power from Boulder Dam power plant to a central receiving station in Los Angeles. This contract includes an option of having the Bureau transmit over its distributing system the municipalities' particular allocations of power from said central receiving station to a point adjacent to their corporate limits.

The question of how much power the states of Arizona and Nevada will use has never been determined, and up to the present time they have not contracted for any of their allocations.



*Appliances.*

Merchandising of electrical appliances is carried on only as a cooperative dealers' help. A stock of appliances, ranges, water heating heaters, and refrigerators is carried in displays maintained in men and women's offices. Salesmen are permitted to contact all dealers to stimulate sales. All sales made are handled through dealers only. Wiring for electric ranges and water heaters is done free. A maintenance service on major appliances is carried on with charge for material only, labor being free. Advertising is carried on through newspapers, billboards, direct mail, cooking schools, home demonstrations, radio, and a bulletin mailed with monthly bills.

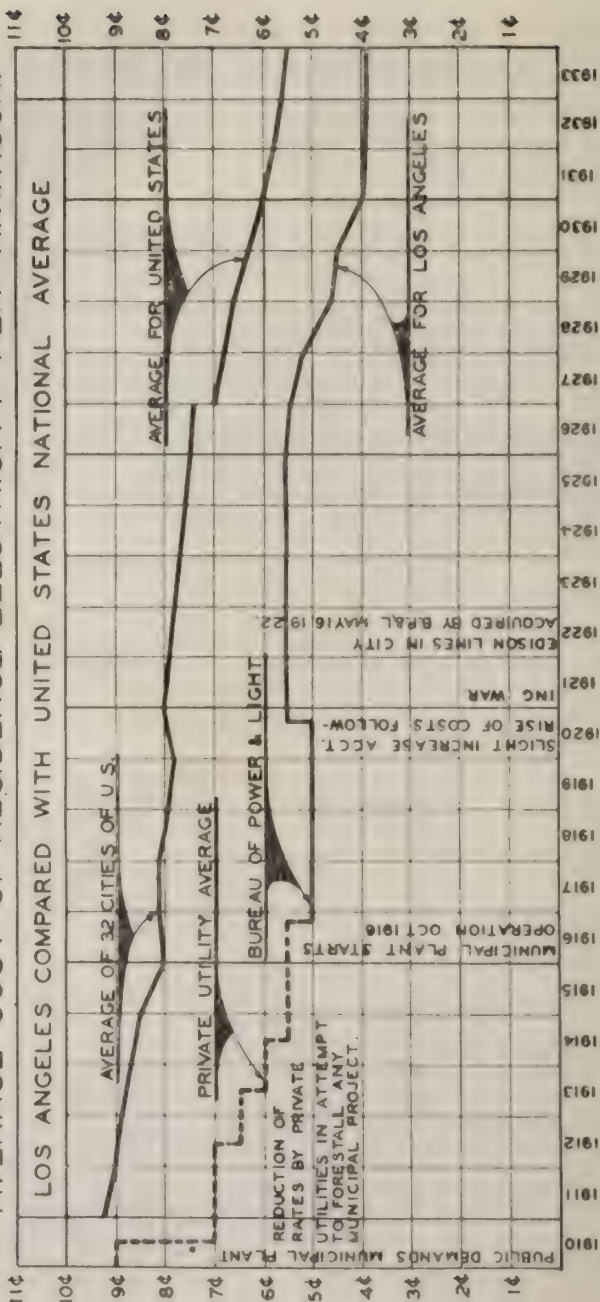
*Labor.*

There is no controversy over the "open" and "closed" shop principles in respect of the fact that practically all of our companies in all communities employing that of laborer, are under the jurisdiction of the U. S. Civil Service Commission. Men are selected by merit system only, without the company or labor affiliations. The scale of wages paid to employees is generally entirely unobscured by any regulations affected. In September, 1935, the Bureau found in a 40-hour week time.

There are in the Bureau 11 companies in executive positions who receive salaries in excess of \$5,000 per year, and in the Los Angeles Gas and Electric Corporation there are 18 such employees. The highest salary paid by the Bureau is \$18,000 per annum, by the company \$25,000. The average monthly salary paid by the Bureau to executives is \$618, by the company \$800. There are in the Bureau 3,453 employees who receive less than \$5,000 each per year in the Bureau 2,483. The average monthly wage for men Bureau employees is \$139, for the company \$139. In the Bureau such executive monthly payments are made of 203 employees, in the company 138. Figures for the company include both gas and electric systems.



# AVERAGE COST OF RESIDENCE ELECTRICITY PER K.W. HOUR.



**EXHIBIT E.**

The following motion made at the Regional Meeting of the California Municipal Utilities Association held at the Baltimore Hotel, Los Angeles, California, on January 14, 1936.

Motion made by Ray Eberhard and seconded by Mr. Hill.

The members of this regional section of the California Municipal Utilities Association are opposed to the State of California taking over or attempting to take over or operate any water or public utility now owned by any municipal corporation or other public corporation or district without the consent of such municipal corporation or district, and that this organization is opposed to any legislation interfering with any public corporation or district acquiring or operating its water and power utilities if it so desires.

The above motion unanimously adopted.

Certified a true copy.

C. R. RUTH, Exec. Secretary.

**EXHIBIT F. A.****STATEMENT TO SENATE INTERIM COMMITTEE**

January 16, 1936.

By GEO. L. HONIG, Representing Southern California Edison Co., Ltd.

It seems desirable to give something of an overall picture of the complex business as it now exists—together with a bit of description of how it came about that we have electricity served by such a variety of organizations, federal, state, municipal and private.

In a word, it may be said that everything started by the taking of everything else. Nothing that legislators or common sense may do can stop the working of the inexorable laws of economics. When we think with some foresight we see that when we try to stop the working of a natural law it is as much as if one jumped off a high cliff—thinking that the law of gravity had been repealed.

Study of the probable results of State ownership and operation demands careful attention to whatever may have caused the economic situation which gave controlled electric service in the past, and which, if found in the future, will control that future.

It is hardly possible intelligently to describe an existing situation without at least a cursory examination of its history. There are competing reasons why anything is as it is at a given moment. When the problem is fairly to be laid upon what we have, it is even more necessary to examine causes. Otherwise, it is impossible for any human mind either to predict all of the possible forces that will govern the now, or to gauge their collapse.

The present investigation is obviously designed to show whether and to what extent the people of California might have to benefit by state ownership and operation of electric service. This is, first, a question of character of service and price charged therefor. Second it is vital to know whether or not gains are to be anticipated in these two fields, there might be losses in other and uncontrolled directions which would outweigh those gains.

Some examination of the history of electric power, with explanatory comment upon factors that brought increases in service, together with decrease in rates, that brought expansion of municipal service in some regions with abandonment elsewhere, seems unavoidable. I shall discuss this history as briefly as is feasible.

Electricity, although something has been known of it for hundreds or thousands of years, did not come noticeably into the commercial picture for light and power until about 1879. The earliest commercial use of electricity for lighting came with the arc lamp. The arc lamp was useful for lighting considerable areas; it was not suitable for the household. Yet arc lights in streets, public places and an occasional store, spread rather rapidly; grew from a serious nuisance to a widely used benefit within a short time. The Los Angeles Gas and Electric Company lighted the streets of this city by arc lamps as early, I think as 1881.

The development of a commercial incandescent lamp by Mr. Edison and the successful operation of the famous Pearl Street Station in New York City in 1882, threw the door open to a vastly extended field of electric operation. Yet so long as the field was confined solely or largely to lighting, the business remained small and economically hazardous. Not until electric power became commercially feasible, through the development of the electric motor, was the stage set for phenomenal rapid growth and development. An exact date cannot be set for this shift upon high speed, although the curve of electric growth turns sharply upward at about the turn of the century. Electricity prior to 1900 had been a problem for scientists, engineers, operators and to a very modest degree for financiers. Electricity as a social, governmental, or political problem is rather recent. This is not because such problems did not and do not exist in any and every line of business, perhaps more importantly then than now; it is because public attention is only attracted to size and drama. Electric power was not dramatized until it became big.

In the early days of the arc lamp, likewise at the outset of incandescent lighting, such small electric business as existed had been organized under three different forms, each comparable in size with the others. Electricity was sometimes generated by the user himself; sometimes by a municipality, not only for its own use but for sale to others; sometimes by a person or corporation as a purely business undertaking. Greatest in number, at one stage, were publicly owned municipal enterprises.

Municipal and private electric services in this country have existed side by side from the beginning—not usually in direct competition but in separate areas. Both varieties of organization are now well established; private generation by the user is now relatively unimportant.

The cost of early electric service, measured by modern standards, was high. Yet those relatively high rates seemed reasonable enough at the time, when contrasted with the advantages of the service. Sometimes electricity was measured; sometimes electric service was sold at a flat rate. Charges of 25¢ per kilowatt hour were common. Charges amounting to the equivalent of \$1.00 per kilowatt-hour are reported to have been made in isolated instances. As late as 1899 I was personally gratified at being able to contract for one 16 candlepower electric lamp at the flat price of 75¢ per month—and this in an up-to-date small city in the central part of the State of New York.

For some time, incandescent service, outside of the largest cities, started when darkness approached and ceased at 11 or 12 o'clock at night. General 24 hour service really came in with the electric motor. And the electric motor, together with electric appliances and electric heating, made possible the spectacular decreases in rates which we now enjoy without remembering how they came about.

#### *Early Organizations.*

Enterprising men or enterprising municipalities started great numbers of little organizations to serve local communities. Many and perhaps most of those enterprises failed to make a living, even at the high rates then in vogue. It was supposed that an electric business could be run successfully by almost anybody; that such an undertaking must automatically succeed. In numberless instances the result of this entrance of amateurs into a business demanding special abilities, was failure. Here and there, however, favorable circumstances plus resourceful business ability pulled these little concerns through. It was normal that such successful managers should seek to expand. It was likewise normal that those who had run into difficulties should seek to sell out. Thus the tendency of private enterprise was toward consolidation and expansion. Such consolidations were facilitated by the development of the art of carrying electricity over longer and longer distances.

It is of local interest to note that one of the very first demonstrations of ability to serve electricity some distance from the point of its generation was the transmission of a small block of power from a water power in San Antonio Canyon to Pomona, 13.7 miles away. This breath-taking experiment, first at 5000 volts but a little more than a year later using ten 1,000 volt transformers in series to obtain the astonishing voltage of 10,000 in commercial practice, was first turned down by two of the large manufacturers of electrical machinery. But acceptance of the risks by a third organization caused one of the larger manufacturers to take up the task. The project commenced operation November 28, 1892. Another successful transmission of pioneer days was in Northern California, Folsom to Sacramento, 21.5 miles, 11,000 volts, completed September 9, 1895. And California has been in the forefront of that steady increase in transmission distances which in this state was accompanied by steps of 30,000; 60,000; 100,000; 150,000; 220,000, and (presently) 280,000 volts.

Development of municipal ownership of electric service did not follow the path of absorption of the weaker by the stronger, enlargement of area served by one organization, increasing economies through large scale operations and consequent ability to supply electricity cheaply. Some municipalities did expand city boundaries; some cities were large enough to provide a thriving electric service without going beyond their own borders; some of these were fortunate enough to secure able managers for their electric business.

But the great historical distinction between the two types of electric service from a purely physical standpoint is that private organizations became great interconnected systems while municipalities were compelled to remain separate and self contained. Quite aside from the question of managerial ability, these facts necessarily resulted in the absorption of great numbers of the less fortunate municipal systems—not by stronger municipalities but by interconnected private systems.

#### *Second Era of Consolidations.*

All of the preceding sketchy history belongs to the sequence of events that have controlled rates, have in fact and in the long run fixed rates. One additional and deplorable event must receive mention if we are completely to understand the rate question.

It has been mentioned that unsuccessful or barely successful electric companies welcomed, in the early days, opportunities to sell out to stronger organizations or to combine on suitable terms. These ably managed groupings gained increases in



efficiency which together with the growth of business being with a fixed demand of four business days came with the electric service produced higher satisfactory profits. Several things resulted.

First, great improvement of the business brought demands for large capital additions. Organizations not able to meet such demands were forced either to liquidate, or to remain in the rear ground of progress. Second, concerns that had failed in the past were not able to reduce their costs early enough. Therefore, when recovery fairly high, the electric business in such territories did not grow so rapidly as it should have done.

Then came the second cycle of over-indebtedness but not in new lines. Financial and well-informed electric groups found that, at least on paper, even in those unbroken groups might be bought, capital proper to the market conditions, prices advanced, and not sufficient to maintain some greater investment still in new time. As the old companies buying of smaller properties met in this phase, something with the rate of price inflation in the 1920's, led to purchases of electric service for small properties. Prices were high, yet those prices did not result in the financial but the further consolidation of electric companies, but not necessarily then went to those who had not and withdrew from the industry.

So far as I know, none of these happenings came in California. But in various other sections, many that if not in the electric business have been brought additional economies, more profit and lower rates, were taken away. In that time, especially for some of the more striking rate differences in different portions of the United States. The only other impression that is left, differences in the electric cost of service and managerial facilities in some sections to suggest that growth can be made to grow faster by making rates follow some decrease than by setting up great boards. We are fortunate in California to have been in the forefront of electric progress with our electric rates among the nation's lowest.

We do not observe a number of electric lighting municipal electric systems. Each self-contained and self-generated electric utility has been growing rapidly. While the taxpayers of a municipality whose generating facilities had not been very successful with electrically light growth, it did not leave to those in electrically electrically with some other municipality a loss in the price of electric service. The management of other officials who might have been more successful.

Thus while some of the difficulties seemed to have been solved in the field of private development, no such effect was noted among the hundreds of thousands of municipalities which operated electric systems. Therefore, financial systems needed to continue, whether efficiently operated or not, while many private utilities and inefficient systems were connected with the more able municipal systems.

Those differing circumstances probably seemed for the first time only, rarely, and usually in the larger cities, did municipalities find the managerial skill possible to reach real success. The same set of circumstances brought for the first time that along with the growth of electric rates and electric service, which were the first, better connected electric systems, could not continue to the highest standards, were inefficient and usually run down municipal systems and became remnants of better connected private systems.

In a comparatively small number of instances, as in the case of some municipalities, brought efficient service and operation. These organizations did not have the opportunity but grew, expanded and today are fairly successful in great service, low rates and capable management to the average relatively small private system.

### Monopoly.

It is fairly obvious that there is no room in any particular area for two or more competing electric enterprises, with duplicate lines, duplicate surface installations, constantly shifting from the service to the service of the other. It is easy to see that the best service, the cheapest service and the most reliable service is likely to be had when one electric organization serves a small area.

When a limited business must be divided with a few lines are unnecessary, high rates, or losses, or both. From this it comes about that electric service is usually regarded as a monopoly. In one sense this is true. Practically, it is the first monopoly, in kind, when a single electric organization serves a single community. In the sense in which the word "monopoly" is ordinarily understood, however, electric service is far from a monopoly.

The word "monopoly" usually denotes absence of competition, exception of output, and excessive prices for the limited supply of what is offered for sale. No such situation exists in electric service whether publicly or privately owned. Only in the field of incandescent electric lighting, now a minor part of all electric business, can it be said that competition is limited. Even in the lighting field, monopoly prices are impossible.

What is still technically called "lighting" is not actually lighting, except in a narrow part. The many kinds of appliances—irons, sweepers, toasters, coffee makers, waffle irons, refrigerators, washing machines, radios, incandescent heaters, etc. are far more electricity in the ordinary home than can possibly be used for actual lighting. But those appliances are not commercially usable except at fairly moderate rates. For each and every appliance there is a consumer other than electricity. And that competition is competition of the keenest sort. Electric companies, whether publicly or privately owned, are constantly seeking to reduce charges in order to



get more of this highly competitive business. Without a considerable quantity of large and small household load, domestic rates would be higher and even the quantity of actual lighting would be reduced. Domestic service must be furnished at rates which will get the business by meeting the keenest sort of competition.

When we turn from domestic business to consider electric service in large blocks, we find competition to be even keener. In the agricultural field, an electric system must match its charges against the cost of power from gas or gasoline engines and Diesels. These other forms of agricultural power are available at so low cost that salesmen constantly make conflicting claims over which service really costs the consumer least. Another important factor compels cheap electricity in the agricultural field; this factor is ability of the customer to pay.

One of the major problems of the farmer is whether or not he can afford any sort of intensive agriculture which involves the pumping of water. There is a critical point here—perhaps the point is different for each farmer—which determines whether for a particular crop on a particular acreage the thing can be done at all. Here is another reason for necessarily low electric rates and that reason is more compelling in the long run than any possible rate order or law.

In each other field we find similar economic circumstances which fix electric rates. Railways, cement companies, electrochemical enterprises and other consumers of large size have the option of generating their own electricity. It is true that only the largest consumers can generate power quite so cheaply as a large utility. But the utility must carry its electricity to the customer, while the isolated and somewhat less efficient plant can be located right at the point of use. The balance here is so close that some consumers now make their own electricity. A very small increase in wholesale electric rates would drive many others away from the utility companies.

The field of possible consumer installations has been greatly widened and at this moment is being further widened by the steady development of Diesels in smaller and smaller efficient units. Again we find that economic circumstances—not legislators or commissions—really fix electric rates. All in all, and in the long run for all classes of electric service, it may be said without fear of successful contradiction that electric rates are and must continue to be fixed by economic circumstances, not by the Railroad Commission nor by legislative acts. To think otherwise is delusion.

It may be noted in passing that those companies and municipalities which have recognized these facts most clearly; which have made reduction of rates their primary concern; which have explored most thoroughly the possibilities of decreased costs of manufacture, transmission and distribution, and which have passed those economies on to their consumers most rapidly are the very organizations which on the whole have been the most prosperous.

#### *Electric Rates.*

We are prone to forget quickly. We are inclined to disregard the speed with which rate reductions have come automatically as service expanded and as economies were discovered. Rates move in a descending spiral. An economy is made and at least in part is passed on to the consumers. Then business increases a little. Next, that growth in business automatically brings more economies and the cycle is repeated. It is a regenerative process which, if left alone, proceeds of itself. But if in an effort to speed the process a rate is decreased too much or too quickly, the cycle tends to turn backward. The business will increase as in the other case. But the utility or the municipality thus overspeeded is deprived of the resources needed to expand its plants, to install improved types of apparatus, to realize the new economies made possible by the increased business. Thus rate reductions, whether municipal or private, bring more rate reductions if wisely made but turn the cycle backward if unwisely made.

I have spoken of the relatively high prices at which electricity was sold in the early days. For a concrete example of what has happened since, let us note that in the year 1900 the base rate for domestic electricity in this neighborhood was 20 cents outside the Los Angeles area and 15 cents inside Los Angeles, the difference coming from the obviously greater cost of serving electricity outside rather than inside congested areas.

By the middle of the year 1914 the base charge for domestic electricity had dropped to 7 cents outside of Los Angeles and 5½ cents inside Los Angeles. Thus in fourteen years the base price of domestic electricity had been reduced in round figures by almost two-thirds both outside and inside the city.

Advances from 1914 to 1936 have not equalled the gains made between 1900 and 1914. In explanation we must look to two controlling economic circumstances. The first was war; the second was a slowing down of the rate of growth of increased commercial use (as distinguished from *war* use) of electricity. It is almost certain that this second circumstance, likewise, was caused by the war.

During the interval 1919 to 1924, war and post-war general price increases made electric service (and practically every other sort of service) more costly. During this period charges for electricity not only failed to decrease, they increased. Just before the end of 1923 electric charges again began to decrease locally, at first outside Los Angeles but very shortly within Los Angeles as well. That decrease has since continued, not spectacularly as between 1900 and 1914 but gradually



state are included in the class of "consumers" of electricity. As consumers these people are particularly interested in the character of electric service which they receive and in the rates which they pay for that service. You will wish to determine whether these citizens of the state will receive as good or better service and at as low or lower rates under state ownership as is now afforded by the present system of municipal ownership in certain cities, and private ownership serving combined rural and urban areas over a much larger part of the state.

A major problem, as I see it, is what the situation of these rural and small town areas would be under state ownership. The problem as to the larger cities of the state is less complex, (although serious enough).

It is well known that the State's more congested areas, so far as they are now served under private ownership, pay a considerable part of the cost of rural electric service in their own electric bills. Rural service by itself can not at the moment, and perhaps can not in the near future, afford to pay all of the costs associated with rural service.

This policy, through which the cities to some extent carry the electric costs of the country, was not originated by the private companies, although I think the private companies on the whole approve it. The policy is a state policy; it was deemed to accelerate the prosperity of the whole state and thus indirectly to bring prosperity to the cities. And the private electric companies have invested large amounts of capital, have gridironed the inhabited parts of the state with rural lines, under that state policy. What are the economic factors which have been supposed to make this policy a just one?

City electric service, speaking rather generally, is service of a so-called "higher class" than country electric service. That is to say, a kilowatt hour used for lighting and appliances is worth more to the user than a kilowatt hour of electric service used to pump water for agriculture.

It is an axiom that rates should be based in part upon the value of a service to the consumer, and only in remaining part upon cost of service to the agency which provides it. A rate based in part upon cost of service and in part upon value of service to the user brings, (again generally speaking) the lowest rates and the greatest prosperity both to city and to country. Prosperity in the cities is utterly and absolutely dependent upon prosperity of the country which feeds the cities. In my opinion, one of the principal problems connected with possible state ownership of California electric service is just how the question of equitable rates between city and country can be worked out.

Again, and from the standpoint of the tax paying group, which of course includes all the citizens of the state, you will wish to determine, through careful analysis, whether profits which might be made by the state through a system of state ownership of electric facilities will or will not more than offset the taxes which are now paid by the tax paying utilities. This, of course, would require that the state, as the operator of its electric utilities, receive net revenues, over the costs of operation, maintenance, depreciation and bond interest, an amount equal to or greater than the approximately \$15,000,000 now annually paid by the privately owned electric utilities in taxes.

This sum includes all taxes, including those paid to the Federal Government. It may be arguable whether taxes paid to the Federal Government are or are not to be included in your computations. In my judgment Federal taxes should be included.

It is true that California, taken by itself, could make a paper profit for California, temporarily, if the net revenues of the state electric business exceeded the loss in state taxes alone—a little more than \$10,000,000. Yet from a more permanent viewpoint this is not possible. If California adopts state ownership and is successful therein, presumably the other 47 states would follow California's example. In that event no state would make a profit on its electric business unless its net revenues equaled or exceeded the cost of all present electric taxes, state and federal.

You will no doubt also wish to consider the question of whether utilities now owned by California municipalities would be more economically operated, to the benefit of the local people now served by these municipal utilities, if the state were to take over and operate those utilities. This question, again, is tied into the point just previously mentioned. In other words, whether the state takes over municipal utilities, or merely supplies wholesale power leaving the question of distribution to the local municipal organizations; it should be arranged that rural areas continue to be served with electricity at a cost country residents can afford to pay.

Another perplexing economic question has to do with the effect upon Californians who now own securities of private electric power companies. It is estimated that there are some 200,000 stockholders of California electric power companies living within the State. Including stockholders' families, it seems possible that somewhere between half-a-million and a million Californians might be affected by a shift to State ownership and operation of electric service. This is an important fraction of the State's total population.

It is vital to the State that the technique of any shift to State ownership should be so carefully and equitably planned that no check be given to the welfare and purchasing power of this large group of owners of private electric utilities and their dependents. Even though a change might be deemed to bring ultimate benefits, it would be damaging to the State's purchasing power if the purchasing power of this large fraction were suddenly to be reduced or destroyed. If it be determined



that State ownership should monopolize electric service, the program should take scrupulous care to avoid any check to present profitable service, or to include any feature that might scare away an outflow of foreign capital for investment in this State.

It is an axiom that capital is timid. Even an actually just policy, unless so skillfully presented and worked as not to frighten outside capital, might bring a check to the rapid development of the State of California.

#### Conclusion.

In this statement I have tried to outline, in rather sketchy fashion, the growth of electric service (with constantly increasing foreign investment) of what may be called the electric era in America. I have tried to explain some of the economic reasons that dictated that history. I would like to point out in addition that electric service, while highly important and indeed vital to the comfort and business progress of a community, is not unique in these respects.

Electric service has been given so exaggerated a position in the public mind that we are in some danger of forgetting that electricity is only one of many things which, all together, make up modern business, which make it possible for a hundred people to live in comfort where once primitive conditions brought one person existed in squalid insecurity. The life of a modern community is hardly more dependent upon electricity than it is upon books or hundreds of other modern activities. Electric service, necessary as it is to commerce, but only a small fraction of the total cost of present-day living.

In fact electric service costs the average citizen less than tobacco, candy, gasoline, the movies and a host of other comforts which would be hard to renounce in living. For some reason or other many people seem to believe that the greatest problem of the present era is money for reducing the cost of electricity, which by itself is almost insignificant in comparison with the really severe other problems of the moment.

In my own opinion there are other points at which substantial great improvements could be made more rapidly. In fact, while the cost of electricity can be, should be, and will be, lowered in an orderly manner as time goes on, there is I believe, no other item in the budget of living for which so much valuable service is now being secured for a dollar as is the case for electricity.

I quite realize that this statement is fragmentary and preliminary. Its outline more would be unduly to burden your time. If, however, thought occurs to you concerning which you wish to ask questions, I shall be glad to do what I can in the way of trying to answer them.

GEO. L. HONNE

Executive and Research Engineer

## EXHIBIT H.

### STATEMENT OF LOUIS BARTLETT TO THE SENATE PUBLIC UTILITY INVESTIGATION COMMITTEE.

At a Hearing Held in Fresno, February 10, 1936

Gentlemen: The resolution creating your committee provided that it should investigate "the practicability and feasibility of centralizing in the State of California the ownership, conduct and control of public utilities concerned with the development and exploitation of power and water."

The "control of public utilities concerned with the development and exploitation of power and water," except such as are operated by cities or other State agencies, is now vested in the California Railroad Commission.

The State of California has already gone on record in favor of a policy of State ownership and operation of the water and power to be made available through the Central Valley Project. In this memorandum, I shall confine myself to ownership, conduct and control of public utilities concerned with the development and exploitation of power.

The State policy, enacted into the law in the Central Valley Project, provides for State ownership and operation of the generation and transmission of power to be made available through the Central Valley Project. In fact the project is to be financed largely through the sale of such power. It does not, however, touch the generation and transmission of power by private agencies.

Manifestly, the State cannot make the Central Valley Project self-supporting without a market for the power generated and transmitted.

That market is now controlled almost in its entirety by public utility companies privately owned and managed. The exceptions are a few small communities, like Redding, Biggs, Gridley and Lodi, whose consumption of power is negligible.

A larger market must be found or the Kernert Dam power will go to waste.

Obviously, the Pacific Gas & Electric Company can prevent the self-liquidation of the Central Valley Project unless other distributing agencies enter the field, by refusing to buy the power. It can also fix the price at which power must be sold to it if it should decide to buy.



The northern part of the State is now, therefore, at the mercy of the Pacific Gas & Electric Company and its controlled company, the San Joaquin Light and Power Corporation.

Several State agencies in the Central Valley have undertaken to put themselves in a position to provide a market for Central Valley power. These are, from north to south:

- The Bidwell Municipal Utility District
- The Sacramento Municipal Utility District
- The San Joaquin Municipal Utility District
- The Central Counties Municipal Utility District
- Southern San Joaquin Municipal Utility District

Upon their success in providing a market for the power, or in forcing the power companies to take the power at a fair price hinges the possibility of success of a state-owned system of generation and transmission; unless the State should itself go into distribution.

The resolution under which this committee was appointed authorizes it to consider the desirability of State distribution of power. The phrase: "exploitation of power," being broad enough to include generation, transmission and distribution. The Standard Dictionary defines "exploit" as "to put to use"; "make completely available." "to utilize or employ in selfish schemes". "Exploitation of power" therefore includes its "distribution" as this is the manner in which it is "put to use."

In my opinion, retail distribution of power by the State as a policy of state-wide application would be a mistake. The organization would be too large and the management could not be as efficient as if distribution were done by smaller units. Distribution can best be handled locally in units of a size fixed by convenience of operation.

The most efficient power system on this continent judged by the universality of use and cheapness, is in Ontario, Canada, where the Ontario Hydro generates and transmits, and the cities and other units distribute power.

Summarizing my conclusions to this point, I recommend the State ownership and operation of electrical generating and transmission facilities. This is impossible without a market for power generated.

This market should not be dependent upon the will of private utility companies which might thus block or slow down the development of any state power program.

This means that distribution should be in the hands of public agencies of which there are two types available: cities and municipal utility districts. Other state agencies are not as well adapted to financing distribution systems, although the Modesto and Turlock irrigation districts, because of peculiarly favorable circumstances, are performing the task well.

The power business is everywhere highly profitable. Uses of electricity are growing rapidly, and power consumption in the latter part of 1935 exceeded that of 1929. The federal power commission has reported that there is a power shortage in California at the present time which will be relieved in Southern California by the advent of power from Boulder Dam, while in northern California the Kennett Dam will be in operation none too soon to take care of the growth of load.

This increasing need for power, insures continuance of the solvency and prosperity of power projects, and makes possible their financing out of power revenues without any charge upon the tax rate. The only thing lacking for this is a proper law permitting all public agencies to issue revenue bonds. Two excellent acts were passed by both houses of the legislature in 1935: the Garrison-Jespersen Act and the Nielson Act, but both were vetoed by Governor Merriam.

In my opinion this committee should recommend to the legislature the passage of a law permitting this method of financing as a first step in aid of public generation, transmission and distribution of power.

There are now a number of municipal utility districts in the Central Valley in a position to undertake local distribution, which should be by annexation to make units of more efficient size; and this should be another recommendation of your committee.

The possibility of making all state owned electric systems self liquidating, both as to interest and principal, is of the utmost importance in the economic development of the state. Financing should be from revenue only, without recourse on the tax payers as is the case when financing is done by general obligation bonds.

The disastrous experience of irrigation, reclamation, and other districts, where the bonds were supported by taxation, is conclusive as to the desirability of financing out of future revenues only, without recourse to taxation.

The problem of state agencies for the retail distribution of power is not one of financing only. It is easier to finance them than to organize them. The power companies of California have undertaken a ruthless campaign against the organization or enlargement of these districts, and stop at no misrepresentation or expense in achieving their purpose. To illustrate: in the campaign to organize the Central Counties Municipal Utility District consisting of the towns of Tulare and Lindsey, with a total population of approximately 10,500, three power companies, the Southern California Edison Company, the Southern California Gas Company, and

the San Joaquin Light and Power Corporation was successful in securing to prevent the organization election from carrying.

A request for information concerning expenditures made by them was made by the Railroad Commission of California to Southern California Edison Company in November 1935. So far only the Southern California Gas Company has submitted a proper statement of its expenditures, and at valuation amounting \$5,065.15.

The total number of votes cast in the election was 2,619.

I participated in the campaign and my impression, gathered by that of public officials in Tulare and Lindsay is that the Southern California Edison Company expended a still greater amount and the San Joaquin Light and Power Company somewhat less. I think a conservative estimate of the total expense of about three companies is \$12,000. The companies themselves spent about \$10,000 for the vote cast against the organization of the district:—Tammany Hall is reputed to spend only from \$3.00 to \$5.00 per vote.

If this were an isolated case it might not present a picture revealing any action. But the same thing happened in the case of the organization of some of the municipal utility districts organized in 1934 and 1935 and in every election for annexation to any of these districts.

Exact information is unfortunately not available concerning these expenditures in most cases. The Southern California Edison Company has the San Joaquin Light and Power Company have not made complete reports. The San Joaquin Gas and Electric Company have been fighting expenditures made by them and have not wanted the people to know, and the corporation has been in the hands of the Railroad Commission and Senator Garrison indicates that the Commission is permitting them to stall.

And this brings me to one failure of the California Railroad Commission to protect the interests of the public. It is within its power to issue a general order requiring every utility, at the time of making any expenditures for political purposes, to report the expenditure and its purpose to the Railroad Commission and to compel it to file a detailed statement of all expenditures made by it or on its behalf by anyone ten days before the election, and to make a complete report of all disbursements for such purposes within ten days after the election; these reports to be under oath and public.

This authority is found in Section 20 of the Public Utilities Act as follows: "The commission shall have authority to require any public utility to file monthly reports of earnings and expenses, and to file periodically or upon demand particular and special reports concerning any matter about which the Commission is authorized by this or any other act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the commission."

Section 31: "The railroad commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the state and to do all things, whether herein specifically designated or not, which it may deem to be necessary and convenient in the exercise of such power and jurisdiction."

The custom of the Railroad Commission has been not to require regular reports of this character from the utilities, and it has failed to take any in response to public clamor, or upon request of a member of the legislature or of other public officials, and has taken no steps to give those citizens the public policy that seems to be the only safeguard against this abuse.

That the precise basis on this topic may be better seen by the entire recommendation, I suggest that your committee request the California Railroad Commission to furnish you with a copy of every request made of the commission for information concerning expenditures for election purposes and the utility's answers.

I am asking for this specific information in view of the stand the Commission has taken with reference to obtaining information as contained on its letter of February 4, 1936, to Senator J. C. Garrison. It says: "It does not seem to us that we have authority to proceed against a third party who is not a public utility and require him to file a statement showing the purposes for which he may have expended monies obtained from a public utility or assumed the utility to get the information for us."

"When in our letter of January 15th we say that we feel we are not authorized to require the utilities to file certain information you desire, we refer to those expenditures and to such information which in the normal course of business would not be recorded on the books of the utility. In this connection we have in mind your request for the names of the persons who may have received monies from the 'Excessive Tax Prevention League' mentioned by the Pacific Gas and Electric Company in its letter of December 17, 1934, the names of a bond tax payers Committee mentioned in your letter of December 19th, the name of the person who may have paid money to J. Oscar Gustafson, if such payment was made to him by some one other than Pacific Gas and Electric Company, the names of persons to whom one Tracy may have disbursed monies and other expenditures not recorded on the books of Pacific Gas and Electric Company."

The Pacific Gas and Electric Company organized and financed the "Excessive Tax Prevention League" for the purpose of fighting the Sacramento District power bond issue. While it endeavored in the beginning of the campaign to hide

from the public that this was a mere camouflage organization, its interest was dragged out into the open before the campaign ended. Whatever was done by the "Excessive Tax Prevention League" was done as the agent of the Pacific Gas and Electric Company, and it should not be possible for that company to conceal from the commission and the public the names of those who received the money, and how it was spent, by the device of not recording these items on its books. The mere fact of turning over the money for expenditure to a dummy organization instead of spending it directly and showing its expenditures on its books is prima facie evidence that the money was spent for improper purposes, and the Commission should not lend its influence to the utility companies in aid of concealing its political expenditures.

In the Commission's letter of February 4, 1936, it says: "We think the Commission has adequate authority to protect the ratepayer against political expenditures. The Commission does not, when called upon to fix rates, include in operating expenses any allowance for political expenditures."

The report made by the California Railroad Commission to the Legislature of 1935 concerning certain operating expenses of the public utilities of California shows the expenditure by public utilities of California of hundreds of thousands of dollars for political purposes, in the form of memberships in and contributions to various organizations with political influence, subscriptions to national propaganda agencies, chambers of commerce, so-called municipal research organizations, and a number of others that have been aiding campaigns against public ownership throughout the state. These were reported as operating expenses, and allowed as such by the commission. I ask that a copy of this report be filed with this committee and made a part of its record. I ask that you obtain from the California Railroad Commission a report showing in detail what specific political expenditures were refused allowance as operating expenses in all rate hearings to date. I desire to introduce into the record a copy of an article prepared by me and published May 13, 1933, in the "Nation," in which an analysis of previous political expenditures of the power companies is made.

Referring again to the letter of February 4, 1936, from the commission to Senator Garrison, it states, "The Commission does not, when called upon to fix rates, include in operating expenses any allowance for political expenditures."

On the rare occasions the Commission has obtained reports concerning political expenditures, it has announced that these expenditures have been disallowed as operating expenses, and charged to the surplus of the company belonging to the stockholders.

But the surplus is built up by transferring to it each year the net earnings of the company not required for payment of current bond interest and dividends, and for various special reserve funds. In other words, the surplus of today is made up of the money collected from the consumers yesterday. By charging these political expenditures to surplus, all the Railroad Commission does is to allow the utilities to take money received last year or the year before from rate payers, instead of the money received from them this year. It all comes out of the consumers.

This is not protecting the public in the way the people intended, in establishing the California Railroad Commission.

Right now there is a very flagrant case of the Commission's permitting the Southern California Edison Company and the San Joaquin Light and Power Company to delay submitting a statement of their political expenses in five elections affecting municipal utility districts in the San Joaquin Valley. The San Joaquin Light and Power Company participated in all five, and the Southern California Edison Company participated in a major way in three of them. Were these expenditures known to the public before election day for the annexation of Earlimart, Weedpatch, etc., to the Southern San Joaquin Municipal Utility District, to be held later this month, the people from Earlimart to Tehachapi would overwhelmingly reject the power companies' pleas and vote for annexation. So these companies are stalling in every way.

They know as well as anybody that if their figures show an expenditure of about \$10 for every vote received in their interest—and the indications from past elections in the San Joaquin Valley are that they are spending about that sum—they will be overwhelmingly defeated. The Railroad Commission is permitting these companies to hide these expenditures during this campaign just as it has done so in previous elections in the San Joaquin Valley.

Under the resolution creating your committee you are authorized to investigate "the practicability and feasibility of centralizing in the State of California the ownership, conduct and control of public utilities concerned with the development and exploitation of power and water." You have the authority to require this information from the public utilities, as accurate information concerning it is essential to a just conclusion of your investigation.

I, therefore, ask that you immediately require public utilities to furnish the reports requested in Senator Garrison's letters to the Railroad Commission and that you insist that these reports be on hand within the next week.

Respectfully submitted,

LOUIS BARTLETT.



**EXHIBIT H-a.****TAX-FREE CITIES****Public Profits from Municipal Power.**

By LOUIS BARTLETT

Eighty-four cities in the United States have no taxes, yet perform all the functions of ordinary cities, and keep out of debt. There is nothing extraordinary in their location or natural advantages; they pay operating expenses, as many efficient factories do, from their by-products, and they keep expenses down by saving and waste. These cities range in population from a few hundred to over 20,000, and are located in sixteen States. Oklahoma has fifty-five, Kansas seven, Indiana three; Michigan, Iowa, Minnesota, Wisconsin, and Nebraska five each; and Georgia, Texas, Vermont, Idaho, Washington, New York, New Jersey, and Wyoming one each. It sounds too good to be true, but the fact is undeniable: these cities keep no taxes, yet they are efficiently run and furnish the services—police and fire protection, streets, sewers, and schools—that well-managed cities everywhere furnish.

How is this possible, when most American cities are spending millions, putting down improvements, neglecting upkeep, and at the same time struggling under a load of taxes in many cases too heavy to bear, as the delinquency shows clearly? The answer is simple. These cities use the profits from the sale of municipal water, gas, and electricity, which would otherwise go to private companies, to supply in police, educational, and other non-taxable producing services. In reality, when citizens pay for public utility services is a tax, but we are not used to calling it that, because it is not paid at the City Hall twice a year, but is collected every month by private companies which make a profit out of the transaction. More people pay for water, gas, and electricity than for the support of city, county, State, and national governments, and they pay far more for those services than they pay in taxes to any governmental unit. To illustrate: In California the cost of the State government for the current year is \$126,000,000; gas and electric bills alone amount to \$188,000,000, or nearly 50 per cent more; city governments in California cost \$145,000,000 and county governments \$125,000,000. If the cost of water, telephone, and transportation were added to the \$188,000,000 the distribution would be much greater. No study of taxation, therefore, is complete if it leaves consideration of what is paid for essential services which are furnished by a large business company, in other words, by a public utility company. Necessary services, such as the supplying of bread under a competitive system, are of course in a different category.

Do we pay a fair price for our gas and electricity? Are the private utility companies honest and efficient? Ask the stockholder in the local lighting companies. He knows. So do the stockholders of most utility companies. Their stocks are being put through the wringer and they are realizing that with the water squeezed out, little remains. The first assumption of these so-called "speculators" was a fraud on the public. But tons of paper and ink are now used to tell the world that the private companies, which admittedly were dishonest in their stock dealings, are honest and efficient in the management of their properties, that consumers receive from them good service at a fair price.

But the fact that cities owning their own systems get equally good service at lower rates will not do. Some time ago Senator Norris introduced a graph into the *Congressional Record* showing that the average rate for domestic electric service in twenty-four American cities over a period of sixteen years was 7.4 cents per kilowatt hour, while during the same period in Ontario, Canada, the average for twenty-one cities was 1.6 cents per kilowatt hour. Some few stories were told, prices under both public and private ownership have been reduced, but in about the same ratio.

Ambassador Frederick Sackett told the World Power Conference in Germany two years ago that there was something wrong with an industry that sold its product for fifteen times its original cost. Two thousand cities which own and distribute their own electric power have discovered what is wrong: the companies make excessive profits which they hide from the public in a maze of holding companies, fictitious capitalization, and jugged bookkeeping that would make the Greek labyrinth look like a four-track highway. And in order to keep people deluded, they employ all the arts of the propagandist and keep in pleasant personal touch with the leaders in every community—at the rate-payers' expense.

An interesting disclosure of how it is done came out recently in a rate hearing before the California Railroad Commission, when the San Joaquin Light and Power Company was forced to give in detail all the items charged to its "operating expenses." It paid the following club dues and expenses for its employees: twenty-two in the Commercial Club, five in the Exchange Club, four in the Rotary Club, one in the Round Table, five in the Lions Club, three in the Bakersfield Club (outside of the territory it serves), one in the Optimists Club, four in the Engineers Club, three in the University-Sequoia Club, one in the Business Men's Club, one in the Petroleum Club, one in the Kiwanis Club, four in the Fresno City



Farm Center, seven in the Ad Club, one in the American Legion, one in the Dairy-men's Club, one in the Press Club. And besides being a member of many of these clubs, the president of the company which operates in the vicinity of Fresno, 200 miles from San Francisco, had the rate-payers pay his club dues in the California Club, Commercial Club, Family Club, and Bohemian Club of San Francisco, as well as in other clubs lumped together under the title "miscellaneous." One wonders when he found the time to earn his salary of \$22,900 a year.

No one is louder in the cause of good government than these club members; in fact, that is why they are members. They must be leaders in their respective communities and see that the towns are run "right." There must be no extravagance in city government; salaries must be kept down to the minimum. Especially in times of depression the pocket books must be used freely to keep taxes down. They form "economy leagues," "taxpayers' associations," and similar organizations with patriotic titles, and enroll many good citizens who innocently think they are working for the community. Let us look closely at one of these organizations.

California, like other States, must pull in its belt. Since 1931 its government has been operating with the abandon of a flush running camp and piling up a deficit. There is a legitimate place for organizations to study the cost of government and stimulate the legislature to reduce taxes. It is no wonder that the State Chamber of Commerce and the California Taxpayers Association assumed leadership in this direction. When the legislature met, the senate appointed a "fact-finding" committee on the cost of government which in three weeks made a survey of every department of the State government and of many county and city activities, and presented four hundred bills to the legislature. It seemed a superhuman task for a small group—but it developed that they had been "assisted" by the California Taxpayers Association. According to the survey, salaries were to be cut to the bone, consolidations and eliminations were to be made, schools were to be curtailed. Among other things the aggregate salaries of the seven Supreme Court justices were to be cut from \$77,000 to \$56,000, or from an average of \$11,000 to \$8,000 every year.

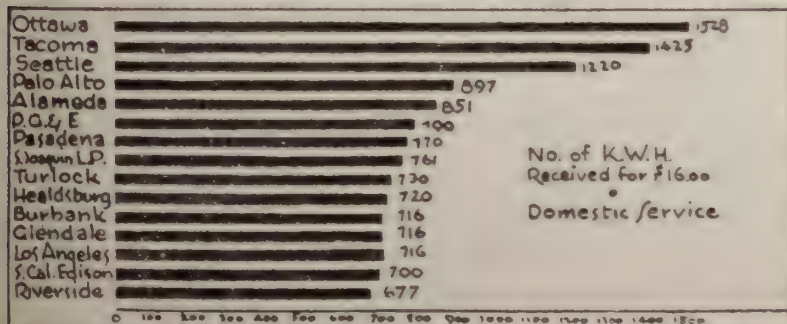
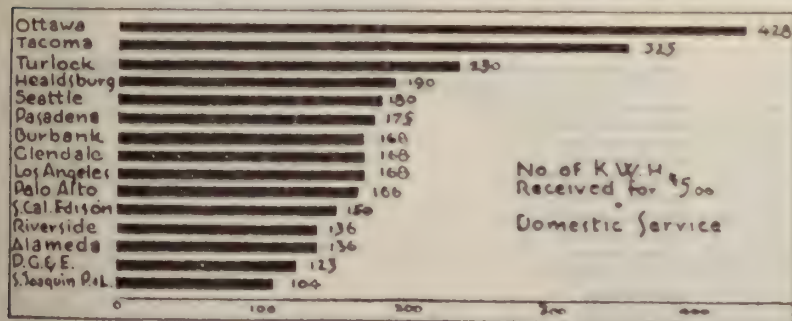
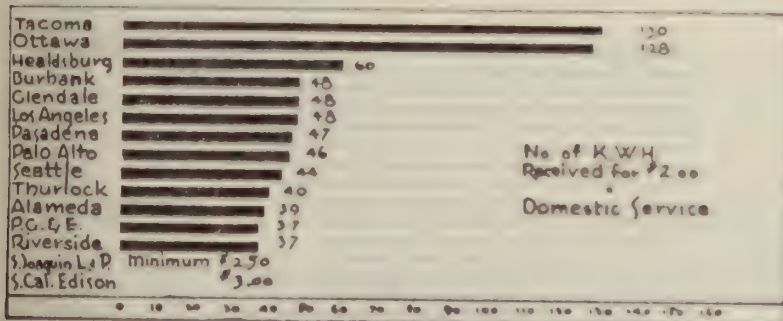
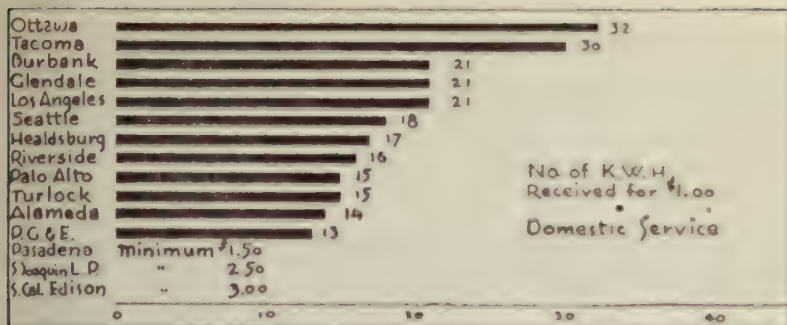
But who runs the California Taxpayers Association? Among its directors are the heads of the most important public-utility companies of the State. They want governmental taxes reduced. But what about the taxes they themselves collect in gas, electric, telephone, telegraph, and railway rates? Is this clamor for tax reduction a means of diverting attention from their own extravagance? One hesitates to say, but the list of salaries of over \$5,000 a year recently reported to the California legislature by the Railroad Commission is interesting, to say the least. A. F. Hockendorn, president of the Pacific Gas and Electric Company, the largest electric utility in the State, receives \$75,000 a year, or enough to pay the seven salaries of the Supreme Court, at the figure his "California Taxpayers Association" thinks just, for a period of one year and four months. Paul Shoup, president of the Southern Pacific Railway Company, listed at \$100,000, reported by the press to have been kicked upstairs at a salary of \$125,000, gets enough to support the entire Supreme Court for two years. Other presidential salaries reported are: Pacific Telephone and Telegraph Company, \$60,000; Southern California Gas Company, \$50,000; Western Pacific Railroad, \$45,500; Southern California Edison Company, \$68,500. The total of salaries of over \$11,500 paid by the last-named company would pay the reduced salaries of the seven Supreme Court justices for seven years.

The presidents of these companies are generous to others as well. The Pacific Gas and Electric Company pays one salary of \$40,000, seven of \$21,600, two of \$18,000, seven more over \$11,000—in all, ninety-four salaries over \$5,000. The Southern California Edison Company reports one of \$45,500, one of \$33,500, one of \$27,500, three more over \$15,500, thirteen more over \$11,500—in all, eighty-two over \$5,000. The Southern Pacific Company, in addition to one salary of \$125,000, pays one of \$36,000, one of \$35,000, two of \$30,000, two of \$25,000, two of \$24,000, one of \$20,000, two of \$18,000, three of \$15,000, and in all 160 over \$5,000.

Even small electric utilities are generous for the welfare of their presidents. The Vallejo Electric Light and Power Company, generating no power and serving a small community, pays \$15,000 a year to its president, not far from a dollar apiece from every man, woman, and child in the town.

These fine salaries should enable the companies to get the very best brains in the community, which should be reflected in good service and lower rates to the consumers. Service, in general, is good, but rates are another story. Exact comparison of rates is difficult to make, because each company has a policy all its own, usually making up its rates by adding to a minimum charge a price per kilowatt hour which varies according to the quantity used. Such comparisons are not available in all the States, but I recently made such a study for the Commonwealth Club of San Francisco, published in its Transactions for June, 1932. It may be said that the private companies' rates in California are lower on the average than those of companies operating elsewhere in the United States, though more than

# DOMESTIC POWER RATES



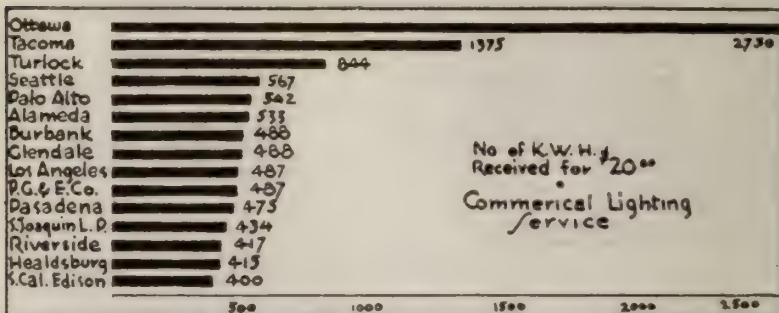
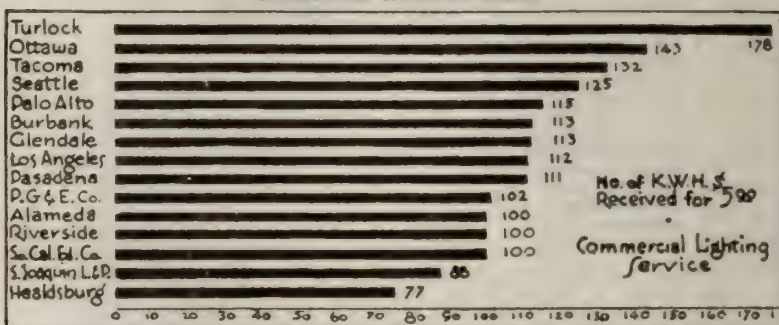
These four charts show the amount of power for domestic use obtainable for \$1, \$2, \$5 and \$16 in various California communities. All the cities listed own their own power plants. The Pacific Gas and Electric Company, the San Joaquin Light and Power Company, and the Southern California Edison Company are privately owned.

twice as high as the rates in Ontario, Canada, under public ownership. Twenty-one California cities own their own distributing systems, most of them buying power wholesale from the private companies. A comparison of domestic rates in these cities for lighting, heating, and cooking with those of the Pacific Gas and Electric Company shows that three small towns in the group charge slightly higher rates and that all the others charge less.

For instance, for \$1 a month the Pacific Gas and Electric Company gives 13 kilowatt hours; Los Angeles, Glendale, and Burbank give 21. For \$2 the P. G. and E. sells 37 kilowatt hours; Palo Alto sells 46, Pasadena 47, Los Angeles 48, and Healdsburg 60; Ottawa, Ontario, Canada, sells 128 and Tacoma, Washington, 130. Much the same ratios are found in the amounts of current for domestic use that can be bought for \$3, \$5, or more per month, and apply also for energy for commercial lighting and industrial use. Los Angeles attributes a large part of its industrial growth to its cheap municipal power rates, which had to be met by private competitors.

These cheaper power rates would hardly justify the cities, however, if they caused a deficit which had to be met from taxes. That side of the picture should be examined also. Do the cities subsidize their electric plants? The report I have

COMMERCIAL LIGHTING RATES



These two charts show the amount of power for commercial lighting obtainable for \$5 and for \$20. All the cities listed own their own power plants. Pacific Gas and Electric, San Joaquin Light and Power, and Southern California Edison are private companies.

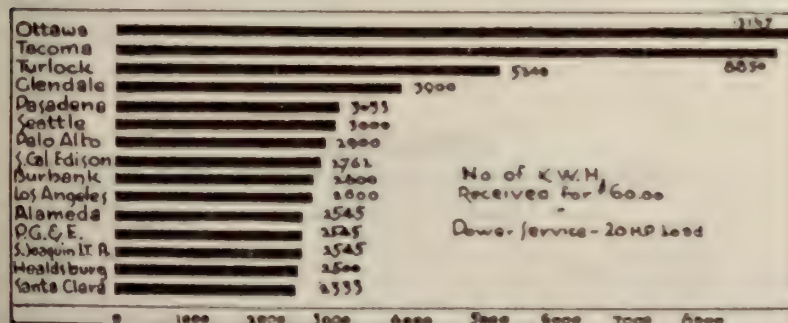
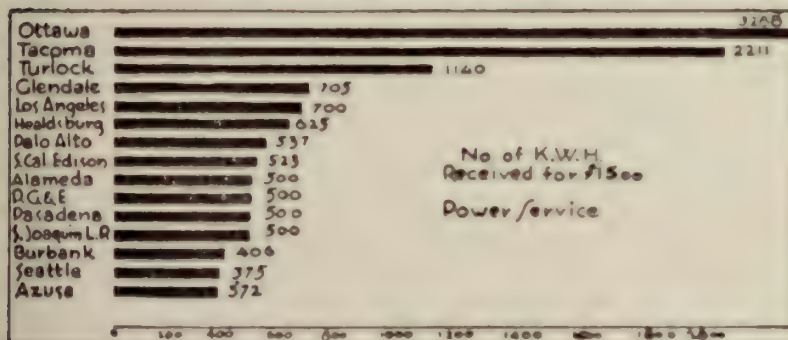
cited contains exact data on this subject. It was found that after paying all operating expenses, depreciation on the investment, interest on debt, and so on—all of the items except taxes that the private companies pay—the cities made the following net profits per annum: Pasadena 47 per cent, Redding 46 per cent, Anaheim 46 per cent, Glendale 45 per cent, Lodi 38 per cent, Healdsburg 37 per cent, Alameda 35 per cent, Riverside 35 per cent, Palo Alto 34 per cent, Roseville 32 per cent, Santa Clara 28 per cent, Los Angeles 28 per cent. Moreover, the least net profit was 19 per cent, in Burbank, where the city has not a monopoly and must compete with the Southern California Edison Company. In California electric-utility taxes average about 10½ per cent of gross receipts. After that item is deducted (for bookkeeping purposes) the cities, operating with low-paid manage-



ment, make from  $8\frac{1}{2}$  per cent net to  $35\frac{1}{2}$  per cent net profit every year, the average being well over 20 per cent.

This theoretical tax allowance of  $10\frac{1}{2}$  per cent has no real significance, however, as *all* of the net profit of the municipal plants is used for city purposes. None goes out as dividends. What the private companies pay is an obligatory contribution to the cost of government, which we call a tax, the profits in operation made by the cities are all voluntary contributions for the same end, and remove the necessity for a tax to raise the amount of this contribution. These are the sums that make "tax free cities." In California there are none such, for

## INDUSTRIAL POWER RATES



These two charts show the amount of industrial power obtainable for \$15 and for \$60. Pacific Gas and Electric, San Joaquin Light and Power, and Southern California Edison are private companies.

the cities have adopted the policy of reducing rates and thus giving a wider usefulness to electric energy, but as we have seen, even at the lower rates great profits are made. Some statistics gathered just before the crash by Red and Ryan in their book "Public Ownership on Trial" show that the net profits of the public electric plants aggregate over 30 per cent of the amount raised by taxation in the same cities. The results of later years show substantially the same percentage. The net profits of the public plants have suffered less from the depression than almost any private business, and their net profits are approximately the same as three or four years ago. Those cities which also distribute gas make a comparable showing, so that if we add to the profits made from the sale of electricity those to be made by selling gas and water and giving telephone service at fair rates, the mystery of the tax-free city is solved.

(This is the fourth of a series of articles on electric power and the consumer. The fifth will appear in an early issue.)



**EXHIBIT I.**

Mr. Chairman and members of the State Power and Water Investigating Committee:

As Secretary of the board of Directors of the Central San Joaquin Municipal Utility District which includes the city of Fowler and 13,000 acres of the rural district adjacent, I wish to submit the following report:

The Central San Joaquin Municipal Utility District has endeavored to annex certain territories which would make it possible to have a survey made by competent engineers to determine the most economical way to manufacture or acquire electrical energy. We have not been successful in this work due to high pressure methods of the Power interests which were well organized with unlimited funds, opposing an unorganized citizenry with practically no financial assistance.

We have been advised by competent legal authority that it is necessary to form Utility Districts in order to be in a bargaining position to secure the benefits of cheap electric power or gas for distribution to the Districts. We are of the opinion that a concerted effort is being made by the Private Electric Power Companies to prevent the formation of these Utility Districts in order they may enjoy the same monopolistic control of electric rates whether through the Central Valley Project or otherwise.

We as a Board are of the opinion that it would be unwise for the State to attempt to purchase hydro-electric sites from Private Power Companies unless at a price which would not be prohibitive or impractical. The District has been advised by a reliable gas and electric engineer that the manufacture of electricity by natural gas is much more economical than by water power, therefore, we contend that no doubt certain Power Companies would welcome the opportunity to unload on the State their holdings at high financial values. We would urge that the State utilize all available power sites for the manufacture and distribution of electric power and water to the public owned districts not under private control, and that no further permits should be granted to Private Power Companies to exploit our natural resources.

It should not be the problem of any one group of citizens to form these districts, but it is a community problem which calls for cooperation and unity of action to make possible the acquiring of public utilities for all, through the avenue of public ownership.

L. L. MILLER, Secretary,  
Central San Joaquin Municipal  
Utility District.

**EXHIBIT J.**

**CALIFORNIA PUBLIC OWNERSHIP LEAGUE, INC.**  
**Sacramento, California.**

February 5th, 1936.

Mr. J. C. Garrison,  
Fresno Committee Room,  
Fresno, California.

Dear Mr. Garrison:

I had planned for months to attend your committee hearing to be held in Fresno, but on Jan. 2nd, I had an auto accident and am still in the Madera Hospital, so I will have to state my views in writing a few lines and ask you to file with the committee.

After three years of intensive study and investigations, there is no doubt that the best thing for California would be to follow along the same lines as did Ontario, Canada. I find that to manufacture electricity is about the same all over the State, and the State could generate the juice and sell same wholesale to the different towns and districts that equip themselves with distributing systems. I do not believe it would be satisfactory for the State to distribute locally, because each city and district have their own local situations, which can be easier to rectify at home, rather than a State board with their long drawn out hearings, which would be very unwieldy to say nothing about the private power companies throwing it into court.

I would like to say more but am feeling pretty weak, so will close with Kindest Regards to yourself and the Committee.

Very respectfully,  
V. RAY WILL, President.

## EXHIBIT K.

Mr. Chairman and members of the State Senate Water and Power Committee.

In regards to the water and power situation in the State on behalf of the Fresno County Pomona Grange No. 24, I would like to present what we believe to be for the best interest of the people.

We favor the manufacture of electricity by the State if made available to Publicly owned Districts at a price that is low enough that said districts will be able to buy the electricity. We also feel that if the State should encourage the purchase of private hydroelectric or other kind of plants, the compensation should be given as to the price paid for them. Also proper regulations should be made as to the cost of producing electricity in the San Joaquin Valley on the use of natural gas which we believe, could be produced cheaply owing to the surplus and cheapness of the gas which is available in this valley.

In regard to the water situation we feel that the State should control and distribute the waters of the Central Valley Water Project on the Irrigation Districts and that Riparian Rights should be protected as far as possible and that the cost of such projects should be financed partly by the Federal Government, by the State of California and by the people who benefit by the water. If not financed in such a way we believe that the cost would be excessive to the water users.

Last year the grangers of Fresno County organized a union to form a Municipal Utility District. This district was formed near the presence of the San Joaquin Light and Power Company and the Local Chapter of Grangers and is now known as the Central San Joaquin Municipal Utility District. After that time the administration of the district was attempted by forming a system of rural Grange Councils. The election failed to carry on account of the outstanding passage and vote for the San Joaquin Light and Power Company and Fresno County Local Grange Committee and also practically all the small rural Grangers in the county which during the election carried large majorities of the Fresno County and Local Grange owners Committee. This leads us to believe that such Grangers are influenced by the Private Monopolies on account of the large paid administrators.

We are continuing to study different portions at this time and hope to have a larger district as soon as possible.

I. H. HARDING, Master.

Fresno County Pomona Grange No. 24  
Rt. 1, Box 112, Fowler.

## EXHIBIT L.

### HISTORICAL DEVELOPMENT OF THE ELECTRIC POWER SYSTEM OF THE MODESTO IRRIGATION DISTRICT

After many years of litigation involving the various features of the Irrigation District Act of California, and the water rights and easements that are essential to the financing of a new irrigation project, the irrigation system of the Modesto Irrigation District was completed and placed in operation. Thereafter, as very little storage was provided, irrigation usually was limited to an early start in fall. This condition brought about a desire on the part of some of the water users for additional storage development on the Truckee River. Without desiring to great length on sequence of events, suffice to say that in 1922 the Modesto Irrigation District, in partnership with the Fresno Irrigation District, started the construction of the Don Pedro Dam. In 1923 and in a subsequent year, there was constructed a 15,000 kilowatt capacity hydroelectric generating plant at the base of the dam.

The disposition of the electric energy to be made available by this plant had not been determined at the beginning of the project. Shortly thereafter, two methods of disposition were advanced, namely, to wholesale the complete output to the Sierra and San Francisco Power Company, or to distribute the energy on a retail basis to the consumers in the District. These discussions were finally terminated when a vote of the people in the District revealed that it was their desire that the electricity be distributed by the District. This decision was made by an overwhelming vote, in spite of the fact that all of the expert advice available was to the end that the District could not absorb its share of the energy for a good many years, and that the wholesaling of this energy would yield a greater net return to the District.

In order that the will of the people be carried out it became necessary to provide the major portion of the Board of Directors. This act accomplished, the new Board set out to construct the electric distribution system.

Transmission of the electricity from the Don Pedro plant to Modesto was originally brought about through the construction of a 66,000 volt transmission line to the Turlock Substation, and the consummation of a transmission line retail

and leasing agreement entered into in 1923 between the Modesto Irrigation District and the Turlock Irrigation District. These actions made Don Pedro power available in the City of Modesto.

Concurrent with this construction, distribution lines were built in the District. Service was rendered the first customer in December of 1923.

It soon became evident that the original allocation of funds would not be sufficient to more than start the distribution lines. Thereafter in 1924, \$500,000 in additional bonds were voted, making a total of \$1,055,000 for the Electric Department. This sum was sufficient to provide the nucleus from which was developed the present electric system.

The District system was then and is now in direct competition with the system of the Sierra and San Francisco Power Company (Pacific Gas and Electric Company, lessee).

Despite this competitive situation, the electric load of the District grew so rapidly that it was soon evident that there would shortly be an impending deficiency in electric energy. Plans and specifications were prepared for an addition to the original plant in the amount of 18,750 kilovolt amperes. Bonds in the amount of \$236,000 representing the Modesto District's share, were promptly voted by a large majority. The additional equipment was placed in operation in July, 1928. The bonds voted for this addition were not sold, however, since the revenues of the electric system were more than sufficient to take care of this additional equipment. These bonds are still in the possession of the District.

The original transmission line was also rapidly becoming inadequate to take care of the rapidly growing electric load. Thereupon a new steel transmission line was constructed from the Don Pedro plant to Modesto. This line was designed to carry two circuits but only one was installed originally. The total cost of \$146,000 was financed out of net revenues of the electric system. The first circuit was placed in operation in August of 1928. An interesting feature of this line is the fact that it will completely pay for itself during its first ten years of operation due to decreased transmission costs as covered by the leasing agreement of 1923.

Together with the additions to the generating and transmission systems, additions to substations and rural lines were made, all financed out of revenues until in July 1928 all of the farms in the District had electric service available.

An electric power shortage again presented itself to the District in the latter part of 1928. All of the possible means of acquiring an additional power supply were studied. It was determined that for a period of about ten years the most economical method of procuring power would be to purchase power wholesale from one of the utilities. The second best method was to construct a Diesel engine electric generating plant. Applications for the purchase of power were made to the Pacific Gas and Electric Company and to the San Joaquin Light and Power Corporation. In due course of time communications were received from both companies advising that they did not intend to sell the District any electric energy. As a consequence of this joint action, the District advertised for bids to be submitted for the construction of a Diesel Engine Electric Generating Plant, and simultaneously filed a complaint with the California Railroad Commission asking for an order to require either one or both of the companies to sell electric power to the District at the then existing rate schedule in effect for the sale of power to municipalities and others for resale purposes. Bids were received for equipment and the complaint before the Commission was set for hearing. The day prior to the opening of the hearing, the San Joaquin Light and Power Corporation indicated that perhaps they would agree to sell the District electricity. On the very next day an agreement was drafted which was satisfactory to the Company and three members of the District Board of Directors. It was subsequently executed in March 1929. While this contract has been opposed by some members of the Board, time has proven it to be an excellent arrangement for the District and the Company. As the District load grows, it is evident that the Company will either have to reduce its rate or be faced with other competitive sources of power. The technical features of these arrangements are of course very well known to the parties interested.

In August, 1935, the second circuit on the steel transmission line was constructed at a cost of \$55,000, financed from a loan and grant agreement with the Federal Public Works Administration.

The electric energy consumption within the area served has increased more than five times since the District commenced electric service. A study of the attached charts indicates that since 1923 the gross payment for electricity has doubled, and that for this increase in cost the consumer receives five times the original amount of electricity.

Electric rates have been reduced five times during the period of operation. The charges for electric service to the consumers in the Modesto Irrigation District are among the lowest in the United States.



The gross income and net revenue for the past five years together with the accumulated total for the entire period of operation, are as follows:

	Year 1933	Year 1932	Year 1931
Electric Revenue .....	\$530,232 02**	\$559,243 22	\$581,774 01
Miscellaneous Revenue .....	2,409 37	4,971 33	2,349 00
Gross Revenue .....	\$532,641 00	\$564,214 55	\$584,123 01
Depreciation .....	\$119,283 45	\$108,174 10	\$ 98,071 20
Bond Interest .....	55,640 00	56,360 00	56,000 00
Operating Expense* .....	145,481 36	146,916 18	208,000 52
Total Expense .....	\$314,404 81	\$311,450 28	\$462,071 72
Net Revenue .....	\$218,236 19	\$252,764 27	\$122,121 29
Profit in per cent of Gross Revenue .....	41.5	44.7	27.7
Cash transfers to Water Department .....	\$259,358 44	\$234,304 19	\$137,587 37

\*Includes all maintenance, operation, production expense, purchased power and uncollectible accounts.

\*\*Electric Rate Reduction effective March 1, 1933.

	Total to December 31, 1935	Year 1935	Year 1934
Electric Revenue .....	\$578,079 13	\$608,276 76	\$575,640 09
Miscellaneous Revenue .....	66,280 27	6,974 95	1,692 70
Gross Revenue .....	\$584,359 40	\$615,251 71	\$577,332 79
Depreciation .....	\$1,021,843 46	\$117,206 47	\$112,505 67
Bond Interest .....	702,441 70	72,505 00	54,005 00
Operating Expense* .....	1,099,567 32	164,185 38	205,558 64
Total Expense .....	\$3,423,832 57	\$304,916 85	\$372,789 31
NET REVENUE .....	\$2,424,476 83	\$280,334 86	\$204,153 48
Profit in per cent of Gross Revenue....	41.4	45.5	35.4
Cash Transfers to Water Department .....	\$1,400,000 00	\$200,000 00	\$200,000 00

\*Includes all maintenance, operation, production expense, purchased power and uncollectible accounts.

The attached curves indicate the following statistical facts concerning the electric properties of the Modesto Irrigation District as of December 31, 1935:

1. Total bond issues sold for electric system .....
2. Historical investment in electric system .....
3. Cash transfers to Water Department to reduce water tax rate .....
4. Water tax rate reduced from \$6.40 to \$2.76 per \$100 of assessed valuation, with practically the same assessment roll.
5. Total net profit to date.....

December 31, 1935.

R. W. CREIM, Chief Electrical Engineer



## EXHIBIT M. CITY OF BURBANK California.

February 5, 1936.

Senate Interim Committee,  
Sacramento,  
California.

Attention: Senator Jerrold L. Seawell, Chairman.

Gentlemen: The attached statement is prepared in response to the request expressed at your hearing held in the State Building, Los Angeles, January 15, 1936, and was approved by the City Council of Burbank at a regular meeting held Tuesday, February 4, 1936.

This statement sets forth the position of the City of Burbank as regards the investigation your Committee was authorized to make "regarding the feasibility and practicability of centralizing in the State the development, impounding, transmission and distribution of water, and the generation, transmission and distribution of electricity."

Very truly yours,

FRANK C. TILLSON,  
Mayor.

M/J

The City of Burbank is unconditionally opposed to any Legislative Act or Constitutional Amendment which would in any way transfer ownership, control or operation of its public utilities.

### *History of Development.*

In 1913 Burbank had a population of approximately 1,200 people. Privately owned utilities in adjacent cities were not interested in the establishment of an electrical distribution system in Burbank. The City was compelled to establish its own electric distribution and water systems.

In common with most newly constructed public utility enterprises, difficulty was experienced in the early years in making the distribution system successful. By 1920 Burbank had grown to a population of 3,000 and at the present time both systems serve approximately 19,000 people.

Both the electric distribution and water systems have been financially successful over a number of years, and up to date no benefits have been derived as a result of the Colorado River development. During the past year the City has purchased all of the distribution system of the Southern California Edison Company within its corporate limits for a purchase price of \$165,000.00, paid from the accumulated reserve funds of the Public Service Department.

Burbank has an area of 16.23 square miles, a population of approximately 19,000, with an electrical distribution system, the book value of which is \$502,751.77 and a water system, the book value of which is \$1,184,787.88.

During the past three years, in addition to maintaining rates that are generally lower than is prevalent in adjacent communities, the electrical system has paid a net profit of \$91,149.18 and the water system a net profit of \$54,910.24. You will note in the Federal Commission Report that Burbank has the lowest electrical rates of any California city in its size classification.

The financial statement, previously filed, indicates the amount of bonds which were voted for the purpose of establishing these respective plants. It will also be observed that all maturing bonds and all bond interest have been promptly paid from the Utility's earnings. You will note, therefore, that the public's equity in these plants has been acquired at no cost, on the contrary, in addition to this equity many valuable services have been rendered to the Municipal Government and to the citizens.

The City is a member of The Metropolitan Water District, and has executed a contract with the United States Government for 25,000,000 kilowatt hours of electrical energy per year, for fifty years, to be generated at Boulder dam, thus assuring the City of an adequate supply of water and electrical energy for the future.

The Public Service Department is operated under the provisions of the City Charter of Burbank, is non-political in its character, and has functioned efficiently in carrying out the purposes for which the Department was created. The plants are an asset to the City and highly valued by its citizens.

### *Conclusion.*

It may be advisable, in some sections of the State, that some form of aid be rendered to districts or municipalities contemplating the construction and utilization of undeveloped power and water resources, but in the general satisfactory manner in which the Public Service Department of the City of Burbank has functioned over a number of years; the efficiency of its operating plant; the low rates at which the service is rendered; the soundness of its financial status; the net returns from its

operation; and the assurance of ample power and water for the future, neither of which is totally unnecessary and undesirable for the City to be concerned with or to any way regulate or controlled by the State or any agency of the State.

By order of the Council of the City of Redbank:

City of Redbank

FRANK C. THOMAS,

Mayor

## EXHIBIT N. CITY OF SANTA BARBARA California.

February 25, 1937

Senator F. C. Garrison,  
Modesto, California:

Dear Sir: Please find enclosed yours of Resolution No. 1000 adopted by the City Council at their regular meeting held January 16th, 1937 at 10:00 a.m.

Yours truly,

FATE CAMPBELL,

Deputy City Clerk.

### RESOLUTION NO. 1000

The City Officials of the City of Santa Barbara, California, having given no consideration to the report of their Commission, City Clerk George D. Geib, and Councilmen Wm. S. Crawford who attended the conference in Los Angeles on January 16th, 1936, said conference convened in the Assembly room of the State Building and being called by the State Senate Legislative Committee for the determination of whether or not the State of California should take over the Public and Private Utilities.

We do therefore resolve that we are in favor of Municipal Ownership of Public Utilities, when such Municipalities are able and willing to assume the expense and that we are not in favor of any further restrictions of those cities as the State than the present State Laws provide.

We further resolve that we are in favor of the present public ownership by the Railroad Commission of the privately owned Public Utilities.

In explanation of our attitude in the above resolutions, after giving your experience with our water works we feel we would not wish anything for turning it over to State Control and with the Federal Government ownership of Electric power from Boulder Dam at such low rates we will give a greater benefit through the Railroad Commission, if they would give us more than our present rate by the State.

I HEREBY CERTIFY that the foregoing Resolution was first passed and adopted on the 20th day of January, 1937, by the following vote, to-wit:

Ayes: Councilmen Charles M. Anderson, William C. Cameron, William S. Crawford, George M. Harris, Taylor McDougall, Jr., Jesse Wesson, Jr.

Noes: Councilmen None.

Absent: Councilmen None.

Geo. D. Geib, City Clerk.

By Fate Campbell,

Deputy City Clerk.

The foregoing Resolution is hereby approved this 25th day of February, 1937.

EDMUND O. HANSON, Mayor

## EXHIBIT R.

### Statement of Franklin Hichborn

## CALIFORNIA'S OPPORTUNITY IN POWER DEVELOPMENT

### I.

### Handicap of Private Ownership.

To the Legislative Committee on Hydro-Electric Power.

Gentlemen: Thirty years ago the hydro-electric power possibilities of Niagara were made available for the Province of Ontario, Canada. The province had two choices open to it.

(1) To turn the power over to privately owned corporations for the exploitation of the people of the Province through monopoly power rates.

(2) To develop that power by the State to be wholesaled to political subdivisions by them to be distributed at cost to the people.

The Province decided upon the second course. Under public ownership, power is developed and distributed, not for the exploitation of the people, but for their benefit and for their use. As a result, the people of Ontario enjoy the lowest power rates in the world, and enjoy a higher per capita consumption of power than any other people. The 1934 report of the Ontario Hydro-Electric Commission shows that \$9.1 per cent of household users of electricity throughout the Province paid less than 2 cents a kw-hr for it, favored localities paid as low as 7 mills; 10.4 per cent paid from 2 to 4 cents; 0.4 per cent paid from 4 to 6; 0.1 paid 6 cents or more. Commercial and power rates were correspondingly low.

The argument is made that such rates are possible in Ontario because of Niagara, and California has no Niagara. As a matter of fact California has power possibilities quite comparable to those of Ontario. The Boulder Dam in the south furnishes enormous power possibilities. The proposed Kennett Dam and other water conservation projects are rich in power possibilities. And the fact should be borne in mind that this power totaling billions of kw hrs. annually is a by-product attending necessary water development for irrigation, industrial and domestic purposes. Developed for use and not for exploitation, power could eventually be made approximately as cheap in California as it is in Ontario.

Unfortunately for California privately-owned power companies have been allowed to enjoy monopoly privileges. The result of such policy has not only been monopoly rates for electricity, but industrial, political and even social consequences of far-reaching and most unfortunate consequences. But perhaps the most serious injury to the State has been the opposition to state development by the special-privilege-enjoying power companies intent upon their monopoly of power and their exploitation of the people through such monopoly.

The best development of California depends upon the development of the state's water resources. Properly conserved there is available in California sufficient water for all possible purposes. With water development would come hydro-electric power in as great abundance, and at cost to consumers as low as enjoyed by the most favored places of the earth. But every move toward water development has been opposed by the politically-entrenched, well-financed power companies which see in such water development an increased power crop threatening their monopoly hold and their monopoly rates.

Thirty years ago when Los Angeles proposed to bring pure water from Owens Valley, the power companies fought the development at every step. But the people of Los Angeles eventually prevailed; not only secured their pure water, but kept to themselves in public ownership the power by-product. The result is that Los Angeles City enjoys the benefits of abundance of pure water, cheap power rates—and a population above 1,000,000. Had the power companies prevailed against the Owens Valley project, the amazing development of Los Angeles City and county would not have been possible. Without Owens Valley water and power there could have been no Los Angeles as the world knows it today.

When San Francisco proposed the Hetch Hetchy project the same power-company opposition was encountered. Owing to unfortunate political conditions and control under which San Francisco has suffered since the retirement from office of former Mayor Robinson Taylor, the power companies and their associates were able to delay Hetch Hetchy development for twenty years. This has meant increased costs, which are reflected in the high water rates paid by the people of San Francisco for water. But that unfortunate political domination which delayed the Hetch Hetchy development, made possible the passage of the Hetch Hetchy power crop, in plain violation of existing law, to a privately-owned power company. Because of such power-company opposition and interference, while it did not prevent the development, it has kept from the people of San Francisco the full benefits of their Hetch Hetchy enterprise. That San Francisco has lagged far behind in its development as compared with Southern California and the rest of the state is due in no small measure to power-company interference with San Francisco's water project.

The proposed Boulder Dam development, brought the organized power companies of the whole nation to the support of the California power-company opposition. The entire country was subjected to opposing propaganda; appeal was made to the prejudice and self-interest of sections and of states. Graceless misrepresentation was employed throughout the nation. The power lobby at Washington boasted that the organized power companies represented \$7,000,000,000 of wealth, and that wealth had decided the Boulder Dam should not be built. In denouncing this lobby, Senator Hiram W. Johnson from the floor of the United States Senate declared:

"I was astounded, sir, to read in the daily press the other day what purported to be a statement made by some gentleman named Newcomb regarding this measure and that optional clause. Mind you, sir, it is purely an optional clause—an optional clause asked by the Secretary of the Interior himself—not originally asked by those presenting the bill, but an optional clause under which the United States Government has the right for itself to determine some day far in the future whether it should construct the particular



works for the generation of electricity or whether it should be anything more than that.

"Yet, it is published in the press and in some of it I myself signed, that a distinguished gentleman representing the Electric Bond & Share Company, New York, which controls 145 electric corporations and utilities in Washington, I represent an expenditure of \$2,000,000,000 and try to get Congress to let the Government enter the power business at Denver, Colorado.

"What could be more fraudulent, what could be more outrageous than for any man representing private corporations to stand before Congressional Avenue and kneel at the altar of the Congress of the United States and say: 'You shall not be permitted, you shall not permit the Government of the United States, to exercise an option on possible electric power which someone has spent in the future, perhaps \$7,000,000,000 paid in.' What more fraudulent thing could ever be presented to a Congress at this moment in our life than the statement made by the gentleman representing us as cost \$7,000,000,000."

That \$7,000,000,000 expenditure was arbitrary; the man who made it Sacramento County because of it is poorer than the poorest Sacramento farmer, and it is of increased prosperity and development.

Sacramento, attempting to bring pure water from Father Creek and surrounding this same power company, and to deny the pure water supply and the attending advantage of power at that. There is enough to show in the State that the not suffered as Sacramento has suffered from such blocking of economic development.

For fourteen years the power companies have opposed the largest River Valleys water development, the proposed big of water, water in the River. At this dam alone, where one would be one of the most energy would be available.

The power companies arbitrarily have taken the position that the State could not absorb this enormous power cost.

Their position is based on a number of false facts.

It is found, at the same time, that the power companies are in control of the big dam, which the power company of California. The public cannot and does not want to the enormous waste of Klamath power.

But the contention is that if California is to be protected the same advantages in power development that were made in the power of Oregon and the same matter never came in the power of Wisconsin, Texas, and in our own state to the Modesto Irrigation District and the City of Los Angeles. No power has come down in those states, and the power companies have been in such a position, so increased that it may be regarded as a fact.

Ottawa, Ontario, furnishes a remarkable example.

Prior to 1914, water power, hydroelectric, Ontario, households paid on the average 7 cents a kilowatt for the electricity used in their homes. When in 1914 the distributing system was taken over under public ownership, the average monthly consumption per household was 19 kw. hrs. The following year the price was reduced to an average of 4.8 cents a kw. hr. Consumption went up to 24 kw. hrs. per household. Ten years later, 1925, the price per kilowatt hour had been reduced to 1.1 cents, the average monthly consumption was up to 151 kw. hrs. For the year 1934 the average rate for domestic use was 0.9 cents, and the average monthly consumption 326 kw. hrs.

Thus, as the domestic rate came down from 7 cents to 0.9 cents, average monthly consumption increased from 19 kw. hrs. to 326.

Ottawa's experience has been the experience of every community that has enjoyed the benefits of power rate reductions. Such communities avoid the gains of electrical development. Communities suffering from the handicap of high rates are denied such gains. It is possible the possibility of the use of public electricity to the people of Ontario, and the Klamath power would certainly be equal to the demand.

The policy of the power companies has been, then, to discourage water development, thereby not only denying the water so necessary for the sustenance of the State's best interests, but withholding from the public access to the generation of power easily available which would place at the command of the people of the state all the advantages and benefits of modern use of electricity in home, factory and farm as enjoyed by the people of Ontario, and a water Canada and American communities under public ownership.

To enforce their policy of opposition to water development the power companies have maintained expensive holders at Sacramento have expended hundreds of thousands of dollars in state and local campaigns, have conducted labor wars, prominent club women, and officials of prominent organizations have endeavored to influence banks by maintaining large balances without interest, and the public press by practically unlimited advertising, have engaged in excessive propaganda.



In 1922, William Kent of Kentfield, John R. Haynes of Los Angeles, Rudolph Spreckels and Senator James D. Phelan of San Francisco undertook by an initiative measure to permit State-wide water development under much the same plan as had even then proven so successful in Ontario. To defeat this move, the power companies conducted a campaign the scandal of which brought on a legislative investigation. The testimony taken by the investigating committee showed an expenditure by the power companies to defeat the plan of over \$500,000. The political methods uncovered startled the state. For example, the then vice-president of the Pacific Gas and Electric Company testified that his company had paid one labor leader \$10,000 for two months' service in opposing the measure; a society woman of Oakland, \$1,000; head of certain San Francisco improvement clubs \$6,000. Workers from one end of the state to the other had been paid from a few dollars to \$26,000.

The following excerpt from the report of the Investigating Committee (see Senate Journal for 1923) shows the character of the campaign which the power companies carried on:

"In reference to the methods employed in connection with the campaigns on some of the propositions on the ballot, the committee found they were such as to have effect of misleading and deceiving the voter. This arises, for example, out of the use of high sounding, patriotic names under which the real identity of the interested parties and actual proponents or opponents is disguised. While many campaign committees selected names that fairly indicated their purpose, others selected designations which gave the voter no indication as to the real purpose or nature of the organization. The most conspicuous example of the latter was the use of the name 'Greater California League' by the opponents of the Water and Power Act. Such a name readily gives the impression of being a promotion organization which every citizen in California would feel free to join, and having nothing in its name to indicate that it was a political campaign organization.

"The testimony before the committee showed that the Greater California League was in reality merely the name under which Mr. Eustace Cullinan, employed by the power companies, conducted the campaign against the Water and Power Act in Northern California.

"The following extracts from Mr. Cullinan's testimony indicate its actual identity:

"The Greater California League never had control of the money (Campaign contributions) at all. I put that money in the bank as I received it to an account called 'The Greater California League', but no one had access to that account except me. \* \* \* It was like most of these political groups or committees. \* \* \* never had a meeting \* \* \*. I appointed myself president. I was employed by the power companies, through Mr. John S. Drum. \* \* \* and met, with myself, after the employment, and organized the Greater California League."

The power companies paid Mr. Cullinan \$25,000 for his eleven months' service in this campaign.

The course of the privately owned power companies in California has not made for the well-being nor the dignity of the State.

## II.

### Failure of Regulation.

Thirty years ago unrest over political activities of utility corporations found expression in the organization of the Lincoln Roosevelt League; its objective, to quote the League's outstanding leader, Hiram Johnson, to restore the government of the State to the people. The scandals of corruption of public officials by various utilities came to a head in the so-called San Francisco Graft Prosecution.

Under the domination of Abe Ruef, a political boss, all but open bribery of public officials was the rule. Members of the board of supervisors trapped taking bribes, confessed, bringing squarely before the public the methods practiced by the utilities. The utilities, it developed, had passed the bribe money to Ruef; Ruef gave it to Supervisor James Gallagher with instructions how he was to divide it with his fellow supervisors. The supervisors had been elected on a pledge to fix gas rates at 75 cents; they set the rates at 85 cents. Of the attending bribery Gallagher testified before the Grand Jury:

"Q. Now, then, this gas money, who gave the money to you to deliver to them? A. Mr. Ruef.

"Q. And how much did he hand over to you on that?

"A. I figured that all out (produces piece of paper) \$13,350.

"Q. Where was that he gave you that?

"A. At his office at the corner of California and Kearney streets, in this city.

"Q. Can you fix the date with reference to the passing of the ordinance?

"A. It was after the passing of the ordinance and consequently must have been subsequent to the month of February as the ordinance, I think, it was within a month as nearly as I can remember—it was about the latter part of March, 1906.

"Q. And of that amount, how much did you keep for yourself?

"A. \$1250.

"Q. Then did you pay \$750 to each and every one that is a member with the exception of McCreesh? A. Yes, sir.

"Q. And each of those who were here in here except McCreesh?

"A. All the members of the Board except McCreesh.

"Q. At the time you got this money from that man did he say to you about it? Did you have a talk with regard to how it was to be divided up?

"A. Nothing more than that it was to be given to that amount to each one.

"Q. Was that the amount each was to get?

"A. By suggestion by Mr. Reed that that would be the amount that he thought he could arrange to have given to the Board.

"Q. That was what he told you, \$750? A. Yes, sir.

"Q. That was coming out of that money suggestion or proposition?

"A. It was."

Other members of the Board admitted getting this money from Gillingham. The following testimony from Supervisor C. J. Hartman is typical:

"Q. The next matter, I will ask your attention to is the fixing of the gas rates early in 1906, the rates to be charged for gas and electricity in the city, did you hear there was to be something coming through on that?

"A. I did.

"Q. Who told you?

"A. No one told me particularly except a rumor among the members of the Board.

"Q. Generally understood among them, how much was it to be, and they know? A. \$750.

"Q. The two was fixed at \$750? A. Yes, sir.

"Q. You voted for it? A. I did.

"Q. Was it understood at that time that it was confidential and that was what it was to be? A. Yes, sir.

"Q. And afterwards did you receive any money? A. That \$750.

"Q. Who handed you that? A. James Gillingham.

"Q. Was that what kind of money? A. Gillingham's.

"Q. Do you remember how the gas was then and where? A. Yes, sir.

"Q. Say anything at the time of handing it to you?

"A. No, just placed it, passed it to me. I understood it."

On the testimony, three members of the Board of Directors of the Public Gas and Electric Company were indicted.

To meet such practices, when the efforts of the Lincoln-Roosevelt League resulted in the election of Hiram Johnson Governor, kind control of utilities was attempted and the utilities brought under state regulation. This regulatory system was vested in the State Railroad Commission. The Commission was in theory given strict supervision, authority to fix rates, power to punish the licensee of the public against the evils that had developed from utility domination.

In the power field the State was virtually impotent during the second decade, each being given absolute monopoly in the same district. Each company was thus protected against the wastefulness of competition. The Railroad Commission, with power of regulation and to fix rates was designed to relieve the public against the evils of monopoly, and ensure to the people rates that would be fair to consumers and at the same time provide fair return to the companies on their investments.

In theory, regulation was ideal; in practice, it has failed utterly.

Under regulation the utilities have done most of the regulating, and at about years have actually fixed their own rates, while securing all the benefits of monopoly within the territory allotted them. This is a particularly true of the power companies.

The Public Utility Act under which regulation was commenced (1911) provided that the rates fixed by the regulatory body, the Railroad Commission, should be final.

That held true as to the people who paid the rates, so far as the ratepayers were concerned the rates were final, without opportunity for appeal.

But for the utilities the rate decisions of the Commission were far from final. The utilities on the plea that the rates were confiscatory had their appeal to the Federal courts.

Soon, attempts of the regulatory body to fix rates were met by costly, time-consuming litigation, the people in the meantime continuing to pay the rates which the regulatory body had found to be too high.

Of late, the companies supplying gas and power have openly taken to fixing their own rates. Their contemptuous attitude toward the State rate-fixing authority, whose action in the words of the State Utility law shall be final is astonishing. When the Railroad Commission proposed gas rates in the San Francisco area approximately \$2,000,000 a year, the affected company contested the rates in the Federal Courts alleging confiscation of its property. After costly litigation the courts held that the proposed rates were confiscatory, gave judgment for the company. The company then demonstrated that the Railroad Commission was

justified in reducing the rates, and that the court was in error. The company voluntarily reduced the rates, not \$2,000,000 a year, but \$2,500,000.

Announcement of "voluntary" reduction of rates by the corporations quite independent of action by the Railroad Commission, in the corporations' own good time, in their own way, on their own terms, would be amusing—considering the intent of the State Utility law—if they were not so serious.

So far as effectiveness in dictating rates to the monopoly-given utilities is concerned, the Railroad Commission has become innocuous.

Further weakening of the prestige of the Railroad Commission has come through interference in its activities and its personnel by the "regulated" utilities. The utilities maintain at the Commission what amounts to a lobby. More serious, is the greater financial advantage to be gained from serving the utilities than from serving the State as executive or attache of the Commission.

In theory the Commission has regulatory control over all utilities doing business in California from railroads and power companies to warehouses and truckers. A railroad commissioner charged with this vast supervision receives \$8,000 a year. The officials of the utilities he is supposed to regulate receive as high as \$72,000 a year. It would take a commissioner nine years to earn the salary of such a utility executive for one year. While the commissioner is earning the salary of the executive he is supposed to regulate for one year, the executive's salary amounts to \$648,000. The engineers, attorneys, accountants of the regulated utilities are paid from three to five times the salaries of the engineers, attorneys and accountants of the commission. While many commissioners and attaches unquestionably serve the state to the best of their ability, disinterestedly and faithfully, it is not strange that we have instances of commissioners passing from the \$8,000 a year state job to a \$25,000 a year job with the utilities they have been regulating, while effective engineers, attorneys and other employees of the commission may be justified in giving up their state positions to accept double the commission salary from a regulated utility. The sneer that the Railroad Commission has become a training school for utility executives and employes apparently has some foundation.

Most serious of all the Commission's handicaps is the underfinancing of its essential work. Governor Hiram Johnson recognized the danger of an under-financed Commission. In his inaugural address to the 1911 Legislature Governor Johnson urged: "Let us do our full duty, now that at last we have a Railroad Commission that will do its full duty, and let us give this Commission all the power and aid and resources it requires."

During the Johnson and Stephens administrations attempt was made to give the Commission the resources necessary for effective work. By assisting largely in the financing of organizations maintained to charge the State with extravagance, the utilities took important part in undermining public support of the proper financing of state governmental agencies. This made possible the election of Richardson on an "economy" platform in 1922.

Under Richardson, practically all State governmental agencies suffered from underfinancing. This was true of the Railroad Commission. Attempts to correct the situation made during Young's administration were interrupted by his defeat for reelection. With the election of Rolph, virtually the same forces which had for twenty years dominated at San Francisco took over the state. Although a majority of the commission were Young appointees, they found themselves practically powerless. This condition was significantly shown when the Railroad Commission, through its then President, Clyde L. Seavey, wrote the 1933 Legislature as follows:

"According to press reports there are before your body resolutions calling for certain information from the commission regarding the rates of return of the utilities of the State and kindred matters. Whether or not these resolutions are passed, this commission is desirous of not only furnishing any information wanted but of getting your aid in attempting to harmonize the income of the utilities with conditions obtaining with businesses and individuals. Some proposed legislation is now before you which may indirectly assist in this regard.

"For the past three years this commission has been devoting special attention to utility rates and has succeeded in reducing the return below what has been allowed in normal times, except where we have been attacked in the Federal courts. We have now three major rate cases under hearing. In addition to this, we have contemplated and have been preparing to take more drastic action which might or might not take us further into the Federal courts. On February 14th of this year the commission spread upon its minutes a resolution directing its department to bring together in concise form the data necessary upon which to institute such emergency proceedings regarding rates and rates of return. We have not heretofore actually started such proceedings for four principal reasons:

"1. Because to do so would have unduly interfered with the legal and proper process of the Legislature in the equalization of utility taxes, which matter we knew would be before your bodies.



"2. Because we believed if equalization of taxes was accomplished the return of the utilities would be reduced substantially and perhaps as low or lower than we could accomplish by an attempt to exercise extraordinary regulatory powers.

"3. Because we believed the proposed equalization of taxes would be a surer way of reducing return than drastic action on the part of this commission subject, as the latter action is, to delay and reversal through the Federal courts.

"4. Because this commission is in a much stronger position to prevent rate increases than to reduce rates.

"The commission is also advised through the press and by individual members that it is contemplated later in the session to attempt equalization of utility taxes. We wish to conform to the wishes of the Legislature in this matter. If it is your desire that we proceed at once to attempt drastic reduction of rates under the circumstances we are advised to do so.

There have so far as the Railroad Commission is concerned, been no material changes during the Merriam administration.

The public's protection in the Railroad Commission's authority to fix rates is, for all practical purposes, gone.

The power companies, given monopoly rights in their respective territories, without the check of State regulatory supervision, or of competition for all practical purposes fix their own rates.

State regulation of the utilities, rate fixing by the regulatory body have broken down in failure.

Except in territory enjoying public ownership of power, as in the Modesto and Turlock irrigation districts, the people are denied the benefits of competition or the safety of effective public control over rates. Such public ownership territory does enjoy the benefits of low private-company rates governed by the protection of the publicly-owned power plants. But outside such favored territories, monopolies reign, unchecked, across the roads from them—monopoly power rates prevail.

Regulation by political subdivisions and rate-fixing by local legislative bodies failed because of the deliberate bribery of public officials by agents of the utilities. State regulation, because of apparently unimpeachable authority has failed also. The state is given the alternative of leaving the power companies in virtually unregulated monopoly control, with practically the fixing of their own monopoly rates which means eventually rates based on all the traffic will bear, or public ownership and public distribution of power.

### III.

#### Public Ownership.

The State's adventure in private-ownership of power production and distribution is a years-long record of scandals, bribery, corruption of public officials and legislative bodies; contemptuous treatment of the public; monopoly rates. Such experience is not limited to California; it has been the experience of every community that has left its power development to so-called private enterprise. One has only to recall the Foshay scandals, the Insular scandals, the exposures of the Federal Trade Commission to recognize the truth of that statement.

On the other hand, public ownership and distribution of power has with few exceptions redounded to the benefit of the people undertaking it.

Ontario, Canada is an outstanding example of this. Nor are alone the same success of public ownership of power has been experienced at Tacoma, Washington. In our own state, Los Angeles, even though power company opposition at every step, enjoys the benefits of public ownership of both water and power. At a time when San Francisco depended upon privately-owned companies for both water and power, the then Mayor of Los Angeles George E. Cryer made comparison of San Francisco's experience with private ownership and the experience of Los Angeles with public ownership. Mayor Cryer said:

"A careful study of the situation discloses that the people of San Francisco, served by a privately owned water company, are paying rates 248 per cent higher than rates charged by the Los Angeles Municipal Water Bureau. This is spite of the fact that San Francisco is a comparatively-built city of small area and gets its water from only about thirty miles distant, while Los Angeles' supply must be brought 250 miles and distributed over the largest area of any city in the United States.

"During the present fiscal year ending June 30, 1928, the 1,300,000 people in Los Angeles will pay approximately \$9,000,000 for their water service. For the same service but under rates charged in San Francisco, our people would have to pay \$23,490,000, or \$14,490,000 more than they will under the Municipal Water Bureau rates.

"During the present fiscal year the thousands of factories, office buildings, stores and homes will pay \$18,906,946 for power and light service under rates set by the Municipal Bureau of Power and Light. For the same service, but under rates charged by private companies to San Francisco, our people would



be charged \$21,855,269, or \$2,948,323 more than they will pay this year in Los Angeles. This in spite of the fact that rates by private electric companies in all parts of California have been forced down by the lower schedules here.

"The total savings realized by Los Angeles citizens through their municipally-owned systems, compared with San Francisco's rates under privately-owned systems, amounts to \$17,438,323."

"This means a saving of \$13.40 a year to every one of our 1,300,000 citizens; it means an annual saving of \$67 for the average family of five.

"It means a handsome cash dividend paid annually by its two bureaus. Since these systems are entirely self-sustaining the dividend is being secured without the necessity of a cash investment. Furthermore, the rates include amortization of bonds, which as paid up will enable a constantly decreasing rate, an advantage not true of privately-owned water and power financing."

Since 1924, the Modesto Irrigation District has, under public ownership been serving the district with the incidental power crop of its water development. As a result the farmers of the Modesto Irrigation District enjoy the lowest rural power rates in California. A farmer for example, using 200 kw. hrs. of electricity in his home a month pays \$5.15 for it, while the farmer in the monopoly territory of the Pacific Gas and Electric Company immediately across the line pays \$7.50 for the same service.

This saving in monthly power rates to the people of the Modesto District, has over the eleven years of public ownership operation, run into millions but it by no means tells the whole story.

For the ten years ending December 31, 1934, at the low rates charged, the net revenue from the power crop had been \$2,144,171.97. The net revenue for 1934 was \$204,153.48. The net revenue for 1935 was above \$278,000.

The benefits of these power profits are felt by the entire district. The electrical department, for example, has during the ten years turned over to the water department, \$1,400,000. Because of this the district's irrigation taxes, which are in effect water rates, have been reduced from \$6.40 per hundred dollars valuation in 1924 to \$2.76 in 1935. The peak of bond redemption comes in 1942. Soon after that, with low power rates continued, the entire expense of the Modesto Irrigation District will be met by revenue from the power. This means that besides having the cheapest power rates in rural California, the Modesto farmers will have free water brought to their lands.

And bond redemption means bond redemption in the Modesto Irrigation District. All bond interest and redemption for the electric system are paid out of the gross revenue of the electric department. Some \$80,000 of bonds by January 1, 1936 have been redeemed. In addition, the district had purchased bonds before they were due to the amount of \$115,500.

The Modesto Irrigation District bonds are held above par, with practically no offers to sell.

Practically all of what has been said of Modesto District could have been said of Turlock.

Modesto and Turlock took advantage of the power crop of their water development. With public ownership of the power as a basis, they have made a success of their water development enterprise.

Districts on the other hand that turned their power over to private power companies are practically bankrupt.

The Merced Irrigation District is a fair example of this.

The Merced District turns its power over to the San Joaquin Light and Power Company.

The Merced District farmer using 200 kw. hrs. of electricity in his home a month, pays \$7.50 for it. While the Modesto farmer over the line in public ownership territory pays \$5.15 for the same amount.

The Merced District can show no profits in an electric department for it has no such department. It can not use profits on its power crop to wipe out water costs for it has no such profits.

Merced Irrigation bonds are not quoted. The district has defaulted on both interest and redemption payments. But about the first of this year were given a value of 51½ because the Reconstruction Finance Corporation had purchased up to November 15, 1935, approximately \$7.37 per cent of them paying \$515.01 for each \$1000 bond. The Federal Reserve Bank at San Francisco had been authorized by the R.F.C. to take up Merced bonds over the counter at that figure. Those who paid par for these bonds take a loss of approximately 50 per cent.

Southern California is entering into an era of increased development and prosperity because of the water and power made available at Boulder Dam. Until the waters of the central valleys watersheds are concerned there can not be any marked increase in development in Northern California. Every drop of that wasted water is needed for irrigation, industrial purposes, controlled flow of navigable rivers. With its conservation as contemplated by the Interior Valleys project, abundance of power will be made available.

In the hands of private monopolies, that power will be used for the oppression of the people of California. The people will look to you, friends, to those who control the power.

Held in public ownership for the use and benefit of all, that power will be the servant of the people.

There are two fundamental questions with California's hydroelectric energy are not in safety to the citizens of the State be turned over to private monopoly.

(1) Such a course will be proved economically.

(2) It would prove a menace politically.

Sound public policy requires that the gigantic task of water conservation and development be entrusted in its entirety to THE STATE ITSELF.

December 15, 1936

Hon. Walter H. Dwyer  
Santa Paula, California.

My dear Senator Dwyer:

Inclosed you will find a copy of the Hockenbeamer letter which I intended to send you. Also Robertson's letter to Senator Dwyer. Inclosed, too, is the Hockenbeamer letter to the National Electric Light Association with the statement that the plan is well worth trying and may be of use elsewhere. I enclose including some of the excerpts of letters from California banks to Hockenbeamer thanking him with pitiful seriousness for his generous consideration.

You will note from these correspondence that I put the matter very lightly when I started before your committee that the most complete bank endorsement to influence banks by collecting a large volume of bank checks.

I can't quite understand why your bank are being concerned. It may be because it is out of the district of the Pacific Gas and Electric Company; it may be that the power companies think they have you any how; it may be that they recognize that the integrity of any banking system is as high as it can be to grant you a free deposit or would not influence but in the end had would be effort and money wasted.

Sincerely,  
A. W. ROBERTSON.

H. R.  
Copy to Senator Gentry  
and Senator Sewell

## PHILADELPHIA COMPANY Pittsburgh, Pennsylvania.

December 10, 1927

Part of Exhibit No. 4470  
Lines 6, 27-29

### PERSONAL

Mr. H. T. Sands, President,  
National Electric Light Association,  
c/o Electric Bond and Share Co.,  
New York, N. Y.

Dear Mr. Sands:

I believe you will be interested in sending the attached letter and enclosure from Mr. Hockenbeamer, President of the Pacific Gas & Electric Company. The method outlined in this correspondence appears to me as being within the proper way to create and maintain cordial relations with our friends the banks. Indeed, in our Pittsburgh activities we have tried to follow such a scheme although not on so extensive a scale as carried out in Mr. Hockenbeamer's organization.

You will notice that Mr. Hockenbeamer asks that this letter be treated as confidential, and my only reason for sending you the correspondence is that I know you are interested in the dissemination of a correct method of carrying out the work of our committee and the public relations section.

Yours very truly,

A. W. ROBERTSON.

Inclosures

Copy

PACIFIC GAS AND ELECTRIC COMPANY  
245 Market Street  
San Francisco, California.

A. F. Hockenbeamer,  
President.

November 11, 1927.

Personal.  
Mr. A. W. Robertson,  
President, Philadelphia Company,  
Pittsburgh, Penn.

Dear Mr. Robertson: I must apologize to you for having so long delayed any response to your several letters regarding the "Committee on Relations with Finan-

cial Institutions," but, as you can well imagine, I have been so fully occupied with my new duties—which were thrust upon me rather suddenly—that I was compelled to lay aside practically all matters not pertaining strictly to our own activities. It was somewhat of a surprise to find myself Chairman of the Pacific Coast Section, and I would have been very much inclined to ask you to relieve me of this additional burden except that subsequent letters from you indicate that we have already gone a long way in working out the ideas presented by you, so that the task assigned to me may, perhaps, not require any more time than I can afford to give to it.

Owing to the fact that for about twenty-five years we have operated an interconnected system serving a large number of communities and requiring one or more bank depositaries in each of these centers, we "discovered" the country bankers quite a number of years ago. In this there was no particular prescience on our part, as what was at first merely a necessary business relationship took on, gradually but in an increasing degree, the additional aspect of public policy and of public relations. The bankers, as a rule, are economically minded about as we are, but, nevertheless, we came to the conclusion about fifteen years ago that as a practical incentive to get them to work with us, there is no substitute for deposits. A worthwhile account has, therefore, been the keystone of our policy, and, to assure its application, it is our practice to regulate balances in country banks from the Head Office. I may add, in passing, that we have at this time accounts with 230 country banks scattered all over our territory, and, whole our policy keeps an average of around a million and a half dollars tied up in balances in these country depositaries, we believe it is well worthwhile: first, because the service they render to us as banker is worth something, and secondly, because it cements their friendship and co-operation. Incidentally, we require no interest on these deposits.

A second step in retaining friendly relations with our country bankers has been to have our local managers keep in close touch with them. This they do, and I feel safe in saying that our district managers not only enjoy the friendly acquaintance of the presidents of these banks but of all the directors, usually influential business and professional men, and of practically the entire personnel.

A third thing we have done is to have representatives from the Head Office visit the bankers. While I was Treasurer of the Company, I did this personally on two occasions in company with Division Managers and the Secretary of the Company. It took from six weeks to two months for each round of visits, but I soon realized that the time was well spent, and if there was one thing I heard more frequently than anything else, it was expressions of satisfaction over the "nice account you keep with us," all of which went to confirm my faith in the policy of "saying it with deposits."

Before beginning our first customer ownership campaign in 1914, we saw to it that everyone of our bankers was fully informed as to the stock we were about to offer and what our plans were for disposing of it. Every banker was also told at that time that any checks drawn on his bank in payment for any of the stock sold by us would be immediately re-deposited with him and the money left there as long as we did not need it. This removed the fear of deposits being drawn down to pay for stock. Some of this money stayed in the banks for quite a long time, and the result was that, with one sole exception, the bankers became, and still are, boosters for our stock and an effective influence in spreading its sale.

On the whole, the relations with our bankers are about as cordial as they possibly could be. We have had occasion to test their friendliness on a number of occasions and they have never failed us. During our two big campaigns against the so-called "Water and Power Act"—a scheme to put California in the power business with an initial issue of half a billion of bonds—they literally sent out hundreds of thousands of personal letters and pieces of literature to their depositors and stockholders, as well as campaigning against the act personally.

My impression is that the other power companies in California follow pretty much the same policies as I have above outlined. We have here an association, of which I am Vice Chairman, which meets once a month and is representative of all of the power companies of any consequence in the State, and it is my thought to bring the subject up for discussion at the next regular meeting of the Light and Power Council. I believe this is about all that needs to be done in California, and but little would be gained, even if it were feasible, to ask the bankers to come to some general meeting. They know as well as we do the economic dangers against which we must present a united front, and the most necessary thing is for the individual power companies to maintain the individual contacts that lead to personal acquaintance, friendship and co-operation.

I would like to have you treat this as a personal communication and not as an official report by the Chairman of your Sub-committee. If any thoughts have been expressed which you deem useful, you can probably present them without undue publicity of ourselves. We have already been suspected of undue connivance with bankers.



There is a subject which I would rather not touch upon in a letter but which I should like to discuss with you the first time I see you. I will probably not forget about it, but if I should please feel free to remind me that I have something in my system that I want to get out.

Very sincerely yours,

(SIGNED) A. F. HICKENHAMER.

AFFU TJ

P. S. We also keep in touch with our bankers by means of annual letters, notifying them of their reappointment as depositories. Attached is a typical sample of these letters and also a compilation of the acknowledgments received. We are pleased to have an extra copy of this in our files and I thought you might be interested in looking it over.

**EXTRACTS FROM SOME OF THE LETTERS RECEIVED FROM BANKS  
IN RESPONSE TO LETTER OF A. F. HICKENHAMER ADVISING  
OF THEIR CONTINUANCE AS THE COMPANY'S DEPOSITARIES  
DURING 1925.**

*Bank of Italy, Richmond Branch, Manassas*

"We realize the great help your Company has been in the upbuilding of this section, and can only expect an ever continuing cooperation."

*First National Bank of Omaha*

"While we appreciate the action of your Executive Committee, and interpret its action as that our efforts at banking for farmers in a manner to meet their requirements has been successful, your kind words go further. They constitute abundant reason for opportunity to make our service of greater value to you."

*Bank of Italy, Richmond-South Branch, Omaha*

"We very much appreciate the kindly thoughts expressed by you. It is very pleasant to know that you are one of our many satisfied customers."

"Little expressions of appreciation and kindness are always welcome and make the long road more easy to travel."

*Northwestern County Bank, Grand Island*

"We wish on our part to assure you that we appreciate the continuing support kept with us very much and we shall always be willing and anxious to give of our very best service."

"We take pleasure and a definite pride in watching the satisfactory growth and prosperity of your good company which had its beginning here."

"With our very best wishes for your Company and its Officers."

*Northwestern County Bank, Norfolk City*

"Let us assure you on our part that we greatly value our present business relations, and trust that you will avail yourselves to the fullest of our banking facilities."

"We have noted with much interest from time to time the material growth and prosperity of the Pacific Gas and Electric Co., which is a source of gratification to us, not only because of our business connections, but because since Company had its beginning in this territory, and because we have for many years been consistent holders of your securities."

*Bank of Alameda, Alameda*

"It is not often, from the experience of the writer, that the services rendered by banks in general to their depositors elicit the expressions of friendship as is embodied in your communication."

*Bank of Italy, Centerville Branch*

"This well acknowledged receipt of your very human letter of January 20, informing us that we have again been favored by being named as a depository for the year 1925."

"Your most unusual statement 'that a bank account has reciprocal values' interests me greatly."

"While we do not presume upon that fact or in any way lessen our service by being so informed, it is pleasing to have a depositor bold enough to make the assertion."

"We appreciate the business given us, and also appreciate contact with your employees who at all times are courteous and considerate of the public and our staff."

*Bank of Martinez, Martinez*

"It is not necessary for us to say that we fully appreciate your confidence in this Bank and that it will always be our earnest endeavor to be worthy of the confidence."

"As a matter of interest to you, I might state that we are carrying \$10,000.00 par value of your bonds in our bond account, which is just double our usual investment of any one issue of public service bonds."



*The American Bank, Martinez.*

"If we can be of any service to you in other ways we would appreciate doing so and I wish further to add that we appreciate the manner in which your local office force handle your business here at our bank, which, I imagine is the outcome of the ever present word of SERVICE so well exemplified by the Pacific Gas & Electric Co."

*The Oakland Bank, Oakland.*

"I am writing to thank you for your good letter of the 20th. We do not get many such letters and it makes life seem worth living."

*Mercantile Trust Co., Oakland.*

"We appreciate the very attractive account which you have carried with us and have endeavored at all times to give a character of service which would justify a continuance of the same. It is a satisfaction to the writer that he has been able to reciprocate recently in a rather definite way as is already known by your Mr. Newbert and Mr. Furniss of your East Bay offices."

*Oakland Bank of Savings, Oakland.*

"Many of our customers are holders of the various securities issued by the Pacific Gas and Electric Company and we have always been pleased to commend these securities for safe investment realizing that back of the securities, there was more than the tangible assets, as shown by the balance sheet, in the personnel that made possible the healthy progress of the Company."

*State Bank, San Leandro.*

"Your cordial letter advising that our Bank was designated depository of your wonderful Company has been received. We appreciate the sentiment of your letter, and assure you that we reciprocate the feelings expressed \* \* \* \* \*

"At this time, we would like to say a word of appreciation of the fine fellows you have in your employ in this district. The community is fortunate, indeed, to have a public service company represented by men who are so uniformly courteous, and who take such a personal interest in the individual's power, light, and heating problems."

*Bank of Napa, Napa.*

"As one turn deserves another, you will perhaps be pleased to know that we are now using your service in our new bank, which was formerly served by the Great Western Power Company."

*Mercantile Trust Co., San Rafael.*

"For this opportunity of serving you, we thank you. We have long regarded the Pacific Gas and Electric Company as one of our desirable accounts and in appreciation thereof, have endeavored to co-operate with you in the various campaigns which have been made to acquaint the people of the State of California with the value of the service that is being rendered by the Public Service Corporations and emphasizing the folly of the substituting therefor, the inefficient management of politically controlled organizations. In this purpose, I think all who have a substantial interest in welfare of the State of California, should make a common cause."

*Mercantile Trust Co., Petaluma.*

"We assure you we appreciate this courtesy and will endeavor at all times to render you the best of service. Kindly feel free to command us at any time in any way we can be of assistance to your Association."

*Bank of Newman, Newman.*

"Your account with us has been so entirely satisfactory that we should feel your failure to designate us as a depository would indicate that our service was not in keeping with the high standard we are endeavoring to maintain."

*Mercantile Trust Co., San Francisco.*

"Your statement that 'efficient banking service has reciprocal values and should not be construed as merely a favor conferred by the depositor' is particularly interesting to me. That, it seems to me, is the true philosophy of a depositor's relationship with his bank, but it is rarely recognized and even more rarely expressed as you have expressed it."

"We all enjoy our dealings with you and your association; and you may be sure we all appreciate and reciprocate your kind expression of good will, and look forward to even more pleasant and mutually beneficial relations in the future."

*The Healdsburg National Bank.*

"It is indeed a pleasure to receive a letter such as you have written. The average bank depositor may appreciate the service given by his bank but rarely gives sufficient thought to the matter to speak of it in a kindly, appreciative manner. Therefore, when a letter such as you write is received by us it throws a very bright ray of sunshine into our daily routine."

## EXHIBIT T.

STATEMENT OF THE BOARD OF PUBLIC UTILITIES COMMISSIONERS  
CITY OF ALAMEDA OPPOSING CENTRALIZATION OF PUBLIC  
OWNERSHIP OF PUBLIC UTILITIES IN THE STATE OF CALIFORNIA

The Board of Public Utilities Commissioners, City of Alameda, is respectfully opposed to the centralization of public ownership of public utilities in the State of California. Alameda would, however, long since have gone into the State of California entering the field of generating and transmitting electrical energy for use to cities and other public utilities, were there any distribution system provided investigation conclusively shows the State has and maintains at a price lower than the existing wholesale rates of private utilities, the very situation the State's investment in generating plants, lines and equipment. We had no need be entirely within the realm of possibility and that the State could, without doubt, profitably sell electrical energy at an average wholesale rate of from six to six mills per kilowatt-hour.

The Alameda light and power system is one of the oldest municipal systems in operation in the United States, it having been started by the City in 1877 at a cost of \$10,000.00. A steam generating plant was built in 1888, at the Alameda Electric Company, 10 1/2 miles from the City, and acquired by a vote by the company under contract with the City of Alameda for street lighting service only. In 1905 the plant began to serve a few residences and commercial concerns.

The generating plant was operated successfully from 1888 to 1905 or until time the increased cost of fuel, which it was economical to purchase from electric power at wholesale for distribution than to generate. Later, during the water shortages of 1909 and 1914, the plant was again put into operation under lease agreements with the Pacific Gas and Electric Company and the Great Western Power Company of California. When the cost of fuel and water increased, the load had increased to an extent that the plant was no longer adequate to supply the power needed. It was therefore dismantled in 1915, a part and the rest junked, most of the apparatus being sold.

Since the system was purchased by the City there have been bond issues of \$50,000.00 and \$150,000.00 in 1910 and 1912, respectively, for extension and for building and equipping a substation. These bonds, although they have no obligation of the City, have been assumed and serviced by the Department of Public Utilities. The present balance of bond indebtedness is \$47,770.00, and is more than offset by a sinking fund of over \$100,000 and increased bonds of California owned by the Department of Public Utilities during a 1914 bond issue of \$120,000.00. The present system made from the very start and since then built up entirely out of earnings until the bond value after making reserve reserves is over \$600,000.00. In addition, the City has received from the City during the same period approximately \$2,000,000.00 in dividends. Up to January 1, 1936, the consumers have, on the average, received rates lower than the rates charged by private utilities in adjacent territories.

The history of the light and power rates in the City of Alameda under municipal ownership shows a continual downward trend in rate to consumers. Dividends paid to the City from the Bureau of Electricity Fund during the past ten years have been as follows:

Year Ending	Amount of Dividends
June 30, 1926	\$105,168.70
June 30, 1927	107,540.82
June 30, 1928	110,807.80
June 30, 1929	111,425.85
June 30, 1930	110,057.27
June 30, 1931	106,478.56
June 30, 1932	171,112.56
June 30, 1933	105,000.00
June 30, 1934	250,447.02
June 30, 1935	190,110.79
June 30, 1936 (Pledged & partly Paid)	217,520.00

The dividends returned to the City have been used for the improvement of schools, fire houses, health center, golf course, public library and other city improvements which otherwise could have been afforded only by increasing the tax burden. A goodly portion of these dividends have also been used for general purposes to reduce taxes.

At the present time a substation is being built at a cost of approximately \$235,000.00, all of which will be paid for out of earnings. With the exception of a Federal Government Grant of \$87,940.00.

Since 1928 Alameda has been purchasing all of its electrical equipment at wholesale rate from the Great Western Power Company, being billed on the P.G. rate schedule, which results in an average rate cost of from \$0.009 to \$0.011 per KWH.

The Board of Public Utilities Commissioners, as representatives of the City of Alameda, feels that should the State attempt to acquire the distribution systems

of municipally owned utilities it (the State) would be intruding on the rights of cities and their inhabitants in matters over which the State Legislature should be accorded no control whatsoever.

The City of Alameda is justly proud of the splendid record shown by its electric utility over a long period of years and would resent the State's attempt to absorb this electric distribution business which has proven so profitable. Alameda has established the fact that it can efficiently operate an electric utility. Its book-keeping standards and collection methods are, according to machine bookkeeping experts, outstanding in the national municipal utility field from an efficiency standpoint.

#### *Water Utility.*

The City of Alameda and its inhabitants are securing water from the East Bay Municipal Utility District. It is our belief that it would be no benefit to the East Bay District if the State acquired that utility. It is reported the water rates in Alameda and the East Bay are generally lower than they were when the water utility was privately owned. We assume the East Bay Municipal Utility District will render a complete report on the water utility in the East Bay, making further comments on this subject by Alameda unnecessary.

Our books and records are open to the Senate Interim Committee, and if further information is desired, we will be only too pleased to cooperate in every way possible.

Respectfully submitted,

G. A. BAXTER,  
Secretary and Chief Accountant.

### **EXHIBIT X.**

#### **STATEMENT OF J. R. MASON, SAN FRANCISCO, BEFORE SPECIAL SENATE COMMITTEE ON PUBLIC UTILITIES.**

**December 8, 1936.**

A. I should like to submit to the Committee for the Committee's consideration not my own views but the views of others much more worthy to express views than I feel I am.

The first thing I would like to submit is a statement made by Major John Leslie Powell, chief of the geological survey, in addressing the constitutional convention of North Dakota some 47 years ago. Mr. Powell said:

"Taking the world at large, most of the agriculture of the world has depended on irrigation for more than 4,000 years. The largest populations have depended on irrigation, so it is an old problem."

And Mr. Powell goes on to say: "All other wealth falls into insignificance compared with that which is to come from these lands from the pouring on them of the running streams of this country."

My belief is that this applies with equal force in California. In other words, I believe, as expressed in an address by former President Harding made at Spokane, Washington, in 1923, in which Mr. Harding spoke as follows:

"Our whole view of the relation of water to Western development has changed much in the last generation. Only a few years ago these waters were looked upon as potentially useful merely for irrigation and agriculture. We entered upon a great program of irrigation enterprise in that era when we had as yet but a vague notion about the dual purpose that your water resources ought to serve. But now we know that the same water can in most cases be utilized both for power and irrigation. . . . In the light of what we know now about all the aspects of this subject we may confidently look forward to a generation in which these young and vigorous commonwealths of the west will boast as great a population as the entire nation numbers today, capable of living for the greater part within itself, representing the widest variety of occupations and interests, and having its problems of transportation largely solved for it because it will be so nearly self-sufficient and self-contained."

Shortly before that, Herbert Hoover, quoting from the San Francisco Daily News of December 30, 1922, Mr. Hoover said:

"I am not now and never have been, in favor of anything but government construction of the irrigation, reclamation and hydro-electric projects on the Colorado of whatever magnitude. I have always held, and do now hold, that the projects are too vast for private undertaking, and where anyone has ever obtained any other idea is beyond me."

Mr. Hoover was asked, "Then you do not believe in private development of hydro-electric power on the Colorado, either at Boulder Canyon or elsewhere?"

And he replied, "Emphatically no!"

"It is true," he added, "that I have suggested that perhaps it would be advisable for the government, when the Boulder Canyon is finished, to sell or lease the power to some private corporation for distribution, but that is purely detail and has nothing to do with ownership or development of power."



"Between Glenn Canyon in Colorado and Boulder Canyon in Nevada, there will be developed one day from three to four million hydroelectric horsepower. All of that will belong to the people, developed by them, owned by them, and for their benefit."

"I wish I could convince you that my own object in the work I have done and am doing is to secure an advance to the whole problem of conservation and reestablishing of the type of Americans that grow out of the country. Anything less."

"I have tried to stress one or two points in this country. First, conservation must have first place over power because agriculture must always be the chief industry of that vast region; secondly, because power requires continuous flow of water, and it might be that such flow in certain seasons would be wasteful to agriculture."

"The time will come when all the water of the Colorado will be needed for irrigation. Application of priority rights of power might hold up the flow in certain seasons."

That's just a sort of background. Getting it to my mind from the New York Times, November 15, 1926, in the magazine article upon this article by the Honorable Morris L. Cooke, headed "An Engineer Reminiscent of a New America."

May I read excerpts from this?

Mr. Cooke, in discussing soil conservation, water conservation, flood control, irrigation, power and related subjects, says:

"Take the matter of soil conservation. He believes that if we could build States counties and townships institute programs, in 100 years we are better than what we can pay as we go, it will be too late. He considers the matter on a broad aspect, a simple one, though highly complicated and tedious in detail."

"There isn't so much to it as he said. All water that he has back to the sea. What you have to do is to make that movement as soon as possible. To that end we build dams, dig ponds, plant trees and tough grasses and the a hundred other things which will make the water stay put until it can be of some use."

"There are many ways of conserving this treasure. In that case, we make sure that they were controlling one with another. That's not enough of an effective attack on an area as vast and varied as the great plains. When land has been plowed which never before has been put under the plow, I'd want for a restoration of the grass cover nature originally selected for such land. Of course, that means livestock instead of grain."

"To Mr. Cooke's way of thinking, too many American engineers are specialists. There has been a school of engineers, he pointed out by way of illustration, who believed that a power dam could do nothing except generate power. Just a flood-control dam could have no other purposes than the regulation of floods, and that an irrigation dam was in still another closed compartment."

"Properly thought out and executed, a dam can be put to several uses. The water held back in time of flood is available for irrigation. In many instances the water is let out for irrigation purposes, it will generate power. The power can't don't irrigate the year round, but neither do you let the water back all the winter, leaving a dry stream bed below the dam."

"Then Mr. Cooke remarked upon the planning which he believed to be essential. 'Not many years ago,' he said, 'several power dams were built on the same river, each located without regard to the other. Now, using the river to the best advantage, they frequently had to be torn out to make way for dams placed more effectively. Today dams are being located throughout the entire Tennessee Valley watershed so as to make the best possible use of the waters, with one pool combining all power sources, steam and hydro, as the optimum objective. Presently we shall get the concept of the complementary character of all watersheds and all power dams and all stream power stations, and finally arrive at a power pool on a nation-wide basis—a pool of pools, so to speak.'

"This concept of multiple-use construction can be applied to other fields of engineering. When we get our technical leaders, as well as our politicians, to think in terms of the whole rather than of fractions, we shall have arrived somewhere."

And, in listening here yesterday and today, to all of the discussions of this general subject, it seems to me perhaps the Commission was being approached a little too much from the standpoint of power or irrigation, or one or the other of those other interest. That brings to mind an address by Mr. Owen D. Young, I think before the National Electric Light Association, at Atlantic City in 1926. Mr. Young's words were almost prophetic. He said, 'I am sorry I have not two entire evenings. I wanted here—so I will make this statement that he said, in effect, that where rivers require conservation or development, for objectives such as flood control, navigation, irrigation, and hydroelectric power objectives, where the question is too vast for private undertaking, there arises a new kind of question, wholly unrelated to the old controversy of government versus private ownership, that where dams are built, through which we have flood control, irrigation and navigation benefits, that in those events public ownership of any substantial power created



at such dams cannot be objected to." That is not exactly but in effect what Mr. Young attempted to point out to the National Electric Light Association, which was attended by more than 6,000 delegates, representing every power company of any importance in the United States.

That seems to be the essence of the attitude of our President in promoting the Tennessee Valley Authority. Certain interests are attempting to give the Nation the notion that the Tennessee Valley Authority is just a government power project, but investigation would disclose that it is far deeper than that, far more broad in its scope than that.

A very excellent article on that appeared in the New Republic, November 18th, 1936, entitled, "T.V.A. Faces the Future, by Honorable Maury Maverick, Member of Congress. I would like to leave that for the record, if I might.

Senator Norris of Nebraska made the most explicit address on this question of water and power that I ever happened to read made by any man in public office. This was made at Minden, Nebraska, January 4, 1930.

This is a verbatim copy of the Senator's remarks, and I would just like to read two or three paragraphs, which give a resume of what is embodied in the address:

"That interference by the power trust will present the greatest obstacle to be overcome in bringing about government aid of irrigation for Nebraska," was the gist of the address by Senator George W. Norris here on Friday night, in outlining his stand on the flood control, irrigation question, before an open meeting attended by some 800 persons.

"The Senator outlined a four-fold program of irrigation, flood control, navigation and electric power development that is advocated as the most efficient and economic way to supply the regions of Nebraska with additional moisture.

"Experience has proved that the burden of irrigation expense is too great to be borne alone by the farmer, therefore, it is recommended that flood control and navigation, both essential to the welfare of the country as a whole, be made to bear a share of the expense," he said. "Impounded water can be made to develop electricity, which can and should be sold to further lessen the cost of irrigation to the farmer," he pointed out.

"This four-fold program dove-tails together perfectly," he declared.

"Whatever power is developed the power interests are going to ask to be allowed to distribute the product and this will result in the most serious question in the proposed rate.

"As far as I am concerned, with my vote and all the power at my command, I will go down dead before I will submit to being held up on any government proposition."

"Skipping over the body of his address, he says:

"This is my doctrine: I have no objection, no fault to find with any power man if he wants to go up here and put in a dam, sell the water to the farmer and then sell the electricity to the rest of us. That's his right, and that's his privilege, but when we build it, when we take out of the general treasury money to put in the machine, and generate electricity, I want to tell you that, as far as I am concerned, I will never consent that the government turn over the product that already belongs to the people to some private corporation to sell back to us.

"I have been asked where I stand on this question, and I don't want to deceive anybody. I don't want any man's confidence under any false pretenses, and I want you to know that with all my influence, with every bit of power that I possess, so far as I am concerned, I will go down dead before I will submit to being held up by anyone on any government proposition.

"Have we reached the point that anybody or any corporation is big enough to say to the United States, 'You cannot build that dam, you cannot control flood water, you cannot have irrigation, unless you let me have the by-product, electricity?'"

"It might be disastrous if we could not make these improvements, but I would rather suffer death than let any man hold me up, if there was any way to get out of it, and it seems to me that the only thing that is right, when we take the people's money to make this development, is to return to the people the by-product of their improvement.

"Opposition will come in a way that we won't surmise. It won't come directly from the power people. You know what happened in the Legislature last year when cities owning a municipal plant like yours asked to extend the product into rural communities. You know that was the thing that was pledged by the majority of the members of the Legislature and denied when they came to redeem their pledges.

"A great institution of this kind never raises its head in public if it can be avoided, and you know that some of the most disgraceful things that ever occurred in the history of our country have been in the past six years, through the secret methods used to influence the government. They went into the schools by the back door, into the colleges, into the churches, into politics, always in disguise.

"In bringing about what I believe to be the proper development of our streams and control of water, it will be the by-product that will bring about the greatest conflict."

That was said nearly seven years ago.

In a current issue of "Country Gentleman," 1936, there appears an article with out precedent in any Curtis Publishing Company publication. It gave me quite a start when I read this article in a magazine published by the Curtis Publishing Company, which also publishes "The Saturday Evening Post." The "Saturday Evening Post" has been traditionally nonpartisan and has not been guilty of even attempting to place articles in the same category as "Country Gentleman."

The name of the article is "Imperial Eagle Out." It is very short.

I will read it:

"The total cost of this work is being advanced by the Federal Treasury without interest, which makes possible Imperial's present financial stand in that State, hereafter."

"At the present completion the Federal obligation of \$750,000,000 is due in the following manner: 4 per cent annually for the first 4 per cent annually for 10 years, 4 per cent annually for 20 years, and so on."

"Provided Imperial successfully obtains arrangements with various business men seeking its electrical power distribution, the monetary value of that security can be added to the above item of savings. It seems that this condition does nothing of liquidating the entire cost of Imperial's huge undertaking."

Many greedy eyes are resting upon this point alone at the moment?

Never has such an article before appeared in any Curtis Publishing Company publication to my knowledge.

I shouldn't attempt to read those who further there can be meeting the purpose of this pamphlet, as explained in the opening.

"How Reconstruction in Basin Water and Why." It was published by the Democratic National Committee, Washington, D. C.

This pamphlet sets forth official facts which prove that the only program of Secretary Garfield and other noted conservationists have not been sound. Secretary Hubert Work is willing to accept the immediate policy of agricultural production at the behest of the electric trust.

This exhibiting paper is rather voluminous. There is a "Country Gentleman" special edition. The interesting part is this: The Government of Great Britain—we have heard about the Ontario plan, but here is something Imperial which has a completely government-owned Central Valley Project, 10,000 miles of transmission line, and electricity for all purposes. It is strange that in England there has been no opposition to such work as has existed in this country. In England today there are approximately 400 water distribution systems of millions of which some 400 approximately are publicly owned and operated, and approximately 200 under private ownership. The system of securing the necessary power owned properties goes on steadily, without opposition or interference on advantage on the part of the private interests. The public has no interest in the land grown gentlemen and they don't seem to have any difficulty in meeting government.

In closing, this is a statement by myself and I am reading from my address before the Commonwealth Club. In short, nothing is to be gained as a result to agriculture and the general welfare as flood control and irrigation are made.

My belief is that this task should be approached in cooperation with the Federal government along substantially the same lines and methods as the Central Valley Authority and as contemplated in the Mississippi River Authority bill now pending before the Congress.

It seems that in other parts of the nation the Federal government is taking a very keen interest in watershed protection and that the Federal government has exhibited an interest in California by enactment of the Hamilton-Dunn-Savage Johnson Bill. That same Federal cooperation could be possible in cooperation with the Central Valley Project and that the results of how much the Federal government should contribute for subsidizing the work or how much the State should contribute for subsidizing the work, these are details for technical experts of which I don't propose or pretend to be qualified as such.

But, in its broad aspects, in particular every nation on earth irrigation scheme the same government by King that flood control and irrigation do in the United States—I mean irrigation is considered as much a benefit as the common good as flood control is in this country, and irrigation is a public utility, and nations which have lived a great many years have been working with it. And our experience in living irrigation schemes conclusively we have only to look at Modesto and Turlock Irrigation Districts and some other irrigation districts—they cannot operate as private utility interests. They understand it and get into the kumbe because they didn't get the help that Modesto and Turlock got from the power by-product. In other words, you might compare it to the running of a dairy. You might undertake to run it, but it takes feed for the cows and milking the cows, and I come along and say, "I am the necessary trust. I don't mind you have a dairy, but you have got to let me handle the money. You go ahead and feed the cows and milk them and you can have the skimmed milk and I will take the cream for five cents a quart and you can buy it back for half a dollar." As a dairy owner you might question the soundness of such a proposal.

ing, and the same way when the Kennett Dam is built; it won't be built only for power or for irrigation.

There are broad questions of policy involved which have not been thrashed out which are being given careful consideration. For example, the American Society of Civil Engineers in 1934 came out with a national proclamation of policy, the result of years of study by the nation's leading engineers, and I urge that this Committee get a copy of their recommendation, which any member of the American Society of Civil Engineers will be glad to supply to you. That resolution goes into considerable detail in these matters, and I would say offhand my views coincide with the recommendations made by the American Society of Civil Engineers.

## EXHIBIT Y.

### STATEMENT ON BEHALF OF PACIFIC GAS AND ELECTRIC COMPANY AND ITS SUBSIDIARIES

#### Before the SPECIAL COMMITTEE ON PUBLIC UTILITIES of the SENATE OF THE STATE OF CALIFORNIA.

San Francisco, California

December 5, 1936

In response to the request of your Honorable Committee to be supplied with certain information in connection with your investigation of "the feasibility and practicability of centralizing in the State of California the ownership, conduct and control of public utilities concerned with the development and exploitation of power and water," pursuant to the resolution of the Senate adopted June 14, 1935, we submit to you the following statement on behalf of Pacific Gas and Electric Company, and its subsidiaries, San Joaquin Light and Power Corporation and Midland Counties Public Service Corporation (sometimes hereinafter referred to collectively as the "Pacific System").

#### *History.*

Pacific Gas and Electric Company was organized in October, 1905, and, between the date of its incorporation and January 1, 1912, acquired the properties formerly owned by San Francisco Gas and Electric Company and California Gas and Electric Corporation. Subsequently, it acquired the properties and the stock of a number of other gas and electric utility companies and all of the physical properties so acquired have been consolidated into a single interconnected system. Since March 23, 1912, when the Public Utilities Act of California went into effect, all properties and all stock of other public utility companies acquired by it have been so acquired under the authority of orders made by the Railroad Commission of California.

Pacific Gas and Electric Company has followed the policy of maintaining the simplest practicable corporate structure. During the present year nine of its subsidiary companies, including Great Western Power Company of California, Sierra and San Francisco Power Company, and Mt. Shasta Power Corporation transferred all of their properties to Pacific Gas and Electric Company, which assumed all of their debts and obligations, pursuant to authorization of the Railroad Commission, and the subsidiaries were dissolved. Five other subsidiaries owning no physical properties were also dissolved during the year.

Pacific Gas and Electric Company has now only two subsidiary companies engaged in the gas or electric utility business, which are San Joaquin Light and Power Corporation and Midland Counties Public Service Corporation. The properties of Pacific Gas and Electric Company and its two subsidiaries comprise a unified interconnected system.

#### *Description of Properties.*

##### (a) *Electric.*

The Pacific System serves electricity to the greater part of Northern and Central California. The transmission and distribution lines of the System extend into 46 of the 58 counties of California. The population of the area is approximately 2,900,000. As a whole, the region is predominantly agricultural, dotted with towns and cities, of which only seven have a population in excess of 50,000.

Pacific Gas and Electric Company and San Joaquin Light and Power Corporation own and operate 47 hydroelectric generating plants having a total installed rated capacity of 1,141,815 horsepower. These plants vary greatly in size, the largest, Pit No. 3 plant on Pit River, having an installed rated capacity of 108,580 horsepower. In addition, Pacific Gas and Electric Company operates under lease two hydroelectric plants, having an installed rated capacity of 32,512 horsepower.



The hydroelectric generating system also includes dams and reservoirs having a storage capacity of about 1,238,000 acre feet and many miles of canals, tunnels, and ditches. These works are located mainly in the Sierra Nevada Mountains, extending from the Pit River in the north to the Kern River in the south. This storage and canal system is of great importance in the preservation of water and for the conservation of the water supplies of this State. The waters impounded after their use for the generation of electricity, are returned into the rivers and streams and thereafter diverted into irrigation canals and domestic water systems.

In addition to the many hydroelectric plants, the Pacific System includes steam electric generating plants having an installed rated capacity of 465,110 horsepower. These steam plants are well distributed over the system, with plants to land centers, four being located in San Francisco, two in Oakland, one each in Sacramento, Berkeley, Milpitas and Fresno. The steam plants are used to supplement the hydroelectric plants. Some are operated in parallel in combination with the hydroelectric power supply, others are used as standby plants to make up deficiencies in the output of the hydroelectric plants during the wet season of each year and during abnormally dry years.

All of the steam and hydro plants are interconnected by an extensive net work of about 6,127 miles of high voltage transmission lines. In addition to this system-wide interconnection, providing a measure of diversity in operation, two lines are connected with those of the California-Oregon Power Company on the north, and the Southern California Edison Company Ltd. on the south, which afford additional guarantees of an unfailing service for the consumers in the Pacific System.

The transmission and distribution lines of the Pacific System supply electricity to 680 cities and towns, of which 636 are served directly and 44 indirectly, and to a very extensive rural area. This network included about 29,892 miles of distribution lines.

#### (b) Gas Properties.

The electric properties of the Pacific System are supplemented by, and supplied in conjunction with, an extensive gas transmission and distribution system in Northern and Central California. Gas is supplied to 90 communities, cities and towns, including the principal cities in the territory, and to metropolitan communities. There are about 6,867 miles of distribution pipe lines and 548,975 consumers, as of December 31, 1935. With few exceptions, the Pacific System supplies gas and electric service in the same cities and towns with quantities carried on through the same bond offices with two exceptions.

Over 97 per cent of the gas consumers are now served with natural gas, obtained principally from the Kettleman Hills oil and gas field by means of two large pipe lines. The remaining 3 per cent of the consumers, who are located in outlying communities, are served with manufactured gas. The natural gas supplied has a very high heat content, averaging about 1180 b. t. u. and having about twice the heating capacity of most manufactured gas.

The introduction of natural gas, which was completed in 1930, was a tremendous undertaking. In addition to the construction of two large transmission pipe lines, there were large additional expenses, such as the construction of compressor stations, distribution systems for smaller communities, adjustment of the transmission lines, extension of existing distribution systems, adjustment of the appliances of 478,000 consumers to efficiently and safely burn natural gas of 1180 b. t. u. in place of manufactured gas of 550 b. t. u., exchanging portions of the gas mains on account of increased leakage due to dryness of natural gas and sales promotion to increase the volume of sales in order to make up for the revenue to be lost by introduction of natural gas having over twice the heating content of the old manufactured gas. Also eight gas manufacturing plants previously in use had to be equipped to produce gas of a heat content approximately equal to the natural gas, for use as stand-by against interruption of natural gas service. The amount of money expended by the Company in introducing natural gas was approximately \$25,000,000.

However, the Company's enterprise and large expenditures have been more than justified by the benefits to its consumers. At the time natural gas was introduced the domestic consumers' bills were reduced on the average about 40 per cent. The low cost of the natural gas made its use economic for other purposes, such as building heating, commercial and manufacturing purposes. Industry has been greatly stimulated and new manufacturing concerns have been brought into this territory as a result of the introduction of low cost natural gas.

Natural gas is also used in the Company's steam electric generating stations for fuel. Its use has considerably reduced costs and has materially contributed to the reductions made in electric rates during the last seven years.

On May 1 of this year the Company reduced natural gas rates in the gross amount of \$2,500,000 annually.



*Financial Structure.*

The outstanding securities of Pacific Gas and Electric Company and its subsidiaries consist of bonds, preferred stock and common stock. As of September 30, 1936, the amount of such securities outstanding in the hands of the public was as follows:

Bonds	\$288,979,600
Preferred stocks—6 per cent and 5½ per cent	
5,234,625 shares—\$25 par value	130,865,925
Preferred stocks of subsidiaries outstanding	3,598,300
Common stocks—	
6,261,347 shares—\$25 par value	156,533,925
Total in hands of public	\$579,887,450

*Ownership of Securities.*

Pacific Gas and Electric Company's bonds and stocks are widely distributed among a large number of investors in all walks of life. At the close of 1935 its outstanding preferred and common shares were held by approximately 92,670 investors, of whom 70,765, or 76.3 per cent, were residents of California. In addition, there were about 4,000 stockholders of subsidiary companies.

An overwhelming proportion of the Company's stockholders are people in moderate circumstances. This is partially evidenced by the fact that stock holdings average only about \$3,000 each, notwithstanding that holdings by other corporations, insurance companies, educational, charitable and religious institutions, and fraternal organizations naturally average in excess of the above figure and serve to raise the general average.

The degree to which the savings of persons of moderate means are invested in the Company's stock is illustrated by the following table:

*Summary Showing Distribution of Stock**December 31, 1935*

<i>Stockholders owning</i>	<i>Number</i>	<i>Percentage of Total Holders</i>
1 to 5 shares	10,021	10.8
6 to 10 shares	11,653	12.6
11 to 100 shares	55,204	59.6
101 to 1000 shares	15,052	16.2
Over 1000 shares	740	.8
	92,670	100.0

As of December 31, 1935, 41,546 of the Company's stockholders, excluding those participating as joint tenants, were women.

The wide-spread distribution of the ownership of the Company's stock is in large measure attributable to the Company's policy, initiated upwards of twenty years ago, of offering its stock for sale direct to residents of the territory served. The Company was, it is believed, the first public utility in the United States to adopt the plan of offering stock direct to its customers and other residents of the territory served.

The "customer ownership" plan has afforded a very large number of local investors, consisting of persons who by their industry and thrift save some portion of their earnings, an opportunity to invest their savings in a high grade security yielding a fair return. At the same time, the customers have received benefits, in the way of lower gas and electric rates, contributed to by the low selling costs incurred by the Company in connection with the direct sale of stock to its customers.

The Company's bonds also are widely distributed among investors. While no complete record of the ownership of outstanding bonds is available, the most complete available statistics compiled from ownership certificates filed in connection with the cashing of bond coupons show that approximately \$136,000,000 face value of bonds are distributed among upwards of 47,000 individual investors, with average holdings approximating \$3,500. In addition, a large amount of the Company's bonds are held by insurance companies, banks, trust companies and other institutional investors, in which millions of insurance policy holders, savings bank depositors and others have an interest. For example, one large insurance company owns over \$11,000,000 of the Company's bonds.

We may reasonably expect that the movement toward customer ownership of public utilities, which has already become so extensive, will continue. This movement has already brought about, and will in the future bring about to an even greater degree, that diffusion of interest which government ownership is intended to supply and at the same time leaves undisturbed the initiative, aggressiveness and inspiration of private effort, which have been the basis of American progress.

*Taxes*

Pacific Gas and Electric Company is the largest taxpayer in the State. The amount of taxes payable by Pacific Gas and Electric Company and its subsidiaries toward the maintenance of government in California, 1931 to 1935 for the last five years:

Year	Amount
1931	\$6,000,000.00
1932	6,000,000.00
1933	7,500,000.00
1934	7,000,000.00
1935	8,000,000.00

The above figures do not include the taxes paid to the Federal Government.

The property tax payable to Fresno and Kern Counties by the City and County of San Francisco for the year 1935 amounts to \$1,500,000.00. The total property tax payable for the year amounts to \$1,510,470.00 to Alameda County, \$420,000.00 to Sacramento County and \$410,470.00 to Butte County.

If the Corporation's property were taken over by the State or any other governmental agency, and the property remained there, the tax would then be paid by other governmental agencies and the burden of property taxes would be thereby, in no degree, upon the taxpayers.

*Payrolls*

The Pacific System now employs over 11,000 persons scattered over the entire territory served, who are somewhat and dependent on the 50 counties in which the Pacific System renders service or owns property. The total payroll for the last three years were as follows:

Year	Amount
1933	\$16,000,000.00
1934	16,700,000.00
1935	17,000,000.00

The payroll for 1935 was about \$2,500 for the San Francisco District, exclusive of the general office employees; about \$1,000,000 for the East Bay District, and about \$1,500,000 for the Sacramento District.

*Record of Rate Reductions*

Pacific Gas and Electric Company has just announced its intention of voluntarily reducing electric rates beginning February 1, 1937, to effect an annual saving of approximately \$7,000,000 for its customers. This reduction follows a \$2,000,000 electric rate reduction effected in January 1st of this year and the \$2,500,000 gas rate reduction effected in May 1st of this year.

These reductions are in accord with the policy of Pacific Gas and Electric Company to make reductions in rates as rapidly as it is possible with the maintenance of its high standard of service and the sound financial condition. Every improvement in operating conditions, every additional business from increased economy, every benefit gained from the reduction and transmission of power, and every benefit gained from the growing economy of business and home conditions are utilized in rate reductions in gas and electric rates. This is a policy which is established by the kind of rate reduction, which is temporary, except for the long period when economy was made necessary by the year 1930 to 1931 and 1932.

The major electric rate reductions since 1910 were as follows:

Year	Amount of Annual Reduction
1921	\$1,000,000.00
1923	2,000,000.00
1928	2,400,000.00
1930	3,000,000.00
1932	3,000,000.00
1936	2,000,000.00
1937 (to be effective on February 1st)	2,000,000.00

In addition, a 50% discount on certain classes of power used during certain months in excess of previous use saved consumers \$215,000 in 1934 and \$1,715,000 in 1935.

*Rural Electrification.*

One of the outstanding accomplishments of the electric utilities of California has been their extension of electric service to the great majority of the farms throughout the State. This has in no small measure contributed to the wealth and progress of the entire State.

Rural electrification in California is very much more extensive than in any other State of the Union. The last United States census shows that in 1930 78.2 per cent of the farms in this State were supplied with electricity compared to an average of 9.1 per cent, for the entire Nation.

More recent figures are contained in the Farm Housing Survey (a Federal Civil Works Administration Project) completed by the United States Department of Agriculture and the State Agricultural Extension Service. The report covers six counties of the State, all of which are served by the Pacific Gas and Electric Company. The survey, which was made in 1934, covered 14,185 farm homes in these six counties, and of that number, 12,326, or 86.9 per cent, were found to be receiving electric service.

It is worthy of note that rural electrification on the Pacific System is so extensive that the Federal Government, through its recently created Rural Electrification Administration, has found it unnecessary to make any advances in Northern and Central California in aid of rural electrification. On the other hand, expenditures aggregating over \$24,000,000 to October 30, 1936, have already been made in other States.

The construction of lines in rural areas requires a much higher investment per dollar of revenue and per customer served than in the cities.

In California, the private utilities, without any financial aid from the government, have furnished electric service to the farms throughout this State to an extent unequalled in any other place in the world.

### *Rural Electric Rates.*

The extraordinary extensive use of electricity on the farms in the Pacific System is due, in a large measure, to the low rates established and the liberal line extension regulations.

Under State regulation an equality of rates has been established throughout the vast rural distribution system. With the exception of two comparatively small parts of the territory, the same agricultural power rates and the same domestic lighting, cooking and water heating rates prevail throughout the entire rural territory served by the Pacific Gas and Electric Company regardless of density of customers.

The California Farm Bureau is responsible for the statement that: "Nowhere in the world are to be found the possibilities of cheap (electric) service that we have in California."

Perhaps the best evidence of this is to be found in the reports of the United States Bureau of Census for electric light and power stations, which is compiled every five years. The latest of these reports, which is for the year 1932, shows that the average rate per kilowatt hour for electric energy sold for farm service (all uses) for the entire United States was 2.8 cents, and for California 1.5 cents. California alone accounted for 63% of the total energy supplied for farm service in the entire country, so, if California is eliminated, we find that the average rate for the entire remainder of the country is 5.2 cents, as against 1.5 cents for California.\*

Cheap electricity has made possible the transformation of the great central valleys of the State into one of the richest and most productive agricultural areas in the world, thus adding immeasurably to the wealth and prosperity of our cities.

The present low electric rates for farm service have been made possible because of the unification of the electric service throughout large areas of the State, including both cities and farming districts, as well as the development of a large load for irrigation pumping in the rural areas.

Speaking generally, the policy under state regulation, established over twenty years ago, has been to fix substantially equal rates throughout an entire region, embracing both cities and rural areas. However, the unit cost of providing electric service in rural areas is much greater than in the cities, because the sparsely populated districts require greater capital investments per consumer than the densely settled areas.

In a condemnation proceeding before the Railroad Commission brought by the City of Tulare to acquire the electric distribution system in the City, Commissioner Whitsell, in his opinion, made the following observations with regard to the effect that the condemnation of the urban electric distribution systems by municipalities would have upon rural electric rates:

"If municipalities in California continue to condemn and take over the electric distribution facilities within their corporate limits and thereby throw the greater burden of system maintenance and costs upon the backs of our rural population, the time is not far distant when the burdens will become too great and agriculture will be compelled to forego the use of electric energy, or the utilities will be compelled to furnish electric energy at a figure which would not return sufficient compensation to warrant maintenance of systems. Such takings of utility facilities with their resultant disintegration of utility systems will likewise be injurious to the urban as well as the rural communities."\*\*

\*See United States Bureau of Census for electric light and power stations, 1932, Table 24. The figures for California did not include domestic service (as distinguished from agricultural service). If domestic service were included, the true average for the combined service on the Pacific System would be about 2 cents.

\*\*38 C. R. C. 849.



### Urban Electric Rates

The recent studies\*\*\* made by the Federal Power Commission reveal that the electric rates for domestic service now charged on the Pacific System in urban and towns are much below the average for the United States and among the lowest in the nation. The report shows that for rates of 25, 100 and 250 kilowatt hours per month, the average rates in the United States in 1935 were as follows:

	Amount of Average Bill		
	for 25 kwh.	for 100 kwh.	for 250 kwh.
Average for entire United States.....	\$1.79	\$4.78	\$8.38

The corresponding rates on the Pacific System in effect in 1935 were as follows:

	Amount of Average Bill		
	for 25 kwh.	for 100 kwh.	for 250 kwh.
Pacific Gas and Electric Company— Metropolitan areas.....	\$1.40	\$3.50	\$7.15
Pacific Gas and Electric Company— Other incorporated areas.....	1.50	3.60	7.35

Numerous comparisons have been made by Government agencies between the electric rates charged on the Pacific System and rates charged for electrical service in selected communities elsewhere as an effort to show that local rates are unduly high. Such comparisons are usually limited to a single index of the service we supply and to certain carefully selected communities, and thus do not reflect all or even an average of the conditions that should be considered in a true comparison.

For example, taxes, which amount to 14 per cent net of each dollar of revenue received by Pacific Gas and Electric Company for domestic and commercial service, are not paid by municipalities or Governmentally owned systems. Otherwise, a fair comparison requires that adjustment be made for this fact. Taxes are a part of the cost of service, so those who can avoid this element of cost have an advantage over those who can not.

Also, municipal systems, including those in California, are located only in the densely settled areas and serve only the most profitable customers, leaving the private companies the burden of serving the sparsely settled, outlying districts and farming areas where the cost of service is high.

Another vitally important fact which should not be lost sight of in making comparisons of electric rates in California with those obtained elsewhere is the existence of a very low cost and highly efficient natural gas source in the majority of the municipalities in this State. For example, in order to compare with natural gas the domestic heating, electricity would have to be sold in the cities in the San Francisco Bay area, or the other large cities on the Pacific System, such as Sacramento, Fresno and Stockton, for less than one-half cent per kilowatt hour. This is well below the rate charged for electricity for domestic heating anywhere on this Continent with which we are familiar, and far below the cost of production and distribution in California. Consequently, in the cities and communities in California where natural gas is available, natural gas is generally used for domestic cooking and heating.

On the other hand, certain selected cities elsewhere are located near sources of exceptionally low cost hydroelectric power supplies, and do not have available low cost natural gas. Consequently, in those cities electricity is extremely used for domestic cooking and heating, as well as lighting. This greatly increases the use of electricity per consumer and makes possible lower electric rates than would be possible if other fuels, such as natural gas, were used for domestic heating, as in most of the cities in California. It is well known to all that lower electric rates are made possible by increased use per consumer.

The fact is, that the domestic consumer in the cities on the Pacific System, for example, San Francisco, where both natural gas and electricity are available, receives his domestic lighting, cooking and heating service cheaper than the consumer in any city located on this continent outside of California using an electric service exclusively for those purposes.

### Cooperation with Cities and Districts in the Development of Water Supplies.

We have already mentioned the great part that the Pacific Gas and Electric Company plays in the conservation of the water supplies of the State. Flood waters, which would otherwise go to waste, are stored in its great system of lakes and reservoirs; and, in the dry season of the year, such waters, after being used for the generation of electricity, are returned to the streams and made available for use by municipalities, irrigation districts, farmers and others.

\*\*\*Federal Power Commission, Electric Rate Survey, Rate Series No. 3.



Pacific Gas and Electric Company has also, by cooperation with various cities and irrigation districts, rendered great aid to them in developing municipal and irrigation water supplies. A good example of this cooperation and aid is that rendered to the City and County of San Francisco. By a contract, entered into on July 1, 1925, the output of the city's Hetch Hetchy Project is consigned to the Company at the latter's Newark Substation. The Company transmits the consigned power to the City of San Francisco and acts as agent for the city in distributing such power to the consumers in the city.

This arrangement provided an immediate market for the output of the city's plant and an income that takes care of a substantial portion of the cost of the entire Hetch-Hetchy project. Also, the Company assumes full responsibility for providing a stand-by source of power during periods of water deficiency at the Hetch-Hetchy plant and in case of break-downs and other interruptions of the plant. The city now receives over \$2,000,000 per year under the contract and, from August 14, 1925, to and including December 31, 1935, the City of San Francisco received a total of \$21,541,145.

The Pacific Gas and Electric Company or its subsidiaries have also entered into contracts with the East Bay Municipal Utility District, Merced Irrigation District, Modesto Irrigation District, South San Joaquin Irrigation District, Turlock Irrigation District, Oakdale Irrigation District, Nevada Irrigation District and Thermaito Irrigation District to utilize the power or water developed in connection with their projects.

The Pacific System, because of its diversity of service and reserve steam electric generating plants, is able to utilize the full output of power developed in connection with irrigation and municipal water supply projects, which would not be possible if they were operated separately by the municipalities and districts. Steam stand-by generating plants must be available to provide service to electric customers during dry seasons when water is not available for the hydro-electric plants and in case of break-downs.

#### *Conclusion.*

For over twenty-four years the State has regulated practically every activity of the privately owned electric and gas utilities. It has prescribed their accounting systems and seen to it that their books were correctly kept; it has analyzed their property accounts to the fullest extent possible; it has supervised the issuance of their securities; it has established standards of construction and quality of service; and it has fixed the rates that these companies have charged. Over 85 per cent of the Pacific Gas and Electric Company's total investments in electric and gas properties have been made under authorization and approval of the Railroad Commission.

Under this regulation the Pacific System has been built up into a widespread interconnected electric and gas system, extending the benefits of these great modern conveniences throughout the territory which it serves, which service we believe is unequalled anywhere in the country, at rates which are among the lowest in the United States and are being revised downward as rapidly as technical advances, added economies and growth of business permit.

Dated: December 5th, 1936.

## EXHIBIT Z.

### THE ESTABLISHMENT AND ACTIVITIES of the SACRAMENTO MUNICIPAL UTILITY DISTRICT.

#### *History.*

The Sacramento Municipal Utility District was established at an election held on July 2, 1923 and began to function actively in August of 1924.

The Sacramento District as first organized in 1923 consisted of the City of Sacramento, the City of North Sacramento, the adjacent rural territory embracing some 48,000 acres of which the urban area comprised approximately 10,000 acres. On June 24, 1924 the district annexed practically all of the County of Sacramento and a portion of the southern part of Placer County. The total area of the district now embraces some 625 square miles.

The district was organized and is now functioning under the provision of the Municipal Utility District of the State of California.

Any district organized under the Municipal Utility District becomes autonomous.

It is granted the following powers:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth. To take by grant, purchase, gift, lease, or license, or otherwise acquire, and to hold and convey real and personal property of some kind within or without the district necessary to the full or convenient exercise of its powers. The district of the district may lease, mortgage, sell or otherwise dispose of any real or personal property within or without the district when a lease, mortgage, or sale for the best interests of the district so to do. The purchase of state bonds shall apply to all sales or mortgages herebefore or hereafter made.

Fifth. To acquire, construct, own, operate, control or own, operate or without, or partly within and partly without, the district, works or parts of works for supplying the inhabitants of said district with water and municipal utilities, such as light, water, power, heat, transportation, telephone service, or other means of communication, or means for the treatment of garbage, sewage, or refuse matters and to do all things necessary or convenient to the full exercise of the power herein granted, also to purchase any of the communication or means aforementioned from any other utility district, municipality, person, or private company, and distribute the same. Whenever there is a surplus of water, light, heat or power above that which may be required by such transmission or communication within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms and public or private corporations, or municipalities within or without.

Whenever any of the business, service or utilities of the district, or part thereof, is not used or employed to the fullest capacity for the benefit or convenience of the district or its inhabitants, such district shall have power to enter into an agreement or agreement with another, firm, corporation, individual, person, public or private corporation, or any public corporation or persons, upon such terms and conditions as may be satisfactory to the board of directors, for another, leasing, or otherwise using the available portion or parts of such business, service, or utilities and in connection with any such agreement, leasing or buying, the district may undertake or perform any service incidental thereto.

Sixth. To have or exercise the right of eminent domain in the district provided by law for the condemnation of private property for public use. In that case property necessary or convenient to the exercise of the power herein granted, whether such property be already located in the same use or otherwise. In the proceedings, same and with relation to the exercise of such right the district shall have all the rights, powers and privileges of a municipal corporation and all rights, powers and privileges deemed consistent.

Seventh. To construct works within or along any street or public highway, or over any of the lands which are now or may be the property of this state, and to have the same rights, and privileges respecting them as now have or may be granted to municipalities within the state, and to construct its works across any stream of water or watercourse. The district shall exercise any such power on highway to its former state as long as said law shall exist but the same is a power to unnecessarily multiply its facilities.

Eighth. To borrow money and issue indebtedness, and to grant bonds or other evidence of such indebtedness, also to refund or secure any indebtedness that may exist against or be assumed by the district, provided no indebtedness shall be incurred exceeding the ordinary annual income and surplus of the district without the approval of a two-thirds vote of the district sitting in the presence of some such indebtedness, provided, however, that a further vote of the district is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any appropriation authorized hereunder and as to such indebtedness the amount of any of such money borrowed by the treasury of the district, or the pay value of any of such bonds when not repaid shall be deemed a part of the ordinary annual income and surplus of such district; provided further, that any district operating a utility under rules and regulations requiring applicants for extensions to advance the expense of such extension and facilities for serving additional territory may enter agreements to refund to such applicants in a subsequent year the whole or any part of such expense so advanced and such refunds may be paid out of the revenues of such subsequent years.

Ninth. To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Tenth. To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein to this act granted.

Eleventh. To proceed in the name of the district in case of condemnation proceedings (as Amended by Stats. 1931 Ch. 75).

The district is administered by a Board of Directors consisting of five members, representing the five different wards of the district. They are elected at large by the voters of the district.

The Board of Directors acts as the legislative body governing the district and determines all questions of policy. It supervises and regulates every matter passed and operated by the district. This includes the fixing of rates, meters, charges and classifications, and the making and enforcing of rules, regulations, contracts, agree-

tices and schedules, for or in connection with any service, product or commodity owned or controlled by such district.

The Board of Directors appoint a Chief Executive, entitled the General Manager of the District.

The General Manager has full charge and control of the construction of the works of the District, their maintenance and operation, and the administration of the business affairs of the District.

The General Manager is obligated:

- (a) To see that all ordinances of the district are enforced.
- (b) To appoint or hire, except as otherwise provided, all heads of departments, subordinate officials and employees for the administration of the affairs of said district, and to remove the same;
- (c) To attend all meetings of the Board of Directors and submit a general report of the affairs of the district;
- (d) To keep the directors advised as to the needs of the District;
- (e) To prepare or cause to be prepared, all plans and specifications for the construction of the works of said District;
- (f) To devote his entire time to the business of the district;
- (g) To perform such other and additional duties as the Board of Directors may require.

This organization is in most essentials similar to that of cities under the City Manager form of Government.

The district was established primarily for developing the water resources of Silver Creek in El Dorado county for a Municipal water supply for the City of Sacramento and adjacent territory and for the utilization of this supply to generate electrical energy at several strategic locations along the water supply aqueduct en route to the district.

#### *Inception of District.*

The Silver Creek project had its inception with the City Commission of the City of Sacramento, in May, 1921. Nothing was done concerning it however until in July.

On July 1, 1921, the form of the Government of the City of Sacramento changed from the Commission form to the City Manager form.

The report and data on Silver Creek filed with the City Commission in May was by succession transferred to the office of the then City Manager, Mr. Clyde L. Seavey, now member of the Federal Power Commission.

From the information submitted in this report Mr. Seavey authorized the writer, then City Engineer of the City of Sacramento, to make a study of the material submitted and report his findings, to him.

#### *Investigation by City of Sacramento.*

In September 1921, a reconnaissance survey of the Silver Creek Drainage was initiated.

This cursory examination, together with a study of available maps of the territory and the government data on the water production of the drainage basin, convinced the City Administration that a power and water project could be developed on Silver Creek.

Accordingly, an amount of \$15,000 was set up in the budget for 1922 to prosecute the work of an engineering investigation and to make a preliminary survey of the more important features of the project. An office force and survey party were organized in the spring of 1922, and active investigation work started on the project under the immediate supervision of the City Engineer.

#### *Water Rights.*

In order to safeguard the interests of the city, applications for the diversion of water from Silver Creek were filed with the Division of Water Rights of the State of California, and also with the Federal Power Commission, for the use of government land necessary for the construction of reservoirs and conduits.

The applications to the Federal Power Commission and to the Division of Water Rights were filed only after a careful analysis and compilation of all the data procured by the survey parties in the field and from State and Federal agencies. These data, together with the results of the engineering studies in the office of the City Engineer, formed the basis upon which the City Council adopted resolution No. 575 on March 15, 1923, for the formation of the Sacramento Municipal Utility District.

Subsequent to the filing of applications for water rights by the City of Sacramento with the Division of Water Rights of the Department of Public Works of the State of California and the Federal Power Commission, the Federal Power Commission and the State together appointed a Board of Consulting Engineers, known as the California Power Board, which consisted of:

- D. C. Henry, Consulting Engineer, of Portland, Oregon, representing the Department of the Interior.



U. S. Grant III, Major Corps of Engineers, representing the War Department;  
E. W. Kramer, District Engineer of the Forestry Service, representing the  
Department of Agriculture;  
Paul Bailey, representing the State of California.

Their report, "ON THE USES OF THE AMERICAN RIVER, CALIFORNIA," was dated April 26, 1924, in San Francisco and was made to Mr. D. C. Marshall, Executive Secretary of the Federal Power Commission, at Washington. The report is published, and presents the alternative plans made by the planning board on the water resources and potential power generating capacities of the American River. This report was made after a public hearing in Sacramento at which the City of Sacramento thru the writer presented detailed studies on the water resources of Silver Creek, upon which the city had previously had negotiations for the allocation of those waters for the use of the city.

Subsequent to the city's application and the filing of this report at the California Power Board, the city was granted permission to use the outlet of Silver Creek for a domestic water supply and for the generation of power.

Silver Creek has the capacity to generate in excess of 600,000,000 kilowatt hours per annum.

Subsequent studies of the potential power capacities of the Silver Creek drainage are further outlined on page 488 of the report, "ON THE ECONOMIC POWER COMMISSION, ON THE WATER POWERS OF CALIFORNIA," by Thomas E. Bonner, dated 1928.

#### *Formation of Sacramento Municipal Utility District*

Following the early Silver Creek studies it became apparent that it would be necessary to finance the development of Silver Creek through some other agency than the City of Sacramento, because the funds required exceeded the funding capacity of the City.

After considerable study, it was determined that the Municipal Utility District Act, Chapter 218, Statutes of 1921, contained the conditions necessary to finance and provide the machinery to properly administer the development of Silver Creek.

Under this law the City of Sacramento and the seven adjacent cities, all cities comprising in all some 48,000 people, at an existing rate of \$100,000,000 formed the Sacramento Municipal Utility District. Under subdivision 4, of Article 15 of the Act, the District can create a bonded indebtedness up to 20 per cent of its assessed valuation. Since the assessed valuation of the city of Sacramento is about \$123,000,000, the District may issue securities for the installation of properties up to \$24,600,000.

#### *The Silver Creek Development*

At first it was contemplated that the water supply be obtained from the Silver Creek basin, after passing thru the power houses, thence to be carried into the natural tributaries of the American River to come to Sacramento its flow during the summer period and improve the character of the water presented to the filtration plant for later distribution into the City's water mains.

It was estimated that the return from the sale of power from this plant would carry all fixed charges on the investment, including maintenance and operating expenses, and in addition leave a surplus that could be accumulated and eventually used for financing a mountain water supply system of works for the district.

The previous estimates and conclusions were based on the natural situation that had prevailed up to that time.

The year following the formation of the district however, conditions of an unusual character presented themselves. The total flow of all the water from the two great rivers of California emptying into San Francisco Bay was but twenty-seven per cent of normal. The yield of the Season 1923-24 was the lowest which had occurred, so far as records were obtainable, since the advent of the white man on the Pacific Slope.

This dry season caused a revision in plans, and it was decided to secure the water supply first, since it was evident from the conditions that provided in the Sacramento River at the filtration plant intake that the river could no longer be relied upon to present a satisfactory type of water, even though it was water filtered and sterilized by chemical treatment. It appeared that the logical thing to do was to make a complete and comprehensive study for developing a municipal water supply from Silver Creek using this water for the production of power incidentally during its transit from the reservoirs in the mountains to the district area.

These investigations on account of the size and cost of the project have required a very careful consideration of all the elements included in its possible development. Their sole purpose was to arrive at a sound determination of the quantity of water available from the Silver Creek Drainage Basin, the total amount of power that could be generated from this water in transit to the district, and the costs of accomplishing it.

Studies of the available water supply from the Silver Creek Drainage Basin were completed and submitted to Consulting Engineers Grunsky and Mulholland



in March, 1925, and their review of this report was submitted to the Board of Directors of the District in August, 1925. Studies of the Big Bend hydro development of the Silver Creek project were completed by September, 1925, and were then submitted to the Board of Consulting Engineers.

In March, 1926, complete studies for developing a water supply for the District from the Silver Creek area together with a study of the incidental power development were submitted to the Board of Consulting Engineers, which consisted of:

- Daniel W. Mead, Professor of Hydraulic and Sanitary Engineering, University of Wisconsin; Consulting Engineer on Water Supply, Flood Control and Hydro-Electric Development, Madison, Wisconsin.
- C. E. Grunsky, Consulting Engineer on Water Supply and Hydraulic Developments, San Francisco, California.
- R. E. McDonnell, Consulting Water Supply, Sanitary and Municipal Engineer, Member of Firm of Burns, McDonnell and Smith, Kansas City, Missouri, and Los Angeles, Calif.
- William Mulholland, Consulting Hydraulic Engineer; Chief Engineer and General Manager of the Bureau of Water Works and Supply, Los Angeles, California.

These engineers visited the Silver Creek drainage area in September, 1925, and in general made a study of the physical features of the project.

In March, 1926, they again visited the Drainage Basin of Silver Creek and also investigated and inspected the location of the proposed water supply aqueduct from Silver Creek to the City of Sacramento.

After reviewing the project and considering the reports assembled for their study, they suggested that before a definite recommendation concerning this development could be submitted they would like to have the district determine whether or not the power companies now distributing power in this vicinity would cooperate with the district in developing the power resources of the project, or purchase the power that could be generated.

In April, 1926, the power companies operating within the district were requested to cooperate with the district, either by the purchase of power that might be generated by the district or by leasing the use of water supply developed, the companies to construct and operate the power plants.

In September, 1926, these operating companies indicated their unwillingness to cooperate with the district; consequently it became necessary for the district to proceed to develop a water supply without their aid or assistance.

This information was then submitted to the Board of Consulting Engineers. Their complete review of the many reports of the District together with their conclusions and recommendations was submitted to the Board of Directors of the District in January, 1927.

The studies of the Engineering Board showed that during the summer months the flow of the Sacramento River was dependable and insupportable and recommended that the district take steps immediately to develop Silver Creek as a source for an unpolluted water supply.

Upon submission of the report by the Board of Consulting Engineers the power company was again requested to cooperate with the district in developing a water supply and hydro electric project from the Silver Creek source. Again the power company refused to cooperate with the district.

In September, 1927, the first Silver Creek election was held and at that election sixty per cent of those voting voted in favor of the project. However, the proposal was defeated for the reason that the law requires that a two-thirds majority of those voting vote in favor of the issue. The district took no further action until late in 1928 when it began making arrangements for submitting another election to the people. The second election, in October, 1929, was again defeated. The majority in favor this time was about 62 per cent.

During the water year of 1930-31 the flow of water in the streams in the Sierras approximated that of the season of 1923-24, and again, the supply of water from the Sacramento River indicated its unsuitability for domestic use.

During the fall of 1931 the Board of Directors again held an election for the voting of bonds for bringing water from Silver Creek. This election was held in December, 1931, and again the bond issue was defeated. However, approximately 64 per cent of the voters voting at this election voted in favor of the issuance of the bonds.

#### *Investigation by State.*

For the past fifteen years the State of California has been making extensive investigations of its potential water supplies.

The result of these investigations and further study has been that the State Engineer has recommended that the State construct and operate a development consisting of several interrelated projects in the Sacramento and San Joaquin Valleys.

This development is known as the CENTRAL VALLEY PROJECT.

The reports of the State Engineer on this development show that large quantities of power can be developed at Kennett, in the Upper Sacramento Valley.

The State administrative authorities during the legislative session of 1924 had an act introduced in the legislature authorizing the Central Valley Authority to issue revenue bonds for the financing of their development. This measure was later passed Chapter 1945, which was approved by the Governor on August 26, 1925, and would have become effective on October 1, 1925, if it had not been held up by referendum. This referendum condition provided for its holding to be decided on December 19th, 1925, and at that session the measure passed the enactment of the legislature by a very large majority.

In the Sacramento district the act was approved by a majority of more than 8 to 1. Anticipating the benefit that might accrue to the Sacramento Valley, and particularly to the area within the Sacramento, Marysville and Yuba District, because of the development of a source of cheap power at Kennett the district authorized the area so that the rural areas tributary to the City of Sacramento might participate in this benefit.

It was then and is now apparent that the benefit of the Kennett project depends on the sale of the power produced at low development to cheap to local consumers, since the price that consumers and users of water can pay will be inadequate to support it.

#### *Acquisition of Electrical Properties*

The District Directors due to past experience and by consultation with the expressed desire of the recently created boards came to the conclusion that in order to secure cheap power from dry storage two methods of procedure were available to them:

First—Condemn the present distributing facilities of the Pacific Gas & Electric Company.

Second—Build a competing system of their own and generate their own power or purchase it from Kennett.

Further study and advice confirmed the directors that implementation may be a long drawn out procedure and would require a heavy expenditure of money from aggregating an amount in excess of \$110,000.

If condemnation is required in the process of taking over the present property, in addition to the physical plant value, compensation consisting of going concern value and severance damages may be assessed. These amounts are indeterminable except after a long and critical hearing before the State Railroad Commission which is the authority established by law to determine such value.

As stated above, these values at present are unknown and their total will considerably to the present physical plant value. If there are excessive they would be of such magnitude that upon being added to the physical plant value they would make the acquisition of the system impracticable.

The cost of a competing plant was estimated by the directors and upon the advice of competent engineering authority it was determined to make two nationally known engineering firms to estimate the cost of such a competing system. This has been done at a cost of \$17,500.00.

In July 1924 the engineering firms of BURNS & MCDONNELL of Kansas City and FORD, RACON & DAVIS of New York were employed by the district to make a study of the cost of an electrical transmitting station and generating system for the district, including also an economic analysis of the cost of installation and probable return over a period of years, especially during the life-time period. These reports were filed with the district on September 20, 1924.

The firm of Burns and McDonnell has had a more extensive experience in completing reports upon and constructing works for municipalities than any other group of engineers in the United States, the firm of Ford, Bacon & Davis on the other hand has been connected with the construction and management of power plants and industries. The board employed these two firms so that there would have before them for their consideration point of view of two different engineering groups concerning any action they might contemplate taking in this but not desire to be accused of basing any action taken upon data or information that might be considered prejudiced.

After a review of the situation involving a complete study of the present properties of the P. G. & E. Co. in the district, and the success of other municipal and district electrical distributing systems in California and on the Pacific Coast, these engineering firms determined that a competing system for the district could be constructed for

Steam Power Plant.....	\$5,024,500
Miscellaneous structures and equipment.....	3,298,000
Working Capital.....	392,500
	175,000

Total.....\$10,490,000

Additions and betterments, including interest during construction and probable increases in material and labor requirements.....

1,510,000

\$12,000,000

Other studies were made for generating power by different methods.

These studies show that power can be generated in the formative period of the development much cheaper by steam than by hydro with steam standby. However, with Silver Creek as a source of supply, a hydro development with adequate standby capacity and with two independent transmission lines to Sacramento can produce power cheaper than can be produced by steam, with the same standby capacity.

The engineering studies further show that by constructing this system and operating it as a public utility, rates can be reduced ten per cent the first year, twenty per cent the second year, with increasing benefits thereafter. This is the incentive back of the proposal either to build a competitive system or to buy the present properties at a reasonable figure.

If in the future the Kennett development is completed, the steamplant it is proposed to construct under this plan may act as a standby for it. In the event Kennett is not constructed within, say, the next five or seven years, then at that time hydro power can be developed from Silver Creek as cheaply as it can be obtained from Kennett; because by then a sufficient load will have been developed to make the project competitive with steam.

#### *Election for Financing Electric Project.*

With these engineering reports as a basis the directors called an election to be held on November 6th, 1934 to vote bonds in the amount of twelve million dollars (\$12,000,000) with an interest rate not to exceed four and one half (4½) per cent, for the purpose of constructing a competitive system or for purchasing the present system of the P. G. & E. Co.

On November 6th, bonds in amount of \$12,000,000 were authorized by vote of seventy per cent of all those voting at said election for the acquisition and or construction by the district of a system of works for supplying the district and any municipalities therein with electric power. The vote for and against this proposal was as follows:

For the proposition-----	32,036
Against the proposition-----	13,902
Total vote cast-----	45,938

Since the annexation and bond election above noted, the Board of Directors of the district have authorized the preparation of an application to the State Railroad Commission for that authority to determine just compensation to be paid by the district for the distributing properties of the Pacific Gas & Electric Company, lying within the district and are preparing plans to serve as a basis for determining the cost of constructing a steam electric generating plant and a distributing system. This is necessary in order to determine what the true value of a distribution system for the district may be.

This work, therefore, will become a necessary prelude to and part of any general development proposed by the District and City for providing cheap power and water to consumers within these areas.

In accordance with Section 16 of the Municipal Utility District Act the district brought an action in the Superior Court of the County of Sacramento, in order to determine the validity of the authorization for the issuance of the bonds heretofore voted.

The district proceeded immediately after the election with this case. Suit was filed on January 2, 1935. Demurrers were argued in February, 1935. The trial of the case was held in May. Judgment validating the bonds was signed on August 29th. Appeal was taken to the State Supreme Court by the P. G. & E. Co., on September 7th. The testimony in the case was submitted on briefs by the P. G. & E. Co., and the District, and oral argument was had before the Supreme Court and the case was finally submitted on January 9, 1936.

On April 29, 1936, decision was rendered by the Supreme Court of the State of California approving the decision of the Superior Court of Sacramento County validating the authorization for the issuance of \$12,000,000 in bonds by the district. A request for a rehearing of the case was filed by the Company. This was denied by the State Supreme Court and their decision became final on May 29, 1936.

As heretofore noted the final decree of the State Supreme Court of the State of California was handed down on May 29, 1936, approving the validation of the bonds by the Superior Court of Sacramento County. This case was not appealed to the United States Supreme Court, but in place thereof the Pacific Gas and Electric Company filed a petition in the Federal District Court on August 10, 1936 requesting an injunction to prohibit the Utility District from selling its bonds. This petition came up for hearing on September 18, 1936, at which time the district appeared and presented its argument and filed its brief, asking a dismissal of the case, on the ground that there was no substantial Federal question involved and that it was brought to obstruct a worthy public development. The Company filed its reply brief on October 10th and the district filed its closing brief on October 28th.

Before this case is concluded it undoubtedly will be appealed through the Circuit Court of Appeals, and to the United States Supreme Court, and may require a year or more before its final determination.



After the election held November 6, 1934, at which bonds to an amount of \$12,000,000 were voted, the district was left in a financial predicament, or, to take over the present system, has more power than could be used by the obstructive tactics of the power company and a few dissatisfied citizens. The tactics of the power company seem that some have done it, consumers for the district to impose additional taxes to obtain revenues for the district and to fund the administrative work of the district, e.g., \$200,000 in district bonds of \$75,000. Furthermore it is a significant fact that since the bond election in 1934 the Pacific Gas & Electric Company has lowered the rates approximately ten percent amounting to a saving the rate payers of more than \$1,000,000 in the sum of power within the district. The Company recently through the press has given notification that it intends to make a further reduction by the first of February, which reduction may approximate a saving to the consumers of the District of \$165,000. It is this reduction in charges for power in the year 1937. These total reductions will approximate \$1,000,000 in the sum of power within the district. If nothing further than the rate reduction is accomplished the formation of the district has been worthwhile and the expenditures made by it will be returned many fold.

Experience in California has conclusively demonstrated that reduction in rates of electrical current may be more readily obtained by direct competition of the various political agencies than by the indirect method of legislative enactment by the State to control the cost of the electric power and the electric industry. This has been illustrated by the voluntary reduction made by the power companies throughout the State to the rate of electrical current which would otherwise have been had, or at least have been, and they would not be able to do this but for the saving made by the consolidated authority some for most supply.

#### Summary

Summing up the attempts of the district to provide a cheap source of water and power it will be noted that on three different occasions, namely in 1907, 1929 and 1934 the Legislature of the State of California has placed before the voters of the district proposals for the construction of the issuance of bonds to construct the Saline Creek project or obtaining a water supply from a high mountain source.

At all three elections referred to above satisfactory results were obtained for the project. However these initiatives were not sufficient to carry out the legal requirements of a two-thirds majority for the construction of bonds. Furthermore, on each of these occasions the power company has attempted to obstruct the district in the development of this source of supply and at each occasion has refused such cooperation as was reasonable.

On November 6th, 1934, the district held its fourth election at which the voters by a majority of seventy percent authorized the issuance of \$1,000,000 in bonds for the acquisition and/or construction by the district of a system of works for the generation and distribution of power to the consumers of electrical current within the district.

All these elections were opposed by the Pacific Gas & Electric Company, three organized groups designated as Tax Payers Association, White State organized for the purpose of defeating these initiatives. At the last election held on November 6th, 1934 the records show that the initiative spent directly \$4,587,000 was expended through the Excessive Tax Payments League \$21,800,000 in an attempt to defeat this bond election. The power company is now operating the district through court procedure in its attempt to have its bonds voided, although issuance of bonds was authorized by a forty percent, or more, majority.

The activities and attitude of the power company have conclusively that the only method whereby the development of the Saline Creek project or any benefit from the Central Valley project may be secured is for the district to make provisions to control the distribution of power within its boundaries either by purchase of the present plant or by the construction of a generating station or works. Steps toward the carrying out of this requirement have been taken by the district of the district.

#### The Following Principles Are Recommended To Be Passed

1. That the ownership and control of the water resources of the State should vest in the public, either local or statewide depending upon the extent of, or the application of, the uses of such natural resources.

2. That the State as a sovereign power should participate only in such projects that are of statewide benefit or of more than general local importance. This applies to the impounding of water for controlling floods, the regulation of stream flow for assisting navigation and controlling salinity in estuaries for protecting and/or improving potential or developed industrial or agricultural areas.

3. That where electrical energy is produced by the state provision should be made for the transmission of this energy by constructing transmission facilities whereby this energy may be received for local distribution by the various political subdivisions of the state, and further that additional generating facilities be constructed if



necessary, to insure and or supplement the output of such hydro resources so that under all operating circumstances power will be continuously available.

4. Distribution of water and or electrical energy should be made by the local political subdivisions or districts of the state that may develop such supplies or acquire them from the state or some other public or private source. It is believed it would not be wise for the State to assume the task of distributing either water or electric energy locally.

5. Many of the Political Subdivisions of the State now generate, transmit and distribute power to the consumers within their political boundaries and it would be unwise to change the control of the present distribution and generation by these autonomous political subdivisions. We do not feel that the State could more economically serve these areas than they are now being served.

6. Many of the Political Subdivisions of the State have acquired water rights and constructed storage reservoirs from which they at present obtain water supplies and with which water supplies they generate electrical energy. Most of these projects are progressive in nature, that is, to say, the present development is part of a larger program and to take all future control of water supplies and their by-products from these political agencies would be unfair and unwise.

When the rights of riparian owners are not infringed upon, the use of the waters of the state are now subject to the control of the state. The right to the use of water, except as above, can only be acquired by obtaining such rights from the State through its present organized agencies. These grants for the use of water by permittees are predicated on their being put to beneficial use. As long as they are so used protection by the state to their use is assured. If and when beneficial use is not made or maintained their use reverts, and these waters again become subject to the control of the state for future allocation.

#### *Suggested Legislation.*

It is believed that undoubtedly it would be to the best interests of consumers of both water and electric energy if an enabling act were placed upon the statute books providing a manner in which districts could be formed by a majority vote of the electors of either or both urban or rural territory, either contiguous or noncontiguous, for the distribution of water and or electric energy. These districts should be privileged to extend their boundaries by the annexation of contiguous or noncontiguous territory at the request of a majority of the electors of the territory desiring to be annexed. Such districts should have the power to consolidate, whether contiguous or noncontiguous, when thought to be to their economic interest, and should be empowered to purchase water and or electric energy for distribution from either publicly or privately owned sources. These districts should be empowered to acquire either by construction, purchase or condemnation, any impounding, conducting, generating, transmitting and distributing facilities required for present or future use, and to finance or refinance the same, and to acquire necessary water rights, permits and privileges to put in effect these powers.

Legislation should be enacted whereby the state could assist its various political subdivisions financially by lending its credit for:

- a. The development of water supplies for domestic and agricultural purposes; and
- b. The utilization of the water resources of the state for the generation of power; and
- c. In constructing transmission lines and distributing systems; and
- d. For stabilizing the output of possible hydro developments by the construction of steam generating plants.

This is necessary due to the variable flow of the waters of the state in the various drainage basins.

Any State Authority established for the development and control of the water resources of the state or any of its by-products should be autonomous, and should be administered by officials elected and appointed because of their fitness and qualifications for such work, and further that provisions be made for the payment of adequate salaries to such administrators.

It is felt that most of the administrative state officials who are responsible for the carrying out of large state projects are inadequately paid for their services at the present time. This applies particularly to the engineering groups.

It is felt that any authority vested with the power to use the natural resources of the state to develop water supplies for domestic and agricultural purposes and for to generate, transmit and distribute electrical energy, should be autonomous. Where the benefits to be derived are of more than local importance, but not State wide, this can be accomplished by the establishment of a large district, consisting of a group of affiliated districts or political subdivisions, better than by a state controlled commission or authority. The setup for such control being similar to that of the Metropolitan Water District, that is to say the present political agencies, or agencies to be created, each with their own legislative and operating personnel would be a part of the large district. These subordinate political subdivisions to have certain limited authority, being subject to the supervision and control of the legislative and executive branches of the large embracing districts, each minor district being represented on the Board of Directors of the Large District.

A type of district system to that immediate section would make a more comprehensive and economical use of electric line facilities, in particular, at lower cost and also to sell its securities at a more favorable market price than the smaller political subdivisions.

In order to facilitate the issuance of such public bonds it is suggested that legislation should be enacted whereby revenue bonds may be issued for the financing of the utilities. These bonds to be subject to a maximum rate of five percent within the political subdivisions that may authorize the issuance of these securities and further that these bonds that may be issued, be placed in a fund separate to the utilities for which these have been issued.

The right of condemnation given a district should not, under any circumstances, include a right to condemn property belonging to another district, municipality, political subdivision or public corporation.

A law permitting the formation of districts as outlined above should provide that acquisition or construction of lines for the transmission and distribution of power and of the generation and transmission of electric energy shall be limited by the issuance of either general obligation bonds or by mortgage bonds which shall serve on the revenues of the utility or both, at the option of the voters of the district.

All rights and privileges given to these districts should be extended to county municipalities, political subdivisions and public corporations.

#### Taxation.

From some of the questions asked by members of the committee, it would seem that there is a feeling that publicly owned electric corporations should be taxed to the same extent that such privately owned corporations are taxed. There has been no intimation that publicly owned water purifications should be taxed, and it is hardly probable that anyone would attempt to tax such facilities. The issue of a publicly owned water supply is not taxed in Germany (it is a governmental activity, owned, constructed, maintained, and operated by the people for the purpose of supplying themselves with a necessary natural product).

Some of the water purities of our country are owned by privately owned water corporations, which are subject to taxation; other purifications are owned by water systems owned and operated by the municipalities, which are not taxed. In some municipalities the district of water is in the hands of persons (although the corporations, and the business is taxed). In other municipalities some power plants are owned and operated by the municipality and are not taxed. In some municipalities the sewer systems are publicly owned and operated for profit and are subject to taxation; in other municipalities the sewer systems are publicly owned and operated, and are not taxed. Electricity has become as great a business and when publicly owned and operated is as truly a commercial and profitable enterprise as is the supplying of water and the disposal of waste and sewage and should be judged by the same standard and taxed under the same rule.

Publicly owned institutions under the law are supposed to operate their industries, privately owned institutions are not permitted to do so. To require a publicly owned institution to pay taxes as well as non-taxation would be to handicap the public institution.

Agitation for the selling out of publicly owned electric enterprises for taxation comes, of course, from the operation of privately owned electric corporations, who fear the competition of the publicly owned enterprise utility. To tax the publicly owned electric utility as well as to require it to maintain its subsidiaries is to subject it to unfair competition and unfair competition. The laws of this State now provide that property purchased by a publicly owned utility outside the lines of the political subdivision owning such utility, which is on a county tax roll at the time of purchase, shall remain on such tax roll; and it would seem that this is as far as such taxation should go.

Consideration should be given the marked difference between the two plants. The publicly owned plant is maintained and operated solely for the benefit of the community, selling its product at the lowest price compatible with good operation and maintenance; the privately owned plant sells its product at the highest price the traffic will bear, and maintains and operates its plant for the purpose of paying dividends. To require both competition and taxes would upset the present fair balance as to competition, and furthermore we must encourage large rivers in California if we are to meet the competition of the Northwest and Tennessee Valley regions.

#### Non-profit Corporations.

If the non-profit corporation law of California were liberalized to permit residents of rural communities to form corporations to purchase and resell electric energy, it would undoubtedly be of great benefit to communities now deprived of the benefits of electricity. In the State of Washington, there are several such corporations which purchase their supply of electric energy, build transmission lines to carry the energy from the point of purchase to the place of distribution and a distribution system to supply the members. None of these mutual organizations

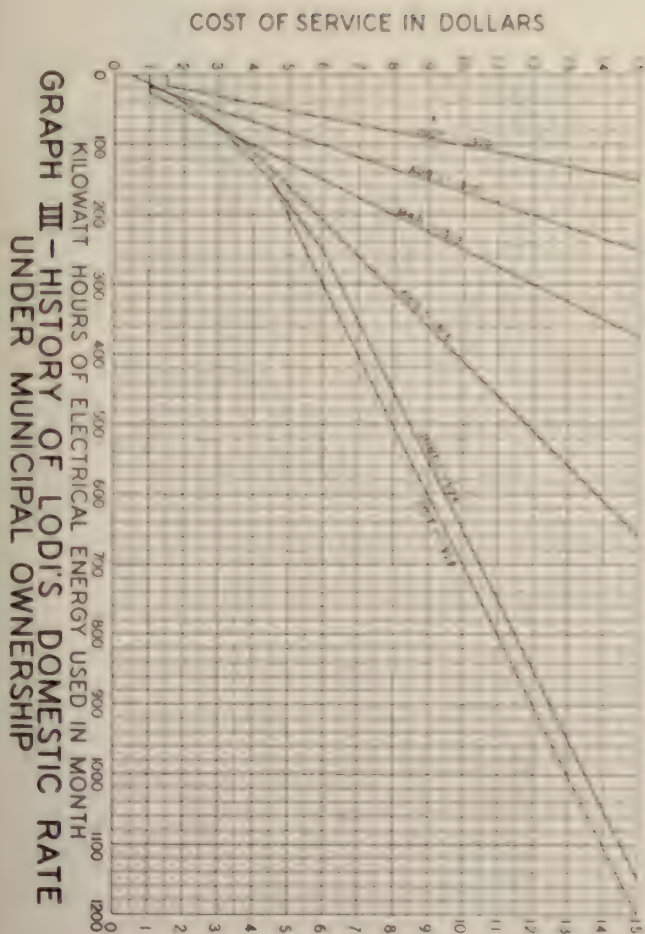
have a lighting rate higher than 5¢ per kwh for the first block, and one of them has a rate of 5¢ for the first 20 kwh, and 1¢ for all over 20. Some of them have power rates of 1¢ for the first block, and one goes down to ¾¢ per kwh for all over 100 kwh.

#### *Rural Electrification.*

The farmer is very much interested in securing for himself the benefits which would come from a full use of electric energy in doing the work of the farm. The number of rural users of electric energy in California is increasing, but not so rapidly as it would if the farmers understood some of the facts in connection with the availability of electric service. The business of distributing electric energy and making it available to consumers under varying conditions, is somewhat complex, and unless those who are vitally interested make themselves familiar with the facts, it is easy for erroneous beliefs to be formed and promulgated and incorrect statements to be given credence.

#### *Benefits of Public Ownership.*

In conclusion we would point out that the municipal plant in Pasadena has a rate of 4½ cents for the first block of 40 kwh down to 7¢ per kwh. Under the Pasadena rates 500 kwh per month costs a householder \$6.30, which is the lowest rate for the amount of electric energy in the United States. The Modesto Irrigation District generates and distributes electric energy as a by-product of its water project. Although the district's electric rate is lower than rates in surrounding communities, the profits from the electric business have reduced the water tax in the district from \$6.42 per acre to \$2.76. The municipal plant of the City of Los Angeles, after paying the costs of operation, maintenance, interest and outstanding bonds, and setting aside \$2,169,260 for depreciation, last year made a profit of \$4,000,502.52 and has earned a net income of \$47,798,960.82 since beginning operations in 1917.





# SOURCE & DISTRIBUTION OF LODI MUNICIPAL

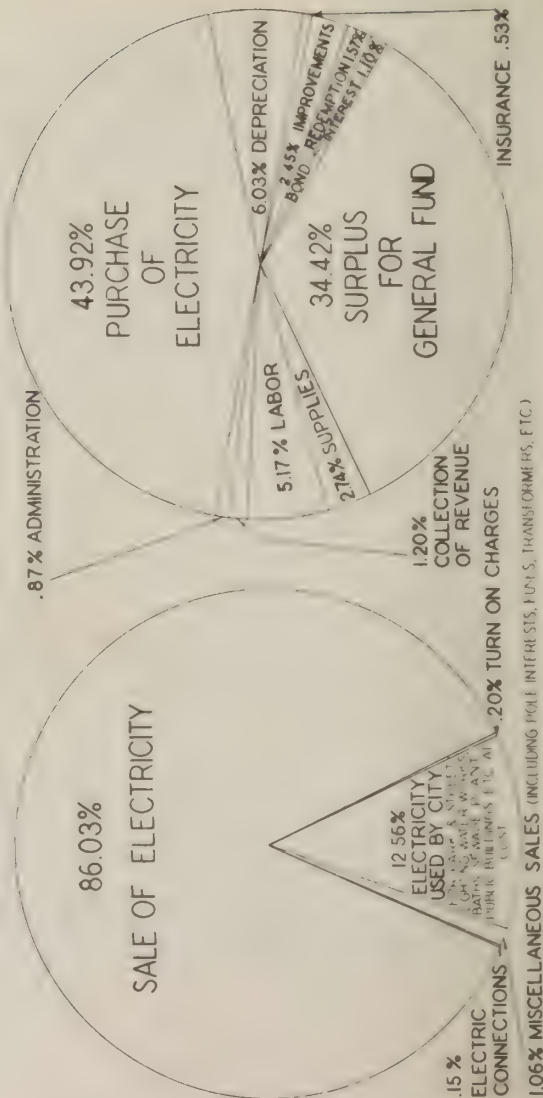
## ELECTRIC SYSTEM REVENUE

BASED UPON REPORTS OF THE CITY CLERK

FOR 1929, 1930, 1931, 1932, & 1933.

### SOURCE

### DISTRIBUTION



**EXHIBIT G. G.**  
**STATEMENT BY THE CALIFORNIA MUNICIPAL**  
**UTILITIES ASSOCIATION**

The California Municipal Utilities Association is not a for-profit corporation. The purpose of the Association is to support the interests of those California municipalities and districts that are engaged in the acquisition, collection, treatment of water, and in the generation and/or distribution of electric power, and other utilities.

At the meeting of the committee held in Los Angeles on January 2, 1930, the Association presented the following resolution:

The members of the Association are opposed to any legislation that would require the city of Chicago to take over the operation of the water supply of any municipality or city, or to require the city of Chicago to take over the operation of the water supply of any municipal corporation or district; and that this organization is opposed to any legislation interfering with the right of any municipality to determine the manner in which it will supply its water and sewer facilities if it so desires.

At a regional conference held in Toronto, Ontario, in 1966, the following was adopted and later approved by the Board of Governors of the Association:

This Association believes that the State of California should encourage its projects for the development of water and other resources in accordance with

or salinity control or benefits other than the conservation of water and the generation of electric energy.

inter-regional interests or the interests of a number of districts, or other public utilities are involved.

a special district for the purpose or otherwise. If districts such as hereinafter

suggested should build works which would reduce the flooding and the State would be responsible for the cost of the works.

State wide benefits, the State university should be represented in the personnel board of the district. If the State should follow such a course, the university

The district should be able to act as a source of support, rather than as a source of condemnation, and to encourage the people to support the political system.

irrigation, use and on the generation of electric energy. The construction of power stations of conductors or cables, which for the purpose of generating power from the hydraulic

of works, either hydro or

struction or destruction of information used to control the level of output from the place of generation in the *phase of destruction*. Two extreme situations should be

privileged to cooperate in carrying out our own ideas. I think that we may combine

The right of nondiscrimination gives the licensee the right not, among the general consent, include a right to nondiscriminate between the licensee and the licensee's licensee.

A law permitting the formation of districts as political units would provide the

acquisition or construction of stocks for the acquisition and distribution of assets and/or the generation and distribution of income, or income to be received by the

issuance of either general obligation bonds or by majority vote bonds based solely on the revenues of the county, or bonds of the county for the purpose of the project.

All rights and privileges given to them formerly should be extended to public municipalities, political subdivisions and other institutions.

From some of the questions asked by members of the committee, it would seem that there is a feeling that publicly owned electric enterprises should be taxed to

the same extent that privately owned businesses are taxed. There has been no intimation that publicly owned water enterprises should be taxed, and it is highly

probable that anyone would seriously challenge such taxation. The reason a privately owned water supply is not taxed is because it is a quasi-public utility, and thus

constructed, maintained, and operated by the people for the purpose of supplying themselves with a necessity without profit.

Some of the responsibilities of our country are served by privately owned water corporations, which are subject to taxation. Other water utilities are served by

water systems owned and operated by the municipality, which are free from taxation. In some municipalities the disposal of wastes is in the hands of private indus-

viduals or corporations, and the business is taxed. In other words, poll taxes waste disposal plants are owned and operated by the municipality and are not taxed. In

some municipalities the sewer systems are privately owned and operated for profit and are subject to taxation; in other municipalities the sewer systems are publicly owned and operated.

owned and operated, and are not taxed. I believe it has become as great a necessity and is as truly a cooperative and non-profit enterprise as is the supplying of water and electric light and power.

and the disposal of waste and sewage, and should be judged by the same standard and taxed or not taxed under the same rule.

Publicly owned institutions, under the law, are required to amortize their indebtedness; privately owned institutions are not required to do so. To require a publicly owned institution to pay taxes as well as amortization would be to seriously handicap the public institution.

Agitation for the singling out of publicly owned electric enterprises for taxation comes, of course, from the operators of privately owned electric corporations, who fear the competition of the publicly owned non-profit utility. To tax the publicly owned electric utility as well as to require it to amortize its indebtedness is to subject it to unfair comparison and unfair competition. The laws of this State now provide that property purchased by a publicly owned utility outside the limits of the political subdivision owning such utility, which is on a county tax roll at the time of purchase, shall remain on such tax roll, and it would seem that this is as far as such taxation should go.

The committee should take into consideration the marked difference between the two plants: The publicly owned plant is maintained and operated solely for the benefit of the community, selling its product at the lowest price compatible with good operation and maintenance; the privately owned plant sells its product at the highest rate the traffic will bear, and maintains and operates its plant for the prime purpose of paying dividends. To require both amortization and taxes would upset the present fair balance as to competition, and furthermore we must encourage lower rates in California if we are to meet the competition of the Northwest and Tennessee Valley regions.

If the non-profit corporation law of California were liberalized to permit residents of rural communities to form corporations to purchase and re-sell electric energy, it would undoubtedly be of great benefit to communities now deprived of the benefits of electricity. In the State of Washington, there are several such corporations which purchase their supply of electric energy, build transmission lines to carry the energy from the point of purchase to the place of distribution and a distribution system to supply the members. None of these mutual organizations have a lighting rate higher than 5c per kwh for the first block, and one of them has a rate of 5c for the first 20 kwh, and 1c for all over 20. Some of them have power rates of 1c for the first block, and one goes down to  $\frac{1}{2}$ c per kwh for all over 100 kwh.

The farmer is very much interested in securing for himself the benefits which would come from a full use of electric energy in doing the work of the farm. The number of rural users of electric energy in California is increasing, but not so rapidly as it would if the farmers understood some of the facts in connection with the availability of electric service. The business of distributing electric energy and making it available to consumers under varying conditions, is somewhat complex and unless those who are vitally interested make themselves familiar with the facts, it is easy for erroneous beliefs to be formed and promulgated and incorrect statements to be given credence.

In conclusion we would point out that the municipal plant in Pasadena has a rate of 4 $\frac{1}{2}$ c for the first block of 40 kwh down to  $\frac{1}{2}$ c per kwh for 500. Under this rate 500 kwh per month costs a householder \$6.30, which is the lowest rate for 500 kwh in the United States. The Modesto Irrigation District generates and distributes electric energy as a by-product of its water project. Although the district's electric rate is lower than rates in surrounding communities, the profits from the electric business have reduced the water tax in the district from \$6.42 per acre to \$2.76. The municipal plant of the City of Los Angeles, after paying the costs of operation, maintenance, interest on outstanding bonds, and setting aside \$2,270,573 for depreciation, last year made a profit of \$4,220,374 and has earned a net income of \$50,679,335 since beginning operations in 1917. The following comparison of electric bills under the Los Angeles rate effective February 1, 1936, with like bills in several other communities, may be of interest.

Class of Service	Estimated Monthly Kw. Hrs.	Low Rate Areas			Other Rate Areas		
		L. A.	*T. V. A.	Seattle	San Francisco	New York	Chicago
Minimum Bill-----		\$0.55	\$0.75	\$0.75	\$0.40#	\$1.00	\$0.50
Lighting with Small Appliances -----	40	1.66	1.20	2.00	2.00	2.55	2.04
Lighting and Refrigerator	80	2.58	2.10	2.80	3.60	4.55	3.18
Lighting, Refrigerator and Range -----	205	4.69	4.55	5.30	6.13	10.80	6.74
Lighting, Refrigerator, Range and Water Heater	550	7.28	7.10	9.30	10.10	25.05	16.58

\* T. V. A. refers to municipal utilities operating under the Tennessee Valley Authority, The Federal "Yardstick" Project.

# No energy included.

## EXHIBIT H. H. COMPARATIVE COST OF ELECTRICAL POWER

By RALPH L. CRISWELL

The Federal Power Commission has issued a report setting forth the cost of electrical energy in 17,722 communities in the United States under rate schedules in effect January 1, 1935. The report shows the cost of various amounts of electricity, ranging from 15 kilowatt hours to 500 kilowatt hours per month.

Of the 17,722 communities covered in the report, 16,054 are served by privately owned agencies and 1,668 are served by publicly owned agencies. From a public ownership point of view, Kansas stands at the head of the list with 142 communities served by public agencies and 295 private, while Rhode Island counts all its States with only 1 community served by a public agency and 41 by private agencies.

The following table gives the number of communities served by private companies and the number served by public agencies:

	Private	Public		Private	Public
Alabama	314	11	Nebraska	295	142
Arizona	64	5	Nevada	26	7
Arkansas	277	15	New Hampshire	213	6
California	407	28	New Jersey	512	10
Colorado	193	27	New Mexico	64	2
Connecticut	184	8	New York	727	51
Delaware	33	8	North Carolina	327	64
Florida	294	31	North Dakota	249	13
Georgia	336	47	Ohio	808	102
Idaho	153	14	Oklahoma	379	58
Illinois	987	48	Oregon	164	8
Indiana	618	79	Pennsylvania	948	34
Iowa	601	96	Rhode Island	41	1
Kansas	319	131	South Carolina	196	29
Kentucky	376	9	South Dakota	179	35
Louisiana	244	27	Tennessee	391	11
Maine	391	6	Texas	846	34
Maryland and D. C.	173	6	Utah	148	31
Massachusetts	300	45	Vermont	214	58
Michigan	488	50	Virginia	301	16
Minnesota	439	110	Washington	255	17
Mississippi	297	40	West Virginia	287	3
Missouri	525	50	Wisconsin	563	80
Montana	134	4	Wyoming	53	16
Totals			16,054 1,668		

### COST OF 25 KILOWATT-HOURS.

About 25 kwh. per month will light an average residence. The report of the Federal Power Commission shows the following range of cost for 25 kwh.

In cities of 25,000 population and over consumers in \* Jamestown, N. Y., and \* Cleveland, Ohio, pay 88 cents, and in \* Holyoke, Mass., they pay \$1.00. In Miami, Florida, 25 kwh. costs \$2.76, and in Manchester and Nashua, N. H., the bill is \$2.34.

In cities of 10,000 to 25,000, the lowest bills are rendered in \* Virginia, Mass., 50 cents, and in \* Manitowish, Wis., 88 cents, while in \* Dothan, Ala., the charge is \$3.88 and in \* Lakeland, Fla., \$3.25.

In cities of 5,000 to 10,000, the monthly bill in \* Fergus Falls, Minn., adds for 85 cents, and in \* Penn Yan, N. Y., 86 cents, while in \* Palatka, Fla., 25 kwh. costs \$3.57 and in Lake Worth, Fla., \$3.45.

In cities of 2,500 to 5,000 the consumer in \* Athens, Ala., and \* Amory and \* New Albany, Miss., pays 75 cents, and in \* Rensselaer, N. Y., 90 cents, while in Myrtle Beach, S. C., the consumer pays \$4.39 and in Nantucket, Mass., \$4.25.

### COST OF 100 KILOWATT-HOURS.

The lighting of an average residence, the use of ordinary small electric appliances and a refrigerator will consume about 100 kwh. monthly. The lowest and highest monthly bills for 100 kwh. are shown by the Federal Power Commission report to be:

In cities of 25,000 and over the residents of \* Tacoma, Wash., pay \$2.12 for 100 kwh. and in Madison, Wis., they pay \$2.73. At the other extreme is Myrtle Vernon, N. Y., \$7.31, and \* Jacksonville, Fla., \$7.00.

\*Indicates publicly owned plant.



In cities of 10,000 to 25,000 the lowest bill is in \*Virginia, Minn., pays \$2.00, and in \*Hudson, Mass., \$2.50. The highest bill is charged in Massachusetts, Orono, Portland, and Port Charles, N. Y., \$7.31, and Ray West, Pa., \$7.23.

In cities of 5,000 to 10,000 the lowest bill is in \*Tucson, Ill., at the amount of \$2.30 and in \*Tulsa, Okla., \$2.50, while in Rock Junction, Pa., \$12.00 is charged and in Morenci, Ariz., \$10.00 is the price.

In cities of 2,500 to 5,000 in \*Albany, N. Y., \$2.50 will pay for 100 kwh., and in \*Fort Morgan, Colo., and \*Graham, Neb., \$2.70. In Nantucket, Mass., \$14.85 will be required and in \*Olathe, Kan., \$11.00.

#### COST OF 250 KILOWATT HOURS

Adding a kitchen range to the uses enumerated in the foregoing classification will increase the amount of electrical energy to approximately 250 kilowatt-hours per month.

In cities of 25,000 and over, \*Tucson, Ariz., has the highest bill for this amount, \$3.62, with \*Stamford, Conn., at \$4.80. The largest bills are found in Mt. Vernon, New Rochelle, and White Plains, N. Y., \$16.31, followed by Haverhill, Mass., \$11.70.

In cities of 10,000 to 25,000 the highest bills are found in \*Marquette, Mich., \$5.50, and \*Virginia, Minn., \$4.70. The highest bills are found in Manhattan, Ossining, Pacific Hill and Port Charles, N. Y., \$16.31, and \*South River, N. J., \$14.20.

In cities of 5,000 to 10,000 the average of 250 kwh. in \*Tulsa, Okla., and \*Logan, Utah, is \$5.00, and in \*Haci, Cal., \$5.50. The average in Morenci, Ariz., is \$21.25 and in \*Palaquimine, La., \$16.70.

In cities of 2,500 to 5,000, Woodland, Cal., \$4.90 and \*Rensselaer, N. Y., \$4.95, enjoy the lowest bills, and \*Charlestown, Ark., \$21.00, and Salt Creek, Ind. Field, Wyo., \$22.00, groan under the highest bills.

#### CITIES OF 1,000 TO 2,500

The Commission report registered consumption of 1,000 to 2,500 population in only 29 of the 48 States. In the 29 cities given, the following is shown:

For 25 kilowatt-hours per month the consumer in \*Gratiotville, Ohio, pays 88 cents, and in Gila Bend, Ariz., \$5.00.

For 100 kilowatt-hours per month the consumer in \*Parowan, Utah, pays \$2.60, and in East Hampton, N. Y., \$14.90.

For 250 kilowatt-hours per month, the consumer in \*Parowan, Utah, pays \$3.35, and in East Hampton, N. Y., \$23.41.

Only one community in the above 15 classifications served by a privately owned company (a company not controlled by a holding company) is found in the list of lowest bills, and no three communities served by publicly owned agencies are found in the 15 with highest bills.

### CALIFORNIA ELECTRIC RATES

A comparison of domestic electric rates for lighting and other household uses, between publicly owned and privately owned electric utilities in reasonably comparable cities of California. These rates have been compiled from the latest rate schedules obtainable.

The first block (40 kilowatt-hours) will supply enough electric energy for lighting an ordinary residence and operating such small appliances as a toaster, percolator, waffle iron, vacuum cleaner, etc. for one month.

The second block (100 kilowatt-hours) will supply enough energy for the above use, in addition to operating a refrigerator and such additional appliances as washer, ironer, etc.

The third block (250 kilowatt-hours) will add to the above uses an electric range.

City	Popula- tion	40 KWH	100 KWH	250 KWH
*Alameda, Municipal-----	35,000	\$1.76	\$3.08	\$5.88
Stockton, Pacific Gas and Electric..	48,000	1.87	3.19	5.90
*Biggs, Municipal.....	163	2.40	3.80	6.80
Boulder Creek, Public Utilities California Corp. ....	500	2.85	4.95	8.60
Burbank, Municipal-----	16,000	1.69	3.04	5.44
Berkeley, Pacific Gas and Electric..	82,000	1.77	3.09	5.89
Glendale, Municipal.....	65,000	1.82	3.12	5.24
Fresno, San Joaquin Light and Power..	52,000	2.10	3.60	7.25
Los Angeles, Municipal-----	1,250,000	1.66	2.96	5.27
San Francisco, Pacific Gas and Electric..	635,000	1.77	3.09	5.89
Modesto, Municipal.....	13,000	1.57	2.97	5.27
Salinas, Pacific Gas and Electric.....	10,000	1.95	3.39	6.89
Palo Alto, Municipal-----	13,000	1.85	3.35	5.15

\*Indicates publicly owned plant

City	Power Cost	10 KWH	25 KWH	50 KWH
San Luis Obispo, Molland Concrete Pub. Serv. Co.	\$ 2.00	\$ 1.75	\$ 1.50	\$ 1.10
*Redding, Municipal	4.00	1.00	1.10	1.00
Dunsmuir, California-Oregon Power Co.	2.00	1.20	1.10	1.00
*Riverside, Municipal	10.00	1.80	1.70	1.50
San Bernardino, Southern California Edison Co.	11.00	2.10	1.70	1.50
*Roseville, Municipal	6.50	1.95	1.70	1.50
National City, San Diego Cons. Gas & Elec. Corp.	7.50	2.10	1.50	1.00
Turlock, Municipal	4.70	2.00	1.50	1.00
Madison, San Joaquin Light and Power	1.00	1.10	1.00	1.00
Utah, Municipal	11.24	1.90	1.50	1.00
Fort Rags, California Public Service Co.	11.22	2.70	1.50	1.00

March 1, 1937.

Prepared by RALPH L. CHAMBERS,  
207 South Broadway, Los Angeles.  
Member Board of Governors of the Calif.  
Public Municipal Electric Association.

## EXHIBIT I. I.

### PUBLIC POWER—ITS FINANCING AND ITS ADVANTAGES

By J. D. ROSS, Member, Federal Securities and Exchange Commission,  
Formerly Chief Engineer, Seattle Municipal Light Plant.

An Address Given Before the National Convention of the Investment Bankers  
Association of America.

Augusta, Georgia, December 5, 1936

In presenting to you the subject of public power, as a field now being opened to power, it is natural to suppose that you will be interested in it from the standpoint of financing as well as from the standpoint of your interest as a citizen. In the field of finance you are interested in the security of your investment, the security that is back of every investment. The public power industry is in the field of finance that is far-reaching. Whether there is a surplus of the use of electricity, that expense will bring in a much greater return, the financing. If you will make that business, public power, financing and your investment, you will give the best interest rate that you can get and that rate will be a much greater expansion of the use of electricity possible.

On account of these facts the public power industry and power throughout the nation become of tremendous interest to you, further the fact that the public power will be the use, and this will result in a tremendous extension of financing for the generation, transmission and distribution. But the most of financing that you find here.

Every additional kilowatt-hour put into service means a greater volume of industry requiring further financing. Every additional kilowatt-hour put into the home requires further financing of homes, the construction and all the appliances that go to make the home more comfortable. This manufacturing requires further financing, and so, the cheaper manufacturing and consumption go for a greater volume of electricity. The question then becomes, "What is the best way to lower the price of electricity in the homes and factories and business houses of the United States?" and to mention home light, street and commercial lighting. On this question you will hear from both public power and private power.

Your convention has assigned to me the task of discussing Public Power upon which subject my views are well known, because of my own direct experience in connection with public power projects. I wish to make it clear that in speaking upon this subject that I am reflecting my own views and not necessarily those of the Securities and Exchange Commission, which body you will know has no function that is in any way related to the administration of public power projects that have been or are being developed by the Federal Government. As you know, the functions of the Securities and Exchange Commission are confined primarily to the protection of the investor so as to assure the safety of every dollar that he invests in securities. As a member of the Securities and Exchange Commission, it is not within the power of my associates in the impartial administration of these Acts of the Congress under which we have been given jurisdiction and thereby render a service of value to the people of our country.

Public power advocates believe that the yardstick, the public plant, is the only method by which rates can be reduced to the point where they should be.

State regulation has brought us its houses throughout the country a number of very excellent, honest men. Sometimes they have fought the battle hard and made

\*Power supply is purchased from private power company.

good, only to be held up for years in the courts. The regulatory bodies have thus done a tremendous amount of good in some states, especially in the control of issuing of bonds and stocks, but all in all, state regulation has not been a complete success.

Public power has a tremendous influence in the reduction of rates of private power. Let me call to your attention the great and fundamental difference between private power company financing under our existing methods of regulation and public power methods of accounting as used by municipal plants and the plants of the Federal Government.

Under state regulation a power company is not usually required to amortize its bonds, and so goes along through the years refunding its bonds as they come due from new bond issues.

The company is allowed often up to 3 per cent depreciation. The theory of an annual depreciation allowance is that it will go into a fund that at the end of the useful life of the plant will build a new one, or under a better system the company may be allowed to put it into new construction. The history of regulation, however, has shown us that these depreciation allowances have been largely used for purposes other than replacement of property.

On the other hand, a municipal plant or a federal plant has a financial structure based on the idea of paying off and thus cancelling its indebtedness as its bonds come due. It usually charges off on its books depreciation from about 1½ per cent in federal plants to about 3 per cent in municipal plants, but actually uses an amount about equal to this depreciation for the amortizing of its bonds, an amount that a private company does not use for the purpose of reducing its debt.

Thus, the capital cost of a public power system keeps slipping away year by year. If the system is growing rapidly, its bonds outstanding may be greater in total amount year by year, but the capital cost back of every kilowatt-hour output is getting less and less. Since the ideal of the public plant is for service instead of profit, the declining capital cost per kilowatt of output is soon reflected in lowering of rates.

One fact here that is interesting to financiers and to the manufacturer is that as these rates are reduced a greater amount of electricity is required and this in turn requires greater manufacturing and greater financing for both power plant and system and for the manufacturer, as well as for every business that the greater use of electricity promotes.

Those in public power believe that the handling of this great utility is a public function, being in a class with streets, sewers, roads and water systems, necessities that are the life-blood of the nation, natural monopolies totally distinct from our great competitive system of ordinary business.

Electrical power has become a necessity. The rivalry of cities in the inducing of industry to come within their limits has become of greater importance to those cities than the competition between private and public power. The hand that controls the electric switch today dominates civilization. We have passed from the iron age and the machine age into the electrical age and our industries and manufactured products depend on electricity.

May I tell you some facts from my own work in the Seattle Municipal Plant, which it has been my privilege to direct and with which I have been connected for over 30 years. The gross revenues of that plant are around 5 million dollars per year. It serves close to 100,000 customers in all classes of light and power. Every year about 1½ million dollars of bonds are paid off; that is about 30 per cent of the gross revenues. Contrast this with a private power system which does not amortize any bonds. Suppose that a power company used this 30 per cent of its gross revenue for dividends; 1½ million dollars would pay 5 per cent on 30 million dollars of stock. In the Seattle plant, in addition to amortizing this 1½ million dollars a year, the interest on outstanding bonds, amounting to about another one and one-third million, is also paid and in addition, the system pays about \$500,000, in state and city taxes and donations to the general tax fund of the city.

Surely, since a private power system does not redeem its bonds, it should not object to the competition from a public plant that is not only self-supporting but pays a fair tax. One thing that this convention as bankers should appreciate is the fact that by paying off its bonds regularly a public plant keeps its value greater than its indebtedness and this keeps a conservative sound value back of its bonds. Contrast this with the pyramiding of stock of the last decade that has brought so much disaster.

Compared with some of the cities and rural districts of our Canadian friends across the line and with some of our own public plants, the United States is over-charged millions of dollars every year.

But there is another question far more reaching that concerns us now. It is the fact that the use of electricity is only a small fraction of what it can easily be. The whole industrial structure of our nation is cramped from the lack of power. The work in the home is vastly greater than it should be. There are 6 million farm houses in the nation that are without the advantage of electricity. The average number of kilowatt-hours used in the home per annum is only 673, yet the use in some public systems rises from 1000 kilowatts up above 4000 per annum, or over six times the national average. By the time the national average rises six times,



those plants will probably be still just as far ahead. The question is *when* will we make it. Next year will show a tremendous increase.

The simplest plan of the sale and distribution of surplus power is, naturally, the most economical and, therefore, the one subject for discussion. The building of a power system may be divided physically into three parts: the generating plants, transmission lines, and the distribution systems. When a city or district undertakes the building of a public power system for its own use, the simplest plan is for it to handle the whole system itself.

In the case of the federal generating plants, the simplest system and the one preeminently better than all others is for the Federal Government to take complete ownership and operation of such plants and to build the main transmission lines. The government would sell wholesale to the entire Nation or companies to be served, delivering the current at their rates or at such points as the transmission or company can conveniently reach with its own lines. The system is then divided into two parts: the government and the separate companies. This system of distribution is by far the most successful because no one can handle such a machine as well as the one that pays for it.

The local handling of distribution allows for the spontaneous placement of complaints. It needs the handling of the constantly coming in the home needs of the community. It allows the work to be done for local purposes and it allows the profits to remain at home.

Another important fact is that each city and district can pay taxes to itself, whereas taxes cannot be derived from a sale of national distribution since if the Government wished to distribute freely.

On the Canadian side the Provincial Government distribution system is being built in many cases, but in this country this work is being handled by the Rural Electrification Administration through cooperation, a system which gives governmental help in the promotion of rural electrification but not across the distribution to the hands of the local people interested.

Power should be sold as far as possible wholesale to districts and companies at a uniform rate throughout the entire system. Both public and private distribution systems should be given the same rule. Whenever a public power system can carry current, though the wholesale rate charged is the same, preference should be given in priority of contracts to the public utilities, but the companies should be allowed to contract for power, with the government holding one right to cancel the contract in favor of a public, city or district system, giving the company a reasonable time to get another source of supply, say 30 or 60 days.

Whenever a private power company can't wholesale to public and utility concerns they too should be willing to give the same wholesale rate.

Any attempt at a partnership is so safe that any man here is a success, and never can be a success. You cannot make a partnership prosper a company that carries its indebtedness forever when the structure has rotted from the inside, and whose ideal is to make dividends on that perpetual indebtedness and a company that rapidly pays out its debt and whose ideals are for the earning of profit. Any compromise of a rate between these two would be a sacrifice to the public side, their proper right is a lower rate.

Cities and districts are best interested in federal power where there are economic benefits on one or both sides, because their taxes and their amount of investment are the same.

Both municipal and federal systems may be retained with respect to power ownership but only for the interchange or sale of power and not in any way with a partnership of management. On this account, and for other reasons, it is very doubtful if it is strictly fair to compel a company to give a certain profit rate according to a federal or a city plant from which a company must of necessity buy. In fact, it is doubtful if cities or districts to which power is sold should be compelled to give a certain retail rate.

A uniform residence retail rate might have considerable justification, but the needs of each district are subject to considerable variation. One may want to conserve irrigation and another close by to promote manufacturing. However, the question of uniform retail rates is only a matter of secondary importance.

In the case of private power companies it is assumed that the large government plants, especially where there are few public district or city systems, would reach such a company to buy current from it on a fair basis. The price would be several mills; say 3½ mills at the power house. Perhaps the company would make the current for ½ mill or a mill more. It is the wish of the government that the advantages of public power be passed on to the customer. In the home the customer pays several cents per kilowatt-hour, probably eight or ten times the cost at the power plant, yet there is only one mill differential to pass on to the reduction of bills in the home.

This very fact shows that the other seven-eighths of the cost to reach the home consumer is not in the power plant at all, but in the lines and distribution system. This proves in turn that the power plant is about one-eighth of the yardstick and the other seven-eighths must now be added by some system which will make a reduction in the cost of distribution from the power plant to the customer.



How is this to be done? Evidently not by demanding a reduction of several cents in the customer's bill for the advantage of a mill at the generating plant. This is the real question now between public and private power systems. There is only one answer to the question. It must be done by the people themselves locally through public power plants or through their insistence that the private companies get the spirit of modern times and make the proper reductions.

The people of America are not asking that their bills for light and power be reduced. They are really asking that they get more current for the same money. This points to the production of greater quantities of energy—two, three, or four or five times as much as today. It can be given to the people at the lowest of rates and yet with still greater profit to the power concern whether it be public or private.

It is a remarkable fact that wherever there is a municipal plant with low rates you can travel radially away from it and find the rates of private companies equally low when you start and rising at more distant points, and yet, the concerns with the low rates are doing better than those further distant.

The great federal power plants at Boulder, Coalee, and Bonneville, and in Tennessee are rapidly proving themselves to be one of the greatest moves ever made in America. It is regrettable beyond words that the St. Lawrence at Messina is not now being constructed. It takes time to build these plants and the demand is rising at a tremendous rate, doubling about every 7½ years throughout the country and doubling regularly at Seattle and a number of other municipal plants every 5½ years, up to the time of the depression.

The doubling of all power facilities in this short time is almost beyond the imagination. It means in the case of the doubling of 5½ years that in that time all facilities must be doubled and must be increased four times in eleven years, eight times in 16½ years and must be sixteen times as great 22 years from now. With the reduction of light and power rates throughout the country development would be at least as rapid as in these low rate plants.

With the great federal plants goes the tremendous improvement in irrigation, navigation and flood control—permanent additions to the wealth of the country.

It must be remembered that the great objectives reached by the building of these plants is the prevention of the cornering of electricity by a few individuals, the production of great quantities of electricity, and the building of these great natural resources by the government where no individual or group of individuals is strong enough financially, or perhaps we should say, has the vision and the faith to build them.

Let us hope that the government will also build the main transmission lines for the distribution of this power. The people must now realize that they must bring the current themselves from the present power lines or plants. Electricity will not come to them of itself, and it will not come to them for nothing, and it can not be operated for nothing.

About seven eighths of their cost in many places is yet spent in taking the current from the plant to the home and the retailing of it from house to house. Instead of waiting for the government to do anything in this work the people should themselves take hold and form their power districts where the power company is unwilling to serve them at a proper rate.

In forming such a district or in instituting a public plant in a city, I am firmly convinced that every effort should be exhausted first to buy out the power company property.

I have been through a competitive battle at Seattle for over 30 years. About three fourths of the people will patronize any public plant. I have been misquoted in some of my statements concerning competition so wish to state here that in Seattle we brought down the rate from 20 cents per kilowatt hour to a maximum 5-cent rate and an average rate of about 2½ cents in the home, with very low industrial rates down as low as 3.4 mills in steel furnaces. This is what public power can do. It has been necessary for the self-protection of the city. The very life-blood of a city is its industries and its homes.

But I also believe that every effort should be exhausted in buying the private company at a fair price. Nothing for over-capitalization, but a fair price that will compensate the bondholders and the stockholders who have made an investment in good faith, and something to the company for quitting the job. My reason for this plan is that I made a careful survey in Seattle and found that for every \$3 taken in by the private power concern and ourselves in the public plant \$1 was lost to us in duplication and competition and this dollar loss alone would be quite sufficient to retire the bonds issued for the purpose of buying property of the private concern and pay off those bonds as they became due. Serial utility bonds are all that is necessary for such a purchase. The taxpayer would not then have to pay a cent, but gets the property presented to him for nothing. He pays for the property anyway over and over again every 20 years and has purchased it in the past about twice. He might as well own it.

Where these public agencies will buy out the competitor they can again cut their rates in two, for two power systems, on account of duplication and competition, cost the customer twice as much as one, or more than twice as much. This fact is self-evident.

[illegible]

In other words, each particular case of communication should be an *ad hoc* move.

There is also considerable talk of the possibility of a new method of raising capital from abroad. For about a century now, the normal way of raising money from abroad has been by the issue of bonds or shares in foreign companies. But now it is being suggested that there is a field in which the normal method of raising money from abroad is to issue bonds or shares in foreign companies. But now it is being suggested that there is a field in which the normal method of raising money from abroad is to issue bonds or shares in foreign companies.

the east. A 1000-mile railway of engineering is being planned to run the length of the St. Lawrence in Maine, Canada and Quebec, Canada and on down in Wisconsin. I expect that the United States could be a great beneficiary because of one of the new structures, the St. Lawrence.

of tomorrow. There have  
but the fact is that  
will be no coal in London  
more than the amount  
Columbia River has considerable more capacity, but unfortunately it is more than  
1000 miles from the  
greater and greater  
turned to the great  
leaving a  
Dakota lignite beds could furnish Chicago, and the Arkansas beds could furnish  
the Atlantic coast. New York

It must be remembered that if we consider the 30 years of 30- to 35-year bonds in the life of the country, the average life of those bonds would be only 15 years. The total interest would have to be paid in 15 years. If we consider the 30 years of 30- to 35-year bonds in the life of the country, the average life of those bonds would be only 15 years. The total interest would have to be paid in 15 years. If we consider the 30 years of 30- to 35-year bonds in the life of the country, the average life of those bonds would be only 15 years. The total interest would have to be paid in 15 years.

To those who think that the business of life and property is the exercise of private power, we say that the Government is not a power, but a trust. We have sent out before the Government and that we are now to see will bring a condition of affairs that has never before in the world thought, namely, that there will be no increased use of private power in the future in both public and private power. And there is no power in the Government, but the power of the people. The yardstick of public power and that through the country, which is the Government of the people, is the power of the people, and the area in which distribution is made by the people. Therefore, the Government will set the pace for rates in the future.

The cry against the good police parties has been the fear of the mobsters, and not really the fear of any damage to the city's economy, for the city is left with its body in power, must surely crave justice.

It would be better for both scientific and policy reasons if the categories were more accurately defined and less broadly based. For all these kinds of the great federal plants should be given a somewhat separate treatment concerning the information for power purposes.

As to rates in the home, the home owner unconsciously budgets his light bill and so as a general rule he does not wish his bill lessened, but wants his rate lessened so he can get more for his money.

The power concern is, therefore, guaranteed that in three or four months at the most the residence load will come back at least to normal after a cut in rates.

The investment banker can help the situation to a tremendous degree. Just as low rates in current bring greater volume of business and greater profit, so lower rates for money will call for greater volumes of money and greater total profits to the bankers, and build the physical needs of the nation.

You will find about the same cross section of people in any group whether it be the private utilities or public utilities or any group of people. You will find the same cross-section in the investment bankers. It is in your hands to promote a tremendous business by looking carefully into the merits of every reasonable request that comes to you be it public or private, and try to bring the money to the needs of the people rather than having the needs of the people crying to you for money.

## EXHIBIT J. J.

### THE CASE FOR PUBLIC OWNERSHIP

Presented by R. E. McDONNELL.

In Public Debate before Missouri State Teachers Association  
Kansas City, Mo., November 12, 1936

#### *Case for Public Ownership.*

The real purpose and objective of public ownership is the ownership, operation and management of electric utilities in a manner so that the greatest good and benefit will accrue to the public as their owner. In one case the public is the beneficiary. In the other the private owner, capitalist or holding company is the chief beneficiary. It would seem that an ownership which gives all its benefits to the public is preferable to an ownership which gives its chief benefits to an individual. In one the profits go to the public in the form of lower and lower rates. The basic purpose of private ownership is private profit, which goes to swell the already fat incomes of utility magnates and holding company officials.

Electricity, the article produced, is the same regardless of ownership. It is a standard product, producing the same results when used. There is little or no difference between the generation costs under municipal or private ownership. A pound of coal, a barrel of oil, or falling water produces just as many kilowatts for the public as it does for an individual. The real merits of arguments, therefore, relative to public ownership relate largely to that of management, control and operation. I shall, therefore, attempt to show wherein the public enjoys greater benefits under municipal ownership.

#### *Why Public Ownership?*

Electricity more and more has become a part of our everyday existence. The industry has become a necessity in modern domestic life. Electricity in some way enters into every phase of the daily life of all the people. It, therefore, is important as to whether or not this industry, so vital to the welfare of the nation, should be exploited by private interests and handled to their financial benefit instead of being handled in the interest of the public.

This article is the affirmative speech by Mr. McDonnell in a debate with B. J. George of The Kansas City Power & Light arguing the comparative merits of public and private ownership of electric utilities. The debate, "Resolved That All Electric Utilities Should Be Governmentally Owned and Operated," was presented recently before a meeting of the Missouri State Teachers Association at Kansas City.

Widespread use of electric power among the vast majority of its citizens has demonstrated that the city must take the responsibility of providing some kind of reliable source of power to its citizens at a reasonable price. Mr. McDonnell goes on to show that experience has proven the most economical method of delivering this electrical service is for the city to operate the system itself.

#### *Regulation Not Enough.*

Some may hold that because we have an elaborate system of regulatory commissions—local, state and national—that protect the public in the matter of rates and service, there is no need of public ownership. Many of our states passed what were considered ideal regulatory laws, and established high minded, well meaning commissions. They have been, however, almost powerless to regulate rates and operations effectively. Rates remained high. Dividends were not made on actual investments, but on inflated values. Companies were over capitalized and manipulation of stocks and bonds, which still continues. We soon found that many of our commissions that were supposed to regulate rates were being regulated, themselves, by the powerful holding companies. If a well-meaning commission did authorize a reduction of rates its decision was promptly appealed and carried into the higher courts; so, in the final analysis, the courts were really the regulators of rates—not the commission.



The New York State Utility Commission has had one case before it for over 20 years, and the case not finally settled as yet. It is a long drawn out and expensive procedure for cities to attempt to secure just rates by regulation. Walter J. Springfield, Commissioner of Public Property at Springfield, Illinois, and President of the Public Ownership League of America, says that the regulation of utilities by the commission of Illinois has become a scandalous and almost impracticable system. He further adds that the one municipal plant at Springfield, Illinois, has lost more money bringing down rates and regulating rates in Illinois than all the commissions since their inception.

Large contributions were made by the utility corporations to bring about the election of Frank Smith as United States Senator at Illinois. The Mr. Smith was chairman of the State Utilities Regulating Commission, and had caused the utilities so faithfully that they decided to make him United States Senator. It was a common remark in Illinois that "they had one last Senator that would not fail." Fortunately, he never gained his seat after going to Washington.

In my own experience of nearly forty years in engineering and appearing before about twenty five state utility commissions, I have caused the commissions that taking all things into consideration, such as the expense involved and the trouble obtained, state regulation was never a failure.

Every effort to abolish the state commissions brings the utility companies to their defense.

The New York Edison Company spent over five million dollars in fighting and winning case, and it should also be kept in mind that this enormous expense of fighting for regulation of rates has been paid by the electricity consumers. So, in regulating rates, the public pays the bills of both sides to the conference rate-making rates. It is this failure of regulation that has caused the public to look toward municipal ownership.

After summing up the arguments before the Federal Trade Commission on regulation, the general conclusion was, "Thank us you wish, it is competition that brings the price down, and not regulation."

Further, Mr. Arkwright, President of the Georgia Power Company, pointed out that it was the United States Supreme Court that determined "the method of arriving at the value of rate-making purposes" and that the state regulatory commissions.

#### Public Ownership Reduces Rates.

The 1977 municipal electric plants in the United States have been the pioneers in establishing rates. The general policy of the municipal plants through the country is to establish rates sufficiently high to pay the operating costs, making care of the fixed charges, with sufficient reserve to maintain additions and extensions to the plant, keeping it modern and in condition to serve the public. Therefore, there is no incentive toward getting by a service. As return accumulates and surplus piles up then the municipality has promptly reduced its rates, and every reduction in rates has produced a wider and freer use of electricity. So, as rates went down the use of electricity and consumption of electricity went up, thus giving to the public greater benefits.

Reductions in rates have been consistently resisted and opposed by the privately-owned companies. Many of these companies declared a resistance in rates would be impossible, and would lead them to bankruptcy. It is not unusual for companies to make three, four and even five reductions in rates to build off the construction of a municipal plant. Yet, after the municipal plant has become established, these same companies will make so-called "voluntary reductions" and meet the rates of the municipal plant. Strange as it may seem, the companies meeting these reduced rates have in many cases enjoyed greater revenues under these reduced rates than they formerly did. We have two examples of this policy: one, in the Tennessee Valley Authority, where the Georgia Power Company, in lowering its rates to meet the T. V. A. rates, experienced the highest net income in 1935 in the history of their company; another, at Cleveland, Ohio, where the Cleveland Illuminating Company competing with the municipal plant enjoyed a higher net revenue after reducing its rates because of the establishment of the municipal plant. This is a direct benefit to thousands of users of electricity, coming solely thru the establishment of competitive service.

Compare the residential rates in Kansas City, Kansas, under municipal ownership, with those in Kansas City, Missouri, under private ownership:

5 Active Room House	Kansas City, Mo.	Kansas City, Kansas
50 Kilowatts cost-----	\$2 75	\$1 80 or 34.0% lower
75 Kilowatts cost-----	\$3 38	\$2 30 or 32 % lower
100 Kilowatts cost-----	\$4 00	\$2 80 or 30 % lower
200 Kilowatts cost-----	\$6 50	\$4 80 or 26.2% lower



These lower rates in municipal plants are made possible because:

1st—Of the lower interest rates of the municipal plant.

2nd—No over-capitalization.

3rd—No expensive holding companies.

4th—No exorbitant salaries to executives.

It is the policy of the municipal plants to reduce rates from 20% to 35% as soon as the municipal plant is established, and then continue to reduce the rates as the bonds are retired and fixed charges wiped out.

An answer to the question of whether rates are lower under municipal ownership or private ownership was attempted by the Federal Power Commission. Such an analysis, made with the use of accepted formulae and interpreted by unbiased authorities, is as follows:

Arriving at the average by weighting population is fair. In other words, the correct average cannot be secured by comparing the rates of a large community with the rates of a small community. But, when compared on a basis of total population served, the average for private and municipal utilities in communities of all sizes of the nine geographical divisions of the U. S. are as follows, as set forth clearly in the tables of the Federal Power Commission, and using their own words for their analysis:

"Municipal utilities averaged lower rates for use of 25, 100 and 250 kilowatt hours in five of the nine geographical divisions, namely the New England States, the Middle Atlantic States, East North Central States, Mountain States, and Pacific Areas.

"The private utilities averaged lower rates for the South Atlantic, East South Central, and West South Central areas. Averages are about even for private and municipal utilities in the West North Central states area."

Finally, the conclusion of the Federal Trade Commission was that "when averages of all nine geographical divisions are combined (still keeping the final result of weighted averaging), the rates for the entire U. S. the municipal utilities averaged lower rates than private utilities for a domestic use of 25, 100 and 250 kilowatt hours."

Therefore, for the entire United States the municipal utilities, according to the Federal Power Commission, Table 11—Rate Schedule No. 5: 25 kilowatt hours under municipal ownership costs \$1.55, under private \$1.79; 100 kilowatts under municipal ownership \$1.27, under private \$1.79; 250 kilowatts under municipal ownership \$8.16, under private \$8.99.

I want to cite you just a few of the comparisons of rates before public ownership and after public ownership:

	BPO	APD
Cleveland, Ohio	10c	3c
Seattle, Washington	20c	5c
Tacoma, Washington	15c	4c
Pasadena, Calif.	15c	4c
Jamestown, N. Y.	10c	3c
Columbia, Missouri	12c	5c
Virginia, Minnesota	11.3c	2c
Holyoke, Mass.	16c	4c

These are just a few typical examples of what has happened to rates after establishing municipal ownership. Municipal rate reductions have been voluntary. Private company rate reductions have been resisted and contested before commissions and courts, involving an enormous expense, all of which is merely added to the customer's already high bill. Every rate reduction made by a municipal plant is invariably followed by reductions made by the private plant. An outstanding example of reductions in rates by the municipal operation is at Los Angeles, California, the largest city in America under municipal ownership. There, on December 16, of last year, the rates were reduced 10%, making a saving of \$1,625,000 to the users of electricity annually. This was just one of the six reductions made since the depression, making a total saving to the customers of eleven million dollars. It should not be overlooked that in addition to these reductions in rates the municipal plants have been contributing heavily to the general fund during the same period, thus saving the best plants.

The saving to the citizens in the reduced rates at Cleveland since the establishment of that plant amounts to over fifty million dollars. In other words, the savings to the public have been ten times the cost of the plant.

#### Wider Use of Electricity.

The wider use of electricity is beneficial to the public. As the price of electricity has come down its use has been multiplied. Formerly, electricity was generally used in a house for lighting only, and now we have modern homes with as many as 25 to 30 electrical appliances used, thus lessening household drudgery and performing every task electrically. The heaviest household tasks, such as washing, ironing, cooking, heating, refrigeration, and, now, air conditioning and cooling, are all done electrically. This is made possible by the low price of elec-



experience I have never heard of a labor strike in a municipal light plant. Evidence of these facts is found in the action of the International Brotherhood of Electrical Workers in their support of municipal and public ownership as a general principle, and especially in their testimony given before the Code authorities in the recent hearings in Washington, D. C., in which they declared that wages and labor conditions under municipal and public ownership were much better than under private, and for that reason they supported the municipal and public ownership projects.

#### *Private Ownership and Politics.*

Those opposed to public ownership have harped for years on the question that those supporting it were communists and reds, socialists, anarchists, etc. While, as a matter of fact, it is nothing but plain, common business sense, and has no relation whatever to any socialistic ideas or propaganda. If public ownership of public utilities was socialistic propaganda we must have 80% of our cities socialistic for we now have 80% of all water plants municipally owned. It has been my observation that there is not one-tenth the political corruption or interference in municipal plants that there is in the private plants. When cities cease to issue franchises for electric light and power and other utilities they will not have these valuable franchises to fight over, and politics will disappear when public ownership comes into operation.

#### *Utility Boards Valuable.*

It is fast becoming the universal policy of cities throughout the country to establish public utility boards of high-minded citizens for the management and operation of light and power plants in a similar manner to the school boards. These boards attract the highest type of citizenship. We rarely hear of any corruption in the management of these utilities. The cities throughout the country enjoying this utility board management report no changes in the employees because of politics. We have some fine examples of these non-partisan utility board managements in such cities as Los Angeles, Lansing (Michigan), Tacoma, and here in our neighboring city of Kansas City, Kansas, where a utility board sits as a board of directors in an advisory capacity, and their general manager handles the entire management of the utility. I defy any private plant in the country to equal the record of this city where the average employment has been 12 years 10 months for the men employees and 12 years 11 months for the women employees, and a manager that has served the department for approximately 25 years.

These managers are universally looked to good load factors, high efficiencies, fuel economies, and lower generating costs. The tenure of office of these managers, operators, and superintendents is as long as the managers of the private institutions if not longer—some serving as long as 25, 30 and even up to 50 years in these departments. Yet, the partisan advocates of the utilities would have you believe these positions are all changed with every election.

There is no monopoly on the brains or ability serving either the private or the municipal plant. There is that same high-class service and loyalty existing in both the private and municipal installation.

It behooves the advocates of private ownership to keep rather silent on politics, for we have never experienced a greater scandal in the history of our country than the Insull scandal, wherein \$200,000,000 worth of fraudulent stocks were issued against these utilities. Thousands of school teachers were innocent purchasers of these inflated stocks.

#### *Lower Fixed Charges.*

One inherent difference between public ownership and private is the fact that it is the policy of the municipal plant to retire the bonds out of the earnings, and wipe out in a few years the fixed charges. This makes it possible to come down lower and lower in rates. The opposite policy prevails with the private plant. According to the Federal Trade Commission's report, there was a write-up in the value of public utilities up to June, 1935, amounting to \$1,463,334,892. These write-ups were in excess of any tangible construction cost, and were inflated values pure and simple, and were the sworn confessions before the Federal Trade Commission.

It was this policy of pyramiding the cost, adding stocks and bonds, and inflating the value that really brought about the government's investigation as to the high charges of electricity. The only hope, therefore, of lower rates comes through the municipal plants. The fixed charges and write-ups of the private plants prevent their lowering rates; and with generation costs about the same for both municipal and private plants, the municipal plants have been given this distinct advantage of being able in a short time to lower rates through the elimination of their fixed charges. With the light and power plant it is not the policy of the holding company or owners to ever free it from debt. Every time any extension or enlargement or change of ownership is made the debt is increased—never intending to retire the debt. Therefore, when you consider these fixed charges you will find the lower cost of production and distribution of power is with the municipally-owned plant.



### *Private Profits Excessive.*

The records of the Federal Trade Commission now amount of 50 volumes, filled with the confessions of the utility engineers and holding company officials. These are a most useful tale of corruption, and tell of the buying of legislatures, the purchasing of newspapers, the editing and publishing of secret books, and a widespread corruption throughout the country. These Federal Trade Commission volumes were given but very little publicity, only the constant notice being given in the press—the chief reason being that utility companies were receiving large contributions in most all of our daily newspapers, and these could only spread their evilness.

It should be understood that these writings, full of inconsistencies, represent no investment whatever. They are simply business bookkeeping entries by which the capital investment is increased as a means of concealing and ultimately increasing the earnings of those who own and control the utility.

Just a few instances of these writings, as discussed in the Federal Trade Commission, are the following:

The Electric Bond and Share Company a writing of \$100,000,000 dollars.

The American Gas and Electric Co. a writing of \$5,000,000 dollars.

The American Power and Light Company a writing of \$5,000,000 dollars.

The New England Power Association a writing of \$4,000,000 dollars.

The Georgia Power Company a writing of \$4,000,000 dollars.

Utilities claim that the holding companies are of great service to the operating companies because they render important services in the way of engineering supervision, financing, etc. The investigations of the Federal Trade Commission disclosed that in many cases the charges for these services amounted to enormous profits to the holding companies. In one case it paid an engineering charge or profit as high as 75%, in another a profit as high as 243%.

Senator Norris, in discussing this question, said: "In my opinion, holding companies constitute the greatest evil of our civilized age."

These confessions before the Federal Trade Commission showed that some of the private utilities were able to earn 41%, 60%, and even as high as 148%, as explained in Senate Document No. 213.

This explains why the enormous profits and drains on the electric industry that permitted salaries to Senator Lowell of over one-half million dollars a year. The public is certainly not the beneficiary in such transactions. Our municipal plants do not have any of these high-priced keepings, and are successful because they.

### *Public Ownership Taxes.*

The opponents of municipal ownership often charge that it causes a loss in taxes which must be made up by increased taxes on the general public. They further contend that if the private companies were national of their taxes they could then reduce rates far below those of the municipal light and power companies. This contention of the private power companies and the opponents of public ownership is completely and finally disposed of by the findings of the Public Power Commission in their recent report covering the subject. This is "Rate Survey No. 5, Federal Power Commission's Electric Rate Survey," page 31 to 41. This survey shows that during the year 1933 the municipally owned light and power plants of the United States paid in taxes, cash contributions to general city funds and in free services rendered to the cities in street lighting, water pumping and miscellaneous purposes a total of 234 million dollars. This amounted to 22.4% of the base revenues of the municipal plants. Meanwhile, the private plants of the United States that same year paid in taxes 207 million dollars, which amounted to only 12.0% of their total base revenues for that year. In other words, taking the country as a whole, the municipal plants pay 10% more of their base revenues than the private plants pay in taxes.

Another item that should not be overlooked is the fact that these municipal plants are paying for themselves out of their earnings, and are consequently a cash surplus besides. Many of the municipal plants pay into the city treasury taxes equal to the taxes paid by the private company before municipal ownership took place. Kansas City, Kansas, for example, reports its savings in taxes as approximately six and one-half times the amount lost in taxes.

Cleveland, Ohio, shows from their annual reports that the savings resulting from lower rates were almost ten times as much as the amount the city lost in taxes which the plant would have paid had it been privately-owned.

### *Conserves Resources.*

Municipal and public ownership not only keep the earnings of those plants at home in the local community, but also keep the control of the project at home.

Public ownership of electric utilities conserves the nation's natural resources. The water power of the nation can be used over and over again in the production of electric power as it flows from the river sources to the ocean. We see in the Tennessee Valley a good example of how this is beneficial to the public, whereas a series of dams are being built on the stream in this valley, holding water that would be destructive in times of flood, and utilizing it in the generation of power, and



selling it at low price to the consumers. This is a public benefit resulting directly from publicly-owned operation and management. Compare this with the policy of the private company which was to get the water rights for ownership and control of the streams and then holding them without development—developing only a limited volume of electricity, instead of making electricity available for all to use and enjoy.

#### *Record Justifies Public Plants.*

The record of the 2000 municipal plants, themselves, is the best argument and propaganda that these municipalities can offer as to the success of municipal ownership. Their existence is believed to be fully justified, and their conception, operation and management has been in the interest of the general public. They are not new. They are not experimental. We have now in existence 53.56% of the light and power plants of America that are municipally owned, according to the latest government census report. Whether these municipal plants are acquired by negotiation, purchase or competitive bidding, they have finally been established and are proving to be yardsticks throughout the nation in showing what electricity can be purchased for. These plants are fulfilling their mission of bringing to the citizens a full measure of comfort in the home at a reasonable cost.

This, I contend, is a public benefit!

#### AVERAGE MONTHLY BILLS FOR RESIDENTIAL SERVICE MUNICIPAL AND PRIVATE UTILITIES, JANUARY 1, 1935

Weighted According to Population Served,  
Based on Table II, p. 12, Federal Power Commission  
Electric Rate Survey, Rate Series No. 5

		25	100	250	No. of Communi- ties Served	Pop. of Communi- ties Served
		KWH	KWH	KWH		
New	Municipal Utilities	1.52	4.27	8.48	94	533,654
England	Private Utilities	1.95	5.26	9.63	1,510	7,623,992
Middle	Municipal Utilities	1.67	5.06	10.16	97	442,653
Atlantic	Private Utilities	1.89	5.18	10.45	2,792	22,046,296
East N.	Municipal Utilities	1.23	3.81	7.87	378	2,838,444
Central	Private Utilities	1.60	4.20	8.09	5,667	18,064,812
West N.	Municipal Utilities	1.78	4.74	9.08	611	1,309,449
Central	Private Utilities	1.80	4.59	8.24	4,084	6,459,508
South	Municipal Utilities	2.10	5.52	9.30	207	945,871
Atlantic	Private Utilities	1.78	4.81	8.44	3,196	6,355,821
East S.	Municipal Utilities	2.04	4.98	8.67	78	251,206
Central	Private Utilities	1.70	4.48	7.89	1,914	3,405,836
West S.	Municipal Utilities	2.31	5.66	10.52	140	570,878
Central	Private Utilities	2.11	5.41	9.18	2,315	5,271,842
Mountain	Municipal Utilities	2.03	4.94	9.00	109	189,675
	Private Utilities	2.14	5.23	9.42	1,126	1,900,729
Pacific	Municipal Utilities	1.26	3.34	6.20	61	2,094,075
	Private Utilities	1.45	4.14	7.25	1,082	5,857,669
TOTAL UNITED STATES	Municipal Utilities	1.55	4.27	8.16	1,775	9,175,905
	Private Utilities	1.79	4.79	8.99	23,686	76,986,505

#### COMPARATIVE RATES

Giving the rates of a consumer with a 7-room house in Kansas City, Missouri, and showing the saving which could be effected by applying the rates of Kansas City, Kansas, or Tupelo, Mississippi.

Month, 1934	K.W.H	7-Room House K.C., Mo.	K.C., Kans.	Tupelo, Miss.
January	222	\$ 7.65	\$ 5.56	\$ 4.72
February	184	\$ 6.70	\$ 4.80	\$ 4.18
March	198	\$ 7.05	\$ 5.08	\$ 4.46
April	186	\$ 6.75	\$ 4.84	\$ 4.22
May	136	\$ 5.50	\$ 3.84	\$ 3.22
June	166	\$ 6.25	\$ 4.44	\$ 3.82
July	154	\$ 5.95	\$ 4.20	\$ 3.58
August	182	\$ 6.65	\$ 4.76	\$ 4.14
September	172	\$ 6.40	\$ 4.56	\$ 3.94
October	176	\$ 6.50	\$ 4.64	\$ 4.02
November	222	\$ 7.65	\$ 5.56	\$ 4.72
December	292	\$ 9.40	\$ 6.96	\$ 5.42
	2,290	\$82.45	\$59.24	\$50.44
Average Month	190.8	\$ 6.87	\$ 4.94	\$ 4.20
Average Cost—KW		3.6c	2.6c	2.2c

Saving per year if you had K. C., Kansas, Rates \$23.21

Saving per year if you had Tupelo, Miss., Rates \$32.01

**COMPARISON OF ACTUAL ELECTRIC BILLS IN KANSAS CITY, MISSOURI, OF R. E. McDONNELL, AND SAME BILLS IF THE KANSAS CITY, KANSAS, RATES AND TUPELO, MISSISSIPPI, RATES WERE APPLIED**

Service for Month	K.W.H. Usage	K C P & L Rate	K C Kansas Rate	Tupelo Rate
January, 1934	300	\$12.00	\$ 5.70	\$ 5.50
February	274	11.45	5.31	5.24
March	300	12.00	5.70	5.50
April	274	11.40	5.34	5.36
May	298	11.99	5.49	5.48
June	286	11.66	5.29	5.35
July	298	11.99	5.22	5.38
August	306	12.15	5.59	5.49
September	286	11.50	5.40	5.30
October	294	11.85	5.65	5.44
November	376	15.00	6.84	6.30
December	480	16.75	8.55	6.88
	3,718	\$146.95	\$79.17	\$69.09
January, 1935	450	15.75	7.05	6.70
February	392	14.00	7.08	6.42

**K. C. P. & L. COMPANY RATE**

Based on a 15 room home, 6.5c for the 5 K. W. H. per month per room, 4.5c for next 5 K. W. H. per month per room, and 2.5c for all excess.

**TUPELO RATE**

1st 50 K. W. H. at 3c.  
Next 150 K. W. H. at 2c.  
Next 200 K. W. H. at 1c.  
All excess at 4c.

**KANSAS CITY, KANSAS, RATE WITH STOVE**

1st 20 K. W. H. per month, 6c per K. W. H.  
Next 20 K. W. H. per month, 3c per K. W. H.  
All over 40 K. W. H. per month, 1c per K. W. H..

**Motion.**

Senator Seawell moved that 300 copies of the above report be printed under separate cover.

Motion carried, and such was the order.

**Request for Permission to Introduce a Bill**

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill. The title of same is set forth below:

An act to amend section 42 of the California Irrigation District Act relating to publication of the delinquent list.

Respectfully submitted,

SENATOR CUNNINGHAM

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Cunningham to introduce a bill entitled

An act to amend section 42 of the California Irrigation District Act relating to publication of the delinquent list;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.  
McCOLL.  
TICKLE.  
KNOWLAND.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 1099:** By Senator Cunningham—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list.

Senate Bill No. 1099 read first time, and referred to Committee on Irrigation.

President of the Senate in the Chair.

At three o'clock and five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Third Reading of Senate Bills.

Senate Bill No. 323—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and indorsing of warrants issued therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, and Westover—29.

NOES—None.

Title read and approved.

Senate Bill No. 323 ordered transmitted to the Assembly.

Senate Bill No. 1072—An act amending sections 9 and 31 of the act of the Legislature of the State of California entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their pro-

ceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to elections of sanitary boards in sanitary districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1072 passed by the following vote:

AYES—Senators Allen, Riggat, Cunningham, DeLap, Deneb, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGovern, McGovern, Metzger, Maxter, Nelson, Olson, Parkhurst, Phillips, Plummer, Quinn, Rock, Schottky, Senwell, Slater, Tickle, and Westreyer—31.

NOES—None.

Title read and approved.

Senate Bill No. 1072 ordered transmitted to the Assembly.

Senate Bill No. 1071—An act validating the election and classification of members of the sanitary board of sanitary districts reorganized pursuant to section 31 of the act of the Legislature entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, sewage tanks and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes thereon, the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: After reorganization of sanitary districts of this State pursuant to section 31 of the above mentioned act of the Legislature of the State of California elections have been held within such districts in which five members of the sanitary boards thereof have been elected, and the members so elected have themselves elected themselves by lot for the purpose of fixing their respective terms of office, and are now acting as such members. Doubts, however, have arisen relative to the legality of the organization of said sanitary boards as so constituted. Cleanup of such districts require the immediate construction and completion of sanitary works, which are essential to the health of the inhabitants of such districts, and for that reason it is desired to authorize, issue and sell these bonds, but such bonds can not be sold unless and until said doubts relative to the legality of the organization of the sanitary boards of such districts are removed.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Riggat, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGovern,



Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, and Westover—32.  
 NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1071 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, and Westover—29.  
 NOES—None.

Title read and approved.

Senate Bill No. 1071 ordered transmitted to the Assembly.

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 744 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, and Westover—30.  
 NOES—None.

Title read and approved.

Senate Bill No. 744 ordered transmitted to the Assembly.

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 671 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, and Westover—30.  
 NOES—None.

Title read and approved.

Senate Bill No. 671 ordered transmitted to the Assembly.

Senate Bill No. 515—An act relating to the purchase of wool from producers, prohibiting deductions for tags, fribs, crutchings or other off-wools, based upon a percentage of the weight or value of the wool, and providing a penalty for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 515 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—32.  
 NOES—None.

Title read and approved.

Senate Bill No. 515 ordered transmitted to the Assembly.

Senate Bill No. 413—An act to add sections 52, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLeon, David, Edwards, Garrison, Gordon, Hays, Holahan, Keating, Keough, Kneibland, Lusk, McCann, McCormack, McGowan, Metzger, Mixer, Nielsen, Parkerson, Phillips, Powers, Quinn, Schottky, Slater, Swagg, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 413 ordered transmitted to the Assembly.

Senate Bill No. 414—An act to amend sections 621 and 675 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 414 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLeon, David, Edwards, Garrison, Hays, Holahan, Keating, Keough, Kneibland, Lusk, McCormack, McGowan, Metzger, Mixer, Nielsen, Parkerson, Phillips, Presbyrne, Powers, Quinn, Schottky, Slater, Swagg, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 414 ordered transmitted to the Assembly.

Senate Bill No. 448—An act to add section 512 to the Vehicle Code relating to speed limits in the vicinity of State institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 448 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLeon, David, Edwards, Garrison, Gordon, Hays, Holahan, Keough, Kneibland, Lusk, McCann, McCormack, McGowan, Metzger, Mixer, Nielsen, Parkerson, Phillips, Presbyrne, Powers, Quinn, Schottky, Slater, Swagg, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 448 ordered transmitted to the Assembly.

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted.

**Amendment from the Floor.**

During third reading of Senate Bill No. 214, the following amendment, offered by Senator DeLap, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out all the language in lines 18 to 30, inclusive.

Senate Bill No. 214 read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 45 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33

NOES—None.

Title read and approved.

Senate Bill No. 45 ordered transmitted to the Assembly.

Senate Bill No. 158—An act to add sections 26, 27, 28, 29 and 30 to "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, and to protect the natural resources of oil and gas and similar hydrocarbons on State lands; relating to records, documents and information of certain types to be held as confidential; providing for use of such data in suits and legal action; providing for method of handling similar data furnished by parties not operating on State lands; and providing penalty for not carrying out terms and purposes of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 158 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Senate Bill No. 158 ordered transmitted to the Assembly.

**Withdrawal from Committee of Senate Bill No. 891.**

Senator Pierovich moved that Senate Bill No. 891 be withdrawn from Committee on Public Morals for purpose of amendment.

## Second Reading of Senate Bill No. 891—(Out of Order).

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to prevent wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to make an appropriation therefor.

### Amendment from the Floor.

During second reading of Senate Bill No. 891 the following amendment, offered by Senator Piersovich, was read and adopted:

#### Amendment No. 1.

On page 7 of the printed bill, strike out lines 1 to 45, inclusive, and insert in the floor the following: "provided for herein, one-half of the balance of said money to the Department of Institutions for constructing, improving, repairing and maintenance of the buildings and grounds upon the institution and control of the Department of Institutions, and the remaining one-half of said money to the several counties and cities and counties in the proportion that the population of the county or city and county bears to the total population of the State, to be expended by the governing board of such county or city and county for and on behalf of persons."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Morals.

## Withdrawal and Re-reference of Senate Bill No. 23

Senator Metzger moved that Senate Bill No. 23 be withdrawn from Committee on Agriculture, and referred to Committee on Live Stock and Dairying.

Motion carried, and such was the order.

## Re-reference of Senate Bill No. 365.

Senator Rich moved that Senate Bill No. 365 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

## Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 23 of Article VI thereof, relating to eligibility of justices and judges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it be adopted as amended.

Committee membership: 3; committee vote: Ayes—3.

KEATING, Chairman.

### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 338—An act to amend section 1228 of the Penal Code, relating to capital punishment;

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 259—An act relating to out-of-state parolee supervision and authorizing and directing the Governor to enter into contracts therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 133—An act to add Chapter 5, comprising sections 2400 to 2496, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein;

Senate Bill No. 134—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein;

Senate Bill No. 288—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein;

Senate Bill No. 289—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein;

Senate Bill No. 290—An act to add Article 2, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein;

Senate Bill No. 291—An act to add Article 2, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments;

Senate Bill No. 336—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists;

Senate Bill No. 679—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees;

Senate Bill No. 821—An act to add section 4300a to the Political Code, relating to moneys received by justices of the peace;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 837—An act amending sections 221, 222, 226 and 227, of the Civil Code, as amended, relating to proceedings on adoption;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1917.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 28—An act to amend section 151 of the Code of Civil Procedure relating to execution of judgments.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5; committee vote: Ayes 5, nays 0.

HAYS, Chairman.

**On Roads and Highways.**

SENATE CHAMBER, SACRAMENTO, March 11, 1917.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred

Senate Bill No. 167—An act to amend sections 100 and 101 of the Vehicle and Highway Code, relating to the Department of Justice.

Senate Bill No. 140—An act to amend section 104 of the Vehicle and Highway Code, relating to State Highway Route 4.

Senate Bill No. 411—An act to amend section 174 of the Vehicle and Highway Code, relating to State Highway Route 14.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 5; committee vote: Ayes 5, nays 0.

MATTHEWS, Chairman.

**On Finance.**

SENATE CHAMBER, SACRAMENTO, March 11, 1917.

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 164—An act to add a new section to the Vehicle Code, to be numbered 5754, relating to the collection of personal property by actual seizure in violation of automobile registration laws.

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership: 5; committee vote: Ayes 5, nays 0.

SWING, Chairman.

**On Municipal Corporations.**

SENATE CHAMBER, SACRAMENTO, March 11, 1917.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred

Senate Bill No. 24—An act to add section 16 to the Transportation Bond Act of 1915, relating to the rate of interest of locally issued bonds.

Senate Bill No. 45—An act to amend section 16 of the Transportation Bond Act of 1915, relating to the rate of interest of locally issued bonds.

Senate Bill No. 100—An act to amend section 16 of the Transportation Bond Act of 1915, relating to the rate of interest of locally issued bonds.

Senate Bill No. 100—An act to amend section 16 of the Transportation Bond Act of 1915, relating to the rate of interest of locally issued bonds.

Senate Bill No. 200—An act to authorize the creation and organization of a public utility commission within the city and county, county and governmental agency, society, association, political or public body, or any other public body, and to authorize the commission and any of its members to the purpose of defraying costs of construction or acquisition of public utilities and electric, gas, water, telephone, and telegraph lines, and to authorize the commission to purchase, lease, or otherwise acquire, and to operate, maintain, and control, and to sell, lease, or otherwise dispose of, any such public utility, and to provide for the payment of such bonds and the interest thereon.

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial limitations of said cities.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 5; committee vote: Ayes 5, nays 0.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1917.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred

Senate Bill No. 588—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State, authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds, or any other source of revenue derived or to be derived therefrom, providing for the amortization of such systems in case of deferments in revenues; providing for a statutory lien

on the revenues derived from the operation of said public utility; and defining the terms public agency and public utility as included herein;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; noes—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Senate Bill No. 981—An act to amend the title and sections 1, 1a, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 18, and to repeal sections 10, 12 and 17, of an act entitled "California Unemployment Relief Act of 1935," relating to the transfer of administration of relief to the Department of Social Welfare;

Senate Bill No. 478—An act to add section 371.5 to the Political Code, to abolish the State Relief Commission and the State Relief Administrator and to transfer their property, powers, duties, purposes, responsibilities and jurisdiction to the State Department of Social Welfare;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

### On Public Utilities.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads;

Senate Bill No. 711—An act to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to repeal an act approved February 9, 1897, entitled "An act to provide for the management and operation of railroads above certain elevations," relating to the operation of railroads and prescribing penalties for failure to comply therewith;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

PARKMAN, Chairman.

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Concurrent Resolution No. 29—Directing an investigation and report on the acquisition of the Antioch Toll Bridge;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

NIELSEN, Chairman.

### On Elections.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 71—An act to amend section 1160 of the Political Code, relating to the opening and closing of the polls;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

# Adjournment

At three o'clock and forty five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until ten o'clock a.m., Friday, March 12, 1937.

ELLSWORTH W. STAMMON, *Minute Clerk*.

## IN SENATE

SENATE CHAMBER.

SACRAMENTO, Friday, March 12, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, on the chair.

Secretary Joseph A. Beck at the desk.

## Roll Call

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Davis, Fletcher, Harrison, Gordon, Hays, Hollister, Houston, Keating, Kierstead, Lamb, McLean, Mack, McGovern, Metzger, Mixer, Nissen, Quinn, Parkerson, Phillips, Powers, Quinn, Rich, Schlotky, Senator Slater, Selby, Taylor, Ware, Williams, Williams, and Young. 47.

Quorum present.

## Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kitchner.

## Reading of the Journal.

During the reading of the Journal of Thursday, March 11, 1937, the further reading was, on motion of Senator Slater, dispensed with.

## Leaves of Absence.

Senator McBride was, on motion of Senator McGill, granted leave of absence for this day.

Senator Keating was, on motion of Senator Hollister, granted leave of absence for this day.

Senator Jaspersen was, on motion of Senator Phillips, granted leave of absence for this day.

## Privilege of Floor of Senate Extended.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John A. Miller, Sheriff of Contra Costa County.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Rudolph Ramelli of Vinton.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles E. Beny of Washington, D. C.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant R. J. McClain of Petaluma.



On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. B. Sherman, Sheriff of Tulare County.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. C. Baker of Salinas.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Pearl Brazil, teacher of Freeport School and the following fifth, sixth, seventh and eighth grade students: Therman Sprock, Joseph Thom, Edd Goodenough, Ronald Curran, Tony Gomes, Beverly Jane Neves, Katherine Ann Klotz, Marian Machado, Margaret Dee, Yasuko Imagawa, Ellen Dee, Deolinda Machado, Melva Sprock, Yukiye Imagawa, Ralph Young, John Mello, John W. Brown, Kiyoko Imagawa, Donald Nevis, Edward Neves, June Curran, Verna Neves, Martha Silva, Pearl Brazil, Della Gomes, and Marguerite Young.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. H. Price of San Francisco and Shelley Higgins of Coronado.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leon H. Ader of Alameda.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 32—Relative to approving two certain amendments to the charter of the city of Burbank, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on the third day of November, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. Booth, Assistant Clerk.

Assembly Concurrent Resolution No. 32 read first time, and ordered held at desk.

### Reports of Standing Committees.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 135—An act to amend sections 11, 13, 15, 15c, and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts; And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 18—An act to repeal section 307 of the Penal Code, relating to the sale and use of opium;

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8h, of an act entitled "An act to regulate

this rule had one of passage by the Senate of California and involving a penalty for the addition thereto," approved March 10, 1937, relating to deer-horns.

Senate Bill No. 141—An act to add Section 5001d to the Political Code, relating to value of money (p. 491).

Senate Bill No. 142—An act to add a new section to the California Irrigation District Act to be numbered section 484, relating to time in which options may be exercised.

Senate Bill No. 146—An act to add a new section to the California Irrigation District Act to be numbered section 473, relating to time in which options may be exercised.

Senate Bill No. 146—An act to amend sections 1569 and 1561 of the Fish and Game Code, relating to game.

Senate Bill No. 156—An act to amend section 737 of the Fish and Game Code, relating to fisheries.

Senate Bill No. 177—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.  
And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined:

Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game traps.

Senate Bill No. 187—An act to add Chapter III, concerning sections 1334 to 1341.6 inclusive, to Title X of Part II of the Penal Code, relating to the offense of attempting to obtain a witness without the State's official proceedings.

Senate Bill No. 215—An act to amend section 1306 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal proceedings.

Senate Bill No. 216—An act to add Chapter IV, concerning sections 857 to 862.1 inclusive, to Title III of Part II of the Penal Code, relating to the issuance and arrest of persons accused of crime.

Senate Bill No. 217—An act to amend section 709 of the Fish and Game Code, relating to penalties.

Senate Bill No. 243—An act to amend section 441 of the Fish and Game Code, relating to hunting and game preserves.

Senate Bill No. 235—An act to amend section 808.5 of the Fish and Game Code, relating to clupea.

Senate Bill No. 237—An act to amend sections 106, 200, 200.1, 200.2, and 104 of the State Narcotic Act, relating to fines and punishments.  
And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined:

Senate Bill No. 276—An act to amend sections 271, 275, and 283 of the Agricultural Code, pertaining to apriary inspection and registration.

Senate Bill No. 278—An act to add section 28.5 to the Agricultural Code, relating to rabbits.

Senate Bill No. 279—An act to amend section 136 of the Agricultural Code, pertaining to wood tree process.

Senate Bill No. 313—An act to repeal. An act providing that the prison in certain lands in the United States of America (for the meeting of a national prison movement, approved June 11, 1935, Chapter 228, Statutes of California, 1935).

Senate Bill No. 433—An act to provide for the consolidation of Colusa County County Water District and Colusa County Water District, and to provide for the carrying on of the functions of the consolidated district.

Senate Bill No. 357—An act to amend sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto.

Senate Bill No. 436—An act to amend section 120 of the Agricultural Code, relating to nursery licenses.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 498—An act to amend section 812 of the Fish and Game Code, relating to mussels;

Senate Bill No. 499—An act to amend section 808.5 of the Fish and Game Code, relating to jackknife clams;

Senate Bill No. 539—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts;

Senate Bill No. 632—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners;

Senate Bill No. 701—An act to amend sections 81 and 85 of the Agricultural Code, relating to district agricultural associations;

Senate Bill No. 714—An act to amend section 48 and to repeal section 1412 of the Fish and Game Code, relating to fines and cost of trials;

Senate Bill No. 721—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State;

Senate Bill No. 756—An act to add section 495 to the Fish and Game Code, relating to chumming;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 852—An act to amend sections 1201, 1202 and 1203, and to add section 1203.4 to the Fish and Game Code, relating to quail;

Senate Bill No. 891—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection;

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game;

Senate Bill No. 1018—An act to amend section 1200 of the Fish and Game Code, relating to doves;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Unfinished Business.

#### Assembly Joint Resolution No. 35.

Relative to memorializing the President and Congress to provide for the investigation by the United States Reclamation Service and the United States Biological Survey of the engineering problems involved in, and the feasibility of, diverting sump waters from the Tule Lake area into the Lower Klamath Lake area.

WHEREAS, More than 25,000 acres of extremely fertile lands lying within the sump area of Tule Lake will soon be inundated by sump waters at the present rate of development of the district; and

WHEREAS, This great economic loss can be avoided by removal of a portion of this water into other outlets; and

WHEREAS, It is possible and economical to develop a great portion of these lands into fertile farm tracts; and

WHEREAS, The waters so diverted from this sump area can be advantageously used in the development of a breeding and resting ground for migratory water fowl in the Lower Klamath Lake area; and

WHEREAS, A proper solution of the problem will require engineering study covering the utilization of flood waters from Lost River and Upper Klamath Lake, water rights around Lower Klamath Lake, pumping of the sump waters, construction of canals, and many other factors; and

WHEREAS, The drainage and reclamation problems involved and the bird and wild life conservation problems involved each require the consideration of experts in these subjects; and

WHEREAS, The proposed project is of state-wide and more than state-wide interest, and is in line with the policies of the Federal Government to reclaim and develop fertile lands and to conserve the wild life of the country; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California respectfully urges the President and Congress of the United States to take whatever action may be necessary, both by way of legislation and by way of administration, to consider the advantages and the proper methods of draining the sump waters of the Tule Lake area and diverting such waters to the Lower Klamath Lake area; and be it further

*Resolved*, That the President and Congress are respectfully requested to cause to be made a study of the engineering, drainage, and soil life conserving aspects of the project, and to utilize therein the services of the United States Reclamation Service, the United States Biological Survey, and such other technical agencies as may be available in the several departments of the Federal Government; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives in the United States Congress from California.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

Ayes—Senators Allen, Crenshaw, DeLap, Gurnea, Hays, Hiram, Knapp, Knowland, Low, McCall, Metzger, Myers, Perkins, Phillips, Purvis, Quay, Robt., Schottky, Slater, Swing, Tickle, Wagy, Westmore, Williams and Young; all  
Nays—None.

Assembly Joint Resolution No. 35 ordered transmitted to the Assembly.

### Consideration of Daily File Second Reading of Senate Bills.

Senate Bill No. 338—An act to amend section 1778 of the Penal Code, relating to capital punishment.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 338 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, after line 5, insert the following:

"Sec. 2. This act does not apply to any punishment of death imposed for any crime committed prior to its effective date."

Bill read second time, ordered to print engrossment, and on file for third reading.

Senate Bill No. 259—An act relating to out-of-state parolee supervision and authorizing and directing the Governor to enter into contracts therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 133—An act to add Chapter 5, comprising sections 2000 to 2496, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 134—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 288—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 289—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 290—An act to add Article 2, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 291—An act to add Article 3, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 336—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 679—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 821—An act to add section 4300e $\frac{1}{2}$  to the Political Code, relating to moneys received by justices of the peace.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 837—An act amending sections 221, 222, 226 and 227, of the Civil Code, as amended, relating to proceedings on adoption.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 347 were read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the title of the printed bill, strike out the words "and Section 221, 222," and insert in lieu thereof the words "Section," and also the figure "224," strike out the word "and" before "and 222."

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of line 2 to 6, both inclusive.

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out the word "and" before "Sec. 2," and insert in lieu thereof the following: "Section 1."

**Amendment No. 4.**

On page 3, line 23, of the printed bill, following word "having" strike out the comma and the words "unless otherwise provided" and insert in lieu thereof the words "trained for hearing by the court."

**Amendment No. 5.**

On page 3, line 24, of the printed bill, following the word "After," insert the word "such" and following the word "sounding" strike out the words "the following."

**Amendment No. 6.**

On page 3, line 25, of the printed bill, strike out the words "or beyond of," and insert in lieu thereof the word "on".

**Amendment No. 7.**

On page 3 of the printed bill, strike out all of line 23 to 24, both inclusive.

Bill read second time, ordered to engrossment, and re-referred to Committee on Judiciary.

Senate Bill No. 28—An act to amend section 650 of the Code of Civil Procedure, relating to execution of judgments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 167—An act to amend sections 106 and 106 1/2 of the Streets and Highways Code, relating to contracts of the Department of Public Works.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 450—An act to amend section 394 of the Streets and Highways Code, relating to State Highway Route 4.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 517—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 104—An act to add a new Section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 34—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 35—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 36—An act to add section 60a to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 888—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on the revenues derived from the operation of said public utility; and defining the terms public agency and public utility as included herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the

sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 981. An act to amend the title and sections 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 18, and to repeal sections 10, 12 and 17, of an act entitled "California Unemployment Relief Act of 1935," relating to the transfer of administration of relief to the Department of Social Welfare.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 981 were read and adopted:

##### Amendment No. 1.

On page 1, in the first line of the title of the printed bill, strike out "14,"

##### Amendment No. 2.

Strike out line 2 of the title of the printed bill, and in line 2 of the title strike out "of," and insert in lieu thereof the following: "10, 11, 12, 13, 14, 15, 16, 17 and 18 of, and to add sections 17a and 17b to."

##### Amendment No. 3.

On page 1, line 7, of the printed bill, strike out "hereinafter"

##### Amendment No. 4.

On page 1, line 8, of the printed bill, after "and to," add the following: "as through".

##### Amendment No. 5.

On page 1 of the printed bill, strike out lines 14 to 25, inclusive, and on page 2 strike out lines 1 to 36, inclusive, and insert in lieu thereof the following:

"SECTION 1. From and after the date on which this act takes effect, the Department of Social Welfare shall receive its former authority to expend the moneys in any appropriation or in any special fund in the State Treasury then remaining or made available by law for expenditure by the State Relief Commission or Relief Administrator."

##### Amendment No. 6.

On page 2, line 37, of the printed bill strike out "4" and insert in lieu thereof the following: "3".

##### Amendment No. 7.

On page 2 of the printed bill, strike out lines 39 to 52, inclusive, and on page 3, strike out lines 1 to 52, inclusive, and insert in lieu thereof the following:

"Sec. 3. The Department of Social Welfare is hereby authorized and empowered to expend the money hereby, and which may otherwise be made available for the purposes of this act. Such expenditure may be made either directly, or through, or by means of reimbursement to the counties and cities and counties of the State, in the manner hereinafter provided, except that the department shall administer directly such relief programs of a state-wide character as in its judgment it may deem necessary. All moneys herein made available shall be expended for relief of hardship and destitution due to and caused by unemployment as provided herein, and such purposes shall be deemed to include and such money may be expended for the following objects and uses:

(a) For home, or direct relief, including money, food, housing, clothing, fuel, light, water, medicines, medical and other treatment, medical or domestic appliances, nursing and such other care, services, household equipment and consumables as the Department of Social Welfare shall determine to be reasonable or necessary for persons eligible to relief or their dependents.

(b) For the payment of relief through a work relief program on relief projects at rates fixed by counties and cities and counties as hereinafter set forth, or by the Department of Social Welfare in the instance of State work relief programs, in conformity with the prevailing rates of wages for the type of work done in the communities in which said work is performed. Public work relief projects may be sponsored or supervised by any agency or department of the State including the Department of Social Welfare, or by any political subdivision, municipality, district or governmental agency therein, if such projects are approved by the Department of Social Welfare.

(c) For the transportation (and relief costs incidental thereto) of employable nonresidents to their places of residence outside the State, or to places wherein there are relatives or organizations willing and able to provide for their support.



(d) For the transportation (and relief costs incidental thereto) of resident persons receiving relief hereunder when such persons voluntarily desire to remove from the State and in the determination of the Department of Social Welfare, such removal will effect rehabilitation and substantial improvement in the welfare of such persons.

(e) For rural relief and rehabilitation, including the establishment and operation of such relief camps and relief for migratory workers, as may be reasonably necessary.

(f) For all costs of administration, including compensation insurance for administrative employees."

#### Amendment No. 8.

On page 4, line 1, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

#### Amendment No. 9.

On page 4 of the printed bill, strike out lines 3 to 11, inclusive, and insert in lieu thereof the following:

"Sec. 4. A person (together with his needy legal dependents) shall be eligible for assistance hereunder, who:

(a) Is in need due to unemployment. Such person shall be physically and mentally capable of self support in some occupation or work commonly done or performed in industry, trade, the professions or commerce, provided that and shall not be refused or discontinued to such person during a time of temporary illness as defined by the Department of Social Welfare. No person shall be entitled to relief under this act, who refuses to accept employment when the same is available, unless the county or city and county in which he is a relief recipient or in which his application is pending and which is administering aid hereunder, or the Department of Social Welfare, shall determine that a the judgment of such county or city and county, or such department, such person was justified in refusing to accept such employment on the ground that the conditions thereof were unreasonable, or on the ground that undue hardship and risk were apt to result from acceptance of such employment;

(b) Is eighteen years of age or over;

(c) Has resided in the State of California for a period of one year immediately preceding application; provided that a nonresident hereunder may be extended emergency care, or assistance in a relief camp, pending investigation of residence and completion of arrangements for return to the State, country or place, in which, information at hand reasonably tends to show, he has a legal residence;

(d) No person shall be eligible for aid hereunder who is eligible for assistance under the laws providing for State aid to needy aged, blind or children."

#### Amendment No. 10.

On page 4, line 12, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

#### Amendment No. 11.

On page 4 of the printed bill, strike out lines 14 to 20, inclusive, and insert in lieu thereof the following:

"Sec. 5. Aid shall be extended to eligible persons hereunder in such amounts, for such items, in such manner and according to such standards as the Department of Social Welfare shall prescribe or approve. In determining such amounts and items, the department shall consider as far as possible general changes in commodity price levels, and important price differences and differences in the supply and cost of foodstuffs and other necessities in the various areas and localities of the State.

The relief granted shall be sufficient to prevent physical suffering and hardship, and generally shall provide for the needs of persons eligible hereunder and their dependents, to the extent that they are unable to do so from their own resources."

#### Amendment No. 12.

On page 4, line 21, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

#### Amendment No. 13.

On page 4 of the printed bill, strike out lines 23 to 44, inclusive, and insert in lieu thereof the following:

"Sec. 6. The Department of Social Welfare shall establish rules and regulations relating to eligibility for aid under this act (including residence qualifications for persons to whom it would work undue hardship to impute a legal residence as following the residence of some other person), the form and contents of relief applications, investigation of relief applications, amounts of aid to be granted, eligibility and operation of work relief projects, form and nature of relief records, and provide for any and all other matters or things necessary or convenient to carry out the objects and purposes of this act.

**Amendment No. 14.**

On page 4, line 45, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

**Amendment No. 15.**

On page 4 of the printed bill, strike out lines 47 to 52, inclusive, and on page 5 thereof, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"Sec. 7. The Department of Social Welfare shall maintain a systematic system of research and statistics and keep full records of the administration of relief under this act."

**Amendment No. 16.**

On page 5, line 11, of the printed bill, strike out "9", and insert in lieu thereof the following: "8".

**Amendment No. 17.**

On page 5 of the printed bill, strike out lines 16 to 26, inclusive, and insert in lieu thereof the following:

"Sec. 8. If in the opinion of the Department of Social Welfare more effective, efficient and economic administration of the relief authorized hereunder may be secured thereby the department may contract with all the county boards, county aids, by reimbursement to such boards or county aids for relief so far as provided thereunder, for the relief of indigent persons, and may, in such cases, be reimbursed by such boards or county aids, as they may be required and authorized by the rules and policies of the department, established pursuant to laws, covering reimbursement for county and city and county administrative expenses incurred thereunder, subject to the terms, conditions, limitations and restrictions set forth in this and following sections of this act:

(a) The board of supervisors of each county or city and county shall appoint the department of its subordinate division, administration, responsibility and perform administratively during the term of the provision of this act:

(b) The department shall enter the board of supervisors of each county or city and county of its willingness and agreement to reimburse such county or city and county for expenditures made in accordance with the provisions of this act and rules and regulations established pursuant to laws, covering reimbursement:

(c) The board of supervisors of each county shall enter a duly authorized in the county or city and county, and the department, or each county or city and county administrative responsibility, limitation and reimbursement agree shall perform:

(d) The board of supervisors of each county or city and county shall the Department of Social Welfare each shall, upon terms here set forth in this act, have the right to terminate the administrative arrangements, reimbursement and reimbursement procedure hereunder:

**Amendment No. 18.**

On page 5, line 27, of the printed bill, strike out "10", and insert in lieu thereof the following: "9".

**Amendment No. 19.**

On page 5 of the printed bill, strike out lines 29 to 35, inclusive, and insert in lieu thereof the following:

"Sec. 9. Any county or city and county administering aid hereunder is hereby authorized and empowered to expend its own funds for all or the purposes and purposes described in this act and in accordance with the rules and regulations of the Department of Social Welfare established pursuant to laws, covering reimbursement any of the provisions or limitations contained in Chapter 701, Statutes of 1936, as amended:

"Sec. 10. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

"Sec. 10. Any county or city and county, administering relief hereunder, shall employ adequate and competent personnel to administer relief and perform its duties hereunder:

(b) Investigate and reinvestigate all applications for relief hereunder and determine eligibility for aid in accordance with this act and the rules and regulations of the Department of Social Welfare established pursuant to laws:

(c) Extend aid in such manner, form and amounts and for such terms as may be authorized and provided by this act and the rules and regulations of the Department of Social Welfare established pursuant to laws:

(d) Cooperate with all government and other agencies and persons, and make arrangements for the rehabilitation and placement in private employment of the persons assisted hereunder:

(e) If requested, certify persons receiving aid hereunder, to Federal work projects and do and perform such other things as may be delegated from time to time by the said department:

(f) Furnish such reports and maintain such case and other records with respect to the administration of relief hereunder, as may be required by the State Department of Social Welfare."

**Amendment No. 20.**

On page 5 of the printed bill, strike out lines 38 to 45, inclusive, and insert in lieu thereof the following:

"Sec. 11. Any county or city and county administering aid hereunder may require that persons receiving relief shall work out their relief on a public work relief project supervised and operated by such county or city and county, or any municipality or political subdivision within said county or city and county. Such public work relief projects shall not displace any personnel regularly engaged upon normal government functions, but shall be of a public nature and shall not be performed solely for the benefit of private property.

The counties and cities and counties shall not be entitled to reimbursement by the State Department of Social Welfare for expenditures on account of materials, equipment, tools, supervision, transportation or general administration on such public relief projects carried on by a county or city and county hereunder, unless any such project has received the prior approval of such department and the agreement of such department to so reimburse the counties and cities and counties.

A county or city and county in which a public work relief project is operated, shall fix the rates at which relief shall be worked out and paid thereon.

SEC. 12. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. The auditor or controller of any county or city and county administering aid hereunder, or any other officer designated by the board of supervisors thereof, shall report to the Department of Social Welfare monthly, in such manner and form as the latter may prescribe, the amount of relief, during the preceding month, paid out by said county or city and county in accordance with the provisions of this act and rules and regulations of the Department of Social Welfare to the persons eligible hereunder. The auditor or controller or other proper officer designated by the board of supervisors shall also report monthly to the Department of Social Welfare all amounts paid for administrative expense by reason of administering relief hereunder, including the salaries and wages of such employees who were engaged during the preceding month, solely in the administration of relief hereunder.

Claims for reimbursement granted under this act shall be presented by the county or city and county at the time such reports are made. Such claims shall be audited by the Department of Social Welfare and when approved, the State Controller shall draw the necessary warrants and the State Treasurer shall, except as herein limited, pay to the treasurer of said county or city and county, a sum equal to the total amount of payments made by said county or city and county, during the period for which claim is made, in accordance with the provisions of this act and rules and regulations of the Department of Social Welfare pursuant hereto, to persons eligible hereunder, is made, together with a sum equal to all administrative costs expended by said county or city and county during such period by reason of administering relief hereunder, provided that reimbursement for salaries or wages of administrative employees shall be made only in the instance of such employees as were engaged solely in the administration of relief hereunder."

**Amendment No. 21.**

On page 5, line 46, of the printed bill, strike out "12", and insert in lieu thereof the following: "13".

**Amendment No. 22.**

On page 5 of the printed bill, strike out lines 48 to 52, inclusive, and on page 6 thereof strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"Sec. 13. The Department of Social Welfare may, at any time, inspect, examine and audit or cause to be inspected, examined or audited, by any State department having the facilities therefor, any and all books, records, reports or other matter in the possession of any county or city and county respecting any and all cases wherein aid or relief is or was furnished pursuant to this act, and may also independently investigate the eligibility to receive the same, of any and all persons so receiving or having so received aid or relief from any such county or city and county, and if the said Department of Social Welfare is satisfied from such inspection, examination, audit or investigation that any such persons are or were not eligible to receive the same, the said Department of Social Welfare shall notify the said county or city and county that said persons are or were not eligible to receive such aid or relief and that no reimbursement will be paid to said county or city and county on account of aid or relief furnished such persons during such period of ineligibility and thereupon no such reimbursement as herein provided shall be payable to said county or city and county for aid or relief furnished such persons during such period of ineligibility; or should reimbursement for such persons have been paid to said county or city and county, prior to the determination of their ineligibility, a sum equal to the amount of aid extended to such persons during the period of ineligibility, shall be deducted from the amount of reimbursement otherwise payable to said county or city and county on its next succeeding monthly claim."



**Amendment No. 23.**

On page 6, line 11, of the printed bill, strike out "13", and insert in lieu thereof the following "14".

**Amendment No. 24.**

On page 6 of the printed bill, strike out lines 13 to 28, inclusive, and insert in lieu thereof the following:

"Sec. 14. If any needy employable person has during within this State a spouse, parent or adult child, and such kindred or any of them are not giving or being paid sufficient financial ability to support such person, the Department of Social Welfare, or county or city and county administering aid hereunder, as the case may be, may refuse to give aid under this act. If the department, or county or city and county acting hereunder, extends aid, such aid shall be for the limited time to the extent of such financial ability that possesses the State, or county or city and county, in its own behalf or in behalf of the State, as the case may be, for support of such needy employable person, by paying to the State, or county or city and county, in its own behalf or in behalf of the State, as the case may be, according to whether the county or city and county has received reimbursement from the State for aid furnished to such needy employable person, the amount of aid received. In any case where such kindred are not of sufficient financial ability to pay the entire charge for aid or relief furnished to such relative hereunder, then shall reimburse the State, or county or city and county, as the case may be, on behalf of the State, as the case may be, to the extent of their financial ability. Upon failure on the part of the kindred interested to perform their duty to support such needy person, the State or county or city and county administering aid hereunder, may continue to give aid and benefits, as from time to time, until reimbursement from such kindred for such care, aid or relief previously extended, or may proceed in accordance with other provisions of this act to procure court orders requiring said kindred to pay to the State, or to the county or city and county, as the case may be, monthly sums in advance."

**Amendment No. 25.**

On page 6, line 29, of the printed bill, strike out "14", and insert in lieu thereof the following "15".

**Amendment No. 26.**

On page 6 of the printed bill, strike out lines 31 to 35, inclusive, and insert in lieu thereof the following:

"Sec. 15. Such proceedings to procure court orders requiring said kindred to pay to the State, or to the county or city and county, as the case may be, monthly sums in advance, shall be begun by filing in the superior court in the name of the State, or of the county or city and county administering aid hereunder, as the case may be, a petition verified in the manner of a complaint, praying that the responsibility and liability of the kindred entitled to reimbursement, who that may order be made accordingly. The provisions of Title I to IX (inclusive) of Part II of the Code of Civil Procedure shall apply to the proceedings in such action and the court shall therein determine the liability, if any, of each of the kindred for such sums. The court shall, in such action, ascertain the financial ability of the defendants and each of them, and unless it finds that a defendant is unable to pay any sum for support, the court shall order such defendant to pay to the State or county or city and county, as the case may be, a precise proportion, if any, of his liability for the support of the needy person. In no case where any one or more of the kindred has, or have, sufficient financial ability to support the needy person shall a relative beyond him or them to the order of liability issued in this act be ordered to pay any portion of the support. The order of court shall specify that a given sum shall be payable monthly in advance to the Department of Social Welfare or to the county or city and county, board of supervisors or its designated social agency, as the case may be, for the entire or partial maintenance of the defendant's needy relative in accordance with the defendant's financial ability."

"Sec. 16. Section 16 of the act cited in the title hereof is hereby amended to read as follows:

"Sec. 16. Upon request by the State Department of Social Welfare, or by the board of supervisors or the duly authorized agency thereof of a county or city and county administering aid hereunder, as the case may be, the district attorney of the county or city and county in which a relative or relatives of said needy person resides or reside, shall bring action against said relative or relatives hereinafter described, and shall take such legal steps as may be necessary to procure reimbursement for aid advanced or to obtain continuing orders for support as hereinabove set forth."

"Sec. 17. Section 17 of the act cited in the title hereof is hereby amended to read as follows:

"Sec. 17. The State Department of Social Welfare and the counties and cities and counties of this State are authorized to receive and expend such funds as are made available to them or to the State of California or either or both of them by the United States Government or any agency or department or board thereof



for aid, relief, work relief or rehabilitation or cooperation with the United States Government for the aid or relief of indigency whether consisting of hardship and destitution due to or caused by unemployment or otherwise, and notwithstanding any other provisions of law all such funds made available to the counties or cities and counties or to the State, or either or both of them shall be expended in accordance with the rules and regulations of the United States Government or the rules and regulations of the appropriate agency, department or board thereof and in the manner therein prescribed and for all of the uses, purposes and objects authorized, directed or specified by said rules and regulations. The State Department of Social Welfare may act as agent of the United States Government in the expenditure of any moneys made available by the United States Government as hereinbefore mentioned. The Governor or the State Department of Social Welfare upon approval of the Governor, or both of them, are hereby given full power and authority to contract, agree, deal and negotiate in all the respects required by the United States Government and in all the respects for all the purposes herein mentioned or contemplated, or which, affect or concern aid or relief in this State, with the United States Government or any agency, department or board thereof on behalf of the State of California and any and all of the counties or cities and counties thereof.

**SEC. 18.** Section 17a is hereby added to the act cited in the title hereof to read as follows:

**Sec. 17a.** Every person who wilfully and with intent to deceive, falsely represents any fact or facts to be true which are not true, for the purpose of obtaining, receiving or continuing to receive aid or relief under this act, whether the same be work relief or otherwise, or who wilfully and with intent to deceive withholds or fails to disclose any facts rendering him ineligible for aid hereunder for the purpose of obtaining, receiving or continuing to receive aid or relief under this act, whether the same be work relief or otherwise, is guilty of a misdemeanor. Any person who knowingly aids or abets any other person to violate any provision of this section is guilty of criminal conspiracy and shall be punished as provided in section 182 of the Penal Code as now existing or hereafter amended.

**SEC. 19.** Section 17b is hereby added to the act cited in the title hereof, to read as follows:

**Sec. 17b.** Any relief recipient to whom any goods, wares, merchandise or commodities are furnished or supplied under the provisions of this act who sells, disposes, exchanges or otherwise misappropriates the same or any part thereof, and any person who, knowingly, assists such recipient to sell, dispose of, exchange or otherwise misappropriate goods, wares, merchandise or commodities furnished or supplied under this act shall be guilty of a misdemeanor.

#### **Amendment No. 27.**

On page 6, line 36, of the printed bill, strike out "15", and insert in lieu thereof the following: "20".

#### **Amendment No. 28.**

On page 6, line 40, of the printed bill, strike out "16. Sections 19, 12, and 17 of the act cited in the title", and insert in lieu thereof the following "21. All acts and parts of acts inconsistent herewith".

#### **Amendment No. 29.**

On page 6, line 41, of the printed bill, strike out "hereof".

#### **Amendment No. 30.**

On page 6 of the printed bill, following line 41, add the following:

"Sec. 22. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby."

Bill read second time, ordered to reprint, and re-referred to Committee on Social Security.

**Senate Bill No. 478**—An act to add section 371.5 to the Political Code, to abolish the State Relief Commission and the State Relief Administrator and to transfer their property, powers, duties, purposes, responsibilities and jurisdiction to the State Department of Social Welfare.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 478 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 371.5".

### Amendment No. 2.

On page 1, at the end of line 1 of the title of the printed bill, strike out "to abolish," and strike out all of lines 2, 3, 4 and 5, and insert in lieu thereof the following: "from Article III, (b) Chapter III of Title 1 of Part III of the Constitution, creating a State Department of Social Welfare and Relief and transferring to it the property, powers, duties, and responsibilities of the Department of Social Welfare and of the Relief Administration and Relief Commission, and repealing sections 367 to 367k, inclusive, of the Political Code."

### Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

A new article, numbered III, to be added to Chapter III of Title 1 of Part III of the Political Code, containing sections 367 to 367k, inclusive, is read as follows:

### Article III.

### DEPARTMENT OF SOCIAL WELFARE AND RELIEF.

367. A department of the government of the State of California, to be known as the Department of Social Welfare and Relief, is hereby created. It shall be conducted under the control of the Governor, who shall appoint the Director of Social Welfare and Relief, who shall be a resident of this State. The director shall be appointed by and hold office at the pleasure of the Governor, and shall receive a salary of \$10,000 per annum. The director shall have authority to appoint and remove such officers and employees as may be necessary for the proper conduct of the department, and shall have authority to expend the public funds of the State for the purposes of the department.

367a. For the purposes of administration, the department shall be organized forthwith by the director, with the approval of the Governor, in such manner as shall be deemed necessary and proper to carry out the duties of the department.

367b. The work of the department is hereby divided into at least five divisions, to be known respectively as the Division of Aid to the Aged, the Division of Children and Children's Aid, the Division of Aid to the Blind, the Division of Alcoholism, and the Division of Unemployment Relief.

The director shall have power to arrange and classify the work of the department, and with the approval of the Governor, may create such other divisions and subdivisions as may be necessary, and change or change back other divisions from time to time. The duties of each division shall be specified by the director.

367c. The director, as head of the department, shall possess all powers, exercise all powers and prerogatives, receive and disburse all appropriations, and carry out and effect all purposes now or hereafter vested by law in the Department of Social Welfare and Relief.

367d. Except as otherwise provided in this article, the provisions of Article II of Chapter III of Title 1 of Part III of the Political Code, as amended by the forty-fourth session of the Legislature, as amended and as the same may be amended from time to time, shall apply to the members of the Department of Social Welfare and Relief in every respect the same as if such provisions were herein set forth at length. Whenever in said Article II the term "head of the department," head of a department," or similar designating words, are used, for the purposes of this article, mean the Director of Social Welfare and Relief.

367e. Except as in this article otherwise provided, the Department of Social Welfare and Relief shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and organization of the Department of Social Welfare created by Chapter 128 of the Statutes of 1927, the Social Welfare Board, the Director of Social Welfare, and of the several officers, deputies, and employees of such department, board and director, or any thereof, and except as in this article otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed on authority conferred upon said department, board or director, or upon any of said officers, deputies or employees, such duty, jurisdiction and authority are hereby thrust upon and transferred to the Department of Social Welfare and Relief, with the same force and effect as if the title of the Department of Social Welfare and Relief had been specifically set forth and named therein, in lieu of the name of such department, board or director, or of any such officer, deputy or employee, or in lieu of the names of "State Board of Charities and Commissions," "Department of Public Welfare," "Executive Board of the Department of Public Welfare," "Children's Agents"; provided, however, that appeals allowed by section 5 of "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriations therefor and prescribing penalties for the violations of the provisions of the act," approved May 28, 1929, and by section 2283 of the Political Code, and by section 14 of the Old Age Security Act, shall be taken to and be heard by the State Board of Com-

trol, whose decisions shall have the same force and effect as heretofore attached to decisions in such matters of the Department of Social Welfare.

The following named bodies and offices and the positions of all deputies, officers and employees thereunder, are and each of them is hereby abolished and shall have no further legal existence: Department of Social Welfare, Social Welfare Board, and Director of Social Welfare; but the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful regulations and jurisdiction, are hereby expressly continued in force, except as in this article provided.

367f. The Department of Social Welfare and Relief shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Relief Administrator and the Relief Commission under the provisions of the California Unemployment Relief Act of 1935 or of any other law, and of the several officers, deputies and employees of or under the Relief Administrator or the Relief Commission; and whenever, by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon the Relief Administrator or the Relief Commission, or upon any of the officers, deputies or employees of or under either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Department of Social Welfare and Relief with the same force and effect as if the title of the said last named department had been specifically set forth and named therein, in lieu of the name of the Relief Administrator, the Relief Commission, or any such officer, deputy or employee thereof or thereunder.

For the purposes of this article, the terms "Relief Administrator," "Relief Commission," or similar designation, and of the several officers, deputies and employees of or under either thereof, when used in any statute or law now in force, or that may hereafter be enacted, shall be construed to mean and refer to the Department of Social Welfare and Relief, the same as if the title of such department had been specifically set forth and named therein.

The Relief Commission and the office of Relief Administrator, and the positions of all deputies, officers and employees of or under either thereof, are and each of them is hereby abolished and shall have no further legal existence; but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction, are hereby expressly continued in force.

367g. The Department of Social Welfare and Relief shall take and be in possession of and control all records, books, papers, equipment, supplies, money, funds, appropriations, lands and other property, whether real or personal, now or hereafter held, possessed or controlled by or for the benefit or use of the Department of Social Welfare, or any of the departments, divisions or agencies or other officers or employees that are hereby abolished, dispensed with or superseded, and the officers, agents and employees of such departments and agencies and of all agencies, associations or organizations having any such property in their possession or under their control, are hereby authorized and directed to deliver any and all such property to the Department of Social Welfare and Relief.

367h. The unexpended balance of money in the unemployment relief fund and the unexpended balance of any funds or moneys appropriated for the support or use of the Department of Social Welfare, or of any of the departments, divisions or agencies hereby abolished or superseded, shall be transferred immediately on the taking effect of this act to the Department of Social Welfare and Relief, to be under its control and at its disposal thenceforth, to carry out the provisions and to accomplish the purposes hereof.

SEC. 2. Article III of Chapter III of Title I of Part III of the Political Code, embracing sections 367 to 367g, both inclusive, as added to the Political Code at the forty-seventh session of the Legislature, and all acts and parts of acts in conflict therewith, are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Social Security.

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 711—An act to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to repeal an act approved February 9, 1897, entitled "An act to provide for the management and operation of railroads above certain elevations," relating to the opera-



tion of railroads and prescribing penalties for failure to comply therewith.

Bill read second time, ordered to engrossment and on file for third reading.

### Third Reading of Senate Bills

Senate Bill No. 135—An act to amend sections 11, 13, 15, 16, 18, and 21 of, and to add section 113 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil action, and the establishment of a retirement system, all relating to municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 135 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hollister, Holohan, Koenig, Knowland, Low, McCall, McCann, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Sater, Taylor, Wagner, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 135 ordered transmitted to the Assembly.

Senate Bill No. 176—An act authorizing the Director of Finance to provide for the sale or lease of certain lands known as "Guadalupe Canal" located in Section 10, T 3 S., R 5 W., M. D. M., in the county of San Mateo.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 176 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hollister, Holohan, Koenig, Knowland, Low, McCall, McCann, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Sater, Taylor, Wagner, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 176 ordered transmitted to the Assembly.

Senate Bill No. 18—An act to repeal section 307 of the Penal Code relating to the sale and use of opium.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hollister, Holohan, Koenig, Knowland, Low, McCall, McCann, Metzger, Mixter, Nielsen, Olsen, Parkman, Phillips, Quinn, Rich, Seawell, Sater, Taylor, Wagner, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 18 ordered transmitted to the Assembly.



Senate Bill No. 216—An act to add Chapter Va. comprising sections 852 to 852.4, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 216 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 216 ordered transmitted to the Assembly.

Senate Bill No. 187—An act to add Chapter IIIa, comprising sections 1334 to 1334.6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses without the State in criminal proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 187 ordered transmitted to the Assembly.

Senate Bill No. 215—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 215 ordered transmitted to the Assembly.

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against

persons charged with crime in other States and to make the law uniform with reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 passed by the following vote:

AYES—Senators Crittenden, Chandler, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nissen, Olson, Perkins, Phillips, Powers, Quinn, Rich, Schutsky, Sewall, Slater, Sving, Telle, Wagg, Westman, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 357 ordered transmitted to the Assembly.

Senate Bill No. 379—An act to add section 1601 to the Penal Code relating to the collection of taxes and empowering the State Board of Control to discharge certain State department, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of heavy collection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

AYES—Senators Allen, Crittenden, Chandler, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nissen, Olson, Perkins, Phillips, Powers, Quinn, Rich, Schutsky, Sewall, Slater, Sving, Telle, Wagg, Westman, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 379 ordered transmitted to the Assembly.

Senate Bill No. 632—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 632 passed by the following vote:

AYES—Senators Allen, Crittenden, Chandler, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nissen, Olson, Perkins, Phillips, Powers, Quinn, Rich, Schutsky, Sewall, Slater, Sving, Telle, Wagg, Westman, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 632 ordered transmitted to the Assembly.

**Assistant Secretary Howard S. McIntire at the Desk.**

Senate Bill No. 1018—An act to amend section 1200 of the Fish and Game Code, relating to doves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Senators Allen, Crittenden, Chandler, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer,

Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—29.

NOES—Senator Wagy—1.

Title read and approved.

Senate Bill No. 1018 ordered transmitted to the Assembly.

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8j, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 19 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 19 ordered transmitted to the Assembly.

Senate Bill No. 721—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 721 ordered transmitted to the Assembly.

#### President Pro Tempore in the Chair.

At eleven o'clock and thirty minutes a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Senate Bill No. 276—An act to amend sections 271, 275, and 283 of the Agricultural Code, pertaining to apiary inspection and registration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 276 ordered transmitted to the Assembly.

Senate Bill No. 278—An act to add section 28.5 to the Agricultural Code, relating to refunds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCracken, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—44.

NOES—None.

Title read and approved.

Senate Bill No. 278 ordered transmitted to the Assembly.

Senate Bill No. 279—An act to amend section 135 of the Agricultural Code, pertaining to weed free areas.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCracken, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—43.

NOES—None.

Title read and approved.

Senate Bill No. 279 ordered transmitted to the Assembly.

Senate Bill No. 436—An act to amend section 120 of the Agricultural Code, relating to nursery licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCracken, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—43.

NOES—None.

Title read and approved.

Senate Bill No. 436 ordered transmitted to the Assembly.

Senate Bill No. 701—An act to amend sections 81 and 85 of the Agricultural Code, relating to district agricultural associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 701 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCracken, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—Senator Quinn—1.

Title read and approved.

Senate Bill No. 701 ordered transmitted to the Assembly.



Senate Bill No. 852—An act to amend sections 1201, 1202 and 1203, and to add section 1203.4 to the Fish and Game Code, relating to quail.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 852 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 852 ordered transmitted to the Assembly.

Senate Bill No. 714—An act to amend section 48 and to repeal section 1412 of the Fish and Game Code, relating to fines and cost of trials.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 714 ordered transmitted to the Assembly.

Senate Bill No. 499—An act to amend section 808.5 of the Fish and Game Code, relating to jackknife clams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McColl, McCormack, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 499 ordered transmitted to the Assembly.

Senate Bill No. 498—An act to amend section 812 of the Fish and Game Code, relating to mussels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 498 ordered transmitted to the Assembly.

Senate Bill No. 235—An act to repeal section 808.5 of the Fish and Game Code, relating to clams.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donoh, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Kneale, Kneeland, Lutz, McCall, McCormack, Metzger, Mixer, Nielsen, Packman, Phillips, Piersing, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tacke, Wagy, Westover, Williams, and Young—44.

NOES—None.

Title read and approved.

Senate Bill No. 235 ordered transmitted to the Assembly.

Senate Bill No. 217—An act to amend section 799 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donoh, Garrison, Gordon, Hays, Hollister, Holahan, Kneale, Kneeland, Lutz, McCall, McCormack, Metzger, Mixer, Nielsen, Packman, Phillips, Piersing, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tacke, Wagy, Westover, Williams, and Young—43.

NOES—None.

Title read and approved.

Senate Bill No. 217 ordered transmitted to the Assembly.

Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game birds.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donoh, Garrison, Gordon, Hays, Hollister, Holahan, Kneale, Kneeland, Lutz, McCall, McCormack, Metzger, Mixer, Nielsen, Packman, Piersing, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tacke, Wagy, Westover, Williams, and Young—42.

NOES—None.

Title read and approved.

Senate Bill No. 181 ordered transmitted to the Assembly.

Senate Bill No. 156—An act to amend section 797 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 156 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donoh, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Kneale, Kneeland, Lutz, McCall, McCormack, Metzger, Mixer, Nielsen, Packman, Phillips, Piersing, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tacke, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 156 ordered transmitted to the Assembly.

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 929 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 929 ordered transmitted to the Assembly.

Senate Bill No. 139—An act to add a new section to the California Irrigation District Act to be numbered section 48.1, relating to time in which actions may be commenced.

**Amendment from the Floor.**

During third reading of Senate Bill No. 139, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 1, lines 2 and 3 of the title of the printed bill, strike out "time in which actions may be commenced.", and insert in lieu thereof the following: "actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments."

**Consideration of Senate Bill No. 139, as Amended.**

Senate Bill No. 139—An act to add a new section to the California Irrigation District Act to be numbered section 48.1, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 139 passed by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 139 ordered transmitted to the Assembly.

Senate Bill No. 433—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District, and to provide for the carrying on of the functions of the consolidated district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 433 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich,

Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—33

NOES—None.

**Title read and approved.**

Senate Bill No. 433 ordered transmitted to the Assembly.

Senate Bill No. 177—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 177 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams, and Young—33

NOES—None.

**Title read and approved.**

Senate Bill No. 177 ordered transmitted to the Assembly.

Senate Bill No. 539—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams, and Young—33

NOES—None.

**Title read and approved.**

Senate Bill No. 539 ordered transmitted to the Assembly.

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploring, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donel, Garrison, Gordon, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, and Young—30.

NOES—None.

**Title read and approved.**

Senate Bill No. 218 ordered transmitted to the Assembly.



Senate Bill No. 327—An act to amend section 629 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 327 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 327 ordered transmitted to the Assembly.

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 47.1, relating to time in which actions may be commenced.

#### Amendment from the Floor.

During third reading of Senate Bill No. 140, the following amendment, offered by Senator Garrison, was read and adopted:

#### Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "time in which actions may be commenced," and insert in lieu thereof the following: "actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments."

#### Consideration of Senate Bill No. 140, as Amended.

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 47.1, relating to actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 140 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 140 ordered transmitted to the Assembly.

Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 146 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

#### Assembly Concurrent Resolution No. 29.

Directing an investigation and report on the construction of said Antelope Toll Bridge.

WHEREAS, It is the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the State with the end in view of completely eliminating all toll bridges thereon; and

WHEREAS, Two privately owned Antelope Toll Bridge constitutes an important connecting link between highways of the State; and

WHEREAS, The present rates of tolls across said bridge are relatively higher than tolls on other toll bridges; and

WHEREAS, The construction of said toll bridge by the State or the California Toll Bridge Authority at the earliest possible date is in conformity with said established policy; and, therefore, be it

*Resolved*, by the Assembly of the State of California, the Senate thereon concurring, That the California Toll Bridge Authority is hereby authorized and directed to conduct a survey and investigation of said toll bridge with a view to the feasibility and practicability of the acquisition, as at the time of October, 1937, and up to the first of July, 1938, of this toll bridge for purchase or condemnation by the State or the California Toll Bridge Authority, which survey and investigation shall comprehend the appraisal of the value of the structure in view of its construction, the amount of compensation to the owner when in the judgment of said authority should be paid on the basis of the value of the structure and the length of time which the franchise has yet to run; the quantity of shipping trade for such navigation by towing and sailing vessels passing the toll; the tolls for it computed as necessary to collect pending the replacement of said present bridge; and the estimated amount, in the rate of tolls which may be effected immediately upon acquisition of said toll bridge; and be it further

*Resolved*, That as a part of the report hereinafter referred to, the California Toll Bridge Authority shall prepare and submit to the Legislature:

(a) Historical tables of the annual average tolls and the necessary to raise such revenue bonds over a twenty year period together with interest thereon computed at 3 per cent, and with interest computed at 4 per cent.

(b) Historical tables of the traffic over said bridge for the years 1902 to 1936 inclusive, showing by years the amount of different classes of traffic and the amounts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls from the first of January, 1937, to the expiration of the franchise on said bridge.

(c) Historical tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of twenty years, together with a report upon the property and feasibility of paying such maintenance, operation and toll collections costs from the gas tax fund.

(d) A report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge; and be it further

*Resolved*, That the California Toll Bridge Authority shall prepare a report of the results of such investigation and survey and deliver it to the Chief Clerk of the Assembly prior to April 27, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 29 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Keight, Kewland, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Paxonson, Powers, Quay, Roth, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 29 ordered transmitted to the Assembly.

#### Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 357 was passed.

### **Withdrawal and Re-reference of Senate Bills Nos. 494, 777, 703 and 891.**

Senator Seawell moved that Senate Bills Nos. 494, 777, 703 and 891 be withdrawn from Committee on Public Morals and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Garrison:

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to regulate the practice of tree surgery or arboriculture and for the appointment of a board of examiners in the matter of said regulation.

Respectfully submitted,

SENATOR GARRISON.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read.

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Garrison to introduce a bill entitled:

An act to regulate the practice of tree surgery or arboriculture and for the appointment of a board of examiners in the matter of said regulation:

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.  
McCOLL,  
TICKLE,  
KNOWLAND,  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

NOES—None.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Respectfully submitted,

SENATOR GORDON.

Request referred to Committee on Rules.

# Report of Standing Committee.

The following report of standing committee was received and read:

## On Rules.

SENATE CHAMBER, SACRAMENTO, MARCH 12, 1937

MR. PRESIDENT: Your Committee on Rules, to whom was referred a request by Senator Gordon to introduce a bill creating

An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

Has had the same under consideration, and respectfully submits the same herewith, and recommends that the request be granted.

Committee membership: 5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.  
MOORE  
TUCKER  
K. SOWLAND  
SLATER

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Cuthbertson, Cunningham, DeLoe, Donald, Garrison, Gordon, Hollister, Hollister, Kneale, Kneale, Latta, McCall, McCallum, Metzger, Moore, Nielsen, Parkman, Phillips, Powers, Powers, Quinn, Rice, Senator, Slater, Slater, Swing, Tuckle, Waga, Westover, Williams, and Young—32

NOES—None.

## Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1100:** By Senator Garrison—An act to regulate the practice of free surgery or acrobatic culture and for the appointment of a board of examiners in the matter of said regulation.

Senate Bill No. 1100 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1101:** By Senator Gordon—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Senate Bill No. 1101 read first time, and referred to Committee on Agriculture.

**Senate Joint Resolution No. 14:** By Senators Metzger and Powers—Relative to memorializing the President and the Congress of the United States to enact Bill H. R. 4009, which proposes to appropriate \$50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill.

Senate Joint Resolution No. 14 read, and ordered to print, and held at desk.

**Senate Constitutional Amendment No. 24:** By Senator Olson—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XX thereof, relating to interest rates.

Senate Constitutional Amendment No. 24 read first time, and referred to Committee on Judiciary.



## Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

### On Education.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 91—An act to amend section 6.750 of the School Code, relating to the use of school buildings;

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims;

Senate Bill No. 570—An act to amend sections 2.820 and 2.1145 of the School Code, to repeal section 5.401 of the School Code, to repeal an act entitled "An act relating to the election of teachers in the public schools," approved May 23, 1929, and to add to the School Code a new section to be numbered 5.401, all relating to the powers and duties of governing boards of school districts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 799—An act to amend sections 5.1109, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 612—An act to amend section 5.120 of the School Code, relating to the issuing of credentials by the State Board of Education;

Senate Bill No. 644—An act to repeal Chapter 111 of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4.368, relating to school district budgets;

Senate Bill No. 645—An act to amend sections 2.100 and 2.440 of the School Code, both relating to the change of boundaries of school districts;

Senate Bill No. 654—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State moneys;

Senate Bill No. 471—An act to add a new section to the Agricultural Code to be numbered 308.5, relating to inspectors employed by the Director of Agriculture of the State of California.

Senate Bill No. 550—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts, and to the duties imposed therefor, the qualifications of bidders thereon, and the rights and remedies of bidders hereon in case of mistake.

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for utilizing its lands, portions or portions such lands as are desirable for State forests, to manage such land and its products or the products thereof, and providing for the transportation of revenue therefrom, and to acquire land for development for State forestry purposes, to receive an appropriation therefor, and to repeal an act entitled "An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and income of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1935, to declare the act hereby amended, and to provide that this act shall take immediate effect.

Senate Bill No. 66—An act authorizing the State of California through its proper officers, departments or agencies to make duplicate books, copies, transcripts or other evidences of incidents of the State of California when the originals have been lost or destroyed, providing for the State to hold adversely against him or damage that may be incurred on account of the loss and the payment of the duplicates;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 557—An act to amend section 37.3 of the Political Code, relating to the Department of Natural Resources.

Senate Bill No. 752—An act to add section 675 to the Political Code and to repeal section 675.1 thereof, relating to the approval of statutes by the Department of Finance.

Senate Bill No. 987—An act to amend section 412 of the Penal Code prohibiting prize fights and betting on any regulated contest having violence or exhibition, but sanctioning amateur boxing contests, sparring matches, and exhibitions, but to extend five months of duration, authorizing conditions of contests thereon, and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 67—An act to amend section 752 of the Political Code, relating to fees collected by the clerk of the Supreme Court.

Senate Bill No. 788—An act repealing section 662 of the Political Code relating to the payment of fees to private persons, firms and corporations, etc., approved April 20, 1935.

Senate Bill No. 808—An act to provide for remitting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer.

Senate Bill No. 896—An act to add section 663 to the Political Code relating to the power of the State Board of Control to authorize the writing off of bad and uncollectible accounts.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 844—An act to amend section 3773 of the Political Code, relating to lands sold to the State for delinquent taxes, the possession, rental and

appraisal thereof, creating the tax deeded land rental fund, making an appropriation in relation thereto, and declaring the urgency thereof;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 924—An act to add section 131½ to the Vehicle Code, relating to the time of opening and closing the offices of the Motor Vehicle Department during certain seasons of the year;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Motor Vehicles.

Committee membership—7; committee vote: Ayes—4; absent—1.

SEAWELL, Chairman.

Re-reference of Senate Bill No. 924.

Senate Bill No. 924 re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 502—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

Re-reference of Senate Bill No. 502.

Senate Bill No. 502 re-referred to Committee on Finance.

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without recommendation as to the further disposition of the bill.

Committee membership—7; committee vote: Ayes—5; absent—2.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 580—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon substances from State lands by trespassing wells, and providing for the validation, upon certain conditions, of "agreements for easements" heretofore made by the Director of Finance and the Chief of the Division of State Lands;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 581—An act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17a, 18, 18a, 19, 20, 23, 24, 25, of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the



purposes of this act; and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, Statutes 1921, as amended.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred,

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through certain lands and waters adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive leasing for said easements, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and tidal lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without recommendation as to final disposition of the bill.

Committee membership—7; committee vote: Ayes—5; absent—2.

WAGY, Chairman.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 103 were read and adopted:

##### Amendment No. 1.

On page 1, line 7 of the title of the printed bill, strike out the word "rights", and insert in lieu thereof the word "right".

##### Amendment No. 2.

On page 1, line 8 of the title of the printed bill, strike out the word "way", and insert in lieu thereof the word "ways".

##### Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 1 to 4, inclusive.

##### Amendment No. 4.

On page 2, line 1, of the printed bill, strike out "Sec. 2", and insert in lieu thereof "Section 1".

##### Amendment No. 5.

On page 2, line 6, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "2".

##### Amendment No. 6.

On page 2, line 10, of the printed bill, after the word "Sec.", strike out the figure "3", and insert in lieu thereof the figure "2".

##### Amendment No. 7.

On page 2, line 11, of the printed bill, after the word "section", strike out the number "2", and insert in lieu thereof the figure "1".

##### Amendment No. 8.

On page 2, line 25, of the printed bill, after the word "Sec.", strike out the figure "4", and insert in lieu thereof the figure "3".

##### Amendment No. 9.

On page 2, line 25, of the printed bill, after the word "of", strike out the words "rights of way", and insert in lieu thereof the words "right of ways".

##### Amendment No. 10.

On page 2, line 27, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

##### Amendment No. 11.

On page 2, line 25, of the printed bill, after the word "Sec.", strike out the figure "4", and insert in lieu thereof the figure "3".



**Amendment No. 12.**

On page 2, line 34, of the printed bill, after the word "any", strike out the words "rights of way and/", and insert in lieu thereof the words "right of ways".

**Amendment No. 13.**

On page 2, line 38, of the printed bill, strike out the word "and".

**Amendment No. 14.**

On page 2, line 39, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 15.**

On page 2, line 47, of the printed bill, after the word "recovery", strike out the word "and/".

**Amendment No. 16.**

On page 2, line 49, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 17.**

On page 2, line 49, of the printed bill, after the word "act," strike out the remaining portion of said line 49, and all of lines 50 and 51, and insert in lieu thereof the words "may in his".

**Amendment No. 18.**

On page 3, line 2, of the printed bill, after the word "ways", strike out the word "and/".

**Amendment No. 19.**

On page 3, line 5, of the printed bill, after the word "act", strike out the word "and/".

**Amendment No. 20.**

On page 3, line 7, of the printed bill, strike out the words "Rights of way", and insert in lieu thereof the words "Right of ways".

**Amendment No. 21.**

On page 3, line 16, of the printed bill, after the word "Section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 22.**

On page 3, line 22, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 23.**

On page 3, line 23, of the printed bill, after the word "Sec.", strike out the figure "5", and insert in lieu thereof the figure "4".

**Amendment No. 24.**

On page 3, line 30, of the printed bill, after the word "limitation", insert the words "except as in this act provided,".

**Amendment No. 25.**

On page 3, line 42, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 26.**

On page 3, line 43, of the printed bill, after the word "whether", insert the words "or not said lands be".

**Amendment No. 27.**

On page 3, line 44, of the printed bill, after the word "field", strike out the words "or not".

**Amendment No. 28.**

On page 3, line 46, of the printed bill, after the word "thereof", strike out the comma and insert a period, and strike out the remaining portion of said line 46, and all of lines 47, 48 and 49.

**Amendment No. 29.**

On page 3, line 50, of the printed bill, before the words "Said Director", insert "Sec. 5".

**Amendment No. 30.**

On page 3, line 50, of the printed bill, strike out the words "Said Director", and insert in lieu thereof the words "The Director of Finance".

**Amendment No. 31.**

On page 4, line 1, of the printed bill, strike out the word "the", and insert in lieu thereof the word "said".

**Amendment No. 32.**

On page 4, line 1, of the printed bill, insert the word "provisions", and strike out the balance of said line 1 and all of line 2.

**Amendment No. 33.**

On page 4, line 3, of the printed bill, strike out the words "See 6".

**Amendment No. 34.**

On page 4, line 22, of the printed bill, after the word "of", insert the words "the proceeds from the sale of all".

**Amendment No. 35.**

On page 4, line 25, of the printed bill, after the word "one", strike out the word "fifteen", and insert in lieu thereof the words "section and paragraph".

**Amendment No. 36.**

On page 4, line 26, of the printed bill, after the word "section", strike out "(15%)", and insert in lieu thereof "(16½)".

**Amendment No. 37.**

On page 5, line 31, of the printed bill, after the word "shall", strike out "unless otherwise provided in such contract".

**Amendment No. 38.**

On page 5, line 42, of the printed bill after the word "See", strike out the figure "7", and insert in lieu thereof the figure "6".

**Amendment No. 39.**

On page 5, line 43, of the printed bill, strike out everything in the line after the word "prepared", and insert in lieu thereof the words "Treasurer of Finance".

**Amendment No. 40.**

On page 5, line 44, of the printed bill, after the word "after", strike out the balance of line 44, all of line 45, up to and including the word "and", in line 46, and insert in lieu thereof "parcels having a coverage of approximately 900 feet along the ordinary high water mark of the Pacific Ocean, and extending seaward for a distance of at least one mile. Each of said parcels shall be appropriately numbered and the director".

**Amendment No. 41.**

On page 5, line 48, of the printed bill, after the word "from", strike out the word "each", and insert in lieu thereof the words "one or more".

**Amendment No. 42.**

On page 5, line 49, of the printed bill, after the words "of said", strike out all of the remaining line up to and including the word "in" in line 50, and insert in lieu thereof the word "parcels".

**Amendment No. 43.**

On page 6, line 3, of the printed bill, strike out the word "separate".

**Amendment No. 44.**

On page 6, line 5, of the printed bill, after the words "beginning from", insert the words "one or more of said parcels".

**Amendment No. 45.**

On page 6, line 5, of the printed bill, after the words "beginning from", strike out the remainder of the line up to and including the word "where" in line 6.

**Amendment No. 46.**

On page 6, line 7, of the printed bill, after the word "notion", insert a comma ",".

**Amendment No. 47.**

On page 6, line 8, of the printed bill, after the word "from", insert "one or more of said parcels."

**Amendment No. 48.**

On page 6 of the printed bill, strike out all of lines 9 and 10, to and including the words "the said" in line 11, and insert in lieu thereof the word "land".

**Amendment No. 49.**

On page 6, line 11, of the printed bill, after the word "particular", strike out the words "tract or tracts", and insert in lieu thereof the words "parcel or parcels".

**Amendment No. 50.**

On page 6, line 16, of the printed bill, after the word "section", strike out the figure "6", and insert in lieu thereof the figure "5".

**Amendment No. 51.**

On page 6, line 26, of the printed bill, strike out the word "and/".

**Amendment No. 52.**

On page 6, line 29, of the printed bill, after the word "Storage," strike out the word "and/".

**Amendment No. 53.**

On page 6, line 33, of the printed bill, after the word "section", strike out the figure "4", and insert in lieu thereof the figure "3".

**Amendment No. 54.**

On page 6, line 34, of the printed bill, after the word "ways", strike out "and/".

**Amendment No. 55.**

On page 6, line 38, of the printed bill, after the word "action.", insert the following: "Each successful bidder shall, as a condition precedent to the execution of any contract, furnish to the director such evidence of the financial ability of the bidder to meet any award or awards made to the defendant or defendants in any eminent domain proceedings instituted under the provisions of this act, as the director may require."

**Amendment No. 56.**

On page 6, line 46, of the printed bill, after the word "sec.", strike out the figure "8", and insert in lieu thereof the figure "7".

**Amendment No. 57.**

On page 6, line 47, of the printed bill, after the word "and", insert the following: ", except as hereinafter provided,".

**Amendment No. 58.**

On page 6 of the printed bill, strike out all of line 48, and insert the following: "to the highest responsible bidder or bidders a contract for the exclusive right to develop or extract oil, gas, and other hydrocarbons from the land subject to such contract."

**Amendment No. 59.**

On page 6, line 49, of the printed bill, strike out the word "unless", and insert in lieu thereof the word "If".

**Amendment No. 60.**

On page 6, line 51, of the printed bill, after the word "State", strike out the balance of line 51, and line 52 up to and including the word "State."

**Amendment No. 61.**

On page 6, line 51, of the printed bill, after the word "State", strike out the period, and insert in lieu thereof ", the director may reject all bids."

**Amendment No. 62.**

On page 7, line 2, of the printed bill, after the word "section", strike out the figure "7", and insert in lieu thereof the figure "6".

**Amendment No. 63.**

On page 7, line 2, of the printed bill, after the word "act.", insert the following: "If any bid accepted under this section shall deal with more than one parcel, or in the event more than one bid has been accepted from the same person, firm, or corporation, the bid or bids shall be made the subject of a single contract within the purview of section 5 hereof."

**Amendment No. 64.**

On page 7, line 8, of the printed bill, after the word "section", strike out the figure "6", and insert in lieu thereof the figure "5".

**Amendment No. 65.**

On page 7, line 8, of the printed bill, after the words "accompanied by", insert the words "proper evidence".

**Amendment No. 66.**

On page 7, line 9, of the printed bill, strike out all of the line up to and including the word "Finance".

**Amendment No. 67.**

On page 7, line 10, of the printed bill, after the word "right", strike out the word "rights", and insert in lieu thereof the word "right".

**Amendment No. 68.**

On page 7, line 10, of the printed bill, after the word "ways", strike out the word "and/".

**Amendment No. 69.**

On page 7, line 10, of the printed bill, after the word "over", insert the following: ", on, or through".

**Amendment No. 70.**

On page 7, line 11, of the printed bill, after the word "thereto", insert the following: ", which rights, right of ways or easements enable the holder to commence work under the terms of the proposed contract immediately upon its execution without the necessity of resorting to eminent domain proceedings."

**Amendment No. 71.**

On page 7, line 11, of the printed bill, after the word "thereto" strike out the remainder of said line and lines 12, 13, 14, 15 and 16.

**Amendment No. 72.**

On page 7, line 17, of the printed bill, before the word "except", insert the following: "the director shall".

**Amendment No. 73.**

On page 7, line 19, of the printed bill, after the word "rights", strike out the word "rights", and insert in lieu thereof the word "right".

**Amendment No. 74.**

On page 7, line 20, of the printed bill, after the word "ways", strike out the word "and".

**Amendment No. 75.**

On page 7, line 21, of the printed bill, after the word "contract", strike out the word ", or", and insert in lieu thereof the following: "without the necessity of resorting to eminent domain proceedings, in which case the director shall accept the highest bid."

**Amendment No. 76.**

Strike out all of lines 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 of the printed bill.

**Amendment No. 77.**

On page 7, between lines 33 and 34, of the printed bill, add a new section as follows:

"Sec. 8. No well drilled pursuant to any contract granted under the provisions of this act shall be drilled from the surface of any lake, submerged or overflowed lands of the State of California, nor in any operations conducted under any contract shall any piers, piling, or other structures or improvements be erected, constructed or placed upon the surface of such lands.

Wells may be drilled under any contract without restrictions as to the distance which any well or any derrick may be from any other well or derrick, or from any street or highway, or from the exterior boundaries of any tract or lands, or as to the size or dimensions of any parcel of littoral lands or uplands upon which the surface installation of or for one or more wells may be located or the drilling operations for one or more wells may be conducted."

**Amendment No. 78.**

On page 8, line 8, of the printed bill, after the word "net", strike out the words "from rents or royalties".

**Amendment No. 79.**

On page 9 of the printed bill, between lines 5 and 6, insert a new section as follows:

"Sec. 12. Nothing in this act contained shall be construed as interfering with or in any manner affecting any valid or existing oil or gas lease covering state-owned tidelands, submerged or overflowed lands, nor any valid subsisting prospecting permit covering such lands, nor shall the provisions of the act apply to or in any manner affect any well which shall heretofore have been shut-in into state-owned lands and with respect to which the State is receiving royalties."

**Amendment No. 80.**

On page 9, line 6, of the printed bill, after the word "if", strike out the words "said director", and insert in lieu thereof the following: "the Director of Finance".

**Amendment No. 81.**

On page 9, line 15, of the printed bill, after the word "lands", insert the word "either".

**Amendment No. 82.**

On page 9, line 18, of the printed bill, after the word "provided", strike out the period, and insert in lieu thereof the following: ", or by means of piers, islands or other suitable structures erected over and upon said State lands."



**Amendment No. 83.**

On page 9, line 32, of the printed bill, after the word "the", strike out the word "method", and insert in lieu thereof the word "authority".

**Amendment No. 84.**

On page 9, line 32, of the printed bill, after the word "provided", strike out the word "in", and insert in lieu thereof the word "by".

**Amendment No. 85.**

On page 9, line 33, of the printed bill, after the words "procure a", strike out the word "satisfactory".

**Amendment No. 86.**

On page 10, line 2, of the printed bill, after the word "industry", strike out the word "All", and strike out lines 3, 4 and 5.

**Amendment No. 87.**

On page 10, line 16, of the printed bill, after the word "section", strike out the figure "11", and insert in lieu thereof the figure "13".

**Amendment No. 88.**

On page 10, line 17, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 89.**

On page 10, line 19, of the printed bill, after the word "said", strike out the word "director", and insert in lieu thereof the words "Director of Finance".

**Amendment No. 90.**

On page 10, line 21, of the printed bill, after the word "section", strike out the figure "11", and insert in lieu thereof the figure "13".

**Amendment No. 91.**

On page 10, line 26, of the printed bill, after the word "section", strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 92.**

On page 10, line 33, of the printed bill, after the word "Sec.", strike out the figure "14", and insert in lieu thereof the figure "15".

Bill read third time, ordered to reprint, engrossment, and on file for third reading.

**On Fish and Game.**

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 647—An act to amend section 492 of the Fish and Game Code, relating to mutilation of fish;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 900—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

**On County Government.**

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 809—An act to authorize counties to issue bonds for the purpose

of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act;

Senate Bill No. 188—An act to amend section 5 of Chapter 191, Statutes of 1923, entitled "An act to provide for the formation, management, consolidation and dis-

abolition of county fire protection districts, annexation thereto, and withdrawal therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to county fire protection districts.

Senate Bill No. 1036—An act to amend section 4255 and repeal section 4256 of the Political Code, relating to compensation of officers of counties of the seventh class:

Senate Bill No. 732—An act to amend sections 1 and 9 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved June 3, 1898, as amended, and to denote the urgency of this act to take effect immediately," approved February 1, 1935, relating to assessment districts.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2061—An act to amend section 737 of the Political Code, relating to the salary of the judge of the superior court, in and for the county of San Mateo.

Assembly Bill No. 11—An act to add a new section to be numbered 5.5 to an act entitled "An act to provide for the formation, management and disposition of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to the organization and government of fire protection districts.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 965—An act to amend section 4250 of the Political Code, relating to the compensation of officers and employees in counties of the fourth class.

Senate Bill No. 898—An act to amend section 4 of an act entitled "An act to authorize and control the deposit in banks of moneys belonging to or in the treasury of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to registered warrants.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the fourth class.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote—Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 555—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

Senate Bill No. 194—An act to amend section 737P of the Political Code, relating to the salary of the superior judge of the county of Kings.

Senate Bill No. 899—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county.

city and county, incorporated city or town, municipal utility district or flood control district;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to which was referred:

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925;

Senate Bill No. 1089—An act to add section 5 to an act entitled "An act creating a reclamation district to be known as reclamation district No. 10, prescribing its boundaries and providing for the management and control thereof; dissolving Protection District No. 10, of Yuba County, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said district," approved May 26, 1913, relating to the disposition of funds impounded for the payment of outlawed bonds of said district;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, as amended.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to which was referred:

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to which was referred:

Senate Bill No. 364—An act to amend section 6 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a Reclamation Board and defining its powers," approved December 24, 1911, relating to attorneys and employees of the Reclamation Board;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Governmental Efficiency.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.



### Adjournment.

At one o'clock and six minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, March 15, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

### IN SENATE

SENATE CHAMBER

SACRAMENTO, Monday, March 15, 1937

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Curren, DeLoe, Dore, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keene, Knowland, Lyle, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schwartz, Sewell, Slater, Swag, Tinkle, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kintner.

### Reading of the Journal.

During the reading of the Journal of Friday, March 12, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George R. Cadan, Mayor of Santa Rosa, and John P. Overton and William E. Healey, Jr., Councilmen of the city of Santa Rosa.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ed Hill of Riverside.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Gertrude Gerdan, prominent dramatic soprano of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Dempsey Smith, Secretary of the Lodi Chamber of Commerce.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred E. Deeky and A. L. Harris, both of Ukiah.



On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. L. Richardson, attorney; J. D. Drake, attorney; R. Smith, Secretary of the Oakland Y. M. C. A., and W. A. Gordon, all of Oakland.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss H. Wilson, Principal, Mrs. Etolia H. Hardorn, teacher, and the following students of the Courtland Grammar School: Rhoda Lai, Eva Wong, Margaret Owyang, Mary Ow Fook, Caroline Iseris, Toshiko Takenchi, Priscilla Yamada, Grace Yamane, Virginia Uyeoka, Hisako Hirose, Wendell Lai, Joe Jang, Edward Jang, Dick Uyeda, and Atushi Sakata; and Mrs. Myrtle Ralston, teacher, and the following eighth grade students of the Courtland Grammar School: Betty Colby, Catharine Marye Meyers, Eleanor Oatman, Arthur Philips, Elliot Stevenson, Clarence Lee, Myron Gonsalves, Joe Alameda, Wraa Rose, Laurence Dewinz, Peggy Colby, Thelma Furlman, Teddy Bagdozian, Jeane Bielefeld, Jack LaMontagne, Elaine Gonsalves, Madelyn Frates, Dorothy Ensley, Josephine Fava, Dorothy Freitas, and Mildred Gier.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Royle.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fire Chief and Mrs. William H. Muentzer.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Levison, Jr., 2371 Broadway, San Francisco.

### Communications.

Ninety communications advocating a pardon for Tom Mooney were received.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 563—An act to renumber section 1482 of the Probate Code, relating to additional bond required of guardians upon the sale or mortgaging of real property of the ward.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 563 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2748—An act to amend section 1313 of the Fish and Game Code, relating to trapping of animals;

Assembly Bill No. 1579—An act to amend section 452 of the Political Code, relating to the duties of the State Treasurer;

Assembly Bill No. 1729—An act to amend section 1203 of the Political Code, relating to polling places;

Assembly Bill No. 858—An act to amend section 504 of the Agricultural Code, relating to cheese;

Assembly Bill No. 825—An act to amend section 136 of the Vehicle Code, relating to the authority of certain officers and employees of the Department of Motor Vehicles;

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses, and declaring the urgency hereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 2748 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1579 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1729 read first time, and referred to Committee on Elections.

Assembly Bill No. 858 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 825 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 576 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1699—An act to amend section 494 of the Fish and Game Code, relating to licenses.

Assembly Bill No. 1700—An act to amend section 700 of the Fish and Game Code, relating to black bass.

Assembly Bill No. 15—An act to amend section 429 of the Fish and Game Code, relating to hunting and fishing licenses.

Assembly Bill No. 2394—An act to amend section 1313 of the Fish and Game Code, relating to trapping bear.

Assembly Bill No. 1172—An act to amend sections 792 and 798 of the Fish and Game Code, relating to seasons on catfish, bass and trout.

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer into a closed season.

Assembly Bill No. 2752—An act to amend section 800 of the Fish and Game Code, relating to abalones.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 1699 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1700 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 15 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2394 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1172 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1176 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2752 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1580—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, by adding a new section thereto, relating to disposition of fees received by the State Treasurer.

Assembly Bill No. 1262—An act to amend section 372 of the Political Code, relating to the State Board of Public Health.

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911;

Assembly Bill No. 1441—An act to repeal an act entitled "An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness," approved by the Governor April 26, 1935.

Assembly Bill No. 1442—An act to repeal an act entitled "An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State," approved by the Governor July 11, 1935.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 1580 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1262 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1440 read first time, and referred to Committee on County Government.

Assembly Bill No. 1441 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1442 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1365—An act to amend section 3819a of the Political Code, relating to duties of tax collector in counties of the first and second class;

Assembly Bill No. 629—An act to add section 985 to the Streets and Highways Code, relating to cattle guards;

Assembly Bill No. 699—An act to amend section 422 of the Streets and Highways Code, relating to State highways;

Assembly Bill No. 510—An act to amend section 368 of the Streets and Highways Code, relating to State Highway Route 68;

Assembly Bill No. 1562—An act to add section 535a to the Political Code, relating to State printing;

Assembly Bill No. 1574—An act to amend section 359c of the Political Code, relating to vacations for State officers and employees.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 1365 read first time, and referred to committee on County Government.

Assembly Bill No. 629 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 699 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 510 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1562 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1574 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1915—An act to add section 6.53 to the School Code, relating to provision of a place for children to eat lunches brought from home;

Assembly Bill No. 1793—An act to add a new section to be numbered 210 to the Penal Code, relating to extortion;

Assembly Bill No. 1130—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime;

Assembly Bill No. 291—An act to add section 1201.5 to the Penal Code, relating to motions after judgment;

Assembly Bill No. 20—An act to amend section 324 of the Political Code, relating to resolutions.

Assembly Bill No. 23—An act to amend sections 301 and 302 of the Political Code, relating to witnesses before the Legislature and committees thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. Took Berry, Assistant Clerk.

Assembly Bill No. 1915 read first time, and referred to Committee on Education.

Assembly Bill No. 1793 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1130 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 291 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 20 read first time, and referred to Committee on Rules.

Assembly Bill No. 23 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 800—An act to add two new sections to the School Code to be numbered 3.372a and 4.930, relating to public colleges substituted by high school districts;

Assembly Bill No. 1134—An act to add a new section to the School Code to be numbered 2.993, relating to the educational rights of colored children;

Assembly Bill No. 1135—An act to add a new section to the School Code to be numbered 5.589, relating to the building of institutions;

Assembly Bill No. 1136—An act to add a new section to the School Code to be numbered 4.735, relating to the attendance of pupils;

Assembly Bill No. 779—An act to add section 3817c to the Political Code, relating to suits by public agency to quiet title;

Assembly Bill No. 27—An act to amend section 259 of the Political Code, relating to the Sergeant-at-Arms.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. Took Berry, Assistant Clerk.

Assembly Bill No. 800 read first time, and referred to Committee on Education.

Assembly Bill No. 1134 read first time, and referred to Committee on Education.

Assembly Bill No. 1135 read first time, and referred to Committee on Education.

Assembly Bill No. 1136 read first time, and referred to Committee on Education.

Assembly Bill No. 779 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 27 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2080—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class;

Assembly Bill No. 2380—An act to amend section 11.4 of an act entitled "An act to regulate land surveying and to define the duties of and to license land sur-



veyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled "An act to define the duties of and to license land surveyors," approved March 16, 1907," approved May 24, 1933, relating to land surveyors;

Assembly Bill No. 1620—An act to amend section 439 of the Political Code, relating to employees in the Controller's office.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2080 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2380 read first time, and referred to Committee on County Government.

Assembly Bill No. 1620 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1415—An act to amend section 15 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to suits on assigned claims;

Assembly Bill No. 1435—An act to amend section 445 of the Political Code, relating to the salaries of the inheritance tax attorney and five assistant inheritance tax attorneys;

Assembly Bill No. 1671—An act to amend sections 2,114, 2,472, 2,596 and 6,50 of the School Code and to repeal section 6,82 thereof, all relating to the public school system;

Assembly Bill No. 2023—An act to amend section 4153 of the Political Code of the State of California, relating to the duties of the district attorney;

Assembly Bill No. 2079—An act to amend section 73a, Code of Civil Procedure, relating to court expenses;

Assembly Bill No. 2218—An act to add a new section 1872 to the Code of Civil Procedure, relating to expert testimony.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1415 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1435 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1671 read first time, and referred to Committee on Education.

Assembly Bill No. 2023 read first time, and referred to Committee on County Government.

Assembly Bill No. 2079 read first time, and referred to Committee on County Government.

Assembly Bill No. 2218 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 562—An act to add section 948a to the Code of Civil Procedure, relating to bonds or undertakings required by law or order of court;

Assembly Bill No. 650—An act to add section 136½ to the Penal Code, relating to bribing or offering to bribe witnesses;

Assembly Bill No. 691—An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

Assembly Bill No. 970—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation, and dissolution of pest abatement districts, for the assessment, levy, collection, and disbursement of taxes therein, to declare the urgency hereof, and to provide that this act take effect immediately," approved February 2, 1935, relating to the definition of "pests," and to provide that this act shall take effect immediately;

Assembly Bill No. 1002—An act to add section 781 to the Political Code, relating to the reports of the Supreme Court and the District Courts of Appeal.

Assembly Bill No. 1025—An act to amend section 1308 of the Penal Code, relating to the sanity of the defendant in a criminal prosecution.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 562 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 650 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 691 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 970 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1002 read first time, and referred to Committee on Finance.

Assembly Bill No. 1025 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 303—An act to amend section 3653.5 of the Political Code, relating to records of the Assessor being kept in the office.

Assembly Bill No. 305—An act to repeal sections 22140 of the School Code and to amend sections 22143 and 22145 thereof, by removing the requirement in unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 401—An act to amend section 261 of the Code of Civil Procedure, relating to superior court commissioners.

Assembly Bill No. 448—An act to amend section 1124 of the Probate Code of the State of California, and to add a new section therein to be known as section 1125.1, relating to testamentary trustees.

Assembly Bill No. 449—An act to amend section 1593 of the Probate Code, relating to the discharge of guardians.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 303 read first time, and referred to Committee on County Government.

Assembly Bill No. 305 read first time, and referred to Committee on Education.

Assembly Bill No. 401 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 448 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 449 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 184—An act to amend section 224 of the Civil Code, relating to consent to adoption.

Assembly Bill No. 297—An act to amend section 4316 of the Political Code, relating to the privileges of public officers.

Assembly Bill No. 277—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 184 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 297 read first time, and referred to Committee on County Government.

Assembly Bill No. 277 read first time, and referred to Committee on Prisons and Reformatories.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 26—An act to amend section 256 of the Political Code, relating to the journals of the respective houses of the Legislature;

Assembly Bill No. 38—An act to amend section 539 of the Political Code, relating to the printing of bills;

Assembly Bill No. 185—An act to amend section 953a of the Code of Civil Procedure, relating to appeals from any court of record.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 26 read first time, and referred to Committee on Rules.

Assembly Bill No. 38 read first time, and referred to Committee on Rules.

Assembly Bill No. 185 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 19—An act to repeal sections 332, 333, 334, 335, 336, and 337 of the Political Code, relating to biennial reports of departments and agencies of the State;

Assembly Bill No. 24—An act to repeal section 267 of the Political Code, relating to the Speaker of the Assembly;

Assembly Bill No. 25—An act to amend section 247 of the Political Code, relating to officers and employees of the Legislature.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 19 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 24 read first time, and referred to Committee on Rules.

Assembly Bill No. 25 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 31—Relative to memorializing Congress to enact legislation limiting the number of cars in trains.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 31 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBERS, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1597—An act to amend section 420 of the Fish and Game Code, relating to licenses.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 1597 read first time, and referred to Committee on Fish and Game.

**Senator Swing in the Chair.**

At eleven o'clock and forty minutes a. m., Senator Swing of the Thirty-sixth District was called to the chair.

**Reports of Standing Committees.**

The following reports of standing committees were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 888—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenues derived or to be derived therefrom, providing for the exemption of such systems in case of delinquency in payment, providing for a remedy thereon the revenues derived from the operation of said public utility, and defining the terms public agency and public utility as included herein.

Senate Bill No. 245—An act to establish the Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Senate Bill No. 219—An act to amend section 18174 of the Political Code, relating to sales of tax delinquent property.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 214—An act granting to the city of Portcharlton and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out operations and grant franchises and license thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in and income realized arising from the lands for wharf out privileges hereby granted.

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 28—An act to amend section 682 of the Code of Civil Procedure, relating to execution of judgments.

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation.

Senate Bill No. 34—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

Senate Bill No. 35—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

Senate Bill No. 36—An act to add section 606a to the Improvement Act of 1911 relating to the rate of interest of bonds issued under the act.

Senate Bill No. 133—An act to add Chapter 5, comprising sections 2400 to 2490, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein.

Senate Bill No. 134—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.



SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 139—An act to add a new section to the California Irrigation District Act to be numbered section 48.1, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments;

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 47.1, relating to actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments; And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 147—An act relating to the redemption of property sold to irrigation districts for delinquent assessments;

Senate Bill No. 167—An act to amend sections 136 and 136.5 of the Streets and Highways Code, relating to contracts of the Department of Public Works;

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation district for delinquent assessments;

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon;

Senate Bill No. 259—An act relating to out-of-state parolee supervision and authorizing and directing the Governor to enter into compacts therefor;

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments;

Senate Bill No. 289—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 290—An act to add Article 2, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein;

Senate Bill No. 291—An act to add Article 3, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at child-birth and repealing acts and parts of acts specified herein;

Senate Bill No. 338—An act to amend section 1228 of the Penal Code, relating to capital punishment;

Senate Bill No. 428—An act to amend section 493 of the Fish and Game Code, relating to night fishing;

Senate Bill No. 450—An act to amend section 304 of the Streets and Highways Code, relating to State Highway Route 4;

Senate Bill No. 507—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates;

Senate Bill No. 517—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities;

Senate Bill No. 679—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees;

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads;

Senate Bill No. 711—An act to amend an act approved April 15, 1886, entitled "An act to compel railroad corporations to provide certain facilities to carriers thereon," and to provide for the amendment of Chapter 9, 1886, relating to "An act to provide for the transportation and operation of interstate steam carrying companies," relating to the operation of railroads and providing penalties for failure to comply therewith.

Senate Bill No. 730—An act to amend sections 2 of the Land and Grant Code relating to definitions.

Senate Bill No. 824—An act to add section 14088 to the Political Code relating to moneys received by justice of the peace.

Senate Bill No. 936—An act to amend Chapter 94, Division 4, Part 1, Article 6, relating to the sale or lease of certain State lands (Mining Department). And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined

Senate Bill No. 981—An act to amend the first and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of, and to add sections 17a and 17b to, an act entitled "California Unemployment Relief Act of 1935," relating to the transfer of administration of relief to the Department of Social Welfare.

Senate Bill No. 1031—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbon minerals; authorizing the use, sale or disposition of improvements and right of way for drilling, mining and milling purposes on and through State lands and lands adjacent thereto; and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for restrictive covenants for such contracts; and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the payment of the price of minerals obtained in relation to such State lands not leased and adjacent lands thereon not drilling to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons from State lands. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined

Senate Concurrent Resolution No. 18—Approved a certain amendment to the charter of the city of Roseville as provided for by the county of Placer, State of California, duly voted for and acting as one system, to be held and put at an election held therein on the fifteenth day of August, 1936.

And reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of March, 1937, by those who have

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined:

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged.

Senate Bill No. 67—An act to amend section 752 of the Political Code, relating to fees collected by the Clerk of the Superior Court.

Senate Bill No. 71—An act to amend section 1400 of the Political Code, relating to the opening and closing of the polls.

Senate Bill No. 188—An act to amend Chapter 5 of Chapter 193, Statutes of 1925, entitled, "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, waterworks, drainage and floodways therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts for defraying the expenses thereof," approved May 23, 1925, relating to county fire protection districts.

Senate Bill No. 194—An act to amend section 757P of the Political Code relating to the salary of the superior judge of the county of Kern.

Senate Bill No. 288—An act to add Chapter 6, commencing sections 2700 to 2784, inclusive, to Division 11 and to add section 20804 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein.

Senate Bill No. 642—An act to amend section 5120 of the School Code, relating to the issuing of credentials by the State Board of Education; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Senate Bill No. 644—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4368, relating to school district budgets;

Senate Bill No. 645—An act to amend sections 2100 and 2440 of the School Code, both relating to the change of boundaries of school districts;

Senate Bill No. 654—An act to add a new section to the School Code to be numbered 6553, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

Senate Bill No. 732—An act to amend sections 1 and 9 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1935, relating to assessments districts; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 788—An act repealing section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, etc., approved April 20, 1935;

Senate Bill No. 808—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer;

Senate Bill No. 896—An act to add section 663e to the Political Code, relating to the power of the State Board of Control to authorize the writing off of bad and uncollectible accounts;

Senate Bill No. 899—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district;

Senate Bill No. 1036—An act to amend section 4255 and repeal section 4255a of the Political Code, relating to compensation of officers of counties of the twenty-sixth class;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Joint Resolution No. 15:** By Senator Fletcher—Relative to memorializing and petitioning Congress to enact adequate legislation to regulate the presentation of radio programs dealing with crime.

## Consideration of Senate Joint Resolution No. 15.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 15, without reference to committee for purpose of adoption.



**Senate Joint Resolution No. 15.**

Relative to memorializing and petitioning Congress to enact appropriate legislation to regulate the presentation of radio programs dealing with crime.

WHEREAS, During the past few years radio stations throughout the Nation have been broadcasting, without discretion or restriction, programs comprising the nefarious exploits of criminals; and

WHEREAS, These broadcasts are corrupting many sections of impressionable, tender, and immature mind to emulate the deeds of the characters they portray, inciting them to crime and general moral demoralization; and

WHEREAS, The Government of the United States has no effective legislation entitling it to supervise, regulate or control these programs, and the several States themselves are powerless to act in that respect; and

WHEREAS, Proper legislation by the Congress of the United States would have a salutary effect and would tend to raise the quality and moral tone of these programs; and

WHEREAS, The protection and welfare of the public now demands that the United States of America now extend its legislation to this field; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly:* That the Legislature of the State of California at its first session regular session, support memorializes and petitions the Congress of the United States to enact appropriate legislation for the regulation of radio programs dealing with crime; and be it further

*Resolved,* That copies of this resolution be presented by the Secretary of the Senate to the President of the United States, to the members of the Federal Communications Commission, and to each Senator and Representative in Congress of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Allen, Baggart, Currey, Egan, DeLoach, Fletcher, Garrison, Graham, Hollister, Keating, Keweenaw, Law, McCall, McCracken, Metzger, Mirer, Nielson, Phillips, Pierovich, Quinn, Schottky, Slater, Swine, Wagon, Westover, and Young—25

NOES—None

Senate Joint Resolution No. 15 ordered transmitted to the Assembly.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 71—An act to amend section 1160 of the Political Code, relating to the opening and closing of the polls.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 23 of Article VI thereof, relating to eligibility of justices and judges.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Senate Constitutional Amendment No. 2 was read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed bill, following the word "office", strike out the period, and insert in lieu thereof a comma, and insert the following words: "provided that the provisions of this section shall not apply to an incumbent or to the election of an incumbent to such office."

Bill read, ordered to print, engrossment, and on file.



Senate Bill No. 91—An act to amend section 6.750 of the School Code, relating to the use of school buildings.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 91 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out the word "all".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 379 was read and adopted:

**Amendment No. 1.**

On page 1, line 19, of the printed bill, strike out the words "six months", and insert in lieu thereof the words "one year".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 570—An act to amend sections 2.830 and 2.1145 of the School Code, to repeal section 5.401 of the School Code, to repeal an act entitled "An act relating to the election of teachers in the public schools," approved May 23, 1929, and to add to the School Code a new section to be numbered 5.401, all relating to the powers and duties of governing boards of school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 570 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the following: "sections 2.830 and", and insert in lieu thereof the word "section".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections 2.830 and".

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, after the word "entitled", insert the following: "An act relating to the election of clerks of school districts," approved May 14, 1929, to repeal an act entitled".

**Amendment No. 4.**

On page 1, line 5 of the title of the printed bill, strike out "a new section to be numbered 5.401", and insert in lieu thereof the following: "two new sections to be numbered 2.830 and 5.401".

**Amendment No. 5.**

On page 1, line 6 of the title of the printed bill, strike out the following: "the powers and duties of".

**Amendment No. 6.**

On page 1 of the printed bill, following line 2, insert the following: "SEC. 1a. An act entitled "An act relating to the election of clerks of school districts", approved May 14, 1929, is hereby repealed."

**Amendment No. 7.**

On page 1, line 5, of the printed bill, strike out the word "amended", and strike out all of lines 6 to 10, both inclusive, and insert in lieu thereof the following: "repealed."

**Amendment No. 8.**

On page 2 of the printed bill, following line 9, insert the following:

"SEC. 6. A new section is hereby added to the School Code to be numbered 2830 and to read as follows:

2830. The board of school trustees must meet annually, on the first day of July and elect one of its members clerk of the district. The clerk is clerk of the time this act takes effect until the first day of July next succeeding."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 799—An act to amend sections 51100, 51101, 51110, 51120, 51121, 51122, 51142, 51105, 51146, 51148 of the School Code, relating to the retirement of teachers and employees for school districts, and to add a new section to be numbered section 51147 to the School Code.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 799 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, between lines 16 and 17, insert the following:

"A plan under which, as a part thereof, the district contributing the said sums to pay to employees who may become entitled to retirement retirement benefits in specified period, not exceeding ten years, after the establishment of such plan, a specified sum or sums, which, during the life expectancy of such employees, will be approximately equal, in the aggregate, to the retirement differential during their life expectancy, between the maximum salary paid to employees in the respective class or classes of the retiring employees, and the salaries paid to beginning members in such class or classes, shall be construed to comply with the requirements of this section.

For the purpose of providing funds with which to make the payments required by any such district retirement plan, district taxes shall be levied and collected annually by such respective districts at the same time and in the same manner as other district taxes are levied and collected. Such tax shall be in addition to any other district tax now or hereafter imposed by law, and shall not be considered in fixing maximum rates of tax for school district purposes."

**Amendment No. 2.**

On page 3, line 36 of the printed bill, strike out "1935", and insert in lieu thereof the following: "1937".

**Amendment No. 3.**

On page 3, line 43, of the printed bill, strike out "1935" and insert in lieu thereof the following: "1937".

**Amendment No. 4.**

On page 3 of the printed bill, strike out lines 45, 46 and 47, and insert in lieu thereof the following: "be not less than sixty years, provided, that such"

**Amendment No. 5.**

On page 5 of the printed bill, between lines 31 and 32, insert the following:

"Whenever the title, 'Public School Teachers Retirement Salary Fund Board' is used in this Part V, it shall be construed to mean said board as it existed on January 1, 1937, or any successor to said board which may thereafter be established by law."

**Amendment No. 6.**

On page 6 of the printed bill, between lines 8 and 9, insert the following:

"The provisions of this section relative to the payment of retirement salary consisting of two parts, shall not apply to retirement schemes consisting of retirement pay the differential between maximum salaries and beginning salaries, as authorized in section 51110 hereof."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State moneys.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 116 were read and adopted:

**Amendment No. 1.**

On page 1, line 6 of the title of the printed bill, after "moneys", insert a comma and the following: "to declare the urgency hereof, and to provide that this act shall take effect immediately".

**Amendment No. 2.**

On page 1, line 13, of the printed bill, strike out the word "and", and insert in lieu thereof the following: "exclusive of".

**Amendment No. 3.**

On page 2 of the printed bill, strike out all of lines 19, 20, 21 and line 22, down to and including the period.

**Amendment No. 4.**

On page 3 of the printed bill, following line 51, insert the following:

"Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting such necessity are as follows:

Upon the expiration of two years after the enactment by Congress of the Banking Act of 1935, signed by the President August 23, 1935, said act prohibits all banks, members of the Federal Reserve System, from paying any interest upon any deposit in the United States, including deposits of public funds made by or on behalf of any State, county, school district, or other subdivision or municipality, which is payable on demand, and makes the payment of interest by such banks on all such deposits, other than those payable on demand, subject to limitation by regulation by the Board of Governors of the Federal Reserve System. Said Banking Act of 1935 also authorizes the Board of Governors of the Federal Reserve System to define "demand" and "time" deposits and to determine what shall be deemed to be a payment of interest and to prescribe such rules and regulations as it may deem necessary, and also requires that no such bank shall pay any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the said board.

Unless effectively amended on or before August 23, 1937, the existing law of this State, because of the restrictions imposed by the Banking Act of 1935, will make it mandatory that very large sums of public money be withdrawn from deposit with banks and that all amounts so withdrawn be held by the Treasurer in his own possession and handled in currency.

It is necessary that the withdrawal of such an amount of currency from circulation at one time be prevented and that the radical and objectionable changes in the handling of public financial transactions that would immediately ensue, as an inevitable result of such withdrawal and holding of currency, be obviated and that the means of deriving revenue from the depositing of public funds be impeded as little as possible. This act will permit the State to make deposits in such a manner as to comply with the Federal requirements. This act is necessary in order to permit the economical, orderly, and safe handling of the funds of the State."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 471—An act to add a new section to the Agricultural Code to be numbered 308.5, relating to inspectors employed by the Director of Agriculture of the State of California.

**Consideration of Committee Amendments**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 471 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "308.5", and insert in lieu thereof "331.5".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, after the word "he", add the words "supervising hide and brand".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "308.5", and insert in lieu thereof "331.5".

**Amendment No. 4.**

Commencing at line 3 of the printed bill, strike out all of lines 3, 4, 5, 6 and 7, and insert in lieu thereof the following:

"331.5. The director may authorize any supervising hide and brand inspector employed in connection with the administration of Article 3 of Chapter 1 of Division III of the code to remove any of the State of California, in the commission of felony cases, for such length of time as, in the opinion of the director, is necessary or expedient."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 550—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts and to the notice required therefor, the qualifications of bidders thereon, and the rights and remedies of bidders thereon in case of mistake.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 550 was read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, strike out all of lines 30 and 31, and insert in lieu thereof the following:

"Bidders on contracts to be awarded under section 4 of this act shall not be prequalified as required by this section."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such lands and to dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes, to make an appropriation therefor, and to repeal an act entitled "An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1935, to declare the urgency thereof, and to provide that this act shall take immediate effect.



**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 554 was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended in Senate March 8, 1937, after the words "agencies thereof", insert the following: "or any person, firm, or public, private or municipal corporation".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 987—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 987 were read and adopted:

**Amendment No. 1.**

On page 2, line 14, of the printed bill, strike out "five", and insert in lieu thereof the following: "four".

**Amendment No. 2.**

On page 2, line 28, of the printed bill, after "hand", insert the following: "and one winding of surgeon's adhesive tape not over one and one-half inches wide (placed directly on the hand to protect that part of the hand near the wrist and this may cross the back of the hand twice, but not extend within one inch of the knuckles)".

**Amendment No. 3.**

On page 2, line 45, of the printed bill, strike out "thirty-five", and insert in lieu thereof the following: "twenty".

**Amendment No. 4.**

On page 3, line 9, of the printed bill, strike out ", sheriff, constable, marshal,".

**Amendment No. 5.**

On page 3 of the printed bill, strike out line 10.

**Amendment No. 6.**

On page 3, line 11, of the printed bill, strike out "political subdivision, where such exhibition is being held,".

**Amendment No. 7.**

On page 3, line 24, of the printed bill, strike out "or any peace officer,".

**Amendment No. 8.**

On page 3, line 41, of the printed bill, strike out "of", after "fee", at the end of the line.

**Amendment No. 9.**

On page 3, line 42, of the printed bill, strike out "twelve dollars and file a bond of", and insert in lieu thereof the following: "and file a bond of not less than".

**Amendment No. 10.**

On page 4, line 3, of the printed bill, strike out "and sanction".

**Amendment No. 11.**

On page 4, line 4, of the printed bill, strike out "and the District Association of the Amateur Athletic".

**Amendment No. 12.**

On page 4, line 5, of the printed bill, strike out "Union of the United States and subject to all", and insert in lieu thereof the following: "and subject to".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 66—An act authorizing the State of California through its proper officers, departments or agencies to issue duplicate bonds, coupons, warrants or other evidences of indebtedness of the State of California when the originals have been lost or destroyed, providing for the State to take security against loss or damage that may be incurred on account of the loss and the issuance of the duplicates.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 66 were read and adopted:

**Amendment No. 1.**

Strike out line 3 of the title of the printed act, and insert in lieu thereof the following: "coupons, or other evidences of indebtedness, except warrants, of."

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 3, and insert in lieu thereof the following: "coupons, or other evidences of indebtedness, except warrants, of."

**Amendment No. 3.**

On page 1, line 8, of the printed bill, strike out "warrants".

**Amendment No. 4.**

On page 1, line 11, of the printed bill, strike out "warrants".

**Amendment No. 5.**

On page 1, line 18, of the printed bill, strike out "warrants".

**Amendment No. 6.**

On page 2, line 24, of the printed bill, strike out "warrant".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 557—An act to amend section 373½ of the Political Code, relating to the Department of Natural Resources.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 557 was read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, strike out the period at the end of the paragraph, and insert in lieu thereof a comma and the following words: "and other State departments and State officers. The department is authorized to receive news advertising and subscriptions on a commission basis and to publish such advertising in such publications."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 752—An act to add section 675b to the Political Code and to repeal section 675.1 thereof, relating to the approval of salaries by the Department of Finance.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 752 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after the second word in said line, which said word is "delegated", insert a comma and the following: "other than by provision of the Constitution of this State,".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 67—An act to amend section 752 of the Political Code, relating to fees collected by the Clerk of the Supreme Court.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 788—An act repealing section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, etc., approved April 20, 1935.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 808—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 896—An act to add section 663e to the Political Code, relating to the power of the State Board of Control to authorize the writing off of bad and uncollectible accounts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 580—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon substances from State lands by trespassing wells, and providing for the validation, upon certain conditions, of "agreements for easements" heretofore made by the Director of Finance and the Chief of the Division of State Lands.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 580 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out the word "trespassing", and after the words "wells", strike out the comma and all the rest of the title of the printed bill, and insert in lieu thereof the following: "drilled upon privately owned lands."

##### **Amendment No. 2.**

On page 1, line 7, of the printed bill, following the word "authorized", insert the following: "or approved".

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 581—An act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17a, 18, 18a, 19, 20, 23, 24, 25, of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, Statutes 1921, as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 581 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out the following figures: "1, 6, 9, 10, 11, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 24, 25," and preceding the words "of An act" at the end of the second line of the title, insert the following: "and repealing sections 10, 17a and 18a"

**Amendment No. 2.**

On page 1 of the printed bill, following the word and figure "Section 1", insert the following: "Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. All applications to purchase State lands, which may be found subsurface to the passage of this act, and all sales shall be subject to and contain a reservation to the State of all coal, oil, gas and other mineral deposits in all land so acquired, and the right of the State and its persons authorized by it to prospect for, mine and remove such deposits and to convey and use or lease of the surface of said land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom; and all applications of purchase and patents issued therefor shall contain such reservation.

Sec. 2. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. The Surveyor General, the State Mineralogist and the Director of Agriculture shall from time to time classify any of the State land for its different possible values and uses, and may require any other officers, agents, inspectors or institution of the State Government to assist in making such classification, and shall render a report thereon, which shall be filed with the Division of State Lands of the Department of Finance and shall at all times be open to public inspection.

Sec. 3. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. The Surveyor General is hereby authorized, upon the payment to him of 50 cents per acre, for each acre in any enclosed tract, the boundaries of the lands proposed to be prospected, and under such rules and regulations as he may prescribe, to grant (a) to any person or association of persons, who are citizens of the United States or who have declared their intention of becoming such, or who are eligible to citizenship under the laws of the United States and are citizens of any country, dependency, colony or possession, the same immunities and privileges of which permit grant of similar or like privileges to citizens of the United States; or (b) to any corporation ninety per cent or more of the stock of which is owned by citizens of the United States or by citizens of any such country, dependency, colony or province whose citizens are eligible to citizenship under the laws of the United States, in the order of the applications made therefore, a prospecting permit as hereinafter described; provided, however, that the Surveyor General is hereby authorized to issue such a prospecting permit to any alien person entitled thereto by virtue of any treaty between the United States and the nation or country of which such alien person is a citizen or subject. Such prospecting permit shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas, or for both oil and gas, upon not exceeding 640 acres of land wherein such deposits of oil or gas belong to the State and are not within any known geological structure of a producing oil or gas field, upon condition that the permittee shall begin drilling operations within four months from the date of the permit and shall within nine months from and after the date of the permit drill one or more wells for oil or gas to a depth of not less than 1,000 feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall within eighteen months from the date of the permit drill for oil or gas to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered.

The Surveyor General may, if he shall find upon proper application and proof thereof that the permittee has been unable with the exercise of diligence to complete drilling operations in the time granted by the permit, extend time not exceeding two years, from the date of the permit and upon such conditions as he shall prescribe.

Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall prior to filing his application for permit, locate such land in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract, if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width; the land to be surveyed by the Surveyor General at the expense of the applicant for the permit in such form as the Surveyor General shall deem to be to the best interest of the State; provided,



however, that in case of prospecting permits and leases to river beds, or lake beds, the width or length of the prospecting permit or lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile. No such prospecting permit shall be issued covering any overflowed, tide or submerged lands.

If the applicant shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after the date of posting said notice, giving the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monument as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting, be entitled to a preferential right over others to a permit for the land so identified; provided, however, that applicant shall, as a part of his application for a permit, show that within two days after the posting of the said notice, he recorded a copy of the same in the county recorder's office of the county in which the said land is situated.

The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby; provided, however that where the boundaries of the land sought to be prospected or developed under lease are wholly or partially in river or lake beds, the notice shall be conspicuously posted on a monument as close to a corner of the land as possible and shall specifically describe the area to be developed by courses and distances so that the limits of the area can be easily determined."

Sec. 4. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. Upon establishing to the satisfaction of the Surveyor General that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit; provided, that the permittee shall be granted a lease for as much as 100 acres of said lands, if there be that number of area within the permit. The area to be selected by the permittee shall be in compact form and if surveyed, to be described by the legal subdivisions of the public land surveys; if unsurveyed, to be surveyed by the Surveyor General at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Surveyor General, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of survey shall be deemed appropriated for that purpose, and any excess deposit may be repaid to the person or persons making such deposits, or their legal representative. Such lease shall be for a term of 20 years upon a royalty of 12 1/2 per centum in amount or value of the production and the annual payment in advance of a rental of one dollar per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 8 hereof.

The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 20 per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act, including the right of renewal as prescribed in section 8 hereof, the bonus and royalty to be determined by competitive bidding or fixed by such other method as the Surveyor General may by regulations prescribe; provided, that the Surveyor General shall have the right to reject any and all bids.

Sec. 5. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7. All permits and leases of lands containing oil or gas, made or issued under the provisions of this act, shall be subject to the condition that no wells shall be drilled within 200 feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners without a reservation to the State of oil and gas deposits therein. And to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

SEC. 6. Section 8 of the act cited in the title hereto is hereby amended to read as follows:

SEC. 8. All unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the adjacent lands underlying the same, with respect to which no producing permit shall be granted and which shall not be subject to preferential lease, may be leased by the Surveyor General to the highest responsible bidder by competitive bidding under general regulations to qualified applicants to cover not exceeding 160 acres and in tracts which shall not exceed in length two and one-half times the width, the maximum land to be leased according to legal subdivisions, the leaseholders have to be accepted by the Surveyor General, if the extension of the lease, in such cases as the Surveyor General shall deem to be to the best interest of the State. Provided, however, that in case of leases to river bed or lake bed, the width or length of the lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile, such leases to be conditioned upon the payment for one barrel of such barrels as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 20 per centum in amount or value of the production, and the payment in advance of a royalty of not less than one dollar per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalty as then fixed for that year. Leases shall be for a period of 20 years with the privilege to renew in the lease to extend the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Surveyor General, unless otherwise provided by law at the time of the expiration of such permit.

Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Surveyor General is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act, provided, further, that the Surveyor General shall not lease or receive any application for lease, and shall not give a lease to the highest responsible bidder by competitive bidding under the provisions of this section of any title, overflowed or submerged lands of this State after the approval of this act and prior to the first day of September, 1929.

SEC. 7. Section 12 of the act cited in the title hereto is hereby amended to read as follows:

No person, association of persons, or corporation shall take or hold, either directly or indirectly, under the terms of this act, permit or permits, lease or leases, exceeding in acreage 400 acres for each of the minerals reserved to the State under the terms of this act, and no person, association of persons, or corporation shall take or hold at any one time any interest or interests in a number of an association or corporations, or as a stockholder of a corporation or corporations holding a permit or permits, lease or leases, under the provisions of this act, together with any other interest or interests, or as a member of an association or associations, or as a stockholder of a corporation or corporations holding a permit or permits, lease or leases, under the provisions of this act, but any kind of said minerals leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one permittee or lessee under this act.

Provided, however, that for the purposes of this section, a person, association of persons, or corporation which is a member of an association or stockholder in a corporation holding a permit or permits, lease or leases, under the provisions of this act, shall be chargeable only with that proportion of the number of acres of minerals or permits, lease or leases, held by said association or corporation, which his or its interest in said association bears to the entire interest held by all the members in said association or which his or its stock holdings in said corporation bear to the stock held by all the stockholders of said corporation, and provided further, that for the purposes of this section, a person, association of persons, or corporation holding a fractional undivided interest, whether it be the legal or beneficial interest, in a permit or permits, lease or leases, shall be chargeable only with that proportion of the acreage of said permit or permits, lease or leases, which his or its fractional undivided interest bears to the entire interests held in said permit or permits, lease or leases, by all persons, associations of persons, or corporations.

Any interest held in violation of this act shall be forfeited to the State of California by appropriate proceedings for that purpose in the superior court for the county in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will judgment, or decree may be held for two years and not longer after its acquisition. Nothing herein contained shall be construed to limit or to prevent any number of permittees or lessees under the provisions of this act from conducting their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the

transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal.

And provided further, that for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other jointly or separately, or jointly or separately with others owning or operating lands not belonging to the State, in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Surveyor General to be necessary or advisable in the public interest, and the Surveyor General is thereunto authorized in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change and revoke, drilling, and producing requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of the interest of the State of California.

And further provided, that when any permit immediately adjacent to another permit or lease upon which valuable deposits of oil or gas have been discovered, and in good standing and not expired on January 1, 1935, has been included, with the approval of the Surveyor General, in a unit plan of development or operation under this section, the Surveyor General may issue a lease for the area of the permit so included in said plan without further proof of discovery, upon such royalty requirements as may appear to him to be to the best interests of the State, but not less than a royalty of twenty (20) per centum.

And provided further, that the Surveyor General is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling or development contracts made by one or more permittees or lessees in oil or gas leases or permits with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations, provided for in this section, the conservation of natural products or the public convenience or necessity may require it, or the interests of the State of California may be best subserved thereby.

And provided further, that whenever it appears to the Surveyor General that wells now drilled upon private lands are draining oil or gas from lands owned by the State of California, the Director of Finance is hereby authorized and empowered on behalf of the State of California to cause the production thereof from such State lands to offset such drainage and to produce oil and gas from such State lands for the benefit of the State in the manner provided for by law.

And provided further, that, if any of lands or deposits leased under the provisions of this act shall be subleased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Sec. 8. Section 13 of this act cited in the title hereof is hereby amended to read as follows:

Rights of way through all State lands may be granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 4 of this act, to the extent of the ground occupied by the said pipe line and 25 feet on each side of the same under such conditions and regulations as to survey, location, application, and use as may be prescribed by the Surveyor General and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers.

Provided, that the Surveyor General shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the State or of any person, association of persons, or corporation not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act; provided, that no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section.

Failure to comply with the provisions of this section or the regulations prescribed by the Surveyor General shall be ground for forfeiture of the grant by appropriate proceedings prosecuted in the superior court for the county in which the property, or some part thereof, is located; and provided further, that all of the rights and privileges as are now, or as may hereafter be provided by law, respecting the acqui-



sition of rights of ingress, egress and regress over the property of another, the proceedings in eminent domain, are hereby expressly given to a permittee or lessee so that such permittee or lessee may carry on the operations contemplated under the terms of this act.

Sec. 9. Section 17 of this act cited in the title thereof is hereby amended to read as follows:

Any person or association of persons, corporate or otherwise, including nations or riparian owners of tide, overflowed or submerged land, as provided in section 17a of this act, who enters or has entered upon any land or lands owned under the provisions of this act, and who is holding or attempting to hold or occupy, use such land, is guilty of a trespass, and the claims being asserted are hereby declared to be null and void, and any property placed upon the said land is hereby declared forfeited to the State, and the Surveyor General is hereby authorized and empowered to issue a prospector's permit or lease on the said land to any qualified claimant who shall comply with the provisions of this act after a hearing thereon.

Sec. 10. Sections 10, 17a and 18a of the act cited in the title thereof are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 647—An act to amend section 402 of the Fish and Game Code, relating to mutilation of fish.

#### Consideration of Committee Amendment

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 647 was read and adopted:

#### Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "individual", insert the following: "except under regulations of the commissioners."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 642—An act to amend section 5420 of the School Code, relating to the issuing of credentials by the State Board of Education.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 644—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4368, relating to school district budgets.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 645—An act to amend sections 2100 and 2440 of the School Code, both relating to the change of boundaries of school districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 654—An act to add a new section to the School Code to be numbered 653, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 809—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street



work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or required under this act and the payment of bonds issued under this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 188—An act to amend section 5 of Chapter 191, Statutes of 1923, entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1036—An act to amend section 4255 and repeal section 4255a of the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 732—An act to amend sections 1 and 9 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1935, relating to assessment districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 965—An act to amend section 4250 of the Political Code, relating to the compensation of officers and employees in counties of the twenty-first class.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 965 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 42, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

##### **Amendment No. 2.**

On page 2, line 42, of the printed bill, strike out the words "five hundred fifty".

##### **Amendment No. 3.**

On page 4, line 12, of the printed bill, strike out the word "sixty", and insert in lieu thereof the words "six hundred".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 898—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 898 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, at the end of line 46, insert the word "insertion".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 195—An act to amend section 4269 of the Political Code, relating to salaries of officers of the counties of the third class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 195 were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, strike out the words "and "and one deputy are a salary of less than \$1,000"; and strike out lines 18 to 20, inclusive, and insert in lieu thereof a period.

**Amendment No. 2.**

On page 3, line 16, of the printed bill, strike out the words "and one deputy at a salary of from \$1,000 to \$1,500"; and strike out lines 17 to 21, inclusive, and insert in lieu thereof a period.

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 555—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 194—An act to amend section 737P of the Political Code, relating to the salary of the superior judge of the county of Kings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 899—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 990—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 990 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, strike out the word "February", and insert in lieu thereof the word "May".

**Amendment No. 2.**

On page 1, line 4, strike out the words "January 1", and insert in lieu thereof the words "February 28".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof, relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Senate Bill No. 361 were read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, strike out all of line 30, and insert in lieu thereof "which money in any such fund, in which such funds are placed, may be used."

**Amendment No. 2.**

On page 4, between lines 19 and 20, insert the following:

"In addition to all power, jurisdiction or authority now vested in the Reclamation Board, said board may exercise inside and outside of the Sacramento and San Joaquin Drainage District power, jurisdiction and authority to adopt and carry out in cooperation with the United States, any plan or plans or project of flood control in the Sacramento or San Joaquin River Valleys or on or near the Sacramento River or the San Joaquin River or their tributaries and which said plans are hereafter adopted by the United States and the Reclamation Board; provided, however, that the Reclamation Board shall have no power or authority to levy any assessment for any purpose upon property outside of the boundaries of the Sacramento and San Joaquin Drainage District. It is the intent hereof to enlarge and extend the power, jurisdiction and authority of the Reclamation Board outside the Sacramento and San Joaquin Drainage District to the extent herein set forth but not in any degree to limit, restrict or abridge any of the powers, jurisdiction or authority of the Reclamation Board heretofore or hereafter conferred upon it. The Reclamation Board in the exercise of its discretion is authorized to give assurances satisfactory to the Secretary of War of the United States that the State of California will (a) provide without cost to the United States all lands, easements and rights-of-way necessary for the construction of the project under such flood control plan except as otherwise provided in that certain act passed by the Congress of the United States, approved June 22, 1936, and entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control and other purposes" (Public No. 738, 74th Congress); (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War; and all political subdivisions or agencies of the State and municipal and quasi-municipal corporations shall have power and authority to make agreements with the Reclamation Board obligating themselves to do or perform those things which are required of the State, political subdivisions thereof, or other local agencies by said act of the Congress of the United States."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1089—An act to add section 5 to an act entitled "An act creating a reclamation district to be known as reclamation district

No. 10, prescribing its boundaries and providing for the management and control thereof, dissolving Protection District No. 10 of Yuba County, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said district," approved May 26, 1913, relating to the disposition of funds impounded for the payment of outlawed bonds of said district.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Senate Bill No. 1089 was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after the letters "and", insert a comma and add "when requested to do so by the Trustees of the District."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 364—An act to amend section 6 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys and creating a reclamation board and defining its powers," approved December 24, 1911, relating to attorneys and employees of the reclamation board.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Senate Bill No. 364 was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, after "both," add the following "The compensation of all attorneys employed by the board shall not exceed the sum of \$5,000 in any one fiscal year."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.



Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 579 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 6 to 17, both inclusive, and insert in lieu thereof the following:

"The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 4, Township 6 South, Range 11 West, S.B.B. & M.; thence easterly a distance of 14,520 feet, more or less, to the northeast corner of the northwest quarter of Section 1, Township 6 South, Range 11 West, S.B.B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 10,901 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean."

##### Amendment No. 2.

On page 1, line 25, of the printed bill, strike out the comma following the word "directed", and also strike out the following words: "in the manner herein-after provided,".

##### Amendment No. 3.

On page 2 of the printed bill, strike out all of lines 30 to 52, both inclusive, strike out all of page 3, and lines 1 to 34, both inclusive, of page 4, and insert in lieu thereof the following:

"PARCEL A. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 4, Township 6 South, Range 11 West, S.B.B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of said Section 4; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

PARCEL B. The area bounded by a line beginning at the northeast corner of Section 4, Township 6 South, Range 11 West, S.B.B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 3, Township 6 South, Range 11 West, S.B.B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

PARCEL C. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 3, Township 6 South, Range 11 West, S.B.B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of Section 3, Township 6 South, Range 11 West, S.B.B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

PARCEL D. The area bounded by a line beginning at the northeast corner of the northwest quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northeast quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

PARCEL E. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 3, Township 6 South, Range

11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence north  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL F.** The area bounded by a line beginning at the northeast corner of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  West to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL G.** The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  West to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL H.** The area bounded by a line beginning at the northeast corner of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL I.** The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL J.** The area bounded by a line beginning at the northeast corner of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

**PARCEL K.** The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean."

#### Amendment No. 4.

On page 5, line 24, of the printed bill, strike out the words and figures "ten (10)", and insert in lieu thereof the words and figures "six (6)".

#### Amendment No. 5.

On page 6, line 25, of the printed bill, strike out the word "has", and insert in lieu thereof the word "is".

**Amendment No. 6.**

On page 6, line 26, of the printed bill, strike out the word "been", and the words "and is doing".

**Amendment No. 7.**

On page 6, line 27, of the printed bill, after the word "California", insert a period and strike out the rest of line 27, and all of lines 28 and 29.

**Amendment No. 8.**

On page 7, line 4, of the printed bill, after the word "lease", strike out the semi-colon and insert in lieu thereof a period, and strike out the rest of line 4, and all of lines 5 and 6 on said page 7.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 844—An act to amend section 3773 of the Political Code, relating to lands sold to the State for delinquent taxes, the possession, rental and appraisal thereof, creating the tax deeded land rental fund, making an appropriation in relation thereto, and declaring the urgency thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2061—An act to amend section 73700 of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Mateo.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 11—An act to add a new section to be numbered 5.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to the regulation and government of fire protection districts.

Bill read second time, and ordered on file for third reading.

**Rush Order to Printer.**

On motion of Senator Olson, the Secretary was directed to issue a rush order for printing Senate Bill No. 579.

**President of the Senate in the Chair.**

At twelve o'clock and fifteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Third Reading of Senate Bills.**

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 214 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl.



McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 214 ordered transmitted to the Assembly

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 245 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowl, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 245 ordered transmitted to the Assembly

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilot and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowl, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 246 ordered transmitted to the Assembly

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowl, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.  
 NOES—None.

Title read and approved.



Senate Bill No. 247 ordered transmitted to the Assembly.

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 249 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard S. McIntire at the desk.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

Respectfully submitted.

SENATOR BIGGAR.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Biggar to introduce a bill entitled:

An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote—Ayes—5

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
McGILL.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McGill, McCormack, Metzger, Mixer, Nelson, Olson, Parkerson, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—34  
NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 1102:** By Senator Biggar: An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

Senate Bill No. 1102 read first time, and referred to Committee on County Government.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of Senate attaches and his name be stricken from the pay roll of the Senate at the conclusion of his work for March 4, 1937.

*Per day*  
\$5.00

John Lea, Assistant at Desk

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McGill, McCormack, Metzger, Mixer, Nelson, Olson, Parkerson, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—34  
NOES—None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly, beginning March 15, 1937, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

*Per day*  
*6 days per week*  
\$5.00  
5.00

Laura Mast, Stenographer

Marian Hendricks, Stenographer

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law,

McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—35.

NOES—None.

**President of the Senate in the Chair.**

At two o'clock and twenty-three minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 31—Relative to the appointment of Delwin W. Smith as a member of the State Personnel Board, in lieu of the Legislative Counsel as a member of said board;

Has had the same under consideration, and respectfully reports the same back without any recommendation concerning its adoption, but the committee does recommend that it be given immediate consideration.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.  
SLATER.  
McCOLL.  
TICKLE.  
KNOWLAND.

**Consideration of Assembly Concurrent Resolution No. 31—  
(Out of Order).**

**Assembly Concurrent Resolution No. 31.**

Relative to the appointment of Delwin W. Smith as a member of the State Personnel Board, in lieu of the Legislative Counsel as a member of said board.

WHEREAS, Mr. Fred B. Wood, in accordance with the provisions of the Constitution, in his capacity as Legislative Counsel, has served ex officio as a member of the State Personnel Board since that board was created; and

WHEREAS, The said Fred B. Wood has indicated by a communication to the Assembly that he is desirous of being relieved of his duties as a member of the said board, due to a conflict of his duties in these two capacities; and

WHEREAS, Fred B. Wood has served in the said capacity in a most efficient and commendable manner, and this Legislature being of the opinion that his wishes in this matter should be complied with; and

WHEREAS, It is incumbent upon the Legislature in accordance with the provisions of Article XXIV of the Constitution to designate some other person to serve on the said board in lieu of the Legislative Counsel; and

WHEREAS, Mr. Delwin W. Smith is a man of ability and integrity, who, the members of the Legislature feel, is a proper man to fill this position; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Delwin W. Smith is hereby appointed by the Legislature upon a majority vote in each house, to serve as a member of the State Personnel Board, in lieu of the Legislative Counsel as a member of said board, at the pleasure of the Legislature until January 15, 1939.

Resolution read.

**Motion.**

Senator Seawell moved the previous question.

Motion carried, and such was the order.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 31 refused adoption by the following vote:

AYES—Senators Garrison, Law, and Olson—3.

NOES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

**Notice of Motion to Reconsider.**

Senator Pierovich gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Concurrent Resolution No. 31 was refused adoption.

**Consideration of Daily File.****Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 219—An act to amend section 3817d of the Political Code, relating to sales of tax delinquent property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 219 ordered transmitted to the Assembly.

Senate Bill No. 111—An act to add section 3627d to the Political Code, relating to value of works of art.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, Fletcher, Garrison, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Mixer, Nelson, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tinkle, Wagy, Westover, and Young—27.

NOES—Senators DeLap, Denel, Gordon, Keough, Seawell, and Williams—6.

Title read and approved.

Senate Bill No. 111 ordered transmitted to the Assembly.

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.



**Amendment from the Floor.**

During third reading of Senate Bill No. 103, the following amendment, offered by Senator Swing, was read and adopted:

**Amendment No. 1.**

On page 7, line 5, of the printed bill, after "director", insert a comma and the following: "if it satisfactorily appears to him that the acceptance of such bid will be for the best interests of the State of California".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 507—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 507 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 507 ordered transmitted to the Assembly.

Senate Bill No. 756—An act to add section 495 to the Fish and Game Code, relating to chumming.

**Amendment from the Floor.**

During third reading of Senate Bill No. 756, the following amendment, offered by Senator Young, was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after "fish", insert a comma and the following: "other than striped bass".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 428—An act to amend section 493 of the Fish and Game Code, relating to night fishing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 428 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 428 ordered transmitted to the Assembly.

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holahan, Keating, Keough, Knowland, Law, McCall, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Slater, Tickle, Wagy, and Westover—28.

**NOES**—Senator Hays—1.

**Title read and approved.**

Senate Bill No. 193 ordered transmitted to the Assembly.

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

**Amendment from the Floor.**

During third reading of Senate Bill No. 854 the following amendment, offered by Senator Olson, was read and adopted:

**Amendment No. 1.**

On page 1, line 24, of the printed bill strike out "and as to any such city", and insert in lieu thereof the following: "and for the use of any chartered city which has, heretofore, by reference, incorporated any of such sections into its charter, and as to any such cities."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 338—An act to amend section 1228 of the Penal Code, relating to capital punishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 338 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Tickle, and Wagy—29.

**NOES**—Senator Keough—1.

**Title read and approved.**

Senate Bill No. 338 ordered transmitted to the Assembly.

Senate Bill No. 259—An act relating to out-of-State parolee supervision and authorizing and directing the Governor to enter into compacts therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Quinn, Schottky, Slater, Tickle, Wagy, and Westover—29.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 259 ordered transmitted to the Assembly.

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 267 ordered transmitted to the Assembly.

Senate Bill No. 679—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 679 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—34.

NOES—None.

Title read and approved.

Senate Bill No. 679 ordered transmitted to the Assembly.

Senate Bill No. 821—An act to add section 4300e½ to the Political Code, relating to moneys received by justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 821 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Westover—32.

NOES—None.

Title read and approved.

Senate Bill No. 821 ordered transmitted to the Assembly.

Senate Bill No. 167—An act to amend sections 136 and 136.5 of the Streets and Highways Code, relating to contracts of the Department of Public Works.

#### Amendments from the Floor.

During third reading of Senate Bill No. 167, the following amendments, offered by Senator Crittenden, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the word "of", insert the following: "and to add a new section to be numbered 202.1 to,".

##### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the words "of the Department", and in line 3 of the title, strike out the words "of Public Works", and insert in lieu thereof the following: "for the leasing or renting of equipment for street or highway purposes".

##### Amendment No. 3.

After line 27 of the printed bill, add the following:

"SEC. 3. A new section is added to the Streets and Highways Code to be numbered 202.1 and to read as follows:

202.1. No minimum or maximum rates prescribed under the provisions of any other statute shall apply to any contract for renting or leasing of automotive equip-

ment with or without operators for street or highway purposes awarded to any city or county after competitive bidding."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 517—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 517 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Davis, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kessigh, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

Title read and approved.

Senate Bill No. 517 ordered transmitted to the Assembly.

Senate Bill No. 104—An act to add a new section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Davis, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Kessigh, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 104 ordered transmitted to the Assembly.

Senate Bill No. 34—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kessigh, Law, McCall, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

NOES—None.

Title read and approved.

Senate Bill No. 34 ordered transmitted to the Assembly.

Senate Bill No. 35—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 35 ordered transmitted to the Assembly.

Senate Bill No. 36—An act to add section 60a to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 36 ordered transmitted to the Assembly.

Senate Bill No. 730—An act to amend section 2 of the Fish and Game Code, relating to definitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 730 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

Assembly Bill No. 2786—An act providing ways and means for liquidating, refinancing and readjusting certain indebtedness of irrigation districts in default; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of

section 1 of Article IV of the Constitution and shall therefore go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Doss, Fowler, Hollister, Holahan, Keating, Keough, Knowland, Lane, McCall, McCann, Morgan, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rusk, Schalky, Seaton, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2786 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Doss, Fowler, Holahan, Keating, Keough, Knowland, Lane, McCall, McCann, Morgan, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Rusk, Schalky, Seaton, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2786 ordered transmitted to the Assembly.

### Special Order.

Senator Garrison moved that Senate Bill No. 200 be made a special order for Wednesday, March 17, 1937, at eleven o'clock and thirty minutes a.m.

### Special Order.

Senator Garrison moved that Senate Bill No. 888 be made a special order for Wednesday, March 17, 1937, immediately after the disposition of Senate Bill No. 200, heretofore set as a special order for eleven o'clock and thirty minutes a.m.

### Notice of Motion to Reconsider.

Senator Nielsen gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bills Nos. 245, 246, 247, and 249 were passed.

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 357 was passed.

### Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 357 was passed, was continued until the next legislative day.

### Notice of Motion to Reconsider.

Senator Keough gave notice that on the next legislative day he would move to reconsider the vote by which Senate Joint Resolution No. 15 was passed.

## Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Senate Joint Resolution No. 10—Relative to memorializing Congress to enact legislation taxing offshore sardine reduction plants; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3, absent 2.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Senate Joint Resolution No. 3—Relative to hours of employment of persons on interstate carriers;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

OLSON, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees;

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 2 of Article IV of the Constitution, relating to the introduction of legislative bills;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the proposed constitutional amendments be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California amendments to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to sessions of the Legislature;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 419—An act to amend section 698 of the Fish and Game Code, relating to black bass;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

# **On Public Morals.**

SENATE CHAMBER, SACRAMENTO, MARCH 15, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Senate Bill No. 584: An act to amend sections 1, 3, 16 and 21 and to add new sections to be designated as sections 15a, 15b and 16a of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1122, being also known as Act 3966 of Title 290, pages 2974-5 Volume Two, General Laws of 1931 and known as the "Juvenile Court Law."

Has had the same under consideration, and respectfully reports the same, with amendments, and recommends that the amendments be adopted, and the bill be referred to Committee on Judiciary.

Committee membership: 7; committee vote: Ayes: 7.

FLETCHER, Chairman.

## **Adjournment.**

At four o'clock and twelve minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, March 16, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## **IN SENATE.**

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 16, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

## **Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Dene, Fletcher, Garrison, Gordon, Hays, Hobbs, Hollister, Jaspersen, Keating, Keough, Koppelman, Law, McBride, McColl, McCormack, McGovern, Metzger, Moxley, Nichols, O'Connor, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schwell, Schutte, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young: 40.

Quorum present.

## **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

## **Reading of the Journal.**

During the reading of the Journal of Monday, March 15, 1937, the further reading was, on motion of Senator Slater, dispensed with.

## **Privilege of Floor of Senate Extended.**

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to teachers C. L. Morford, and Joan Koopman, and the following students of the Corning Union High School: Elva Fergus, Lloyd Fergus, John Bertagnolli, Donald DeFries, LaVerne Flournoy, Warren McCroskey, Frank Morgan, Craig Hill, David Hughes, Richard Tracy, LeRoy Rochford, Joe Calbreath, Louana Siler, Eloise Wilson, Evelyn Williams, Velora Davis, James Holland, Jennie Vanella, Esther Whitnaek, Melva Mae Volz, Stella Siemens, James Chames, Marie Measer, Charles Morris, Ernest Clark, Marjorie Sullivan, Helen Boatman, Iris Kees.



Meryl Frazer, Irma Williams, Doris Close, Zelma Gilmore, Frank Houghton, Billy Flournoy, Betty Houghton, Molly Houghton, Peggy Hill, Betty Mae Armstrong, Bernard Flanagan, Warren Rinehart, Leland Blackburn, Richard Nesbit, Paul Isaac, Francis Robertson, Fred Zimmerman, Ray Perkins, Lowell Wilson, Clarence Dozelal, Mable Allen, Lenora Davis, Thelma Knowles, Betty Foord, Margaret Barger, Barbara Lennox, Wilma Turner, June Wolters, Twila Dobson, Sterling Russell, Zora Roberts, Irene Hughes, Martha Pierce, Doris Fiscus, Harold Swiggett, Robert Manning, Robert McCormick, Paul Jolly, Nell Yergensen, Alice Womacks, Lester Hall, Arthur Johnson, Dale Edwards, Ted Taylor, Amy Goings and Alice Rinehart.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ray Wakefield of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Walter Bellon, Mrs. Walter Bellon, Mr. Harvey Hicks, Mr. Le Roy Richards, Mr. V. H. Faddis, Mr. B. E. Sweet, Mr. John Cole, Mr. Carl Heilbron, all of San Diego.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William A. Sullivan, State Insurance Commissioner of the State of Washington.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Kettlewell, teacher, and a number of students of the Marin Junior College.

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. J. McNamara, member of the Del Norte County Board of Supervisors.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. O. H. Ruth of Woodlake.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James Reed of Long Beach.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. M. Kelly, Wheeler Osborn of Modesto, Ivor O. Pedersen of Petaluma, D. B. Walls of Petaluma, Raymond Nelson of Kingsburg, R. L. Kimmel of Modesto, F. B. Paturin of Modesto, Horace Dryden of Modesto, A. G. Howard of Rio Linda, Roy Kiphart of Modesto, Paul Schmitz of Modesto, E. B. Henry of Modesto, Mr. and Mrs. J. Gordon Cowan of Modesto, Mr. Joe Rumble of Modesto and Mr. Hubert Rumble of Modesto.

### Communications.

One hundred and fifty-three communications were received advocating a pardon for Thomas Mooney.

**Communication.**

The following communication was received, read, and ordered printed in the Journal:

ASSEMBLY, FIFTY SECOND SESSION, NINETEEN THIRTY SEVEN

March 15, 1937

*Hon. George J. Hatfield,  
Members of the State Senate,  
Sacramento, California.*

GENTLEMEN: The committee of arrangements for the St. Patrick's day celebration, which will be held in the Assembly chambers, March 17, 1937, at 2:30, respectfully requests the presence of the members of the Senate on this program.

A splendid program will be presented and we trust that each and every one will be in paying our respect to the Patron Saint of Ireland (St. Patrick's day).

Looking forward to your attendance, I am

Yours very truly,

THOMAS A. MALONEY

**Motion.**

Senator McBride moved that the Senate accept the invitation of the Assembly to attend a St. Patrick's celebration in the Assembly on Wednesday, March 17, 1937, at two o'clock and thirty minutes p.m.

Motion carried.

**Communication.**

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Rules.

(Copy)

WESTERN UNION

SACRAMENTO, CALIFORNIA, March 14, 1937.

*Senator John B. McCall.*

California League of Women Voters protests hasty action contemplated in Personnel Board. Careful consideration and suitable legislation because of the future of State service and fate of more than 20,000 employees.

HARRIET J. ELIEL, President,  
CALIFORNIA LEAGUE OF WOMEN VOTERS.

**Communication.**

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Roads and Highways.

**Resolution.**

STATE OF CALIFORNIA, } ss.  
COUNTY OF MERCED, }

WHEREAS, At the regular session of the Legislature of the State of California held during the year 1933, there was passed by the State Legislature and approved by the Governor, a bill introduced by Senator Arthur H. Ross, relating to the State highway system, several thousand miles of county roads, and

WHEREAS, Said bill as originally introduced included a road from Newman, Stanislaus County, to Livingston, Merced County, part of which road was and is in Merced County; and

WHEREAS, Said road is a twisting and turning road filled with several right angle turns and is not suitable or desirable as a State highway; and

WHEREAS, The John C. Fremont Road from Gustine, Merced County, to Merced is free from right angle turns and is a main artery of travel from the west to one side of Merced County to the county seat, and is suitable and desirable as a State highway; and

WHEREAS, In 1933 the Board of Supervisors of Merced County and the State Senator from Merced County, Honorable Andrew R. Schottky, and the Assemblyman from Merced County, Honorable C. Ray Robinson, all desired the John C. Fremont Road from Gustine to Merced to be included in the State highway system, rather than the Newman to Livingston Road; and

WHEREAS, Upon motion offered by Senator Andrew R. Schottky, said bill of Senator Breed's was amended in the State Senate by substituting the John C. Fremont Road from Gustine to Merced in place of the Newman to Livingston Road; and

WHEREAS, Thereafter by inadvertence and mistake and without the knowledge of either Senator Schottky or Assemblyman Robinson and against the desires of

the Board of Supervisors of Merced County, said Newman to Livingston Road was substituted in place of the John C. Fremont Road from Gustine to Livingston; and

WHEREAS, The present Assemblyman from Merced County, Honorable J. D. Garibaldi, has introduced a bill in the State Legislature of 1937, known and designated as Assembly Bill No. 699 to correct said inadvertence and mistake and to substitute the John C. Fremont Road from Gustine to Merced in place of the Newman to Livingston Road as a part of the State highway system; and

WHEREAS, The Board of Supervisors of Merced County desire such substitution to be made; now, therefore, be it

*Resolved, by the Board of Supervisors of Merced County, California,* That the State Legislature of California be, and it is hereby petitioned to pass said Assembly Bill No. 699 and to substitute the John C. Fremont Road from Gustine to Merced in the place and stead of said Newman to Livingston Road as part of the State highway system; and be it further

*Resolved,* That a certified copy of this resolution be forwarded forthwith by the county clerk of Merced County, to the Speaker of the Assembly and to the President of the Senate and to the Governor of the State of California.

Dated: March 15, 1937.

The foregoing instrument is a correct copy of the original on file in this office.  
Attest: March 15, 1937.

P. J. THORNTON,

County Clerk and ex officio Clerk of the Board of  
Supervisors, in and for the County of Merced,  
State of California.

[SEAL]

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT.

SAN FRANCISCO, March 15, 1937.

*Honorable George J. Hatfield,  
Lieutenant Governor,  
State Capitol, Sacramento, California.*

DEAR SIR: Your letter of the eleventh instant referred to resolution adopted by the Senate of the State of California on that date, and stated that you desired to be advised in accordance with such resolution,

"whether the State Legislature has the power to grant a pardon to Thomas J. Mooney."

In compliance with your request, on the ninth of February, 1917, Thomas J. Mooney was, in the superior court of the City and County of San Francisco, convicted of murder in the first degree, without recommendation, and thereafter, by Executive order, his sentence was reduced to life imprisonment, and that sentence he is now serving.

The Constitutional Convention of 1849, without difference of view and with little debate, adopted as a part of the first Constitution of this State section 13 of Article V, which vested in the Governor the power to pardon, for "all offenses," except treason and impeachment, and vested in the Legislature of the State the power to pardon in cases of treason, and withheld from both the Governor and the Legislature the power to pardon in cases of impeachment. The provision on the subject, as then adopted, read:

"The Governor shall have the power to grant reprieves and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve."

In so vesting the power to pardon in the Governor the Constitutional Convention followed the precedent established by the Constitution of the then great majority of the States.

It had been proposed to vest in the Governor the power of granting "commutations," as well as reprieves and pardons, and a member of the convention moved that the proposal be amended by striking out "commutations," and such proposed amendment was carried. In speaking to the motion the member said:

"I wish to grant to the Governor the power of pardoning alone."

See Debates of the Convention of California (1849) pages 341-342.



The section of the Constitution of 1849, above quoted, remained unchanged until the adoption of the Constitution of 1879.

It does not appear in the history of this State that it was ever doubted by the courts, by the Legislature or by laymen, that the exclusive power to pardon in all cases, save treason and impeachment, was vested exclusively in the Governor. Such appears to have been the universally adopted construction of the pardoning provision of the first Constitution.

Such appears to have been the construction of the original pardoning provisions by the members of the Constitutional Convention of 1879. However, several of the members of that convention showed dissatisfaction with the original provision, and various amendments were proposed. It was in that convention proposed

"that the pardoning power be vested in a committee of three."

Another proposal was that the Legislature should provide for the election of three "State Wardens to be elected by districts," etc., and that

"the board of State Wardens shall constitute a Board of Pardons."

Another proposal was that

"the Governor and the Chief Justice of the Supreme Court shall have the power to grant pardons."

Another amendment was offered to the effect that

"the Governor shall have the power to grant reprieves; but nothing herein contained shall be construed to authorize the granting of pardons or commutations of sentence, after conviction."

which was followed by a provision authorizing the Governor to remove, in certain instances, a case to the court.

At no time in that convention was it suggested that the power to pardon, except in the case of treason, be vested in the Legislature.

California Constitutional Convention, Volume I, pages 90 138 274 294 375 376  
Volume 3, pages 1428 1492

During the discussion of the provision in question, Mr. Shafter, a delegate to the convention, called attention to the fact that at that time in 17 of the States, including California, the power to pardon was "confided to the Governor." He further noted that in Louisiana the power vested in the Governor

"by and with the approval of the Senate,"

and in Maine, Massachusetts and New Hampshire the power was vested in the Senate, and in Nevada that the power was vested in the Legislature.

After full consideration of the then existing constitutional provisions of California, and the constitutional provisions of the other States, the several amendments offered were rejected and the convention by a vote of 78 to 23 adopted section 1 of Article VII, as follows:

"The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses, except treason and cases of impeachment; upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the judges of the Supreme Court."

which section has not since been changed.

It will be noted that this provision down to the last sentence is in all substantial respects a copy of Article V, section 13 of the Constitution of 1849, and that the last sentence denying to the Governor and to the Legislature the power to pardon one who has been twice convicted of a felony.

"unless upon the written recommendation of a majority of the judges of the Supreme Court."

As it has not heretofore been claimed that the Legislature of California possessed the power to pardon in any instance save that of treason, it is not surprising that no case has been found in this State where there is a contention inconsistent with the generally accepted construction of the provisions of the Constitution.

It is interesting however to note that the District Court of Appeal in *People vs. Hale*, 64 Cal. App. 532, adopted the generally accepted construction, and said:

"Nowhere does the State give the prison board the right to commute or pardon, nor does it attempt to impair such power reposing exclusively in the



Governor; indeed, the statute expressly recognizes that such power remains with the Governor, where it has been placed by the Constitution."

In denying the power in the court to grant relief as requested in *People vs. Bowers*, 2 Cal. Unrep. 878, the Supreme Court said:

"But, manifestly, the court has no authority to consider these matters as thus presented. They are no part of the record sent to us from the court below, and there is no provision of law by which newly discovered evidence may be presented to this court in the first instance. The remedy in such case rests with the Executive. He alone can afford relief."

The court in denying its power to act in the case of *People vs. Mooney*, quoted approvingly the above statement from the *Bowers* case.

*People vs. Mooney*, 176 Cal. 108.

An application to the Supreme Court for equitable relief was denied, the court saying:

"It is very clear to the court there is no law sustaining this application for an injunction, and that there is no relief other than an application to the Governor for a pardon."

*People vs. Superior Court*, 190 Cal. 625.

The Constitution of Florida vests the power to pardon with the Governor, Secretary of State, Controller, Commissioner of Agriculture and the Attorney General, in all cases except treason and impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, and of this provision the Supreme Court of Florida said:

"We are of the opinion that the pardoning power after conviction conferred by this section upon the Board of Pardons designated, is exclusive, and that the legislature can not exercise such power."

*Singleton vs. State*, Lawyers Reports Annotated, Book 34, pp. 251-254.

The Constitution of Missouri vested the pardoning power in the Governor, and it was held by the Supreme Court of that State that such power belonged exclusively to the Executive Department and could not be exercised by the Legislature.

*State vs. Sloss*, 25 Mo. 291; 69 American Dec. 467.

To like effect is the decision of the Supreme Court of Texas in *Underwood vs. State*, American Law Reports Annotated, 63 A. L. R. 981. The court in that opinion quotes the following from Bishop on Criminal Law, 9th Edition:

"While this power (of pardon) is not inherent in any office and may be lodged wherever people determine, if once it has been conferred by the Constitution (elsewhere) it cannot be exercised by the Legislature."

By section 2 of Article II of the Constitution of the United States it is provided that the President

"shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

It has been uniformly held that that provision gives to the President the exclusive power to pardon, and that such power does not rest in the Congress.

From the foregoing it appears that the power to pardon for all offenses, except treason and impeachment, rests exclusively with the Governor, and that the power to pardon for the offense of treason rests exclusively with the Legislature. Thomas J. Mooney having been convicted of murder, I am therefore of the view that the Legislature is without power to pardon him.

Very truly yours,

U. S. WEBB, Attorney General.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 14, 1937.

Honorable George J. Hatfield, President of the Senate of California, State Capitol,  
Sacramento, California.

MR. PRESIDENT: This is in answer to your request for an opinion as to the extent of the power of the Legislature with respect to pardons, commutations and reprieves.

### History.

On this subject, our Constitution provides in Article VII:

"SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon,

direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have the power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court."

Our Constitution of 1849 had a section with similar provisions to the one above quoted. The Constitution of 1879 added "commutations of sentence" to reprieves and pardons, and the requirement that the Governor, in his report to the Legislature, shall give his "reasons for granting" each reprieve and pardon, and limited the last sentence. This section having been adopted by the people in 1879 as a part of the Constitution, has remained unchanged to this day. In view of this condition and the fact that the Legislature was constituted in the same in connection with independent representation it was thought desirable to make the provisions embodied in us to the class of convicted persons, namely, and to require, either and positively, that no officer or authority in the State could grant a reprieve to any of that class of convicted persons except on the *advisement* and not, which was provided to meet the possible case of the conviction of an innocent person or of a minor who had been led astray.

The provisions of the first three lines of the above section are substantially embodied in the Constitution of most of the States. In some of the States, the authority is given to the Legislature, as with us, to make regulations as to the form in which applications may be made. In some States, the Governor, in Council, or authority to grant pardons is lodged in the Council or Board of Pardons, of which, generally, the Governor is a member. In others, the power is given to the Governor, acting on the advice of a board. Where there is a board of pardons, it is the board that acts. Where the power is given to the Governor to act on the recommendation of a board, the responsibility is the Governor's.

#### Discussion.

A pardon is an act of grace, a remission of guilt.

A reprieve is a respite or withholding sentence for an interval of time.

A commutation is a change of punishment to a less severe one, and may be granted only by the executive. (*People vs. Decker*, 722 Ill. 34.)

The case of *Wilson*, 29 Cal. App. 702, has pointed out that as to the power of the Governor, the Constitution makes no distinction between pardons and commutations. It follows that the same thing can be said as to reprieves.

Hereafter, unless otherwise expressed, the word "pardon" includes as well commutations and reprieves.

In the last analysis, the pardoning power is a part of the constitutional scheme and resides in the people, who may delegate it to whom they wish. Our constitutional provisions in this respect are traceable to the practice of the representatives of the English crown in colonial times (*People vs. Bacon*, 43 Cal. 439).

In our system, this power is not inherent in any office or body, and the people may place it where they choose. (*Johnson vs. Hinman*, 116 Kan. 624, 228 Pac. 82.)

The Constitution is a limitation upon the powers of the Legislature. It is a grant of power to the executive. (*Field vs. People*, 3 Ill. 79.)

Even where the Constitution allows the Legislature to make rules governing the application for pardon, it has been held that the Governor may not, though no rules are made; and further that if they have been made, the Governor may act though they have not been complied with. *In re Moore*, 4 Wyo. 98, holding such rules to be merely directory.

In any case, the authority to regulate does not carry the power to delegate the executive function. *State ex rel. Rogers vs. Judges*, 20 Wash. 78, where the Governor granted a pardon though the board had recommended a commutation.

It was said in *California Highway Com. vs. Industrial Accident Com.*, 200 Cal. 44, that the Legislature having the power to deprive a prisoner of civil rights must have power to restore them. The decision in this case, however, was specifically limited to the holding that by the Convicts Road Camp Bill the Legislature intended to restore to a convict assigned to work on the public highways "such limited civil rights" as entitled him to claim the benefits of the State Workmen's Compensation Act.

Cases which seem at first glance to be in conflict prove on closer examination to be distinguishable and harmonious in principle. The true rule seems to be stated in *State vs. Grant*, 79 Mo. 113, at p. 129 (relying on *People vs. Bacon*, 43 Cal. 439, among other cases), where Justice Sherwood, speaking for the court, said:

"If the disabilities which the statute annexes to the commission of certain offenses constitutes a part and parcel of the judgment, the Legislature may not exorcise a part thereof, nothing but a full pardon of the crime itself makes the convict a new man and rehabilitates him with his former civil rights."

and it was held that the Legislature could not infringe thus far on the Governor's prerogative.

Statutes granting immunity to witnesses who testify for the State in criminal proceedings as to crimes in which they themselves were involved furnish no argument in favor of the power of the Legislature to pardon for the reason that they are enacted to carry out the spirit and direction of the Fifth Amendment to the Constitution of the United States, which declares that "no person shall be compelled in any criminal case to be a witness against himself." See also section 13, Article I, Constitution of California. Such statutes, therefore, are based on independent constitutional authority, and are akin to acts of general amnesty. See *United States vs. Swift*, 186 Fed. 1002.

Amnesty statutes apparently form a class by themselves, and are generally enacted in behalf of a class of persons who are subject to trial but have not yet been convicted. See *Brown vs. Walker*, 161 U. S. 591; *State vs. Nichols*, 26 Ark. 74.

It is to be remembered that such statutes are signed by the Executive.

There is another provision of our Constitution which must be noticed in passing Section 1 of Article III divides the power of government into three separate departments—the legislative, executive and judicial—and declares that

"no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted."

The Constitution having conferred this power on the Governor, such power is exclusive in the absence of an express provision conferring like power in some person in the legislative or judicial departments. *Butler vs. State*, 97 Ind. 375. See also *State vs. Stoss*, 25 Mo. 291; *Ex parte Garland*, 4 Wall. 333. And it can not be exercised by the Legislature even to the extent of restoring civil rights. *Wendewood vs. State*, 111 Tex. Crim. App. 124.

In *People vs. Hale*, 64 Cal. App. 523, the court, in upholding the indeterminate sentence law revealed fully the position of our courts, saying

"Nowhere does the statute give the prison board the right to commute or pardon, nor does it attempt to impair such power reposing exclusively in the Governor; indeed, the statute expressly recognizes that such power remains with the Governor, where it has been placed by the constitution."

#### Conclusions.

1. Where the pardoning power resides depends on the will of the people as expressed in the Constitution.

2. Under the constitutional provision quoted above, except in cases of treason and impeachment, the Legislature has exhausted its power respecting pardons, commutations and reprieves after conviction, when it has provided regulations relative to the manner of applying for pardons.

Very truly yours,

ARTHUR P. WILL, Consultant.

Approved: FRED B. WOOD, Legislative Counsel.

#### Reports of Standing Committee.

The following reports of standing committee were received and read:

##### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands; And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the



Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such land and to dispose of the products thereof, and providing for the distribution of proceeds therefrom, and to acquire land for development for State forestry purposes, to erect for timber riparian therefor, and to repeal an act entitled "An act authorizing the Director of Natural Resources to receive and lease land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of proceeds therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1905, to amend the foregoing thereof, and to provide that this act shall take immediate effect.

Senate Bill No. 550—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts, and to the notice required therefor, the qualifications of bidders thereon, and the rights and remedies of bidders thereon in case of mistake;

Senate Bill No. 550—An act to amend sections 24445 of the School Code, to repeal sections 2830 and 5401 of the School Code, to repeal an act entitled "An act relating to the election of clerks of school districts," approved May 14, 1929; to repeal an act entitled "An act relating to the election of teachers in the public schools," approved May 23, 1929, and to add to the School Code, certain sections to be numbered 2830 and 5401, all relating to governing boards of school districts;

Senate Bill No. 1089—An act to add section 5 to an act entitled "An act concerning a reclamation district to be known as reclamation district No. 5, prescribing its boundaries and providing for its management and control thereof, situated in Protection District No. 10, of Yuba County, California, and providing for the disposition of the malitchness, rights, rights of way, liens and other assets of said reclamation of said district," approved May 26, 1911, relating to the disposition of assets impounded for the payment of outlawed bonds, and all matters.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MARCH 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 854—An act to repeal sections 4454 to 4498, inclusive, and 4409 to 4449, inclusive, of the Political Code, relating to cities and towns;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MARCH 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 167—An act to amend sections 136 and 136.5 of, and to add a new section to be numbered 202.1 to, the Streets and Highways Code, relating to contracts for the leasing or renting of equipment for street or highway purposes;

Senate Bill No. 756—An act to add section 495 to the Fish and Game Code, relating to chumming;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MARCH 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 579—An act relating to certain State lands, and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes;

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by inserting section 23 of Article VI thereof, relating to dignity of justices and judges;

Senate Bill No. 93—An act authorizing the State of California through its proper officers, departments or agencies to issue duplicate bonds, coupons, or other evidences of indebtedness, except warrants, of the State of California, when the originals have been lost or destroyed, providing for the State to take security against loss or damage that may be incurred on account of the loss and the issuance of the duplicates;

Senate Bill No. 91—An act to amend section 6750 of the School Code, relating to the use of school buildings;

Senate Bill No. 647—An act to amend section 492 of the Fish and Game Code, relating to mutilation of fish;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.



## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 471—An act to add a new section to the Agricultural Code to be numbered 331.5, relating to supervising lide and brand inspectors employed by the Director of Agriculture of the State of California;

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State money, to declare the urgency hereof, and to provide that this act shall take effect immediately;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 336—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists;

Senate Bill No. 809—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## Unfinished Business.

## Senate Joint Resolution No. 14.

Relative to memorializing the President and the Congress of the United States to enact Bill H. R. 4069, which proposes to appropriate \$50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill.

WHEREAS, During recent times numerous noxious weeds, such as Bermuda Grass; Nut Grass; Canada Thistle; Perennial Sow Thistle; Quack Grass; Johnson Grass; Wild Morning Glory, sometimes known as the Creeping Jenny, or Field Bind Weed; the Russian Knapp Weed; Leafy Spurge; and many others have invaded the farm and agricultural lands and gardens in most of the States of the United States, including the State of California; and

WHEREAS, Little organized effort has been made to control such noxious weeds; and

WHEREAS, It has been estimated that noxious weeds are costing the United States \$3,000,000,000 every year; and

WHEREAS, A definite effort made in the State of Idaho to check such weeds has clearly demonstrated that the work can be successfully accomplished; and

WHEREAS, There was introduced in the House of Representatives by D. Worth Clark of Idaho, a bill known as H. R. 4069, which has as its purpose enabling each State to furnish financial assistance as far as practicable for the control and eradication of noxious weeds within such States and the appropriation of \$50,000,000 by the Federal Government to aid in such work; and

WHEREAS, H. R. 4069 is well designed to accomplish the following purposes:

(a) It will make possible the eradication of noxious weeds in the State of California and thereby bring inestimable benefits to California agriculture,

(b) It will cause the employment of numerous deserving citizens of this State who at present, through no fault of their own, are unemployed,

(c) It will hasten economic recovery; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President and the Congress of the United States are respectfully urged to enact legislation proposed by Bill H. R. 4069, and that Henry A. Wallace, Secretary of Agriculture, is also urged to expedite consideration favorable to said bill; and be it further

*Resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to the Chairman of the Committee on Agriculture of the House of Representatives and to each member of the Committee on Agriculture of the House of Representatives, and to Henry A. Wallace, Secretary of Agriculture, and to each Senator and member of the House

of Representatives from California in Congress, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tinkle, Wagy, Westover, and Young—36.

**NOES**—None.

Senate Joint Resolution No. 14 ordered transmitted to the Assembly.

### **Consideration of Daily File.**

#### **Third Reading of Senate Bills.**

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 103, the following amendments, offered by Senator Swing, were read and adopted:

##### **Amendment No. 1.**

On page 3, line 50, of the printed bill, after the word "may", insert a comma and the following words: "with the consent of the Director of Finance and on such conditions as he shall prescribe".

##### **Amendment No. 2.**

On page 6, line 18, of the printed bill, after the word "royalty", insert the words "in an amount satisfactory to him but".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 237—An act to amend sections 10b, 10c, 10d, 10e, and 10g of the State Narcotic Act, relating to fines and forfeitures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich,

Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 237 ordered transmitted to the Assembly.

Senate Bill No. 336—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 336 ordered transmitted to the Assembly.

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 558 ordered transmitted to the Assembly.

### Consideration of Special Order.

The hour having arrived for the consideration of Assembly Concurrent Resolution No. 18, heretofore set as a special order for twelve o'clock m., the same was taken up for consideration.

Assembly Concurrent Resolution No. 18—Relative to granting full and complete pardon to Thomas J. Mooney.

### Motion for Committee of the Whole.

Senator McGovern moved that the Senate resolve itself into a Committee of the Whole in order to consider Assembly Concurrent Resolution No. 18.

#### Motion.

Senator McColl moved the previous question.

Motion carried, and such was the order.

#### Ayes and Noes Demanded.

A roll call was demanded on the adoption of the motion to refer to Committee of the Whole.

The roll was called, and motion refused adoption by the following vote:

**AYES**—Senators Crittenden, Cunningham, Garrison, Hollister, Jorgensen, Keating, Keough, Law, McBride, McGovern, Nielsen, Olson, Powers, Quinn, Seaton, and Westover—16.

**NOES**—Senators Allen, Biggar, Delap, Dodd, Fletcher, Gordon, Hays, Hahn, Knowland, McCall, McCormack, Metzger, Murray, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Tackle, Wagg, Williams, and Young—24.

#### Motion.

Senator Olson moved that further consideration of Assembly Concurrent Resolution No. 18 be postponed for a period of one week.

#### Substitute Motion.

Senator Knowland moved, as a substitute motion, that consideration of Assembly Concurrent Resolution No. 18 be continued after recess.

Motion carried, and such was the order.

#### Recess.

At 12 o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

#### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate in the chair.

Assistant Secretary Howard S. McIntire at the desk.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1209—An act to amend sections 770 and 777 of the Vehicle Code, relating to the disposition of fees, fines, and forfeitures.

Assembly Bill No. 1212—An act to add section 1304 to the Vehicle Code, relating to automobile registration service.

Assembly Bill No. 1220—An act to add section 76 to, and to amend sections 425, 426 and 438 of, the Vehicle Code, relating to garages and repair shops and the rights thereof.

Assembly Bill No. 1343—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands.

Assembly Bill No. 1679—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds in civil actions or proceedings.

Assembly Bill No. 1680—An act to add a new section to the Probate Code to be numbered 1530a, relating to compromise of claim against estate of ward.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1209 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1212 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1220 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1343 read first time, and referred to Committee on Conservation.



Assembly Bill No. 1679 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1680 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1105—An act to amend section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts as amended;

Assembly Bill No. 1186—An act to amend sections 6.762 and 6.772 of the School Code and to add to said code two new sections to be numbered 6.752 and 6.763, all relating to the powers and duties of governing boards of school districts in connection with the use of school grounds and buildings;

Assembly Bill No. 1188—An act to amend section 2931a of the Civil Code to authorize making the State a party to certain actions relating to real estate;

Assembly Bill No. 1204—An act to amend section 384 of the Penal Code, relating to fires;

Assembly Bill No. 1205—An act to repeal an act entitled "An act to amend section 1 of 'An act regulating the hours of labor of the operators of certain motor vehicles,' approved June 10, 1933, relating to operators of vehicles," approved July 5, 1935;

Assembly Bill No. 1206—An act to add sections 345, 50, 51, 145.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1105 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1186 read first time, and referred to Committee on Education.

Assembly Bill No. 1188 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1204 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1205 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 1206 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 600—An act to amend section 28a of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments;

Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment;

Assembly Bill No. 747—An act to amend section 18a of the Street Opening Act of 1903, relating to reassessment procedure and relief from special assessments;

Assembly Bill No. 811—An act amending section 103 of the Code of Civil Procedure, relating to justices' courts in townships and cities;

Assembly Bill No. 953—An act to add section 1626.5 to the Streets and Highways Code and to amend sections 1627 and 1628 thereof, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the counties for vehicle registration license fees, and authorizing the refunding, repayment and adjustment of direct assessments levied for the acquisition, construction, maintenance, improvement or repair of public highways, bridges or culverts;

Assembly Bill No. 1078—An act granting certain half acre lots and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 600 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 746 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 747 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 811 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 953 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1078 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 477—An act to amend section 6-2 of the School Code, relating to powers of boards of school trustees and city boards of education.

Senate Bill No. 950—An act to amend section 5-2 of the Political Code, relating to legislative printing.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 477 and 950 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1682—An act to amend section 361 of the Code of Civil Procedure, relating to resolutions on appointment of executors.

Assembly Bill No. 1705—An act to amend section 4791 of the Political Code, relating to the composition of county and township officers in counties of the twenty second class.

Assembly Bill No. 2157—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Assembly Bill No. 2233—An act to amend sections 1 and 2 of "An act authorizing the Surveyor General of the State of California to lease swamp lands in the county of San Diego," relating to a lease of tidelands in the county of San Diego.

Assembly Bill No. 2419—An act to amend section 2 of the Fish and Game Code, relating to definitions.

Assembly Bill No. 2734—An act to amend section 5654 of the School Code, relating to time of trial of school teachers charged with immoral or unbecoming conduct.

Assembly Bill No. 2750—An act to amend section 544 of the Political Code, relating to bonds of joint executors.

Assembly Bill No. 526—An act to add a new section to be numbered section 2 to Chapter 621 of the Statutes of 1931 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1931, relating to the grant of lands to said city.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1682 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1705 read first time, and referred to Committee on County Government.

Assembly Bill No. 2157 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2233 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 2419 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2734 read first time, and referred to Committee on Education.

Assembly Bill No. 2750 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 526 read first time, and referred to Committee on Commerce and Navigation.

**ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 83—An act to amend section 1250 of the Fish and Game Code, relating to deer;

Assembly Bill No. 196—An act to amend section 396a of the Code of Civil Procedure, relating to place of trial of civil actions;

Assembly Bill No. 203—An act to amend section 630 of the Probate Code, relating to summary probate proceedings;

Assembly Bill No. 296—An act to add section 650.6 to the Fish and Game Code, relating to the manner of taking salmon in Districts 1 $\frac{1}{2}$ , 5, and the Klamath River District;

Assembly Bill No. 546—An act to add section 1034 to the Political Code, relating to elective officers;

Assembly Bill No. 520—An act to add a new section, to be numbered 13b, to the Street Lighting Act of 1919 (Statutes of 1919, p. 612), relating to collection of municipal assessments by the county;

Assembly Bill No. 521—An act to add a new section, to be numbered 8a, to the Street Lighting Act of 1931 (Statutes of 1931, p. 1324), relating to collection of municipal assessments by the county;

Assembly Bill No. 522—An act to amend section 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to special assessment taxes.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 83 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 196 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 203 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 296 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 546 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 520 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 521 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 522 read first time, and referred to Committee on Municipal Corporations.

**ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1530—An act to amend section 161 of the Fish and Game Code, relating to Game Refuge 4B;

Assembly Bill No. 1232—An act to amend section 483 of the Agricultural Code relating to the serving of milk

JAMES G. SMYTH, Chief Clerk of Assembly  
By E. A. TOOK BERRY, Assistant Clerk

Assembly Bill No. 1530 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1232 read first time, and referred to Committee on Live Stock and Dairying

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 16, 1937, and the Comptroller is hereby directed to pay the same:

Charles F. Colvin, Assistant Sergeant at Arms

*Per diem*  
*6 days per week*  
\$5.00

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Rigger, Crittenden, Cunningham, Donel, Garrison, Gorman, Hollister, Jepsen, Keating, Keough, Knowland, Law, McCall, McCannock, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Rach, Schallke, Seawell, Sauer, Swing, Wagy, and Young—28.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 12, 1937, and the Comptroller is hereby directed to pay the same:

Kathleen McGinniss, Stenographer  
Clarissa Bowen, Stenographer

*Per diem*  
*6 days per week*  
\$5.00  
5.00

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Donel, Fletcher, Garrison, Hollister, Holliman, Jepsen, Keating, Keough, Knowland, Law, McCall, McCannock, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rach, Scherky, Seawell, Slater, Swing, Wagy, and Young—28.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set



opposite their names, payable weekly, beginning March 11, 1937, and the Controller is hereby directed to pay the same:

	<i>Per day</i> <i>6 days per week</i>
Frances Callicotte, Stenographer.....	\$5 00
Virginia Crossan, Stenographer.....	5 00
Grace Brown, Stenographer.....	5 00
Marguerite Bridges, Stenographer.....	5 00
Hortense May, Stenographer.....	5 00
Winifred Elliott, Stenographer.....	5 00
Katherine Lytle, Stenographer.....	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Young—31.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Holohan:

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide.

Respectfully submitted.

SENATOR HOLOHAN.

Request referred to Committee on Rules.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Tickle:

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 810 of the Agricultural Code, relating to artichokes.

Respectfully submitted.

SENATOR TICKLE.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Holohan to introduce a bill entitled:

An act to amend sections 270 and 270a of the Penal Code, relating to failure to provided;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote Ayes—5

(Signed out)

RICH, Chairman.  
SLATER  
TICKLE  
MCCOLL  
KNOWLAND

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Gordon, Hays, Hollister, Holohan, Jepsen, Kenting, Kneuch, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Meyer, Nelson, Quinn, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Wagy, and Young—36

NOES—None.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Tickle to introduce a bill entitled:

An act to amend section 810 of the Agricultural Code, relating to artichokes.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote Ayes—5

(Signed out)

RICH, Chairman.  
KNOWLAND  
SLATER  
MCCOLL  
TICKLE

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Kenting, Kneuch, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Meyer, Nelson, Quinn, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Wagy, and Young—34

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1103:** By Senator Holohan—An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide.

Senate Bill No. 1103 read first time and referred to Committee on Revision of Criminal Law and Procedure.

**Senate Bill No. 1104:** By Senator Tickle—An act to amend section 810 of the Agricultural Code, relating to artichokes.

Senate Bill No. 1104 read first time, and referred to Committee on Agriculture.

### Consideration of Daily File—(Resumed).

#### Second Reading of Senate Bills.

**Senate Bill No. 729—**An act limiting the hours of labor of personal and domestic employees.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 729 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "nor more than six days in any one".

**Amendment No. 2.**

On page 1, line 5, of the printed bill, strike out "week,".

**Amendment No. 3.**

On page 1, line 9, of the printed bill, strike out "nor more than six days in any one".

**Amendment No. 4.**

On page 1, line 10, of the printed bill, strike out "week,".

**Amendment No. 5.**

On page 1 of the printed bill, strike out lines 16 to 19, inclusive.

**Amendment No. 6.**

On page 1, line 20, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

**Amendment No. 7.**

On page 1, line 22, of the printed bill, strike out "week, nor the".

**Amendment No. 8.**

On page 1, line 23, of the printed bill, strike out "number of days per".

**Amendment No. 9.**

On page 1, line 24, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

**Amendment No. 10.**

On page 1, line 26, of the printed bill, after the period, insert the following: "When preferred, time off may be given in two half days instead of one whole day, but either way, total time off must equal at the least 24 hours within the two half days or one whole day."

**Amendment No. 11.**

On page 1, line 27, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

**Amendment No. 12.**

On page 2, line 4, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

**Amendment No. 13.**

On page 2, line 7, of the printed bill, strike out "9", and insert in lieu thereof the following: "8".

**Amendment No. 14.**

On page 2 of the printed bill, following line 8, insert the following: "Sec. 9. The Department of Industrial Relations shall enforce the provisions of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 11 were read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed measure, after the semicolon, insert the following: "confer upon such court or commission powers that may include all judicial and administrative powers necessary or helpful to its proper functioning";.

**Amendment No. 2.**

On page 1, line 25, of the printed measure, after the period, insert the following: "Members of the Legislature or other State officials may, during their term of office, be appointed on any court authorized under this section, the appointment to be effective upon his resignation from such office."

The Legislature, by a two-thirds vote of all members elected to each house may remove any one or more of the members of such court or commission.

Bill read second time, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

Senate Constitutional Amendment No. 20.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 2 of Article IV of the Constitution, relating to the introduction of legislative bills.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 20 were read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed measure, strike out "fourteen", and insert in lieu thereof the following: "twenty".

**Amendment No. 2.**

On page 1 of the printed measure, strike out lines 25 to 27, inclusive, and on page 2 strike out lines 1 to 7, inclusive, and insert in lieu thereof the following: "herein."

Bill read second time, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 419.—An act to amend section 698 of the Fish and Game Code, relating to black bass.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 419 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the word "bass", insert the words "blue gill perch and crappie".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, strike out the figure "4", and insert in lieu thereof "4A".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 584.—An act to amend sections 1, 3, 16 and 21 and to add new sections to be designated as sections 15 $\frac{1}{2}$ , 15 $\frac{1}{2}$ a and 15 $\frac{1}{2}$ b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Morals, the following amendments to Senate Bill No. 584 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, between the word "of" and the word "new", insert the letter "a"; and in the line 2 of the title, strike out the "a" that concludes the word "sections" at the beginning of that line; and also in said



line 2 of the title, strike out the words and figures "sections 15½, 15½a and 15½b", and insert in lieu thereof "section 15½".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, following the word "and", insert the following: "is to be liberally construed for the protection of childhood and youth".

**Amendment No. 3.**

On page 1, line 4, of the printed bill, preceding the words "shall apply", insert the words: "This act".

**Amendment No. 4.**

On page 1, line 6, of the printed bill, strike out the words "Persons affected."

**Amendment No. 5.**

On page 2, line 10, of the printed bill, strike out the words "habitually visits", and insert in lieu thereof a comma; and in the same line, after the word "guardian", insert a comma and the word "enters".

**Amendment No. 6.**

On page 2, line 13, of the printed bill, strike out the semicolon after the word "away", and insert in lieu thereof a comma and the following: "and purchases or drinks any such liquors in any such saloon or place; or who takes part in any gambling game or game of chance where anything of value may be won or lost in any place where gambling is carried on, or where there are vending or slot machines or other devices used for gambling or games of chance where anything of value may be won or lost;".

**Amendment No. 7.**

On page 2, line 44, of the printed bill, strike out the words "Petition, Investigation. Time for Hearing".

**Amendment No. 8.**

On page 2, line 47, of the printed bill, change the word "an" to "any".

**Amendment No. 9.**

The matter from line 44, page 2, of the printed bill, down to and including the words "or guardian of said person" in line 10, on page 3, is old matter and should *not* be italicized in the printed bill, with the following exceptions:

Lines 49 and 50, page 2, italicize the words "subsections 1 to 14 of". Line 9, page 3, italicize the words "of the respondents and".

**Amendment No. 10.**

On page 3, line 1, of the printed bill, strike out the words "under subsections 1 to 14 of section 1 or of section 15", and in line 2 on said page 3, strike out the words "of this act"; and in lines 5 and 6, page 3, strike out the letter "s" on "petitions", and also strike out the words "under this act".

**Amendment No. 11.**

On page 3, line 31, of the printed bill, insert a comma between the words "may" and "when".

**Amendment No. 12.**

On page 4, line 47, of the printed bill, strike out "15½".

**Amendment No. 13.**

On page 5, line 22, of the printed bill, following the words "filed therein", insert the following sentence: "Nothing contained herein shall be construed to deprive other courts or departments thereof of the right to determine the custody of children when such custody is incidental or necessary to the determination of causes pending in such courts or the administration of wills in probate courts or probate departments of such courts."

**Amendment No. 14.**

On page 5, line 29, of the printed bill, strike out "15½".

(Note to printer: In reprinting the bill, italicize all matter included from line 22, page 3, to line 2, page 6, both inclusive.)

**Amendment No. 15.**

On page 6, line 5, of the printed bill, strike out the words "Contributory Acts and Penalties."

**Amendment No. 16.**

On page 6, line 22, of the printed bill, strike out the word "liable", and the parenthesis inclosing same; and in line 24, on said page 6, after the words "exercise of the", insert the word "equity".

**Amendment No. 17.**

On page 6, line 37, of the printed bill, strike out the word "Proceedings".

**Amendment No. 18.**

On page 6, line 50, of the printed bill, the words "and shall try all such cases" should be italicized as this is new matter.

**Amendment No. 19.**

On page 7, line 10, of the printed bill, following the words "inferior", insert the words "equity or chancery"; and in the same line, strike out the word "chancery", and insert the word "superior", and following the word "court", insert the word "as".

**Amendment No. 20.**

On page 7, line 17, of the printed bill, following the words "of this act", and the following words: "against whom the petitioner believes an criminal case for the same conduct complained of has been filed."

**Amendment No. 21.**

On page 7, line 18, of the printed bill, strike out the word "so", and insert in lieu thereof the word "herein".

**Amendment No. 22.**

On page 7, line 46, of the printed bill, preceding the word "Petitions", insert the figure "(3)".

**Amendment No. 23.**

On page 8, line 3, of the printed bill, change the figure "3" to "4" and strike out the words "Citation to appear".

**Amendment No. 24.**

On page 8, line 23, of the printed bill, after the word "order", strike out the words "such further"; and in line 25, page 8, after the word "thereof", strike out the period, and insert in lieu thereof a comma and words "or, where deemed unnecessary, may dispense with such notice."

**Amendment No. 25.**

On page 8, line 26, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "5"; and also in said line 26 strike out the words "Failure to Appear."

**Amendment No. 26.**

On page 8, line 34, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "6"; and also in said line 34, strike out the words "When Citation Can Not Be Served".

**Amendment No. 27.**

On page 8, line 43, of the printed bill, strike out the words "best interests", and insert in lieu thereof the word "protection".

**Amendment No. 28.**

On page 8, line 49, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "7"; and also in said line 49, strike out the words "Powers of the Court under This Act".

**Amendment No. 29.**

On page 9, line 3, of the printed bill, strike out the words "this section of", in line 12, on said page 9, following the word "termines", strike the word "as", and following the word "mentioned", insert the words "in said petition"; and following the words "referred to in", strike out the words "this section of".

**Amendment No. 30.**

On page 9, line 15, of the printed bill, strike out the words "this section"; and in line 17, page 9, strike out the words "this section of"; also in line 30, page 9, strike out the words "this section of".

**Amendment No. 31.**

On page 9, line 33, of the printed bill, strike out the figure "7", and insert in lieu thereof the figure "8", and also in said line 33, strike out the words "Proceedings Under the General Law".

**Amendment No. 32.**

On page 10, line 8, of the printed bill, after the words "proceedings under the", insert the words "equity or", and in line 9, on said page 10, preceding the first word "the", insert the word "Superior".

**Amendment No. 33.**

On page 10, line 28, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "9", and also in said line 28, strike out the words "Duty of District Attorney".

**Amendment No. 34.**

On page 10, line 37, of the printed bill, strike out the word "state", and insert in lieu thereof the word "people", and at the end of line 37, strike out the period.

and insert in lieu thereof a comma, and add the following: "provided such district attorney may be represented at any such hearings or file petitions under this act without previous investigation by any probation officer".

**Amendment No. 35.**

On page 10, line 38, of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "10"; and strike out the words "Rights and Duties of Respondents"; in line 40, on said page 10, following the word "right", strike out the word "at", and insert in lieu thereof the word "before"; and at the end of said line 40, strike out the word "ask", and insert in lieu thereof the words "file a written petition asking".

**Amendment No. 36.**

On page 10, line 47, of the printed bill, strike out the figure "7", and insert in lieu thereof the figure "8", and in line 50, on said page 10, strike out the words "and proceeds with such hearing".

**Amendment No. 37.**

On page 11, line 29, of the printed bill, strike out the word "contain", and insert in lieu thereof the word "contained".

**Amendment No. 38.**

On page 11, line 44, of the printed bill, after the words "female judge", add the following: "If in the opinion of any judge of the juvenile court it is necessary to the prompt or efficient disposition of the business of such court, such judge may transfer to the department of the presiding judge of such court any case under this act pending in such court to be by such presiding judge transferred for trial or other proceedings to another department of such court."

**Amendment No. 39.**

On page 11 of the printed bill, strike out all of lines 45 to 52, both inclusive, and strike out all of pages 12 and 13 and the first two lines (lines 1 and 2) on page 14.

**Amendment No. 40.**

On page 14, line 9, of the printed bill, strike out the word "all", and insert in lieu thereof the word "any".

**Amendment No. 41.**

On page 14, line 18, of the printed bill, strike out the words "This act shall", and strike out all of lines 19, 20 and 21, on page 14, and insert in lieu thereof the following paragraph:

"SEC. 6. All acts or parts of acts inconsistent with this act are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Consideration of Special Order—(Resumed).**

**Motion.**

Senator Swing moved that the remarks which were offered during the consideration of Assembly Concurrent Resolution No. 18, be printed in the Journal at the request of any Senator having spoken or having any remarks to enter.

Motion carried, and such was the order.

**Motion.**

Senator Swing moved the previous question.

Motion carried, and such was the order.

**Assembly Concurrent Resolution No. 18.**

Relative to granting a full and complete pardon to Thomas J. Mooney.

WHEREAS, On February 9, 1917, in the superior court of the State of California in and for the City and County of San Francisco, Thomas J. Mooney was convicted of the crime of murder in connection with the bombing of the Preparedness Day Parade in the city of San Francisco on July 22, 1916, resulting in the death of several persons; and

WHEREAS, Thomas J. Mooney was thereupon sentenced to death, which sentence was later commuted by the Governor of the State of California to life imprisonment; and

WHEREAS, The said Thomas J. Mooney has, since said conviction, been incarcerated in the State Prison at San Quentin, where he is still confined as a life prisoner; and



WHEREAS, It has since been shown that the conviction of said Thomas J. Mooney was based upon false and perjured testimony, and it is now fully evident that said Thomas J. Mooney is innocent of the crime for which he was convicted, and should be granted immediately a full and complete pardon and set at liberty; now, therefore, be it

*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* a majority of all members elected to each having voted therefor and concurred therein, That the said Thomas J. Mooney be and he is hereby granted a full and complete pardon, and that the said Thomas J. Mooney be and he is hereby set at liberty; and be it further

*Resolved,* That the Secretary of the State of California be and he is hereby authorized and directed to transmit a certified copy of this resolution to the warden of the State Prison at San Quentin immediately upon the passage of this resolution, and that the said warden be and he is hereby authorized, ordered and directed to forthwith set at liberty and release from the custody of said State Prison the said Thomas J. Mooney upon receipt of said certified copy of this resolution, said resolution constituting a full and complete pardon by the State of California of the said Thomas J. Mooney.

### Resolution read.

The question being on the adoption of the resolution

The roll was called, and Assembly Concurrent Resolution No. 18 refused adoption by the following vote:

**AYES**—Senators Crittenden, Hollister, McGovern, Olson, and Westover—5

**NOES**—Senators Allen, Biggar, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gordon, Hays, Holahan, Jaspersen, Keating, Kneigh, Kuykendall, McBride, Mettall, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Williams, and Young—34.

### Remarks.

Pursuant to Senator Swing's motion, the following remarks were printed in the Journal:

### By Senator Fletcher:

I can not understand why the question of pardon for Tom Mooney is before this Senate for action when both our Legislative Council and our Attorney General have given as their opinion that we have no legal right so to do. I feel any action, therefore, by this Senate is not alone a waste of time, but unfair to the parties interested. I know nothing of the innocence or guilt of Tom Mooney. The case is not being submitted to us legally or, as matters of fact, before us on the right or on here as a jury. The whole matter is purely argumentative.

I have the utmost respect for the decisions of our courts, our Board of Pardons, and the investigation and conclusions of our jury commissions. In any opinion it would be an insult to those who have had this matter legally before them, to attempt to decide the guilt or innocence of Mooney by this resolution before us today. Mooney has been offered and refused parole for the last six or six years. He has been nearly 21 years in the penitentiary; we all know that a year of good behavior in prison brings a year of credit, and certainly 42 years is a life time.

If this resolution is acted on by this Senate as to Mooney's pardon, I shall have to vote "No," for the reason that it is not a legal matter for the Senate to pass on. I stand ready to petition duly constituted authorities to parole or pardon Mooney for the reason he has paid the debt he owes to society.

### By Senator McGovern:

*To the Senate of California:*

**GENTLEMEN:** In addition to oral statements heretofore made by me to the Senate with respect to the Assembly concurrent resolution by Assemblyman Thomas Maloney which grants an unconditional pardon to Thomas J. Mooney, I have a number of communications and resolutions from various organizations and persons in San Francisco supporting such resolution and endorsing a pardon for Mooney.

Because of our legislative practice in not making or preserving any record of our discussions in any legislative matter unless by special request, I respectfully ask that the Secretary of the Senate do make a record of and that there be printed in the Senate Daily Journal the names of those organizations and persons in San Francisco that have requested the Senate through me to adopt such joint resolution for a pardon for Mooney, and which are as follows:

California State Federation of Labor, Edward D. Vandeleur, Secretary

San Francisco Labor Council, John A. O'Connell, Secretary.

Warehousemen's Union, Local 38-44, I. L. A., Warren G. Denton, President.



Waiters and Dairy Lunch Men's Union, Local 30, Hugo Ernst, President.  
 Millinery Workers Union, Local No. 40, Mr. Leo Alderman, Secretary.  
 International Association of Machinists, S. F. Lodge No. 68, E. F. Dillon, Secretary.  
 Operative Plasterers and Cement Finishers Association, John D. Lydick, Secretary.  
 Cleaners, Dyers and Pressers Union.  
 Journeymen Plumbers and Gas Fitters, Local No. 442, John L. Spalding, Secretary.  
 Brewery Workers Union, William H. Ahern, Secretary-Treasurer.  
 Sailors' Union, Harry Lundeborg, Secretary-Treasurer.  
 Miscellaneous Employees' Union, Walter Cowan, Secretary.  
 Amalgamated Clothing Workers of America, Charles Baumann, President.  
 Alaska Fishermen's Union, Andrew Figen, Secretary.  
 United Association of Journeymen Plumbers and Steam Fitters, Local Union, John L. Spalding, Secretary.  
 Butchers' Union, No. 115, W. G. Smith, President.  
 Ship Sealers Union, I. L. A., Pete Garcia, President.  
 Department Store Employees' Union, Stanley Scott, President.  
 Teamsters' Joint Executive Council No. 7, W. A. Connolly, Secretary.  
 Local No. 3, American Radio Telegraphists Association, Roy A. Pyle, Secretary.  
 Western Writers' Congress, Harry Carlisle, Executive Secretary.  
 Amalgamated Association of Street and Electric Railway and Motor Coach Employees of America, S. W. Douglas, Secretary.  
 Pile Drivers, Bridge, Wharf and Dock Builders Local Union No. 34 of California, W. Moran, Secretary.  
 International Molders' Union, Local No. 164, Frank Brown, Secretary.  
 Civil Service Building Maintenance Employees Union Local No. 66, John F. McGuire, Secretary.  
 Cooks, Pastry Cooks and Assistants, Local No. 44, C. T. McDonough, President.  
 Bartenders Union Local No. 41, Tom Nickola, Secretary.  
 American Federation of Government Employees, Lodge No. 236, Percy W. Fry, President.  
 San Francisco Bay Area District Council No. 2, Maritime Federation of the Pacific Coast, Z. R. Brown, Secretary.  
 Alaska Cannery Workers Union, Local No. 20195, Jack Berolla, Secretary.  
 Street, Electric Railway and Motor Coach Employees of America, Local Division No. 818, R. S. Northey, Secretary.  
 Construction and General Laborers' Union, Local No. 261, A. E. McCormick, Secretary.  
 Bakery Wagon Drivers and Salesmen, Local Union No. 484, George G. Kidwell, Secretary.  
 Journeymen Tailors Union of America, Local No. 80 of San Francisco, Harry O'Neal, Secretary.  
 National Organization of Masters, Mates and Pilots of America, Local No. 90 of San Francisco, C. F. May, President.  
 Street, Electric Railway and Motor Coach Employees of America, Division No. 518, William D. Ratto, Secretary.  
 International Longshoremen's Association, Harry R. Bridges, District President.  
 Lumber Clerks and Lumbermen, Local No. 2559, Joseph Brophy, President.  
 San Francisco Bay Area A. F. of L. Committee for the Freedom of Mooney and Billings, Herbert Resner, Secretary.  
 American Civil Liberties Union, Ernest Besig, Director.  
 California People's Legislative Conference, A. F. Gaynor, Second Vice Chairman.  
 San Francisco Bay Area American Federation of Labor Committee for the Freedom of Mooney and Billings, Herbert Resner, Secretary.  
 California People's Legislative Conference, Leigh Athearn, Secretary.  
 Automobile Mechanics' No. 1305, F. W. Paulson, Secretary.  
 Cap Makers Union, Local No. 9, Mal Staub, President.  
 Marine Firemen, Oilers, Watertenders and Wipers' Association, J. O. Neil, Secretary Pro Tem.  
 Milk Wagon Drivers' Union, Fred J. Wettstein, Secretary.  
 Warehousemen's Union, Local 38-44, I. L. A., Warren G. Denton, President.  
 Railroad Employees' Committee for the Release of Thomas J. Mooney, G. F. Irvine, Chairman.

By Senator Olson:

**Remarks of Senator Olson on Assembly Concurrent Resolution No. 18 Relative to Granting a Full and Complete Pardon to Thomas J. Mooney.**

This resolution of the Legislature of California pardoning Thomas J. Mooney, convicted of participating in the placing of a bomb on Steuart Street near Market

Street in San Francisco on July 22, 1916, which exploded and killed six people and injured many others, is one which calls upon each member of the Senate to act in accordance with his own knowledge, conscience and judgment. He has not such responsibility for his own vote to any other agency. He should not merely follow the acts or the opinions, and certainly not the prejudices of others, in voting upon this resolution. I do not believe the Senate should act on this resolution at all until a full hearing of the record of the *damning* case and nature and character of the evidence upon which he was convicted has been given in order that the honest judgment of each Senator may be based upon a knowledge of the case.

Nor do I believe that this resolution should be disposed of on the question as to whether the Legislature has power to pardon a person convicted of a felony under the Constitution of this State. Whether we have that power or not is questioned in the opinions given to us by the Attorney General and the Legislative Counsel. However, if the courts should decide that we do not have the power, the adoption of this resolution would, at least, mean the expression of the will of our body with reference to the pardon of Mossey, and be persuasive upon the Governor of the pardoning power resides solely in the Governor.

With due respect to the opinion of the Attorney General and the Legislative Counsel, I suggest that the Legislature has the power to pardon Mossey for the following reasons:

The Constitution of the State is not a grant of powers, but a restriction upon the powers of the Legislature. It is competent for the Legislature to exercise all powers not forbidden by the State or Federal Constitutions.

*People vs. Coleman* (1854) 4 Cal. 46, 60 Am. Dec. 581.

*Smith vs. Judge of the Twelfth District* (1861) 17 Cal. 547.

*Ex parte McCarthy* (1866) 20 Cal. 395.

*Hager vs. Supervisors of Yuba County* (1871) 47 Cal. 222.

*Sheehan vs. Scott* (1905) 145 Cal. 684, 79 Pac. 450.

*Hilborn vs. Nye* (1911) 15 Cal. App. 298, 114 Pac. 801.

*Wigley vs. South San Joaquin Irrigation District* (1916) 31 Cal. App. 162, 159 Pac. 985.

*People vs. Rinner* (1921) 52 Cal. App. 747, 199 Pac. 1096.

I quote from annotations of decisions:

"An express enumeration of powers, without exclusion of others not named unless accompanied by negative terms." (*Ex parte McCarthy* (1866) 20 Cal. 395).

"The Legislature is vested with the whole of the legislative power of the State, and may deal with any subject within the scope of civil government unless it is restrained by the provisions of the Constitution." (*Macmillan Co. vs. Clarke* (1920) 184 Cal. 491).

"The power of the Legislature is omnipotent and unlimited, except as circumscribed by the Constitution."

*Kingsbury vs. Nye* (1908) 9 Cal. App. 574, 90 Pac. 985.

*In re Madison Ins. Dist.* (1891) 92 Cal. 296, 27 Am. St. Rep. 106, 28 Pac. 272, 675, 14 L. R. A. 755.

*Hilborn vs. Nye* (1911) 15 Cal. App. 298, 114 Pac. 801.

"There is no implication of the absence or known existence of legislative authority or power, and whoever would claim that the power in any instance does not exist must point out the provision of the Constitution which has taken it away or forbidden its existence." (*People vs. Rinner*, 52 Cal. App. 747).

"It has never been questioned so far as I know," says Redfield, Chief Justice, "that the American Legislatures have the same unlimited power in regard to legislation which resides in the British Parliament, except where they are restrained by written Constitutions. That must be considered I think to be a fundamental principle in the political organization of the American States. We can not well comprehend how, upon principle, it should be otherwise. The people must, of course, possess all legislative power originally. They have committed this, in the most general and unlimited manner, to the several State Legislatures, saving only such restrictions as are imposed by the Constitution of the United States, or of the particular State in question."

*Thorpe vs. Rutland, etc., R. R. Co.*, 27 Vermont 142, 62 Am. Dec. 525.

*Mitchell vs. Winneck*, 117 Cal. 520.

"The power to pardon is not naturally or necessarily an executive function."

*State vs. Nichols*, 7 Am. Rep. 600.

*Jamison vs. Flanner*, 228 P. 82.

*Ex parte Bustillos*, 194 P. 886.

"At common law pardons proceeded from the crown or from Parliament. In England pardons by act of Parliament are not infrequently placed on a higher level than the kings." (*U. S. vs. Hall*, 53 Fed. 352).

The question then is whether the Constitution prohibits, by any of its provisions, the exercise of the power to pardon a prisoner convicted of a felony.

It will not be denied that there is no express provision of the Constitution prohibiting the Legislature from exercising that power. The only provision relating to the pardoning power is Article VII, which reads as follows:

*"The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court."*

While this article gives the Governor the power to grant pardons, reprieves and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, it does not say that the Legislature is prohibited from the exercise of that power. Opinions given are to the effect that this provision of the Constitution, having delegated the pardoning power in certain cases to the Governor, impliedly prohibits its exercise by the Legislature in those cases. But that is not a necessary implication. On the contrary, and without considering the last clause of this section, the inference may be well drawn that this power also resides in the Legislature, because no provision is found prohibiting its exercise by the Legislature. However, the last clause of the section clearly expresses the existence of the power to pardon in the Legislature:

*"Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court."*

This clause expressly recognizes that the power to grant pardons exists in the Legislature. There is no reference here to treason or cases of impeachment, but only cases of felony, in which neither the Governor nor the Legislature may grant a pardon after two convictions, except upon the recommendation of a majority of the Supreme Court.

Mooney was convicted of a felony, but was not twice convicted. Therefore, the Legislature, as well as the Governor, may pardon him without the recommendation of a majority of the Supreme Court.

I have not been able to find any decision of the courts of the State determining this question of the Legislature's power to pardon under our present Constitution. Citations are given of decisions in this and other jurisdictions but the cases cited do not deny that power to the Legislature. On the contrary, their effect is to establish that historically the power to pardon existed both in the Legislature and in the executive, and further, to establish that today the power to pardon exists in the Legislature.

However, as already stated, whatever the legal effect of the adoption of this resolution, no member voting upon it can escape the responsibility of reaching his own conclusion as to whether Mooney should be pardoned, by basing his action upon the question of the constitutional power of the Legislature to pardon him. The question involved in this resolution is one of fundamental rights and civil liberties, which the Constitution itself was created to preserve and protect. To refuse to consider the case for the technical reasons presented in a divergence of opinion as to the legal effect of the adoption of this resolution, would ignore those fundamental rights and civil liberties which it is our duty to protect.

All of the developments which have occurred, not only since Mooney's conviction, but also since the consideration of his case by any Governor of this State, regarding the manner in which he was prosecuted and the evidence upon which his conviction was based, justifies a full hearing by the Legislature of the full record of the Mooney case. All important developments material to the question of his guilt or innocence, and the unlawful manner in which he was prosecuted and convicted by public officials, have come to light since his conviction, and many of them only in the past few years.

Many of these developments are extra-judicial in the sense that they are not clearly within the legal issues arising out of the court proceedings in the Mooney case, and for that reason will probably never be considered by any court of law. Consequently, Mooney's only apparent redress as to these matters in the State of California is through the exercise of the pardoning power, and to the extent that



such redress may be available to one entitled thereto, it is the duty of this Legislature to take affirmative action.

Now as to the merits of the resolution. It predicated a partial, false belief in the innocence of Mooney and that he was convicted on false and perjured testimony.

If Mooney was guilty of this horrible and inexcusable crime, and was convicted thereof after a fair and impartial trial, he should have been hanged, and that applies also to his co-defendants Billings, Rena Mooney, Weinberg and Nolan, all of whom were charged with participating in the crime equally with Mooney, but neither Mooney nor any of his co-defendants have been executed. Two of them, Rena Mooney and Weinberg, were acquitted after a trial of their cases and the charge against Nolan was dismissed. Yet the evidence remains upon its feet to support the charges against Mooney and Billings as it carries the same conviction as that relied upon to support the charges against Rena Mooney, Weinberg and Nolan. The fact that Billings and Mooney have not been hanged, and the fact that the other three are acquitted is unquestionably due to the ultimate fact that none of them were guilty of participation in this crime.

I would not vote on this resolution without a knowledge of the case. I have obtained such knowledge from reading books of the evidence in the *Billings*, the *Tam Mooney*, the *Rena Mooney* and the *Weinberg* cases; the evidence before the Supreme Court on the application of Billings for a pardon and on one occurring in said matter, the testimony of John McDonald before the Attorney General Board on the application of Mooney for pardon; the books of counsel for Mooney as petitioner and the Attorney General in contest for the resolution in pending *habeas corpus* proceedings; dependable reports of strange investigations into the whole background of the prosecution; of all the conditions in San Francisco which led up to the indictment of Mooney and the others; of the failure in 1916 the prosecution was conducted, of the character of the witnesses for the State produced against the defendants, of the conduct of the district attorney in whom they were prosecuted, including a report made in June, 1911, by the Southern California Enforcement of Law of the National Commission on Law Observance and Enforcement, appointed by President Hoover, consisting of Zachariah Chaffey, Jr., Walter H. Pollak, Carl S. Stern and Thomas A. Hadden, known as the Wickenshaw Committee of which former United States Attorney General Wickenshaw was chairman; a report presented to the Sixty-sixth Congress of the United States, published as House Document 157, and known as the Deansford Report; and the accumulation of the unimpeached evidence throughout the years which tends to establish affirmatively the innocence of Mooney.

It is the evidence and facts established by these records and reports, together with important disclosures that have been made since any consideration of Mooney's case has been given by any Governor of this State, that determine my vote on this resolution.

It would be impossible, within the limits of time given me here to review and point out the facts, shown by all of these records and investigations, that Mooney did not have a fair trial; that he was convicted on false and perjured testimony, confessed by nearly all of the witnesses for the prosecution, and proved beyond doubt as to all the others; and, that the only unimpeached, true, corroborated and apparently truthful evidence in the case establishes Mooney's innocence of this crime.

What are some of the salient facts about the *Mooney* case? In San Francisco, as elsewhere throughout the United States, in July, 1916, the whole atmosphere was charged with war, violence and dynamiting in California, as elsewhere, principally by agents of the German Government, opposing any participation on the part of this country to enter the World War. Also at that time in July, 1916, American troops were in Mexico, seeking to apprehend Villa, the bandit, for depredations at the border, and conflicts between Americans and Mexicans on the border and in the interior of Mexico were of daily occurrence.

Here, as elsewhere, there were conflicts between organized capital and organized labor, determination on the part of organized capital to destroy the organization of labor and maintain an open shop, and the determination of labor organizations to promote the organization of labor, and secure the right of collective bargaining for better wages and working conditions. Organized capital generally classed those who were associated with labor organizations as unpatriotic and as undesirable citizens. Mooney was a militant labor organizer who had antagonized large employers of labor.

The population of San Francisco in 1916 was a cosmopolitan one, made up of all nationalities, Germans, Mexicans, and other foreigners. The Preparedness Day Parade was organized, advertised and brought about against protest of German sympathizers, and other nondescripts. It was held at a time when warlike harrows were likely to be aroused in foreign groups, and prompt some limit to such an insane act as occurred. It is undisputed that the newspapers and persons who were to participate prominently in the parade received anonymous communications, warning them against appearing in the parade.



Here is an example of such a communication, received by several newspapers:

"Our protests have been in vain in regards to this preparedness propaganda, so we are going to use a little 'direct action' on the 22nd, which will echo around the earth and show that Frisco really knows how, and that militarism can not be forced on us and our children without a violent protest. Things are going to happen to show that we will go to any extreme, the same as the controlling class will do, to preserve what little democracy we still have. Don't take this as a joke or you will be rudely awoken. (sic) **WE HAVE SWORN TO DO OUR DUTY TO THE MASSES**, and only send this warning to those who are wise, but are forced to march to hold their jobs, as we want to give only **THE HYPROCITICAL (sic) PATRIOTS WHO SHOUT FOR WAR BUT NEVER GO** a real taste of war. Kindly ask the Chamber of Commerce to march in a solid body **IF THEY ARE NOT COWARDS**. A copy has been sent to all papers, our duty has been done so far.

**THE DETERMINED EXILES FROM MILITARISTIC GOVERNMENTS, ITALY, RUSSIA, RUSSIA ITALY, Germany, Holland, U. S.**

A representative of the German spy system in this country advised his neighbors in Oakland not to attend the parade for fear of harm to them.

I quote from an account of previous happenings, published by Ernest Jerome Hopkins, a San Francisco newspaper man who was on the scene throughout, and covered such happenings, as well as the Preparedness Day Parade:

"There had been a series of dynamite explosions up and down the coast, and in Canada, ascribed to German agents. Among others, there had been the dynamiting of the Victoria Bridge. The United States was neutral; and it was on Federal charges of conspiracy to violate neutrality, in connection with these 'jobs', that no less a person than Franz Bopp, German Consul-General at San Francisco; his aides, Baron E. H. von Schack, and Lieutenant Wilhelm von Brincken; Mrs. Margaret Cornell, and their 'outside man,' C. C. Crowley, had recently been indicted in San Francisco. On July 10—just twelve days before the parade—their cases had come up in the local Federal District Court and were set to be tried November 15. The charges included conspiring to blow up ammunition plants and vessels carrying war supplies to the Allies; using San Francisco as the base for provisioning German naval vessels; and organizing in San Francisco a 'military expedition against a friendly country,' to wit, Canada. Now, a very peculiar circumstance was later divulged:

Crowley, the ring's hired dynamiter, had gone to Detroit, Buffalo, and up into Canada just a year before (1915). And he had carried with him the following letter of credential from Charles M. Fickert, District Attorney of San Francisco, written just five weeks after the Lusitania affair:

CITY AND COUNTY OF SAN FRANCISCO,

SAN FRANCISCO, CAL., June 14, '15.

*To the Officials and Officers Throughout the United States and Canada:*

The bearer of this note, Mr. C. C. Crowley, whose signature appears hereon, is a special agent of this office and connected with the Department of Justice of the City and County of San Francisco, State of California.

At present, and for some time to come, he will be especially assigned to the duty of investigating the illicit drug and poison traffic between this city, Canada and the Eastern States, and particularly of the shipment of such articles from Canada into the United States. A number of officials here are under investigation for their alleged connection with the illicit traffic in these drugs. As a result Mr. Crowley will have to work secretly in his investigation, and I earnestly request that all officers to whom Mr. Crowley presents this letter will cooperate with him to the ends outlined herein.

Respectfully yours,

C. M. FICKERT, District Attorney.

Fickert's act in asking officials, foreign and domestic, to cooperate with Crowley, became embarrassing in the trials that were pending on Preparedness Day. Fickert testified for Bopp and the rest at the trials. An excerpt:

'Q. Did he (Crowley) tell you for whom he was going to Detroit or Buffalo?

A. Yes, sir.

Q. For whom?

A. He said for the German Consul.

Q. Did he tell you, Mr. Fickert, on whose behalf or for whom he intended to go into Canada?

A. Yes, sir.

Q. For whom?

A. For the German Consul or for the German Government—I don't know which.'

Immaterial to the Mooney case, perhaps—except that the knowledge of this letter hanging over his head might have made Fickert somewhat loath to pursue the German line of investigation. Day states that the episode sheds queer light upon the hostile posturing on which Fickert, in the Mooney case, was so ready.

Bombing activities on the part of Mexicans in and about the bay district are also reported by this same authority as follows:

"The month of June had closed with a bomb explosion, and it was a fine bomb, in a suitcase, left by a railroad train by three Mexicans. The train was a Southern Pacific overland. Number Five, coming into San Francisco the evening of June 30.

Three Mexicans, who looked like brown or freckled, and came into Elmina on a branch train from the Vacaville cherry district, and boarded Number Five, carrying a suitcase. Two of them had left the train at Richmond, last stop but one. The third had carried it through to the point of the bombing, and was ordered out by Conductor W. A. Brown, at the next station, Sixteenth Street Station, Oakland. Brown had seen all three men coming. The train halted, the third man left before it had fully stopped—and two minutes later, in the toilet, there was an explosion.

It blew a hole, eight feet by four, in the steel side of the car. It broke every window in the car, and injured thirteen people, none fatally. It was ascribed, of course, to the anti-war feeling among the Mexicans—American troops, including the Fifth California Infantry, were passing at San Jose. That same day's papers carried news of the arrest of two Mexicans at Napa, caught while placing fuse and dynamite near the powderhouse of the military arsenal. These train-bombers escaped.

Both morning papers of Parade Day had material designed, putting mildly, to inflame a suggestible mind. 'The Examiner' told (as it had told before) of 'bullet-torn battle-flag, one of the State's most potent emblems, borne through the Spanish-American War to the First California Regiment. It was to be carried by the Spanish War Veterans, who, if you thought of it, would line up, and await their turn to march in Steuart Street near Market. Both 'Examiner' and 'Chronicle' made much of the bombs that were to be set off:

'Sharp at 1:30 bombs will be exploded . . . the signal to all San Francisco that her sons and daughters have started on their great demonstration.'

That was 'The Examiner'. 'The Chronicle' had it:

'The firing of a bomb and the blowing of the siren . . . will be the signal that the head of the parade has arrived.'

And running up and down over the full length of 'The Chronicle's' first page, that morning of Parade Day, was a headlining, four-column and a half-column view of the afternoon's coming event, or, at least, the parade, going up Market Street, and the divisions forming, and in large lettering at the lower left-hand corner of the picture was the following:

EX-MEMBERS  
OF NATIONAL  
GUARD  
MEET AT  
STEUART ST.  
1:15.

The headline across the top said in large type: 'PATRIOTS' PAGEANT TO CRY, "PREPARE!"'

The bomb did go off in Steuart Street, precisely opposite the first three ranks of Spanish War veterans, two of whom, a Dr. Plaster and Thomas Turnbull, were killed and several wounded. Precisely opposite that bullet-torn battle-flag! Yet in the shell-shocked amazement of the moment, the fact that those men, of all men in the parade, had fought on Spanish soil and against Spanish blood—that this flag had been pierced by Spanish bullets—remained totally uninterpreted. The location was deemed 'accidental'. Was it?

Latin-American antagonism toward the 'Land of the North', dating from Mexican War days, had its modern revival at the time of the Spanish War. To the Mexican eye, that battle-flag was the perfect symbol of the American aggressions which, at this precise moment, were apparently being renewed.

• • • And now: 'Ex-Members of National Guard Meet at Steuart Street 1:15.' At 2:06 a bomb exploded in Steuart Street killing ex-members of the National Guard! And it need not have been a clock-bomb—it was, probably, a fuse-bomb, like the one in the railroad train, but with a longer fuse. No clock was ever found. . . .

As Mrs. William Hineckley Taylor, in charge of the Women's Division, was waiting to march, an ill-dressed man of whom she caught but a glimpse darted

from the crowd and thrust a note into her hand. Its first words were, as she remembered them: 'If you enter this parade, there is a bomb waiting to blow you to hell.' The rest was obscenity. Unfortunately, she lost the note.

John Clifton, from his cigar-store at the deserted corner of Kearney and California streets, told the police he had observed two men of foreign appearance, dark-skinned, poorly dressed, carrying a cheap brown suitcase and waiting for a ferry-bound cable-car. Somehow, their demeanor drew his attention. They boarded the car, where Samuel Weeks, the conductor, noted them clearly. He told the police he thought it strange that two men, evidently poor, should use his car for so short a ride. They left it, carrying the suitcase, at the terminus—just across Market Street from the mouth of Steuart. This, by Weeks' time-schedule, was at 12:45. Both he and Clifton described these men as Mexicans; one was 35, 160 pounds, five feet ten inches tall, smooth-shaven, dark, and clad in an old blue suit and black hat. The other was younger—about 30; and smaller—five feet six; rather heavy-set, weighing 140 pounds, gray suit and cap.

John Powers, a workman living at Eleventh and Folsom, saw, it may be, one of these same men. As quoted by the police to the newspapermen, and restated by one of them: 'It was about twenty minutes to two, as I was passing down Steuart Street. I saw a man, apparently a Mexican, place a suitcase just at the point where the bomb exploded. . . . There is little doubt that he was a Mexican. The suitcase was a cheap-looking tan affair.' Major W. J. Watson, of the G. A. R. saw the suitcase itself. 'It was about 1:25 when I observed, at the side of the wall and parallel with it, a suitcase. . . . I noticed that nobody around seemed to own the thing. I was about to go up and give it a kick to see what it contained, but on second thought decided not to do so. It was of imitation leather, terra cotta color, of regular type and size, well worn and broken a little at the corners.'

Elmer E. Kimberlin had been a night watchman at the Exposition. His presence at the bomb explosion was unquestioned—he received body-wounds from metal fragments. He stayed away from the Bomb Bureau, being in the hospital, but Fickert acknowledged receipt of his affidavit on September 30. Kimberlin swore that 'at 1:15 P. M. (the exact time mentioned in the "Chronicle" picture) affiant stood on Steuart Street near Market within two feet of the spot at which an explosion occurred that day . . . that at 1:30 p.m. he saw a man with a suitcase coming in a northerly direction . . . a brown, or dark terra cotta colored suitcase, worn at the end'; that the man set it down 'within two feet from where affiant was standing as aforesaid, and against the wall of the saloon against which affiant was leaning'; that the man then turned up Market Street. Description: 'approximately five feet ten inches in height, weighed 170 pounds; he wore a soft black hat turned down all around; he wore dark clothes apparently very much worn; was of a very dark skin or complexion and in the opinion of affiant was either Mexican or Italian. That said suitcase remained in the position in which it was placed as aforesaid until the time of the explosion,' at which time Kimberlin was just across the street. Kimberlin saw several people step up to the suitcase, including a small boy, who was doubtless 13-year-old Jimmy McDougall, who later testified.

Charles F. Johnson, a ship's carpenter and a deputy sheriff of San Mateo County, saw this same man: 'about five feet seven in height, weighed about 160 pounds, black hair and wore a dark-colored crush hat,' to quote his affidavit. 'In appearance he seemed to be a Mexican or Spaniard, being very dark complexioned, and had a smooth, round face.' Johnson saw him deposit the suitcase; 'I thought the man had lost the suitcase and I followed along behind him to catch up with him and tell him. I caught up with him . . . and asked him why he had left the suitcase there. He said he did not want it. He walked on in advance of me very fast and never looked at me.' Johnson declared that, on the dock the following Monday, he 'saw this same man' taking a boat for Seattle. 'He saw me looking at him and turned and walked away.' Johnson didn't report this until the following February, explaining he 'did not care to get mixed up in it'; but Fickert, then, received the affidavit.

M. T. Prendergast was an Oakland gardener, and a Spanish war veteran. Appearing at the Bomb Bureau on Monday, he informed the police that he had seen a man 'who he declares was a Mexican' put the suitcase on the sidewalk; a 'Mexican or Portuguese, 25, dark suit and hat, 145 pounds, five feet eight.' He added that he was looking at the suitcase when it exploded, and was knocked down but unhurt.

Later, he was taken to see Billings, but declared Billings was not the man. Now, Prendergast stuck to his original version so ardently that he proved rather a thorn in the side of the officials, whose energies by now were solely devoted to making the case against Mooney and Billings 'stand up'.



The Mexican theory is said to rest rather on the positive opinion of that alone, fits and explains the location that was chosen, and attested to at the outset by more and better witnesses than the Santa case command at the trial, was, to say the least, worth investigating. The suppression of this important evidence was in itself a prime indication of guilt.

On November 28, 1930 the United Press carried an interview with Major Vincente R. Barrow, U. S. A., retired, in a dispatch from Manila. Major Barrow stated that he had been near the bomb scene and had seen a man, fifty yards away, deposit the bomb and some packages and, watching as he drove near, we bumped against each other. I fell and he landed on top of me. I was angry and grabbed his leg, but he swung away, cutting me with a bloody tongue. . . His features and characteristics were those of a Latin. This brings the apparent number of direct Mexican witnesses to eight: Collins, Weeks, Powers, Kimbrough, Johnson, Taylor, Frothingham and Barrow, and we shall see, John McDonald, who later became the Santa's secretary. In his initial statement to the police described two men in brown military uniforms with the above. Immediately after the crime Patrick J. Kennedy, head of the Southern Pacific Railroad police, conferred with Captain Matthews and expressed his opinion that the bombs of June 30 and of July 2 had been set by the same hand.

All the 'Mexican' witnesses were in the way of justice, being out of the office.

The parade started from the Embassments at 1:30 p.m. At 2 o'clock, after most of the parade had passed up Market Street, and just as the Spanish American War Veterans were marching out of Stuart Street, which intersects Market Street one block west of the Embassments, to join the parade, a bomb exploded on the westerly side of Stuart Street about 17 feet south of Market Street, killing four people and maiming 40 more, including Spanish American War Veterans and those gathered there to join or watch the parade.

When that bomb exploded, Tom Mooney and his wife, Rena Mooney, with a number of other people, were on top of the Police Building, in which they lived, on Market Street, a mile and a half west of Stuart Street. No witness appeared or was discovered that in any indicated that Mooney or Mrs. Mooney or Winkler or Nolan or Billings was connected in any way with the getting of that bomb. On the contrary, reports to the police department by persons who were actually known to be at the scene of the explosion, giving those that of Billings, suggest a lead to the apprehension of the person or persons guilty of the crime, were destroyed by the district attorney.

An itinerant waiter, usually engaged in selling newspapers at the corner of California and Kearny Streets, a long distance away from the scene of the bombing, who was described in the *Workshop* Report as a "sophisticated and psychopathic liar," had no reason for being at the scene of the bombing, but in telling a policeman that he was there and that he saw a man walk up from Mission Street toward Market Street with a suitcase in his hand and set it down on the sidewalk at the point where the explosion occurred. His description of that person was not the description of Billings, and this man McDonald never mentioned Billings as that person until, as he now confesses, he was manufactured into a false witness for the purpose of fastening this crime on Billings and on Mooney.

The district attorney, Charles M. Fickert, prompted by Martin Sullivan, a detective in the employ of the United Railroads and his high-soup corporate friends, which Tom Mooney had antagonized in attempts to organize their employees, set out to fasten this crime on Mooney. That detective became attached to the district attorney's office the night of the bombing, and from then on there was a build-up in the newspapers, by statements emanating from the district attorney's office establishing in the public mind that Mooney was the main guilty of this outrage. By such tactics, indictments of Mooney and Billings were secured in a few days. False reports were given out concerning their actions, and in a court room charged with the prevailing belief in the public mind in these false reports and of the guilt of the accused, Billings was tried. His conviction depended upon the perjured testimony of McDonald. Deputy district attorney Brennan, who prosecuted the case, asked the jury, if they found Billings guilty, to recommend life imprisonment. That is why Billings was not hanged.

The Mooney trial followed. The theory of the prosecution was that between 1:30 and 2 o'clock that day Mooney and Billings and Mrs. Mooney and Nolan, in a jitney bus driven by Weinberg, drove from 721 Market Street with a suitcase held on the outside, straight down Market Street in the face of the parade, and a long line of policemen, and stopped at the corner of Stuart and Market Streets, that from this jitney bus Billings took the suitcase containing a bomb and placed it at the point of the explosion, and that Mooney and Mrs. Mooney returned to their home in the Eilers Building a mile and a half away where the clocks show they were watching the parade, immediately before and after 2 o'clock.



This story was manufactured with the use of a prostitute with a police record who was employed in an advertising dentist's office at 721 Market Street. This witness has also confessed that her testimony was perjured. In the manufacture of this story the prosecution also used the testimony of a woman and her daughter who lived in Oakland and were not in San Francisco on the day of the parade. They had stated that they were at Steuart Street when the explosion occurred but had never seen Billings or Mooney or anyone resembling them. Later they stated that they were at 721 Market Street, nearly a mile away and saw Billings and Mooney there. When confronted with her first statement claiming that she was at Steuart and Market Streets, the mother said her physical body was at Steuart Street, but her astral body was at 721 Market Street. Obviously their testimony was perjured.

Physical impossibility for the jitney bus to go from 721 Market Street to Steuart Street when all traffic on the street was cleared off for the parade and the sides were lined with the largest crowd ever turned out in San Francisco, with policemen keeping the way clear for the parade, the impossibility of time elements and other obvious features show the nature and the unreasonableness of the evidence upon which Mooney was convicted.

McDonald's story was made to fit in the *Mooney* case, notwithstanding his testimony in the *Billings* case. But another witness was used to convict Mooney, and that was a man by the name of Oxman, who was not in San Francisco on the day of the parade until nearly 6 o'clock of that day. When the bomb exploded, he was over here at Woodland, 90 miles from San Francisco. He testified that he was at the corner of Steuart and Market Streets; that he saw Billings, Mooney, Mrs. Mooney and two others drive up in a jitney bus driven by Weinberg with a suitcase; that Billings deposited the suitcase at the point of the explosion.

Oxman's perjured testimony was shaped to fit in with McDonald's perjured testimony. The job was not thoroughly done, but such discrepancies in their lies did not seem to make any difference. Mooney was convicted in the public mind by means of false public statements concerning the case, furnished by the district attorney's office, and Mooney was convicted. He would have been hanged, had not the exposure of Oxman occurred shortly after his conviction. Oxman was both a perjurer and a suborner of perjury. It was his attempt to produce other false testimony for the district attorney's office in the *Mooney* case that led to his exposure as a perjurer, not only in the *Mooney* case, but in other cases.

When this perjurer was secured for the Mooney trial it did not make any difference that the first statements he made were entirely different from his testimony as framed in the district attorney's office. That statement, like any amount of other evidence that, if produced would have made impossible the conviction of either Mooney or Billings, was readily suppressed by the prosecution. Gradually, year by year, the truth about the *Mooney* case has been drawn further and further into the light of day in the civic life of California. It is further being brought to the light in this proceeding, and with it the disgraceful and criminal manner in which the office of district attorney under Charles M. Fickert, was conducted.

To realize this one only needs to read the Densmore Report hereinbefore mentioned, a stenographic report of meetings and conversations in the office of the district attorney, taken by means of a dictaphone placed in that office from day to day over a considerable time, showing the low character of the district attorney's office of San Francisco County under Charles M. Fickert. As stated in the Densmore Report, that record shows:

"That Fickert is in constant association with men and interests of such nature as to render it incredible that he should be either impartial or honest in the conduct of a case of this nature; that he is and has been for some time past cooperating with notorious jury and case fixers; that, for instance, he is equally guilty with Pete McDonough in conspiring to free a wealthy man charged with crimes of degeneracy; and that he has also been working with the same notorious corrupt McDonough and Ben Selig to save from conviction Dave Blaine, an automobile tire thief. These cases are mentioned simply to illustrate his common practice, of which abundant evidence is furnished by this report.

"SECOND. That Fickert and his associates within the past month have conspired to fabricate evidence with which to convict Mrs. Mooney; and that to this end they have attempted, in the grossest manner, to intimidate and blackmail a prospective woman witness."

As an example of matters to which this Densmore Report refers is the following conversation which took place between district attorney Fickert and his assistant prosecutor, in the Mooney case, Edward A. Cunha, on September 18, 1918:

"CUNHA: Chief, if you can get a witness who will put Mrs. Mooney at Steuart and Market Streets, I don't give a dam if you put her there in a balloon."

FICKERT: I think I can put her there in a taxicab. It looks as though we have the witness.

CUNHA: If you have, Chief, I will put that in of a line. Mrs. Mooney on trial again and I will convict her in every step of the game.

FICKERT: I am going to keep everything quiet so there won't be any leaks.

CUNHA: That's the stuff, Chief, don't tell anybody. I never get you free about the Mooney case. If they ask me I say I never know nothing, because if they get anything from prison one day, guess they are getting it from someone pretty close. It was got that stuff on old lady Mooney, Chief. I am on the job with you.

Mrs. Mooney had been acquitted in one trial. Her acquittal was inconsistent with Mr. Mooney's conviction. Therefore, the district attorney and his assistant, Cunha, were endeavoring to find another Oxman to frame Mrs. Mooney for another trial.

The Densmore Report shows the existence of a secret Mexican lawyer, Attorney Fickert, and Judge F. W. Hendon, formerly a member of the Supreme Court of this State, who resigned under the cloud of having accepted a bribe of \$400,000 to change his decision in the *Eastwell* case.

Fickert was elected to district attorney by some of the worst elements in the public service utilities and in the chamber of commerce for the purpose of securing a dismissal of graft indictments returned against certain officials of the United Railroad of San Francisco, and he secured the dismissal of those graft indictments.

Directed by Hendon, and these men, demands to criminal capital.

Fickert's work was conducted, and the spectacle, as stated in the Densmore Report, "proclaims most eloquently the complete nature of justice as used in the prosecution of the cases against the Mooney defendants. Men like Hendon are bound by no moral conventions. Their standard of conduct is their belief on expediency; to achieve their ends they will promise anything and hesitate at nothing.

Fickert's secret alliance with this arch scoundrel is enough to damn the cause of the prosecution in the eyes of all but the most prejudiced observers. No other single fact developed by the present investigation is more significant with significance than the unholy relationship still shown to exist between these two enemies of law and justice.

No unprejudiced, fair-minded man or woman can honestly read these records and reports and fail to reach the conclusions that have been expressed by so many of the leading citizens of this State and Nation who have made that fair-minded, intelligent study of these records. Such conclusions I desire to keep quiet. After first quoting the judge in the *Mooney* case upon the expenses in which I have barely referred, and the foreman of the jury in the *Mooney* case who knows how well how Mooney was framed.

Judge Franklin A. Griffin, who presided at the *Mooney* case, said:

"There can be no two opinions. There is no evidence against him. There is not even a serious suggestion that it existed. William MacNevin, foreman of the jury says, 'I was foreman of the jury that convicted Mooney. I know what I'm talking about.' (And he does, as a perusal of the record in the case will show). He says, 'There is no evidence to sustain Mooney's conviction and imprisonment.'"

District Attorney Matthew Brady, in the superior court of San Francisco, on May 3, 1933, in a trial of Mooney under a second indictment, said:

"All the witnesses connecting Mooney with the explosion are impeached. we can not prove a case against him."

#### Conclusions of National (Wickersham) Commission on Law Observance and Enforcement, Section On Lawless Enforcement of Law:

"Considering the records as a whole, we conclude:

- (1) There was never any serious attempt made by either the police or the prosecution to discover the perpetrators of the crime. The investigation was in reality turned over to a private detective, who used his position to cause the arrest of the defendants. The police investigation was reduced to a hunt for evidence to convict the arrested defendants.
- (2) There were flagrant violations of the statutory law of California by both the police and the prosecution in the manner in which the defendants were arrested and held incommunicado, and in the subsequent searches of their homes to procure evidence against them.
- (3) After the arrest of the defendants, witnesses were brought to the jails to "identify" them, and their "identifications" were accepted by the police and the prosecution, despite the fact that these witnesses were never required to pick the defendants out of a line-up, or to demonstrate their accuracy by any other test.
- (4) Immediately after the arrests of the defendants there commenced a deliberate attempt to arouse public prejudice against them, by a series of almost daily interviews given to the press by prosecuting officials.

- (5) Witnesses were produced at the trials with information in the hands of the prosecution that seriously challenged the credibility of the witnesses, but this information was deliberately concealed.
- (6) Witnesses were permitted to testify at the trials, despite such knowledge in the possession of the prosecution of prior contradictory stories told by these witnesses, as to make their mere production a vouching for perjured testimony.
- (7) Witnesses were coached in their testimony to a degree that approximated subornation of perjury. There is a strong inference that some of this coaching was done by prosecuting officials, and other evidence points to knowledge by the prosecuting officials that such coaching was being practiced on other witnesses.
- (8) The prejudice against the defendants, stimulated by newspaper publicity, was further appealed to at the trials by unfair and intemperate arguments to the jury in the opening and closing statements of the prosecuting attorneys.
- (9) After the trials, the disclosures casting doubt on the justice of the convictions were minimized, and every attempt made to defeat the liberation of the defendants, by a campaign of misrepresentation and propaganda carried on by the officials who had prosecuted them."

"People of California and of the United States of America are loathe to believe that the three governors who refused to pardon Mooney and Billings were merely the servitors of those subversive, un-American, un-social interests opposing justice for the victims of its miscarriage. There is a large and growing host within the American electorate who have not only a suspicion but a conviction that those interests were the real instigators or perpetrators of the monstrous crime committed in San Francisco on the afternoon of July 22, 1916. If the three former governors were not sycophants of such subversive interests, then they were amazingly and criminally ignorant, totally unworthy of the high office entrusted to them by the people of this state. We are forced to one conclusion or the other."

—SPECIAL COMMITTEE,

Fresno District Council, Methodist Episcopal Church.

"No one can read the proof which I have before me and not feel that Tom Mooney is the victim of one of the foulest conspiracies ever perpetrated in this country, and it was done because he was active in labor circles in California."

—BURTON K. WHEELER,

United States Senator.

"It is bad business to make martyrs of one's enemies, and the people most opposed to the release of Tom Mooney should be the most eager to get him free; for the longer he remains in prison the more of a martyr he becomes in the eyes of an increasing number of people, the more of an argument he is against the purity and honesty of California justice, the more hostility he builds against the very people who resist his release."

—RUPERT HUGHES.

"It is from you (Franklin D. Roosevelt) who represent the forces of democracy in the United States that we await the gesture of high equity and atonement . . . all around us in Europe, masses of men, more and more numerous, wait impatiently for the reparation of this lamentable judicial mistake."

—H. G. WELLS.

"I maintain that if the State can put an innocent man in prison and keep him there and justify the doing of the same, and refuse to be sensitive and quick in response when the prisoners are not guilty—then this doctrine and practice is more darkly sinister in its character and more terribly far-reaching in its respect than any doctrine Mooney ever stood for."

—OSWALD W. S. McCALL.

"If there is anything you can with propriety do, Mr. President, (Roosevelt) to bring about a pardon at the hands of the governor of California, I am sure you will be disposed to do it."

—FATHER JOHN A. RYAN,

National Catholic Welfare Council.

"The case of Thomas J. Mooney and Warren K. Billings strikes at the very root of orderly government. These men are still in prison. Until this stain is removed, voluntary respect for law is in grave danger of being undermined. Respect for law on the part of citizens presupposes, as a prior condition, respect for right on the part of those charged with the administration of justice.



As long as men can be kept in prison on charges subsequently proved to have been 'framed', justice goes by the board, and law becomes a mockery."

**JESSICA B. POIXOTTO**

Professor of Social Economics

**CHAUNCEY W. WELLS**

Professor of English

**C. A. NOBLE**

Professor of Mathematics

**MRS. RALPH ELIAS**

**DONALD S. MACKAY**

Assistant Professor of Philosophy

**B. H. LEHMAN**

Professor of English

**W. H. DURHAM**

Professor of English

**GEORGE F. ADAMS**

Professor of Philosophy

**MARY W. ADAMS**

**GRACE MONTGOMERY**

**GUY MONTGOMERY**

Assistant Professor of English

**MERRITT Y. HUGHES**

Associate Professor of English,  
University of California

"There is not one scintilla of evidence connecting Billings and Mooney to the bomb blast. To men it is simply inconceivable that men so familiar with all the facts can entertain the slightest doubt about their absolute innocence."

**THOMAS SCHALL**

United States Senator

"That the poor do not stand on equal chance with the rich before the law in the United States is a charge made and now supported by statements of bar associations. That labor suffers constant injustice in the courts is a truism. For ten years Thomas J. Mooney and Warren K. Billings have been in prison cells in California, convicted on what the defense all along maintained and the prosecution now also admits was perjured testimony."

#### **METHODIST FEDERATION FOR SOCIAL SERVICE**

"We are compelled to express to you (Governor Young) our disappointment at your statement that, 'If there is a probability of his guilt he ought, of course, to remain right where he is.' This language seems to us in this particular case to contradict the fundamental principle of free government which provides that a man must be considered innocent until he is proven guilty."

#### **EXECUTIVE COMMITTEE**

Church Federation of Los Angeles

(The above statement was endorsed by the California State Federation of Churches.)

"A tacit alliance between legal authority and illegal violence is a cancer which has attacked American politics before, but silently and secretly. It has been proved abundantly during Governor Ralph's term of office that the conviction of Mooney was a miscarriage of justice. And still the Governor has refused either to pardon Mooney or to support the plea for a retrial. He keeps in jail a man who is certainly innocent; he praises men who are guilty of murder and announces that he will pardon anyone arrested in connection with the lynchings."

#### **—THE MANCHESTER GUARDIAN.**

Quoted in The Christian Advocate, Pacific Edition.

"May I say how earnestly the friends of California and of its reputation are hoping for a speedy rectification of the injustice now universally recognized to have been done to Tom Mooney."

#### **—JOHN DEWEY.**

"The judicial reasoning by which the California Supreme Court reaches its remarkable decision is truly amazing. The court 'reasons' that, even if Mooney and Billings did not actually plant the bomb, they knew who did, and yet (we are quoting from the decision) 'there has never come from the lips of either of these defendants or from out the inner circle of their associates, the slightest tangible hint or aid to the public officials as to anyone else, which might lead to a discovery of the real perpetrators of this revolting crime.'"

"This sounds incredible. . . . It is impossible to view such a lamentable performance by a court with anything but bitterness and contempt. At a time when subversive elements are exhorted to have 'respect for law' we see a Supreme Court echoing, in so many words, the so-called thought which one hears in non-judicial circles 'Well, if they didn't do it, they know jolly well who did.' As if one gained knowledge of a crime, through one's conviction (of that crime) by hired perjurers and unprincipled private detectives! As if a man's guilt were to be assumed because of the inability of the police to arrest somebody else for the same crime! As if anything in the evidence



even remotely indicated that either Mooney or Billings 'know who did prepare that bomb'!"

—Editorial Comment,  
BALTIMORE EVENING SUN.

"Why should a religious periodical in Boston, 3,000 miles from California, discuss the case of Thomas J. Mooney, now a prisoner under life sentence in San Quentin prison? . . . Because Jesus Christ more than 1900 years ago died on a cross to reveal the love and righteousness of an Eternal God; and wherever and whenever in this wide world an injustice is being done to any human being, it is the business of the followers of that crucified Saviour then and there to protest and to seek to right the wrong. . . . Because neither California nor the United States can afford to have it said that citizens of this country condone injustice even when it is done to someone whom they dislike or with whose views they do not agree. The very foundation of the republic are imperiled by the present situation in California."

—Editorial Comment,  
ZION'S HERALD.

"The disposition of the Mooney case must not be left to a casually elected governor. It must be settled by the people of California."

—GEORGE W. KIRCHWEY.

"The whole country, familiar with the background and actuality of the tragedy . . . is painfully aware that Mooney was the victim of perjured testimony . . . It ('Precedent') is one of the few plays which can exist and capture the emotional response of an audience by the very fact it has no ending, that it brings you up to the present and leaves you with a tragic question mark. I am not sure whether it comes technically within the scope of next year's Pulitzer award, but if it does, and if the committee fails to give it very serious consideration, then there will be a miscarriage of dramatic justice to add to the tag ends of the Mooney affair."

—RICHARD DANA SKINNER,  
In The Commonwealth.

"I cannot realize that a man has been kept in prison for so many years when all the evidence points to his innocence. It is a reflection on the State of California."

—GEORGE W. P. HUNT,  
Six times Governor of Arizona.

"The fact that the judge who originally tried the Mooney case now is foremost in stating that an injustice was done, and that the foreman and all of the jury, along with others associated with the case, have supported the plea for pardon, surely makes this a case where the Christian sentiment of the country ought to demand the rectification of a great wrong. . . . If the Christian conscience of America can lightly contemplate the continuance in prison for a single day of men thus unjustly convicted, then that conscience is Christian in name only and is lacking the humanity of Jesus."

—Editorial Comment,  
THE CONGREGATIONALIST.

"We believe Thomas J. Mooney to be the victim of a foul conspiracy against justice. . . . This conference will be outraged if you (Governor Rolph) do not end this monstrous offense against America and Justice."

—GILBERT S. COX, Chairman,  
Call to Action Conference.

"I have long been convinced that Mooney was convicted not by evidence but by fear and have expressed my opinion in sundry ways. The State of California has committed a gross act of injustice which cannot be righted, though amends could be made by releasing Mooney from prison."

—BISHOP L. C. SANFORD.

"What about the young people in the Christian church today in the face of such clearly established injustice and wrong? Dare we rest until we have informed ourselves, until we have given ourselves in a real effort to right this iniquity? We cannot return these fifteen years to Tom Mooney, but the Christian young people of California and the nation can give themselves to the cause of ending this injustice."

—THE EPWORTH HERALD.

"It is a pleasure to be included in the brochure marking the fifteenth anniversary of your arrest. I have long been convinced of your innocence and hope that this anniversary will mark your liberation."

—MARY E. WOOLEY.

"I rank the Mooney case with the Dreyfus case as one of the legal horrors and iniquities of modern times. This is a monstrous offense which should make American citizens bow their heads in shame and then lift them again in angry protest."

—JOHN HAYNES HOLMES

"It is our opinion that by reason of the exposure of the perjury of the chief witnesses for the prosecution, the revelations of the United States Government investigator as to the dishonest methods employed by the prosecution; and the unanimous opinion of the court and jury on the evidence subsequent to conviction, that the said convictions now are only demonstrable but that the inference is compelled that these two men were innocent of the crimes charged."

—FELICE LAW FARRAR of the  
UNIVERSITY OF OREGON

"The known facts in the Mooney-Billings case are such that the custodians of our civilization indict themselves if they fail to use their controlling influence so far as possible to correct an indefensible record."

—EDWARD P. CORTISAN,  
United States Senator.

"The reasons given by Governor Young for refusing a pardon, constituting a perfect reason for the pardon. Confronted by the testimony of two persons, the Governor dismisses one as unworthy of belief. This leaves Mooney in prison for life on the testimony of one man—and that man has confessed that in this case he perjured himself."

"With these confessions or proofs of perjury, with the man that was convicted pleading for a pardon because of the perjury, with the Judge that presided declaring the frame-up 'the dirtiest piece of business he had ever seen, Mooney is still in prison for life."

"And this is America!"

"It is not a California case any longer, it is the case of the Nation. It is not the shame of California alone, it is the shame of America. It is not Mooney alone who is in prison. It is something very closely resembling American justice that is in prison."

—Editorial Comment,  
EVENING WORLD,  
New York City.

"Resolved by the Assembly, the Senate concurring, that both houses of the Legislature of Wisconsin hereby respectfully urge upon the Legislature of California to grant a prompt and unconditional pardon to both Mooney and Billings."

—President of the Senate,  
—Chief Clerk of the Senate,  
—Speaker of the Assembly,  
—Chief Clerk of the Assembly,  
STATE OF WISCONSIN

"Disinterested and informed citizens throughout the country very generally regard his (Mooney's) long imprisonment as the most flagrant miscarriage of justice in recent years."

—Editorial Comment,  
"INFORMATION SERVICE"

—Federal Council of the  
Churches of Christ of America

"We feel that the trial and conviction of Tom Mooney and Warren Billings in connection with the Preparedness Parade in San Francisco in 1916 was a miscarriage of justice. It has been proven without a doubt that the whole case was a 'frame-up' against two citizens who had assumed certain big interests in the industrial world. In the name of all that is fair and just we feel that these men should be given their liberty at once."

—Southern California Annual Conference METHODIST EPISCOPAL CHURCH.

"No man ever had a more unshakable alibi. Not only the photographs taken from the roof of the Eilers Building, but the testimony of sixteen witnesses show him to have been more than a mile away from the scene of the explosion, where he was perjuriously placed by Oxman and McDonald. It is amazing that there is any question about pardoning Mooney and Billings. They should have been pardoned years ago."

—GERALD P. NYE,  
United States Senator.

"The San Francisco general strike is a serious one. For nearly twenty years Tom Mooney, a Labor Leader, has been in San Quentin prison, and

although everybody outside of California now knows he was 'framed' and had nothing to do with bomb explosion for which he was sent down for life, yet he stays in prison. The outrageous wrong practiced on this Labor Leader rankles today all over the labor field."

—Editorial Comment.  
THE TORONTO STAR.

"Be It Therefore Resolved, That the House of Representatives of the Legislature of the State of Minnesota urge Governor Ralph to grant an immediate and unconditional release to Mooney and Billings, and

"Be It Further Resolved, That we urge the President of the United States that he instruct the Attorney General to intervene before the United States Supreme Court for immediate release of Mooney and Billings . . ."

—HOUSE OF REPRESENTATIVES  
STATE OF MINNESOTA.

"As the long tale of years spins itself out, and one California governor follows the example of another in denying freedom to Tom Mooney, there is gathering a symbolism about the figure of the prisoner which bodes more and more evil for the future of the republic . . . America has at last come to experience the reality and the ruthlessness of the class war.

"Yes, class war . . . Has the appeal to reason any great chance of outrunning the appeal of force? . . . Tom Mooney in San Quentin Prison, and other incidents that are multiplying, are a warning to America. The class war is not threatened in this nation. The class war is actually opening. Can its full fury be averted? This is what the churches, through their preaching of the social gospel, are trying to do. This is what all who seek the establishment of Social justice by the resort to reason are attempting. But can they succeed? The passions that gather on both sides of the Mooney case fill us with foreboding. And the time is short!"

—Editorial Comment.  
THE CHRISTIAN CENTURY.

"So long as Mooney and Billings are kept in prison by prejudice, even though that prejudice sways six justices of the Supreme Court, they must not be forgotten. The fight to pardon them, of course, must go on."—THE 25 SCRIPPS-HOWARD NEWSPAPERS.

There may be, and undoubtedly are, those, who, finding no escape from similar conclusions, nevertheless, rationalize opposition to the pardon of Mooney by saying, "Mooney may not be guilty in this case, but he belongs where he is, because he is a radical labor organizer and a dangerous man."

If we are to keep him in prison for such reasons, let the Legislature say so. But we can not say that because it strikes at the very foundation of the civil liberties secured by our State and Federal Constitutions.

Why does not the Attorney General, instead of endeavoring to keep Mooney in imprisoned against his application for release, admit that his application should be granted, instead of putting the State to the expense of \$42,000 last year to keep Mooney in jail? Why is there every attempt made to deny the truth in this case, to stand behind legalistic technicalities for the purpose of continuing a wrong committed in California in the name of justice through the corrupt conduct of those entrusted with the enforcement of the law?

The only answer I have ever heard to that question by those who would oppose this resolution is that Mooney is a bad actor, anyhow, and should be in jail.

What about that? I believe that in the book written by Mr. Ernest Jerome Hopkins, from which I have already quoted, there is drawn a fair picture of Mooney and a fair statement of his activities.

Mooney was a man of forceful personality; a fighter, a cynic, a powerful orator of the angry type. He was an extremely easy man to remember and to identify, with his heavy black eyebrows, plump face, his restless and stocky 190-pound body and very characteristic mouth; very self-confident, neither ill-educated nor unintelligent, an egoist. Billings was easy to identify too, for opposite reasons: he was five feet four, weighed 124 pounds, looked (at the time of his trial) younger than his 22 years. Billings was blonde-haired, not self-assertive, but neither weak nor of the subnormal intelligence that has been ascribed to him; as a mere boy he had gone through a shoeworkers' strike and had been shot in a fracas with a detective; in his 'teens he had been an official of his union and a Labor Council member.

Much of the strike activity was in the California delta district, and Mooney at times used a boat. One night, when this boat was tied to a landing in Contra Costa County, a local policeman looked into it. He found it empty. Mooney was arrested by two of Swanson's corporation detectives immediately afterward and turned over to the Contra Costa authorities. These detectives produced against him, as evidence, enough batteries, caps, fuse and copper wire to blow a village into tomorrow, but no dynamite. The detectives said they had found them in the boat.



In the three trials at Martinez that followed, Martin Swenson took personal part. So did an attorney for the Pacific Gas and Electric Company, who entered the case and conducted the prosecuting attorney. Mosley was defended by two different lawyers. The charge was that of transporting explosives, the defense was that the charges were a forgery, and that no actual explosives had been found. The trial seems more out of the "professional" type. At the end of the first trial, the jury disagreed. At the end of the second trial the second jury disagreed. At the end of the third trial, Mosley was acquitted, and the fact of the attempted forgery became a legal record in California.

I state this in some detail because for years Moore has been called a "professional dramatist" all on the same grounds. The above are, in two disingenuous notes and are unimportant as most of Moore does seem to bring implication in a dramatic effort before the reader's eyes.

Swanson's claim was partly assented. Since friendly individuals sent Billings one day up to Sacramento to trade with a number of Indians at a certain saloon. He checked the natives while on the trip, they took it to the place. Oddly enough, detritus were there, and they opened it on the spot. It contained dynamite.

Mr. Martin Swenson came in, Swenson said, and signed in Billings physician. Moody was called in and questioned, but released. Billings, on the other hand, was "sent up" to Federal penitentiary for a two-month sentence. Not long afterward, Swenson called out to jail on some other thing, spoke vaguely of having to follow if Billings would give evidence implicating strike-hardens. The statement certainly has sufficed.

In 1914, the employing group in the city of Stockton monopolized a business and an "open shop" was the result. The growth of Los Angeles, it was argued, was due to "open shop" conditions and all California cities have the growth of the complex. This singularly bitter letter came before President William J. Fox of the Industrial Relations Commission, later on: at the time, California labor regarded it as a first. And even the attorney, who took the case to the state supreme court, said that the detectives grew into a second. The affair had a second trial in 1920.

I am mindful that the disastrous crime of the McNamara Bombing is haunting the Los Angeles Times Building many years ago and killing a number of helpless people played its part in creating in the public mind of California a conviction that a man of the militant and aggressive purpose of Murray in organizing labor activities is capable of a similar crime, and I believe that Murray can think, in part, this horrible deed of the McNamoras for his conviction and long imprisonment for a crime he did not commit.

Certainly men like the McNamaras were not serving any cause of labor or any human cause in the commission of their crime. I do not think that men of this character are capable of serving any good cause, and if I believed that Tim Mooney was guilty of this crime, I would be for hanging him, not instead of raising my voice in behalf of this resolution.

As I read his character and make-up in the lines of the memory of this case, I see a man class conscious, believing that there is a continual conflict of human rights between the working classes and a governing class which means a ruling attitude. I do not remember any attitude that would even touch the topics of violence or destruction of property, much less of any injury to human life. But that Mooney was capable of placing or participating in the placing of a bomb to be exploded to kill innocent and helpless people, work which he has had to do, I have no conflict, even of opinion. I can not believe it. What purpose could that serve, but injury to organized labor? The real motivation on motivations in this case were never apprehended because, as already stated, the purpose was not to apprehend the guilty but to fasten the crime on Mooney.

Further Statement by Senator Olson on Assembly Concurrent Resolution No. 18.

I desire to quote from a letter received yesterday by Assemblyman Thomas A. Maloney from Al Katchinski, one of the grand jurors who indicted Moscone. The letter was written regarding other matters, and this statement by Mr. Katchinski was merely incidental and reads as follows:

"I agree with your stand on the *Mooney* case as you remember I served as one of the grand jury and voted to indict Oxman for perjury."

## Communications.

The following communications were, at the request of Senator McGovern, ordered printed in the Journal:

*Lt. Gov. George J. Hatfield, Sacramento, California.*

DEAR GOVERNOR HATHFIELD: I am deeply interested in the *Mooney* case—not at this moment in how the Senate might vote, but first of all in whether it will give the matter a fair and thorough consideration and will finally vote on the right basis.



We know there are two questions: the constitutional one, and the merits of the pardon measure as in reference to Mooney. I urge upon you the fact that it does not behoove the Senate to do more with the constitutional question than to recognize that the sponsors of the legislative pardon have grounds upon which to claim for the Legislature this constitutional power. That should be enough, although the sponsors believe their arguments should be conclusive. The real question should be the *Mooney* case.

To support this contention I point out that the constitutional right, if challenged, could only be settled in court. The Attorney General's opinion is not binding upon the Legislature. He can speak only in an advisory capacity. If the Senate is going to take cognizance of his opinion, it seems only fair that other lawyers should be heard.

But let the court stand ready to perform its own function. I insist that the real question before your body concerns the false and shameful conviction of Tom Mooney by perjured testimony. And I respectfully request that you do all in your power to see that the Senate goes thoroughly into that question, without haste, and finally votes thereon—rather than to vote the opinions of the members on a question of constitutional law. You and I know that a great many of the members know very little about the *Mooney* case—but fortunately an abundance of authenticated material exists which can be made available for study.

In view of what millions of Americans consider to be a blot upon California and a disgrace to American justice, the people of this State will not look tolerantly upon legalistic subterfuge nor upon any light consideration of this question. They will consider that the votes are cast not upon legal disputes, but for or against justice for Tom Mooney, and for or against retrieving the good name of California—before the Supreme Court of the United States shall have forever taken that opportunity from us and have given this State the brand of shame.

If this measure passes and it seems that action in the State court is to ensue, the Governor would have the best of reason and opportunity to step forward himself and exercise the pardoning power. If he should not do so, then the court would settle the constitutional issue.

No Governor failing to give justice to this innocent man, falsely convicted, has ever been able to get a second term, and I am glad to believe that no man who is branded as having refused justice to Mooney can ever be elected to any high office in this State.

Sincerely yours,

PAUL A. RICHIE.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,  
SAN FRANCISCO, CALIFORNIA, March 15, 1937.

We, the undersigned members of Labor's Legislative Representation, concur in the attached resolution and heartily recommend that the State Senate act favorably upon an unconditional pardon for TOM MOONEY.

HENRY SCHMIDT, President I. L. A. 38-79.

EDWARD D. VANDEPUE, Secretary California State Federation of Labor.

J. W. BUZZELL, Secretary Los Angeles Central Labor Council.

ANTHONY S. HONEGA, California State Theatrical Federation.

B. A. BRUNDAGE, Bill and Billers No. 44, San Francisco.

ARLIN J. MORNEY, Asbestos Workers No. 26.

HARRY SEE, Brotherhood of Railway Trainmen

J. S. ENDRESS, Bill Posters and Billers No. 44, San Francisco.

DON CAMERON, Carpenters and Pile Drivers No. 34.

HARRY F. MORRISON, Bartenders No. 41.

THOMAS A. MALONEY (Assemblyman), Lumber Clerks Union.

*In the Supreme Court of the State of California.*

PEOPLE OF THE STATE OF CALIFORNIA.

Respondent,

vs.

Criminal No. 2079.

THOMAS J. MOONEY,

Defendant.

*Consent that judgment and order be reversed.*

*To the Chief Justice and Associate Justices of the Supreme Court of the State of California.*

On the 22nd day of July, 1916, at the corner of Steuart and Market Streets in the City and County of San Francisco, and during the progress of the Preparedness Day Parade, a bomb was exploded which caused the death of several persons.

On the second day of August, 1916, the grand jury of said City and County returned an indictment against Thomas J. Mooney, the above named defendant, charging said Mooney with the crime of murder of one of the victims of said explosion. Thereafter, on January 3, 1917, said Mooney was placed on trial on such indictment in the Superior Court of said City and County, Hon. Frank A. Griffin presiding. Said trial continued until February 9, 1917, when it terminated with a verdict of guilty of murder in the first degree, without recommendation.

During said trial one Frank C. Ozman was called on behalf of the prosecution and examined as a witness. The testimony given by said Ozman was both material and relevant, and tended strongly to establish the guilt of the defendant.

Thereafter a motion for a new trial was duly made, by said court heard, considered, and on February 24, 1917, denied, and on said day judgment and sentence in accordance with said verdict was duly pronounced. Thereafter, and on the same day, an appeal from said judgment and from said order denying the motion for new trial was duly taken.

On the 14th day of April, 1917, the clerk's transcript of said trial was filed in the above entitled court, and on the 8th day of May, 1917, the reporter's transcript of the trial of said case was likewise filed, and said case is now pending in this court.

After the entry of the order denying the motion for a new trial, and prior to the 5th day of April, 1917, there was presented to the Hon. Frank A. Griffin three letters written by said Frank C. Ozman, two addressed to Mr. F. E. Rigall, Grayville, Illinois, and the other to Mrs. J. D. Rigall of the same address. It is admitted that said letters were written and mailed by said Frank C. Ozman in San Francisco, and received by the persons to whom addressed at Grayville, Illinois, in due course of mail, and that in compliance with said two letters addressed to F. E. Rigall, said Rigall, during the progress of said trial of Thomas J. Mooney, came to San Francisco. A copy of said letters numbered one, two and three, follows:

1

Hotel Terminal  
James H. Hoyle, Manager,  
60 Market Street,  
San Francisco.

Mr. Ed. Rigall, Grayville, Ill.

Dear Ed has been a long time since I heard from you I have a chance for you to cum to San Frico as a Expert Witness in a case. In return case you will only haf to answer 3 & 4 questions and I will place you in front you can get mileage and all that a witness can draw. Finally 1917 is the end. So if you will come ans me quick in care of this Hotel. And I will mange the Balance. It is all OK but I need a wittense. Let me know if you can come Jan 3 is the dait set for trile. Please keep this confidential

Answer here

Yours truly

F. C. OXMAN

2

HOTEL TERMINAL  
James H. Hoyle, Manager,  
60 Market Street,  
San Francisco.

December 18 1916

Mr. F. E. Rigall, Grayville, Ill.

DEAR ED

Your telegram received I will wire you Transportation in plenty of time Also Expec money will Route you by Chicago, Omaha, U. P. Ogden S. P. to San Frico. I thought you can make the trip and see California and save a little money as you will be allowed to collect 10c Per mile from the stake which will be about 200 besides I can get your expenses and you will only haf to Say you seen me on July 22 in San Francisco and that will Be easy dun. I will try and meet you on the way out and Talk it over the State of california will pay you but I will attend to the expes. The case wont come up until Jan 3 or 4 1917 So start about 29 off th's month. You know that the silent Road is the one and say nothing to any Body the fewer People no it the Better when you arrive Register as Evansville, Ind little more mileage.

Yours truly

F. C. OXMAN.

Will you want to Return by Los Angeles can Route you that way.

3.  
HOTEL TERMINAL  
James H. Hoyle, Manager,  
60 Market Street  
SAN FRANCISCO

12/25/1916

Mrs. J. D. Riggal  
Grayville.

DEAR MRS. RIGALL:

As I am sending Ed Transportation to morrow 26 it might be that I can use you also about the 10 if so I can obtain you a tcket that you can see California if you would like the Prib adres me care of this Hotell tell F. E. to see nutthing until he see me Can probly use a Extry witness Been a long time I dont see you.

Yours truly

F. C. OXMAN

None of said letters were produced during the trial of Thomas J. Mooney; the witness F. C. Oxman was not interrogated at said trial with respect to the same nor was F. E. Rigall.

On the 25th day of April, 1917, the Hon. Franklin A. Griffin wrote and caused to be delivered to the Attorney General of this State a letter of which the following is a copy:

April 25, 1917.

Honorable U. S. Webb,  
Attorney General of the  
State of California,  
San Francisco, Cal.

MY DEAR GENERAL:

On the 9th day of February, 1917, in the case of "The People v. Thomas J. Mooney" then pending in my department of the Superior Court, there was rendered against the defendant Mooney a verdict of guilty of murder in the first degree without recommendation. Subsequently a motion for new trial was made by the defendant which was, in due time, denied, judgment was thereupon pronounced, and from such judgment and the order denying defendant's motion for a new trial on appeal to the supreme court has been taken and is now pending. It seems unnecessary to tell you that Mooney is one of those indicted for participation in the bomb outrage of July 22nd, 1916.

In the trial of Mooney, there was called as a witness by the People one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant. Indeed, in my opinion, the testimony of this witness was by far the most important adduced by the People at the trial of Mooney. In confirmation of these statements, I would respectfully call your attention to the Transcript filed on appeal. Within the past week, there have been brought to my attention certain letters written by Oxman prior to his having been called to testify, which have come to the knowledge and into possession of the defendant's counsel since the determination of the motion for a new trial. The authorship and authenticity of those letters, photographic copies of which I transmit herewith, are undenied and undisputed. As you will at once see, they bear directly upon the credibility of the witness and got to the very foundation of the truth of the story told by Oxman on the witness stand. Had they been before me at the time of the hearing of the motion for new trial, I would unhesitatingly have granted it. Unfortunately the matter is now out of my hands jurisdictionally, and I am therefore addressing you, as the representative of the People on the appeal, to urge upon you the necessity of such action on your part as will result in returning the case to this court for re-trial. The letters of Oxman undoubtedly require explanation, and, so far as Mooney is concerned, unquestionably the explanation should be heard by a jury which passes upon the question of his guilt or innocence.

I fully appreciate the unusual character of such request coming from the trial court in any case and I know of no precedent thereof. In the circumstances of this case, I believe that all of us who were participants in the trial concur that right and justice demand that a new trial of Mooney should be had in order that no possible mistake shall be made in a case where a human life is at stake.

Respectfully yours,

FRANKLIN A. GRIFFIN.

On the 18th day of April, 1917, there was filed in the police court of the City and County of San Francisco a complaint in which Frank C. Oxman was duly charged with a violation of section 137 of the Penal Code, said charge being based on the letters above set forth, and other alleged acts in connection therewith.



Thereafter in said police court such proceedings were had and that an order was made and entered holding said Frank C. Oxman to answer before the Superior Court for the offense charged in said complaint. Testimony as to defendant pursuant to said commitment was filed and is now pending.

A copy of the complaint, commitment and testimony taken in that proceeding is on file in this court in a proceeding before assistant clerk in the matter of the application of F. C. Oxman for a writ of Habeas Corpus.)

It is said by the Honorable Franklin A. Guthrie in his letter copy of which is above set forth, that

"In the trial of Mooney, there was called as a witness by the People one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant, instead, in my opinion, the testimony of this witness was by far the most important delivered by the People at the trial of Mooney."

And again in the same paragraph the writer, referring to said letter, states:

"They bear directly upon the credibility of the witness and go to the very foundation of the truth of the story told by Oxman in the witness stand. Had they been before me at the time of the hearing of the motion for new trial, I would unhesitatingly have granted it."

Thereafter Rena Mooney, wife of the defendant Thomas J. Mooney, and jointly indicted with him, was placed on trial, which trial resulted in a verdict of not guilty. At the trial of the defendant Thomas J. Mooney, Frank C. Oxman testified that he saw Rena Mooney in company with the defendant Thomas J. Mooney, near the scene of and shortly before the explosion. At the trial of Rena Mooney, Frank C. Oxman, though available, was not called as a witness.

In view of these facts and of these statements and requests made by the judge who tried this case, it would seem proper for this office to act in accordance with his suggestion. Otherwise this appeal will be dismissed on the ground now on file, which does not include any reference to any of these matters, and should the judgment be affirmed on such record, no opportunity would be presented at any time in this case to have these matters considered and their weight determined. It is so important to the people as to the defendant that such opportunity be afforded.

I have examined the record on appeal and am not prepared to state that it contains reversible error, and am not disposed to enter possession of error, when reversible error does not clearly exist. It would seem, therefore, that the only method by which the result suggested by the trial judge can be accomplished is by consent of respondent that the judgment be reversed, and should this court deem it proper to act in accordance with such consent and enter its order reversing the judgment and remanding the cause for a retrial, such retrial must be speedily held and all matters presented.

Believing that justice will be subserved by a retrial of this case, as the representative of respondent, I hereby stipulate and consent that the judgment and order heretofore entered in this case by the trial court be reversed and the cause remanded for a new trial.

Respectfully submitted

U. S. WEBB, Attorney General of the State of California,  
Attorney for Respondent

Dated: July 30th, 1917.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 655—An act to amend section 107 of the Vehicle Code, relating to employment of counsel;

Has had the same under consideration, and respectfully reports the same back, and recommends that the bill be re-referred to Committee on Governmental Efficiency.

Committee membership—9; committee vote: Ayes—9.

SLATER, Chairman.

Senate Bill No. 655 ordered re-referred to Committee on Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred: Senate Bill No. 403—An act to amend sections 292, 297, 311, and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses;

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276, and 277 of the Vehicle Code, relating to operators' and chauffeurs' licenses;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred: Senate Bill No. 330—An act to add section 588.10 to the Vehicle Code, relating to parking;

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles;

Senate Bill No. 378—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417 and 418, relating to civil liability and financial responsibility of owners and operators of vehicles;

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles;

Senate Bill No. 409—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to repeal section 309 thereof, relating to the operation of vehicles by minors and the responsibility of other persons therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SLATER, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 514—An act to regulate auctions;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 785—An act to add section 44.5 to the Civil Code, relating to liability for statement broadcasted over a radio or a radio broadcasting system;

Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 68—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—3.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

**On Commerce and Navigation.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the navigation thereon and control thereof," approved May 1, 1911, relating to the use and control of said tideway, defining the margins thereof; and providing that said act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

**On Prisons and Reformatories.**

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—2; committee vote: Ayes—2; yeas—2.

HOLOHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 346—An act providing when the allowance for a prisoner of time for good conduct shall begin to run, to provide for the conditional release of prisoners, and, further, to extend the provisions of the penal law.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—3; committee vote: Ayes—2; yeas—1.

HOLOHAN, Chairman.

**On Conservation.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 628—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1913, relating to enforcement of the act.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park," in the city of Red Bluff, authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

**On Federal Relations.**

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Senate Joint Resolution No. 8—Relative to the control of White Pine Blister Rust by the United States Government.

Senate Joint Resolution No. 11—Relative to memorializing the President and Congress of the United States to increase the WPA.

Assembly Joint Resolution No. 30—Relative to the granting of travel pay and other allowances to certain soldiers of the Spanish American Philippine Insurrection who were discharged in the Philippines;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Assembly Joint Resolution No. 1—Relative to memorializing Congress to initiate an amendment to the Constitution of the United States to provide that the electoral college be abolished and that the President and Vice President be elected by a direct vote of the people:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Assembly Joint Resolution No. 4—Relative to memorializing the President and Congress to increase the payments for old age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

#### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person;

Senate Bill No. 476—An act to prohibit the use of a device known as the "Running W" or any other device used for the purpose of tripping or throwing a horse or other animal;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 347—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct;

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter;

Senate Bill No. 350—An act to amend section 288a of the Penal Code, relating to sex perversion;

Senate Bill No. 631—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 21—An act to add section 377f to the Penal Code, relating to racing;

Senate Bill No. 98—An act to add section 1.4 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances;

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to the crime of assault with intent to commit rape, etc.;

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escaping from a prison;



Senate Bill No. 342—An act to amend section 171a of the Penal Code, relating to the taking of opium, firearms, etc., into jails.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure to which was referred.

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of certain revolvers and other firearms capable of being concealed upon the person, to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within the State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person, to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the registration and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; in punitive provision for violation of this act and increased penalties for repeated violations thereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person, to provide for licensing such persons; to amend, reorganize and regulate sales thereunder; and to repeal Chapter 147 of California Statutes of 1917, relating to the same subject," approved June 1st, 1925, and relating to penalties for violations of this act.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

#### On Public Morals.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred.

Senate Bill No. 585—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3066 of Title 290, pages 2974-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law";

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

FLITCHER, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred.

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance;

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 15, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred.

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.5 to the Insurance Code, relating to insurance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.



### Communication.

The following communication was received, and ordered printed in the Journal:

Special Show  
In Honor of Fifty-second Session  
California State Legislature  
Strictly Informal  
Fox West Coast Theatres Cordially Invite You to A Preview Opening of the new  
Fox Capitol Theatre.  
Tuesday Evening, March Sixteenth, Nineteen Hundred Thirty-seven.  
Nine P.M.

### Adjournment.

At four o'clock and forty-four minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, March 17, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, March 17, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—40.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, March 16, 1937, the further reading was, on motion of Senator Seawell, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. J. Pierce, principal of Gustine Union High School, and group of 32 students as follows: Marion Judd, Ross McDowell, Marguerite Clark, Victor Fonseca, Harry Lellemoen, Dick Wasson, Lucille Vidler, Helen Mendonca, Verne Latta, Lloyd Stamper, Jack Dunlap, George Avila, Edmund Silveria, Chester Jantz, Francis Sutton, Theo Peters, Leland Neher, Milton Cunha, Raymond Banister, Angelina Vesco, Jean Menzel, Clara Pettit, Irene Balthazar, Richard Andersen, Virginia Andersen, Warren Woods, George Butts, Robert Manlove, Frank Castro, Elsie Menzel, Jean Foster, and Junior Lee; also from the Gustine Elementary School the following: C. H. Kast, principal; Mrs. Isabelle

Faulkner, eighth grade teacher; Mrs. C. H. Kast, Mrs. Jack Dunlap and the following eighth grade pupils: Esther Albert, Jessie Armstrong, Asunta Borelli, Evelyn Bowman, Lela May Burns, James Dunlap, Concessa Ferreira, Josie Jantz, Gracia King, Alvina Mattus, Elexon Moraes, Elinor Peterson, Irene Rose, Carmen Santos, Adeline Travis, Agnes Mitchell, Albert Azevedo, Tony Avilla, Leonard Cardoza, Robert Davidson, Andrew Fontes, Joe Garcia, Raymond Kast, Robert Martin, Weldon Mattos, Tony Moraes, Joe Moraes, Vernon Reid, Albert Souza, Manuel Souza, George Souza, John Terra, James Tartorelli, John Tosta, Carl Williams, Alvin Woodruff, Wilbur Woods, Beatrice Martin, Franklin Patchett, and Ernest Borges.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. M. Maltas and W. A. Howe of Crescent City.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. E. Oliver and Mrs. M. E. Oliver, teachers of the Sutter Union High School, and the following students: W. Taylor, T. May, E. Leisinger, M. Betty, L. Beck, L. Davis, R. Davidson, N. Helson, L. Woodard, L. Gridley, L. Wadsworth, H. Foss, C. Monne, R. Jones, W. Kaustaus, R. McCurry, L. Hiemeyer, B. Anderson, F. Ziegenmeyer, D. McCollough, C. Schneider, H. Campbell, P. Spear, M. Warnes, M. Rogers, T. Dank, S. Day, A. Regli, M. Hitchener, F. Clark, K. Ford, W. Smith, J. Rosche, C. Shintaffer, M. McCollough, I. Johnson, A. Shingu, and I. Nalan.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rose M. Fannuci and James H. Hogan, both attorneys of San Francisco, and J. C. Humphrey of Pescadero, San Mateo County.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Irwin E. Farrar of Hemet, and Mr. Byron Johansen of San Jacinto.

On request of Senator Tiekle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Marion Sullivan, President of International Relations Club, San Francisco College of Women, and Mrs. Celestine J. Sullivan of San Francisco.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roland L. McNiitt, Dean of the South Western Law School of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator Keough's two daughters: Phyllis Lodd and Laura Lutz, and Gladys Crosby.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed. Healy, Assistant District Attorney of San Francisco.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 8—Relative to the control of white pine blister rust by the United States Government;

Senate Bill No. 61—An act to amend section 647 of the Penal Code, relating to vagrants;

Senate Bill No. 90—An act to amend section 1340.6 of the Fish and Game Code, relating to bears;

Senate Bill No. 898—An act to amend section 4 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to registered warrants;

Senate Bill No. 965—An act to amend section 4250 of the Political Code, relating to the compensation of officers and employees in counties of the twenty-first class;

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees;

Senate Bill No. 419—An act to amend section 698 of the Fish and Game Code, relating to black bass;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Special Order.

Senator Swing moved that Senate Bills Nos. 103 and 579 be made a special order for Monday, March 22, 1937, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

### Communication.

The following communication was received, read, and ordered printed in the Journal at the request of Senator McColl:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 16, 1937.

Honorable Ralph E. Swing,

Senate Chamber, State Capitol, Sacramento, California.

SUBJECT: Fish and Game Initiative Measure Submitted to the Legislature.

REQUEST: No. 7024.

DEAR SENATOR SWING: You have requested our opinion as to whether or not the Fish and Game Initiative Measure, presented to the Legislature during the present session, will be submitted to the electors, assuming the sufficiency of the title thereof.



In our opinion the Constitution requires that this measure be so presented at the next ensuing general election.

Section 1, of Article IV provides in part as follows:

"Upon presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to 5 per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, comprising a law not forth to fall in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such a petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said 40 days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose."

The pertinent provision in the above quoted passage is: "If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature within said 40 days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election." Inasmuch as the Legislature has neither adopted nor rejected the proposal, there has been no action taken upon it, and consequently the measure will go on the ballot.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By JOSEPH W. PALMER, Assistant Counsel.

### Remarks.

Pursuant to Senator Swing's motion of March 16, 1937, during the consideration of Assembly Concurrent Resolution No. 18, the following remarks were ordered printed in the Journal:

By Senator Garrison:

MR. PRESIDENT: In accordance with the understanding when Senator Swing moved the previous question, thereby closing debate on this resolution, I submit the following remarks, not in any manner as an apology for my vote on this resolution, but rather as an explanation of the fact that I am voting against a measure which is strongly supported by those with whom I have almost unreservedly agreed on issues before this Legislature.

Were this a question of the conviction of Thomas J. Mooney and this Honorable Body were sitting as a jury to try the case, we would be asked to decide, beyond a reasonable doubt and to a moral certainty, that the defendant was guilty of the crime before voting for conviction. Today, however, the situation is reversed. The defendant has been convicted in a court of law and has served time in the prison of this State. Upon numerous occasions he has applied for a pardon and been refused a pardon for that crime. Today we are asked to issue the pardon, thereby vindicating the defendant, Thomas J. Mooney. Therefore, we should be sure, beyond a reasonable doubt and to a moral certainty, that the defendant is innocent of participating in the Preparedness Day bombing for which crime he was convicted.

We have not had an opportunity to go into all of the evidence of the case but rather have been presented with a multitude of conflicting opinions both as to the legality of this proceeding and as to the innocence or guilt of the defendant. I am not convinced, to a moral certainty and beyond a reasonable doubt, that the defendant is innocent and therefore I vote "No" on this resolution.

By Senator Westover:

MR. President and Members of the Senate:

As you all know, I represent an agricultural county. We do not have the strong union organizations in Orange County that we have in other portions of the State. I know that there are a large number of communities in this State where organized labor stands always as a threatening cloud to the political destinies of the representatives in the Legislature. It might be possible that the representatives from such communities are unable to express their true convictions because of the strong



position which organized labor has in their respective communities. Even when they express their conviction, there will always be those who will say that such expression was influenced by the political strength of organized labor.

Coming, as I do, from a nonindustrial county and a county in which organized labor unions have not entrenched themselves as permanently as they have in the larger industrial centers, I feel that I am able to speak upon this matter without the impression getting about that I am taking sides because of the influence of organized labor upon my political future.

We have established in the western hemisphere a government which we like to refer to as being one of the greatest governments which the world has ever seen, and we say to the world that we have a government in which liberty and justice prevail.

Some days ago we discussed from this floor at some length the question of the modernization of our Supreme Court. As a member of the legal profession, I think that I can say our entire judicial system is not perfect and there are times when justice fails to prevail. The Supreme Court of this State has reiterated time after time that the court has just as much right to be wrong as it has a right to be right. We have built up in our judiciary the proposition that if a court is wrong and acknowledges that it is wrong, and that the decision or judgment was in error, nevertheless, after the judgment has become final, no remedy can be given. In other words, if one is unjustly convicted and sent to prison for a crime which he did not commit and the judgment becomes final and afterwards it is demonstrated beyond a question of doubt that the defendant was innocent of the crime charged, the courts are powerless to give relief. The only relief that such an individual has under our present judicial system is the pardoning power.

For 21 years a judicial tragedy has been enacted in the State of California. Twenty-one years ago Tom Mooney was sentenced to death. That sentence later, because of the intervention of President Wilson, was commuted to life imprisonment. For 21 years the controversy has raged as to whether or not Tom Mooney was guilty of the crime, as charged.

There have been those who have insisted strenuously that he was guilty, and there have been those, on the other hand, who have also insisted that he was railroaded to the penitentiary.

Somewhere in the Scriptures we find a quotation to the effect that, "Ye shall know the Truth and the Truth will make ye free."

In this beautiful country of ours we have removed from the throne of Justice and have put in her place "Technicality" and the crown prince is "Jurisdiction."

To one not versed in the law, the technicalities of law are of the deepest mystery. They do not understand that in law, precedent, jurisdiction, technicalities are of far more importance than right and justice. Is it a wonder sometimes, that some of our people do indeed lose respect for the courts of our land.

Tom Mooney was convicted of a crime some 21 years ago. I am not going to speak of the methods which were used to insure his conviction. Many reports have been made, the most authentic of which is probably the Wickersham Commission Report. Here is a report made by a Federal Commission composed of men living outside the State of California and whose chief interest was to obtain all the facts. I have here a copy of this report, and if there was even an indictment of American Justice, here it is.

Shortly after the trial it became evident that there had been a miscarriage of justice. However, a judgment had been rendered. Important evidence was discovered which indicated to the trial court that there had been a miscarriage of justice. But, as judgment had been rendered, the trial court found itself powerless to render relief. Judge Franklin A. Griffin publicly said that if such evidence had been before him at the time of the motion for a new trial that he would have unhesitatingly granted it. "Unfortunately," said Judge Griffin, "the matter is now out of my hands jurisdictionally."

Only a few days after the trial this question of jurisdiction arose and it has been plaguing Mooney ever since. Judge Griffin did one thing, however. He at least tried to right a wrong which had been done. On April 25, 1917, he wrote to the Attorney General of this State and placed the entire matter before him. Judge Griffin stated to the Attorney General that "right and justice demand that a new trial of Mooney should be had."

Attorney General Webb, after making certain investigations, then went to the Supreme Court before which the case was then pending, and on July 30, 1917, he filed a stipulation which ended as follows:

"\* \* \* and believing that justice will be subserved by a retrial of this case, as a representative of respondent, I hereby stipulate and consent that the judgment and order heretofore entered in this case by the trial court be reversed and the case remanded for a new trial."

The Supreme Court considered the matter. The Supreme Court at that time, and in fact at no time, have been interested in the question of whether Mooney was guilty or innocent, or whether he had had a fair or impartial trial. It has been interested

only in the question as to whether an error appeared in the record and in the absence of error was willing to allow an innocent man to be put to death.

The Supreme Court held that in the absence of any error in the record, it had no jurisdiction to grant the request of the Attorney General.

Mooney was convicted on February 9, 1917.

Judge Griffin decided there had been a miscarriage of justice about April 20, 1917, and wrote General Webb on the twenty-fifth.

Attorney General Webb filed in the Supreme Court his stipulation and consent for a retrial on the thirtieth day of July.

Thus within six months after the trial of this famous case the trial judge decided it did not then have jurisdiction to interfere in the matter.

Since that time, and on many occasions, Tom Mooney has attempted to gain his freedom. Wherever he goes he is always met with the proposition "We do not have jurisdiction."

Here today that same question has been raised. Jurisdiction. The members, Presidents are more important in this Year of Our Lord 1937 than Justice. Many of you here today are not interested in Justice. You are interested only in the cold technicalities of the law.

Is it a wonder that Justice must hide her face. I do not stand here like Portia demanding Mercy. Not Mercy. But Justice.

By Senator Knowland:

*Mr. President and Gentlemen of the Senate:*

We have before us Assembly Concurrent Resolution No. 18 which purports to grant a legislative pardon to Thomas J. Mooney.

We have already heard the opinion of the Attorney General of the State of California and the opinion of the Legislative Council of this Senate that the Legislature has no power to grant such a pardon as this purports to do. I personally believe that with the opinions mentioned, sufficient arguments have been presented to defeat the resolution in question. They have examined, not only the law and the Constitution, but have searched the debates of the constitutional conventions, to show that no such power was intended to be given to the Legislature of this State.

There is another side of the question, however. What should be presented in all fairness here today. The man in question is no freeness prisoner. For 20 years he has had one of the best financed and most aggressive agencies working on his behalf, that has ever existed in this country. Now, in the midst of all the turmoil that this resolution brings, let's look at the record.

Thomas J. Mooney and Warren K. Billings were indicted by the grand jury of San Francisco, tried in the superior court of that city and convicted of the crime of murder in the first degree. The crime for which these men were convicted was committed on the twenty-second day of July, 1916. Billings was brought to trial in September of that year. He was represented by able counsel and had the benefit of all the protection that the law and Constitution of this State threw around the accused. His attorneys had all the rights of cross-examination and placing on the stand witnesses for the defense. Billings was convicted and sentenced to a life term. Mooney was not tried until January, 1917, and he was represented by able counsel, chief of whom was the Honorable Buckle Cushman, member of the United States Congress. He was convicted of the crime of murder in the first degree and sentenced to be executed at the State's prison. Subsequent to this, his sentence was commuted to life imprisonment by Governor Wm. D. Stephens. There has been no denial of the fact that, from the time of his original trial up to the present, that Thomas J. Mooney has had at his disposal some of the outstanding attorneys connected with the practice of criminal law. His appeal has gone through all the courts of this State and up to the Supreme Court of the United States. There have been applications on his behalf for executive clemency before Governors Wm. D. Stephens, Friend W. Richardson, C. C. Young, James Rolph, Jr., and Frank F. Merriam. All of these Governors have made a study of the case and all of them have, thus far, turned down the request. Does any Senator on the floor of this body, deep down in his heart, feel that if the charges that the proponents of this resolution make are correct, that these five Governors of California would have refused to act if they had believed these men were innocent of the crime charged against them?

We have not the time, nor is this the place to retry these cases. I do wish to call your attention to the fact, however, that many misguided people believe that one or both of these men were incapable of committing the crime charged to them. I wish to call your attention to the fact that during this period, dynamite was considered, by some, to be a legitimate weapon in an industrial dispute. You will recall, that following the dynamiting of the Los Angeles Times, in which over 50 people were killed and injured, the same hue and cry of frameup was raised following the arrest of the McNamara brothers. You will recall that defense funds were raised on a large scale somewhat comparable to those raised in this case, and that Clarence Darrow was secured as the chief defense counsel. You will likewise

recall that McNamara confessed to the crime and the whole conspiracy of intimidation by violence was exposed.

What is the record of Billings? We find that on April 22, 1913, he was arrested and charged with assault to commit murder and was subsequently released on June 29th of the same year. On September 13, 1913, he was arrested with a suitcase containing 60 sticks of dynamite, was convicted, served time in Folsom and paroled on December 22, 1914. On February 16, 1915, he was found in an alley in Sacramento with a chisel and was sent out of town with a suspended sentence. Following the Preparedness Day explosion, he was identified as the man who placed the satchel containing the explosives at Stuart and Market Streets.

Now, let's see who Thomas J. Mooney was! We find that he was secretary of the International Defense League which provided the means of defense for the direct actionists of those days. Let me read to you from page 282 of the Respondent's Analysis of the Evidence and Proposed Findings of Fact in the Matter of Application of Thomas J. Mooney for Writ of Habeas Corpus in the Supreme Court of the State of California:

"Petitioner and his associates had made a practice of coming to the aid of direct actionists, including the McNamara brothers, Schmidt, Caplan, Joseph Hillstrom, Ford and Suhr and Billings. One of the McNamara brothers pleaded guilty to having placed the bomb which destroyed the Los Angeles Times Building and killed in the neighborhood of fifty people in the year 1910. His brother pleaded guilty to having dynamited the Llewellyn Iron Works. Schmidt and Caplan were convicted of having participated in the dynamiting of the Los Angeles Times Building in 1910. Joseph Hillstrom was convicted of having shot and killed in cold blood a grocer and his son in Utah. Ford and Suhr were convicted of murder as the result of the Wheatland hop riots. Billings was convicted of transporting dynamite from Oakland to Sacramento.

For considerable period of time petitioner was the secretary of the International Worker's Defense League, which provided the means of defense for such persons. As secretary of such league he wrote the following letter to Governor Spry of Utah at the time that Joseph Hillstrom's application for pardon was before the Governor:

*'Governor William Spry,  
Salt Lake City, Utah.*

DEAR SIR:

On Friday Oct. 1, 1915, Joseph Hillstrom, a subject of Sweden is to meet his death at the hands of the state of Utah unless you as the highest executive of that state intercede in his behalf, by reprieving his sentence or granting a commutation of sentence. This organization has forty five labor union and other organization affiliated with it, with a membership reaching up to twenty five thousand members. They are represented in this League by delegates, and it is the belief that Joseph Hillstrom did not receive a fair and honest trial, that he was tried without council to represent him. We demand you to act in his behalf. We ask you to pardon him if you are in favor of justice. If you are not in favor of Justice, then you can only be expected to be treated as you would treat others. This defense league is on record to do all in its power morally financially and otherwise to defend Joe Hillstrom, and we are not going to see any working man perish without being avenged, when we are satisfied he was not proven guilty of the crime charged in our estimation. Every principle of a fair trial was denied this man, and this is our principle reason for acting as we do at this time. We are for Justice for the Workers every where and all of the time. Hillstrom did not get it yet, and it remains for your self as Governor to prove yourself a man, by seeing to it that the name of the State of Utah was not placed on the black list of shame. If Utah takes this life it will pay dearly for so doing. Governor the Issue is up to you. Act, and Act right, or other will act right. Our demand is that Hillstrom be pardoned. Remember it, don't get, as it don't pay in this age of a fairness to do otherwise.

TOM MOONEY, Secretary-Treasurer.  
TOM MOONEY.'

As secretary of the International Workers Defense League, petitioner published an open letter to Governor Hiram Johnson of California upon Governor Johnson's having denied Ford and Suhr's application for executive clemency, such letter concluding as follows:

"There are some workers at least, Governor Johnson, who will not accept as final your decision on the Ford and Suhr case, and from now on they will attempt to use the only kind of reasoning that will eventually reach you, and we hope it will be indulged in until Ford and Suhr are out of prison.

And so if violence is committed, Governor Johnson is responsible for it, as he has closed the last legal or governmental avenue of action.



The workers must act, and they will not until Ford and Sater walk forth free men vindicated to the labor world as their champions in the greatest cause in history.

TOM MOONEY, Sec'y.

It will be observed that both petitioner's letter to Governor Spiry and his letter to Governor Johnson were but thinly veiled threats of assassination, such as had a few years previously befell the Governor of Idaho.

Thus we can see that violence, murder and attempted assassination were not looked upon by some of these men as crimes against the State but merely as a means of liquidating those they considered to be class enemies.

In January of this year A. E. Shaw, referee presented by the Supreme Court of California, in the matter of *Thomas J. Mooney* for writ of habeas corpus, reported to the Supreme Court his findings. I wish now to read to you from pages 20, 21, 22 and 23 of that report the following paragraphs:

#### XXXIV

It is not true that the State of California has acknowledged that the testimony of the witness Frank C. Oxman or John MacDonald or Melvin Edlund or Sadie Edlund was perjured, so that by reason of the use of said testimony the petitioner has been wrongfully convicted. It is true that certain witnesses have undertaken to give their opinion that the said testimony of the said witnesses was false or perjured testimony; but said opinions are incompetent, irrelevant and immaterial.

#### XXXV

The referee finds that petitioner has failed to establish by a preponderance of the evidence or by any evidence which is itself competent or credible that any witness who testified or believed of the prosecution in the case which resulted in the petitioner's present conviction and conviction committed perjury or testified to anything which said witness did not believe to be true as a result of his or her own knowledge and observation.

#### XXXVII.

That the petitioner has failed to establish by a preponderance of the evidence or by any evidence which is itself competent or credible, that Charles Fickert or Edward Cunha or any other person connected with the prosecution of petitioner wilfully or deliberately or at all concealed or suppressed any evidence which, had it been produced, would have been favorable to petitioner.

#### XXXVIII

That it is established by a preponderance of the evidence that Charles Fickert and Edward Cunha and other persons connected with the prosecution of petitioner had reason to believe and did believe that the evidence produced against petitioner was honest and truthful evidence, and that the said Charles Fickert and the said Cunha and such other persons had reason to believe and did believe that petitioner was guilty of the offense charged against him, and of which he now stands convicted.

#### XXXIX

That it is established by a preponderance of the evidence that petitioner had a fair and impartial trial, and that he was not denied any right or privilege guaranteed or granted to him by the Constitution of the United States or of the State of California, or by any statute of the United States or of the State of California.

#### XL

That it is established by a preponderance of the evidence that petitioner was not the victim of a "frame-up", nor was he convicted as a result of any improper acts of any kind on the part of the district attorney or any of his assistants, or on the part of any person representing the State of California.

We, in this Senate are about to call the roll for the purpose of granting, what is generally acknowledged as an illegal pardon and, at the same time, to give one of these men a clean bill of health. Before the Secretary of this Senate calls the roll, I wish to call another. I wish to read the names of the dead who were blasted into eternity while watching a patriotic parade in the city of San Francisco. These people, together with others who were maimed or crippled for life, came from all sections of the State. Five of the dead came from the county of Alameda. I read the names to you:

Mrs. H. E. Knapp, Dr. George L. Painter, George Lawlor, L. H. Lamborn, Arthur Nelson, Adam Fox, Captain Reuben J. Vaughn, Mrs. Irene Van Izo, Henry Turnbull and Henry J. Claussen.

I have gone back over the files and have read of the anguish that this explosion caused to countless innocent individuals. Husband was separated from wife, mother from her family, brother from brother and friend from comrade. Families



that could have looked forward to years of happiness found, on that fatal afternoon, that their bread winner had been taken from them.

These men and women are the "forgotten ones" of the Preparedness Day bombing. The fact that they have neither voice nor vote does not lessen our obligation to them.

### Consideration of Daily File. Third Reading of Senate Bills.

Senate Bill No. 90—An act to amend section 1340.6 of the Fish and Game Code, relating to bears.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 90 ordered transmitted to the Assembly.

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 854 ordered transmitted to the Assembly.

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 29 ordered transmitted to the Assembly.

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 710 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Daniel, Fletcher, Garrison, Hays, Hollister, Jepsen, Keating, Keogh, Knowland, Lee, McBride, McCormack, Metzger, Miller, Nelson, Olson, Parsons, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagg, Westover, and Young—33.  
 NOES—None.

Title read and approved.

Senate Bill No. 710 ordered transmitted to the Assembly.

Senate Bill No. 711—An act to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to repeal an act approved February 9, 1897, entitled "An act to provide for the management and operation of railroads above certain elevations," relating to the operation of railroads and prescribing penalties for failure to comply therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 711 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLoe, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keogh, Knowland, Lee, McBride, McColl, McCormack, Metzger, Miller, Nelson, Olson, Parsons, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagg, Westover, and Young—35.  
 NOES—None.

Title read and approved.

Senate Bill No. 711 ordered transmitted to the Assembly.

### **Re-reference of Senate Bill No. 28.**

Senator Phillips moved that Senate Bill No. 28 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

### **Re-reference of Senate Bill No. 896.**

Senator Knowland moved that Senate Bill No. 896 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### **Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bills Nos. 710 and 711 were passed.

### **Withdrawal from Committee of Senate Bill No. 802.**

Senator Seawell moved that Senate Bill No. 802 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

### **Second Reading of Senate Bill No. 802—(Out of Order).**

Senate Bill No. 802—An act to amend section 373g of the Political Code, relating to the development of natural resources.

**Amendment from the Floor.**

During second reading of Senate Bill No. 802, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out all of lines 6 to 15, inclusive, and insert in lieu thereof the following: "of laws existing prior to the original enactment of this section of the Political Code with respect to the duties, powers and authority of the State Mineralogist and the State Oil and Gas Supervisor in so far as said laws vest in said officers discretionary, regulatory, or administrative powers, or the power to gather, compile and promulgate scientific or statistical data with respect to the business of prospecting for ores, development of mines, or drilling, operating, or producing of oil wells or gas wells, or to the collection, transportation, refining, manufacture, or distribution of minerals and mineral products."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 200, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon.

Bill read third time.

**Further Consideration of Special Order Postponed.**

Senate Bill No. 200 was reset as a special order for eleven o'clock a.m., Thursday, March 18, 1937.

**Recess.**

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 37—Relative to the United States Maritime Commission.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 37 read, and referred to Committee on Federal Relations.

## ASSEMBLY CHAMBER, SACRAMENTO, MARCH 16, 1937.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 132—An act to add section 4307.5 to the Political Code, relating to county charges.

Assembly Bill No. 197—An act to amend sections 1011 of the Code of Civil Procedure, relating to service of notices and papers to civil actions.

Assembly Bill No. 231—An act to amend section 797 of the Fish and Game Code, relating to abalone.

Assembly Bill No. 347—An act to amend section 964 of the Probate Code, relating to vesting of homestead.

Assembly Bill No. 620—An act to amend an act entitled "An act to authorize the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of assessing and appraising said land," approved April 22, 1906, by adding thereto a new section to be numbered section 25a, relating to reassessments.

Assembly Bill No. 700—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

Assembly Bill No. 859—An act to amend section 582 of the Agricultural Code, relating to labels.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 132 read first time, and referred to Committee on County Government.

Assembly Bill No. 197 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 231 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 347 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 620 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 700 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 859 read first time, and referred to Committee on Agriculture.

## ASSEMBLY CHAMBER, SACRAMENTO, MARCH 16, 1937.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 964—An act to amend sections 1000, 1001 and 1010 of the Probate Code, relating to partial and inflexible distribution of the estates of decedents.

Assembly Bill No. 907—An act to amend section 336a of the Code of Civil Procedure, relating to limitations of actions.

Assembly Bill No. 956—An act to amend sections 1315, 1317 and 1321 and to repeal sections 1310, 1311 and 1312 of the Political Code, relating to officers of President and Vice President of the United States.

Assembly Bill No. 1348—An act to add a new section, to be numbered section 10a, to the State Civil Service Act, relating to taking of civil service examinations by employees of the State.

Assembly Bill No. 1350—An act to add a new section to the State Civil Service Act, to be numbered 13a, relating to position of State civil service employees operating machinery displaced or supplemented by new, different or additional machinery.

Assembly Bill No. 1444—An act to amend sections 147 and 150 of the Code of Civil Procedure, relating to court seals.

Assembly Bill No. 1445—An act to amend section 4300f of the Political Code, relating to jurors' fees.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 964 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 907 read first time, and referred to Committee on Judiciary.



Assembly Bill No. 956 read first time, and referred to Committee on Elections.

Assembly Bill No. 1348 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1350 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1444 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1445 read first time, and referred to Committee on Judiciary.

**ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1719—An act to amend an act entitled "An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances of credits, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of National mortgage associations or similar credit institutions, the act to take effect immediately," approved January 30, 1935, by amending sections 1, 2, 3 and 4 thereof and by adding a new section thereto to be known as section 5a, so as to make notes and bonds secured by mortgages insured, and debentures issued, by the Federal Housing Administrator, and obligations of National mortgage associations eligible for deposit where securities must be deposited pursuant to any law of the State of California; and for clarification purposes;

Assembly Bill No. 1763—An act to amend section 535 of the Political Code, relating to the State Printer;

Assembly Bill No. 1860—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2, 5, 6, 7, 8, all relating to the composition, powers, government, and management of metropolitan water districts;

Assembly Bill No. 2474—An act to amend section 537 of the Code of Civil Procedure, relating to attachments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1719 read first time, and referred to Committee on Banking.

Assembly Bill No. 1763 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1860 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2474 read first time, and referred to Committee on Judiciary.

**ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day rescinded the action and expunged the record whereby Assembly Bill No. 1206, and Assembly Bill No. 1209 were passed by the Assembly, and respectfully requests the return of said bills to the Assembly.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

**Withdrawal from Committee of Assembly Bills Nos. 1206 and 1209.**

Senator Rich moved that Assembly Bills Nos. 1206 and 1209 be withdrawn from Committee on Motor Vehicles and returned to the Assembly.

Motion carried, and such was the order.

**Communication.**

The following communication was received, read, and ordered printed in the Journal:

SAN BERNARDINO, CALIFORNIA, March 13, 1937.

*Senator Ralph E. Swing, Senate Chamber.*

Congratulations, Grandpa. I just arrived, weighing six pounds. Mother doing nicely, too.

CAROL ANN SWING.

**Remarks.**

The following remarks, offered by Senator Swing, were ordered printed in the Journal:

It is fitting that this entry be made in the Journal to-day, on this, St. Patrick's Day, for Carol Ann is of Irish descent on her father's side.

Carol Ann holds the unusual distinction of having the oldest living great-great-grandmother and the youngest living grandfather in the State. A few days ago her great-great-grandmother, Hannah M. Garner, residing at Oremoside, celebrated her 102d birthday, and her grandfather on her father's side will shortly celebrate a birthday which will make him eligible as an elector but not eligible for a pension.

The ancestors of Carol Ann migrated across the desert plains in a train of ox teams in the early trek to California, passing through the famous Mormon Settlement at Salt Lake. So in christening this native daughter, she is blessed with a heritage reaching far back into the early pioneers.

**Recess.**

At two o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess for the purpose of accepting the Assembly's invitation to attend the Assembly St. Patrick's Day program.

**Reconvened.**

At four o'clock and thirty five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Consideration of Daily File—(Resumed).****Second Reading of Senate Bills.**

Senate Bill No. 403—An act to amend sections 292, 297, 311 and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 403 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 26 to 28, inclusive, and insert in lieu thereof the following: "the license to the licensee, or may grant him a new one. A record of the suspension or revocation shall be".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 330—An act to add section 588.10 to the Vehicle Code, relating to parking.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 378—An act to amend sections 402, 404, 410 and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417 and

418, relating to civil liability and financial responsibility of owners and operators of vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 409—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to repeal section 309 thereof, relating to the operation of vehicles by minors and the responsibility of other persons therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 514—An act to regulate auctions.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 514 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, preceding line 1, insert the following:

"SECTION 1. No person, firm or corporation shall sell or dispose of, or offer for sale, at public auction, between the hours of six o'clock in the evening and eight o'clock the following morning, any gold, silver, plated ware, precious or semi-precious stones, watches, clocks or jewelry of any nature whatsoever."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "Section 1", and insert in lieu thereof the following: "Sec. 1.5".

**Amendment No. 3.**

On page 1, line 16, of the printed bill, strike out "1", and insert in lieu thereof the following: "1.5".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 785—An act to add section 44.5 to the Civil Code, relating to liability for statement broadcasted over a radio or a radio broadcasting system.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 68—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 68 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, after the comma following the word "party", strike out the words "proceed to", and substitute therefor the word "order".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 622—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 662 were read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "unless", and insert in lieu thereof the following: "by a testator who leaves a spouse, descendant or ancestor him surviving, who, under the will, or the laws of intestacy, would otherwise have taken the property so bequeathed or devised, unless the will says:

**Amendment No. 2.**

On page 1, line 6, of the printed bill, strike out "done by will".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out "or by a testator leaving no spouse", strike out lines 8, 9, and 10, and insert in lieu thereof the following: "If so executed at".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 13, 14, and 15, and in line 16 strike out "devised as aforesaid," and insert in lieu thereof the following: "testator's estate as against his spouse, descendant or ancestor, who would otherwise, as aforesaid, have taken the excess over one-third,".

**Amendment No. 5.**

On page 1, line 18, of the printed bill, strike out "and the excess" and insert in lieu thereof a period.

**Amendment No. 6.**

On page 1 of the printed bill, strike out lines 19 to 24, inclusive, and insert in lieu thereof the following: "All property bequeathed or devised contrary to the provisions of this section shall go to the spouse, descendant or ancestor of the testator, if and to the extent that they would have taken said property as aforesaid but for such devises or legacies, otherwise the testator's estate shall go in accordance with his will and such devises and legacies shall be unaffected."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands; declaring the urgency thereof; and providing this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 344 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, insert between the enacting clause and line 1, the following:

"SECTION 1. Section 1168 of the Penal Code is hereby amended to read as follows:"

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "Indeterminate sentence. Imprisonment. (1)", and in lieu thereof insert the following: "(1) Imprisonment."

**Amendment No. 3.**

On page 1, lines 15 and 16, of the printed bill, strike out "Determination of term of imprisonment. The State Board of Prison Directors", and in lieu thereof insert the following: "The Board of Prison Terms and Paroles".

**Amendment No. 4.**

On page 1, line 21, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 5.**

On page 1, line 27, of the printed bill, strike out "Cumulative or consecutive sentences."

**Amendment No. 6.**

On page 1, line 29, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 7.**

On page 2, line 4, of the printed bill, strike out "Change of order of determination."

**Amendment No. 8.**

On page 2, line 8, of the printed bill, strike out "Board of Prison Directors", and insert in lieu thereof the following: "Board of Prison Terms and Paroles".

**Amendment No. 9.**

On page 2, line 23, of the printed bill, strike out "Persons whose terms have not been shortened."

**Amendment No. 10.**

On page 2, line 52, of the printed bill, after "law", insert the following: "and shall not apply in those cases wherein the property stolen or sought to be stolen is an animal or animals and the manner in which such property is taken or attempted to be taken constitutes the crime of theft and the weapon used during the commission thereof is not used or intended to be used against a person or to resist arrest".

**Amendment No. 11.**

On page 3, line 1, of the printed bill, strike out "Deadly weapon defined."

**Amendment No. 12.**

On page 3, line 17, of the printed bill, strike out "Reductions from term."

**Amendment No. 13.**

On page 3, line 27, of the printed bill, strike out "the end of", and insert in lieu thereof the following: "each year of".

**Amendment No. 14.**

On page 3, line 28, of the printed bill, strike out "as fixed by the board of directors".

**Amendment No. 15.**

On page 4 of the printed bill, between lines 2 and 3, insert the following:

"The phrase 'term of confinement' as used herein shall not in any case be construed to include sentences for crimes committed while under commitment to a State prison but in all such cases the credits shall be computed on the separate sentence resulting from such conviction."

**Amendment No. 16.**

On page 4, line 3, of the printed bill, strike out "Forfeiture of credits."

**Amendment No. 17.**

On page 4, line 8, of the printed bill, strike out "or violate any of the rules or regulations governing parole."

**Amendment No. 18.**

On page 4 of the printed bill, strike out lines 14 and 15, and in line 16, strike out "OF PAROLE."

**Amendment No. 19.**

On page 4, line 23, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 20.**

On page 4, line 29, of the printed bill, strike out "Minimum term."

**Amendment No. 21.**

On page 4, line 43, of the printed bill, strike out "Second term."

**Amendment No. 22.**

On page 4, line 47, of the printed bill, strike out "Cumulative or consecutive sentences."

**Amendment No. 23.**

On page 5, line 7, of the printed bill, strike out "Period of life term."

**Amendment No. 24.**

On page 5, line 10, of the printed bill, strike out "Period of persons sentenced to fixed term."

**Amendment No. 25.**

On page 5, line 15, of the printed bill, strike out "Notice of release of prisoner to be given."

**Amendment No. 26.**

On page 5, line 16, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 27.**

On page 5, line 23, of the printed bill, strike out "Custody of prisoner on parole. Permission to leave State."

**Amendment No. 28.**

On page 5, line 29, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 29.**

On page 5 of the printed bill, strike out line 31, and in lieu thereof insert the following: "The Board of Prison Terms and Paroles."

**Amendment No. 30.**

On page 5, lines 35 and 36, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 31.**

On page 5, line 37, of the printed bill, strike out "or rule or", strike line 38, and in line 39, strike out "Directors", and in lieu thereof insert the following: "or rule of the Board of Prison Terms and Paroles".

**Amendment No. 32.**

On page 5 of the printed bill, between lines 39 and 40, insert the following:

"If any paroled convict shall violate any of the rules or regulations governing parole or in any manner violate the conditions of his parole or violate any law of this or any other State or of the United States, the Board of Prison Terms and Paroles may declare a forfeiture of all time credits or privileges earned by or allowed to him before the commission of such offense and, or all time credits which he may thereafter earn, or the Board of Prison Terms and Paroles may forfeit such part of such time credits as it may determine; such forfeiture, however, shall be made only by the Board of Prison Terms and Paroles after due proof of the offense and notice to the offender unless such offender be outside the walls as a fugitive from justice. The Board of Prison Terms and Paroles may restore time credits so forfeited for good cause shown or may restore to the offender the right to earn time credits under the provisions of this section."

**Amendment No. 33.**

On page 5, line 40, of the printed bill, strike out "Hearing."

**Amendment No. 34.**

On page 5, line 48, of the printed bill, strike out "Power over paroles."

**Amendment No. 35.**

On page 5, line 52, and on page 6, line 1, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 36.**

On page 6, line 2, of the printed bill, strike out "president", and insert in lieu thereof the following: "chairman".

**Amendment No. 37.**

On page 6, line 5, of the printed bill, strike out "Duty of Police, etc."

**Amendment No. 38.**

On page 6, line 10, of the printed bill, strike out "Power of Governor over paroles."

**Amendment No. 39.**

On page 6, line 17, of the printed bill, strike out "State Board of Prison Directors", and in lieu thereof insert the following: "Board of Prison Terms and Paroles".

**Amendment No. 40.**

On page 6, line 18, of the printed bill, strike out "Cause for revocation of parole."

**Amendment No. 41.**

On page 6, line 22, of the printed bill, strike out "Deemed fugitive from justice when."

**Amendment No. 42.**

On page 6, line 29, of the printed bill, after "Directors", insert the following: "and the Board of Prison Terms and Paroles".

**Amendment No. 43.**

On page 6 of the printed bill, after line 37, insert the following:

"(7) Constitutionality. If, for any reason, any subsection, sentence, clause, phrase, or word of this section be found unconstitutional, such decision shall not affect the validity of the remaining portions of this section."

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 346—An act providing when the allowance to a prisoner of time for good conduct shall begin to run, to provide for the conditional release of prisoners, and, further, to extend the provisions of the parole laws.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 346 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "providing when the allowance to a prisoner of time", and strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "relating to parole and the conditional release of prisoners."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 21, inclusive, and insert in lieu thereof the following:

"SECTION 1. Every person hereafter sentenced to a State prison, who shall serve the term or terms fixed by the Board of Prison Terms and Paroles less deductions allowed therefrom for good conduct as provided for by Penal Code section 1168, shall be conditionally released and until the expiration of the entire term or terms fixed by said board without the deduction of said credits be treated as if on parole and shall be subject to such rules and restrictions as may be imposed by the Board of Prison Terms and Paroles and to all of the laws relating to the parole of prisoners. During such period such prisoner shall be designated a conditionally released prisoner."

SEC. 2. Every person hereafter sentenced to a State prison who is released on parole therefrom under the laws governing parole shall be designated a paroled prisoner until the expiration of the term or terms fixed by the Board of Prison Terms and Paroles less deductions allowed therefrom for good conduct as provided for by Penal Code section 1168. Thereafter and until the expiration of the entire term or terms fixed by said board without the deduction of said credits said prisoner shall be designated a conditionally released prisoner and shall remain subject to

such rules and restrictions as may be imposed by the Board of Prison Terms and Paroles and to all of the laws relating to the parole of prisoners.

Sec. 3. For good cause shown and as the interests of justice may require the Board of Prison Terms and Paroles, at any time after the conviction and sentence of a prisoner as provided for herein, may in its discretion terminate his term or terms and grant him his discharge."

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 628.—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1919, relating to enforcement of the act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 528.—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff, authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Conservation, the following amendment to Senate Bill No. 528 was read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 14 to 18, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 910.—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 476.—An act to prohibit the use of a device known as the "Running W" or any other device used for the purpose of tripping or throwing a horse or other animal.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 347.—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 347 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, insert between the enacting clause and line 1, the following:

"SECTION 1. Section 1192a of the Penal Code is hereby amended to read as follows:—"

##### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Inquiry as to causes of criminal conduct."

##### Amendment No. 3.

On page 1, line 23, of the printed bill, strike out "Statement to clerk of court."



**Amendment No. 4.**

On page 2, line 7, of the printed bill, strike out "Copy to warden."

**Amendment No. 5.**

On page 2, line 13, of the printed bill, strike out "Probation officer's report."

**Amendment No. 6.**

On page 2, line 15, of the printed bill, strike out "until after", and insert in lieu thereof the following: "for a period of forty-eight hours to enable".

**Amendment No. 7.**

On page 2, line 16, of the printed bill, strike out "has had the", and insert in lieu thereof the following: "to have an".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 349 were read and adopted:

**Amendment No. 1.**

On page 1, of the printed bill, between the enacting clause and line 1, insert the following:

"SECTION 1. Section 193 of the Penal Code is hereby amended to read as follows:"

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "Punishment of manslaughter."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 350—An act to amend section 288a of the Penal Code, relating to sex perversion.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 350 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "288a", and insert in lieu thereof the following: "288".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "crimes against children".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "288a", and insert in lieu thereof the following: "288".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert in lieu thereof the following:

"288. Any person who shall wilfully and lewdly commit any lewd or lascivious act including any of the acts constituting other crimes provided for in part one of this code upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony and shall be imprisoned in the State prison for a term of from one year to life."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 631.—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 631 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out "if", and insert in lieu thereof "is".

**Amendment No. 2.**

On page 1, line 25, of the printed bill, strike out "magistrate or".

**Amendment No. 3.**

On page 1, line 26, of the printed bill, strike out the second comma.

**Amendment No. 4.**

On page 1, line 27, of the printed bill, strike out "if not".

**Amendment No. 5.**

On page 2, line 19, of the printed bill, strike out the period (insert in lieu thereof a semicolon, and add the following: "provided, however, that, if the prisoner is brought before a grand jury or magistrate and the examination before said grand jury or magistrate shall result in the filing of an indictment or an information, the prisoner may be detained by the sheriff until the termination in the superior court of the proceedings had upon such indictment or information and may be permitted to testify in such proceedings.")

**Amendment No. 6.**

On page 3, line 31, of the printed bill, strike out the period (insert in lieu thereof a semicolon, and add the following: "provided, however, that, if the prisoner is brought before a grand jury or magistrate and the examination before said grand jury or magistrate shall result in the filing of an indictment or an information against the prisoner, the prisoner may be detained by the sheriff until termination in the superior court of the proceedings had upon such indictment or information and may be permitted to testify in such proceedings.")

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 21.—An act to add section 3771 to the Penal Code, relating to racing.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 21 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 7 and 8, and in line 9, strike out "affecting the result of a race", and insert in lieu thereof the following: "affect the result of such race by stimulating or depressing a dog or horse through the administration of any drug or narcotic to such dog or horse."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 98.—An act to add section 14 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 98 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after "corporation", insert the following: "knowingly".

**Amendment No. 2.**

On page 1, line 5, of the printed bill, strike out "hemp or".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out "shall be guilty of a felony and".

**Amendment No. 4.**

On page 1, line 8, of the printed bill, after "jail", insert the following: "for not more than one year".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to the crime of assault with intent to commit rape, etc.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 340 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "criminal assaults."

**Amendment No. 2.**

On page 1 of the printed bill, between the enacting clause and line 1, insert the following:

"SECTION 1. Section 220 of the Penal Code is hereby amended to read as follows:"

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "Assault with intent to commit rape."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escaping from a prison.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 341 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "aid in escapes."

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. Section 110 of the Penal Code is hereby amended to read as follows: 110."

**Amendment No. 3.**

On page 1, lines 8 and 9, of the printed bill, strike out "nor more than twenty-five years."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 342—An act to amend section 171A of the Penal Code, relating to a taking of opium, firearms, etc., into jails.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 342 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "171A", and insert in lieu thereof the following: "171a".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "the taking of narcotics, intoxicating liquors, firearms, explosives or explosives into or within the grounds of penal institutions or reformatories."

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. Section 171a of the Penal Code is hereby amended to read as follows:

171a. Any person, not"

**Amendment No. 4.**

On page 1, line 9, of the printed bill, strike out "not more than twenty-five years", and insert in lieu thereof the following: "year".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons, to provide for the confiscation and destruction of such weapons in certain cases, to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof, to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 629 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, after line 10, insert the following paragraph:

"If any prisoner who has been released on parole outside of the prison buildings and inclosures by permission of the Board of Prison Terms and Paroles shall violate the provisions of this act the sentence imposed on him for such crime shall commence at the expiration of the sentence or sentences he was serving when granted parole."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.



Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.5 to the Insurance Code, relating to insurance.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 465 were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert in lieu thereof the following:

"1701.5. Any resident, or any nonresident who is licensed to transact life insurance in the State of his residence, may, if otherwise qualified as provided in this code, be licensed as a life agent."

##### **Amendment No. 2.**

On page 2, line 12, of the printed bill, as amended, strike out "1701.5", and insert in lieu thereof the following: "1706.5".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 585—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Morals, the following amendments to Senate Bill No. 585 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 4, of the printed bill, following the word "and", insert the following: "is to be liberally construed for the protection of childhood and youth,"; and preceding the words "shall apply", in said line 4, insert the words "This act".

##### **Amendment No. 2.**

On page 1, line 6, of the printed bill, strike out the words "Persons affected".

##### **Amendment No. 3.**

On page 2, line 7, of the printed bill, the word "habitually" should have appeared after the word "who", and should be crossed out; also, in said line 7, strike out the word "visits"; also in said line 7, insert a comma before the word "without", and a comma after the word "guardian", and following the second comma, insert the word "enters"; and in line 14, strike out the semicolon, and insert in lieu thereof a comma.

Bill read second time, ordered to reprint, and re-referred to Committee on Public Morals.

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276 and 277 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 404 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "277, 279, 381, and 382 of the Vehicle Code, and to repeal section 275 thereof, relating to operators' and".

**Amendment No. 2.**

On page 4 of the printed bill, above line 1, insert the following: "Sec. 7. Section 275 of the Vehicle Code is hereby repealed."

**Amendment No. 3.**

On page 4, line 1, of the printed bill, strike out "Sec. 7", and insert in lieu thereof the following: "Sec. 8".

**Amendment No. 4.**

On page 4, line 11, of the printed bill, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 9".

**Amendment No. 5.**

On page 4 of the printed bill, strike out lines 14 to 19, inclusive, and insert in lieu thereof the following: "Licensee hereafter issued shall expire two years after the date of issuance. Every chauffeur's license issued during the year 1936 shall expire at midnight on March 31, 1938, and every chauffeur's license issued during the year 1937 prior to the effective date hereof shall expire at midnight on March 31, 1939."

SEC. 10. Section 279 of the Vehicle Code is hereby amended to read as follows: 279. Licenses Lost, Destroyed or Mutilated. In the event an operator's or chauffeur's license issued hereunder is lost, destroyed or mutilated, the person to whom the same was issued may obtain a duplicate thereof upon furnishing satisfactory proof of such fact to the department.

SEC. 11. Section 381 of the Vehicle Code is hereby amended to read as follows: 381. Fee for Chauffeur's License. Upon application for a chauffeur's license there shall be paid the department a fee of one dollar for the issuance of such license. Upon the renewal of a chauffeur's license there shall be paid the department a fee of one dollar.

SEC. 12. Section 382 of the Vehicle Code is hereby amended to read as follows:

382. Fees for Duplicates. Upon application for duplicates as permitted under this code, the following fees shall be paid:

- |                                                                   |        |
|-------------------------------------------------------------------|--------|
| (a) For a duplicate certificate of ownership or registration card | \$0.50 |
| (b) For any duplicate license plate                               | \$1.00 |
| (c) For a duplicate operator's or chauffeur's license             | \$0.50 |

**Amendments from the Floor.**

During second reading of Senate Bill No. 404, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, before the words "the Vehicle Code", insert the following: "and to add section 268.5 to".

**Amendment No. 2.**

On page 4 of the printed bill, following line 19, add the following:

SEC. 13. A new section to be numbered 268.5 is hereby added to the Vehicle Code to read as follows:

268.5. The Director of Motor Vehicles may appoint an advisory board of licensed physicians and surgeons to consult with the department in the determination of the proper physical standards for applicants for operators' and chauffeurs' licenses."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles.

**Amendment from the Floor.**

During second reading of Senate Bill No. 377, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after "district", insert a comma and the following: "and no member of the California Highway Patrol."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes.

**Amendments from the Floor.**

During third reading of Senate Bill No. 579, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, following the word "therefrom," insert the following: "providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act."; also in line 4 of the title, strike out the comma and the words "and making appropriations for", and strike out all of line 5 of the title, and insert in lieu thereof a period.

**Amendment No. 2.**

On page 9, line 27, of the printed bill, strike out the words "and is doing", in two places.

**Amendment No. 3.**

On page 13 of the printed bill, strike out all of lines 5, 6 and 7.

**Amendment No. 4.**

On page 13, line 8, of the printed bill, strike out the figure "27", and insert in lieu thereof the figure "26".

**Amendment No. 5.**

On page 13, line 16, of the printed bill, strike out the figure "28", and insert in lieu thereof the figure "27".

**Amendment No. 6.**

On page 13, line 18, of the printed bill, strike out the figure "29", and insert in lieu thereof the figure "28".

Bill read, ordered to print, engrossment, and on file.

**Special Order.**

Senator Swing moved that Senate Bill No. 579 be made a special order for Monday, March 22, 1937, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

**Rush Order to Printer.**

On motion of Senator Olson, the Secretary was directed to issue a rush order for printing Senate Bill No. 579.

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California,

to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for such contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

#### Amendments from the Floor.

During third reading of Senate Bill No. 103, the following amendments, offered by Senator Swing, were read and adopted:

##### Amendment No. 1.

On page 6, line 20, of the printed bill, as amended March 16, 1937, strike out the word "him", and insert in lieu thereof the words "the Director of Forestry".

##### Amendment No. 2.

On page 6, line 30, of the printed bill, as amended March 16, 1937, strike out the word "shall", and insert in lieu thereof the word "may".

Bill read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925.

#### Amendments from the Floor.

During third reading of Senate Bill No. 361, the following amendments, offered by Senator Rich, were read and adopted:

##### Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, strike out "37 (a)", and insert in lieu thereof the following: "37."

##### Amendment No. 2.

On page 1, line 6 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and relating to reclamation."

Bill read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.



**Amendment from the Floor.**

During third reading of Senate Bill No. 363, the following amendment, offered by Senator Rich, was read and adopted:

**Amendment No. 1.**

On page 1, of the printed bill, strike out lines 13 to 16, inclusive, of the title, and insert in lieu thereof the following: "title; all relating to the Sacramento and San Joaquin Drainage District; declaring the urgency thereof and providing that this act shall take effect immediately."

Bill read, ordered to reprint, re-engrossment, and on file.

**Second Reading of Assembly Bills.**

Assembly Joint Resolution No. 1—Relative to memorializing Congress to initiate an amendment to the Constitution of the United States to provide that the electoral college be abolished and that the President and Vice President be elected by a direct vote of the people.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Assembly Joint Resolution No. 1 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed resolution, strike out lines 4, 5 and 6.

**Amendment No. 2.**

On page 2, line 3, of the printed resolution, following the word "states", strike out the semicolon, and insert in lieu thereof a comma and the following words: ", with the understanding however that the voting shall still be on the same basis as under the present law, namely, one vote for each Congressional District and one vote for each Senatorial District;"

Resolution read, ordered to print, and on file.

Assembly Joint Resolution No. 4—Relative to memorializing the President and Congress to increase the payments for old age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Assembly Joint Resolution No. 4 were read and adopted:

**Amendment No. 1.**

On page 1, line 20, of the printed resolution, following the words "equal to", insert the words "at least".

**Amendment No. 2.**

On page 1 of the printed resolution, following line 24, insert the following new paragraph:

"Resolved, That the President and Congress are respectfully urged to understand and appreciate the seriousness of a condition which is peculiar to only two States in the United States whereby great numbers of aged people are coming to California because of that provision in the Social Security Act which makes them eligible for a pension after only five years residence, a condition which will before long seriously affect the financial condition of California unless the Federal Government recognizes that this is a Federal and not a State obligation and make such increases in its allowances to California as are necessary to meet this obligation; and be it further".

Resolution read, ordered to print, and on file.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred—

Senate Bill No. 1921—An act to add section 13a to the Dental Practice Act, relating to places of practice;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1262—An act to amend section 372 of the Political Code, relating to the State Board of Public Health;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 62—An act to amend sections 1, 1a, and 5 of, and to add sections 1c and 9.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

**On Banking.**

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Senate Bill No. 613—An act to amend section 196 of the "Bank Act," relating to deposits of money received by State Treasurer from trust companies;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DEUEL, Chairman.

**On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 727—An act to add a new section to "The Personal Income Tax Act of 1935" to be numbered 20.5, relating to refunds;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 257—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 258—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 160—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 304—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of



California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to committee.

Committee membership—9; committee vote: Ayes—8 absent—1.

KNOWLAND, Chairman.

### On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred

Senate Bill No. 149—An act to amend section 11 of the California District Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or reimbursement confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred

Senate Bill No. 609—An act to amend section 324 of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds;

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass;

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlying tax or assessment liens and titles on district-owned property;

Senate Bill No. 231—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, creating and continuing in force the provisions of Chapter 164 of the Statutes of 1929, known as the Water Conservation Act of 1929, and validating and continuing all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and containing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931 Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relating to water and power development;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the Senate constitutional amendment be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 610—An act to amend section 32e of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds;

Senate Bill No. 434—An act to amend the County Water District Act, approved June 10, 1913, as amended, relating to county water districts, by amending section



31 thereof and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: section 12.1, granting to county water districts the powers of mosquito abatement districts, and section 37.1, relating to segregation of items of property on the assessment roll;

Senate Bill No. 495—An act to add sections 3a and 12a to the California Districts Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified;

Senate Bill No. 399—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 753—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof;

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list;

Senate Bill No. 874—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

#### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 39—An act to amend section 730 of the Agricultural Code, relating to dairy products;

Senate Bill No. 1078—An act to add section 737.5a to the Agricultural Code, relating to persons purchasing milk;

Senate Bill No. 429—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter cutting and wrapping licenses;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59, of the Agricultural Code, relating to live stock marks and brands;

Senate Bill No. 23—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 350, 354, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2 and 363.3 thereto, relating to live stock marks and brands;

Senate Bill No. 541—An act to add sections 311.4 and 311.6 to the Agricultural Code, relating to representation of the type, kind, quantity, sex or age of any animal, the meat of which is sold;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 16, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 427—An act making an appropriation for the encouragement of agriculture and the breeding of better poultry stock, and providing for the payment of premiums at the National egg laying contest at Modesto, California.

Senate Bill No. 1080—An act making an appropriation for the purpose of providing for a National egg laying contest.

Has had the same under consideration, and respectfully reports the same back and recommends that they be re-referred to the Committee on Finance.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

Senate Bills Nos. 427 and 1080 re-referred to Committee on Finance.

### . On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters.

Senate Bill No. 991—An act to amend section 619 of the Fish and Game Code, relating to steelhead trout.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

### On Civil Service.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Senate Bill No. 309—An act relating to the State Civil Service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

YOUNG, Chairman.

### On Agriculture.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your committee on Agriculture, to which was referred:

Senate Bill No. 626—An act to add a new chapter to be numbered Chapter 9 to Division V of the Agricultural Code, relating to grades and standards for nursery stock.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your committee on Agriculture, to which was referred:

Senate Bill No. 692—An act to amend sections 821, 827 and 1011 of, and to add sections 1012.4 and 1012.6 to, the Agricultural Code, relating to fruits and vegetables; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 520—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-Third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection there-

with: to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust laws and anticompetitive laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1932; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the emergency of this act and to provide that the emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending each section of said act to read new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee votes: Ayes—7; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred Senate Bill No. 393—An act to add section 150a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

Senate Bill No. 393 re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1060—An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards;

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts;

Senate Bill No. 120—An act relating to the electrification of fences;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; does—2.

CRITTENDEN, Chairman.

### Adjournment.

At four o'clock and fifty-six minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, March 18, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, March 18, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Hollister, Hoehner, Jaspersen, Keating, Keough, Knowland,



Law, McBride, McColl, McCormick, McGovern, Meyer, Nelson, Quinn, Parkson, Phillips, Pierovich, Powers, Quinn, Rich, Schlotter, Seibert, Slater, Sving, Tamm, Wagy, Westover, Williams, and Young—39

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kimmel.

### Reading of the Journal.

During the reading of the Journal of Wednesday, March 17, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Metzger was, on motion of Senator Nelson, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Purcell, owner and publisher of the Crockett Signal.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Homer C. Jock of Beiber.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. C. Moore, Walter Pittman, Ed Talbot, R. E. Dulin, and Ralph Stanfield, Supervisors of Riverside County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph D. Cox of Healdsburg, Chairman, and Howard Knight of Sonoma, Blair Hart of Petaluma, and E. J. Gundoth of Guerneville, members of the Board of Supervisors of Sonoma County, M. Goldman of Petaluma, Ira Rosenberg of Healdsburg, William Rutherford of Santa Rosa, and Marshall Wallace, County Engineer of Sonoma County.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harry A. Encell, Mrs. Michael J. Lasey, and Miss Anna Lasey of Bangor, Maine.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry Welsh.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. D. Butts, R. W. Lefevre, W. H. French, and P. W. Dennis, Supervisors of Ventura County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. G. Hargard, auditor of Stanislaus County and J. W. Irvine, both of Modesto, and Mrs. Clyffice N. Galvin, teacher of Roselawn School, Turlock, and the following students: Misses Ella June Mansfield, Evelyn Silva, Eunice Kirkpatrick, Grant Galvin, and Harry Ito.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sidney J. W. Sharp and George W. Armstrong, both of Hanford.



On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ray Sullivan and Mr. and Mrs. Clinton Metzger of Coulterville.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. Clay Daulton of Raymond and Mrs. Virgil Gordon of Madera.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Beitzel, Miss Kirchgater, and Tom Ross, teachers of the Elk Grove Union Grammar School, and the following students: Masaye Ishigaki, Misaye Ishigaki, Nancy Maruki, Harry Coffey, Herman Cavelti, Clifford Mathewson, James McLeod, Marian McLeod, Takashi Miyamoto, Manual Vargas, Glynn Wells, John Bartok, John Holden, Frank Kawaguchi, Isamu Koyama, Robert Mix, Frank Sanjo, Yuji Sawamura, Richard Smith, Ralph Brittel, John Daley, Andrew Henderson, James Henderson, Harold Hunt, Walter Neher, Minoru Sawahi, Hajamie Sugimoto, Frank Tanabe, Donald Tribble, Conrad Baker, Kiyoshi Mizukama, Melvin Jackson, Robert Mullen, Jim Kawaguchi, Kunio Sagara, Akira Urokogato, Tutao Urokogato, Andrew Baker, Victor Horst, Fred Poston, Julian Malka, Bill Rivas, Howard Suyemoto, Edna Adams, Margaret Cavelti, Midori Miyamoto, Arleen Baker, Rosalie Casasos, Lizzie Olsen, Eleanor Caples, Muriel Colton, Marie Latta, Bonnie Mitchel, Martha Spitzer, Mary Sugimoto, Hideko Sakuma, Wilma Van Doren, Donna Alfred, Stella Bach, Marie Drovetsky, Vera Heredia, Zilpha Holt, Mary Oda, Charlotte Richardson, June Robbins, Yukiko Yamaguchi, Anna Yoshinga, Alice Baumiller, Aleta Dart, Shirley McDonald, Tsuneo Sugimoto, Mae Cluck, Laura Kidwell, Alice Morrison, Arleen O'Brien, Harvey Doty, Daniel Feickert, Darrel Kidwell, Mori Miyamoto, Alice Drovetsy, Yoshie Kitayama, Yuriko Nakashima, June Yoshihara, Barbara Dizney, George Carlisle, Dominic Cavallero, Tevis Edwards, Seiji Nakatani, Charles Richardson, Ichio Yoshino, Junior Davison, Mary Casasos, Marion Markofer, Filomena Avila, Florence Baumiller, Rachel Bippus, Cheyeko Sugimoto, Alice Yoshida, Arthur Chalmers, Jack Coons, Buster Dart, Carl Gobel, and Jack Hironymous.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. J. Spindt, Principal of the West Side Union High School, Los Banos, and the following members of the senior class: Joe Arcias, Ernest Balatti, Arlene Becker, George Bonillas, Tony M. Cozzi, Anna De Gregory, Nancye Fawcett, Thomas Gray, Bettie Hancock, Mary Belle Hansen, Albert Heugo, Alba Hultgren, Danny Jacopi, Joe Latorraea, Rupert Manducca, Joyce Mann, Mary Marchese, Mayme Marciochi, James McDonald, Jean McNeil, Melvin Miano, Eunice Puccinelli, Evelyn Robinson, Eugene Russell, Joe Sophia, Charles Tiller, and Donald Weedmark.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters Bernadette, Cecelia Louise, Ignatius of Mary, Angela Bernadine, Agnes Joseph, Joseph Marie, and the following students of social science classes from Notre Dame High School, Alameda: Elaine Sinnott, Fay O'Connor, Anna Jane Wiegmann, Kathleen Keating,

Dorothea Herald, Bernadette Kane, Helen Wooldridge, Kathleen Murray, Jeanne Weber, Helen Howard, Beatrice McCann, Catherine Carlson, A. Berg, V. White, C. Pfeffer, B. Bickerdike, J. Gallagher, M. Mulvany, N. Semple, M. Mullins, J. Doyle, R. Lombard, Alice O'Hare, H. Lucas, E. Teseoni, M. J. Driscoll, M. Ohrt, Catherine Carlson, Audrey Landon, Violet Anne Kieny, Mary A. Madison, Virginia d'Arteny, Audrey O'Hare, Betty Healy, Patricia Healy, H. Gannon, T. Drage, L. Stretz, M. J. Driscoll, M. Healy, and P. Presto.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. F. Meriton.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. S. E. Railsback of Hanford, Mrs. S. H. McIlashan of Lemoore, and Mrs. T. E. Cochram of Corcoran.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Claude Arnold, Henry Suisselmann, John Norten, A. Erhard, members of the San Luis Obispo Board of Supervisors; A. Ferinni, M. Goldman, both of Petaluma, and W. E. Rutherford of Santa Rosa.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 756—An act to add section 3a to an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act," to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement district," approved May 25, 1927, to provide for an alternative method of ascertaining the formation of a special assessment district within an irrigation district to provide for the construction and maintenance of improvements therein:

Assembly Bill No. 773—An act to amend sections 26 and 26a of the State Civil Service Act, relating to proof of status by veterans:

Assembly Bill No. 663—An act to add section 538a to the Penal Code, relating to poppies, badges, labels, and insignia of veterans' organizations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 756 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 773 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 663 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Hays:

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or

operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

Respectfully submitted.

SENATOR HAYS.

Request referred to Committee on Rules.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Keough:

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class.

Respectfully submitted.

SENATOR KEOUGH.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Rules to which was referred a request by Senator Hays to introduce a bill entitled:

An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.  
SLATER.  
KNOWLAND.  
TICKLE.  
MCCOLL.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—33.

NOES—None.



### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MARCH 17, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Keough to introduce a bill entitled:

An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class;

Has had the same under consideration, and respectfully reports the same back and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

(Signed out)

RICH, Chairman.  
TICKLER  
MCCOLL  
KNOWLAND  
SLATER

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLoe, Deuel, Fletcher, Gorman, Hays, Hollister, Holohan, Keating, Knowland, Law, McBrink, McCall, McCann, McGovern, Mixer, Nielson, Olson, Parkman, Phillips, Prosser, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—22

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1105:** By Senator Hays—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

Senate Bill No. 1105 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1106:** By Senator Keough—An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class.

Senate Bill No. 1106 read first time, and referred to Committee on County Government.

### Reports of Standing Committees.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 11—Relative to memorializing the President and Congress of the United States to increase the WPA appropriation:



Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 2 of Article IV of the Constitution, relating to the introduction of legislative bills;

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles;

Senate Bill No. 378—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417 and 418, relating to civil liability and financial responsibility of owners and operators of vehicles;

Senate Bill No. 409—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to repeal section 309 thereof, relating to the operation of vehicles by minors and the responsibility of other persons therefor;

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 330—An act to add section 588.10 to the Vehicle Code, relating to parking;

Senate Bill No. 476—An act to prohibit the use of a device known as the "Running W" or any other device used for the purpose of tripping or throwing a horse or other animal;

Senate Bill No. 628—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1919, relating to enforcement of the act;

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands; declaring the urgency thereof; and providing this act shall take effect immediately;

Senate Bill No. 785—An act to add section 44.5 to the Civil Code, relating to liability for statement broadcasted over a radio or a radio broadcasting system;

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers;

Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 68—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined;

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor;

Senate Bill No. 514—An act to regulate auctions;

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.5 to the Insurance Code, relating to insurance;

Senate Bill No. 403—An act to amend sections 292, 297, 311, and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937

MR. PRESIDENT: Your Committee on Engraving, Transmittal and Printing has examined:

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276, 277, 279, 381, and 382 of, and to add section 268 1/2 to the Vehicle Code, and to repeal section 275 thereof, relating to operators' and chauffeurs' licenses. And reports that the same has been correctly engraved.

KEOUGH, Chairman.

### Resolution.

The following resolution was offered by Senator Tickle:

*Resolved*, That the following named person he and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly, beginning March 12, 1937, and the Comptroller is hereby directed to draw his warrants in her favor for the said amount, and the Treasurer is hereby directed to pay the same.

Per day  
6 days per week  
\$5 00

Marjorie Samples, Stenographer.....

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hayes, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—32.

NOES—None.

### Motion to Rescind.

Senator Nielsen moved to rescind the action of the Senate in passing Senate Bills Nos. 245, 246, 247 and 249.

The question being on the motion to rescind.

The roll was called, and the motion carried by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—35.

NOES—None.

### Re-reference of Senate Bills Nos. 245, 246, 247, and 249.

Senator Nielsen moved that Senate Bills Nos. 245, 246, 247, and 249 be re-referred to Committee on Finance.

Motion carried, and such was the order.

### Recall from Assembly of Senate Bill No. 357.

Senator Olson moved that Senate Bill No. 357 be recalled from the Assembly.

Motion carried, and such was the order.

### Motion to Rescind.

Senator Olson moved to rescind the action of the Senate in passing Senate Bill No. 357.

The question being on the motion to rescind.

The roll was called, and the motion carried by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Senate Bill No. 357 ordered on file as unfinished business.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 710 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 710 was passed, was continued until Tuesday, March 23, 1937.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 711 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 711 was passed, was continued until Tuesday, March 23, 1937.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 200, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon.

**Amendment from the Floor.**

During third reading of Senate Bill No. 200, the following amendment, offered by Senator DeLap, was read and refused adoption.

**Amendment No. 1.**

On page 12, line 25, of the printed bill, strike out from and including the words "if at such election", to and including line 30 on page 12, and insert in lieu thereof the following:

"If at such election two-thirds of the votes cast shall be in favor of the issuance of such bonds, such issuance and the sale thereof in accordance with the provisions of this act shall be authorized, and such city or local governmental agency may proceed with the acquisition or construction of such public utility or work; provided, however, that (a) if the proceeds from the sale of such bonds are to be used for the acquisition of an existing utility project or work which has been serving the public under regulation by the Railroad Commission for a period of not less than three years, or (b) if the proceeds from the sale of such bonds are to be used for the construction of extensions or improvements of an existing public utility which has been owned and operated by the city or local governmental agency for a period of three years immediately preceding the election, and if the amount of such bond issue shall not exceed 50 per cent of the amount of money which the city or governmental agency shall have previously paid or expended for the acquisition, construction, extension and improvement of such public utility or work, then in such event the issuance of such bonds and the acquisition or construction of such public utility or work shall be authorized if, at such election, a majority of the votes cast shall be in favor of the issuance of such bonds."

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 200 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Kough, Kunkland, Law, McBride, McColl, McCormack, McGowan, Myster, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 200 ordered transmitted to the Assembly.

### **Leave of Absence.**

Senator Biggar was, on motion of Senator Seawall, granted leave of absence for the remainder of this legislative day.

### **Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.  
Assistant Secretary Howard McIntire at the desk.

### **Resolution.**

The following resolution was offered:

**By Senator Tickle:**

**WHEREAS**, It has been customary for many years for the State to print and distribute free of cost to the students in the schools and to others, copies of the Constitution of the State of California, and of the United States, and other documents; and

**WHEREAS**, The course of study in the schools of the State requires a study of the Constitution; and

**WHEREAS**, The Constitution of the State of California and the Constitution of the United States and other historical documents are of great use in the teaching of civics in the public schools and in the teaching of Americanization; and

**WHEREAS**, It is to the benefit of the State of California that the Constitution of the State and other similar documents be readily available to the students in public schools and colleges and for use in the teaching of Americanization; and

**WHEREAS**, The last edition of such Constitution and documents is now exhausted and there are numerous unfilled requests from the schools and others for copies of such Constitution and other documents; and

**WHEREAS**, For many years the Legislature has provided for the distribution of the Constitution by members and officers of the Legislature and paid for the same from the contingent fund; therefore, be it

**Resolved**, That the Secretary of the Senate be and he is hereby directed to procure, revise and have published an up-to-date edition of the Constitution of the State of California, the Constitution of the United States and certain other documents, and to arrange for the distribution of same on request of members of the Senate and others properly entitled thereto, and be it further

**Resolved**, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of thirty-five hundred (\$3,500) dollars upon the contingent fund of the Senate for the purpose of carrying out the provisions of this resolution and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

### **Consideration of Daily File. Second Reading of Senate Bills.**

Senate Bill No. 1021—An act to add section 13a to the Dental Practice Act, relating to places of practice.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 62—An act to amend sections 1, 1e, and 5 of, and to add sections 1e and 9.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 62 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "1, 1e, and 5", and insert in lieu thereof the following: "1 and 1e".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "1e and 9.5", and insert in lieu thereof the following: "1e, 1.5 and 13.5".

**Amendment No. 3.**

On page 3, line 44, of the printed bill, strike out "two grains of opium, or".

**Amendment No. 4.**

On page 4 of the printed bill, strike out lines 19 to 51, inclusive, and on page 5, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"SEC. 4. Section 1.5 is hereby added to said act to read as follows:

Sec. 1.5. No person shall, in connection with the prescription, furnishing, administering, or dispensing of any narcotic drug mentioned in section 1, give a false name or address or make any false statement to any person authorized by law to prescribe, furnish, administer, or dispense any such drug. No pharmacist shall fill any prescription for any of the narcotic drugs enumerated in section 1 if such prescription shows upon its face evidences of alteration, erasure or addition by any person other than the person writing such prescription. No pharmacist shall fill any prescription for any such drugs unless tendered to him on or before the seventh day following the date of issue.

SEC. 5. Section 13.5 is hereby added to said act, to read as follows:

Sec. 13.5. The provisions of section 13 shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies as defined in section 1 of an act to regulate the practice of pharmacy in the State of California, approved April 9, 1927, or to physicians, dentists, or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians and surgeons, dentists, or veterinary surgeons duly licensed to practice in this State."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 613—An act to amend section 96 of the "Bank Act," relating to deposits of money received by State Treasurer from trust companies.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 727—An act to add a new section to "The Personal Income Tax Act of 1935" to be numbered 20.5, relating to refunds.

**Amendments from the Floor.**

During second reading of Senate Bill No. 727, the following amendments, offered by Senator Rich, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add a new section to", and insert in lieu thereof the following: "amend section 20 of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 20 of the act cited in the title hereof is hereby amended to read as follows:

**Sec. 20. Refund of Tax, Interest on Refunds, Appeal.** If in the opinion of the commissioner, or State board, at the time when a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of the commissioner or said board, or if any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally assessed, such fact shall be set forth in the records of the commissioner, and the amount collected in excess of what was legally due shall be credited on any taxes then due from the taxpayer under this act, and the balance refunded to the taxpayer.

If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally assessed, the commissioner shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board, the same shall be credited on any taxes then due from the taxpayer under this act and the balance shall be refunded to the taxpayer.

No such credit or refund shall be allowed or made after three years from the time the return was filed by the taxpayer or within two years from the time the tax was paid, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer. If no return is filed by the taxpayer, then no credit or refund shall be allowed or made after two years from the time the tax was paid unless before the expiration of such period a claim therefor is filed by the taxpayer. Every claim for refund must be in writing under oath and must state the specific grounds upon which the claim is founded.

If the commissioner disallows any claim for refund he shall notify the taxpayer accordingly. Within 30 days after the mailing of such notice, or if the commissioner does not act upon any claim for a refund within six months after the time the claim was filed, then within 30 days after the expiration of said six months, the commissioner's action upon the claim shall be final, unless within such 30-day period the taxpayer appeals in writing from the action of the commissioner to the State board. The appeal must be addressed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento, California. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final, unless within 60 days from the time of such determination, the commissioner shall apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision of said board reviewed and set aside.

Interest shall be allowed and paid upon any overpayment of any tax if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of six per centum per annum as follows:

(1) In the case of a credit, from the date of the determination to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act.

(2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the commissioner.

Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of six per centum per annum from the date the refund was made or the credit allowed, in an action brought by the commissioner in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, and such action shall be tried in the county of Sacramento unless the court with the consent of the prosecutor, order a change of place of trial. The Franchise Tax Counsel or the Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

In the event that a tax has been illegally levied against a taxpayer, the commissioner shall set forth on his records the reason therefor and thereafter shall authorize the cancellation of such tax."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 257—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 258—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 160—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

#### **Amendments from the Floor.**

During second reading of Senate Bill No. 637, the following amendments, offered by Senator Young, were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, strike out lines 6 to 12, inclusive, and insert in lieu thereof the following: "State shall pay a license fee of \$25 on or before the first day of July of each year."

##### **Amendment No. 2.**

On page 1, line 13, of the printed bill, strike out "tax", and insert in lieu thereof the following: "fee".

##### **Amendment No. 3.**

On page 1, line 17, of the printed bill, strike out "upon the receipt of the appropriate", and insert in lieu thereof the following: "Any person who fails to pay the license fee within 30 days after it has become due, shall be liable to a penalty of \$25. Upon the receipt of the".

##### **Amendment No. 4.**

On page 1 of the printed bill, strike out line 22, and in line 23, strike out "the fee has been paid;"

##### **Amendment No. 5.**

On page 2, in lines 19, 20 and 21, of the printed bill, strike out "The form of application shall show the method by which the applicant intends to travel."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

#### **Amendments from the Floor.**

During second reading of Senate Bill No. 638, the following amendments, offered by Senator Young, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 3, of the printed bill, after "fee", insert the following: "of twenty-five dollars".

##### **Amendment No. 2.**

On page 1 of the printed bill, strike out lines 4 to 6, inclusive, and insert in lieu thereof the following: "upon all such itinerant vendors doing business in this State."



**Amendment No. 3.**

On page 1, line 10, of the printed bill, strike out "tax shall be paid to", and insert in lieu thereof the following: "tax shall be paid on or before the first day of July of each year to the Board of Pharmacy in"

**Amendment No. 4.**

On page 1 of the printed bill, between lines 13 and 14, insert the following paragraph:

"Any person who fails to pay the license fee within 30 days after it has become due shall be liable to a penalty of \$25."

**Amendment No. 5.**

On page 1, lines 17, 18 and 19, of the printed bill, strike out: "The form of application shall show the method by which the applicant intends to travel."

**Amendment No. 6.**

On page 2, lines 1 and 2, of the printed bill, strike out: "The license shall describe the method of travel for which the fee has been paid."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 304—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation, preventing discriminations between various forms of transportation, conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles, providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 304 were read and adopted:

**Amendment No. 1.**

On page 2, line 9, of the printed bill, strike out the period before "not", and insert in lieu thereof a comma.

**Amendment No. 2.**

On page 2 of the printed bill, at the end of line 11, strike out the period, and insert in lieu thereof a comma, and add the following: "Nor persons hauling products of their own production or manufacture, nor nonprofit agricultural cooperative associations, organized under Chapter 4 of Division VI of the Agricultural Code, hauling for themselves or for their members, nor persons hauling farm products from place of production to market or from one ranch to another ranch when both ranches are under the same ownership or management."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 869 were read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out the following: "within one month after any such tax is collected", and insert in lieu thereof the following: "not later than the fifteenth day of the month following that in which collection is made, unless excused in writing by the State Controller".



**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 8 to 10, inclusive.

**Amendment No. 3.**

On page 1, line 11, of the printed bill, strike out the following: "June and January of each year".

**Amendment No. 4.**

On page 1, line 15, of the printed bill, strike out the following: "within one month thereafter", and insert in lieu thereof the following: "as specified in this section".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 953 were read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, strike out the words "and whose", all of lines 15 and 16, and all of line 17 preceding the semicolon, and insert in lieu thereof the following: "; or who transports his own farm products or who transports laborers to and from farm work as an incident in his farming operations; nor shall the term 'operator' include nonprofit agricultural cooperative associations, organized under Chapter 4 of Division XVI of the Agricultural Code transporting property for themselves or their members".

**Amendment No. 2.**

On page 2, line 40, of the printed bill, after the word "perform.", add "The term 'gross receipts' shall not include revenue derived by an express company from the shipment of property over the lines of common carriers, but shall include revenue derived by such express companies from the transportation of property in motor vehicles operated by them."

**Amendment No. 3.**

On page 15 of the printed bill, strike out all of lines 10 to 20, inclusive, and insert in lieu thereof the following:

"SEC. 22. This act shall not apply to motor vehicles operating exclusively within incorporated cities or towns, nor shall it apply to such vehicles operating between incorporated cities or towns where no portion of the public highway outside of the corporate limits of said cities or towns is traversed in said operation, nor shall this act apply to motor vehicles operated exclusively off of public highways in this State."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 39—An act to amend section 730 of the Agricultural Code, relating to dairy products.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendment to Senate Bill No. 39 was read and adopted:

**Amendment No. 1.**

On page 4 of the printed bill, beginning at line 6 after the word "and", strike out the words "not produced", and insert in lieu thereof the word "said".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1078—An act to add section 737.5a to the Agricultural Code, relating to persons purchasing milk.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 1078 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 737.5a to", and insert in lieu thereof "amend sections 737.5 and 737.7 as".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, after the word "persons", add "handling and".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of the lines 1 to 10, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 737.5 of the Agricultural Code is hereby amended to read as follows:

737.5. (a) After 30 days after the effective date of this chapter no distributor shall deal in fluid milk or fluid cream without first having obtained a license from the director. The special licenses provided in this section are in addition to any and all licenses required by any other section of Division IV, Agricultural Code, or any law or ordinance of any county or municipality of this State. Applications for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant and such details as to the nature of the applicant's business as the director may require. Licenses shall be issued for a period of twelve months from the last day of each year. Application for renewal shall be made at least 30 days before the expiration of the license year.

(b) Before any license is issued to any distributor who purchases or handles fluid milk or fluid cream from producers for other than lawful money of the United States paid prior to or at the time of delivery to the distributor, and in full at said time; and provided, further, that such distributor has executed and delivered to the director a signed affidavit stating that such purchases are being made only for lawful money of the United States prior to or at time of delivery, and in full, the applicant shall execute and deliver to the director a surety bond in the minimum sum of \$1,000, executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter, of all amounts due to producers for fluid milk and fluid cream purchased by such licensee or applicant during the license year. Said bond shall be to the State in favor of every producer of fluid milk and fluid cream. In case of failure by a distributor to pay any producer or producers for fluid milk or fluid cream in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts due and owing to them and each of them by such distributor, and shall require all such producer-creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery from any action upon such bond, such distributor shall file a new bond, and upon failure to file same within ten days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such distributor. In the event that recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among said producer-creditors.

The minimum bond of \$1,000 shall be required of distributors purchasing or handling an average daily quantity of fluid milk from producers not to exceed 100 gallons; distributors purchasing or handling an average daily quantity from producers of 100 gallons and less than 200 gallons must post a bond in the amount of \$2,000; distributors purchasing or handling an average daily quantity from producers of 200 gallons and less than 300 gallons must post a bond in the amount of \$3,000; distributors purchasing or handling an average daily quantity from producers of 300 gallons or more shall post a bond in the sum of \$5,000.

In the event that any distributor so increases his purchases or consignment handling of fluid milk or fluid cream during the license year that said purchases or consignment handling exceed the amount for which said distributor is bonded, said distributor shall forthwith post such additional bond or bonds as may be required to comply with the provisions of this section.

Sec. 2. Section 737.7 of the Agricultural Code is hereby amended to read as follows:

737.7. (a) The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter, is a misdemeanor, and is furthermore ground for revocation or suspension of license in the manner set forth in this chapter. The unfair practice provisions described in this chapter are hereby declared to apply to all distributors, whether or not a plan is in effect in the area in which a distributor is licensed or carries on business.

(b) Every distributor must pay or make true and prompt accounting and returns for fluid milk or fluid cream delivered to him or it at the time and in the manner specified in the contract with the producer; failure to make such payment or to make full and true accounting and returns is hereby declared to be a violation of this chapter, and ground for refusal, suspension or revocation of license in the manner set forth in this chapter.

(c) Any person who violates any provision of a stabilization and marketing plan shall be liable civilly in the sum of \$500 for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture fund."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 231—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the Water Conservation Act of 1929, and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 610—An act to amend section 32e of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Irrigation, the following amendment to Senate Bill No. 610 was read and adopted:



**Amendment No. 1.**

On page 2, lines 9 and 10, of the printed bill, strike out the words "Any bonds issued under the provisions of this section", and insert in lieu thereof the following: "Any such bonds".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 434—An act to amend the County Water District Act, approved June 10, 1913, as amended, relating to county water districts, by amending section 31 thereof and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: section 12 1, granting to county water districts the powers of mosquito abatement districts; and section 37 1, relating to segregation of items of property on the assessment roll.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 434 were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out the words and figures "section 31", and insert in lieu thereof the words and figures "sections 31 and 45".

**Amendment No. 2.**

On page 1, line 7 of the title of the printed bill, after the comma following the syllable "tricts", insert the words and figures "section 31 1, relating to official maps for assessment purposes,".

**Amendment No. 3.**

On page 1, line 4, of the printed bill, strike out the words "shall have had" and insert in lieu thereof a comma and the words: "upon the board of directors determining by resolution that it is for the best interests of the district, shall have and may".

**Amendment No. 4.**

On page 1, line 6, of the printed bill, after the comma following the word "California", insert the word "entitled".

**Amendment No. 5.**

On page 1, line 8, of the printed bill, after the word "State", insert a comma.

**Amendment No. 6.**

On page 1, line 11, of the printed bill, after the comma following the word "therein", insert a quotation mark.

**Amendment No. 7.**

On page 1, line 12, of the printed bill, strike out the quotation mark.

**Amendment No. 8.**

On page 1, line 12, of the printed bill, strike out the words "of such county water district shall", and insert in lieu thereof the words "of directors of such county water district, when such resolution has been adopted, may".

**Amendment No. 9.**

On page 1, line 15, of the printed bill, after the period following the word "act", add the following sentence: "The provisions of this section shall not be operative within any county water district, or part thereof, which lies within any mosquito abatement district, nor shall any tax be levied or collected on any property within any mosquito abatement district to carry out the provisions of this section, unless the board of trustees of such mosquito abatement district shall, by resolution duly adopted, agree thereto."

**Amendment No. 10.**

On page 2 of the printed bill, between lines 30 and 31, insert the following: "Sec. 3. A new section is hereby added to said act, as amended, to be numbered 31.1 and to read as follows:

Sec. 31.1 Whenever a tract of land within the district has been segregated into parcels owned by several owners the board of directors may cause an official map of said tract to be made, giving specific portions of such tract separate numbers, letters or designations and indicating streets, roads and other public places by appropriate names. When any such official map has been adopted by resolution of the board of



directors, it shall thereafter be lawful for the assessor to describe by number, letter or designation as delineated on such map any parcel of land shown thereon, in assessing such parcel for district purposes. Such official map may consist of a copy of another map or compilation from other maps or a resurvey or renumbering or relettering of parcels of land in such tract. Any surveys and the field notes thereof made in connection with such official map shall become part of the records of the assessor. The map when adopted by the board of directors shall be filed in the office of the assessor.

The assessor may also describe property for assessment purposes by reference to a map other than an official map, as herein provided for, whenever such map has been furnished by the owner or claimant or user of property to be assessed, provided that such map contains sufficient information for clear identification of the property to be assessed and is filed with the assessor."

#### **Amendment No. 11.**

On page 2, line 31, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "4".

#### **Amendment No. 12.**

At the end of the printed bill, following line 10, page 3, add the following:

"Sec. 5. Section 45 of said act, as amended, is hereby amended to read as follows:

Sec. 45. A redemption of property sold may be made by the owner, or any party in interest, within three years from the date of the sale. Redemption must be made in lawful money of the United States.

On receiving the certificate of sale, the county recorder must file it in book form and prepare an index thereto, in which, in separate columns, he must enter the name of the person to whom the land was assessed, as written in the certificate, the name of the district and the date of sale.

On receipt of the redemption money plus the sum of fifty cents which the collector shall collect from the redemptioner, the collector shall issue a certificate of redemption in duplicate and deliver one copy to the redemptioner and the other to the county recorder together with said sum of 50 cents, which sum shall be received by said recorder in full of his fees and thereupon the recorder must file said certificate of redemption and mark the word "redeemed", the date and by whom redeemed on the certificate of sale and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor, must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of directors, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged: provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 429—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter cutting and wrapping licenses.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendment to Senate Bill No. 429 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after "butter", insert the following: "distributing,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 149—An act to amend section 11 of the California District Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act

shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 609.—An act to amend section 42d of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 92.—An act to amend section 627 of the Penal Code, relating to trespass.

**Amendment from the Floor.**

During second reading of Senate Bill No. 92, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 21 and 22, and insert in lieu thereof the following: "any person, employed by any county, the State or by the United States to destroy predatory animals or birds or pests as defined in section 100 of the Agricultural Code when".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 148.—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise and purchase of overlapping tax or assessment liens and titles on district-owned property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 495.—An act to add sections 3a and 12a to the California Districts Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 495 were read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, after the word "be", insert the word "hereafter".

**Amendment No. 2.**

On page 2, line 30, of the printed bill, after the period insert the following: "Provided, however, that the provisions of this section shall not apply to the district that has issued such securities."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 399.—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 399 were read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed bill, insert the following: ", plus the amount of any recorder's fee fixed by law for the service hereinafter provided for."

**Amendment No. 2.**

On page 1, lines 26 and 27, of the printed bill, strike out the words "without charge".

**Amendment No. 3.**

On page 2, line 9, of the printed bill, after the period after the word "redemption", insert the following: "The county recorder shall receive a fee of fifty cents (50c) for filing each certificate of redemption and making the marginal notations required by this act."

**Amendment No. 4.**

On page 2, line 50, of the printed bill, after the word "also", where it first appears in line 50, insert the following: "sell, convey,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 753—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 874—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59, of the Agricultural Code, relating to live stock marks and brands.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 23—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 350, 354, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2 and 363.3 thereto, relating to live stock marks and brands.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 475 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "343," add "346."

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, after "354," add "356."

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, strike out "363.2 and 363.3", and insert in lieu thereof the following "363.2, 363.3 and 378.5".

**Amendment No. 4.**

On page 1, line 25, of the printed bill, after the word "alter", add the words "or remove".

**Amendment No. 5.**

On page 2 of the printed bill, commencing at line 25, strike out the words "upon request of the shipper or slaughterer".

**Amendment No. 6.**

On page 2, line 28, of the printed bill, after the word "practicable", add a period, and strike out "after being notified."

**Amendment No. 7.**

On page 2, line 34, of the printed bill, after the word "soon", insert the word "as".

**Amendment No. 8.**

On page 2 of the printed bill, after line 35, insert the following:

"SEC. 54. Section 346 of said code is hereby amended to read as follows:

346. "No person shall slaughter a bovine animal, or request or hire any other person to slaughter a bovine animal, and offer for sale the meat thereof, unless he has a slaughterer's license therefor, issued in accordance with the provisions of this article, except as herein otherwise provided."

**Amendment No. 9.**

On page 3 of the printed bill, after line 26, insert the following:

"SEC. 74. Section 356 of said code is hereby amended to read as follows:

356. Any owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract may slaughter cattle in small numbers on said premises for his own consumption, and may sell or give away a portion of the meat thereof. When such person sells the meat thereof, he shall give to the buyer a sales tag or sales memorandum, showing the names of the seller and buyer, the date of sale and the quality sold. The buyer shall retain said tag or memorandum for 90 days and exhibit it upon request of any agent of the department or any peace officer."

**Amendment No. 10.**

On page 3 of the printed bill, commencing at line 38, strike out all of lines 38 to 48, inclusive, and insert in lieu thereof the following:

"363.1. Any person or persons delivering cattle to any public stockyards or public sales yards shall furnish to the hide and brand inspector before the inspector inspects such cattle for reforwarding, a certificate of consignment or brand inspection certificate if the cattle originate in California; proof of ownership must be furnished if the cattle do not originate in California. A certificate of consignment shall be signed by the owner of the cattle or his agent, and shall show the consignee, also the number, kind and brands or brands and marks of said cattle and, in the case of unbranded cattle, the breed."

**Amendment No. 11.**

On page 3 of the printed bill, commencing at line 51, strike out all of lines 51 and 52, and strike out all of lines 1 to 15, inclusive, on page 4, and insert in lieu thereof the following:

"363.2. No person, partnership or corporation, or their agent shall engage as a business in the sale of cattle at a public sales yard unless he has procured from the director a license to carry on such business, and executed a bond to the State in the sum of \$1,000, to be approved by the director, conditioned that such person shall not sell any cattle without first being the owner thereof or being authorized to do so by such owner and that, in case he does sell any cattle without being the owner thereof or authorized to do so, he shall, in addition to all other statutory penalties, pay double the value of such animals. All amounts recovered upon said bond shall



be paid as follows: One-half to the owner of said animals, and the remaining one-half to the Department of Agriculture fund to be used for the purpose of carrying out this article. The director shall grant to every applicant who complies with the provisions of this article and the rules and regulations promulgated for its enforcement, a license to operate for the balance of the current calendar year. Said applicant shall pay to the director for such license an annual fee of \$25. Such license shall be renewed on or before the first day of each succeeding year. This section shall not apply to or include any person or exchange dealing in live stock and operating at a public live stock market and subject to and operating under a bond required by the United States to secure the performance of their obligations."

#### Amendment No. 12.

On page 4 of the printed bill, commencing at line 18, strike out all of lines 18 to 32, inclusive, and insert in lieu thereof the following:

"363.3. Any person, firm, association or corporation of their agent, operating, conducting or managing any cattle sales market, either public or private, including public stockyards where sales of cattle are held, shall, before releasing any cattle from such market or stockyards, have a brand inspection made by an agent of the department, or obtain a release from the director. One copy of the inspection certificate shall be mailed to the department and one copy shall be given to the owner or his agent in charge of the live stock. A fee of five cents per head shall be charged for all cattle inspected in accordance with this section."

#### Amendment No. 13.

On page 4 of the printed bill, commencing at line 36, strike out "or the hides or the carcasses", and insert in lieu thereof the following: "the carcasses of cattle or the hides".

#### Amendment No. 14.

On page 4 of the printed bill, commencing at line 45, after the word "conveyance", strike out the period, and add a comma and the following: "and are not forwarded from a cattle sales market, either public or private, including public stockyards where sales of cattle are held."

#### Amendment No. 15.

On page 5 of the printed bill, commencing at line 24, after the word "recheck", strike out the period, add a comma, and add "if the inspection certificate was issued within 15 days prior to slaughter."

#### Amendment No. 16.

On page 5 of the printed bill, after line 43, insert the following:

"SEC. 12. A new section to be numbered 378.5 is hereby added to said code to read as follows:

378.5. Any person who shall feloniously steal, take, carry, lead, or drive away any horse, mare, gelding, or any bovine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig, the personal property of another, is punishable by imprisonment in the State's prison for not less than one or more than ten years."

Bill read second time, ordered to reprint, and re-referred to Committee on Live Stock and Dairying.

Senate Bill No. 541—An act to add sections 311.4 and 311.6 to the Agricultural Code, relating to representation of the type, kind, quantity, sex or age of any animal, the meat of which is sold.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 541 were read and adopted:

#### Amendment No. 1.

On page 1, line 10, of the printed bill, strike out "such carcass", and insert in lieu thereof the following: "carcass of a sheep or of a bovine animal".

#### Amendment No. 2.

On page 1, line 14, of the printed bill, after "meat", insert the following: "of a sheep or of a bovine animal".

Bill read second time, ordered to reprint, and re-referred to Committee on Live Stock and Dairying.

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 310 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 3 to 12, inclusive, and insert in lieu thereof the following:

"482. It is unlawful between July 1st and November 30th, both dates inclusive, to pollute, muddy, contaminate, or soil the waters of the Trinity and Klamath River Fish and Game District. It is unlawful between said dates to deposit in or cause, suffer or procure to be deposited in, permit to pass into or place where it can pass into said waters, any substance affecting the clarity of said waters, including the dumping, depositing or passing into said waters of any debris, substance or tailings from hydraulic, placer, milling or other mining operation. The clarity of said waters shall be deemed affected, when said waters are of less clarity after the dumping of any substance, debris, muddy water, mining tailings or other pollution at the point of confluence of said material or water with the waters of the river in said district. Any structure or contrivance which contributes to or causes the condition, the causing of which is hereby prohibited, is a public nuisance."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 991—An act to amend section 610 of the Fish and Game Code, relating to steelhead trout.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 991 were read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out the word "districts", and insert in lieu thereof the words "streams in Shasta and Tehama Counties which empty into the Sacramento River".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, strike out the words "January 1", and insert in lieu thereof the words "February 28".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 309—An act relating to the State Civil Service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 309 were read and adopted:

**Amendment No. 1.**

On page 1, lines 15 and 16, of the printed bill, strike out "the filling of the higher positions by promotion", and insert in lieu thereof the following "security of tenure and the advancement of employees within the service".

**Amendment No. 2.**

On page 2, line 29, of the printed bill, after the word "service", and before the period, insert the following: "in accordance with the provisions of this act".

**Amendment No. 3.**

On page 3, line 3, of the printed bill, after the word "examined", insert the following: "in an open competitive examination".

**Amendment No. 4.**

On page 3, line 7, of the printed bill, strike out the quotation marks after the word "reemployment", and insert said quotation marks after the word "list", in said line.

**Amendment No. 5.**

On page 3, line 11, of the printed bill, strike out the quotation marks after the word "reemployment", and insert the same after the word "list", in said line.

**Amendment No. 6.**

On page 3, lines 19 and 20, of the printed bill, strike out the following: "city and county, city", and insert the following: "city".

**Amendment No. 7.**

On page 6, line 6, of the printed bill, strike out the following: "State Personnel".

**Amendment No. 8.**

On page 6, line 11, of the printed bill, insert a comma after the word "agency".

**Amendment No. 9.**

On page 7, line 23, of the printed bill, after the word "the", as the same appears the first time in said line, insert the following: "books or".

**Amendment No. 10.**

On page 7, line 32, of the printed bill, strike out the word "and", as the same appears the first time in said line, and insert the following: "or".

**Amendment No. 11.**

On page 8, line 2, of the printed bill, strike out the following: ", paper, document or account", and insert in lieu thereof the following: "or paper".

**Amendment No. 12.**

On page 8, lines 27 and 28, of the printed bill, strike out the following: "a reasonable time, not exceeding".

**Amendment No. 13.**

On page 8, line 30, of the printed bill, strike out the period, and insert a semicolon and the following: "provided that any such cause of action or complaint or ground for issuance of any complaint or legal remedy or wrongs or grievances arising prior to the effective date of this act shall be exempt from the provisions of this section."

**Amendment No. 14.**

On page 10, line 1, of the printed bill, immediately preceding the word "upon", insert the following: "Sec. 64."

**Amendment No. 15.**

On page 10, line 17, of the printed bill, strike out "64", and insert in lieu thereof "65".

**Amendment No. 16.**

On page 10, line 23, of the printed bill, strike out "65", and insert in lieu thereof the following: "66".

**Amendment No. 17.**

On page 10, line 30, of the printed bill, strike out the word "provide", and insert in lieu thereof the following: "establish and adjust".

**Amendment No. 18.**

On page 10, line 42, of the printed bill, strike out the following: "be entitled to".

**Amendment No. 19.**

On page 10, line 47, of the printed bill, strike out the following: "shall be entitled to and".

**Amendment No. 20.**

On page 10, line 51, of the printed bill, after the word "executive", and before the comma, insert the following: "officer".

**Amendment No. 21.**

On page 11, line 18, of the printed bill, immediately following the period, insert the following: "Nothing contained in this section shall be construed to prevent special salary adjustments not in accordance with the provisions of said section upon the application of the appointing power and the approval of the executive officer and the Director of Finance; provided that such adjustments must be made within the salary range for the class."

**Amendment No. 22.**

On page 11, line 30, of the printed bill, strike out the following: "board shall have the power and", and insert in lieu thereof the following: "executive officer".

**Amendment No. 23.**

On page 11 of the printed bill, strike out line 52, and insert in lieu thereof the following: "ations may be assembled or unassembled, written or oral, or in the".

**Amendment No. 24.**

On page 12, line 5, of the printed bill, strike out "as", and insert in lieu thereof the following: "is".

**Amendment No. 25.**

On page 12, line 17, of the printed bill, after the word "applicants", insert the following: "for examinations".

**Amendment No. 26.**

On page 12, line 19, of the printed bill, strike out the following: "prescribed by rule of the board".

**Amendment No. 27.**

On page 13 of the printed bill, strike out lines 17 to 32, inclusive, and insert in lieu thereof the following:

"SEC. 90. The executive officer may divide the State into districts and establish district eligible lists therefor. No person eligible by reason of earned rating in the examining process may be denied inclusion in any or all of such district lists on which he indicates a desire to be placed."

**Amendment No. 28.**

On page 13, line 33, of the printed bill, strike out "92", and insert in lieu thereof the following: "91".

**Amendment No. 29.**

On page 13 of the printed bill, strike out lines 42 to 44, inclusive, and insert in lieu thereof the following:

"SEC. 92. For each class the executive officer shall cause to be maintained a separate departmental reemployment list within a given State".

**Amendment No. 30.**

On page 13, line 46, of the printed bill, strike out "92", and insert in lieu thereof the following: "91".

**Amendment No. 31.**

On page 13, line 48, of the printed bill, strike out "94", and insert in lieu thereof the following: "93".

**Amendment No. 32.**

On page 13, line 51, of the printed bill, strike out "173", and insert in lieu thereof the following: "172".

**Amendment No. 33.**

On page 14, line 1, of the printed bill, strike out "95", and insert in lieu thereof the following: "94".

**Amendment No. 34.**

On page 14, line 6, of the printed bill, strike out "96", and insert in lieu thereof the following: "95".

**Amendment No. 35.**

On page 14, line 6, of the printed bill, after the word "five", insert the following: "consecutive".

**Amendment No. 36.**

On page 14, line 7, of the printed bill, strike out the word "list", and insert the following: "lists".

**Amendment No. 37.**

On page 14, line 9, of the printed bill, after the word "period", and before the period as the same appears in said line, insert the following: "and after notice to the person affected".

**Amendment No. 38.**

On page 14, line 32, of the printed bill, after the word "belongs", insert the following: "except as hereinafter provided".

**Amendment No. 39.**

On page 14, line 44, of the printed bill, strike out the word "eligible", and insert in lieu thereof the following: "employment".

**Amendment No. 40.**

On page 14, line 46, of the printed bill, strike out the word "eligible", and insert in lieu thereof the following: "employment".

**Amendment No. 41.**

On page 15, line 10, of the printed bill, strike out the comma after the word "who".

**Amendment No. 42.**

On page 15, line 17, of the printed bill, after the word "certified", insert the following: "and appointed".



**Amendment No. 43.**

On page 16, lines 28 and 29, of the printed bill, strike out the following: "by the State Personnel agency".

**Amendment No. 44.**

On page 17, line 17, of the printed bill, strike out the words "service ratings", and insert in lieu thereof the following: "performance ratings".

**Amendment No. 45.**

On page 17, line 18, of the printed bill, after the period following the word "standards", insert the following:

"Such standards shall in so far as practicable be established on the basis of the quantity and quality of work which the average person thoroughly trained and industrially engaged can turn out in a day."

**Amendment No. 46.**

On page 17, line 18, of the printed bill, strike out the word "service", and insert in lieu thereof the following: "performance".

**Amendment No. 47.**

On page 17, line 21, of the printed bill, strike out the word "service".

**Amendment No. 48.**

On page 17, line 24, of the printed bill, after the word "power", insert the following: "on his own initiative or on appeal of an employee".

**Amendment No. 49.**

On page 17, line 25, of the printed bill, strike out the word "ratings", and insert in lieu thereof the following: "reports".

**Amendment No. 50.**

On page 17, line 26, of the printed bill, strike out the following: "or upon appeal of an employee, the", and insert in lieu thereof the following: "by an employee with the findings of the executive officer, the employee may appeal to the board whose".

**Amendment No. 51.**

On page 17, line 27, of the printed bill, strike out the following: "of the board".

**Amendment No. 52.**

On page 17, line 30, of the printed bill, strike out the words "shall be privileged to", and insert in lieu thereof the following: "be shown".

**Amendment No. 53.**

On page 17, line 31, of the printed bill, strike out the word "see".

**Amendment No. 54.**

On page 17, line 31, of the printed bill, after the word "and", insert the following: "shall be privileged".

**Amendment No. 55.**

On page 18, line 16, of the printed bill, strike out the words "the board", and insert in lieu thereof the following: "him".

**Amendment No. 56.**

On page 18, line 24, of the printed bill, strike out the word "hereinbefore".

**Amendment No. 57.**

On page 18 of the printed bill, strike out lines 29 and 30, and insert in lieu thereof the following: "tion may be permitted by the executive officer after investigation."

**Amendment No. 58.**

On page 19, line 6, of the printed bill, after the word "rule", insert the following: "for the regulation and accumulation of vacations and may provide".

**Amendment No. 59.**

On page 19 of the printed bill, strike out lines 8 and 9, and insert in lieu thereof the following: "year."

**Amendment No. 60.**

On page 19, lines 24 and 25, of the printed bill, strike out the following: "from a position to accept another position in the State Civil Service".

**Amendment No. 61.**

On page 19, line 34, of the printed bill, strike out the words "may provide for", and insert in lieu thereof the following: "on the request of an appointing power may approve".

**Amendment No. 62.**

On page 19, line 50, of the printed bill, after the period following the word "agency", insert the following: "Information given to the State Personnel Agency by any appointing power or by any other person shall not be open to the public inspection except under conditions prescribed by rule of the board. Any person shall be entitled however to inspect any record relating to his own services."

**Amendment No. 63.**

On page 20 of the printed bill, immediately following line 20, insert the following:

"Sec. 159. Any employee of the State shall be permitted to take any State Civil Service examination during working hours, if the examination is scheduled during such period, without deduction of pay or other penalty, upon giving two days' notice to his immediate superior."

**Amendment No. 64.**

On page 20, line 29, of the printed bill, immediately following the word "or", as the same appears the second time in said line, insert the following: "may be permanently or temporarily separated".

**Amendment No. 65.**

On page 20, line 34, of the printed bill, after the word "days", and before the period, insert the following: "in any one calendar year".

**Amendment No. 66.**

On page 21, line 12 of the printed bill, immediately following the word "the", as it appears in said line, insert the following: "series of classes related to the employee's present".

**Amendment No. 67.**

On page 21, line 40, of the printed bill, strike out the word "classes", and also strike out all of lines 41 and 42, as they appear on said page, and in line 41 strike out the following: "salary range", and insert in lieu thereof the following: "such other appropriate classes as the executive officer may determine."

**Amendment No. 68.**

On page 22, line 26, of the printed bill, strike out the following: "Sec. 173."

**Amendment No. 69.**

On page 22, lines 26 and 27, of the printed bill, strike out the following: "citizen of the State", and insert in lieu thereof the following: "person".

**Amendment No. 70.**

On page 22, line 28, of the printed bill, after the word "employee", insert the following: "or any person on any employment list".

**Amendment No. 71.**

On page 23, line 26, of the printed bill, strike out the period as the same appears at the end of said line, and insert in lieu thereof a semicolon and the following: "provided that within 30 days from and after receipt by him of a copy of the decision rendered by the board in a proceeding under section 173 of this act, the employee or the appointing power may apply for a rehearing by filing with the board his petition in writing therefor. Within 30 days after such filing, the board shall cause notice thereof to be served upon the other parties to the proceedings by mailing to each a copy of the petition for rehearing, in the same manner as in this act prescribed for the giving of notice of a hearing. Within 60 days after the service of such notice of the filing of the petition for rehearing, the board shall either grant or deny the petition, and if the petition for rehearing is not granted within said period, it shall be deemed denied. If the petition for a rehearing is granted, the matter shall be set down for hearing by the board, either before the board or before its authorized representative, and such hearing shall be conducted in substantially the same manner and under like rules of procedure as an original hearing upon charges filed under and pursuant to the provisions of section 173 of this act."

**Amendment No. 72.**

On page 23, line 31, of the printed bill, after the word "employee", and before the period, insert the following: "if a petition for a rehearing is not filed, or within 60 days from and after the date of the service upon the employee of notice of the denial by the board of a petition for a rehearing, or within 60 days from and after the date of the service upon the employee of a copy of the decision of the board on the rehearing".

**Amendment No. 73.**

On page 23, line 45, of the printed bill, after the word "service", insert the following: "or holding any position appointment to which is required to be reported under section 157 of this act".

**Amendment No. 74.**

On page 26, line 20, of the printed bill, strike out the word "thirty", and insert in lieu thereof the following: "ninety".

**Amendment No. 75.**

On page 26, line 48, of the printed bill, after the word "States", and before the comma, insert the following: "in time of war".

**Amendment No. 76.**

On page 27, line 2, of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections".

**Amendment No. 77.**

On page 27, line 18, of the printed bill, strike out the word "confirm", and insert in lieu thereof the following: "conform".

Bill read second time, ordered to reprint, and re-referred to Committee on Civil Service.

Senate Bill No. 626—An act to add a new chapter to be numbered Chapter 9 of Division V of the Agricultural Code, relating to grades and standards for nursery stock.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 626 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 9 to 13, inclusive, and insert in lieu thereof the following: "labeled as to name. On the label, which shall be securely attached to each piece of nursery stock if sold individually or securely attached to each lot when bundled or sold as a single lot, there shall be printed or legibly written the name of such stock, stating its botanical name or its recognized common name or both such names, and on".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, immediately before the period, insert the words "and graded".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 27 and 28, and insert in lieu thereof the following: "1148.15. The director shall make".

**Amendment No. 4.**

On page 2, line 13, of the printed bill, strike out the word "underlined", and insert in lieu thereof the word "quoted".

**Amendment No. 5.**

On page 2, line 16, of the printed bill, strike out the word "Dimensions", and insert in lieu thereof the word "Dimensions".

**Amendment No. 6.**

On page 2, line 18, of the printed bill, strike out all of the words following the period, and all of lines 19 and 20.

**Amendment No. 7.**

On page 2, line 21, of the printed bill, strike out the word "Caliper", and insert in lieu thereof the word "Caliper".

**Amendment No. 8.**

On page 2, line 28, of the printed bill, strike out the word "Clumps", and insert in lieu thereof the word "Clumps".

**Amendment No. 9.**

On page 2, line 31, of the printed bill, strike out the words "Averaging sizes", and insert in lieu thereof the words "Averaging sizes".

**Amendment No. 10.**

On page 2, line 36, of the printed bill, strike out the words "Balling and Burlapping", and insert in lieu thereof the words "Balling and Burlapping".

**Amendment No. 11.**

On page 2, line 42, of the printed bill, strike out the words "Cold Storage Stock", and insert in lieu thereof the words "Cold Storage Stock".

**Amendment No. 12.**

On page 2, line 45, of the printed bill, strike out the word "Specimens", and insert in lieu thereof the word "Specimens".

**Amendment No. 13.**

On page 2, line 49, of the printed bill, strike out the words "Seedlings (S.), Cuttings (C.), Divisions (D.)", and insert in lieu thereof the words "Seedlings (S.), "Cuttings" (C.), "Divisions" (D.)".

**Amendment No. 14.**

On page 3, line 1, of the printed bill, strike out the word "Grade", and insert in lieu thereof the word "Grade".

**Amendment No. 15.**

On page 3, line 26, of the printed bill, strike out the word "feet", and insert in lieu thereof the word "feet".

**Amendment No. 16.**

On page 3, line 39, of the printed bill, following the period, insert the following: "For caliper measurement stated the trees of this class shall have the minimum height stated opposite each such caliper measurement as follows:

Caliper	Minimum Height
$\frac{1}{8}$ inch to $\frac{1}{4}$ inch	4 to 6 feet
$\frac{1}{4}$ inch to $\frac{3}{8}$ inch	6 to 8 feet
$\frac{1}{2}$ inch to $\frac{3}{4}$ inch	8 to 10 feet
1 inch to 1 $\frac{1}{2}$ inches	10 to 12 feet
1 $\frac{1}{2}$ inches to 2 inches	12 to 14 feet
2 inches to 3 inches	14 to 16 feet
3 inches to 4 inches	16 feet and up

**Amendment No. 17.**

On page 3 of the printed bill, strike out all of lines 40 to 43, inclusive.

**Amendment No. 18.**

On page 3, line 52, of the printed bill, strike out the words "Size of pots or containers and height", and insert in lieu thereof the word "Height".

**Amendment No. 19.**

On page 4, line 19, of the printed bill, strike out all of the words following the period, and all of lines 20, 21 and 22.

**Amendment No. 20.**

On page 4, line 28, of the printed bill, strike out all of the words following the period, and all of lines 29 and 30.

**Amendment No. 21.**

On page 4, line 33, of the printed bill, in lieu of the number, insert a period and strike out all of the remaining words in said line and all of lines 34, 35 and 36.

**Amendment No. 22.**

On page 5 of the printed bill, strike out all of lines 12, 13 and 14, and insert in lieu thereof the following: "Include the following designated sizes: No. 1 large; No. 1  $\frac{1}{2}$  medium; No. 2 small; No. 3 cull, and except for true roses and except that these grades may be established for rose plants before cutting back shall be applicable to the several varieties as follows:".

**Amendment No. 23.**

On page 5, line 17, of the printed bill, immediately preceding the second period, insert the word "large".

**Amendment No. 24.**

On page 5, line 21, of the printed bill, strike out the first "or".

**Amendment No. 25.**

On page 5, line 25, of the printed bill, strike out the first "or".

**Amendment No. 26.**

On page 5, line 27, of the printed bill, strike out the words "or culls" and insert in lieu thereof the word "cull".

**Amendment No. 27.**

On page 5, line 29, of the printed bill, immediately before the second period, insert the word "large".

**Amendment No. 28.**

On page 5, line 32, of the printed bill, immediately preceding the second period, insert the word "medium".



**Amendment No. 29.**

On page 5, line 35, of the printed bill, immediately preceding the second period, insert the word "small".

**Amendment No. 30.**

On page 5, line 36, of the printed bill, strike out the words "or culls", and insert in lieu thereof the word "cull".

**Amendment No. 31.**

On page 5, line 37, of the printed bill, immediately preceding the third period, insert the word "large".

**Amendment No. 32.**

On page 5, line 39, of the printed bill, strike out the first "or".

**Amendment No. 33.**

On page 5, line 41, of the printed bill, strike out the word "or".

**Amendment No. 34.**

On page 5, line 42, of the printed bill, strike out the words "or culls", and insert in lieu thereof the word "cull".

**Amendment No. 35.**

On page 5, line 43, of the printed bill, immediately preceding the third period, insert the word "large".

**Amendment No. 36.**

On page 5, line 47, of the printed bill, strike out the word "or".

**Amendment No. 37.**

On page 5, line 51, of the printed bill, immediately preceding the second period, insert the word "small".

**Amendment No. 38.**

On page 5, line 52, of the printed bill, strike out the word "Culls.", and immediately preceding the second period in said line 52, insert the word "Cull".

**Amendment No. 39.**

On page 6, line 18, of the printed bill, strike out the words "and number of stems".

**Amendment No. 40.**

On page 6, line 23, of the printed bill, immediately following the word "Standard", insert the words "and Flowering".

**Amendment No. 41.**

On page 6, line 26, of the printed bill, immediately preceding the first period, insert the words "before cutting back".

**Amendment No. 42.**

On page 6 of the printed bill, strike out all of line 28, and insert in lieu thereof the words "with a height of 2 to 3 feet shall when sold in lots be tied in bundles of ten or".

**Amendment No. 43.**

On page 6 of the printed bill, strike out all of line 30, and insert in lieu thereof the words "lots of ten. Each bundle shall be marked with 2".

**Amendment No. 44.**

On page 7 of the printed bill, strike out all of lines 5 and 6, and insert in lieu thereof the following: "Size by caliper  $\frac{1}{4}$  inch to  $\frac{3}{8}$  inch."

**Amendment No. 45.**

On page 7 of the printed bill, strike out all of line 10, and insert in lieu thereof the following:

"4 to 6 foot grade;  
3 to 4 foot grade;  
2 to 3 foot grade."

**Amendment No. 46.**

On page 7 of the printed bill, strike out all of lines 14 to 25, inclusive, and insert in lieu thereof the following:

"4 to 6 foot grade;  
3 to 4 foot grade."

**Amendment No. 47.**

On page 2, line 4, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following words: "and it shall be his duty to institute prosecution of persons who may be guilty of any violation of any provision of this act."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 692. An act to amend sections 821, 827 and 1011 of and to add sections 1012 4 and 1012 6 to, the Agricultural Code, relating to fruits and vegetables.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 692 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "821," insert the following "822".

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 47 and 48, and insert in lieu thereof the following:

"This grade shall apply only: (1) to apples which have been held in cold storage and have been removed therefrom not earlier than December 15 of the year when grown, and (2) to no variety other than Newtown Pippin and Redstart."

**Amendment No. 3.**

On page 3, line 5, of the printed bill, strike out "827", and insert in lieu thereof the following: "822".

**Amendment No. 4.**

On page 3 of the printed bill, between lines 6 and 7, insert the following:

"822. All containers of apples shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such person; name of variety, if known, and when not known the words "unknown variety"; the grade of the apples therein contained; the date when such apples were first packed, or if repacked, the date of repacking; and on each container of apples which has been held in cold storage for more than 30 days after being packed, a statement of the fact that the contents have been held in cold storage; the net weight of the apples contained therein, or the actual contents of the package; and in the case of wrapped packed apples the numerical count. A variation of five apples, more or less, than the number stated, shall be allowed. Open containers of apples which are not packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, and the designation of grade.

In lieu of the standard grade markings required by this section, each container of apples may be marked with the name of the equivalent grade established for such apples in the United States standards for apples promulgated by the United States Department of Agriculture and approved by the director.

When apples are offered or exposed for sale at retail and put in a container complying with the provisions of this section, the grade of such apples shall be plainly indicated by a sign or placard upon or immediately above such apples in letters not less than one inch in height.

SEC. 3. Section 827 of the Agricultural Code is hereby amended to read as follows:—

**Amendment No. 5.**

On page 3, line 44, of the printed bill, strike out "two and five-eighths", and insert in lieu thereof the following: "two and three-fourths".

**Amendment No. 6.**

On page 4, line 3, of the printed bill, strike out "3", and insert in lieu thereof the following: "4".

**Amendment No. 7.**

On page 4, line 12, of the printed bill, strike out "or", and insert in lieu thereof the following: "nor to any sale thereof made".

**Amendment No. 8.**

On page 4, line 13, of the printed bill, strike out "4", and insert in lieu thereof the following: "5".

**Amendment No. 9.**

On page 4, line 19, of the printed bill, strike out "5", and insert in lieu thereof the following: "6".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 520—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agri-

culture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending each section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 520 were read and adopted:

##### **Amendment No. 1.**

On pages 1 and 2 of the printed bill, strike out the last eight lines of the title, and insert in lieu thereof the following: "1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act, to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately."

##### **Amendment No. 2.**

On page 2 of the printed bill, strike out line 36, and insert in lieu thereof the following: "State in growing for market".

##### **Amendment No. 3.**

On page 2 of the printed bill, strike out lines 38 to 40, inclusive.

##### **Amendment No. 4.**

On page 2, line 41, of the printed bill, strike out the parenthesized figure "(4)", and insert in lieu thereof the parenthesized figure "(3)".

##### **Amendment No. 5.**

On page 2 of the printed bill, strike out lines 43 to 46, inclusive, and insert in lieu thereof the following:

"(4) "To handle" means to market in intrastate commerce, any agricultural commodity, excepting the marketing of any agricultural commodity by a producer thereof to another person for the purpose of grading, processing, packing, or other-

wise preparing such agricultural commodity for movement into the channels of trade."

#### Amendment No. 6.

On page 3 of the printed bill, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following:

"(5) 'Marketing order' means an order issued by the Director of Agriculture pursuant to this act, governing the handling of any agricultural commodity within this State."

#### Amendment No. 7.

On page 3, line 8, of the printed bill, strike out the parenthesized figure "(7)", and insert in lieu thereof the parenthesized figure "(6)".

#### Amendment No. 8.

On page 3, line 12, of the printed bill, strike out the parenthesized figure "(8)", and insert in lieu thereof the parenthesized figure "(7)".

#### Amendment No. 9.

On page 3, line 14, of the printed bill, strike out the parenthesized figure "(9)", and insert in lieu thereof the parenthesized figure "(8)".

#### Amendment No. 10.

On page 3, line 16, of the printed bill, strike out the parenthesized figure "(10)", and insert in lieu thereof the parenthesized figure "(9)".

#### Amendment No. 11.

On page 3, line 23, of the printed bill, strike out the parenthesized figure "(11)", and insert in lieu thereof the parenthesized figure "(10)".

#### Amendment No. 12.

On page 3, line 33, of the printed bill, strike out the parenthesized figure "(12)", and insert in lieu thereof the parenthesized figure "(11)".

#### Amendment No. 13.

On page 3 of the printed bill, strike out lines 39 to 43, inclusive, and insert in lieu thereof the following:

"SEC. 2a. A new section is hereby added to said act to read as follows:

Sec. 2a. The provisions of this act shall apply to agricultural commodities as defined in section 2, provided the movement of such agricultural commodities into interstate commerce is regulated or controlled by marketing agreements or marketing orders executed or issued under laws of the United States.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Sec. 3. Subject to the provisions of this act, the Director is hereby authorized and empowered to enter into marketing agreements with license contracting persons to, and enforce the provisions of such marketing agreements or marketing orders upon persons engaged in".

#### Amendment No. 14.

On page 3, line 50, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

#### Amendment No. 15.

On page 4, line 4, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

#### Amendment No. 16.

On page 4, line 7, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

#### Amendment No. 17.

On page 4, line 15, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

#### Amendment No. 18.

On page 4, line 29, of the printed bill, strike out the word "representative".

#### Amendment No. 19.

On page 4, line 34, of the printed bill, strike out the words "Said plan may be operated", and insert in lieu thereof the words "The proposed marketing agreement or marketing order may be administered".

#### Amendment No. 20.

On page 4, line 38, of the printed bill, strike out the words "Said plan", and insert in lieu thereof the words "The proposed marketing agreement or marketing order".



**Amendment No. 21.**

On page 4, line 40, of the printed bill, strike out the words "Said plan", and insert in lieu thereof the words "The proposed marketing agreement or marketing order".

**Amendment No. 22.**

On page 4, line 42, of the printed bill, strike out the words "Said plan", and insert in lieu thereof the words "The proposed marketing agreement or marketing order".

**Amendment No. 23.**

On page 4, line 43, of the printed bill, strike out the words "agricultural commodities", and insert in lieu thereof the words "the particular agricultural commodity".

**Amendment No. 24.**

On page 4, line 44, and continuing into line 45, strike out the word "commodities", and insert in lieu thereof the word "commodity".

**Amendment No. 25.**

On page 4, line 46, of the printed bill, strike out the word "commodities", and insert in lieu thereof the word "commodity".

**Amendment No. 26.**

On page 4 of the printed bill, strike out line 48, and insert in lieu thereof the following: "modity and to provide an adequate standard of living to the".

**Amendment No. 27.**

On page 4, line 51, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 28.**

On page 5, line 2, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 29.**

On page 5, line 5, of the printed bill, strike out the word "licenses", and insert in lieu thereof the words "marketing orders".

**Amendment No. 30.**

On page 5, line 8, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "6a".

**Amendment No. 31.**

On page 5 of the printed bill, strike out lines 11 to 13, inclusive, and insert in lieu thereof the following: "grade, size or quality thereof, which may be marketed, or transported to market, in intrastate commerce during any specified period or periods, by all handlers thereof."

**Amendment No. 32.**

On page 5, line 20, of the printed bill, strike out the words "at said", and insert in lieu thereof the words "in such".

**Amendment No. 33.**

On page 5 of the printed bill, strike out lines 28 and 29, and insert in lieu thereof the following: "thereof which each handler may market or transport to market, in intrastate commerce, during any specified period or periods."

**Amendment No. 34.**

On page 5 of the printed bill, strike out lines 36 to 38, inclusive, and insert in lieu thereof the following: "grade, size, or quality thereof, to be marketed or transported to market in intrastate commerce during any specified period or periods shall be equitably".

**Amendment No. 35.**

On page 5, line 49, of the printed bill, strike out the words and comma, "or product,".

**Amendment No. 36.**

On page 5, line 50, of the printed bill, after the word and comma "thereof," insert the following: "or the representative value of such commodity or of any grade, size, or quality thereof."

**Amendment No. 37.**

On page 6, line 12, of the printed bill, after the word "agreement", insert the words "the amount".

**Amendment No. 38.**

On page 6, line 16, of the printed bill, strike out the word and number "Section 7", and insert in lieu thereof the word and number "Section 6a".

**Amendment No. 39.**

On page 6 of the printed bill, strike out lines 18 to 24, inclusive, and insert in lieu thereof the following:

"Sec. 6a (1) Marketing agreements executed and marketing orders issued under this act shall provide for the selection by the director, or a method

**Amendment No. 40.**

On page 6, line 28, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 41.**

On page 6, line 31, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 42.**

On page 6, line 34, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 43.**

On page 6, line 36, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 44.**

On page 6 of the printed bill, strike out lines 37 and 38, and insert in lieu thereof the following:

"(c) To collecting from each handler fees or assessments representing his pro rata share of such esti-".

**Amendment No. 45.**

On page 6 of the printed bill, strike out lines 46 to 51, inclusive, and insert in lieu thereof the following: "handler has pro rata share of any unexpected failures which are not so required. The fees or assessments provided for herein shall not exceed 1½ per cent in the aggregate of the gross dollar volume of sales of the agricultural commodity regulated by such handler during the marketing season next preceding the execution of any marketing agreement or the issuance of any marketing order pursuant to this act.

(2) Marketing agreements executed and marketing orders issued under this act may:

(a) Prohibit unfair methods of competition and unfair trade practices in the handling of agricultural commodities regulated by such marketing agreements or marketing orders;

(b) Contain any other terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in Sections 6 and 6a, and necessary to effectuate the other provisions of such marketing agreement or marketing order."

**Amendment No. 46.**

On page 7, line 1, of the printed bill, strike out the word and figure "Section 8", and insert in lieu thereof the word and figure "Section 7".

**Amendment No. 47.**

On page 7, line 3, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "7".

**Amendment No. 48.**

On page 7 of the printed bill, strike out line 5, and insert in lieu thereof the following: "marketing agreement without issuing a marketing order, issue a marketing order".

**Amendment No. 49.**

On page 7, line 7, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 50.**

On page 7, line 8, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 51.**

On page 7, line 12, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 52.**

On page 7, line 16, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 53.**

On page 7 of the printed bill, strike out lines 19 to 24, inclusive, and insert in lieu thereof the following: "director, have been engaged in the production for market of the commodity regulated by such marketing order, or, (2) by producers

who, during such representative period, have produced for market at least 65 per cent of the volume of such commodity produced for market and regulated by such marketing order."

**Amendment No. 54.**

On page 7, line 29, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 55.**

On page 7, line 35, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 56.**

On page 8, line 1, of the printed bill, strike out the word and number "Section 9", and insert in lieu thereof the word and number "Section 8".

**Amendment No. 57.**

On page 8 of the printed bill, strike out lines 3 to 7, inclusive, and insert in lieu thereof the following:

"Sec. 8. (1) Whenever a marketing order is issued hereunder to any member of a class of persons, an identical marketing order shall be issued to all members of the same class of persons.

(2) Upon the issuance of any marketing order or any amendment thereof, a notice of said marketing order or amendment shall be posted".

**Amendment No. 58.**

On page 8, line 12, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 59.**

On page 8 of the printed bill, strike out lines 15 and 16, and in lieu thereof insert the following: "of the director to mail a copy of the notice of said marketing order to all known persons subject thereto whose names and addresses may be on file".

**Amendment No. 60.**

On page 8, line 19, of the printed bill, strike out the word and number "Section 10", and insert in lieu thereof the word and number "Section 9".

**Amendment No. 61.**

On page 8, line 21, of the printed bill, strike out the number "10", and insert in lieu thereof the number "9".

**Amendment No. 62.**

On page 8, line 23, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 63.**

On page 8, line 28, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 64.**

On page 8, line 33, of the printed bill, strike out the comma and words ", or license", and insert in lieu thereof the words "or marketing order".

**Amendment No. 65.**

On page 8, line 38, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 66.**

On page 8, line 41, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 67.**

On page 8, line 45, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 68.**

On page 8, line 46, of the printed bill, strike out the word and number "Section 11", and insert in lieu thereof the word and number "Section 10".

**Amendment No. 69.**

On page 8, line 48, of the printed bill, strike out the number "11", and insert in lieu thereof the figure "10".

**Amendment No. 70.**

On page 8, line 49, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 71.**

On page 9, line 1, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 72.**

On page 9, line 3, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 73.**

On page 9, line 11, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 74.**

On page 9, line 14, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 75.**

On page 9, line 15, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 76.**

On page 9, line 19, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 77.**

On page 9, line 23, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 78.**

On page 9, line 25, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 79.**

On page 9, line 28, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 80.**

On page 9, line 35, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 81.**

On page 9, line 36, of the printed bill, strike out the number "9", and insert in lieu thereof the number "7".

**Amendment No. 82.**

On page 9, line 37, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 83.**

On page 9, line 38, of the printed bill, strike out the word and number "Section 12", and insert in lieu thereof the word and number "Section 11".

**Amendment No. 84.**

On page 9, line 40, of the printed bill, strike out the number "12", and insert in lieu thereof the number "11".

**Amendment No. 85.**

On page 9, of the printed bill, strike out line 41, and insert in lieu thereof the following: "enforce all rules and regulations necessary or desir-".

**Amendment No. 86.**

On page 9, of the printed bill, strike out line 43, and insert in lieu thereof the following: "sistent with law. Every general rule or regulation of".

**Amendment No. 87.**

On page 9, line 49, of the printed bill, strike out the words "rule, regulation or order", and insert in lieu thereof the words "rule or regulation".

**Amendment No. 88.**

On page 9, line 50, of the printed bill, strike out the words "An order", and insert in lieu thereof the words "A rule or regulation".

**Amendment No. 89.**

On page 10, line 5, of the printed bill, strike out the word "order", and insert in lieu thereof the word "regulation".



**Amendment No. 90.**

On page 10 of the printed bill, strike out lines 9 to 26, inclusive, and in lieu thereof insert the following:

"SEC. 13. Section 12 of said act is hereby amended to read as follows:

SEC. 12. (1) All persons subject to a marketing agreement or marketing order executed or issued hereunder shall maintain books and records reflecting their operations under said marketing agreement or marketing order and shall furnish to the Director of Agriculture, or his duly authorized or designated representatives, such information as may be requested by them relating to operations under said marketing agreement and marketing order, and shall permit the inspection by said director or his duly authorized or designated representatives, of such portions of such books and records as relate to operations under the said marketing agreement and marketing order.

(2) Information obtained by any person hereunder shall be confidential and shall not be by him disclosed to any other person except in a court proceeding under this act, or to a person with like right to obtain such information, or any attorney representing the State or an administrative agency created hereunder, in connection with the execution or enforcement of this act or any marketing agreement or marketing order issued hereunder.

(3) For the purpose of carrying out the terms of this act the director may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of relevant books, records or documents of any kind.

(4) No person shall be excused from attending and testifying or from producing documentary evidence before the director in obedience to the subpoena of the director on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the director in obedience to a subpoena issued by him; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. Section 13 of said act is hereby amended to read as follows:

SEC. 13. The director may confer and cooperate with the legally constituted authorities of other States and of the United States, in order to secure uniformity in the administration of Federal and State marketing agreements, statutes, or orders and in the regulations thereby prescribed, and said Director of Agriculture shall have power to conduct hearings jointly with the Secretary of Agriculture of the United States, and may exercise his powers under this act to effect such uniformity of administration and regulation not inconsistent with the provisions of this act.

SEC. 15. Section 14 of said act is hereby amended to read as follows:

SEC. 14. (1) Every person who violates any provision of any marketing agreement or marketing order to which he is subject shall be guilty of a misdemeanor and on con-".

**Amendment No. 91.**

On page 10, line 33, of the printed bill, strike out the parenthesized number "(3)", and insert in lieu thereof the parenthesized number "(2)".

**Amendment No. 92.**

On page 10 of the printed bill, strike out lines 35 to 37, inclusive, and insert in lieu thereof the following: "ing agreement executed, or marketing order issued, by the director, or any amendment thereto, or any rule or regulation duly made or promulgated thereunder, or who shall make any shipment without first obtain-".

**Amendment No. 93.**

On page 10, line 44, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing agreement or marketing order".

**Amendment No. 94.**

On page 10, line 46, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing agreement or marketing order".

**Amendment No. 95.**

On page 10, line 47, of the printed bill, strike out the parenthesized number "(4)", and insert in lieu thereof the parenthesized number "(3)".

**Amendment No. 96.**

On page 11 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following: "provisions of any marketing agreement or marketing order, or rule or regulation duly made or promulgated thereunder, to which he is subject."

**Amendment No. 97.**

On page 11, line 6, of the printed bill, strike out the parenthesized number "(5)", and insert in lieu thereof the parenthesized number "(4)".

**Amendment No. 98.**

On page 14, line 7, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 99.**

On page 11, line 8, of the printed bill, strike out the parenthesized number "(3)", and insert in lieu thereof the parenthesized number "(2)".

**Amendment No. 100.**

On page 11, line 10, of the printed bill, strike out the parenthesized number "(6)", and insert in lieu thereof the parenthesized number "(5)".

**Amendment No. 101.**

On page 11, line 11, of the printed bill, strike out the number "16".

**Amendment No. 102.**

On page 11, line 24, of the printed bill, strike out the parenthesized number "(7)", and insert in lieu thereof the parenthesized number "(6)".

**Amendment No. 103.**

On page 11, line 25, of the printed bill, strike out the number "16".

**Amendment No. 104.**

On page 11, line 31, of the printed bill, strike out the abbreviated word and numeral "Sec. 15", and insert in lieu thereof the abbreviated word and numeral "Sec. 16".

**Amendment No. 105.**

On page 11, line 34, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 106.**

On page 11, line 35, of the printed bill, strike out the number "7", and insert in lieu thereof the number "6a".

**Amendment No. 107.**

On page 11, line 43, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 108.**

On page 12 of the printed bill, strike out lines 1 to 37, inclusive.

**Amendment No. 109.**

On page 12, line 38, of the printed bill, strike out the abbreviated word and number "Sec. 17", and insert in lieu thereof the parenthesized number "(3)".

**Amendment No. 110.**

On page 12, line 39, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 111.**

On page 12, line 44, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 112.**

On page 12, line 50, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 113.**

On page 13 of the printed bill, strike out lines 1 to 9, inclusive.

**Amendment No. 114.**

On page 13, line 10, of the printed bill, strike out the parenthesized number "(2)", and insert in lieu thereof the parenthesized number "(4)".

**Amendment No. 115.**

On page 13, line 16, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 116.**

On page 13, line 18, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 117.**

On page 13, line 19, of the printed bill, strike out the parenthesized number "(3)", and insert in lieu thereof the parenthesized number "(5)".

**Amendment No. 118.**

On page 13 of the printed bill, strike out lines 22 to 28, inclusive.

**Amendment No. 119.**

On page 13, line 29, of the printed bill, strike out the words and numbers "SEC. 19. Section 19", and insert in lieu thereof "SEC. 17. Section 16".

**Amendment No. 120.**

On page 13, line 31, of the printed bill, strike out the number "19", and insert in lieu thereof the number "16".

**Amendment No. 121.**

On page 13, line 37, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 122.**

On page 13, line 42, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

**Amendment No. 123.**

On page 14 of the printed bill, strike out lines 3 to 14, inclusive, and in lieu thereof insert the following:

"(3) A common carrier, as such, operating over a regular route, or between fixed termini, shall not be criminally or civilly liable under this act for violation thereof by a consignor or consignee, where such common carrier accepts a shipment of an agricultural commodity without knowledge of the unlawful character of such shipment, and provided a record of every such shipment within or from this State is kept by such common carrier showing the date of shipment, character and quantity of shipment, origin and destination of such shipment, and the names of the consignor and consignee. Such records shall be open to inspection at all reasonable hours by or on the written order of the director."

**Amendment No. 124.**

On page 14, line 15, of the printed bill, strike out the words and numbers "Sec. 21. Section 21", and insert in lieu thereof the words and numbers "Sec. 18. Section 17".

**Amendment No. 125.**

On page 14, line 17, of the printed bill, strike out the number "21", and insert in lieu thereof the number "17".

**Amendment No. 126.**

On page 14 of the printed bill, strike out lines 24 to 26, inclusive, and insert in lieu thereof the following:

"SEC. 19. Section 18 of said act is hereby amended to read as follows:

Sec. 18. Any marketing agreement or license, or both, and".

**Amendment No. 127.**

On page 14 of the printed bill, strike out lines 31 to 33, inclusive, and insert in lieu thereof the following: "for amendment and termination. The term "license," as it may appear elsewhere in this act, is deemed identical in meaning and application with the term "marketing order" as defined and used in these amendments, and shall be so construed in reading this act.

SEC. 20. Section 19 of said act is hereby amended to read as follows:".

**Amendment No. 128.**

On page 14, line 34, of the printed bill, strike out the number "23", and insert in lieu thereof the number "19".

**Amendment No. 129.**

On page 14, line 46, of the printed bill, strike out the word "licenses", and insert in lieu thereof the words "marketing orders".

**Amendment No. 130.**

On page 14 of the printed bill, strike out lines 49 and 50, and insert in lieu thereof the following:

"SEC. 21. Section 20 of said act is hereby amended to read as follows:".

**Amendment No. 131.**

On page 14, line 51, of the printed bill, strike out the number "24", and insert in lieu thereof the number "20".

**Amendment No. 132.**

On page 15 of the printed bill, strike out line 1, and in lieu thereof insert the following:

"SEC. 22. Section 3a of said act is hereby repealed."

**Amendment No. 133.**

On page 15 of the printed bill, strike out lines 2 and 3.

**Amendment No. 134.**

On page 15, line 4, of the printed bill, strike out the number "28" and insert in lieu thereof the number "23"

**Amendment No. 135.**

On page 15, line 5, of the printed bill, strike out the number "29" and insert in lieu thereof the number "24"

**Amendment No. 136.**

On page 15 of the printed bill, after line 5, add a new line to read as follows: "Sec. 25 Section 21 of said act is hereby repealed."

Bill read second time, ordered to reprint, and referred to Committee on Agriculture.

Senate Bill No. 1066—An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 120—An act relating to the certification of fopos.

Bill read second time, ordered to engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 1262—An act to amend section 472 of the Political Code, relating to the State Board of Public Health.

Bill read second time, and ordered on file for third reading.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Contingent Expenses.**

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1937.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the following resolution by Senator Tickle:

WHEREAS, It has been customary for many years for the State to print and distribute free of cost to the students in the schools and to other copies of the Constitution of the State of California, and of the United States, and other documents; and

WHEREAS, The course of study in the schools of the State requires a study of the Constitution; and

WHEREAS, The Constitution of the State of California and the Constitution of the United States and other historical documents are of great use in the teaching of civics in the public schools and in the teaching of Americanization; and

WHEREAS, It is to the benefit of the State of California that the Constitution of the State and other similar documents be readily available to the students in public schools and colleges and for use in the teaching of Americanization; and

WHEREAS, The last edition of such Constitution and documents is now exhausted and there are numerous unfilled requests from the schools and others for copies of such Constitution and other documents; and

WHEREAS, For many years the Legislature has provided for the distribution of the Constitution by members and officers of the Legislature and paid for the same from the contingent fund; therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby directed to procure, revise and have published an up-to-date edition of the Constitution of the State of California, the Constitution of the United States and certain other documents, and to arrange for the distribution of same on request of members of the Senate and others properly entitled thereto, and be it further



*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of thirty-five hundred (3,500) dollars upon the contingent fund of the Senate for the purpose of carrying out the provisions of this resolution and the Treasurer is hereby directed to pay the same.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3.

(Signed out)

RICH, Chairman.

LAW.

McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—30.

NOES—None.

### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 888, heretofore set as a special order, the same was taken up for consideration.

Senate Bill No. 888—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on the revenues derived from the operation of said public utility; and defining the terms public agency and public utility as included herein.

Bill read third time.

### Motion.

Senator Olson moved that Senate Bill No. 888 be laid on the table.

### Ayes and Noes Demanded.

A roll call was demanded by Senators Nielsen, Deuel and Knowland, on the motion to lay on the table.

The roll was called, and the motion to lay Senate Bill No. 888 on the table was lost by the following vote:

AYES—Senator Olson—1.

NOES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—Senators Cunningham, Garrison, Holohan, and Olson—4.

Title read and approved.

Senate Bill No. 888 ordered transmitted to the Assembly.

**Senator Schottky in the Chair.**

At three o'clock and ten minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

Respectfully submitted.

SENATOR GORDON

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Gordon to introduce a bill entitled:

An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote—Ayes—5

(Signed out)

RICH, Chairman.  
McCOLL  
KNOWLAND  
SLATER  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Donel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1107:** By Senator Gordon—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

Senate Bill No. 1107 read first time, and referred to Committee on Governmental Efficiency.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills.**

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regu-

lation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person.

**Amendments from the Floor.**

During third reading of Senate Bill No. 910, the following amendments, offered by Senator Garrison, were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "Act 1970 of the General Laws of the State of California," and insert in lieu thereof the following: "an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923."

**Amendment No. 2.**

On page 1, lines 1 and 2, of the printed bill, strike out "Act 1970 of the General Laws of the State of California", and insert in lieu thereof the following: "the act cited in the title hereof".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged.

**Amendments from the Floor.**

During third reading of Senate Bill No. 7, the following amendments, offered by Senator Swing, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after the comma insert the following: "and to repeal sections 2224, and 2225, of the Welfare and Institutions Code,".

**Amendment No. 2.**

On page 2 of the printed bill, after line 4, insert the following:

"SEC. 2. Sections 2224 and 2225, of the Welfare and Institutions Code are hereby repealed."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

**Amendment from the Floor.**

During third reading of Senate Bill No. 459, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, strike out "commission", and insert in lieu thereof the following: "commissioner".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 61—An act to amend section 647 of the Penal Code, relating to vagrants.**

**Bill read third time.**

**The question being on the passage of the bill.**

The roll was called, and Senate Bill No. 61 passed by the following vote:

**AYES—**Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES—None.**

**Title read and approved.**

Senate Bill No. 61 ordered transmitted to the Assembly.

**Senate Bill No. 756—An act to add section 495 to the Fish and Game Code, relating to chumming.**

**Bill read third time.**

**The question being on the passage of the bill.**

The roll was called, and Senate Bill No. 756 passed by the following vote:

**AYES—**Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES—None.**

**Title read and approved.**

Senate Bill No. 756 ordered transmitted to the Assembly.

**Senate Bill No. 884—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.**

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 884, the following amendments, offered by Senator Nielsen, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 16, of the printed bill, strike out "and any", and strike out line 17, and insert in lieu thereof the following: "shall be".

##### **Amendment No. 2.**

On page 1, line 22, of the printed bill, strike out "judgment".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 71—An act to amend section 1160 of the Political Code, relating to the opening and closing of the polls.**

**Bill read third time.**

**The question being on the passage of the bill.**

The roll was called, and Senate Bill No. 71 passed by the following vote:

**AYES—**Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Parkman, Phillips, Pirovich, Powers, Swing, Westover, Williams, and Young—25.

**NOES—**Senators McCormack, Mixter, Olson, Quinn, Schottky, Seawell, Slater, Tickle, and Wagy—9.

**Title read and approved.**

Senate Bill No. 71 ordered transmitted to the Assembly.



Senate Bill No. 91—An act to amend section 6.750 of the School Code, relating to the use of school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—Senator Parkman—1.

Title read and approved.

Senate Bill No. 91 ordered transmitted to the Assembly.

Senate Bill No. 570—An act to amend sections 2.830 and 2.1145 of the School Code, to repeal section 5.401 of the School Code, to repeal an act entitled "An act relating to the election of teachers in the public schools," approved May 23, 1929, and to add to the School Code a new section to be numbered 5.401, all relating to the powers and duties of governing boards of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 570 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 570 ordered transmitted to the Assembly.

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State money, to declare the urgency hereof, and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting such necessity are as follows:

Upon the expiration of two years after the enactment by Congress of the Banking Act of 1935, signed by the President August 23, 1935, said act prohibits all banks, members of the Federal Reserve System, from paying any interest upon any deposit in the United States, including deposits of public funds made by or on behalf of any State, county, school district, or other subdivision or municipality, which is payable on demand, and makes the payment of interest by such banks on all such deposits, other than those payable on demand, subject to limitation by regulation by the Board of Governors of the Federal Reserve System. Said Banking Act of 1935 also authorizes the Board of Governors of the Federal Reserve System to define "demand" and "time" deposits and to determine what shall be deemed to be a payment of interest and to prescribe such rules and regulations as it may deem necessary, and also requires that no such bank shall pay any time deposit before its maturity except

upon such conditions and in accordance with such rules and regulations as may be prescribed by the said board.

Unless effectively amended on or before August 22, 1937, the existing law of this State, because of the restrictions imposed by the Banking Act of 1935, will make it mandatory that very large sums of public moneys be withdrawn from deposit with banks and that all amounts so withdrawn be held by the Treasurer in his own possession and handled in currency.

It is necessary that the withdrawal of such an amount of currency from circulation at one time be prevented and that the reduced and objectionable charges on the handling of public financial transactions that would immediately result as an inevitable result of such withdrawal and holding of currency, be avoided and that the means of deriving revenue from the depositing of public funds be impeded as little as possible. This act will permit the State to make deposits in such a manner as to comply with the Federal requirements. This act is necessary in order to permit the economical, orderly, and safe handling of the funds of the State.

Urgency clause read.

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 116 ordered transmitted to the Assembly.

Senate Bill No. 471—An act to add a new section to the Agricultural Code to be numbered 308.5, relating to inspectors employed by the Director of Agriculture of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 471 ordered transmitted to the Assembly.

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such lands and to dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes, to make an appropriation therefor, and to repeal an act entitled "An act

authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1935, to declare the urgency thereof, and to provide that this act shall take immediate effect.

Bill read third time.

#### **Urgency Clause.**

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The Congress of the United States is now in session and probably will make an appropriation for the carrying out of the terms of the "Fulmer Act" (August 29, 1935, Chapter 808, sections 1, 2 and 3, 46 Stats. 963; 11 U. S. C. A. 567a to 567c inclusive), if an act is passed, permitting this State to take advantage of this act. If this act does not take effect immediately upon its approval, such an appropriation will not be made and the State of California will lose the advantage of the provisions of the "Fulmer Act."

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

#### **Call of the Senate.**

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McGovern, Mixter, Packman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

The Secretary announced the absentees.

Time, four o'clock and ten minutes p.m.

Senator Schottky directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### **Proceedings under Call of the Senate.**

##### **Third Reading of Assembly Bills.**

Assembly Bill No. 2061—An act to amend section 73700 of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Mateo.

##### **Amendments from the Floor.**

During third reading of Assembly Bill No. 2061, the following amendments, offered by Senator Pierovich, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 737b, 737c, 737i, and".

##### **Amendment No. 2.**

On page 1 of the printed bill, strike out lines 2 and 3 of the title, and insert in lieu thereof the following: "to the salary of judges of the superior court."

**Amendment No. 3.**

On page 1, line 1, of the printed bill after "Section 1," strike out the balance of the line, and strike out all of line 2, and insert in lieu thereof the following: "Section 737b of the Political Code is hereby amended to read as follows:

737b. The annual salary of the judge of the superior court in and for the county of Alpine is six thousand dollars.

Sec. 2. Section 737c of said code is hereby amended to read as follows:

737c. The annual salary of the judge of the superior court in and for the county of Amador is \$6,000.

Sec. 3. Section 737i of said code is hereby amended to read as follows:

737i. The annual salary of the judge of the superior court in and for El Dorado county is \$6,000.

Sec. 4. Section 737oo of said code is hereby amended to read as follows:

**Amendment No. 4.**

On page 1, line 3, of the printed bill, strike out "judge", and insert in lieu thereof the following: "judges".

Bill read, ordered to reprint, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At four o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The names of the absentees were called, and the urgency clause to Senate Bill No. 554 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jepsen, Keating, Knowl, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Patterson, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—Senators Gordon, and Tickle—2.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 554 ordered transmitted to the Assembly.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 809—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 809 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Knowland, Law, McBride, McColl,



McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 809 ordered transmitted to the Assembly.

Senate Bill No. 66—An act authorizing the State of California through its proper officers, departments or agencies to issue duplicate bonds, coupons, warrants or other evidences of indebtedness of the State of California when the originals have been lost or destroyed, providing for the State to take security against loss or damage that may be incurred on account of the loss and the issuance of the duplicates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 66 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 66 ordered transmitted to the Assembly.

Senate Bill No. 67—An act to amend section 752 of the Political Code, relating to fees collected by the clerk of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 67 ordered transmitted to the Assembly.

Senate Bill No. 788—An act repealing section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, etc., approved April 20, 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 788 ordered transmitted to the Assembly.

Senate Bill No. 808—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 808 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Hobbs, Keating, Kneale, Law, McCall, McCormack, McGovern, Mixter, Nielsen, Olson, Parkison, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 808 ordered transmitted to the Assembly.

Senate Bill No. 647—An act to amend section 492 of the Fish and Game Code, relating to mutilation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Hobbs, Keating, Kneale, Knowland, Law, McCall, McCormack, Mixter, Nielsen, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 647 ordered transmitted to the Assembly.

Senate Bill No. 654—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Hobbs, Keating, Knowland, Law, McCall, McCormack, Mixter, Nielsen, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 654 ordered transmitted to the Assembly.

Senate Bill No. 188—An act to amend section 5 of Chapter 191, Statutes of 1923, entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Mixter, Nielsen, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Westover, and Young—22.

NOES—None.

Title read and approved.

Senate Bill No. 188 ordered transmitted to the Assembly.

Senate Bill No. 965—An act to amend section 4250 of the Political Code, relating to the compensation of officers and employees in counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 965 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Mixter, Nielsen, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, and Young—23.

NOES—None.

Title read and approved.

Senate Bill No. 965 ordered transmitted to the Assembly.

Senate Bill No. 898—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Mixter, Nielsen, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, and Young—24.

NOES—None.

Title read and approved.

Senate Bill No. 898 ordered transmitted to the Assembly.

Senate Bill No. 555—An act to amend section 737kk of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Mixter,

Nielsen, Pierovich, Powers, Quinn, Schottky, Slater, Strong, Williams, and Young—21.

NOES—None.

Title read and approved.

Senate Bill No. 555 ordered transmitted to the Assembly.

Senate Bill No. 194—An act to amend section 737P of the Political Code, relating to the salary of the superior judge of the county of Kings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Myster, Nielsen, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Strong, Locke, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 194 ordered transmitted to the Assembly.

Senate Bill No. 899—An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 899 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, McCormack, Myster, Nielsen, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Strong, and Young—24.

NOES—None.

Title read and approved.

Senate Bill No. 899 ordered transmitted to the Assembly.

Senate Bill No. 419—An act to amend section 698 of the Fish and Game Code, relating to black bass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 419 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, Myster, Pierovich, Quinn, Schottky, Seawell, Slater, Strong, Williams, and Young—22.

NOES—None.

Title read and approved.

Senate Bill No. 419 ordered transmitted to the Assembly.



Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276 and 277 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

**Amendment from the Floor.**

During third reading of Senate Bill No. 404, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, after line 52, insert the following:  
"Sec. 7. Section 275 of the Vehicle Code is hereby repealed."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

**Amendment from the Floor.**

During third reading of Senate Bill No. 901, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, as amended March 11, 1937, after the period, insert: "Nothing in this section contained, however, shall limit or affect the authority conferred by section 1191 of this code."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands; declaring the urgency thereof; and providing this act shall take effect immediately.

**Amendments from the Floor.**

During third reading of Senate Bill No. 636, the following amendments, offered by Senator Knowland, were read and adopted.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend section 1 of", and insert in lieu thereof the following: "add section 1.5 to".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1.5 is hereby added to the act cited in the title hereof, to read as".

**Amendment No. 3.**

On page 1, line 8, of the printed bill, strike out "(e)", and insert in lieu thereof the following: "Sec. 1.5."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Municipal Corporations.**

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 849—An act to add a new section to be numbered §62.264 to an act entitled "An act to provide for the organization, incorporation and government

of municipal corporations," approved March 18, 1883, empowering cities of the sixth class to employ economic or financial experts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3, absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 17, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 520—An act to add a new section to be numbered 136 to the Street Lighting Act of 1919 (Statutes of 1919, p. 612), relating to collection of municipal assessments by the county.

Assembly Bill No. 521—An act to add a new section to be numbered 86 to the Street Lighting Act of 1931 (Statutes of 1931, page 1-241), relating to collection of municipal assessments by the county.

Assembly Bill No. 522—An act to amend section 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to special assessment taxes.

Assembly Bill No. 1441—An act to repeal an act entitled "An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness," approved by the Governor April 26, 1935.

Assembly Bill No. 2080—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their names of office, qualifications and compensation and for the selection of county clerks," approved May 23, 1925, as amended, relating to municipal courts, and the judges and attaches thereof, in cities or cities and counties of the second and third class. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3, absent—2.

McGOVERN, Chairman.

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 205—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor;

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts.

Senate Bill No. 423—An act to amend sections 5, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Senate Bill No. 593—An act to add section 1872 to the Code of Civil Procedure, relating to expert testimony;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 491—An act to amend sections 3197, 3198, and to add a new section to be numbered 3197a, to the Political Code, relating to trade-marks;

Senate Bill No. 1035—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "California Marketing Agreement Act of 1935," and other acts designed to establish and enforce minimum prices for products produced, manufactured or processed in California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 401—An act to amend section 261 of the Code of Civil Procedure, relating to superior court commissioners;

Assembly Bill No. 1679—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds in civil actions or proceedings;

Assembly Bill No. 1680—An act to add a new section to the Probate Code to be numbered 1530a, relating to compromise of claim against estate of ward;

Assembly Bill No. 1682—An act to amend section 506 of the Code of Civil Procedure, relating to restrictions on appointment of receiver;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## On Elections.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 265—An act to amend section 24 of the Direct Primary Law, relating to party conventions;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

ALLEN, Chairman.

## On Revision of Criminal Law and Procedure.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same;

Senate Bill No. 282—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 291—An act to add section 1201.5 to the Penal Code, relating to motions after judgment;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

## On Finance.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 333—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

## On Roads and Highways.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

McCORMACK, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 264—An act to add section 124 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes.

Senate Bill No. 937—An act to add a new section, to be numbered 112, to the Streets and Highways Code, relating to official grades of State highways within cities.

Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—7; absent—2

McCORMACK, Chairman.

## Adjournment.

At five o'clock and five minutes p.m., on motion of Senator Swing the Acting President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, March 19, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

## IN SENATE

SENATE CHAMBER,

SACRAMENTO, Friday, March 19, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. Wm. P. Rich, President, pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

## Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLoe, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holcomb, Jepsen, Keough, Kyrtland, LaRue, McRide, McColl, McCormack, McGovern, Metzger, Miller, Nelson, Parkman, Powers, Purvich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—36.

Quorum present.

## Prayer.

The following prayer was offered by the Chaplain, Rev. Clarence A. Kircher:

Dear Lord and Father of mankind,  
 Forgive our feverish ways,  
 Reclothe us in our rightful minds,  
 In purer lives Thy service find  
 In deeper reverence, praise.  
 We thank Thee for the sunshine and the rain,  
 For summer flowers and fields of growing grain,  
 For blessings from Thy boundless store,  
 For home, and friends, and life forever more.  
 Amen.

## Reading of the Journal.

During the reading of the Journal of Thursday, March 18, 1937, the further reading was, on motion of Senator Slater, dispensed with.

## Leaves of Absence.

Senator Allen was, on motion of Senator Schottky, granted leave of absence for this day.

Senator Olson was, on motion of Senator McGovern, granted leave of absence for this day.



Senator Tickle was, on motion of Senator Cunningham, granted leave of absence for this day.

Senator Keating was, on motion of Senator Holohan, granted leave of absence for this day.

### **Privilege of Floor of Senate Extended.**

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. E. Railsback and J. H. McSlashan of Kings County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Wm. d'Eglibert of San Francisco and Mrs. E. J. Guidotti of Guerneville.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator L. N. Simons of South Dakota.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. H. Waggy of Bakersfield, J. David Laird of Bakersfield and E. J. Cuthbertson of Taft.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Gene Nicholson of Los Angeles and Mrs. Euginia Hemming of San Diego.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Abraham Terkel of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank J. Rossi, City Engineer of Modesto.

### **Reports of Standing Committee.**

The following reports of standing committee were received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 23—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers;

Senate Bill No. 120—An act relating to the electrification of fences;

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property;

Senate Bill No. 160—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax;

Senate Bill No. 231—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the Water Conservation Act of 1929, and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity;

Senate Bill No. 257—An act to amend section 3612 of the Political Code relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 258—An act to amend section 3611 of the Political Code relating to the exemption from taxation of buildings and real property used exclusively for religious worship;

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59 of the Agricultural Code, relating to live stock, mules and burros;

Senate Bill No. 609—An act to amend section 324 of the California Irrigation District Act, relating to the payment of principal or interest on floating or refunding bonds;

Senate Bill No. 613—An act to amend section 96 of the "Bank Act" relating to deposits of money received by State Treasurer from trust companies;

Senate Bill No. 753—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of bonding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof;

Senate Bill No. 874—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district;

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1021—An act to add section 13a to the Dental Practice Act, relating to places of practice;

Senate Bill No. 1066—An act to amend sections 840, 842, 844, 845 and 845.1 of and to add sections 842.6, 844.1, 844.2 and 844.3 to the Agricultural Code, relating to honey standards;

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass;

Senate Bill No. 205—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor;

Senate Bill No. 264—An act to add section 134 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes;

Senate Bill No. 282—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts;

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts;

Senate Bill No. 593—An act to add section 1872 to the Code of Civil Procedure, relating to expert testimony;

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same;

Senate Bill No. 937—An act to add a new section, to be numbered 112, to the Streets and Highways Code, relating to official grades of State highways within cities;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 636—An act to add section 1.5 to an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands; declaring the urgency thereof; and providing this act shall take effect immediately;

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance;

Senate Bill No. 910—An act to amend section 6 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 477—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education;

Senate Bill No. 950—An act to amend section 527 of the Political Code, relating to legislative printing;

And reports that the same have been correctly enrolled and presented to the Governor on the nineteenth day of March, 1937, at eleven o'clock and thirty minutes a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles;

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands;



Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of same and for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title, all relating to the Sacramento and San Joaquin Drainage District, declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same have been correctly reengrossed.

KEOUGH, Chairman.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$1,006.33 to pay the bills and for the purposes set forth below, and the Treasurer is hereby directed to pay the same:

Postage for Senate Printing Department	\$200.00
Pacific Telephone and Telegraph Co.	91.96
State Supply Department	550.82
H. S. Crocker & Co., equipment for Senate offices, Room 404	63.55
	<hr/>
	\$1,006.33

RICH, Chairman.  
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Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jespersen, Knowland, Law, McBride, McGill, Meyer, Phillips, Powers, Rich, Schortky, Slater, Swing, Waggy, Westover, and Young—23.  
**NOES**—None.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relating to water and power development.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Constitutional Amendment No. 19 were read and adopted:

##### Amendment No. 1.

On page 1, line 21, of the printed bill, after the word "irrigation", insert a "comma (,)", and the words "publicly owned utility".

##### Amendment No. 2.

On page 3, line 7, of the printed bill, strike out the words "twenty five", and substitute therefor the words "not more than fifty".

##### Amendment No. 3.

On page 4, line 12, of the printed bill, after "committees", add the following:  
"All the terms and conditions of such bonds, and the issue and sale thereof, shall be such as the board may determine; provided, that provision shall be made for the complete amortization of the aggregate principal amount of each issue of such bonds within a period of fifty years from their date (through the medium of serial, or sinking fund, bonds, or otherwise, as the board may determine) and that the annual service charge (i.e., the aggregate of interest and principal payments, whether by maturity or sinking fund payment), on the issue for all years subsequent to the



expiration of ten years after the date of such bonds shall be substantially equal, as near as may be, throughout the life of said bonded debt, giving preference, if any, to the payments first becoming payable on each issue, (and said payments shall be deemed to be substantially equal if the smallest thereof is not less than 75 per cent of the largest thereof); and provided further, that the payment of said bonds shall begin not later than ten years from the date thereof and be completed in not more than fifty years from said date. The board may provide for the refunding of any bonds so issued by the issue of new bonds upon such terms and conditions as it may prescribe; provided, the aggregate principal amount of each issue of such refunding bonds shall be completely amortized within a period of fifty years from the date of the bonds which they refund, rather than from the date of the refunding bonds, and that the annual service charges, as above defined, on the issue of refunding bonds for all years subsequent to their issue shall be substantially equal (and they shall be deemed to be substantially equal if the smallest thereof is not less than 75 per cent of the largest thereof).

Without limiting in any way the generality of the power above extended to the board to determine all the terms and conditions of the issue and sale of bonds, subject only to the express limitations above set forth, the board is expressly authorized, in its discretion, to provide, in connection with the authorization of any issue of such bonds, that the same may be issued in negotiable or nonnegotiable form; that they, and the interest thereon, may be payable or collectible at any place or places, within or without the State of California; that they may be issued in fully registered or in coupon form, registerable or nonregisterable as to principal, interchangeable or noninterchangeable as between registered and coupon bonds and as between bonds of differing denominations; that they may be redeemable, either at the option of the issuer, or in the operation of any sinking fund provided for the issue, at such price or prices as the board may determine; and that provision may be made for the appointment of such paying agents or sinking fund agents, for any such issue of bonds, as the board may determine, and for the deposit of funds with such agents for the service of such bonds and the application of such funds by such agencies for the purposes for which deposited."

#### **Amendment No. 4.**

On page 5, line 47, of the printed bill, strike out the words "within twenty-five", and substitute therefor the words "in not more than fifty".

#### **Amendment No. 5.**

On page 6 of the printed bill, strike out lines 7 to 28, inclusive.

#### **Amendment No. 6.**

On page 6, line 40, of the printed bill, after the word "sold", delete the "period (.)", and in lieu thereof substitute a "semicolon (;)", and add the following: "provided further, that expenses for the investigation, appraisal, or the conduct of court proceedings for the condemnation of property for public purposes, or other court costs or board expenditures, for any political subdivision or public corporation, may be paid to the board for such purposes by the political subdivision or public corporation requesting such service, and the board after receiving such funds as necessary is hereby empowered to perform the service requested and expend the funds provided therefor".

#### **Amendment No. 7.**

On page 7 of the printed bill, delete lines 41 to 47, inclusive.

#### **Amendment No. 8.**

On page 7 of the printed bill, at the end of line 11, add the following: ", so far as practicable,".

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 849—An act to add a new section to be numbered 862.26½ to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, empowering cities of the sixth class to employ economic or financial experts.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 849 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to add section 862 28 to an act

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 5 of the title, and insert in lieu thereof the following: "class to contract for the furnishing to such cities of special services in financial, economic, or other matters."

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 22, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 862 28 is hereby added to the act cited in the title hereto to read as follows:

Sec. 862 28. To contract with any person, firm, or corporation for the furnishing to the city of special services and advice in technical, economic, engineering, engineering, legal or administrative matters by persons specially trained and experienced in such lines of work and who are in the opinion of the city council competent to perform the services required.

The council may pay or agree to pay such compensation to these experts as it may deem proper for the services rendered or agreed to be rendered by the expert or experts with whom the contract is made."

Bill read second time, ordered to print engrossment, and on file for third reading.

Senate Bill No. 205—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 423—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies; to provide for the regulation, bending, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 593—An act to add section 1872 to the Code of Civil Procedure, relating to expert testimony.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 491—An act to amend sections 3197, 3198, and to add a new section to be numbered 3197a, to the Political Code, relating to trade-marks.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 491 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 and 2, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend sections 3197 and 3198 of, and to add sections 3197a, 3197b and 3197c to, the Political Code, relating".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 3, and insert in lieu thereof the following:

"3197. Any person, firm, corporation or association may register any trade mark used by him or it in this State by filing".

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 6, and insert in lieu thereof the following: "first date of such use of said mark and a".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 12 to 14, inclusive, and insert in lieu thereof the following: "ances, setting forth that the applicant is the exclusive owner of such trade-mark."

**Amendment No. 5.**

On page 2 of the printed bill, between lines 22 and 23, insert the following:

"Sec. 3. A new section is hereby added to the Political Code to be known as section 3197b, to read as follows:

3197b. The Secretary of State shall cancel registrations of trade-marks of record in his office under the following circumstances:

(a) Upon the filing of a voluntary request for such cancellation signed by the claimant, or a duly qualified officer if it be a corporation, a member of the firm, or the assignee of record.

(b) Upon the filing of a certified copy of a final judgment by a court ordering such registration canceled, when it appears upon the face of such judgment that the court had jurisdiction of the subject matter and the parties.

(c) Upon the filing of satisfactory proof that the claimant or his assignee of record has intentionally abandoned the use of the particular trade-mark.

SEC. 4. A new section is hereby added to the Political Code to be known as section 3197c, to read as follows:

3197c. Upon petition by an applicant whose application has been rejected on reference to a prior registration, and upon a showing of priority of adoption and use in this State, of the mark in controversy by the applicant, satisfactory to the Secretary of State, the Secretary of State may issue a certificate of registration to the applicant and cancel the prior registration."

**Amendment No. 6.**

On page 2, line 23, of the printed bill, after "SEC.", strike out "3", and insert in lieu thereof the following: "5".

**Amendment No. 7.**

On page 2, line 26, of the printed bill, strike out "filed", and insert in lieu thereof the following: "registered".

**Amendment No. 8.**

On page 2, line 32, of the printed bill, after "Years", insert the following: "and all registrations of record as of the effective date hereof are hereby extended for a period of 20 years from such date, subject, however, to the provisions of sections 3197b and 3197c of this code".

**Amendment No. 9.**

On page 2, line 38, of the printed bill, strike out "were", and insert in lieu thereof the following: "are".

**Amendment No. 10.**

On page 2, line 40, of the printed bill, after "be", insert the following: "prima facie evidence of the ownership of such mark and shall be".

**Amendment No. 11.**

On page 2, line 50, of the printed bill, after "registration", insert the following: "and cancellation".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1035—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "California Marketing Agreement Act of 1935," and other acts designed to establish and enforce minimum prices for products produced, manufactured or processed in California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 1035 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 4 to 7 inclusive of the title and insert in lieu thereof the following: "Unfair Practices Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 4 to 8 inclusive and insert in lieu thereof the following:

"Unfair Practices Act," "Highway Carriers' Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California, as now in force or may hereafter be enacted."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 265—An act to amend section 24 of the Direct Primary Law, relating to party conventions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 282—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 333—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 333 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 3 and 4, and insert in lieu thereof the following: "plant quarantine border inspection stations not to exceed twenty-eight thousand five hundred dollars (\$28,500) out of money".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.



Senate Bill No. 264—An act to add section 134 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 937—An act to add a new section, to be numbered 112, to the Streets and Highways Code, relating to official grades of State highways within cities.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 893 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 30, of the printed bill, before the word "Indio", insert the word "near".

##### **Amendment No. 2.**

On page 3 of the printed bill, strike out all of lines 20, 21, and 22.

##### **Amendment No. 3.**

On page 3, line 23, of the printed bill, strike out the figure "7", and insert in lieu thereof the figure "6".

##### **Amendment No. 4.**

On page 3, line 30, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "7".

##### **Amendment No. 5.**

On page 3, line 39, of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "8".

##### **Amendment No. 6.**

On page 4, line 1, of the printed bill, strike out the figures "10", and insert in lieu thereof the figure "9".

##### **Amendment No. 7.**

On page 4, line 5, of the printed bill, strike out the figures "11", and insert in lieu thereof the figures "10".

##### **Amendment No. 8.**

On page 4, line 11, of the printed bill, strike out the figures "12", and insert in lieu thereof the figures "11".

##### **Amendment No. 9.**

On page 4, line 18, of the printed bill, strike out the figures "13", and insert in lieu thereof the figures "12".

##### **Amendment No. 10.**

On page 4, line 24, of the printed bill, strike out the figures "14", and insert in lieu thereof the figures "13".

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### **Second Reading of Assembly Bills.**

Assembly Bill No. 520—An act to add a new section, to be numbered 13b, to the Street Lighting Act of 1919 (Statutes of 1919, p. 612), relating to collection of municipal assessments by the county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 521—An act to add a new section, to be numbered 8a, to the Street Lighting Act of 1931 (Statutes of 1931, p. 1324), relating to collection of municipal assessments by the county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 522—An act to amend section 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to special assessment taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1441—An act to repeal an act entitled "An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness," approved by the Governor April 26, 1935.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2080—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 401—An act to amend section 261 of the Code of Civil Procedure, relating to superior court commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1679—An act to amend section 1958 of the Code of Civil Procedure, relating to the giving of bonds in civil actions or proceedings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1680—An act to add a new section to the Probate Code to be numbered 1530a, relating to compromise of claim against estate of ward.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1682—An act to amend section 566 of the Code of Civil Procedure, relating to restrictions on appointment of receiver.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 291—An act to add section 1201.5 to the Penal Code, relating to motions after judgment.

Bill read second time, and ordered on file for third reading.

### Third Reading of Senate Bills.

#### Senate Joint Resolution No. 3.

Relative to hours of employment of persons on interstate carriers.

WHEREAS, Under the provisions of the laws of the United States persons employed on interstate railroads are required to remain on duty 16 consecutive hours; and,

WHEREAS, Such extended period of continuous employment tends to the physical exhaustion and the consequent inefficiency of such employees, increasing the danger of mishap; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of this State hereby urges upon the Congress of the United States the adoption of a law limiting the hours of employment of such persons to 12 consecutive hours in any 24 consecutive hours, and declaring that such employees shall remain off duty at least 12 consecutive hours.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, McBride, McColl, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—26.

NOES—None.

Senate Joint Resolution No. 3 ordered transmitted to the Assembly.

Senate Bill No. 550—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts, and to the notice required therefor, the qualifications of bidders thereon, and the rights and remedies of bidders thereon in case of mistake.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 550 ordered transmitted to the Assembly.

Senate Bill No. 642—An act to amend section 5.120 of the School Code, relating to the issuing of credentials by the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 642 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 642 ordered transmitted to the Assembly.

Senate Bill No. 644—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4.368, relating to school district budgets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 644 ordered transmitted to the Assembly.

Senate Bill No. 645—An act to amend sections 2 100 and 2 449 of the School Code, both relating to the change of boundaries of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 645 ordered transmitted to the Assembly.

Senate Bill No. 732—An act to amend sections 1 and 2 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1935, relating to assessment districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

**NOES**—Senator Hays—1.

Title read and approved.

Senate Bill No. 732 ordered transmitted to the Assembly.

Senate Bill No. 936—An act relating to the control and jurisdiction over, and disposition of certain State lands therein described.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 936 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack,



McGovern, Metzger, Mixter, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 936 ordered transmitted to the Assembly.

Senate Bill No. 450—An act to amend section 304 of the Streets and Highways Code, relating to State Highway Route 4.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Cunningham, Delap, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 450 ordered transmitted to the Assembly.

#### Senate Joint Resolution No. 8.

Relative to the control of white pine blister rust by the United States Government.

WHEREAS, The white pine blister rust was imported from Europe to the United States, and has spread to Idaho, Washington, Oregon, and finally to California; and

WHEREAS, The white pine blister rust, if uncontrolled, will kill all five-needle pines including sugar pine which is the most important timber species in many California counties; and

WHEREAS, The loss of sugar pine will mean the loss of employment for thousands of men now engaged in lumbering operations in California, and heavy loss in assessed values of the counties; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the State of California through its Legislature recommends to the President and to the Congress of the United States, and to the Secretary of Agriculture, and to the Chief of the Bureau of Entomology and Plant Quarantine, that Federal funds that are now available, or are hereafter made available for the control of white pine blister rust, be expended on private and State timberlands as well as upon federally owned timberlands; and

*Be it further resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and to the members of the Senate and House of Representatives, and to the Secretary of Agriculture, and to the Chief of the Bureau of Entomology and Plant Quarantine.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—29.

NOES—None.

Senate Joint Resolution No. 8 ordered transmitted to the Assembly.

#### Senate Joint Resolution No. 11.

Relative to memorializing the President and Congress of the United States to increase the WPA appropriation.

WHEREAS, Recent reductions in Federal WPA allocations to California have made necessary sharp reductions in Federal contributions for materials to an average figure of from \$7 to \$5 per man month of labor employed; and

WHEREAS, These reductions include Federal contributions on projects begun but not yet completed; and

WHEREAS, The original agreements on most of these projects between local government sponsors and WPA called for Federal contribution for materials amounting to an average of from \$17 to \$13 per man month of labor employed; and

WHEREAS, The city and county budgets under which these sponsors operate can not provide for unanticipated increases in local contributions in the middle of a fiscal year; and

WHEREAS, The local governments feel that these original agreements under which the projects were begun are a moral if not a legal obligation of the Federal Government; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly:* That the President and the Congress of the United States are respectfully requested to make an appropriation to WPA to become immediately available, or at least sufficient to permit the completion of projects begun but not yet completed, on the basis of original agreements for allocating cost of materials, and be it further

*Resolved,* That certified copies of this resolution be forwarded by the Secretary of the Senate of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to all the Senators and Representatives from California in the United States Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Law, McCall, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Piotovich, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Williams—27.

NOES—None.

Senate Joint Resolution No. 11 ordered transmitted to the Assembly.

Senate Bill No. 403—An act to amend sections 292, 297, 311 and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Law, McBride, McCall, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 403 ordered transmitted to the Assembly.

Senate Bill No. 330—An act to add section 588.10 to the Vehicle Code, relating to parking. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Law, McBride, McCall, McCormack, McGovern, Metzger, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 330 ordered transmitted to the Assembly.

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—32.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 396 ordered transmitted to the Assembly.

Senate Bill No. 409—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to repeal section 309 thereof, relating to the operation of vehicles by minors and the responsibility of other persons therefor.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—31.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 409 ordered transmitted to the Assembly.

Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 992 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—29.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 992 ordered transmitted to the Assembly.

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.5 to the Insurance Code, relating to insurance.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 465 the following amendment, offered by Senator Hays, was read and adopted:

##### **Amendment No. 1.**

In line 1 of the title of the printed bill, as amended, strike out "1713.5" and insert in lieu thereof the following: "1713.6".

##### **Amendment No. 2.**

On page 1, line 2 of the printed bill, as amended, strike out "1713.6" and insert in lieu thereof the following: "1701.5".

**Consideration of Senate Bill No. 465, as Amended.**

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.6 to the Insurance Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, and Williams. 32.

NOES—None.

Title read and approved.

Senate Bill No. 465 ordered transmitted to the Assembly.

Senate Bill No. 167—An act to amend sections 136 and 136.5 of the Streets and Highways Code, relating to contracts of the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 167 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, and Westover. 30.

NOES—None.

Title read and approved.

Senate Bill No. 167 ordered transmitted to the Assembly.

Senate Bill No. 257—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, and Williams. 30.

NOES—None.

Title read and approved.

Senate Bill No. 257 ordered transmitted to the Assembly.

Senate Bill No. 258—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer,



Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing Wagy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 258 ordered transmitted to the Assembly.

Senate Bill No. 160—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 160 ordered transmitted to the Assembly.

Senate Bill No. 609—An act to amend section 32d of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 609 ordered transmitted to the Assembly.

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 148 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 148 ordered transmitted to the Assembly.

Senate Bill No. 231—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the Water Conservation Act of 1929, and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Dond, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McCall, McCormack, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 231 ordered transmitted to the Assembly.

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1099 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Dond, Fletcher, Gordon, Hollister, Holohan, Keough, Law, McBride, McCall, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 1099 ordered transmitted to the Assembly.

Senate Bill No. 874—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 874 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Law, McBride, McCall, McCormack, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, and Waggy—25.

NOES—None.

Title read and approved.

Senate Bill No. 874 ordered transmitted to the Assembly.

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59, of the Agricultural Code, relating to live stock marks and brands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Hays, Hollister, Holohan, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Williams—24.  
NOES—None.

Title read and approved.

Senate Bill No. 473 ordered transmitted to the Assembly.

(NOTE: The action of the Senate, in passing this bill, was rescinded on April 14th, 1937.—J. A. Beek, Secretary of Senate.)

Senate Bill No. 23—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, and Wagy—25.  
NOES—None.

Title read and approved.

Senate Bill No. 23 ordered transmitted to the Assembly.

Senate Bill No. 120—An act relating to the electrification of fences.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 120 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Hays, Hollister, Holohan, Keough, McBride, McColl, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, and Wagy—22.  
NOES—None.

Title read and approved.

Senate Bill No. 120 ordered transmitted to the Assembly.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote—Ayes—2; noes—1.

WINTOVER, Chairman.

### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction, relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction; prescribing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and clerks; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for application of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the assessment thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote—Ayes—6; absent—1.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred

Senate Concurrent Resolution No. 13—Directing the Director of Finance and the Attorney General to take immediate and proper action to remove oil production and proceeds of production of oil, gas or other hydrocarbon substances taken, removed and produced from State lands by means of oil wells drilled upon privately owned lands; to enjoin further trespasses; and to intervene in certain actions for the protection of the interests of the State;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the concurrent resolution be re-referred to this committee.

Committee membership—7; committee vote—Ayes—6; absent—1.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred

Senate Bill No. 971—An act to amend sections 2, 3 and 4 of "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote—Ayes—6; absent—1.

WAGY, Chairman.

### On Education.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 445—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article 11a, relating to accumulation and expenditure of funds by school districts for capital outlay purposes;



Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district;

Senate Bill No. 643—An act to repeal "An act relating to the apportionment of moneys to elementary school districts," approved May 31, 1929; to repeal sections 4.784 and 4.796 of the School Code; and to amend sections 4.774, 4.785 and 4.797 thereof, all relating to the apportionment of funds to elementary school districts; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

DEUEL, Vice Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 989—An act to amend section 2.971 of the School Code, relating to election of boards of education;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

DEUEL, Vice Chairman.

#### On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred:

Senate Bill No. 389—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others, specially in need thereof, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 390—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part II of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein;

Senate Bill No. 391—An act to add Chapter 1, comprising sections 2000 to 2225, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

SCHOTTKY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred:

Senate Bill No. 392—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part I of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein;

Senate Bill No. 312—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

SCHOTTKY, Chairman.

**On Drainage, Swamp and Overflowed Lands.**

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamps, and Overflowed Lands, to which was referred:

Senate Bill No. 490—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding a new section thereto to be numbered section 16a, relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district, and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

**On Labor and Capital.**

SENATE CHAMBER, SACRAMENTO, March 12, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 830—An act to amend sections 4, 5, 7, 8, the first paragraph and subdivision (a) of section 9, subdivision 2 of section 9, section 11, section 12, subdivision (a) of section 18, subdivision (a) of section 20, subdivision (e) of section 30, and section 39 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to workmen's compensation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3, absent—2.

OLSON, Chairman.

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 8—An act to provide an institution for the care and confinement of recurred narcotic addicts, to provide for the maintenance and government thereof; to provide for commitment to and parole or discharge from such institution; to prescribe penalties for escaping or for violating the terms or conditions of discharges or paroles; and to prescribe penalties for procuring, aiding or advising in the escape of inmates, or concealing them after escape;

Senate Bill No. 425—An act to promote temperance in the use of alcoholic beverages, relating to the manufacture, sale and use of alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 21, 24, 33, 34, 37, 54 and 60 of the Alcoholic Beverage Control Act, and to add new sections thereto all relating to the manufacture, sale and use of alcoholic beverages.

Senate Bill No. 557—An act to amend section 3731 of the Political Code, relating to the Department of Natural Resources;

Senate Bill No. 1054—An act to amend sections 12 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide

penalties for the violation of the provisions of this act, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 443—An act to add section 12.5 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance without recommendation.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments for certain purposes;

Senate Bill No. 1061—An act to add section 366f to the Political Code, relating to the conditions of employment at the Preston School of Industry;

Senate Bill No. 1052—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article IV thereof, a new section to be numbered 36, relating to the power of the State Highway Commission over highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 72—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego;

Senate Bill No. 544—An act to amend Chapter 493, Statutes of California, 1917, entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, and to add new sections thereto to be known as 7a, 7b, 7c, 7d, 7e and 7f, setting forth the manner of application and providing for rules and regulations for the use of state-owned property;

Senate Bill No. 545—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923, (Chapter 155, Statutes of California, 1923);

Senate Bill No. 546—An act to amend sections 3, 4, 5, 6, 7, 8, 10, 14 and 16 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from



said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams," approved April 27, 1911, relating to the powers and duties of the Division of State Lands with respect thereto.

Senate Bill No. 547—An act to amend subsection 7, and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 549—An act to amend section 2805c of the Political Code, providing for the cancellation of assessments on certain lands of the State.

Senate Bill No. 86—An act to transfer the various lands, parks, forests, riparian rights and jurisdiction of the Department of Natural Resources, Division of Parks, over and appertaining to the State Burial Grounds to the Department of Finance of the State of California, and to repeal certain acts specified herein.

Senate Bill No. 870—An act to amend section 675 of the Political Code, relating to the powers of the Director of the Department of Finance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1435—An act to amend section 445 of the Political Code, relating to the salaries of the inheritance tax attorney and five assistant inheritance tax attorneys.

Assembly Bill No. 1620—An act to amend section 439 of the Political Code, relating to employees in the Controller's office.

Assembly Bill No. 1562—An act to add section 535a to the Political Code, relating to State printing.

Assembly Bill No. 1579—An act to amend section 452 of the Political Code, relating to the duties of the State Treasurer.

Assembly Bill No. 1580—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, by adding a new section thereto, relating to disposition of fees received by the State Treasurer.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 241—An act to provide for the organization of an industrial court, to define its powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

HAYS, Chairman.

### On County Government.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 537—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by adding a new section, to be numbered 10c, relating to maintenance of fire fighting equipment by cities within county fire protection districts;



Senate Bill No. 538—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexation thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by amending section 7, relating to annual levy of taxes upon property in county fire protection districts;

Senate Bill No. 945—An act to amend section 4241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class;

Senate Bill No. 1094—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 2023—An act to amend section 4153 of the Political Code of the State of California, relating to the duties of the district attorney; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 2024—An act to amend section 4307 of the Political Code of the State of California, relating to county charges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 1074—An act to amend section 4279 of the Political Code, relating to counties of the fiftieth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 1067—An act to amend section 4235 of the Political Code, relating to justice's courts in townships of the first class in sixth class counties;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

### Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 120 was passed.

### Adjournment.

At one o'clock and twelve minutes p.m., on motion of Senator Mixer, the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, March 22, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Monday, March 22, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowlton, Law, McBride, McGill, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young. 40.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Friday, March 19, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chub Brownson of Red Bluff.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. W. Mahaffey, President of the Federation of Labor, Stockton.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. M. Dorton and Mrs. Victor Hayes, both of Long Beach.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Virginia Fletcher of San Diego.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert Jones of Lakeport.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jerry Jean Seawell, Robert N. Seawell, Betty McClain, and Mrs. Mildred Seawell.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Karl P. Keough.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Grant Holcomb of San Bernardino.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harry Wentworth, and Mrs. Edna Nelson, both of San Francisco.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Floyd Watson of Orange.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Stewart Campbell and Bernie Dougherty, both of Monterey.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. L. E. Hewitt, District Attorney of Sutter County, and Mrs. L. E. Hewitt.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Louis Ferrari and M. Jas. McGranaghan, both of San Francisco.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Arthur H. Hanley, Guardian, Elutakiei Camp Fire Group of Sacramento, and the following members: Pauline Turner, Barbara Peitsch, Donda Hanley, Barbara Gross, Margaret Wassum, Carolyn Peaslee, Marie Throckmorton, Dareene Hanley, Jolly Cooper, and Betty Winter.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 149—An act to amend section 11 of the California Districts Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds;

Senate Bill No. 610—An act to amend section 32e of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds;

Senate Bill No. 727—An act to amend section 20 of "The Personal Income Tax Act of 1935" to be numbered 20.5, relating to refunds;

Senate Bill No. 1078—An act to amend sections 737.5 and 737.7 of the Agricultural Code, relating to persons handling and purchasing milk;

Senate Bill No. 39—An act to amend section 730 of the Agricultural Code, relating to dairy products;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37A thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925, all relating to reclamation;

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, and to repeal sections 2224 and 2225 of the Welfare and Institutions Code, relating to aid to the aged;

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276, 277, 279, 381, and 382 of, and to add section 268.5 to the Vehicle Code, and to repeal section 275 thereof, relating to operators' and chauffeurs' licenses;

Senate Bill No. 884—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees;

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.



## SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 434—An act to amend the County Water District Act, approved June 10, 1913, as amended, relating to county water districts, by amending sections 31 and 45 thereof and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: section 124, granting to county water districts the powers of mosquito abatement districts; section 314, relating to official maps for assessment purposes, and section 371, relating to segregation of items of property on the assessment roll;

Senate Bill No. 626—An act to add a new chapter to be numbered Chapter 9 in Division V of the Agricultural Code, relating to grades and standards for nursery stock;

Senate Bill No. 849—An act to add section 86228 to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, empowering cities of the sixth class to contract for the furnishing to such cities of special services in financial, economic, or other matters;

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 372, 381, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article IV thereof, a new section to be numbered 36, relating to the power of the State Highway Commission over highways;

Senate Bill No. 265—An act to amend section 24 of the Direct Primary Law, relating to party conventions;

Senate Bill No. 423—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof, to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1935, relating to collection agencies and the regulation, supervision and licensing thereof;

Senate Bill No. 429—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter distributing, cutting and wrapping (butter);

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 547—An act to amend subsection 5, and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State;

Senate Bill No. 549—An act to amend section 3805c of the Political Code, providing for the cancellation of assessments on certain lands of the State;

Senate Bill No. 870—An act to amend section 675 of the Political Code, relating to the powers of the Director of the Department of Finance;

Senate Bill No. 945—An act to amend section 4241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class;

Senate Bill No. 989—An act to amend section 2,971 of the School Code, relating to election of boards of education;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.



## SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 537—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by adding a new section, to be numbered 10e, relating to maintenance of fire fighting equipment by cities within county fire protection districts;

Senate Bill No. 538—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexation thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by amending section 7, relating to annual levy of taxes upon property in county fire protection districts;

Senate Bill No. 544—An act to amend Chapter 493, Statutes of California, 1917, entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, and to add new sections thereto to be known as 7a, 7b, 7c, 7d, 7e and 7f, setting forth the manner of application and providing for rules and regulations for the use of state-owned property;

Senate Bill No. 545—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923, (Chapter 155, Statutes of California, 1923);

Senate Bill No. 546—An act to amend sections 3, 4, 5, 6, 7, 8, 10, 14 and 16 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams," approved April 27, 1911, relating to the powers and duties of the Division of State Lands with respect thereto; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 72—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1923, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego;

Senate Bill No. 80—An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department of Natural Resources, Division of Parks, over and appertaining to the State Burial Grounds to the Department of Finance of the State of California, and to repeal certain acts specified herein;

Senate Bill No. 312—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded;

Senate Bill No. 392—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part I of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein;

Senate Bill No. 490—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding a new section thereto to be numbered section 16a, relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district; and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Senate Bill No. 1094—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

**Communication.**

The following communication was received, and ordered printed in the Journal:

NEWMAN, CALIFORNIA, March 18, 1937.

*George Hatfield, Carr State Capitol.*

The people of Newman will appreciate your support in keeping the Newman Layton Road included in the State highway as we strenuously object to it being taken out.

LOUIS J. NEWMAN, Mayor.

Communication referred to Committee on Roads and Highways.

**Communication.**

The following communication was received, read, and ordered printed in the Journal:

FARM CREDIT ADMINISTRATION OF BERKELEY.

OAKLAND, CALIFORNIA, March 20, 1937.

*The President and Members of the Senate, California Legislature, Fifty-second Session, Sacramento, California.*

GENTLEMEN: Reference is made to Assembly Joint Resolution No. 32, introduced by Mrs. Daley under date of March 4, 1937, amended in the Senate on March 16, 1937, and filed with the Secretary of State on March 15, 1937, and requesting the action of the Federal Land Bank, the Federal Home Owners Loan Corporation and the Federal Housing Administration concerning the effect of proposed legislation in pending deficiency judgments in the State of California.

The Legislature of the State of California has requested in this joint resolution that the Federal Land Bank advise it as to whether or not legislation of this character would have a tendency to hamper, control, make difficult or prevent the continued lending operations of the Land Bank in the State of California.

A copy of this resolution having been forwarded to The Federal Land Bank of Berkeley, I, as the General Counsel of the Farm Credit Administration of Berkeley, which includes The Federal Land Bank of Berkeley, have been requested to advise you of the effect of the enactment into law of legislation prohibiting deficiency judgments upon the Land Bank's lending activities.

I respectfully desire to point out that it is not the purpose of the Farm Credit Administration, or any of its units, to suggest to the Legislatures of any of the individual States that they should not make such regulations as may seem to them warranted by existing local circumstances. To the contrary, it is our desire that every possible effort be made for the adjustment of lending procedures to the legislation, policy, and customs in various parts of the country. However, in determining whether the laws of any State are such as to permit the granting of Federal land bank loans therein, the statutory provisions of the Federal Farm Loan Act which regulate and govern these loans must be observed.

Under the provisions of the Federal Farm Loan Act, Federal land banks can make loans only upon first liens on farm land and on the credit instruments secured thereby. The fact that the act itself requires a careful investigation of the character and solvency of the loan applicant as well as the sufficiency of the security offered by him is a clear indication that the personal credit and responsibility of the applicant is one of the assurances for the repayment of the loan and a requirement before an eligible loan can be obtained. Any legislation, therefore, denying to borrowers the capacity to incur personal liability for their loans, or denying to lenders any remedy for the enforcement of the personal undertaking of their borrowers, would not satisfy the security requirements of the Federal Farm Loan Act, and the enactment of legislation of this character in the State of California would subsequently necessitate a suspension of loaning operations within the State. Likewise, legislation changing the borrower's personal liability with unreasonable limitations or burdensome conditions, whereby its enforcement became impossible or extremely difficult, would necessitate a discontinuance of loaning operations within the State by virtually nullifying the borrower's personal obligation for the repayment of his loan.

The Farm Credit Administration is desirous, of course, that all of the lending facilities of its various agencies shall continue to operate for the benefit of the people of the State of California. It would be a matter of regret, therefore, if, by the enactment of legislation of this kind, its lending activities would have to be suspended.

I should be very glad to appear before any committees of your body for the purpose of further explaining this matter in the event such is desired.

Respectfully,

RICHARD W. YOUNG, General Counsel.

### Statement.

The following statement by Senator Phillips was ordered printed in the Journal:

It is important that the above statement from Mr. Young should not be misunderstood, as it might be if considered separately and apart from the entire correspondence with representatives of the Federal Land Bank in Berkeley, including Mr. Young, himself, and the Federal agencies in Washington. The desire of all parties is to correct any feature of the law which may react to the disadvantage of either creditor or debtor, or both. Obviously the Federal Government would take no position detrimental to the debtor and antagonistic to its own program of relief. As in the case of other laws, the trouble rests not with the law itself but with the abuse of that law or with efforts to circumvent the protection it establishes for the man or the woman who does not have corporate advantages, in strength and in legal advice. Some half-dozen bills on the general subject of relief to farm debtors will come before the Senate Committee on Judiciary on the evening of Wednesday, March 24. Deficiency judgments will be discussed at that time. The program under discussion at that meeting is the result of the personal knowledge, in the field, of over 400 men who represent the voluntary Farm Debt Adjustment Committees in 50 of the 58 counties of California. Their knowledge of the situation is not theoretical, but practical. If any changes are necessary in the present laws, this point will be brought out at the meeting. This is supported by the fact that another letter from Mr. Young, dated March 19th, makes certain suggestions for changes, if necessary, in the California law to meet the regulations of the Federal Government. These suggestions are based on the North Carolina Law and, for brevity, are not included in this statement.

### Resolution.

The following resolution was offered:

By Senators Slater, Keating, McGovern, and Quinn:

Good Friday, which falls on March 26th, again commemorates an event of outstanding importance all over the Christian world. With a desire to encourage an appreciation of the impelling interest involved in the observance of Good Friday and its world-wide connection in influencing the lives of countless millions and in accordance with the custom followed by the California Legislature for many years; be it

*Resolved*, That the Senate of the State of California recess from its business during the hours of twelve m. to three p.m. on Friday, March 26, 1937.

Resolution read, and on motion of Senator Slater, adopted.

### Consideration of Daily File.

#### Third Reading of Senate Bills.

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Flecher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 379 ordered transmitted to the Assembly.

Senate Bill No. 7—An act to amend section 4 of the Old Age Security Act of the State of California, relating to aid to the aged.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Allen, Biggar, Crittender, Cunningham, DeLap, Deane, Fletcher, Garrison, Gordon, Hollister, Holshon, Jepsen, Keating, Kneigh, Knowland, Lane, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schortky, Seawall, Slater, Swing, Tuck, Westcott, Williams, and Young—37

NOES—None.

Title read and approved.

Senate Bill No. 7 ordered transmitted to the Assembly.

### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bills Nos. 103 and 579, heretofore set as a special order for 11 o'clock and thirty minutes a.m., the same were taken up for consideration.

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

#### Senator Knowland in the Chair.

At eleven o'clock and forty-five minutes a.m., Senator Knowland of the Sixteenth District was called to the chair.

#### Recess.

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the Acting President of the Senate declared recess until two o'clock p.m.

#### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Consideration of Daily File—(Resumed).

#### Second Reading of Senate Bills.

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit.



cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 947 were read and adopted:

**Amendment No. 1.**

On page 2, line 19, of the printed bill, as amended on March 8, strike out the words: "and marketing", and at the end of line 19, strike out the period, and insert in lieu thereof the following words: "to be used by the units producing these products or for similar units established by the association, or for the benefit of other State welfare agencies, or to be marketed by the association for the benefit of the unit producing them but not in competition with agencies producing similar products where such competition might, in the opinion of the Department of Social Welfare, tend to create further unemployment, anything in this act to the contrary notwithstanding."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out lines 46, 47 and 48, and insert in lieu thereof the following words: "vided that eligibility for the relief benefits provided under this act shall be limited, so far as residential requirements are concerned, to the requirements for eligibility of unemployed indigents for State relief."

**Amendment No. 3.**

On page 3, line 7, of the printed bill, as amended, following the word "hereunder," insert the following words: "and such funds as may be secured from any other source,".

**Amendment No. 4.**

On page 3, line 8, of the printed bill, as amended, strike out the word "immediately".

**Amendment No. 5.**

On page 3, line 9, of the printed bill, as amended, strike out the comma, and insert in lieu thereof: "in California,".

**Amendment No. 6.**

On page 3 of the printed bill, as amended, following line 48, add the following new sections:

"SEC. 12. The association shall keep such records as will at all times show the money invested in lands or improvements by the association; together with the receipts and expenditures of all projects established by it, and such other statistical information as will help in making an analysis of the program. The records required by this section shall be open to the director of the Department of Social Welfare; and to the Legislature.

"SEC. 13. The association may make such arrangements for amortization of the loans; for the establishment of a necessary reserve; for bonding; or for reimbursement, as will not only make it possible and convenient for the association to repay such loans, but also to protect itself and the State against the return of beneficiaries to State relief rolls, in cases where money has been advanced by the State Department of Social Welfare to the association, for future benefits which would have accrued had the beneficiaries remained on the State rolls."

**Amendment No. 7.**

On page 2, line 32, of the printed bill, as amended, strike out the word "entitled", and insert in lieu thereof the word: "permitted".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of

petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessments of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 986 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 25, of the printed bill, after the word "all", insert the word "of"

##### **Amendment No. 2.**

On page 3, line 40, of the printed bill, after the letters "ers" strike out the comma, and substitute a period, and strike out the following: "to the extent of the fractional amounts of such charge properly attributable to their respective interests."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Concurrent Resolution No. 13—Directing the Director of Finance and the Attorney General to take immediate and proper action to recover all production and proceeds of production of oil, gas or other hydrocarbon substances taken, removed and produced from State lands by means of **oil wells** drilled upon privately owned lands, to enjoin further trespasses; and to intervene in certain actions for the protection of the interests of the State.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Oil Industries, the following amendment to Senate Concurrent Resolution No. 13 was read and adopted:

##### **Amendment No. 1.**

On page 2 of the printed bill, strike out all of lines 5 to 24, both inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 971—An act to amend sections 2, 3 and 4 of "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 971 were read and adopted:

#### Amendment No. 1.

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, and 14a, and to renumber 14a to be section 14½, of an act entitled "An act to prevent".

#### Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1.", insert the following: "The title of the act cited in the title hereof is hereby amended to read as follows:

An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith.

SEC. 2. Section 1 of the act cited in the title hereof is amended to read as follows:

Section 1. A. For the purpose of this act "gasoline" is defined to be any liquid petroleum product offered for sale, which conforms to the following specifications:

(a) It shall be free from water and suspended matter.

(b) A clean copper strip shall not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours, at one hundred twenty two degrees Fahrenheit, the test being conducted in accordance with the American Society for Testing Materials, Standard D 130-36, as published in "American Society for Testing Materials Standards," 1936.

(c) It shall distill, within the following limits, when tested in accordance with the American Society for Testing Materials, Standard D 86-35, Standard Method of Test for Gasoline, Naptha, Kerosene and similar petroleum products, as published in "American Society for Testing Material Standards," 1936, using the low distillation thermometer:

1. When the thermometer reads one hundred and sixty-seven degrees (167 deg.) Fahrenheit, not less than ten per cent (10%) shall be evaporated.

2. When the thermometer reads two hundred and eighty-four degrees (284 deg.) Fahrenheit, not less than fifty per cent (50%) shall be evaporated.

3. When the thermometer reads three hundred and ninety-two degrees (392 deg.) Fahrenheit, not less than ninety per cent (90%) shall be evaporated.

4. The end point shall not be higher than four hundred thirty-seven degrees (437 deg.) Fahrenheit.

5. At least ninety-five per cent (95%) shall be recovered as distillate in the receiver from the distillation.

6. The distillation residue shall not exceed two per cent (2%).

B. The word "person," whenever used in this act, shall mean and include, but without limitation, any natural person, partnership, association, trustee, receiver, corporation, and any member, officer, agent or employee thereof, or assignee for the benefit of creditors.

Sec. 3."

#### Amendment No. 3.

On page 1 of the printed bill, strike out lines 3 to 18, inclusive, and on page 2, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"SEC. 2. It shall be unlawful for any person to sell, offer for sale, or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer to deliver to any premises for the purpose of sale, any product as or purporting to be "gasoline," unless the same shall conform to the foregoing specifications."

#### Amendment No. 4.

On page 2 of the printed bill, strike out lines 21 to 52, inclusive, and on page 3, strike out lines 1 to 41, inclusive, and insert in lieu thereof the following:

"SEC. 4. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. It shall be unlawful for any person to sell, offer for sale or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer for delivery,



any gasoline, as hereinbefore in section 1 of this act defined, distillate, kerosene, or any oil represented as lubricating or motor oil for internal combustion engines, at any place where petroleum products are kept or stored for sale, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill pipe of each underground storage tank, from which or into which such gasoline or oil is drawn or poured out for sale or delivery, and so as to be plainly visible, a sign or label consisting of the word or words, in letters not less than  $\frac{1}{2}$  of an inch in height, "gasoline," "lubricating oil" or "motor oil," as the case may be, together with the brand, trade mark or trade name of such product.

If any such lubricating or motor oil so sold, or so offered for sale or delivery, has been previously used for the lubrication of internal combustion engines or all gearing or shafting attached to or connected thereto, or for any other lubricating purposes, and has been rerun or filtered, redistilled or reclaimed, the container shall bear a superimposed sign or label of rectangular shape not less than four by six (4x6) inches containing the words "reclaimed used motor oil" or "used lubricating oil, reclaimed," in red letters over a white background of gothic type with a stroke of not less than  $\frac{3}{16}$  inch in width and not less than  $\frac{1}{4}$  inch in height, provided, however, that on all containers of one gallon or less, a superimposed sign or label of rectangular shape or not less than two by three (2x3) inches containing the words "reclaimed used motor oil" or "used lubricating oil, reclaimed," in red letters over a white background of gothic type with a stroke of not less than  $\frac{3}{32}$  inch in width and not less than  $\frac{1}{8}$  inch in height, shall be sufficient.

If any such reclaimed, rerun or redistilled oil is used in blending or compounding in other petroleum products being sold, offered or kept or stored for sale, the fact of such blending or compounding shall be indicated on all containers as required by this section for containers of unblended reclaimed, rerun or redistilled lubricating oil.

Provided, that in attaching such sign or label to the inlet end of the fill pipe of an underground storage tank, it shall consist of a metal tag firmly attached or affixed to such fill-pipe, at said end, so as to be plainly visible when filling same, but the letters thereon may be any convenient size; and

As to any bottles used for dispensing lubricating or motor oil, either unused or reclaimed, if such bottles are kept in baskets, stands or racks for holding same, it shall be sufficient to label each such basket, stand or rack in lieu of labeling the bottle itself; provided, that all bottles kept in such baskets, stand or rack contain a product of the same brand, quality and viscosity rating, but no bottles containing reclaimed lubricating or motor oil shall be kept or commingled in any basket, stand or rack containing any bottles used to dispense unused lubricating or motor oils; and

If any gasoline shall have no brand, trade mark or trade name, each such sign or label therefor shall consist of the words, in letters of gothic type with a stroke of not less than  $\frac{9}{16}$  inch in width, and not less than three (3) inches in height, "Gasoline, no brand," and if any lubricating or motor oil shall have no brand, trade mark or trade name, each such sign or label therefor shall consist of the words, in letters of gothic type with a stroke of not less than  $\frac{9}{16}$  inch in width, and not less than three (3) inches in height, "Lubricating oil, no brand," "Motor oil, no brand," provided, however, that if such lubricating or motor oil shall be reclaimed used oil, each such sign or label shall also include the words "Reclaimed used lubricating oil" or "Reclaimed used motor oil," as the case may be. And, provided further, that letters of gothic type with a stroke of not less than  $\frac{3}{32}$  inch in width and not less than  $\frac{1}{2}$  inch in height shall be sufficient on all containers with a capacity of one gallon or less, and all such signs shall be in red letters upon a white background. This provision as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but must be plainly visible when filling such underground storage tank."

#### Amendment No. 5.

On page 3 of the printed bill, strike out lines 42 to 51, inclusive, and insert in lieu thereof the following:

"SEC. 5. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. It shall be unlawful for any person to sell, offer for sale, or to cause or to permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of section 1 of this act, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, and so as to be plainly visible, a sign or label comprising the brand, trade-mark or trade name of such fuel, or the words "No brand," which words shall be in letters of gothic type with a stroke of not less than  $\frac{3}{16}$  inch in width and not less than one (1) inch in height, and also in red letters of



gothic type with a stroke of not less than 9/16 inch in width and not less than three (3) inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near said label or sign, the words "Not gasoline"; provided, that in attaching such sign or label to the inlet end of the fill-pipe of an underground storage tank, it shall consist of a tag or plate firmly attached or affixed to such fill-pipe at said end, so as to be plainly visible while filling same, but the letters thereon may be of any convenient size.

SEC. 6. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. Subject to the provisions of section 14, subsections C, D and E of this act, it shall be unlawful for any person to transport in any tank wagon or tank truck or trailer, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum products as a fuel for internal combustion engines, distillate, kerosene or any oil represented as lubricating or motor oil for internal combustion engines, unless and until there shall be firmly attached to or affixed at each outlet faucet or valve of each such tank wagon, tank truck and trailer, a metal tag, plate or label, on which is displayed in letters not less than 1 2 inch in height, the name of the particular product in the tank compartment of the tank wagon, tank truck or trailer with which such valve or faucet is connected; and the brand, trade-mark or trade name of such product, or the words "No brand"; and if such product does not conform to the requirements of section 1 of this act, there shall also be displayed on a corresponding tag, plate, or label, in red letters not less than one (1) inch in height, the words "Not gasoline."

SEC. 7. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 8. A. It shall be unlawful for any person to sell, attempt to sell, offer for sale or participate or assist in the sale of any gasoline, distillate or other motor fuel or lubricating oil or motor oil of any kind or quantity whatever for use in internal combustion engines when said gasoline, distillate or other motor fuel or lubricating oil or motor oil is, at the time it is sold, offered for sale, caused or attempted to be sold, wilfully and falsely represented to the purchaser or intended purchaser thereof either verbally or by advertising labels, signs or literature to be the product of any manufacturer, refiner, producer or importer other than the true manufacturer, refiner, producer or importer; and it shall likewise be unlawful for any person knowingly to permit, direct or cause any other person to do any of the acts prohibited by this section.

B. This section shall not be construed to prohibit any person from selling or offering for sale under his own trade-marks, trade names, brands, or the words "no brand," the product of any manufacturer, refiner, producer, or importer, if such person has first obtained the written authorization of the true manufacturer, refiner, producer, or importer so to sell or offer for sale such product, which written authorization shall be in the form and kept available for inspection by both such person and the true manufacturer, refiner, producer, or importer as provided in subsection C hereof. Any other person, other than the true manufacturer, refiner, producer or importer, purchasing any of the products mentioned herein shall not change the designation under which said products are purchased by him, without written authorization as provided in subsection C hereof.

C. The written authorizations referred to in subsection B of this section shall be obtained prior to the displaying, handling, marketing, transporting, selling, attempting to sell, advertising for sale, offering for sale or otherwise dealing in any of the products covered by such authorizations, and shall be issued for and covering each such sale for resale and for each admixture of any of the products hereinbefore referred to. Such written authorizations shall contain the following: A reference by appropriate and adequate designation to an applicable invoice for, or written contract covering the sale of, such products, the quantity of such products sold or to be delivered, the name of the true manufacturer, refiner, producer or importer, the vendor's name, the vendee's name, the trade-marks, trade name or brand under which such products are authorized to be sold.

The written authorizations hereinbefore referred to shall be kept at the main office in the State of California of both the manufacturer, refiner, producer or importer who has authorized the resale of the products referred to in this section under a particular trade-mark, trade name, brand or the words "no brand" and at the main office in the State of California of the person who owns the particular trade-mark, trade name or brand under which such products have been authorized to be sold or offered for sale, or who sells or offers for sale said products under the words "no brand." The written authorizations herein referred to shall be available for inspection during business hours by the duly authorized representatives of said Division of Weights and Measures, each county sealer of weights and measures, each deputy county sealer, each city and county sealer and deputy thereof, each sealer and deputy sealer of each incorporated city and town in the State of California, and any person purchasing any quantity of any of the products mentioned in this section.

D. It shall constitute a violation of this act for any person to fail to keep in the form prescribed, or to forge or falsify any records or authorizations provided for in this section, or knowingly to keep, use or display any such false or forged records.

E. Both the aforesaid authorizations and records shall be kept in the form prescribed by the Division of Weights and Measures of the State Department of Agriculture and contain, in addition to the data heretofore prescribed, such other pertinent data and information as said division may deem necessary for the enforcement of this act.

SEC. 8. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 9. It shall be unlawful for any person to deposit or deliver into any tank, pump, container or receptacle, or into any bottle or bottles kept in a barrel, stand or rack, at any place where petroleum products are kept or stored for sale, any gasoline or other motor fuel, or any distillate, kerosene, lubricating or motor oil, other than that indicated by the brand, trade-mark or trade name displayed on such tank, pump, container, receptacle, bottle, barrel, stand or rack, or the outlet end of the underground storage tank, except as provided in sections 8 and 11 of this act.

SEC. 9. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 10. It shall be unlawful for any person engaged in the business of selling at retail any gasoline or other motor fuel or any distillate, or kerosene, or any lubricating or motor oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person, denoting or designating a brand, trade-mark or trade name or the words "no brand" of a gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil for internal combustion engines, not actually sold or offered for sale or delivery at the place of business where such sign or other designating mark is displayed.

SEC. 10. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 11. A. No person shall sell, offer for sale, or advertise for sale, any gasoline or other motor vehicle fuel from any place of business in the State of California by use of or through or from any dispensing apparatus, unless there is displayed on such dispensing apparatus in a conspicuous place at least one sign showing the actual total price, including taxes, per gallon of all gasoline or other motor vehicle fuel sold, offered for sale, or advertised for sale from the particular dispensing apparatus from which all such gasoline or other motor vehicle fuel is sold, offered for sale or advertised for sale. Each such sign shall be placed in a conspicuous place on said dispensing apparatus and if service of gasoline or other motor vehicle fuel may be made from more than one side of such dispensing apparatus the same shall be so placed as to be visible from at least two (2) sides thereof, and each such sign shall be not less than five (5) inches nor more than eight (8) inches in height and shall be not less than eight (8) inches nor more than twelve (12) inches in width. All letters, figures or numerals on each such sign, however affixed thereto, marked thereon, imprinted thereon, placed thereon or embossed thereon, shall be at least  $\frac{3}{4}$  of an inch in height and each and all of the lines or strokes used in the making or forming of any or all such letters, figures or numerals which are a part of such sign shall be at least  $\frac{1}{4}$  of an inch in width. Each and all of the letters, figures or numerals which are part of any such sign, shall be plainly legible, the same to be of like color or tint and such color or tint shall contrast with the background and other portions or parts of such sign.

Provided, that for the purpose of this section a fraction shall be considered as one numeral and provided further, that where a price computing scale is used in connection with or as a part of any such sign, the figures, letters or numerals of such computing scale need not comply with the provisions of this section.

B. No person shall keep, maintain or display on the premises of any place of business in the State of California any banner, sign, placard, poster, streamer, card or other advertising medium, which banner, sign, placard, poster, streamer, card or other advertising medium indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel, including taxes, is also shown on such banner, sign, placard, poster, streamer, card or other advertising medium, together with the trade name of the gasoline or other motor vehicle fuel product advertised for sale by such sign; provided, that if gasoline or other motor vehicle fuel is offered for sale or advertised for sale from any such premises, but not under any trade name or brand name, then the words "No brand" must be used and designated on such banner, sign, placard, poster, streamer, card or other advertising medium.

Each such sign shall conform substantially to the following specifications:

All letters, figures or numerals used in designating the brand name or words "No brand" as the case may be, shall be of uniform size and shall be at least six (6) inches in height and the height shall not be more than twice the dimension of the width of each such letter, figure or numeral;

All letters, words, figures or numerals used for the purpose of indicating or showing prices of gasoline or other motor vehicle fuel sold or advertised for sale shall be uniform in size and shall not be more than twice the size of the letters, figures or numerals used for the purpose of designating the brand name, or if no brand is used "No brand." Such banner, sign, placard, poster, streamer, card or other advertising medium shall not contain any other advertising matter whatsoever, except words of description of the product sold or offered for sale, and if words of description of the product offered for sale or advertised for sale by any such sign are used, the letters, figures or numerals which form any words, marks, letters, figures or numerals of description shall not be larger than the words, marks, letters, figures or numerals used in forming or designating the brand name or the words "No brand."

Provided, that for the purpose of this section, fractions shall be considered as one numeral; and provided, further, that the numeral one (1) or the letter "I" need not conform to specifications prescribed for other letters, words, figures or numerals but all letters, words, figures or numerals shall be of the same type and design and shall be uniform with other letters, words, figures or numerals with which the same are used.

All letters, words, figures or numerals appearing on any banner, sign, placard, poster, streamer, card or other advertising medium, or part of any of them, referred to in this section shall be plainly visible and shall be of such colors or tints as will contrast such letters, words, figures or numerals with the remaining portion or parts of any such banner, sign, placard, poster, streamer, card or other advertising medium; provided that all words, letters, figures or numerals on such sign or a part of such sign forming or designating the brand name or the words "No brand" shall be of like color or tint, and all words, letters, figures or numerals designating or indicating the price of gasoline or other motor vehicle fuel so offered for sale shall be of like color or tint. No banner, sign, placard, poster, streamer, card or other advertising medium shall be placed on the premises in such a manner or in such a position to another sign or advertising medium as will render the sign advertising gasoline or other motor vehicle fuel offered for sale susceptible of being read in conjunction with any other sign, banner, placard, poster, streamer, card or other advertising medium and thereby be misleading to any person reading the same from any public street or highway.

The provisions of this subsection B shall not apply to the signs, banners, placards, posters, streamers, cards or other advertising medium referred to in subsection A hereof.

C. All letters, words, figures or numerals forming any sign, banner, placard, poster, streamer, card or other advertising medium located or maintained on any premises referred to in subsections A and B hereof, advertising or offering for sale any goods, wares or merchandise, other than gasoline or other motor vehicle fuel, but which may be construed by any reasonable person as advertising or offering for sale gasoline or other motor vehicle fuel, is hereby prohibited and shall be a violation of this act.

SEC. 11. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. A. It shall be unlawful for any person to mix or adulterate any gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, and to fraudulently sell or offer for sale or attempt to sell or assist in the sale of, any of the products resulting from such mixture or adulteration as the gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, of a brand, trade-mark or trade name, maintained and in general use by the manufacturer, refiner, producer, or marketer of either or both of the products so mixed or adulterated or by any other manufacturer, refiner, producer, or marketer; provided that deliveries by tank wagon, tank truck, tank trailer or tank semi-trailer shall be subject to the modifications as provided in section 14, subsections C, D, E, F and G.

B. It shall likewise be unlawful for any person to sell or offer for sale or attempt to sell or assist in the sale of any of the products resulting from any such mixture or adulteration, as described in subsection A of this section, as gasoline or other motor fuel, distillate, kerosene, lubricating or motor oil, under his own trade marks, trade names, brands, or the words "No brand," unless and until such person has first obtained a written authorization from each and every manufacturer, refiner, producer or importer, any of whose branded product or products has or have been made a part of such mixture or adulteration. All of the provisions of section 8 of this act relative to written authorization shall apply to the provisions of this section.

Sec. 12. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. It shall be unlawful for any person to place, store, or keep, or cause or permit to be placed, stored or kept, for the purpose of sale, in any storage tank, underground or otherwise, container or receptacle, any petroleum product if such tank contains or has previously contained a different product, or the product of a different manufacturer, refiner, producer, or marketer unless and until such tank, container or receptacle shall first have been emptied and relabeled in all respects in accordance with the provisions of this act.



SEC. 13. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 14. A. Subject to the provisions of subsections C, D, E, F and G, of this section, it shall be unlawful for any person to attach or connect, or cause or permit to be attached or connected, any pump, container or other device, used for or in the drawing, pouring, or delivery of any petroleum product referred to in this act, and intended for sale, to or with any tank or receptacle containing any petroleum product or any liquid other than the one described on the label, tag or sign attached or affixed to such pump, container or other device.

B. Subject to the provisions of subsections C, D, E, F and G, of this section, it shall be unlawful for any person in making any sale, to pump, draw, furnish or deliver, or to cause or permit to be pumped, drawn, furnished or delivered, by means of, or through, any pump or other device, any product other than the one described on the label, tag or sign attached or affixed to such pump or other device.

C. In the event that a tank wagon, tank truck, tank trailer or tank semi-trailer is equipped with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product withdrawn from more than one compartment, then means shall be provided whereby there will be a clear and easily legible indication of the grade, brand or trade name of the product which is being measured by the meter. Such device as may be used for this indication shall be so interlocked or interconnected with the valve or other device with which the selection of product is controlled, that any change in position of the controlling or selecting device shall automatically indicate the grade, brand, or trade name of the product which has been selected for measurement and delivery, and shall not permit the flow of different grades, brands or trade names of a product at any given time.

The provisions of section 5, which pertain to the use of labels on fixtures shall not apply to such tank wagons, tank trucks, tank trailers or tank semi-trailers as are subject to this subsection, but all other provisions of section 5 shall be applicable, provided, however, that nothing herein contained shall be construed to prohibit the use of a single meter, with its accessory devices and without a controlling or selecting mechanism, for the purpose of measuring the contents of one compartment only, or of two or more compartments if, or when, a single grade, brand, or trade name of a product is carried in all such compartments at any one time.

D. In the event that a tank wagon, tank truck, tank trailer or tank semi-trailer is equipped with a meter for the purpose of measuring the quantities of products withdrawn from more than one compartment, it shall be unlawful to transport at any one time, in either or any of the compartments whose contents are to be measured by one meter, more than one product as defined in section 1, or as described elsewhere in this act. Provided, that this shall not prohibit transporting two or more grades of gasoline, or of other motor fuel, or of distillate, or of kerosene, or of burner oil, at any one time in all compartments whose contents are to be measured by the one meter, provided, however, that in the application of this subsection to deliveries to the fuel tank of any aircraft, it shall be unlawful to handle gasoline specifically refined or manufactured for the operation of aircraft engines and gasolines not specifically refined or manufactured for the operation of aircraft engines through the same meter.

E. It shall be unlawful for any person to operate a tank truck, tank wagon, tank trailer or tank semi-trailer equipped with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product withdrawn from any one of two or more compartments, if the quantity which is contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism, as required in subsection C, exceeds 5½ gallons; provided, however, that if the meter which is used is designed for two inch or smaller standard pipe size, the quantity which is contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism, as required in subsection C, shall not exceed 3½ gallons; provided, however, that in the case of a tank truck, tank wagon, tank trailer or tank semi-trailer when deliveries are made through the medium of pump and hose in connection with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product from any one of two or more compartments, the foregoing limitations shall not apply to the quantity of product contained within the pump, meter, accessory devices and hose on the discharge side of the controlling or selecting mechanism, as required in subsection C, but it shall be mandatory that the pump and hose be cleared of such quantity of product of a grade other than that which is to be delivered as may remain on the discharge side of the controlling or selecting mechanism from a former delivery. The product thus cleared may be returned to its appropriate compartment by means of the pump.

F. If a single meter with its accessory devices, and without a controlling or selecting mechanism is used for the purpose of measuring the contents of one compartment only, or of two or more compartments, it is required that if such volume of liquid as may be retained in the discharge piping and devices shall exceed 3½ gallons with a two inch or smaller meter, or 5½ gallons with a meter larger than two inches, the quantity so remaining shall be replaced whenever a change is made



in the grade, brand or trade name of a product which is carried in such compartment or compartments.

G. Whenever a change is made in the product, as defined in section 1, or as described elsewhere in this act, to be carried in any compartment, the entire contents of its discharge piping and devices shall be replaced and the discharge piping and devices flushed with the product intended for delivery.

Sec. 14. Section 14a of the act cited in the title hereof is hereby renumbered 14 and amended to read as follows:

Sec. 14 $\frac{1}{2}$ . Every person, engaged in the business of selling at retail gasoline, distillate, or other petroleum products, for use as fuel for internal combustion engines, within thirty days from and after the effective date of this act, and every person, after this act becomes effective, before engaging in such business, shall obtain from the Division of Weights and Measures, of the State Department of Agriculture, a license effective for one (1) year, authorizing said person to engage in such business, for which license the licensee shall pay, annually, a license fee, the total amount of said fee to be determined by the number of motor vehicle fuel pumps installed and used, or to be installed and used, or from time to time installed and used by such licensee in such business figured at the rate of one dollar (\$1) for each such pump. Before granting any license authorizing any person to engage in such retail business, the Division of Weights and Measures, of the State Department of Agriculture, shall require such person, firm, association or corporation to file an application with said division in such form as shall be prescribed by said division, which application shall be accompanied by the license fee due from such person, the amount thereof to be determined in the manner hereinabove set forth. Application for a license for the fiscal year ending June 30, 1934, shall be made within thirty days from and after the date upon which this act takes effect, and shall be accompanied by the license fee due from any such applicant, as above provided. Thereafter all applications shall be filed with said Division of Weights and Measures on or before the first day of July of each year, and payment made for an annual license in the usual manner. Every licensee shall at all times conspicuously display any license so granted hereunder on the premises in which such licensee is doing business.

All license fees so collected under the provisions of this section shall be credited to the Department of Agriculture fund created by Chapter 70 of the Statutes of 1929, to be expended in accordance with the law in carrying out the provisions of this act.

Sec. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 445—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article IIa, relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 445 was read and adopted:

#### Amendment No. 1.

On page 2, line 35, of the printed bill, after the period, insert the following: "The payment of moneys into, or the expenditure of moneys from, the special building fund of a school shall not in any manner be subject to any law heretofore or hereafter enacted by the Legislature limiting the expenditures or budgets of school districts."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929, to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code, and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 560 were read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out the word "their" and insert in lieu thereof the word "its".

**Amendment No. 2.**

On page 2, line 19, of the printed bill, strike out the word "some".

**Amendment No. 3.**

On page 2, line 19, of the printed bill, after the first word "country", insert the following: "in which he resides".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 643—An act to repeal "An act relating to the apportionment of moneys to elementary school districts," approved May 31, 1929; to repeal sections 4.784 and 4.796 of the School Code, and to amend sections 4.774, 4.785 and 4.797 thereof, all relating to the apportionment of funds to elementary school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 643 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the word "districts", insert the following: "on account of emergency schools maintained in such district".

**Amendment No. 2.**

On page 1, line 14, of the printed bill, after the syllable "ing", insert the word "such".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 989—An act to amend section 2.971 of the School Code, relating to election of boards of education.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 389—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Hospitals and Asylums, the following amendments to Senate Bill No. 389 were read and adopted:

**Amendment No. 1.**

On page 4 of the printed bill, after line 1, insert the following: "other than those public institutions for which a different form is prescribed by the Department of Finance,".

**Amendment No. 2.**

On page 16, line 15, of the printed bill, insert after "committee", the following: "or department".

**Amendment No. 3.**

On page 46 of the printed bill, strike out lines 37 and 38, and insert in lieu thereof the following: "by him, draw his warrant on the State Treasurer for any moneys".

**Amendment No. 4.**

On page 57, line 17, of the printed bill, strike out "Department of Finance", and insert in lieu thereof the following: "Controller".

**Amendment No. 5.**

On page 65, line 46, of the printed bill, strike out "resided", and insert in lieu thereof the following: "resides".

**Amendment No. 6.**

On page 69, line 17, of the printed bill, strike out "arrest", and insert in lieu thereof the following: "apprehension".

**Amendment No. 7.**

On page 69, line 40, of the printed bill, strike out "arrest", and insert in lieu thereof the following: "apprehension".

**Amendment No. 8.**

On page 103, line 32, of the printed bill, strike out "A", and insert in lieu thereof the following: "As".

**Amendment No. 9.**

On page 104, line 34, of the printed bill, strike out "Institutions", and insert in lieu thereof the following: "Institutions".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 390—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part II of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Hospitals and Asylums, the following amendment to Senate Bill No. 390 was read and adopted:

**Amendment No. 1.**

On page 5, line 5, of the printed bill, insert after "Welfare", the following: "and the Controller".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 391—An act to add Chapter 1, comprising sections 2000 to 2225, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Hospitals and Asylums, the following amendments to Senate Bill No. 391 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "2225" and insert in lieu thereof the following: "2228"

**Amendment No. 2.**

On page 8 of the printed bill, after line 43, insert the following:

"2226. The board of supervisors may release any lien for aid to the aged as against all or part of the property affected thereby upon such terms and for such amount, or without consideration, as it deems wise. The board of supervisors may execute agreements subordinating the effect of such lien to other liens theretofore or hereafter placed upon the property by the person owning the same. The recordation of such a release duly executed by the board of supervisors shall release and discharge any lien for aid to the aged heretofore or hereafter created as against the property described in the release and the recordation of any agreement of subordination duly executed by the board of supervisors shall remove any lien for aid to the aged subordinate and subject to the private lien or deed of trust mentioned within such subordination agreement.

"2227. In all actions brought either to determine conflicting claims to real property or for partition of real property under the provisions of Chapter IV, Title X, Part II of the Code of Civil Procedure, or to foreclose a mortgage, deed of trust, or other lien upon real property upon which exists a lien for aid to the aged, the board of supervisors of the county wherein the aid was rendered may be made a party to the action and the priority of such lien determined as in other cases. Service of process in such actions shall be made upon the chairman of the board of supervisors and the district attorney of the county shall appear and represent the board in all such actions. Any decree rendered by the court against the board of supervisors shall be conclusive and binding as against the board of supervisors and as against the State of California and as against the county or city and county participating in the granting of such aid.

"2228. All releases heretofore made by any board of supervisors of any lien for aid to the aged, upon payment of the full amount of such lien to the county, are hereby in all things ratified and confirmed, and shall be conclusive and binding as against the State of California."

Bill read second time, ordered to print, engrossment and on file for third reading

Senate Bill No. 392—An act to add Chapter 1, comprising sections 3090 to 3099, inclusive, to Part I of Division V of the Welfare and Institutions Code, and to add section 29300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 312—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 490.—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding



a new section thereto to be numbered "Section 16a" relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district; and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 830—An act to amend sections 4, 6, 7, 8, the first paragraph and subdivision (a) of section 9, subdivision 2 of section 9, section 11, section 12, subsection (a) of section 18, subsection (a) of section 29, subdivision (e) of section 30, and section 59 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to workmen's compensation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 830 were read and adopted:

##### Amendment No. 1.

Strike out the title of the printed bill, and insert in lieu thereof the following: "An act to amend sections 3, 4, and 6 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, and to amend sections 7, 8, 9, 11, 12, 18, 29, 30, and 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to workmen's compensation."

##### Amendment No. 2.

On page 1, of the printed bill, preceding line 1, insert the following:

"SECTION 1. Section 3 of the Workmen's Compensation, Insurance and Safety Act is hereby amended to read as follows:

Sec. 3. There is hereby created a board to consist of three members who shall be appointed by the Governor from the State at large and which shall be known as the "Industrial Accident Commission" and shall have the powers, duties and functions hereinafter conferred. Referees appointed by the board, as hereinafter provided, shall be deemed a part of the Industrial Accident Commission in the performance of the duties of the commission in hearing complaints and making awards and decisions under this act. Such referees shall be selected in accordance with the State Civil Service Act. Within thirty days prior to the first day of January, 1914, the Governor shall appoint the three members of said commission, one for the term of two years, one for the term of three years, and one for the term of four years. Thereafter, the term of office of each commissioner shall be four years. Vacancies shall be filled by appointment in the same manner for the unexpired term. Each commissioner shall receive an annual salary of five thousand dollars. Each commissioner shall, before entering upon the duties of his office, take and subscribe to the constitutional oath of office."

##### Amendment No. 3.

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SEC. 2. Section 4 of the Workmen's Compensation, Insurance and Safety Act".

##### Amendment No. 4.

On page 1, line 3, of the printed bill, strike out "commission", and insert in lieu thereof the following: "members of the board".

##### Amendment No. 5.

On page 1 of the printed bill, strike out line 6, and insert in lieu thereof the following: "authority. A vacancy on the board shall not impair the right of the remaining members to perform all the duties and exercise all the powers of the board. The act of a majority of the board, when".

##### Amendment No. 6.

On page 1, line 11, of the printed bill, strike out "before any commissioner", and insert in lieu thereof the following: "by or before any member thereof".

**Amendment No. 7.**

On page 1 of the printed bill, strike out line 17, and insert in lieu thereof the following:

"Sec. 3. Section 6 of the Workmen's Compensation, Insurance and Safety Act is".

**Amendment No. 8.**

On page 1 of the printed bill, strike out line 21, and insert in lieu thereof the following: "Los Angeles, and shall provide itself with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places, the commission shall have power to rent temporary quarters. District offices may be established".

**Amendment No. 9.**

On page 1, line 22, of the printed bill, strike out "shall" and insert in lieu thereof the following "may".

**Amendment No. 10.**

On page 2 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"Sec. 4. Section 7 of the Workmen's Compensation, Insurance and Safety Act of 1917 is".

**Amendment No. 11.**

On page 2 of the printed bill, strike out line 42, and insert in lieu thereof the following:

"Sec. 5. Section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917 is".

**Amendment No. 12.**

On page 3, line 14, of the printed bill, strike out "recognized".

**Amendment No. 13.**

On page 3 of the printed bill, strike out lines 44 to 46, inclusive, and insert in lieu thereof the following:

"(e) Any person rendering service for another, other than as an independent contractor, or as expressly excluded herein, is presumed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean for the purposes of this act. Any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished. A working member of a partnership rendering wages irrespective of profits from such partnership shall be deemed an employee within the meaning of this section.

(f) The term "casual" as used in this section shall be taken to refer only to employments where the work contemplated is to be completed in not exceeding ten working days, without regard to the number of men employed, and where the total labor cost of such work is less than one hundred dollars. The phrase "course of the trade, business, profession or occupation of his employer" shall be taken to include all services tending toward the preservation, maintenance or operation of the business, business premises or business property of the employer. The words "trade, business, profession or occupation of his employer" shall be taken to include any undertaking actually engaged in by him with some degree of regularity, the trade name, articles of incorporation or principal business of the employer to the contrary notwithstanding.

(g) Watchmen for nonindustrial establishments, paid by subscription by several persons, shall not be held to be employees within the meaning of this act. In other cases where watchmen, paid by subscription by several persons, have at the time of the injury sustained by them taken out and maintained in full force and effect insurance upon themselves as self-employing persons conferring benefits equal to those conferred by this act, the employer shall not be liable under this act.

(h) It shall not be a defense to the State, or any political subdivision or institution thereof, or public or quasi public corporation, that a person injured while rendering service for it was not lawfully employed by reason of the violation of any civil service or other law, rule, or regulation respecting the hiring of employees.

(i) Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed, and, in the event the average weekly earnings are not otherwise ascertainable, shall be deemed to be employed at an average weekly wage of twelve dollars; provided, however, that if such workmen shall have taken out and maintained in full force and effect insurance, in an insurance carrier as defined in this act, insuring to themselves and all persons employed by them benefits identical with those conferred by this act, the person for whom such work is to be done shall not be liable as an employer under this act.

(j) Each male member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or

partial support of the government of the city, town, or district, in which such volunteer fire department is located, shall be held and deemed to be an employee of such city, city and county, town or district for the purposes of this act, and shall be entitled to receive compensation from such city, town or district in accordance with the provisions thereof.

If he suffer injury or death while in the performance of his duty as fireman, then, irrespective of his remuneration from this and/or other employment, his average weekly earnings shall be taken for the purpose of computing such compensation as the sum of \$38.46, and three times his average annual earnings referred to in section 9 (c) hereof shall be taken as the sum of \$5,999.76; provided, however, that the death benefit referred to in said section 9 (c), when added to the disability indemnity which at the time of his death has accrued and become payable, shall not exceed the sum of \$5,000, except as in said section otherwise provided.

Sec. 6. Section 9 of the Workmen's Compensation, Insurance and Safety Act of 1917 is hereby amended to read as follows:—

**Amendment No. 14.**

On page 3, line 48, of the printed bill, strike out the comma, and insert in lieu thereof a colon.

**Amendment No. 15.**

On page 3, line 50, of the printed bill, strike out "the", and insert in lieu thereof the following: "The".

**Amendment No. 16.**

On page 4, line 32, of the printed bill, strike out "casual", and insert in lieu thereof the following: "causal".

**Amendment No. 17.**

On page 4, line 36, of the printed bill, strike out "submitted to it by", and strike out lines 37 to 41, inclusive, and insert in lieu thereof the following: "to be selected by the commission. The".

**Amendment No. 18.**

On page 4, line 46, of the printed bill, strike out "medical care", and insert in lieu thereof the following: "treatment".

**Amendment No. 19.**

On page 4, line 47, of the printed bill, strike out "medical", and insert in lieu thereof the following: "a physician's".

**Amendment No. 20.**

On page 5, line 6, of the printed bill, strike out "medical".

**Amendment No. 21.**

On page 5, line 9, of the printed bill, strike out "medical care", and insert in lieu thereof the following: "physician's care;".

**Amendment No. 22.**

On page 5, line 12, of the printed bill, strike out "medical".

**Amendment No. 23.**

On page 5, lines 15 and 16, of the printed bill, strike out "upon the recommendation of the medical society of each county,".

**Amendment No. 24.**

On page 5 of the printed bill, strike out lines 17 to 24, inclusive, and insert in lieu thereof the following: "practice in the State of California to render treatment and care under this chapter. No per-".

**Amendment No. 25.**

On page 5, line 25, of the printed bill, strike out "medical", and insert in lieu thereof the following: "treatment or".

**Amendment No. 26.**

On page 5, line 26, of the printed bill, after "commission", insert a semicolon.

**Amendment No. 27.**

On page 5 of the printed bill, strike out lines 44 to 46, inclusive, and insert in lieu thereof the following: "The commission may authorize and license bureaus".

**Amendment No. 28.**

On page 5, line 49, of the printed bill, strike out "medical", and insert in lieu thereof the following: "physician's".

**Amendment No. 29.**

On page 5 of the printed bill, strike out lines 50 to 52, inclusive, and insert in lieu thereof the following: "care under this chapter. The commission may authorize and".



**Amendment No. 30.**

On page 6, line 9, of the printed bill, strike out "the", and insert in lieu thereof the following: "an".

**Amendment No. 31.**

On page 6, line 18, of the printed bill, after "\$", insert the following: "100.00".

**Amendment No. 32.**

On page 6, line 20, of the printed bill, strike out "(f)".

**Amendment No. 33.**

On page 6 of the printed bill, strike out lines 26 to 28, inclusive, and insert in lieu thereof the following:

"(b) If the injury causes temporary disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the employee leaves work as a result of the injury. If the injury causes permanent disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injury. Such immediately shall thereafter be payable on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

(1) If the period of disability does not last longer than seven days from the day the employee leaves work as the result of the injury, no disability payment shall ever shall be recoverable.

(2) If the period of disability lasts longer than seven days from the day the employee leaves work as the result of the injury, no disability payment shall be recoverable for the first seven days of disability suffered.

2. The disability payment shall be as follows:".

**Amendment No. 34.**

On page 6, line 30, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 35.**

On page 6, line 35, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 36.**

On page 6, line 52, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 37.**

On page 7, line 2, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 38.**

On page 7, line 4, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 39.**

On page 7, line 6, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 40.**

On page 7, line 9, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 41.**

On page 7, line 11, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 42.**

On page 7, line 13, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 43.**

On page 7, line 15, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 44.**

On page 7, line 19, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 45.**

On page 7, line 22, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".



**Amendment No. 46.**

On page 7, line 26, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 47.**

On page 7, lines 32 and 33, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 48.**

On page 7, line 35, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following: "66-2/3".

**Amendment No. 49.**

On page 7, line 45, of the printed bill, after "employment", insert the following: "by reason of his disability".

**Amendment No. 50.**

On page 8 of the printed bill, strike out lines 34 to 50, inclusive, and insert in lieu thereof the following: "rehabilitation fund created for such purpose in the following manner:

The Industrial Accident Commission and the Department of Finance shall jointly and annually, as soon as practicable after July 1st of each year, estimate the total amount of money required to pay the special additional compensation provided for in this section. An itemized statement of the estimated amounts so ascertained shall be open to public inspection in the offices of the commission for 30 days after notice to all insurance carriers and to all self-insured employers affected thereby, before the commission shall make an assessment upon such carriers and self-insured employers as hereinafter provided.

The fund so created from these assessments shall be applied toward the payment of the special additional compensation provided in this act. If there be any deficiency from year to year the commission as above provided shall assess upon and collect from each insurance carrier or self-insured employer, including the State Compensation Insurance Fund, and each county, city, town, village or other political subdivision or employer subject to this act the proportion of such expense that the total compensation or payments made by such carrier in such year bears to the total compensation payments made by such insurance carriers, self-insured employers or other employers subject to the provisions of this act. The amount so secured shall be paid to the commission and immediately thereafter transferred to the State Treasurer for credit to the fund set aside for the payment of special additional compensation as provided by this act.

Where any employer is uninsured as provided by this act, said commission shall levy an assessment of \$25 in each case wherein the commission shall find said employer guilty of violating the provisions of this act. Every uninsured employer shall, as a condition precedent to defending any claim filed with said commission and before a hearing shall be held thereon, deposit with said commission said assessment of \$25. Said assessment shall be refunded in the event said defendant shall be found not guilty of violating the provisions of said act as to noninsurance. The commission, in its own name, as party plaintiff, may institute the proper action to collect said sum of \$25 against any uninsured employer and shall, if necessary, institute the proper action to enjoin any such employer from continuing his business operations during such period as such employer shall be uninsured as provided by this act and shall fail or refuse to pay said assessment as herein provided.

The commission is hereby authorized, and it shall be its duty to administer said fund, to fix and award the amounts of special additional compensation to be paid under this section, to authorize payment from said fund, to carry out the provisions of this section, and to make any orders, rules or regulations which may be necessary or convenient for the administration of said fund, and the Controller is hereby authorized and directed to draw his warrant on said fund from time to time in accordance with the direction of the commission, and the Treasurer is hereby authorized and directed to pay the same."

**Amendment No. 51.**

On page 9 of the printed bill, strike out lines 14 to 51, inclusive, and on page 10, strike out lines 1 and 2.

**Amendment No. 52.**

On page 10 of the printed bill, strike out line 12, and insert in lieu thereof the following:

"3. The death of an injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration, but such death shall be deemed to be the termination of the disability.

(c) If the injury causes death, either with or without disability, the burial expense of the deceased employee as hereinafter limited and a death benefit which shall be payable in installments equal to 65 per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay roll, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, such dependents shall be allowed the reasonable expenses of his burial, not exceeding \$150, and a death benefit, which shall be a sum sufficient, when added to the disability indemnity which at the time of his death has accrued and become payable, under the provisions of subsection (d) hereof, to make the total disability indemnity and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than \$333.33 nor more than \$1,999.92, provided, however, that said death benefit when added to the disability indemnity which at the time of his death has accrued and become payable shall not exceed the sum of \$5,000 except as otherwise provided in subsection (b) of section 6 of this act and section 29 of this act.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the said dependents shall be allowed the reasonable expenses of his burial, not to exceed \$150, and, in addition thereto, a death benefit which shall amount to three times the annual amount devoted by the deceased to the support of the person or persons so partially dependent, provided, that the death benefit shall not be greater than the sum sufficient, when added to the disability indemnity which at the time of his death has accrued and become payable, under the provisions of subsection (d) hereof, to make the total disability indemnity and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than \$333.33 nor more than \$1,999.92, provided, however, that said death benefit when added to the disability indemnity which at the time of his death has accrued and become payable shall not exceed the sum of \$5,000 except as otherwise provided in subsection (b) of section 6 of this act and section 29 of this act.

(3) If the deceased employee leaves no person dependent upon him for support, the employer shall be liable for the reasonable expenses of his burial, not exceeding \$150 and such other benefit as may be provided by law.

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

Sec. 7. Section 11 of the Workmen's Compensation, Insurance and Safety Act of 1917 is".

#### Amendment No. 53.

On page 10, lines 30 and 31, of the printed bill, strike out "as required and provided by this act", and insert in lieu thereof the following: "and the right to compensation as required and provided by this act shall be barred unless application therefor shall be made within one year after the last payment of such compensation or within one year after the discontinuance of such payment or care."

(a) No compensation shall be payable in case of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment or to any surgical treatment, the risk of which is, in the opinion of the commission, based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

(b) The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such as will reasonably represent his annual earning capacity at the time of the later injury.

(c) Any payment, allowance or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be construed to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer, but any such payment, allowance or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid."

#### Amendment No. 54.

On page 10, line 32, of the printed bill, strike out "(a)", and insert in lieu thereof the following: "(d)".

#### Amendment No. 55.

On page 10, line 48, of the printed bill, strike out "(b)", and insert in lieu thereof the following: "(e)".

**Amendment No. 56.**

On page 11 of the printed bill, between lines 2 and 3, insert the following:  
 "(f) Proceedings for collection of compensation on the ground of serious and wilful misconduct of the employer under provisions of subdivision (b) of section 6 must be commenced within twelve months from date of injury, anything in this act to the contrary notwithstanding."

**Amendment No. 57.**

On page 11, line 3, of the printed bill, strike out "act cited in the title hereof", and insert in lieu thereof the following: "Workmen's Compensation, Insurance and Safety Act of 1917".

**Amendment No. 58.**

On page 11, lines 7 and 8, of the printed bill, strike out "provided, however, that", and insert in lieu thereof the following: "and the average weekly earnings shall be 1/52nd of the same; provided that,".

**Amendment No. 59.**

On page 11, line 31, of the printed bill, strike out "\$-----", and insert in lieu thereof the following: "fifty cents".

**Amendment No. 60.**

On page 11, line 33, of the printed bill, insert the following after " \$ " :  
 " 1.00 ".

**Amendment No. 61.**

On page 12 of the printed bill, strike out line 1, and in line 2, strike out "title hereof", and insert in lieu thereof the following:

"Sec. 9. Section 18 of the Workmen's Compensation, Insurance and Safety Act of 1917".

**Amendment No. 62.**

On page 12, line 16, of the printed bill, after the period, insert the following: "Failure to file an answer as herein required is an admission of the facts alleged in the application."

(b) If the defendant fails to appear or answer, no default shall be taken against him, but the commission shall proceed to the hearing of the matter upon such terms and conditions as it may deem proper. Such defendant failing to appear or answer, or subsequently contending that no service was made upon him, or claiming to be aggrieved in any other manner by want of notice of the pendency of the proceedings, may apply to the commission for relief substantially in accordance with the provisions of section 473 of the Code of Civil Procedure, and the commission is hereby authorized to afford such relief. No right to relief, including the claim that the findings and award of the commission or judgment entered thereon are void upon their face, shall accrue to such defendant in any court unless prior application shall have been made to the commission in accordance with this subsection, and in no event shall any application to any court be allowed except as prescribed in sections 67 and 68 of this act.

(c) If upon the filing of an application, such application shows upon its face that the applicant is not entitled to compensation, the commission may, upon its own motion or upon the motion of the adverse party, and after opportunity to the applicant to be heard orally or in writing, and upon good cause appearing therefor, dismiss the application prior to any hearing thereon. The pendency of such motion or notice of intended dismissal shall not, unless otherwise ordered by the commission, delay the hearing upon the application upon its merits.

(d) Upon the filing of an application by or on behalf of an injured employee or his dependents or any other party in interest, the commission may, in its discretion, in the cases mentioned in section 412 of the Code of Civil Procedure or in any case where the employer has failed to secure the payment of compensation as required by section 29 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended by Chapter 471 of the Laws of 1919), direct the county clerk of any county or city and county to issue writs of attachment authorizing the sheriff to attach the property of the defendant in an amount not to exceed the greatest probable award against him in such matter, to be fixed by the commission, as security for the payment of any compensation which may thereafter be awarded. The provision of Part 2, Title 7, Chapter 4, of the Code of Civil Procedure of this State, as far as applicable to proceedings before the commission, shall govern the proceedings upon attachment, and the commission shall be substituted for the superior court in said provisions for the purpose of this act. No writ of attachment shall be issued except upon the order of the commission or a commissioner, and such order shall not be made where it appears from the application or affidavit in support thereof that the employer was, at the time of the injury to the employee, insured against liability imposed by this act in any insurance carrier licensed to do business in the State of California. If it should at any time after the levying of an attachment be made to appear that such employer was so insured, and the requisites for dismissing said employer from the proceeding and substituting the insurance carrier as defendant under



any of the methods prescribed under section 30 (c) of this act be established, the commission must forthwith discharge the attachment. In levying such attachment, preference must be given to the real property of the employer."

#### Amendment No. 63.

On page 12 of the printed bill, strike out line 17, and in line 18, strike out "in the title hereof", and insert in lieu thereof the following:

"Sec. 10. Section 29 of the Workmen's Compensation, Insurance and Safety Act of 1917".

#### Amendment No. 64.

On page 13, line 20, of the printed bill, strike out the semicolon and "provided however, that the State itself", and strike out lines 21 to 24, inclusive, and insert in lieu thereof a period.

#### Amendment No. 65.

On page 13 of the printed bill, following line 49, insert the following:

"(b) If any employer shall fail so to secure the payment of compensation, and an injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and in addition thereto such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; provided that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; provided further, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer, to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee had been guilty of contributory negligence, or assumed the risk of the injury complained of, or that the injury was caused by the negligence of a fellow servant. No contract made in violation of this act shall be allowed to restore to the employer any of the foregoing defenses.

(c) Failure to secure the payment of compensation as hereinbefore provided shall constitute a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than six months or both. In case of the \$500 fine by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable but in excess of death as provided in this act shall be increased ten per cent, any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding; provided, however, that said increase of award shall in no event exceed \$1,000. Failure of an employer to secure the payment of compensation as herein provided shall be prima facie evidence of wilfulness on his part.

(d) The commission may require any employer to furnish a written statement at any time showing the name of his insurance carrier or the manner in which the employer has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected as respect to the matters so required. In any prosecution under this section, the burden of proof shall be upon the defendant to show that he has secured the payment of compensation in one of the two ways set forth in paragraph (a) hereof."

#### Amendment No. 66.

On page 14 of the printed bill, strike out line 1, and in line 2, strike out "in the title hereof", and insert in lieu thereof the following:

"Sec. 11. Section 30 of the Workmen's Compensation, Insurance and Safety Act of 1917".

#### Amendment No. 67.

On page 14, line 3, of the printed bill, after "30", insert the following:

"(a) Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance, or the right of the employer to insure in mutual or other companies, in whole or in part, against liability for the compensation provided by this act, or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act, or the right of the employer to waive the waiting period provided for herein by insurance coverage; provided, however, that it shall be unlawful for any employer to exact "



receive from any employee any contribution, or make or take any deduction, from the earnings of any employee, either directly, or indirectly, to cover the whole or any part of the cost of compensation under this act, and it shall be a misdemeanor so to do.

(b) Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability for such compensation; provided, however, that payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; and provided, further, that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

(c) Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee, and, in the event of his death, to his dependents, to pay, to the extent provided in the subject to the provisions, conditions and limitations of the policy, the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier; and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act, to the extent provided in and subject to the provisions, conditions and limitations of the policy.

(d) Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier, and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging, to the extent of such payment, the obligations of the employer to the employee; and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing. Every contract insuring against liability for compensation, provided by this act, or insurance policy evidencing the same shall be conclusively presumed to contain all of the provisions required by this act."

#### Amendment No. 68.

On page 14 of the printed bill, between lines 10 and 11, insert the following:

"(f) Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have assumed the liability of the employer therefor in the manner provided by this section, or shall have paid any compensation for which the employer is liable, or furnished or provided any medical services required by this act, such insurance carrier shall be subrogated to all the rights and duties of such employer and may enforce any such rights of its own name.

(g) The State Compensation Insurance Fund may insure against any liability fixed under this act to the same extent as any insurance carrier."

#### Amendment No. 69.

On page 14, line 11, of the printed bill, strike out "act cited in the title hereof", and insert in lieu thereof the following: "Workmen's Compensation, Insurance and Safety Act of 1917".

#### Amendment No. 70.

On page 14, line 17, of the printed bill, strike out the period, and insert in lieu thereof the following: ", in accordance with general rules established by the commission for the assignment of cases to the referees for hearing."

#### Amendment No. 71.

On page 14 of the printed bill, strike out lines 22, 23, 24 and 25, and in line 26, strike out "hearing or proceedings.", and insert in lieu thereof the following: "ings".

#### Amendment No. 72.

On page 14, line 27, of the printed bill, strike out "it shall be sufficient to", and insert in lieu thereof the following: "the award shall".

**Amendment No. 73.**

On page 14, line 29, of the printed bill, strike out "Said", and insert in lieu thereof the following: "The findings and"

**Amendment No. 74.**

On page 14, line 43, of the printed bill, strike out "Referees shall receive", and strike out lines 44 and 45, and insert in lieu thereof the following: "Salaries of referees shall in no event be fixed"

**Amendment No. 75.**

On page 14 of the printed bill, following line 49, insert the following:

"Sec. 14. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, or provisions hereof, be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital

Senate Bill No. 8—An act to provide an institution for the care and confinement of recurring narcotic addicts, to provide for the maintenance and government thereof; to provide for commitment to and parole or discharge from such institution; to prescribe penalties for escaping or for violating the terms or conditions of discharges or paroles, and to prescribe penalties for procuring, aiding or advising in the escape of inmates, or concealing them after escape.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 8 were read and adopted:

**Amendment No. 1.**

On page 3, line 51, of the printed bill, strike out "be discharged, or may"

**Amendment No. 2.**

On page 3, line 52, of the printed bill, strike out "not less than five", and insert in lieu thereof the following: "two".

**Amendment No. 3.**

On page 5 of the printed bill, following line 25, insert the following:

"Sec. 25. This act has for its purpose the cure, treatment, supervision, and cure of recurring narcotic addicts and the period for which commitment is provided in this act is hereby established as the period of commitment best adapted to the treatment and cure of recurring narcotic addicts."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 425—An act to promote temperance in the use of alcoholic beverages, relating to the manufacture, sale and use of alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 21, 24, 33, 34, 37, 54 and 60 of the Alcoholic Beverage Control Act, and to add new sections thereto all relating to the manufacture, sale and use of alcoholic beverages.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

**Amendment No. 1.**

On page 1, line 7 of the title of the printed bill, as amended, after "3," insert "4."

**Amendment No. 2.**

On page 1, line 9 of the title of the printed bill, as amended, strike out "4", and in lieu thereof insert "29".

**Amendment No. 3.**

On page 2, line 11, of the printed bill, as amended, strike out the word "such", and insert in lieu thereof the word "alcoholic".

**Amendment No. 4.**

On page 3, line 46, of the printed bill, as amended, after "hol", strike out the comma, and insert "or", and strike out ", or wine".

**Amendment No. 5.**

On page 3, line 48, of the printed bill, as amended, strike out "human consumption", and in lieu thereof insert "beverage use".

**Amendment No. 6.**

On page 4, line 18, of the printed bill, as amended, strike out "solely", and after "storage", insert "but not for the sale".

**Amendment No. 7.**

On page 4, lines 19 and 20, of the printed bill, as amended, strike out the words "and approved by the board for such purpose".

**Amendment No. 8.**

On page 4, lines 21 and 22, of the printed bill, as amended, strike out the word "where", in line 21, and the words "are stored", in line 22, and after the word "place", in line 21, insert the following: "licensed for the storage of, but not the sale of,".

**Amendment No. 9.**

On page 4, line 39, of the printed bill, as amended, after "beverages", insert "and shall include soliciting or receiving an order for such beverages,".

**Amendment No. 10.**

On page 5, line 1, of the printed bill, as amended, strike out "original package"

**Amendment No. 11.**

On page 5, line 45, of the printed bill, as amended, after the word "bar", strike out the comma and insert the word "or".

**Amendment No. 12.**

On page 5, line 45, of the printed bill, as amended, following the word "counter", strike out "or tables for consumption thereat,".

**Amendment No. 13.**

On page 6, line 29, of the printed bill, as amended, strike out "repealed", and the period, and in lieu thereof insert the following: "amended to read as follows:

SEC. 4. Any person in possession of a stock of lawfully acquired alcoholic beverages following the revocation, voluntary surrender, or failure to renew of his license may sell such entire stock to a licensee authorized to sell such alcoholic beverages under supervision of the board in such manner as the board shall by rule or regulation provide.

Any bank, trust company, or financial institution owning or possessing warehouse receipts for alcoholic beverages which warehouse receipts were acquired by such bank, trust company, or financial institution as security for a loan may after permission has been given by the board sell such warehouse receipts to a licensee authorized to sell such alcoholic beverages or such warehouse receipts."

**Amendment No. 14.**

On page 7 of the printed bill, as amended, following line 34 and before line 35, insert "24 Distilled Spirits Manufacturer's Agent's license \$250 per year."

**Amendment No. 15.**

On page 7, line 8, of the printed bill, as amended, strike out "Fruit brandy", and in lieu thereof insert "Brandy".

**Amendment No. 16.**

On page 8, of the printed bill, as amended, strike out lines 25 to 26, inclusive, and insert in lieu thereof the following: "or any other person, to package, mix, flavor, color, label and export the same, and to sell such alcoholic beverages only to"

**Amendment No. 17.**

On page 7 of the printed bill, as amended, strike out lines 35 to 38, inclusive.

**Amendment No. 18.**

On page 8, line 39, of the printed bill, as amended, strike out the comma after the word "wine".

**Amendment No. 19.**

On page 9 of the printed bill, as amended, strike out that portion of line 5 following "beverage", and strike out all of lines 6 to 10, both inclusive, and in lieu

thereof insert the following: "specified in the license only to persons holding licenses issued by the board authorizing the sale of such alcoholic beverages, the exportation of such alcoholic beverages, and the dealing in warehouse receipts to deliver the aforesaid." A distilled spirits manufacturer's, rectifier's or a wholesaler's license shall not be issued to any person who is the holder of a distilled spirits of sale license for premises other than those which are also to be licensed for the carrying on of such distilled spirits manufacturing, rectifying or wholesaling."

#### Amendment No. 20.

On page 9, line 27, of the printed bill, as amended, after "said" insert the following: "An on-sale distilled spirits license authorizes the purchase and possession of distilled spirits in packages of not more than one gallon capacity."

#### Amendment No. 21.

On page 9 of the printed bill, as amended, following line 31, insert the following: "(n) A distilled spirits manufacturer's agent's license authorizes the transportation of distilled spirits into this State, the possession of such distilled spirits in public or private warehouses, the exportation of such distilled spirits, and the sale of such distilled spirits only to holders of distilled spirits manufacturer's, rectifier's, or distilled spirits wholesaler's license."

#### Amendment No. 22.

On page 10, line 1, of the printed bill, as amended, strike out "(n)", and insert in lieu thereof "(o)".

#### Amendment No. 23.

On page 10, line 4, of the printed bill, as amended, strike out the words "and from the licensed premises of".

#### Amendment No. 24.

On page 10, line 6, of the printed bill, as amended, strike out the words "his product", and insert in lieu thereof the word "beer".

#### Amendment No. 25.

On page 10, line 14, of the printed bill, as amended, after "beer", insert "and wine".

#### Amendment No. 26.

On page 10 of the printed bill, as amended, strike out lines 16 to 20, inclusive, and in lieu thereof insert the following:

"Sec. 8. A new section to be numbered 6.5 is hereby added to said act to read as follows:

Sec. 6.5. Any manufacturer's, rectifier's, importer's or wholesaler's license also authorizes the giving away of samples of the kind of alcoholic beverage the sale of which is authorized by any such license, provided that no holder of any such license shall give away any such samples of alcoholic beverages except under such regulations as shall be prescribed by the board. A retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages."

#### Amendment No. 27.

On page 10 of the printed bill, as amended, strike out lines 29 and 30, and insert in lieu thereof the following: "It shall be sold at retail only upon the prescription or order of the holder of a physicians and surgeons or dentists or veterinarians license. Any person who".

#### Amendment No. 28.

On page 10 of the printed bill, as amended, strike out lines 42 to 51, inclusive, and in lieu thereof insert the following:

"Beer, upon which excise taxes have been paid to the State at the rate fixed under this act, may without the necessity of any additional license be stored by or for any licensee in any private or public warehouse or elsewhere, and any other alcoholic beverage may without the necessity of any additional license be stored by or for a licensee in private warehouses approved by the board if within the limits of the county in which such licensee's licensed premises are located, or in a public warehouse within such county, or may be stored in bond in a public warehouse outside such county where such warehouse is also a United States Customs bonded warehouse, or a United States Internal Revenue bonded warehouse."

#### Amendment No. 29.

On page 11, line 18, of the printed bill, as amended, after "licensees", insert ", except on-sale distilled spirits licenses for seasonal businesses."

#### Amendment No. 30.

On page 12 of the printed bill, as amended, after line 31, and before line 32, insert the following:

"Sec. 15]. Section 17 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 17. No license, other than an on-sale beer license, shall be issued to any applicant for any premises situated more than one mile outside the limits of an



incorporated city or town and within four miles of any camp or establishment of men numbering twenty-five or more, engaged upon or in connection with the construction, repair or operation of any work, improvement or utility of a public or quasi public character; provided, however, that nothing in this section shall be deemed to apply to the renewal of any licenses for any premises which have been established and licensed under this act at least six months prior to the establishment of such camp or establishment of men."

#### Amendment No. 31.

On page 12 of the printed bill, as amended, after line 35, and before line 36, insert the following:

"Sec. 16½. A new section to be numbered 20½ is hereby added to said act, to read as follows:

Sec. 20½. No distilled spirits license shall be issued under this act except a distilled spirits manufacturers agents license to any person or to any officer, director, employee or agent of any person who manufactures distilled spirits without this State, nor shall any distilled spirits license be issued under this act except a distilled spirits manufacturers agents license to any person or persons in whom there is held any ownership or interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, loan, mortgage or lien on any person or real property, or otherwise, by any such distilled spirits manufacturer located without this State, or any officer, employee, director or agent thereof; provided, however, that the provisions of this section shall not be deemed to prevent agents or employees of such distilled spirits manufacturer, located without this State from soliciting orders for distilled spirits within the State."

#### Amendment No. 32.

On page 14 of the printed bill, as amended, after line 17, and before line 18, insert the following:

"SEC. 22.1. A new section to be numbered 22e is hereby added to said act, to read as follows:

Sec. 22e. Where tax reports or payment of excise taxes or license fees are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the board or other proper official or, if sent by mail, on the date shown by the United States postmark on the envelope containing such report or payment.

SEC. 22.2. Section 23 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 23. An excise tax is hereby imposed upon all beer and wine sold in this State by a manufacturer or importer at the following rates:

(a) On all beer, sixty-two cents for every barrel containing thirty-one gallons, and at a proportionate rate for any other quantity;

(b) On all wine, two cents per wine gallon, and at a proportionate rate for any other quantity;

(c) On champagne, or sparkling wine, whether naturally or artificially carbonated, three cents per pint or fraction thereof, six cents per quart or fraction thereof greater than one pint.

SEC. 22.3. Section 23a of the Alcoholic Beverage Control Act is hereby added to read as follows:

Sec. 23a. Beer and wine consumed by employees of manufacturers or importers upon the premises of such manufacturers and importers shall be exempt from tax under such rules and regulations as the board may prescribe.

SEC. 22.4. Section 23b is hereby added to the Alcoholic Beverage Control Act to read as follows:

Sec. 23b. It shall be presumed, for the purposes of this act, that all beer and wine manufactured in this State by a manufacturer, or delivered to a manufacturer or importer here, has been sold by such manufacturer or importer unless proven to the satisfaction of the board, in verified reports on forms prescribed by the board, that such alcoholic beverages are (1) still in the possession of such licensee or (2) that such alcoholic beverages have been sold and delivered to another manufacturer or importer of such alcoholic beverages, or (3) that such alcoholic beverages have been exported without this State or sold for export by the licensee making the report, or (4) that prior to the termination of possession such alcoholic beverages have been lost through unintentional destruction, or (5) destruction of spoiled beer or wine in the presence of a representative of the board or of the United States Bureau of Internal Revenue, or (6) that prior to the termination of possession there has been an unaccounted for loss, but such unaccounted for loss shall not exceed a tolerance to be fixed by the board, or (7) that such beer or wine is otherwise exempted from taxation under this act."

#### Amendment No. 33.

On page 14, line 39, of the printed bill, as amended, after "gallon", strike out the period, and insert the following: "; and at a proportionate rate for any quantity."

**Amendment No. 34.**

On page 15, line 37, of the printed bill, as amended, after "board", strike out the period, and insert the following: ", or (6) that such distilled spirits are otherwise exempt from taxation under this act."

**Amendment No. 35.**

On page 15, line 52, of the printed bill, as amended, strike out "for bills and invoices."

**Amendment No. 36.**

On page 17, line 14, of the printed bill, as amended, strike out the words "five o'clock in the afternoon", and insert in lieu thereof "midnight".

**Amendment No. 37.**

On page 17, line 20, of the printed bill, as amended, after "board", insert "by beer or wine manufacturers or importers", and strike out "alcoholic beverages", and in lieu thereof insert "beer or wine".

**Amendment No. 38.**

On page 17 of the printed bill, as amended, strike out all that portion of line 23 following "assessment".

**Amendment No. 39.**

On page 17, line 24, of the printed bill, as amended, strike out "filled spirits."

**Amendment No. 40.**

On page 17, line 25, of the printed bill, as amended, after the "period", add the following: "The board shall give to any such manufacturer or importer notice of any such subsequent assessment and the amount thereof and any such manufacturer or importer against whom any such subsequent assessment has been made may petition for a rehearing upon such subsequent assessment within fifteen days after service of the notice thereof, and the board shall reconsider and upon reconsidering such subsequent assessment shall grant any such manufacturer or importer an oral hearing and shall give any such licensee ten days notice of the time and place thereof, which place shall be either at Sacramento or at the site of licensee's premises or approximate to such premises if not located in a city. The board shall have the power to continue the hearing from time to time as may be necessary. Notice of the board's order on licensee upon a petition for rehearing shall be served upon the licensee and if the subsequent assessment is affirmed it shall become due and payable at the time of such service of the notice thereof."

The board may likewise in any assessment roll give credit to any manufacturer or importer for over payments of excise tax shown to the satisfaction of the board to have been paid by any such manufacturer or importer or for excise taxes paid by any such manufacturer or importer upon beer or wine returned to such manufacturer or importer after transfer of sale and possession, and which has become salable without fraud, connivance or collusion on the part of such manufacturer or importer."

**Amendment No. 41.**

On page 17 of the printed bill, as amended, after line 25, and before line 26, insert the following:

"If, after giving effect to the provisions of section 24.2, any examinations or investigations made by the board shall disclose that the amount of excise stamps purchased from the board by any distilled spirits manufacturer, rectifier, importer or wholesaler is not sufficient to represent payment of the excise tax imposed upon the sale of distilled spirits sold by such manufacturer, rectifier, importer or wholesaler, the board shall have the power, and is hereby authorized, to make a levy against such manufacturer, rectifier, importer or wholesaler in the amount of the deficiency in the payment of the distilled spirits excise tax so disclosed."

**Amendment No. 42.**

On page 18 of the printed bill, as amended, after line 18, and before line 19, insert the following:

"Sec. 37.5. Section 29 of the Alcoholic Beverage Control Act is hereby repealed."

**Amendment No. 43.**

On page 22, line 5, of the printed bill, as amended, after "persons.", insert the following:

"No manufacturer, rectifier or wholesaler of distilled spirits, shall purchase distilled spirits excise stamps, except from the board or its duly authorized agents, nor dispose of such excise stamps except to on- or off-sale distilled spirits licenses when making sales of distilled spirits to such licensees as provided in section 32b."

**Amendment No. 44.**

On page 22, line 9, of the printed bill, as amended, after "that", insert the following: "as soon after the effective date of this act as the board shall deem practicable, but not later than January 1, 1938,".

**Amendment No. 45.**

On page 22, line 23, of the printed bill, as amended, strike out "Whenever any", and strike out lines 24 to 27, both inclusive, and strike out all that portion of line 28 which precedes "Every".

**Amendment No. 46.**

On page 22 of the printed bill, as amended, strike out lines 35 to 44, both inclusive, and in lieu thereof insert the following:

"SEC. 33c. Such stamps shall be attached by the holders of on- or off-sale distilled spirits licenses issued under this act immediately upon opening the original cases in which the distilled spirits were packed and in which such distilled spirits were purchased from the manufacturer, rectifier, importer or wholesaler. At the time such stamps are attached to the packages of distilled spirits, they shall immediately be canceled by indelibly writing or stamping thereon the number of the license attaching the stamp and the date of cancellation. In the case of distilled spirits not in original cases at the time of purchase the stamps shall be attached immediately upon bringing such distilled spirits upon the premises for which such on- or off-sale licenses are issued. Any on- or off-sale distilled spirits licensee who shall fail to attach and cancel stamps as provided by this section shall be guilty of a misdemeanor.

The board shall prescribe rules and regulations governing the handling, affixing, canceling, and other matters pertaining to distilled spirits excise stamps."

**Amendment No. 47.**

On page 23 of the printed bill, as amended, strike out lines 4 to 18, both inclusive, and in lieu thereof insert the following:

"SEC. 33d. Whenever distilled spirits are returned by a retail licensee to the manufacturer, rectifier or wholesaler from whom such distilled spirits were purchased and excise stamps are attached to the containers of such distilled spirits and canceled as provided in this act, the manufacturer, rectifier or wholesaler may petition the board to issue new stamps to replace the stamps so canceled. The board shall direct an agent to investigate the matter and if such agent, after investigation, finds that new stamps should be issued, such agent shall supervise the removal and destruction of such stamps. The board may then issue new stamps to replace those destroyed."

**Amendment No. 48.**

On page 23, line 47, of the printed bill, as amended, after "premises", insert "or for any person to possess".

**Amendment No. 49.**

On page 24 of the printed bill, as amended, after line 19, and before line 20, insert the following:

"(g) It shall be unlawful for any industrial alcohol dealer to deliver undenatured ethyl alcohol or other distilled spirits in packages of more than one gallon for use in the trades, professions or industries, unless the packages bear a label plainly stating the true and correct name and address of such industrial alcohol dealer."

**Amendment No. 50.**

On page 26, line 52, of the printed bill, as amended, strike out the words "and when adopted such regulations".

**Amendment No. 51.**

On page 27 of the printed bill, as amended, strike out lines 1 to 11, inclusive, and in lieu thereof insert the following: "and the board shall also have power and authority to adopt such rules and regulations respecting the sale of alcoholic beverages from one licensee to another licensee as well for the protection of the public welfare, morals and revenue, foster and encourage the orderly marketing and sale of alcoholic beverages or eliminate all or any improper or unfair or destructive trade practices in the marketing of alcoholic beverages, and any such action may be taken".

**Amendment No. 52.**

On page 25 of the printed bill, as amended, after line 2, and before line 3, insert the following:

"SEC. 58j. A new section to be numbered 36b is hereby added to the Alcoholic Beverage Control Act to read as follows:

Sec. 36b. (1) Any on-sale distilled spirits licensee or any person employed by such licensee who empties a bottle containing distilled spirits shall immediately after emptying a bottle destroy the bottle;

(2) On-sale distilled spirits licensees shall provide at all service counters where distilled spirits are poured from bottles the necessary facilities for the destruction of bottles so that persons emptying distilled spirits bottles may immediately destroy the same as herein provided;

(3) Any alcoholic beverage licensee, except a manufacturer or rectifier of distilled spirits, who shall be found in possession of an emptied distilled spirits bottle



which has not been destroyed, shall be guilty of a misdemeanor and in addition to any other punishment provided by law, shall be fined five dollars for each such emptied distilled spirits bottle found on his premises.

(4) It shall be unlawful to use emptied distilled spirits bottles for any purpose, and it shall be unlawful to purchase, sell, give away or in any manner deal in such emptied distilled spirits bottles. The possession by any person of such bottles in quantities greater than twenty bottles, shall be considered prima facie evidence of a violation of this paragraph. Any person using or dealing in emptied distilled spirits bottles shall be guilty of a misdemeanor and in addition to any other punishment provided by law, may be fined five dollars per bottle for each such emptied distilled spirits bottle found in his possession. It shall be the duty of all agents and employees of the State Board of Equalization and of all peace officers to destroy emptied distilled spirits bottles wherever found."

#### Amendment No. 53.

On page 28 of the printed bill, as amended, strike out line 2 to line 9, both inclusive.

#### Amendment No. 54.

On page 31, line 34, of the printed bill, as amended, strike out "beverage", and in lieu thereof insert "alcoholic beverages".

#### Amendment No. 55.

On page 31 of the printed bill, as amended, strike out lines 36 to 46, both inclusive, and in lieu thereof insert the following:

"Sec. 74. Section 50 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 50. It shall be unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at such premises under his license. It shall be presumed that all alcoholic beverages found or kept upon premises for which licenses have been issued belong to the person or persons to whom such licenses were issued. Every person violating the provisions of this section shall be guilty of a misdemeanor. The board may seize any alcoholic beverages found in violation of this section."

#### Amendment No. 56.

On page 31 of the printed bill, as amended, strike out lines 47 to 52, both inclusive, and on page 32, strike out lines 1 to 23, both inclusive, and in lieu thereof insert the following:

"Sec. 75. Section 51 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 51. The board shall also have the power to seize the following alcoholic beverages:

1. Alcoholic beverages manufactured in this State by any person other than a licensed manufacturer, regardless of where found;

2. Beer and wine upon the sale of which the excise tax imposed by this act has not been paid, regardless of where found;

3. Distilled spirits except (a) distilled spirits located upon the premises of distilled spirits manufacturers, rectifiers, wholesalers or importers licensed under this act; (b) distilled spirits consigned to and in the course of transportation to distilled spirits manufacturers, rectifiers, wholesalers and importers licensed under this act; (c) distilled spirits the containers of which bear the stamps herein required to be attached thereto; (d) alcohol in the possession of or produced from an industrial alcohol dealer for use in the trades, professions or industries and for beverage use".

#### Amendment No. 57.

On page 34, line 6, of the printed bill, as amended, following the word "license", insert the following: "or who has purchased distilled spirits from the holder of an industrial alcohol dealer's license and".

#### Amendment No. 58.

On page 34, line 50, of the printed bill, as amended, strike out "under this act", and in lieu thereof insert the following: ", not subject to summary destruction as provided in section 51c."

#### Amendment No. 59.

On page 37, line 1, of the printed bill, as amended, strike out "51.8", and in lieu thereof insert "52½".

#### Amendment No. 60.

On page 37, line 3, of the printed bill, as amended, strike out "51.8", and in lieu thereof insert "52½".

#### Amendment No. 61.

On page 37, line 20, of the printed bill, as amended, strike out the word "thereof", and insert in lieu thereof the words "of the beer."



**Amendment No. 62.**

On page 38 of the printed bill, as amended, strike out all of lines 14 to 20, inclusive, and insert in lieu thereof the following:

"(f) Hold the ownership, directly or indirectly, of any off-sale distilled spirits license for any premises other than such licensee's licensed wholesale premises, nor own or control any interest directly or indirectly by stock ownership, interlocking directors, trusteeship, mortgage or lien in any business operating under any off-sale distilled spirits license other than that issued for the premises of such manufacturer, rectifier, distiller, bottler, importer or wholesaler. No on-sale licensee or any officer, director or agent of such person, shall hold ownership directly or indirectly in any person licensed as a manufacturer, rectifier, importer, or wholesaler under this act."

**Amendment No. 63.**

On page 39, line 28, of the printed bill, as amended, strike out the words "off-sale or on-sale".

**Amendment No. 64.**

On page 40, line 22, of the printed bill, as amended, after the word "age", insert the following: "who shall furnish or give or cause to be furnished or given such alcoholic beverages at a place other than the premises of a licensee".

**Amendment No. 65.**

On page 41 of the printed bill, as amended, strike out lines 24 to 32, both inclusive.

**Amendment No. 66.**

On page 41, line 47, of the printed bill, as amended, after "act", strike out the period, and insert the following: "for purposes of purchasing such alcoholic beverages from a licensed manufacturer, rectifier, importer or wholesaler.

Whenever distilled spirits are sold by manufacturers, rectifiers, importers or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by such carriers partly within the State and partly without the State on board boats or trains the tax imposed by section 24 of this act shall not be levied on the sales made by manufacturers, rectifiers, importers or wholesalers, nor shall the tax be collected in accordance with the provisions of sections 33 to 33c, but the excise tax on sales of distilled spirits in such cases shall be levied and collected as provided in this section.

An excise tax is hereby levied on sales of distilled spirits made by common carriers on board boats and trains in California at the same rates as set forth in section 24. On or before the fifteenth day of each month such common carriers shall render to the board a verified report of the sales of distilled spirits made by such common carriers on board trains and boats in California in the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to purchase a quantity of distilled spirits excise tax stamps representing the tax at the rates set forth in section 24 on such sales made in said month. Thereupon the board shall set aside distilled spirits excise tax stamps in an amount equivalent to the amount of such payment. Such stamps so set aside shall not be delivered to the common carrier, but subsequently the board or its employees shall destroy the same in the presence of a representative of the Department of Finance.

The board shall from time to time make examinations to determine the accuracy of the reports of sales submitted by common carriers. The board shall have the power and is hereby authorized to make such rules and regulations for the enforcement of the provisions of this section as it shall deem is necessary to adequately insure the collection of the excise tax."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 557—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 557 was read and adopted:

**Amendment No. 1.**

On page 1, line 25, of the printed bill, as amended on March 15th, strike out the period at the end of the paragraph, and insert in lieu thereof a comma, and after the comma add the following words: "to sell such publications and to exchange copies thereof with contemporary publications."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1054—An act to amend sections 12 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1054 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "sections 12 and" and insert in lieu thereof the following: "section."

##### **Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "12" and insert in lieu thereof the following: "14".

##### **Amendment No. 3.**

On page 1 of the printed bill, strike out lines 3 to 24, inclusive, and on page 2, strike out lines 1 to 20, inclusive.

##### **Amendment No. 4.**

On page 2, line 42, of the printed bill, strike out "a special fund known as the" and insert in lieu thereof the following: "sift".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments for certain purposes.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 968 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after the word "investments", insert "and security".

##### **Amendment No. 2.**

On page 1 of the printed bill, amend the title by striking out the period at the end thereof, and inserting the following: "; and providing that this act become effective immediately".

##### **Amendment No. 3.**

On page 1, line 10, of the printed bill, after the words "bonds of", insert "the State."

##### **Amendment No. 4.**

On page 1, line 14, of the printed bill, after the words "bonds of", insert "the State."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1051—An act to add section 366f to the Political Code, relating to the conditions of employment at the Preston School of Industry.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1051 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "guards", and insert in lieu thereof the following: "group supervisors".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, after the word "furnished", insert the following: "to, and consumed and used by,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1052—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1052 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "guards", and insert in lieu thereof the following: "group supervisors".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, after the word "furnished", insert the following: "to, and consumed and used by,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 72—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 544—An act to amend Chapter 493, Statutes of California, 1917, entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, and to add new sections thereto to be known as 7a, 7b, 7c, 7d, 7e, and 7f, setting forth the manner of application and providing for rules and regulations for the use of state-owned property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 545—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923 (Chapter 155, Statutes of California, 1923).

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 546—An act to amend sections 3, 4, 5, 6, 7, 8, 10, 14 and 16 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions

for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams," approved April 27, 1911, relating to the powers and duties of the Division of State Lands with respect thereto.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 547—An act to amend subsection 5, and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 549—An act to amend section 3805e of the Political Code, providing for the cancellation of assessments on certain lands of the State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 80—An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department of Natural Resources, Division of Parks, over and appertaining to the State Burial Grounds to the Department of Finance of the State of California, and to repeal certain acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 870—An act to amend section 675 of the Political Code, relating to the powers of the Director of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 241—An act to provide for the organization of an industrial court, to define its powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 241 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "court", and insert in lieu thereof the word "Commission".

##### Amendment No. 2.

On page 1, line 22, of the printed bill, as amended, strike out the word "court" and insert in lieu thereof the word "commission".

##### Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out the word "court" and insert in lieu thereof the word "commission".

##### Amendment No. 4.

On page 2, line 8, of the printed bill, as amended, strike out the word "court", and insert in lieu thereof the word "commission".

##### Amendment No. 5.

On page 2, line 9, of the printed bill, as amended, strike out the word "court", and insert in lieu thereof the word "commission".



**Amendment No. 6.**

On page 2, line 20, of the printed bill, as amended, strike out the word "judge", and insert in lieu thereof the word "commissioner"; also on page 2, at the end of line 20, strike out the word "a".

**Amendment No. 7.**

On page 2, line 21, of the printed bill, as amended, strike out the words "list of twenty-five".

**Amendment No. 8.**

On page 2, line 22, of the printed bill, as amended, strike out the word "a"; also in the same line, strike out the word "judge", and insert in lieu thereof the word "commissioner".

**Amendment No. 9.**

On page 2, line 23, of the printed bill, as amended, strike out the words "list of twenty-five".

**Amendment No. 10.**

On page 2, line 24, of the printed bill, as amended, strike out the words "list of twenty-five"; also in the same line, strike out the word "judge", and insert in lieu thereof the word "commissioner".

**Amendment No. 11.**

On page 2, line 26, of the printed bill, as amended, strike out the words "a list of twenty-five"; also in the same line, strike out the word "judge", and insert in lieu thereof the word "commissioner".

**Amendment No. 12.**

On page 2, line 41, of the printed bill, as amended, after the period insert the following: "Any commissioner appointed to the commission during the interim between sessions of the Legislature shall hold office until the Legislature next convenes following his appointment, at which time his appointment shall come before the Legislature for approval as herein provided. In the event that the Legislature should not approve his appointment, the Governor shall make another appointment at once."

**Amendment No. 13.**

On page 3, line 33, of the printed bill, as amended, strike out the period and the words "He shall not", and insert in lieu thereof a comma and the words "nor shall he".

**Amendment No. 14.**

On page 3, line 31, of the printed bill, as amended, strike out the semicolon, and insert a period", and in the same line strike out the words "he shall not", and insert in lieu thereof the words "No commissioner while serving on the commission shall".

**Amendment No. 15.**

On page 3, line 44, of the printed bill, as amended, after the period, insert the following: "Nothing in this act concerning the qualification of commissioners shall be deemed to prohibit any commissioner from owning insurance or retirement or disability benefits in any union, firm partnership, corporation, company or association subject to this act, nor from owning a farm."

**Amendment No. 16.**

On page 3, line 48, of the printed bill, as amended, strike out the figures "\$8,000.00", and insert in lieu thereof the figures "\$6,000.00".

**Amendment No. 17.**

On page 4, line 43, of the printed bill, as amended, after the period, insert the following: "Any employee who refuses to perform the work for which he has been hired to do shall be deemed to have voluntarily quit his place of employment."

**Amendment No. 18.**

On page 5, line 41, of the printed bill, as amended, strike out the word "twenty", and insert the word "five".

**Amendment No. 19.**

On page 7, line 43, of the printed bill, as amended, after the period, insert the following: "Any person quitting his employment shall immediately leave the premises of his employer."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 537—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution

of county fire protection districts, annexations thereto, withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by adding a new section, to be numbered 10c, relating to maintenance of fire fighting equipment by cities within county fire protection districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 538—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by amending section 7, relating to annual levy of taxes upon property in county fire protection districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 945—An act to amend section 4241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1094—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1074—An act to amend section 4279 of the Political Code, relating to counties of the fiftieth class.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1074 were read and adopted:

##### Amendment No. 1.

Strike out line 2 of the title of the printed bill, and insert in lieu thereof the following: "to compensation for public service in counties of the fiftieth class."

##### Amendment No. 2.

On page 1 of the printed bill, after line 2, insert the following:  
"4279. In counties of the fiftieth class, the following county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

(1) The county auditor of counties of the fiftieth class shall receive, and the salary is hereby fixed in the sum of two thousand two hundred and twenty dollars (\$2,220) per annum, in lieu of all fees and commissions.

(2) The district attorney of counties of the fiftieth class shall receive, and the salary is hereby fixed in the sum of two thousand dollars (\$2,000) per annum.

(3) Each member of the board of supervisors in counties of the fiftieth class shall receive, and the salary is hereby fixed in the sum of nine hundred dollars (\$900) per annum for his services as supervisor, and a further sum of twenty cents (20¢) per mile, mileage, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of six hundred dollars (\$600) per annum; and ten cents (10¢) per mile, mileage, for every mile actually traveled in the performance of his duty as road commissioner; provided that he shall not receive more than five hundred dollars (\$500) in any one year for such mileage as road commissioner nor more than three hundred dollars (\$300) in any one year for such mileage as supervisor.

(4) In counties of the fiftieth class for attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1067—An act to amend section 4235 of the Political Code, relating to justice's courts in townships of the first class in sixth class counties.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 1067 was read and adopted:

#### Amendment No. 1.

On page 1, line 1, of the printed bill, after "Section 1.", insert the following: "Section 4235 of the Political Code is hereby amended to read as follows:

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The auditor, three thousand two hundred dollars per annum.
2. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law; except that jurors excused before twelve o'clock noon shall receive only two dollars for the day so excused. Justice court jurors shall receive two dollars per day but shall not be allowed any mileage.

3. The district attorney, four thousand eight hundred dollars per annum. The district attorney and his deputies shall devote their entire time during office hours to the work of the county and State and are prohibited from engaging in private work within such office hours.

4. The supervisors shall receive each the sum of three thousand dollars per annum, payable monthly in installments of two hundred fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

5. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

6. In counties of this class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth; provided, that the members of the board of supervisors, clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, superintendent of schools, surveyor, sealer of weights and measures, and their respective deputies, shall be allowed all actual expenses which are necessary to the performance of their duties under the law; and said expenses and the salaries designated in this section for such officers and their deputies, except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this State or any political subdivision thereof, or any public corporation. All other fees, statutory mileage or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States or this State or any political subdivision thereof or any public corporation, shall be by such officers named in this section paid into the county treasury; provided, that the requirements of this paragraph shall not apply to that portion of any such fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

7. In townships of the first class, in counties of this class, there shall be two justices of the peace, designated and known as Department No. 1 and Department No. 2, provided, that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one clerk to act as clerk for both of said justices of the peace. Said clerk, together with such deputy clerks as may be allowed by the board of supervisors, shall be appointed by the justices of the peace, of said court, and if they be unable to agree on the appointment, then and in that event, the presiding judge of the superior court in and for said county, shall cast the deciding vote in selecting said clerk. The salaries of said clerk and his deputies shall be fixed by the board of supervisors."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.



## Second Reading of Assembly Bills.

Assembly Bill No. 1435—An act to amend section 445 of the Political Code, relating to the salaries of the inheritance tax attorney and five assistant inheritance tax attorneys.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1620—An act to amend section 439 of the Political Code, relating to employees in the Controller's office.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1562—An act to add section 335a to the Political Code, relating to State printing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1579—An act to amend section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1580—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, by adding a new section thereto relating to disposition of fees received by the State Treasurer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2023—An act to amend section 4154 of the Political Code of the State of California, relating to the duties of the district attorney.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2024—An act to amend section 4307 of the Political Code of the State of California, relating to county charges.

## Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2024 were read and adopted:

### Amendment No. 1.

On page 1, line 18, of the printed bill, as amended March 9, 1937, after the word "him", insert the following: "in good faith".

### Amendment No. 2.

On page 1, line 21, of the printed bill, as amended March 9, 1937, after the words "apply to", insert the following: "the detection of".

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

## Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 82—An act to add section 421.5 to the Fish and Game Code, relating to fishing licenses;

Assembly Bill No. 1371—An act to add section 765 to the Vehicle Code, relating to violations thereof;



Assembly Bill No. 1420—An act to amend section 10151 of the Insurance Code, relating to policy provisions required in life insurance policies.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 82 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1371 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1420 read first time, and referred to Committee on Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 112 ordered on file as unfinished business.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1091—An act to amend section 65 of the Agricultural Code, relating to the duties of County Agricultural Commissioner;

Assembly Bill No. 1140—An act to amend section 11 of the Optometry Law, relating to the suspension and revocation of certificates;

Assembly Bill No. 1144—An act to add to section 3.310 to the School Code, relating to attendance of pupils in high schools outside the district in which they reside;

Assembly Bill No. 1147—An act to amend section 6.30 of the School Code, relating to letting of contracts to lowest responsible bidder;

Assembly Bill No. 1317—An act to amend sections 506, 608 and 609 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to organization, incorporation and government of cities;

Assembly Bill No. 1604—An act to provide for the transfer to the general fund of moneys in special funds collected pursuant to the provisions of repealed statutes or statutes declared invalid by judicial decisions and to provide for the abolition of such special funds;

Assembly Bill No. 1736—An act to amend section 4178 of the Political Code, providing that the county clerk, acting as clerk of the superior court, shall assist the judges and commissioners of such court in the transaction of judicial business.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1091 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1140 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1144 read first time, and referred to Committee on Education.

Assembly Bill No. 1147 read first time, and referred to Committee on Education.

Assembly Bill No. 1317 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1604 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1736 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1737—An act to amend section 2044 of the Code of Civil Procedure of the State of California, relating to the salary of the city commissioner for the superior court in counties, or cities and counties having a population of nine hundred thousand inhabitants or more;

Assembly Bill No. 1598—An act to add section 1154.5 to the Fish and Game Code, relating to trap guns;

Assembly Bill No. 2789—An act to add section 4966 to the Political Code, relating to wild flower reserves;

Assembly Bill No. 1726—An act to amend section 1151 of the Political Code, relating to election officers in cities.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1737 read first time, and referred to Committee on County Government.

Assembly Bill No. 1598 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2789 read first time, and referred to Committee on Conservation.

Assembly Bill No. 1726 read first time, and referred to Committee on Elections.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 7—An act to amend section 926 of the Political Code, relating to vacancies;

Assembly Bill No. 450—An act to add a new section to the Political Code of the State of California, to be known as section 1028, relating to the reliable, partial, and final distribution of estates of deceased persons;

Assembly Bill No. 528—An act to add section 862b to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to fire protection in cities of the sixth class;

Assembly Bill No. 930—An act to amend section 2189 of the Political Code, relating to the discharge of patients from State institutions;

Assembly Bill No. 941—An act to amend section 14 of the California Insurance Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment contained in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Assembly Bill No. 955—An act to amend section 4041.20 of the Political Code, relating to insurance by counties;

Assembly Bill No. 971—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 7 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 450 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 528 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 930 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 941 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 955 read first time, and referred to Committee on County Government.

Assembly Bill No. 971 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1864—An act to amend section 8 1205, 1357, and 1359 of the Political Code, relating to absentee voters and marking of ballots.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1864 read first time, and referred to Committee on Elections.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 10a to Article VI thereof, relating to removal of judges;

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act;

Senate Bill No. 894—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 173 and 894 ordered to enrollment.

Assembly Constitutional Amendment No. 1 read first time, and referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council;

Assembly Concurrent Resolution No. 17—Relative to granting the Pasadena Community Playhouse the honorary title of the State Theater of California.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 6 read first time, and referred to Committee on Constitutional Amendments.

### **Consideration of Assembly Concurrent Resolution No. 17.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 17, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 17.**

Relative to granting the Pasadena Community Playhouse the honorary title of the State Theater of California.

WHEREAS, The Pasadena Community Playhouse of Pasadena, California, has for some years exemplified the highest standards of dramatic art and has brought national and international renown to the State of California as a center of dramatic art; and

WHEREAS, The Pasadena Community Playhouse has encouraged the development of playwrighting in California and has presented the works of native California playwrights and native American playwrights; and



WHEREAS, The Pasadena Community Playhouse has encouraged and developed the talents of native born California actors through its school of dramatic art and has given such Californians the opportunity to study the art of acting and to appear on the stage in classic and modern plays; and

WHEREAS, The Pasadena Community Playhouse plans to and will during the year 1937 produce an historical pageant commemorating the Spanish and American pioneers of California and celebrating the discovery and development of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California the Senate thereof concurring,* That the Pasadena Community Playhouse of Pasadena, California, be hereby recognized and given the title of the State Theater of California.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 17 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Harrison, Jespersen, Kenting, Keough, Knowland, Low, McColl, McCosmick, Morgan, Myers, Olson, Quinn, Rich, Schottka, Slater, Swing, Waga, Westover, and Young—24.

NOES—None.

Assembly Concurrent Resolution No. 17 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Consideration of Special Order—(Resumed)**

Senate Bills Nos. 103 and 579, heretofore set as a special order, were taken up for further consideration.

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

**Amendments from the Floor.**

During third reading of Senate Bill No. 103, the following amendments, offered by Senator Jespersen, were read:

**Amendment No. 1.**

Strike out the title of the printed bill, as amended, and insert in lieu thereof the following:

"An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests in real property, for the purposes of this act, and for the exercise of the powers of eminent domain in relation thereto, repealing all acts or parts of acts inconsistent or in conflict herewith, and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 1, of the printed bill, as amended, strike out lines 1 to 9, inclusive, and strike out all of pages 2 to 8, inclusive, and insert in lieu thereof the following:

"SECTION 1. The State of California is the owner, in its sovereign and proprietary capacities, of certain tide and submerged lands at Huntington Beach, Orange County,



containing valuable deposits of oil, gas and other hydrocarbon substances, which lands are described as follows:

The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 4, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 14,520 feet, more or less, to the northeast corner of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 10,901 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

SEC. 2. The oil and gas deposits in said State lands are being constantly drained by oil wells drilled in and operated on privately owned lands adjacent thereto. The protection of the public interest requires the development, production, removal and disposition of the oil, gas and other hydrocarbon substances from said State lands for the benefit of the State.

SEC. 3. The Director of Finance is hereby authorized and directed to secure the development, extraction, removal and sale of oil, gas and other hydrocarbon substances from said lands for the benefit of the State in the manner hereinafter provided.

SEC. 4. The term "person," as herein used, means an individual, a corporation, a partnership, and association, a joint stock company, a trust, or any unincorporated organization or association.

SEC. 5. The Director of Finance for and in behalf of the State, is authorized and empowered to condemn, acquire and possess, for and in the name of the State, any real property, and any right of way, easement or other interest therein that may be necessary or desirable for convenient access to said State lands for the development and production of oil, gas and other hydrocarbon substances therefrom in the manner as herein provided, and for their removal, transportation, storage and sale, and for such purposes shall, in the name of the people of the State of California, institute condemnation proceedings pursuant to section 14 of Article I of the Constitution and the Code of Civil Procedure relating to eminent domain. The acquisition of such property is hereby declared a public necessity.

Any property or interest so acquired shall be made available to any person to whom an oil and gas lease may be awarded under this act.

SEC. 6. For the purpose of prospecting, drilling for, extracting, producing, removing and disposing of oil, gas and other hydrocarbon substances from said lands, the area thereof shall be divided into nine (9) parcels specifically described as follows:

Parcel A. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 4, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of said Section 4; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel B. The area bounded by a line beginning at the northeast corner of Section 4, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel C. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning; except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel D. The area bounded by a line beginning at the northeast corner of the northwest quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northeast quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a

point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel E. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northeast quarter of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel F. The area bounded by a line beginning at the northeast corner of Section 3, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel G. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel H. The area bounded by a line beginning at the northeast corner of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel I. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel J. The area bounded by a line beginning at the northeast corner of Section 2, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Parcel K. The area bounded by a line beginning at the northeast corner of the northwest quarter of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence easterly a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of Section 1, Township 6 South, Range 11 West, S. B. B. & M.; thence south  $41^{\circ} 20'$  west to the high water mark of the Pacific Ocean; thence south  $41^{\circ} 20'$  west a distance of 5280 feet to a point in the Pacific Ocean; thence north  $48^{\circ} 40'$  west a distance of 991 feet, more or less, to a point in the Pacific Ocean; thence north  $41^{\circ} 20'$  east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean.

Sec. 7. Each parcel described in section 6 hereof shall be offered for lease in the manner as hereinafter provided, to that qualified bidder offering by bid to pay

to the State the highest percentum in amount and value of oil, gas and other hydrocarbon substances produced from wells drilled under such lease.

SEC. 8. The Director of Finance shall, within thirty (30) days after the effective date of this act, publish once a week for three consecutive weeks, in a newspaper of daily and general circulation in the county of Orange and in two other newspapers of daily and general circulation, one published in the city of Los Angeles and one published in the city of San Francisco, notice that the parcels described in section 6 will be leased, and that persons desiring to bid for said leases shall fill out and file, within thirty days from the last date of publication of said notice, a questionnaire with the Director of Finance. Said notice shall specify the minimum royalty requirements herein established. Said questionnaire shall be on the standard form prescribed by the Director of Finance and shall contain questions calling for the following information:

1. The exact name in which the person filing the questionnaire intends to bid;

2. Whether the person filing the questionnaire is an individual, partnership, unincorporated association, business trust, corporation, or joint stock company. In case of a person filing a questionnaire as an individual he shall give his residence and business address for five years last past. In case of a partnership or unincorporated association, the names, addresses, and residence for five years last past for all members shall be given. In case of a corporation, the names of the officers and directors shall be set forth. Like information as to managing officers or trustees and beneficiaries shall be filed in the case of business trusts and joint stock associations.

3. In the case of business trusts, corporations, joint stock associations, or partnerships, the name of the State or other sovereign power under which the filer is organized or incorporated and the period of time that said filer has been qualified to do and has done business in the State of California.

4. The period of time the filer has engaged in the oil business in this State and in what branch thereof.

5. The number of producing wells, if any, being operated by such person in California, the location and average daily production of each.

6. The name and address of any other company or person who controls or is controlled by the filer, and all affiliates and subsidiaries of the filer.

7. Such other information as the Director of Finance may require.

SEC. 9. Such statement of information shall be verified under oath as pleadings in a civil action. All statements shall be accompanied by a certified or cashier's check payable to the order of the State Treasurer in the sum of \$100, to be credited to the budget for the Department of Finance as an examination fee, which in no case shall be returned. Statements so filed shall be public records and shall be open to inspection by any person or his duly authorized agent filing statements hereunder. Immediately upon receipt of said statements the Director of Finance shall proceed to examine the same for the purpose of carrying out the provisions of this act. If such questionnaire be deemed insufficient by the Director of Finance he shall, within fifteen (15) days from receipt of said questionnaire, notify in writing the person filing the same of his objections, and such person shall, within fifteen (15) days thereafter, file an amended statement setting forth the information requested. Said director shall complete the examination of all such questionnaires within one hundred twenty (120) days after the effective date hereof, provided, however, that he shall be authorized to extend said time of one hundred twenty (120) days an additional thirty (30) days.

SEC. 10. Within one hundred twenty (120) days after the effective date of this act, unless said time be extended by the Director of Finance, as hereinbefore provided, the Director of Finance shall prepare a list of persons qualified and entitled to bid for lease of said parcels described in section 6 hereof. To qualify as a bidder, said statement must show and the Director of Finance must find that the person filing such statement or questionnaire, if a corporation or joint stock association, is qualified to do business in the State of California.

SEC. 11. Within twenty (20) days after the preparation of said list of qualified bidders, the Director of Finance shall send out to each person qualified and entitled to bid, a form of lease for each parcel, the only difference in said leases being the description of the parcel.

SEC. 12. No bid shall be accepted and no lease shall be made unless the same provides for payment to the State of more than thirty per cent (30%) of the amount or value of the production of oil and gas from any and all wells drilled thereunder.

SEC. 13. Any lease made under authority of this act shall be for a term of ten (10) years with the right of renewal given to lessee for an additional five (5) year term, and as long thereafter, as wells drilled thereon are producing oil and gas in commercial quantities, not exceeding twenty-five (25) years from the date of said lease.

SEC. 14. Any lease made under authority of this act shall provide for the drilling of at least ten (10) wells on the strip or area embraced in said lease from and by means of piers, groins or islands constructed oceanward from the shore, and



that the first wells drilled thereunder shall be so spaced as to properly offset wells operating on adjacent lands that may be drawing oil and gas from the leased area.

SEC. 15. In addition to other provisions required by this act, such lease shall also include provisions:

(a) That piers, groins or islands shall be so constructed as to afford public access to and from the beach for bathing, fishing or other recreational purposes and that drilling and production operations shall be conducted and the equipment therefor shall be constructed with precaution to prevent any pollution of the waters of the ocean and any unnecessary interference with public use of the beaches for such purposes.

(b) Such terms, conditions, and provisions as shall protect the interests of the State with reference to securing the payment to the State of the proper amount or value of production; the proper spacing of wells for the purpose of securing maximum production; diligence on the part of the lessee in drilling the wells in the oil sands; methods of operations and standard requirements for carrying on operations in proper and workmanlike manner; protection of waters; protection of safety and health of workmen; liability of lessee for personal or property damage; prohibiting assignment of the lease or subleasing without written consent of the Director of Finance; security for faithful performance by the lessee; and such other covenants, conditions, requirements and reservations as may be deemed advisable by the Director of Finance in executing the purposes of this act, and not inconsistent with any of its provisions.

SEC. 16. Every qualified bidder desiring to bid on any or all of said parcels shall fill out the blank space indicated in said lease by fixing the percentage of amount or value of production of oil, and the percentage of amount or value of production of gas and casinghead gasoline proposed to be paid or to be delivered to the State as royalty, and sign and execute the lease or lease and covenants in the Director of Finance, State Capitol, Sacramento, California, at a date specified not later than thirty (30) days from the date of the mailing of the notice to the Director of Finance. All bids shall, in this form, be presented under sealed cover and shall be accompanied by a certified or cashier's check of a responsible bank in California made payable to the State Treasurer in the sum of \$10,000. The amount thereof shall be deposited as security for the faithful performance by the holder of the terms and covenants of and compliance with the conditions of said lease at the event the bid offered by him is accepted. Upon his furnishing good and sufficient bond to the State in the sum of \$15,000 for such faithful performance, as shall be provided for in the lease, said cash deposit shall be returned to the bidder with notice of its rejection. No bid shall be considered unless such certified or cashier's check is inclosed therewith.

SEC. 17. On the date specified for the return of said bids, at the hour of 12 o'clock M., the Director of Finance shall proceed to open publicly said sealed bids and list for each parcel therein the name of the bidder and the percentage of amount or value of production bid for each parcel.

SEC. 18. Any bid may be withdrawn at any time prior to the hour for the opening of said bids, said withdrawal to be as follows and not otherwise: A request in writing for the withdrawal of such bid must be filed with the Director of Finance, which request must be executed by the bidder or his duly authorized representative. The withdrawal of a bid shall not preclude the right of the bidder to file a new bid. Nothing in this section contained shall authorize the withdrawal of any bid at the hour fixed herein for the opening of such bid and no bid shall be received at or after such hour, regardless of whether or not such bids are opened exactly at the hour set or thereafter.

SEC. 19. On the opening of said bids, and after determination of the highest qualified bidder entitled to the same, the Director of Finance, after such bid is accepted, shall execute in the name of the State of California the lease executed and used as a bid by said successful bidder, and thereafter a duplicate of said lease shall be executed, both by the successful bidder and the Director of Finance, provided that the Director of Finance, with the approval of the Governor, may reject any and all bids. One copy of an accepted bid or lease, after its execution by the Director of Finance for and on behalf of the State, shall be recorded in the county of Orange and shall be filed with the Secretary of State.

SEC. 20. In the event bids for leases of said parcels, or any of said parcels, are not received by the Director of Finance in accordance with the foregoing requirements and within the time therein provided, or all bids offered for any lease are rejected, the Director of Finance shall, and he is hereby authorized and directed with the consent and approval of the Governor, to proceed immediately with the drilling of wells on each of said parcels for and on behalf of the State, for the production, removal and disposal of oil, gas and other hydrocarbon substances therefrom. The work of drilling and construction work in connection therewith, may be performed under contract or award to the lowest responsible bidder or by day labor; provided, that if done by contract the Director of Finance may reject any and all bids and call for new bids.



SEC. 21. In the event the development of any or all of said parcels by drilling and other operations is carried on directly by the State, the same shall be done in accordance with the requirements of this act and of lease requirements herein with reference to the location and number of wells to be drilled, methods of development and other provisions so far as applicable. All necessary equipment and materials for the prosecution of said work, construction of piers, groins or islands, drilling, producing and other operations, shall be purchased by the Director of Finance.

All oil, gas and other hydrocarbon substances produced shall be sold by the Director at best obtainable prices and at such times as he shall deem proper for securing maximum cash returns to the State therefor. All funds received therefrom shall be immediately reported to the Controller and paid into the general fund.

SEC. 22. All provisions of this act and powers and duties herein given to the Director of Finance for the development, production, recovery, disposition and realization of production and proceeds of production of oil, gas and other hydrocarbon substances from State lands at Huntington Beach specifically described in this act, and the procedure to be followed as herein prescribed, so far as the same are applicable, shall apply to, and the same powers are hereby given to the Director to proceed with the development, production, recovery, disposition and realization of production and proceeds of production for the benefit of the State from any other tide and/or submerged or overflowed lands of the State that are known or believed to contain oil, gas or other hydrocarbon substances, whenever it is known or there is reason to believe that drilling or other oil-well developments or operations on privately owned lands are draining or threatening to drain, such tide, submerged or overflowed lands of the State.

SEC. 23. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, and each and every section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 24. All acts and parts of acts inconsistent or conflicting with this act are hereby repealed.

SEC. 25. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

That portion of tide and submerged lands of the State described in sections 1 and 6 of this act contains oil and gas and other hydrocarbon substances of great value. Many oil wells are now drilled, operating and producing oil and gas upon privately owned lands that are constantly draining said oil, gas and other hydrocarbons from said State lands for the sole benefit of the operators of said wells and the owners of said privately owned land. Other wells drilled on privately owned lands are extended into said State lands and are producing oil and gas therefrom. This condition results in the daily depletion of this valuable resource of the State, making it imperative, if the interests of the State therein are to be preserved and the revenues available to the State therefrom are to be saved, that immediate action be taken to drill for, extract, produce and remove the oil and gas so known to exist in said lands and to dispose of the same for the benefit of the State as in this act provided. Unless said emergency is thus met, the State will suffer great and irreparable loss and be deprived of revenues needed to preserve the public peace, public health and public safety. The development of said State lands, in the manner herein provided is also necessary for the immediate preservation of public health and public safety in the use of the ocean beaches upon and in the vicinity of said tide and submerged lands."

#### Motion.

Senator Swing moved that the amendments offered by Senator Jespersen to Senate Bill No. 103 be laid on the table.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Rich, Swing and Westover, on the adoption of motion to table.

The roll was called, motion to table lost by the following vote:

AYES—Senators Crittenden, DeLap, Ducl, Fletcher, Hays, McBride, McCormack, Mixer, Powers, Rich, Schottky, Swing, Tickle, and Wagy—14.

NOES—Senators Allen, Biggar, Cunningham, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Seawell, Slater, Westover, and Young—24.

## Further Consideration of Amendments to Senate Bill No. 103.

## Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Rich and Young, on the adoption of amendments to Senate Bill No. 103, offered by Senator Jespersen.

The roll was called, and amendments refused adoption by the following vote:

AYES—Senators Jespersen, and Westover. 2

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLan, Depe, Fletcher, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBeck, McCall, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young. 34

## Re-reference of Senate Bill No. 103.

Senator Swing moved that Senate Bill No. 103 be re-referred to Committee on Oil Industries.

Motion carried, and such was the order.

## Re-reference of Senate Bill No. 579

Senator Knowland moved that Senate Bill No. 579 be re-referred to Committee on Oil Industries.

Motion carried, and such was the order.

## Communication.

The following communication was received, read and ordered printed in the Journal:

DIVISION OF FISH AND GAME,  
SAN FRANCISCO, CALIFORNIA, MARCH 19, 1937.

Senator John B. McCall, Chairman, Fish and Game Committee,  
State Senate, Sacramento, California.

DEAR SENATOR: It has just been called to my attention that some person representing the unregulated floating sardine reduction plants has stated before the Senate Fish and Game Committee or one or more of its members that I have declared that in the event of enactment into law of Senate Bill No. 519, it would be my purpose and intention (as well as that of the Fish and Game Commission) to force the floating reduction plants out of business or to otherwise discriminate against them so as to punish the operators thereof.

*This statement is unqualifiedly false.* Such statement, if made to you, could only have been made as a result of gross misunderstanding or with the deliberate purpose of detracting attention from the need and merits of the proposed legislation.

While I have been and will continue to be opposed to the operation of the floating reduction plants as they presently operate—*without any restriction or regulation* as to the payment of any tax for the use of fish—as every person who believes in conservation, fair play and the welfare of the State as a whole should likewise be opposed, *I would have no prejudice against the operators of such floating reduction plants who submit to the laws and regulations which are imposed upon the rest of the industry.*

The purpose of the proposed legislation before your committee (Senate Bill No. 519) is to enable the State to protect its fishing resources and to prevent their fishery from being overexploited by those who operate outside of the State and beyond its jurisdiction for the sole purpose of avoiding regulation and tax. If such legislation would result in the operators of the floating reduction plants electing to operate under the laws of California, then, as a member of the Fish and Game Commission, it would be my purpose (and I am confident it would be the purpose of the commission) to treat such plants on a fair and equitable basis with other reduction plants *which are and have been for many years under regulation.*

If it is necessary and proper that a floating reduction plant by reason of its larger capacity receive a greater quantity of fish than that allocated a smaller shore plant, the commission would I am confident, issue permits with due regard for those considerations, but also not "freeze out" the small operator.

On at least two occasions of recent date, Mr. Stanley Huller and other representing the floating reduction plants called on me with reference to the matter of regulation of the sardine industry. They admitted that the industry has made such rapid growth,—with more plants, both floating and shore, now operating than the fishery or industry can support,—that consequently there is immediate necessity for prompt

*and adequate regulation to prevent chaos in the industry and depletion of the fishery. This view has also been stated to me by practically all factors in the industry. It is also recognized by all experts who are familiar with this subject that immediate regulation and control for the whole industry is necessary.*

I stated to Mr. Hiller and his associates that should the unregulated floating reduction plants submit to regulation and control, that the commission in cooperation with the whole industry would provide a plan of allocating the available fish for reduction, which would in my opinion permit them to operate efficiently and profitably. The only question apparently is that the operators of the floating reduction plants are not satisfied that they will receive all of the fish *which they desire*.

The Fish and Game Commission is not interested in inflicting penalties nor granting special favors. In discharging its duties and responsibilities under the law the commission is concerned (1) with assuring conservation of the fishery resource against depletion; (2) with the exploitation and use of the fishery so as to return the greatest value and benefit to the people of the State as a whole; (3) with fair and equitable apportionment of the resource among those who are engaged in the fishing industry; (4) with fostering and protecting the whole fishery so that those engaged therein or dependent thereon may derive profit and benefit therefrom. To accomplish these purposes is often difficult. It is not always possible to satisfy everyone concerned. Experience and changing circumstances tend to point the way but there is no *fixed and inflexible formula* that may be prescribed in advance that will insure adequate management of the resource. With such changing circumstances and the necessary factors involved, I think it is quite essential that the granting of permits, the allocation of tonnage and other details of administering this fishery should be left with the commission as present laws provide.

It is true that the commission in the past has taken a conservative attitude with reference to the sardine take, but it must be borne in mind that the California sardine fishery, according to reliable and scientific data, is from five to eight times as intensively fished as any other fishery in the whole world. Moreover, experience has shown that in the exploitation of natural resources conservation measures have usually been applied too late.

For several years the commission has pointed out the need of the proposed legislation. It is apparently the only means by which California may protect its fishery. Unless the proposed bill is passed, then all restrictions over the fishery should be removed. If the bill is not passed, I predict it will not be long before the fishery as well as the industry will be ruined.

I hope that this legislation will be promptly enacted.

Respectfully yours,

I. ZELLERBACH.

LOS ANGELES, CALIFORNIA, March 22, 1937.

Senator John B. McColl, Chairman, Fish and Game Committee,  
State Senate, Sacramento.

I concur absolutely with everything that Mr. Zellerbach has said to you in his letter of March 19th.

DR. E. C. MOORE, President,  
Division of Fish and Game

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 462—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman

#### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by



adding to Article XX thereof a new section to be designated 25, relative to the investigation and settlement of disputes between employers and employees.  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it be adopted, as amended.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 778: An act to add a new section to the Fish and Game Code to be numbered 5364, relating to the installation of screens,  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

### Adjournment.

At six o'clock and 26 minutes p.m., on motion of Senator Rich the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Tuesday, March 23, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 23, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgenson, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Miner, Nelson, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—40.

Quorum present.

### Prayer.

Prayer was offered by Senator Edward Law.

### Reading of the Journal.

During the reading of the Journal of Monday, March 22, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to O. V. Trompeter and John H. Dinkins, both of Los Angeles.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Howard Manchester and Alfred C. Green, both of Merced.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Egbert Marion Polley of Oakland.



On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John N. Straub, Beverly Hills; Mrs. Bertha Z. Straub, Beverly Hills; Miss Katherine Blind, Beverly Hills, and Mrs. Charles Gibson, Jr., of New York City.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter Woods of Redding.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Benjamin C. Jones, Mrs. Jones, Charlotte Jones, and Gwyndoln Jones.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Father Dan Kenan of Los Banos.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ted V. McMahon of San Francisco and John J. Sullivan, Director of the Veterans Home, Napa County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Barnes, and E. A. Crocker, and Louis Bartlett all of Berkeley.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2423—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county, a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance;

Assembly Bill No. 424—An act to amend section 1329 of the Penal Code, relating to the fees of witnesses in criminal cases;

Assembly Bill No. 1189—An act to amend section 5 of the Retail Sales Tax Act of 1933 as amended in 1935, relating to the exemption of vessels;

Assembly Bill No. 1190—An act to amend section 4 of the Use Tax Act of 1935;

Assembly Bill No. 1895—An act to add section 663.5 to the Political Code, relating to the powers of the State Board of Control;

Assembly Bill No. 1815—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists;

Assembly Bill No. 1742—An act to add section 786.5 to the Fish and Game Code, relating to the sale of cooked lobsters and shellfish.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 424 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2423 read first time, and referred to Committee on County Government.

Assembly Bill No. 1189 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1190 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1895 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1815 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1742 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 501—An act to amend section 954 of the Streets and Highways Code of the State of California, relating to the abandonment of highways.

Assembly Bill No. 795—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 4, 1909, as amended, designated the "Bank Act," by amending sections 48, 49 and 57 and by inserting section 133.1 thereof and by adding a new section thereto to be numbered section 50.1, relating to the definition and regulation of the business of banking.

Assembly Bill No. 780—An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

Assembly Bill No. 1861—An act for the relief of certain assessment districts and for that purpose empowering municipal corporations to render financial aid to such districts.

Assembly Bill No. 2270—An act to amend section 1,250 of the School Code, relating to the appointment of supervisors of attendance for county superintendents of schools.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBERG, Assistant Clerk.

Assembly Bill No. 501 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 795 read first time, and referred to Committee on Banking.

Assembly Bill No. 780 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1861 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2270 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1391—An act to add a new article to Chapter I, Part 111, Division IV of the School Code to be known as Article IV, relating to the cancellation of school district warrants.

Assembly Bill No. 1219—An act to amend sections 375 and 383 of the Vehicle Code, relating to fees for special plates.

Assembly Bill No. 289—An act to add a new section to the Political Code, to be numbered 4076a, relating to procedure for order, allowance and payment or rejection of claims in counties governed by freeholders' elections.

Assembly Bill No. 618—An act to amend sections 117, 117a and 117b of the Code of Civil Procedure, relating to small claims courts.

Assembly Bill No. 2596—An act to add a new section to the Code of Civil Procedure to be numbered section 811, relating to actions against usurpers of public offices and franchises.

Assembly Bill No. 1734—An act to amend section 2614 of the Code of Civil Procedure of the State of California, to authorize the appointment of two additional assistant secretaries, one additional stenographic secretary, a photographic reporter to assist the superior court in any county, or city and county having a population of nine hundred thousand inhabitants or over, and fixing the compensation therefor, and authorizing mileage for such employees under certain circumstances.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBERG, Assistant Clerk.

Assembly Bill No. 1391 read first time, and referred to Committee on Education.

Assembly Bill No. 1219 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 289 read first time, and referred to Committee on County Government.

Assembly Bill No. 618 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2596 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1734 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1138—An act to amend sections 4 and 6 of the Optometry Law, relating to the practice of optometry;

Assembly Bill No. 743—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Assembly Bill No. 744—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1138 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 743 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 744 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 36—Relative to memorializing the President and the Congress of the United States to enact Bill H. R. 4069, which proposes to appropriate \$50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill;

Assembly Joint Resolution No. 19—Relative to memorializing Congress to enact legislation relating to disabled veterans.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Joint Resolution No. 36 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 19 read, and referred to Committee on Federal Relations.

### **Appointments by the President of the Senate.**

The following communication was received and read:

*To the Secretary and Members of the Senate:*

I have this day appointed John Arnold, Jr., Stanley Gilliam, Robert Seawell, Ted Craig, John Law, and Felix Moitoret as Pages in the Senate at the rate of \$2.50 per day.

GEORGE J. HATFIELD, Lieutenant Governor.

### **Appointments Confirmed.**

Senator Tickle moved that the appointments be confirmed by the Senate.

The question being upon the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garri-son, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride,



McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—35

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McBride:

SENATE CHAMBER, SACRAMENTO, March 18, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act to amend sections 2, 3, 4, 5 and 6 of, and to add sections 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, to an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountant, and to prescribe the grade of penalty for violation of the provisions hereof," approved March 23, 1901, relating to the powers of the Board of Accountancy.

Respectfully submitted,

SENATOR MCBRIDE

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 19, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McBride to introduce a bill entitled:

An act to amend sections 2, 3, 4, 5 and 6 of, and to add sections 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, to an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountant; and to prescribe the grade of penalty for violation of the provisions hereof," approved March 23, 1901, relating to the powers of the Board of Accountancy.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL,  
SLATER  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Keogh, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, and Westover—34.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 1108:** By Senator McBride—An act to amend sections 2, 3, 4, 5 and 6 of, and to add sections 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, to an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified



public accountant; and to provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901, relating to the powers of the Board of Accountancy.

Senate Bill No. 1108 read first time, and referred to Committee on Governmental Efficiency.

### Resolution.

The following resolution was offered, and ordered printed in the Journal:

By Senator Metzger:

WHEREAS, Due to the attractive climatic conditions, California is an ideal place for persons who in their youth lived in other portions of the United States to spend the declining years of their lives; and

WHEREAS, Persons who, due to advancing age, feel that they are unable to continue to live in the rigorous climate of the eastern and middle western States seek the more salubrious climate of California; and

WHEREAS, In conformity with the Social Security Act, California has reduced the age at which elderly people may receive pensions from 70 to 65 years; and

WHEREAS, Due to the conditions above recited, the proportion of persons over 65 years of age to the total population of California has thereby become much greater than the average throughout the United States; and

WHEREAS, Consequently, the burden to the State of California of providing its share of pensions for such persons has become so great that it will not be long possible to continue this burden; and

WHEREAS, The present system makes it difficult for persons who wish to receive a pension to move from one State to another; and

WHEREAS, It is to the interests of the United States and all the citizens thereof that a system be devised whereby persons receiving a pension may reside in any State of the union in which they may desire; and

WHEREAS, A system whereby the entire cost of pensions to aged persons is borne by the Federal Government would be both equitable and just; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Senate of the State of California respectfully urges the President of the United States and the Congress to take cognizance of the problem of the care of the unduly large proportion of aged persons in California as a national matter and make provision to properly amend the Federal Social Security Act or to pass such other appropriate act so as to provide that all pensions to elderly persons be paid from the Treasury of the United States and that no State shall be required to assume any part thereof save and except in the administration of any pension system so set up; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States and the Vice President of the United States, the Speaker of the House of Representatives and to each Senator and member of the House of Representatives in the United States Congress for California.

### Consideration of Daily File.

#### Unfinished Business.

Assembly Concurrent Resolution No. 32—Approving two certain amendments to the charter of the city of Burbank, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on the third day of November, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 32 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—33.

NOES—None.

Assembly Concurrent Resolution No. 32 ordered transmitted to the Assembly.

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto.

Bill read third time.

#### Amendment from the Floor.

During third reading of Senate Bill No. 357, the following amendment, offered by Senator Olson, was read and adopted:

#### Amendment No. 1.

On page 5, line 22, of the printed bill, strike out "or a private person."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Senate Bills.

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37 (a) thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Delap, Dorel, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jespersen, Keith, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Persson, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swain, Tinkle, Wray, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 361 ordered transmitted to the Assembly.

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

Bill read third time.

**Urgency Clause.**

Sec. 5. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, Article IV, of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of facts constituting such necessity:

To prevent wholesale delinquency in the payment by assessed landowners within the district of installments of assessments levied to meet the interest demands of outstanding bonds, it is essential that said bonds be refinanced at a lower interest rate. To secure these ends, it is necessary that this act take effect immediately upon its passage.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—36.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—36.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 363 ordered transmitted to the Assembly.

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276 and 277 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—36.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 404 ordered transmitted to the Assembly.

Senate Bill No. 378—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417 and 418, relating to civil liability and financial responsibility of owners and operators of vehicles.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

**NOES**—None.

Title read and approved.

#### **Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 378 was passed.

Senate Bill No. 514—An act to regulate auctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—38.

**NOES**—None.

Title read and approved.

Senate Bill No. 514 ordered transmitted to the Assembly.

Senate Bill No. 785—An act to add section 445 to the Civil Code relating to liability for statement broadcasted over a radio or a radio broadcasting system.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 785, the following amendment, offered by Senator Olson, was read and adopted.

#### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out the word "broadcasted", and insert in lieu thereof the word "broadcast"; also in said line 2, add the letter "s", to the word "statement".

#### **Consideration of Senate Bill No. 785, as Amended.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Slater, Wagy, Westover, Williams, and Young—30.

**NOES**—Senators Biggar, Crittenden, Hays, Holahan, Law, Rich, Seawell, and Swing—8.

Title read and approved.

Senate Bill No. 785 ordered transmitted to the Assembly.

#### **Recess.**

At twelve o'clock and fifty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.



**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Message from the Assembly.**

The following message from the Assembly was received and read

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency:

Assembly Bill No. 2803—An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 2803 read first time, and referred to Committee on Contingent Expenses.

**Consideration of Daily File—(Resumed).****Second Reading of Senate Bills.**

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Senate Constitutional Amendment No. 11 was read and adopted:

**Amendment No. 1.**

On page 2, line 5, of the printed measure, after the word "court", at the end of the line, insert the following: " , board or commission".

Bill read, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 778 An act to add a new section to the Fish and Game Code to be numbered 536.4, relating to the installation of screens.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 778 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after the period, insert the following: "The type, size, mesh and location of the screen shall be mutually agreed upon by the commission and the owner of the conduit. In the event the commission and the owner of the conduit can not agree, the entire matter shall be submitted to the Chief of the Division of Water Resources of the State of California whose decision shall be final. The owner of the conduit shall operate and maintain any screen heretofore or hereafter installed and keep the same free of debris so that it will not unduly impede the flow of water, and shall render quarterly to the commission a statement showing the cost of such operation, maintenance and work for the preceding three months and the commission shall within 30 days thereafter pay to the owner of the conduit one-half of such cost."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

## Second Reading of Assembly Bills.

Assembly Bill No. 462—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 462 were read and adopted:

#### Amendment No. 1.

On page 1, line 13, of the printed bill, after the word "has", insert the following: "in the opinion of the Department of Motor Vehicles."

#### Amendment No. 2.

On page 1, line 13, of the printed bill, strike out the word "of", appearing at the end of the line.

#### Amendment No. 3.

On page 1, line 14, of the printed bill, strike out the words "Motor Vehicles."

#### Amendment No. 4.

On page 1, line 16, of the printed bill, after the word "therefore", insert the following: "The Department shall withhold registration of the vehicles herein mentioned until it shall be convinced by affidavit of the applicant or upon evidence submitted by the State, or Federal Relief Authorities that the vehicles will be used exclusively for the purposes herein stated."

Bill read second time, ordered to print, and on file for third reading.

## Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School.

Respectfully submitted,

SENATOR JESPERSEN

Request referred to Committee on Rules

## Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Denel, Fletcher, Hays, Helsham, Keough, Knowl- and, Law, McColl, McGovern, Metzger, Mixter, Rich, Schottky, Slater, Wag- and Young—18.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings under Call of the Senate.****Withdrawal and Re-reference of Senate Bill No. 972.**

Senator Hays moved that Senate Bill No. 972 be withdrawn from Committee on Motor Vehicles, and referred to Committee on Public Utilities.

Motion carried, and such was the order.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes.

**Amendment from the Floor.**

During third reading of Senate Bill No. 893, the following amendment, offered by Senator McCormack, was read and adopted:

**Amendment No. 1.**

On page 3, line 52, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "including a connection from Vallejo to Route 7 near the Carquinez Bridge."

Bill read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 727—An act to add a new section to "The Personal Income Tax Act of 1935" to be numbered 20.5, relating to refunds.

**Amendments from the Floor.**

During third reading of Senate Bill No. 727, the following amendments, offered by Senator Rich, were read and adopted:

**Amendment No. 1.**

On page 1, lines 2 and 3 of the title of the printed bill, strike out "to be numbered 20.5".

**Amendment No. 2.**

On page 1, line 21, of the printed bill, after "more", insert the following: "than".

**Amendment No. 3.**

On page 2, line 28, of the printed bill, strike out "Such determination shall be final, unless," and strike out lines 29 to 33, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Notice of Motion to Reconsider.**

Senator Deuel gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 785 was passed.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management.

use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall accordingly take effect immediately. The facts constituting such urgency are the following:

The California Toll Bridge Authority now has pending before the Reconstruction Finance Corporation an application for the allotment of additional funds with which to construct an overpass on and a connection with the San Francisco-Oakland Bay Bridge; that the overpass and connection are necessary to facilitate and more safely distribute traffic using such bridge and to prevent the crossing of bridge approaches at grade, with its consequent danger to life, limb and property; that unless such allotment is procured, such overpass and connection can not be built; and that such allotment will not be made unless the legal authority of the officers concerned to make the agreements herein authorized is certain.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Donel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Powers, Rich, Schottky, Slater, Wagz, Westover, Williams, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 passed by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Donel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Powers, Rich, Schottky, Slater, Wagz, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 646 ordered transmitted to the Assembly.

Senate Bill No. 628—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1919, relating to enforcement of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 628 passed by the following vote:

AYES—Senators Bigger, Cunningham, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Law, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Rich, Schottky, Sewell, Slater, Wagz, Westover, Williams, and Young—26.

NOES—Senator McColl—1.

Title read and approved.

Senate Bill No. 628 ordered transmitted to the Assembly.

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.



**Amendment from the Floor.**

During third reading of Senate Bill No. 528, the following amendment, offered by Senator Metzger, was read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended, after "park", strike out the comma, and strike out "and making an", and strike out all of line 5, and insert in lieu thereof a period.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 refused passage by the following vote:

AYES—Senators DeLap, Garrison, Gordon, Jespersen, Law, McBride, McCormack, Mixter, Phillips, Slater, Wag, Williams, and Young—13.

NOES—Senators Cunningham, Deuel, Hays, Holohan, Keating, Keough, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Rich, Schottky, Seawell, Tickle, and Westover—17.

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 459 ordered transmitted to the Assembly.

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 901 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 901 ordered transmitted to the Assembly.

Senate Bill No. 613—An act to amend section 96 of the "Bank Act," relating to deposits of money received by State Treasurer from trust companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 613 passed by the following vote:

AYES—Senators Cunningham, Denel, Fletcher, Gordon, Hays, Holahan, Jepsen, Kenting, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawall, Slater, Tinkle, Wagy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 613 ordered transmitted to the Assembly.

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, instruments, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

#### Amendments from the Floor.

During third reading of Senate Bill No. 637, the following amendments, offered by Senator Jepsen, were read and adopted:

##### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out "July", and in lieu thereof insert the following: "January".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, between lines 6 and 7, insert the following paragraph:

"For each license issued or renewed after the first day of January the fee shall be reduced one-fourth for each three months' period which has elapsed since this date."

##### Amendment No. 3.

On page 1, line 21, of the printed bill, as amended, strike out "for the term of one", and in lieu thereof insert the following: "until the first day of January of the".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066 and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

#### Amendments from the Floor.

During third reading of Senate Bill No. 638, the following amendments, offered by Senator Jepsen, were read and adopted:

##### Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, strike out "July", and insert in lieu thereof the following: "January".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, between lines 16 and 17, insert the following paragraph:

"For each license issued or renewed after the first day of January the fee shall be reduced one-fourth for each three months' period which has elapsed since this date."

##### Amendment No. 3.

On page 2 of the printed bill, as amended, strike out line 7, and in lieu thereof insert the following: "until the first day of January of the year next ensuing."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 429—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter cutting and wrapping licenses.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 429 passed by the following vote:

AYES—Senators Allen, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Wagy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 429 ordered transmitted to the Assembly.

Senate Bill No. 149—An act to amend section 11 of the California District Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Allen, Cunningham, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 149 ordered transmitted to the Assembly.

Senate Bill No. 610—An act to amend section 32e of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Gordon, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 610 ordered transmitted to the Assembly.

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass.

**Amendments from the Floor.**

During third reading of Senate Bill No. 92, the following amendments, offered by Senator Garrison, were read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "Civil" and insert in lieu thereof the following: "Penal".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 5 and 6 and insert in lieu thereof the following: "enters upon any lands under cultivation or to be used for a farm or enters upon any other lands or upon the canal banks or rights of way or any irrigation district where signs".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Leave of Absence.**

Senator Crittenden was, on motion of Senator Young, granted leave of absence for the balance of this legislative day.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 434—An act to amend the County Water District Act, approved June 10, 1913, as amended, relating to county water districts, by amending section 31 thereof and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: section 121, granting to county water districts the powers of mosquito abatement districts, and section 371, relating to segregation of items of property on the assessment roll.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Keough, Law, McBride, McCall, McCannock, Meninger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Sawwell, Slater, Swang, Wagy, Westover, and Williams—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 434 ordered transmitted to the Assembly.

Senate Bill No. 753—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof.

Bill read third time.

**Urgency Clause.**

**SEC. 2.** This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The following is a statement of the facts constituting such urgency: Many irrigation districts organized under the laws of this State have secured the approval of the California District Securities Commission to a proposed plan for funding or refunding their bonded indebtedness and have secured the authorization of a majority of the qualified electors of such districts at an election called for the purpose of authorizing the issuance of such funding or refunding bonds. Certain of such districts have reserved as a condition to said plan so approved the right to modify such plan prior to its consummation and thereafter have found it necessary to modify such original proposed plans in one or more respects. There is no provision now in the California Irrigation District Act for modification of such proposed plans. If this amendment



does not go into effect until ninety days after the final adjournment of this session of the Legislature, the doubts as to the power of such districts to make such modifications will prevent such districts from securing legal approval of bonds issued under plans so modified, and such districts will therefore be unable to take advantage of the provisions hereof clarifying such doubts prior to July 1, 1937. Unless such districts can obtain immediate clarification of the statute so as to clearly authorize modification of their proposed plans for refunding their bonded indebtedness, such district must advance large cash payments for maturing bonds and interest coupons on July 1, 1937, leaving them without sufficient funds to enable them to operate properly and efficiently their distribution works. The proper and efficient operation of such works is necessary for the purpose of furnishing water for irrigation and domestic use of the landowners within such districts and also to certain municipalities which are dependent entirely upon such districts for their source of water supply. The failure of such districts to make proper distribution of water would be a menace to the public health of the inhabitants of such districts and of the municipalities aforesaid. If, however, the provisions of this amendment become a law immediately, such districts will be able to secure the approval to the modification of their proposed refunding plans and to refund their bonds and coupons on or before July 1, 1937, thereby enabling such districts to utilize all available funds for the proper operation of their works for supplying and distributing water.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 753 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 753 ordered transmitted to the Assembly.

Senate Bill No. 626—An act to add a new chapter to be numbered Chapter 9 to Division V of the Agricultural Code, relating to grades and standards for nursery stock.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 626 ordered transmitted to the Assembly.

Senate Bill No. 1066—An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1066 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormick, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Senwell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34  
**NOES**—None.

Title read and approved.

Senate Bill No. 1066 ordered transmitted to the Assembly.

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts.

**Amendment from the Floor.**

During third reading of Senate Bill No. 904, the following amendment, offered by Senator McBride, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "one lot, of walnuts free from the following defects, blanks (walnuts without kernels), walnuts containing insects, insect excreta, or webbing, or".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1089—An act to add section 5 to an act entitled "An act creating a reclamation district to be known as Reclamation District No. 10, prescribing its boundaries and providing for the management and control thereof; dissolving Protection District No. 10, of Yuba County, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said district," approved May 26, 1913, relating to the disposition of funds impounded for the payment of outlawed bonds of said district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1089 passed by the following vote:

**AYES**—Senators Allen, Biggar, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormick, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Senwell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35  
**NOES**—None.

Title read and approved.

Senate Bill No. 1089 ordered transmitted to the Assembly.

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same.

**Amendment from the Floor.**

During third reading of Senate Bill No. 649, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the printed bill, strike out "unlawfully and".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**President Pro Tempore in the Chair.**

At three o'clock and fifty-eight minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Resolution.**

The following resolution was offered, and ordered printed in the Journal:

By Senator Williams:

"WHEREAS, The Biennial Report of the State Board of Equalization covering the period from July 1, 1934, to June 30, 1936, now has been made available; and

WHEREAS, Material of great interest to the members of the Legislature is contained in this report and is deserving of frequent reference; now, therefore, be it

*Resolved by the Senate of the State of California*, That pages 1 to 11, inclusive, of said report dealing with matters of general concern affecting the revenue system, and pages 29 and 30 thereof concerning certain tables comparing revenues and expenditures and summarizing the revenues handled by the board, be printed in the Senate Daily Journal for this day."

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bills No. 710 and 711 were passed was continued until the next legislative day.

**Re-reference of Senate Bill No. 663.**

Senator Phillips moved that Senate Bill No. 663 be re-referred to Committee on Education.

Motion carried, and such was the order.

**Notice of Motion to Reconsider.**

Senator McColl gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 910 was refused passage.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Military Affairs.**

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Joint Resolution No. 6—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuro-psychopathic hospital for veterans of the World War: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 511—An act to amend sections 800, 803, 804, 814 and 815 of the Military and Veterans Code, relating to veterans' farm and home purchase; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 921—An act to amend Chapter 111 of Division V of the Military and Veterans Code, consisting of sections 1120 and 1121, and to repeal section 4408a of the Political Code, relating to county and city institutions.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 22, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 512—An act making an appropriation to be used in the construction of a neuro-psychopathic hospital.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 521—An act to add section 653.1 to the Penal Code, relating to parking.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 98—An act to add section 14 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1793—An act to add a new section to be numbered 210 to the Penal Code, relating to extortion.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 21—An act to add section 377f to the Penal Code, relating to racing.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.



**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

Senate Bill No. 1935—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "Highway Carriers' Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—4.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

Senate Bill No. 600—An act to amend section 43 of the Probate Code;

Senate Bill No. 661—An act to amend section 42 of the Probate Code;

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity;

Senate Bill No. 820—An act to amend section 43006 of the Political Code, relating to public administrator's fees;

Senate Bill No. 824—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents;

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

Senate Bill No. 366—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its Territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be retained the names and addresses of consular officers who make such requests;

Senate Bill No. 367—An act to amend section 328 of the Probate Code, relating to notices prior to the hearing of application for letters;

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters;

Senate Bill No. 491—An act to amend sections 3197 and 3198 of, and to add sections 3197a, 3197b and 3197c to, the Political Code, relating to trade-marks;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

**On Prisons and Reformatories.**

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 223—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

HOLOHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 346—An act relating to parole and the conditional release of prisoners;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—1.

HOLLOMAN, Chairman.

### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 37—Memorizing Congress relative to the appointment of an expert adviser to the Maritime Commission.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—1.

PHILLIPS, Chairman.

### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 408—An act to amend sections 748, 749, and 741 of the Vehicle Code, relating to procedure upon arrest.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585 1/2, relating to stops and related vehicles and matters.

Senate Bill No. 70—An act to add section 591 to the Vehicle Code, relating to illegal stopping, standing or parking of motor vehicles.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 656—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—2.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 354, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2, 363.3 and 378.5 thereto, relating to live stock marks and brands. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

**On Commerce and Navigation.**

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 969—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts, for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such district," approved April 20, 1927, as amended, by amending section 20 of said act, relating to the management and control of harbors created, developed and improved under the provisions of said act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

**Adjournment.**

At four o'clock and ten minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock a.m., Wednesday, March 24, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE.**

SENATE CHAMBER,  
SACRAMENTO, WEDNESDAY, March 24, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—40.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, March 23, 1937, the further reading was, on motion of Senator Slater, dispensed with.



**Privilege of Floor of Senate Extended.**

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Claire Haeppel, Mr. Leon Haeppel, and Mr. Louie Metmark, all of Stockton.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Karl Muth of San Bernardino.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard W. Young, General Counsel, Farm Credit Administration of Berkeley, and R. B. Moore, Supervisor of the Farm Debt Adjustment Program in the Resettlement Administration.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. S. Coombs of Napa.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Joe Riley of Bishop.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. V. M. Moor of Santa Rosa and Mr. Roger Thomas of Santa Rosa.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Geo. F. Pabst of Hemet.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eli S. McColl and James McColl, both of Long Beach, and Floyd McColl of San Francisco.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. J. Daman of Ferndale, chairman of the Legislative Committee of the Humboldt Dairymen's Association.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wm. Dalby of Red Bluff.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Baxter Geeting of Westwood.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Biscoe Kibby of Sacramento and Mrs. G. S. Kibby of San Diego.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Brooke Eltinge Sawyer of Saticoy, Miss Agnes Cropper and Miss Aurora Yglesias of Ventura.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank F. Merriam, Mrs. P. L. Harper, Mrs. Ray Ingels, and Miss Betty Ingels.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marjorie Bull of Eureka.



On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Estelle O. Herrick, and Mrs. Agnete Johanson, both of Alameda.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Newman, mayor of Newman, Ernest Beall, city trustee of Newman, E. H. Zion of Modesto, Frank Vincent, and Dr. W. S. Thompson of Newman.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

**LETTER OF TRANSMITTAL OF DEPARTMENT OF FINANCE WITH  
COPY OF AGREEMENT FOR EASEMENT No. 338, HUNTINGTON  
BEACH, BETWEEN STATE OF CALIFORNIA AND STANDARD OIL  
COMPANY OF CALIFORNIA, ET AL.**

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,  
SACRAMENTO, March 23, 1937.

*Honorable George J. Hatfield,  
President of the Senate, and  
The Honorable Members of the Senate,  
State Capitol,  
Sacramento, California.*

GENTLEMEN: Herewith is photostatic copy of agreement for Easement No. 338, Huntington Beach, between State of California and Standard Oil Company of California, a corporation; Huntington Beach Company, a corporation; Pacific Electric Railway Company, a corporation, and Pacific Electric Land Company, a corporation, duly executed by and upon behalf of the parties thereto.

Prior to execution of said agreement, a clause was inserted in said agreement in words as follows, to wit:

This agreement shall be subject to and effective upon confirmation by the Legislature of the State of California.

Contemporaneously with the execution of said agreement, a supplemental agreement was executed by and upon behalf of Standard Oil Company of California et al., a photostatic copy of which is herewith.

On account of the widespread interest which has attended the controversy at Huntington Beach, and particularly the proposed settlement of the royalty claims of State of California against Standard Oil Company of California, et al, it is deemed unnecessary to review at length the circumstances which have influenced the State to withhold execution of said agreement. However, it seems appropriate to mention that in December, 1934, the Standard Oil Company of California, et al, made a proposal to compensate the State of California for oil and gas, and products manufactured from gas, taken from lands of the State through wells finished in whole or in part upon lands of the State.

On April 11, 1935, a special committee was appointed by the Speaker of the Assembly of the fifty-first session of the Legislature for the purpose of conducting an investigation of the drilling and development of the tidelands of the State of California. This committee filed a preliminary report with the Assembly on May 7, 1935, containing among other recommendations the following:

In addition to the wells covered by the settlement agreements, heretofore referred to, there are other wells. Some of these may also have been drilled by wilful trespassers, some may have penetrated the tidelands innocently. Regardless of motive, all are alike trespassers, all should be compelled to pay a fair royalty to the State. We recommend that the State officials be directed to proceed against all trespassers and to effectuate a settlement with them at the same royalty and on the same terms as those already negotiated. (See preliminary report of Assembly investigating committee of the drilling and development of the tidelands of State of California, printed in Assembly Daily Journal of May 7, 1935).

Prior to adjournment of said fifty-first session of the Legislature, and subsequent to the report of this Assembly committee, the Senate on April 22, 1935, authorized the appointment of a Special Committee to Investigate the Abstraction of Oil and Gas from State Lands. This committee filed its report with the Senate on March 4, 1937, which report contains the recommendation, among others, as follows:

Specifically, that the Director of Finance execute on behalf of the State and deliver to Standard Oil Company of California, Easement No. 338, in substantially the same form as that agreed upon on March 27, 1935, but containing a clear provision that the settlement set out in said agreement is

based upon the line fixed by the Leach survey, and that if at any future time a definite boundary line between the lands and easement is established by judicial determination the easement shall be adjusted accordingly. The easement shall further provide that if the establishment of any new line shall result in a determination that either present or future wells of the operator, other than those now specified in said easement, are found to be bottomed on State lands or if any present existing and proposed existing wells shall be found to be not bottomed upon State land, that said easement shall be adjusted accordingly. (See report of Special Senate Committee to Investigate the Abstraction of Oil and Gas from State Lands, printed in Senate Daily Journal of March 4, 1937.)

In accordance with the recommendations of said committee of the Senate and Assembly, said agreement for Easement No. 338, Huntington Beach, was executed by and upon behalf of State of California, subject to action in confirmation by the Legislature.

The said agreement is respectfully submitted to the Senate for confirmation and such disposition as the Senate may deem proper.

Very truly yours,

ARLIN E. STOCKBERGER, Director of Finance.

(Inclosures.)

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,  
DIVISION OF STATE LANDS, STATE CAPITOL, SACRAMENTO.  
**Agreement for Easement No. 338, Huntington Beach.**

THIS AGREEMENT, made and entered into this 22d day of March, 1937, on the 31st day of December, 1936, by and between the STATE OF CALIFORNIA, through the duly appointed, qualified and acting Director of Finance of the State of California, and the duly appointed, qualified and acting Chief of the Bureau of State Lands of the Department of Finance, State of California, both of the first part, hereinafter called the "State," and STANDARD OIL COMPANY OF CALIFORNIA, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with a principal place of business in the State of California at 225 Bush Street, City and County of San Francisco, the HUNTINGTON BEACH COMPANY, a California corporation, with its principal place of business at 225 Bush Street, San Francisco, PACIFIC ELECTRIC RAILWAY COMPANY, a California corporation, with its principal place of business in Pacific Electric Building, Los Angeles, California, PACIFIC ELECTRIC LAND COMPANY, a California corporation, with its principal place of business at Pacific Electric Building, Los Angeles, California, parties of the second part, hereinafter sometimes called the "Grantee," pursuant to the provisions of Chapter 593, Statutes of California, 1933, sections 654 and 675 of the Political Code, Chapter 402, Statutes of California, 1931, as amended, Chapter 303, Statutes of California, 1921, as amended, and such other statutes as are applicable, and to any and all implied powers of the State of California to compromise litigation, all of which said statutory provisions are hereinafter referred to as The Act:

**RECITAL**

The State of California is the owner in its sovereign and proprietary capacities of certain lands situated in the County of Orange, State of California, hereinafter more particularly described, containing quantities of oil, gas, and other petroleum products; that upon lands adjacent to a portion of said lands are owned by the State of California and containing said oil and gas and other petroleum products, six (6) oil wells, commonly known as Standard HB PE No. 1, Standard HB PE No. 3, Standard HB PE No. 6, Standard HB PE No. 8, Standard HB PE No. 9 and Standard HB PE No. 10, have been drilled by Standard Oil Company of California, a corporation, upon that certain real property first hereinafter described and referred to as lands of the Grantee; that the bottoms, or portions of the bottoms, of said wells, and portions of said wells, are now through, in and under said lands of the State of California, and that said wells have drilled, drilled and received and are capable of draining, taking and receiving oil, gas and other petroleum products from the oil and gas deposits of said lands of the State of California; the Grantee is willing to compensate the State of California for all oil, gas and other petroleum products heretofore drained, taken, and received from said lands of the State of California by means of the said wells as hereinafter limited, and the State of California is willing to enter into an agreement with the Grantee whereby compensation may be had for all such oil, gas and other petroleum products produced through the said wells as hereinafter limited, and to permit the Grantee to continue to take oil, gas and other petroleum products from said lands of the State of California, through said oil wells as hereinafter limited, subject to the terms, covenants and conditions hereinafter set forth. The said lands of the Grantee and the said lands belonging to the State of California, to which references are hereinbefore made, are more particularly hereinafter described.

Now, Therefore, this agreement WITNESSETH:

SECTION 1. That the State, in consideration of the royalties to be paid and the covenants to be observed as herein set forth, does hereby grant to the Grantee

easements appurtenant to said lands of Grantee first hereinafter described, through, in and under the said lands belonging to the State of California hereinafter more particularly described (which said easements are more particularly hereinafter described), and the right to drain, take, receive, extract, remove, produce and use oil, gas, and other petroleum products, through the said oil wells commonly known and designated as Standard HB-PE Wells Nos. 1, 3, 6, 8, 9, and 10 respectively, the tops of which said wells are located upon those certain lands of Grantee situated in the County of Orange, State of California, and more particularly described as follows, to wit:

A strip of land of varying width being a portion of Sections four (4), three (3), ten (10), eleven (11), and fourteen (14), Township six (6) south, Range eleven (11) west, San Bernardino Base and Meridian; said strip of land being more particularly described as being thirty-two (32) feet on the left or northeasterly side and extending throughout to the line of ordinary high tide of the Pacific Ocean on the right or southwesterly side of the following described line, to wit:

Beginning at a point in the north and south quarter section line of Section four (4), Township six (6) south, Range eleven (11) west, San Bernardino Base and Meridian; and southerly, two thousand four hundred one and five tenths (2401.5) feet, a little more or less, from the north quarter section corner of said Section four (4); thence from said point of beginning, south forty-four degrees, thirty-seven minutes, fifteen seconds ( $44^{\circ} 37' 15''$ ) east, three thousand four hundred five and thirty-four hundredths (3405.34) feet, to the point of beginning of a one degree ( $1^{\circ}$ ) curve to the left; thence southeasterly along said one degree ( $1^{\circ}$ ) curve to the left, four hundred seventy-six and seventy-two hundredths (476.72) feet to the end of said one degree ( $1^{\circ}$ ) curve to the left; thence south forty-nine degrees, twenty-three minutes, fifteen seconds ( $49^{\circ} 23' 15''$ ) east, six thousand three hundred forty and eighty-eight hundredths (6340.88) feet to the point of beginning of a two degree ( $2^{\circ}$ ) tapered curve to the right; thence southeasterly along said two degree ( $2^{\circ}$ ) tapered curve to the right, two hundred twenty-three and fifty-four hundredths (223.54) feet to the end of said two degree ( $2^{\circ}$ ) tapered curve to the right; thence south forty-five degrees, thirty-one minutes ( $45^{\circ} 31'$ ) east, one hundred two and three hundredths (102.03) feet to the point of beginning of a two degree ( $2^{\circ}$ ) tapered curve to the left; thence southeasterly along said two degree ( $2^{\circ}$ ) tapered curve to the left, two hundred twenty-three and fifty-four hundredths (223.54) feet to the end of said curve; thence south forty-nine degrees, twenty-three minutes, fifteen seconds ( $49^{\circ} 23' 15''$ ) east, on a line parallel to and thirty-two (32) feet southwesterly from the southwesterly line of Ocean Avenue, as shown on map of Huntington Beach, recorded in Book Three (3), Miscellaneous Maps of Orange County, California, at page 36 thereof, three thousand six hundred three (3603) feet, a little more or less, to a point in the northwesterly line of "A" Street in Off Addition to Pacific City, as shown on map of said Addition made by S. H. Finley, C. E., in 1903;

and through any other wells which Grantee may hereafter drill upon said lands of Grantee into said State lands with the consent, in writing, of the Chief of the Division of State Lands being first had and obtained, and subject to the terms, covenants, and conditions herein contained, in so far as applicable, and otherwise in accordance with rules and regulations of the Division of State Lands now promulgated, and such reasonable rules and regulations of said Division of State Lands as may be promulgated hereafter, from those certain lands in the Pacific Ocean belonging to the State of California situated in the County of Orange, more particularly described as follows:

Beginning at a point in the ordinary high water mark of the Pacific Ocean where the north-south quarter section line of Section four (4), Township six (6) south, Range eleven (11) west, San Bernardino Base and Meridian, projected in a straight line southerly, intersects said ordinary high water mark; thence southeasterly along said ordinary high water mark a distance of three (3) miles to a point in said ordinary high water mark; thence southwesterly at right angles with said ordinary high water mark and in a straight line three (3) miles from said ordinary high water mark to a point in the Pacific Ocean; thence northwesterly along a line which is parallel to said ordinary high water mark a distance of three (3) miles to a point in the Pacific Ocean; thence northeasterly in a straight line to the point of beginning, (hereinafter sometimes referred to as said lands of the State of California);

for a period of twenty (20) years from the date hereof, with the preferential right in the Grantee to renew this agreement for successive periods of ten (10) years each, upon such reasonable terms and conditions as may be prescribed by the State, acting through the Chief of the Division of State Lands, hereinafter sometimes referred to as the Chief, unless otherwise provided by law at the time of the expiration of such periods.



It is understood and agreed between the State and the Grantee that the State shall be entitled to receive royalties computed in accordance with the provisions of Section 2(b) hereof, upon the following percentages of oil and gas produced from the said wells hereinbefore specifically mentioned, and of gasoline extracted from said gas:

Wells	Percentages
Standard HB-PE No. 1	57.4%
Standard HB-PE No. 3	100
Standard HB-PE No. 6	44.3%
Standard HB-PE No. 8	100
Standard HB-PE No. 9	100
Standard HB-PE No. 10	31.07

It is understood and agreed that the percentages for the wells set out in the foregoing table are computed on the basis of the line defining the tidelands from the tidelands, as more particularly described in the description attached hereto and marked Exhibit "B." Should any different line dividing tidelands from tidelands be determined by the final decree of any court of last resort or by agreement, such percentages shall be adjusted accordingly, and should such new line establish that there is no or different production from tidelands by any of the wells listed in the foregoing table, or that there is production from tidelands by other wells of Grantee not so listed, appropriate adjustments of easements and royalties shall be made by additional payment or refund out of the state treasury, as the case may be, all without interest.

**SECTION 2.** In consideration of the foregoing, the Grantee hereby agrees:

(a) To furnish a corporate surety bond, approved by the Chief of the General Land Office of two thousand dollars (\$2,000), for each easement herein granted, conditioned upon compliance with the terms, conditions and covenants of this agreement.

(b) To pay to the State of California a royalty computed upon the percentages set forth in Section 1 hereof, and in accordance with the formula and schedule marked Exhibit "A" attached hereto, and by reference made a part hereof, on the oil produced and saved from the said lands of the State of California hereinbefore described, or on demand of the State, acting through the Chief, a percentage of the oil produced in accordance with said Exhibit "A" and in accordance with the percentages set forth in Section 1 hereof, the royalty when paid to value to be due and payable monthly not later than the 25th of each calendar month following the calendar month in which produced, and when paid in kind to be delivered in the field and taken by the State at the receiving tanks of the Grantee on twenty-four (24) hours' notice of the Grantee that a tankful of oil is ready for delivery, to pay to the State of California at the times and in the manner herein specified for the payment of royalty on oil, one-fifth (20%) of the net proceeds computed upon the percentages set forth in Section 1 hereof, received by the Grantee upon all gas, whether dry or wet, produced and saved from said lands of the State of California hereinbefore described and upon all casinghead gasoline extracted from said gas and sold, whether to a subsidiary of any of the parties named as Grantee or any other Buyer. Unless such gas or casinghead gasoline is sold pursuant to a sales contract approved by the Chief, the price shall be the reasonable market price as fixed by the Chief. In case the gas produced and sold has a value both for casinghead gasoline content and as a dry gas from which the casinghead gasoline has been extracted, then the royalty above provided shall be paid upon the proceeds of each of such values.

The Grantee may run all oil produced from said Standard HB-PE Wells Nos. 1, 3, 6, 8, 9, and 10 to central storage tanks located either upon the lands of the Grantee or other lands in the vicinity, from which said oil may be run to pipe line after having been measured and tested and net volume computed and gravity determined. Grantee may run such portion of the oil produced from said Standard HB-PE Wells Nos. 1, 3, 6, 8, 9, and 10 as may require dehydration and/or cleaning to a central dehydrator or cleaning plant and after cleaning and dehydration may run such oil to said central storage tanks. Grantee shall measure separately by proper devices the oil produced from each of said wells, and at approximately regular intervals at least once in each calendar month Grantee shall take samples and make tests of the oil produced from each of said wells to determine the net volume thereof. Such measurements and tests shall be used as a basis for allocating to each of said individual wells the net oil run to the pipe line from said central storage tanks for the purpose of applying the percentages set forth in Section 1 hereof.

The Grantee shall meter all gas transported from said Standard HB-PE Wells Nos. 1, 3, 6, 8, 9, and 10, and such meter readings, together with analyses of the gasoline content of said gas made at approximately regular intervals, at least once in every month, shall furnish the basis for computation of the amount of the gasoline and residue gas deemed to have been extracted and saved from gas produced from each individual well, and allocations shall be made to each individual well in accordance with such determinations for the purpose of applying the individual well percentages set forth in Section 1 hereof.



The State may take its royalty dry gas in kind at its option, delivery thereof to be made at the casinghead manufacturing plant where produced or at such other place as the parties hereto may agree.

(c) To file with the Division of State Lands of the Department of Finance true and correct copies of all sales contracts for the disposition of oil, gas and other petroleum products produced hereunder and in the event the State, acting through the Chief, shall elect to take such oil or gas royalty in money instead of oil or gas, not to sell or otherwise dispose of oil or gas produced hereunder except in accordance with such sales contracts or other method first approved in writing by the State, acting through the Chief.

(d) To furnish monthly statements in detail in such form as may be prescribed by the State, acting through the Chief, showing, with respect to said wells, the amount, gravity, and market price at the well, of all oil produced, saved, and/or sold, the amount of gas produced and saved and sold, and the amount of casinghead gasoline extracted by the Grantee therefrom during the preceding calendar month, as the basis for computation of royalties due the State; to keep full and complete records and accounts of the operation and of the production of oil and gas derived from each and every well for which an easement is herein granted, which said records and accounts shall be available at all reasonable times to the inspection and examination by any person authorized by the State; to consent to an examination of the books and records of any individual, association or corporation which has transported for or received from the Grantee any oil, gas, or other petroleum products produced from said wells in so far as said books and records relate to production and transportation of oil and gas from said Standard HIB-PE Wells Nos. 1, 3, 6, 8, 9, and 10, and to gasoline extracted from gas produced therefrom; to permit inspection at all reasonable times by any person authorized by the State, of the operations of the Grantee with respect to the said wells, improvements, machinery, and fixtures used in connection therewith.

(e) To file, concurrently upon the execution of this agreement, with the Division of Oil and Gas of the Department of Natural Resources of the State of California, as confidential information, logs and all surveys of said Standard HIB-PE Wells Nos. 1, 3, 6, 8, 9, and 10, and any and all plats thereof, and other related information not heretofore filed with said Division; to waive the statutory right of Grantee to the inspection by the Director of Finance or the Chief or a duly authorized employee of either, of said data and information at any time during the life of this agreement; to waive the statutory right of the Grantee to use by the Director of Finance or the Chief or a duly authorized employee of either, of any other information filed with said Division of Oil and Gas by the Grantee; to consent to the withdrawal of such logs and surveys of said Standard HIB-PE Wells Nos. 1, 3, 6, 8, 9, and 10, and any and all plats thereof and other related information whether in original form or by making copies thereof, from the said Division of Oil and Gas at any time during the life of this agreement when determined desirable by the Director of Finance of the State of California for the purpose of making public record of same in the Division of State Lands, Department of Finance, State of California. Any and all such information filed by the Grantee with the said Division of Oil and Gas with respect to said wells shall be available at all times to the State for the purpose of forcing compliance with the terms, covenants, and conditions of this agreement and rules and regulations now promulgated by the Division of State Lands and reasonable rules and regulations which may hereafter be promulgated by the Division of State Lands.

(f) To pay when due all taxes lawfully assessed and levied under the laws of the State, County, City, and United States of America, upon improvements, oil, gas, and other petroleum products produced from the lands of the State of California hereinbefore described, other than the State's royalty oil, gas, and petroleum products; to accord all workmen and employees freedom of purchase, and to pay wages due workmen and employees in accordance with the laws of the State of California and of the United States of America relating to employment of workmen. To comply with all laws of the State of California and all rules and regulations of any agency of the State of California having jurisdiction therein, and all laws of the United States of America, and all rules and regulations of any agency of the United States of America having jurisdiction therein, relating to the drilling, maintenance and operation of oil and gas wells and production of oil and gas.

(g) Not to drill into the said lands of the State of California any wells for the production of oil, gas, and petroleum products, or otherwise, without the consent in writing of the Chief thereto first had and obtained; nor to redrill, lengthen or deepen into the said lands of the State of California without the consent in writing of the Chief first had and obtained, and then only in strict compliance with rules and regulations promulgated by the Chief, and other agency of the State having jurisdiction thereof, said Standard HIB-PE Wells Nos. 1, 3, 6, 8, 9, and 10; provided, however, if consent in writing is first had from the Chief, to redrill, lengthen or deepen any one or more of said Standard HIB-PE Wells Nos. 1, 3, 6, 8, 9, and 10, the State shall not exact any royalty or royalties in addition to those herein specified from the Grantee in consideration of the granting of such permission, and

further provided, that when due to collapse of casing or other mechanical difficulty or obstruction in any of said wells, it becomes reasonably necessary to repair any such well, the Grantee may carry on and complete the necessary work of redrilling any such well upon notice of intention, specific in detail and precise in character, of the proposed work, being given to the State at least ten (10) days before any such work is commenced, and said work of redrilling any such well shall be done in strict conformity with the laws of the State of California and the rules and regulations promulgated thereunder by any agency of the State having jurisdiction therein without regard to whether such rules and regulations be general or specific or both; and an accurate survey of any new hole or sidetracking shall be made at intervals of not less than one hundred (100) feet, and shall conformably be filed with said Division of Oil and Gas subject to the provisions contained in subdivision (c) of Section 2 hereof relating to the inspection and use by the State and withdrawal by the Director of Finance. All such operations shall be carried on in strict accordance with the detailed plan of said work as submitted to said notice and be varied only with the written consent of the State first had and obtained.

(h) To exercise reasonable diligence consistent herewith in the operation of said wells while said products can be obtained in paying quantities and not to unnecessarily or unreasonably suspend continuous operations except with the consent of the State, acting through the Chief. To carry on all operations hereunder in good workman-like manner in accordance with approved methods, having due regard for the prevention of waste of oil and unreasonable waste of gas therefrom through said wells, or the entrance of water through said wells to the all sands or oil bearing strata to the destruction or injury of the oil deposits, or future productive operations and the health and safety of workmen and employees; to plug severely, in the manner prescribed by any agency of the State having jurisdiction thereof, any of said wells before abandoning the same so as to effectually stop the flow of water from the oil and gas bearing strata; to conduct all drilling and related productive operations hereunder subject to the inspection of authorized officials of the State, to furnish to the State detailed drawings of all oil lines in any manner attached to the said wells and to report changes or additions promptly; to gauge all oil, to measure all gas, whether dry or wet, in accordance with the rules and regulations now or which may hereafter be promulgated by the Chief, provided the State, through the Chief, shall have, at any time, the right to gauge all oil and measure all gas, and in the event of a disagreement between the State and the Grantee concerning the quality and/or quantity of the oil and/or gas so gauged and/or measured, the burden to establish the incorrectness of such gauging and/or measurement shall rest upon the Grantee, and the Grantee is hereby given the right to establish, by proper court proceeding, the correct quality and/or quantity of such oil and/or gas so gauged and/or measured; to carry out at the expense of the Grantee all reasonable orders and requirements of the State acting through the Chief, relative to prevention of unreasonable waste and preservation of the property and the health and safety of workmen, and on failure so to do the State, through its agent or agents, shall have the right to enter on said lands of Grantee to remove or prevent such unreasonable waste at Grantee's cost; to abide by and continue to the rules and regulations in force at the time this easement is granted, covering matters referred to in this paragraph, and to comply with such reasonable rules and regulations as may from time to time be issued by the State, acting through the Chief, or any other agency of the State having jurisdiction thereon; provided, however, that the Grantee shall not be responsible for delay or casualties occasioned by a cause beyond the control of the Grantee.

### SECTION 3. The State expressly reserves:

(a) The right to grant easements or crossings for other wells in, upon and under said lands belonging to the State of California and heretofore described over, under or along the courses of said wells of the Grantee, and nothing herein contained shall be construed as limiting the powers of the State of California to lease, convey, or otherwise transfer or encumber, during the life of this agreement, said lands of the State of California for any purpose whatsoever; and this agreement shall not be construed as granting to the Grantee the exclusive privilege to take oil, gas, or other petroleum products from said lands, or any portion thereof, of the State of California.

(b) Full power and authority to carry out and enforce all of the provisions of Section 15 of said Chapter 303, Statutes of California, 1921, as amended, to the extent, if any, the same is legally applicable, to insure the sale of the production of such oil, gas and other petroleum products from said lands of the State of California to the public at a reasonable price to prevent monopoly and to safeguard the public welfare.

(c) The right to use any and all gas, whether dry or wet, produced from the said wells and not required for sale or use by Grantee, for the purpose of repressuring the field provided that such repressuring shall not unreasonably interfere with or cause damage to the said wells of the Grantee.

SECTION 4. The Grantee shall assume all responsibility in connection with the maintenance and operation of said oil wells, and shall at all times hold the State free and harmless from any liability to the State, its officers, agents and employees on account of any negligent maintenance or operations on the part of the Grantee and the officers, agents and employees of the Grantee.

SECTION 5. In the event crossings are made or attempted to be made by any others across the lands hereinbefore described belonging to the Grantee for the purpose of entering into or upon said lands of the State of California, the Grantee shall join with the State in any course of action determined by the State for the purpose of preventing any such crossing or crossings or if such crossings have been made for the purpose of abatement of the same.

SECTION 6. The Grantee may use oil and/or gas produced from said wells, or gas received in exchange for such gas so produced for fuel purposes, for necessary operations of said wells on said premises, or for the drilling of new wells into said lands of the State of California, or for recirculation of any of said wells, or for repressuring the oil sand or sands from which said well may be producing, even though such gas is injected into such sand through another well, the bottom of which is in said lands of the State of California, free from any royalty charges thereon.

If and when it becomes necessary to dehydrate or clean said oil, the Grantee shall be entitled to compensation from the State of California at the rate of two and one-half cents (2½c) per barrel of net royalty oil so dehydrated or cleaned.

SECTION 7. After having been reduced to possession, the possession by the Grantee of the State's royalty portion of oil, gas and gasoline shall be as Trustee for the State until full settlement for the royalty interests to the State have been made. Grantee shall be empowered to sell and convey good title to the full amount of royalty oil, gasoline or dry gas produced and saved it and when such sales have been approved in writing by the Chief as herein provided.

SECTION 8. The State, acting through the Chief, shall have the right and power at any time and from time to time to terminate this easement and agreement as a whole or as to any of said wells or portion thereof in or under said lands of the State of California covered thereby by giving the Grantee notice in writing of its election to effect such termination.

It is further understood and agreed by all of the parties hereto that the above named Standard Oil Company of California shall have the right and power at its election at any time and from time to time to surrender and terminate this easement and agreement as a whole or as to any of said wells or portion thereof in or under said lands of the State of California covered thereby, upon the payment of all royalties or other obligations due and payable to the State, upon the payment of all wages due and payable to workmen and employees by the Grantee and upon notice in writing to the State of its election to effect such termination.

In the event either the State, or said Standard Oil Company of California, shall serve such notice of intention to terminate this agreement as to any of said well or wells as aforesaid, the Grantee shall thereupon discontinue the production by means of the well or wells affected by such termination notice, and within a reasonable time thereafter shall complete the abandonment of that portion or portions of such well or wells affected by such termination notice in, upon, or under said lands of the State of California in conformity with all then existing laws relative thereto. Upon such termination Grantee shall be relieved of all further obligations hereunder with respect to the well or wells or portions thereof so abandoned.

SECTION 9. If the Grantee shall fail to comply with the provisions of the Act so far as its applicable or make default in the performance or observance of any of the terms, covenants and stipulations hereof, or of the rules and regulations of the Division of State Lands now promulgated, and all reasonable rules and regulations which may hereafter be promulgated, and such default shall continue for the period of thirty (30) days after written notice thereof by the State, acting through the Chief, and no steps shall have been taken within that time, in good faith, to remedy said default, then the State, acting through the Chief, may enter upon the premises of the Grantee and take possession of the same for the purpose of operating said wells of the Grantee until such time as all money defaults of the Grantee to the State have been fully satisfied, or if such default cannot be satisfied by the payment of money, then the Chief shall have the right and power to cancel the respective easement and/or to close said well or wells which are not being conducted or operated in the manner prescribed by the provisions of this easement, the rules and regulations of the Division of State Lands now promulgated, and reasonable rules and regulations of the Division of State Lands which may be hereafter promulgated, but this provision shall not be construed to prevent the exercise by the State, through the Chief, of any legal or equitable remedy which the State might otherwise effect. The waiver of or failure of the State to act upon any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this easement for any other cause of forfeiture or for the same cause occurring another time.



SECTION 10. All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been duly given when made in writing and deposited in the United States mail, registered and postage pre-paid, and addressed as follows:

(To the State)

Division of State Lands,  
Department of Finance,  
State Capitol,  
Sacramento, California.

AND

(To the Grantee)

Standard Oil Company of California,  
225 Bush Street,  
San Francisco, California.

The addresses to which the notices shall or may be mailed, as aforesaid, to either party, shall or may be changed by written notice given by such party to the other as hereinabove provided; but nothing herein contained shall prevent the giving of any such notice by personal service.

SECTION 11. It is further covenanted and agreed that each integration herein shall extend to and be binding upon, and every benefit hereon shall inure to the successors and assigns of the respective parties hereto.

SECTION 12. It is hereby understood and agreed that this agreement and all the benefits derived therefrom to the parties herein, are for the sole and complete benefit of the parties hereto.

SECTION 13. It is hereby agreed that the amount of the royalty here and payable by the Grantee to the State for all oil and gas and other petroleum products produced by the Grantee from said wells hereinbefore mentioned, up to and including December 31, 1936, is the sum of five hundred five thousand nine hundred fifteen and sixty-four hundredths dollars (\$505,952.64), which, together with further royalties which may accrue and be payable after December 31, 1936, and up to the effective date of this agreement, the State agrees to accept and the Grantee agrees to pay upon this agreement becoming effective.

Grantee shall pay the State the royalty amount after the effective date of this agreement at the times provided for in Section 2 hereof.

SECTION 14. It is hereby agreed between the parties herein that any of the provisions hereof may be modified and or amended upon the mutual consent of the parties hereto.

SECTION 15. This agreement, or any easement hereby granted, shall not be assigned (except to the successor, or successors, if any, in the business of the Grantee) either in part or in whole, voluntarily or involuntarily, without the consent in writing of the Chief first had and obtained.

SECTION 16. The easement granted by this instrument is more specifically described as follows, to wit:

An easement in and to, under and through, said lands of the State comprising and consisting of separate and distinct cylindrical areas, each twenty-four (24) inches in diameter and extending throughout the full length, course and distance of said respective wells hereinbefore mentioned, in so far as the same traverse or are in, upon or under said lands of the State, the center line of each of said respective cylindrical areas being the center line of each of said respective wells as disclosed by the surveys or plats thereof filed with the said Director of Oil and Gas of the said Department of Natural Resources and or as verified or altered by subsequent survey, if any, and in addition thereto, smaller cylindrical areas following the respective courses and directions of the center lines of such other wells as may hereafter be drilled by Grantee into and through the lands of the State with the written consent of the State or Chief, as hereinbefore provided, together with the right, under and in compliance with the terms of this instrument, to enter in and upon and to use said easement, or cylindrical areas for the purpose of conducting therein or thereon the operations authorized by the terms of this agreement.

In the event any agreement or agreements are hereafter entered into between the State acting through the Director of Finance and or the Chief of the Division of State Lands, and persons, firms, or corporations other than the Grantee herein, pursuant to the authority under which this agreement is made, which said agreement or agreements shall relate to the taking of oil, gas, and petroleum products from said lands of the State of California through wells drilled upon lands of Seventeenth Street Addition to the City of Huntington Beach, California, the Grantee shall have the option to adopt the form of any such agreement in toto, in lieu of this agreement, effective from date of such adoption, which shall not be later than ninety (90) days after Grantee has knowledge of any such new agreement or agreements; provided that this Section 16 shall not create as against the Grantee any implication of consent to such agreement or agreements.

SECTION 17. Should the State elect to take its royalty oil or dry gas in kind, notice of thirty (30) days shall be given to the Grantee of the State's intention



so to do; on such election, the State shall continue to take its said royalty oil and/or dry gas (as the case may be) in kind for a period of six (6) months from the time it commenced to take such royalty oil and/or dry gas (as the case may be) in kind, and thereafter for like periods of six (6) months unless the State shall, at least thirty (30) days prior to the end of any such six (6) months' period, notify the Grantee in writing of the State's election to cease taking its royalty oil and/or dry gas (as the case may be) in kind, and to take the same in value.

Standard Oil Company of California, one of the parties named as Grantee, is an integrated oil company buying and selling petroleum and its products and operating refineries, and no use of the oil, gas or other petroleum products from said lands of the State by the Grantee shall subject Grantee to payment to the State for the State's royalty otherwise than in accordance with the provisions of this agreement.

This agreement shall be subject to and effective upon confirmation by the legislature of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed this agreement, the day and year first above written.

#### STATE OF CALIFORNIA.

By ARLIN E. STOCKBURGER,  
Director of Finance.

By CARL STURZENACKER,  
Chief of the Division of State  
Lands, Department of Finance.

Form approved:

U. S. WEBB, Attorney General  
of California.

#### GRANTEE STANDARD OIL COMPANY OF CALIFORNIA.

By W. H. BERG,  
Its Vice President.  
LEE LAIRD,  
Its Assistant Secretary.

#### PACIFIC ELECTRIC RAILWAY COMPANY,

By D. W. PONTIUS,  
Its President.  
L. A. LOVELL,  
Its Secretary.

#### HUNTINGTON BEACH COMPANY,

By M. E. LOMBARDI,  
Its Vice President.  
G. M. FOSTER,  
Its Assistant Secretary.

#### PACIFIC ELECTRIC LAND COMPANY,

By D. W. PONTIUS,  
Its President.  
L. A. LOVELL,  
Its Secretary.

[SEAL]

#### Exhibit "A"

##### ROYALTY FORMULA AND SCHEDULE

The royalty to be paid to the State is based upon the following formula which takes into account the average daily production of the well and the average price per barrel in dollars:

where  $R = 0.430$ .  $.008523 \text{ Pd}$ .  $.002667 \text{ Pd P}$ .  $8 \text{ P}$   
 $R$  is the royalty rate applicable to the total value of the month's production;  
 $Pd$  is the average daily production per well; and  
 $P$  is the average price per barrel in dollars.

##### A Simple Example:

Average daily production, 1000 bbls  
Average price per barrel, \$1.00  
 $.008523 \times 1000 = 8.523$   
 $.002667 \times 1000 \times 1.00 = 2.667$   
 $8 \times 1.00 = 8.000$   
Constant .430  
Royalty rate 19.62%  
In 30-day month, Value production  
will equal \$30,000.00  
Royalty rate 19.62%  
Royalty \$ 5,866.00

##### A Practical Example:

Average daily production 237.4 bbls  
Average price per bbl. \$ 0.917  
 $.008523 \times 237.4 = 2.023$   
 $.002667 \times 237.4 \times .917 = .581$   
 $8 \times .917 = 7.336$   
Constant .430  
Royalty rate 10.37%  
In 30-day month, Value production  
will equal \$6,530.87  
Royalty rate 10.37%  
Royalty \$ 677.25

SAMPLE ROYALTY RATES IN PERCENT AT  
PRICES AND PRODUCTION SCHEDULE

Average Daily Production	Price per Barrel in Dollars					
	50	75	81.00	1.25	1.50	1.75
Barrels	per cent	per cent	per cent	per cent	per cent	per cent
100	5.42	7.48	9.55	11.62	13.68	15.75
200	6.40	8.53	10.57	12.80	14.93	17.07
300	7.39	9.59	11.79	13.99	16.19	18.39
400	8.37	10.64	12.91	15.17	17.44	19.71
500	9.36	11.69	14.03	16.36	18.69	21.03
600	10.34	12.74	15.14	17.54	19.94	22.34
700	11.33	13.80	16.26	18.73	21.20	23.66
800	12.32	14.85	17.38	19.92	22.45	24.98
900	13.30	15.90	18.50	21.10	23.70	26.30
1000	14.29	16.93	19.62	22.29	24.95	27.62
1250	16.75	19.58	22.42	25.25	28.18	30.62
1500	19.21	22.21	25.22	28.21	31.21	33.62
2000	24.14	27.18	30.81	34.14	37.18	40.81
2500	29.07	32.74	36.41	40.07	43.74	47.41
3000	34.00	38.00	42.00	46.00	50.00	54.00

The figures in the foregoing table are for comparison only, and are applicable only for the exact daily production and the exact price opposite which they appear. For any and all intermediate calculations which do not appear in the above table, USE THE FORMULA.

#### APPLICATION OF FORMULA TO PRODUCTION AFTER AND INCLUDING FEBRUARY 15, 1934.

Applying the above formula to the production of the Grantee after and including February 15, 1934, "Pd" (viz., "the average daily production per well") is ascertained by taking the number of days each well of the Grantee is in production during each calendar month, and then adding said number of days together to get the total number of production days, and then dividing the total number of barrels of oil produced from said wells of Grantee and subject to royalty during said calendar month by the total number of production days. In making the above calculation of production days, whenever a well is temporarily shut-in in an effort by the Grantee to comply with the allowable oil production to Grantee under the Code of Fair Competition for the Petroleum Industry, or under any State or Federal statute regulating the production of oil or gas, such well shall be deemed to have been on continuous production during the time it is so shut-in.

"P" (viz., "the average price per barrel in dollars"), is ascertained by dividing the value of the production at the current quoted market price at the well at date of run from the gauge tank by the number of barrels produced.

The market price per barrel as herein used shall be the reasonable market price at the well as determined by the Chief, which market price shall not be greater than the highest price at which a major oil company then having oil of like gravity in substantial quantities from the said field is offering for oil of like gravity and kind at the well.

#### APPLICATION OF FORMULA OR SCHEDULE TO PRODUCTION UP TO FEBRUARY 15, 1934.

In applying the above formula to the production of the Grantee, up to February 15, 1934, "Pd" (viz., "the average daily production per well") is ascertained by taking the number of days each well of the Grantee has been on production up to February 15, 1934, then adding said numbers of days together to get the total number of production days, and then dividing the total number of barrels of oil produced from said wells up to February 15, 1934, by the total number of production days. In making the above calculation of production days, whenever a well has been temporarily shut-in in an effort by the Grantee to comply with the allowable oil production to Grantee under the Code of Fair Competition for the Petroleum Industry, such well shall be deemed to have been on continuous production during the time it has been so shut-in.

"P" (viz., "the average price per barrel in dollars"), is ascertained by dividing the value of the production at the current quoted market price at the well at date of run from the gauge tank by the number of barrels produced.

Quinton, Code and Hill—Leeds and Barnard

## Exhibit B

DESCRIPTION OF THE LINE OF MEAN HIGH WATER OF THE PACIFIC OCEAN BETWEEN MAIN STREET OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, AND THE WEST CITY BOUNDARY, AS SURVEYED UNDER THE DIRECTION OF CHAS. T. LEEDS, SEPTEMBER 5TH TO 10TH, 1934.

The line of mean high water of the Pacific Ocean is described as follows, to wit:

A line passing through and connecting points all of which are southwesterly and seaward of a base line at the distances from the engineer's stations of said base line as given in the tabulation hereinafter, said base line being described as follows:

Beginning at a point in the southwesterly prolongation of the center line of Main Street of the City of Huntington Beach, California, as said street is shown on Map of Huntington Beach recorded at Book 3, Page 36 of Miscellaneous Maps, Records of Orange County, which point is 374.92 feet southwesterly, measured along said prolongation of center line, from its intersection with the northeastern line of Ocean Avenue as shown on said map, said intersection being marked by a spike and tin found in the street pavement; thence from the point of beginning, which is Station 0+00, of the base line, along a line which bears northwesterly and makes a forward angle of 94° 26' 20" to the right from said prolongation of the center line of Main Street, a distance of 2241.40 feet to Station 22+41.40; thence along a line which bears 4° 26' 40" to the left a distance of 3577.91 feet to Station 58+19.31, which point is 221.64 feet southwesterly from a spike in a 4"x4" stake found at the intersection of the southeastern line of Twenty-second Street and the northeastern line of Ocean Avenue as those lines are shown on Map of Huntington Beach, Seventeenth Street Section, recorded at Book 4, Page 10, of Miscellaneous Maps, Records of Orange County, and which latter distance is measured along said line of Twenty-second Street; thence continuing northwesterly along the same course 37.5 feet to Station 58+56.81; thence along a line which bears 3° 06' 50" to the left a distance of 2323.19 feet to Station 81+80.00; thence northwesterly along a line which bears 6° 50' 40" to the right a distance of 1800 feet to Station 99+80.00; thence northwesterly along a line which bears 5° 03' 10" to the right a distance of 1000.00 feet to Station 109+80.00; thence northwesterly along a line which bears 2° 36' 50" to the left a distance of 1234.55 feet to Station 122+14.55, which is a point in the west boundary of the City of Huntington Beach distant 359.73 feet southerly, measured along said boundary, from a 6"x6" concrete monument found at the intersection of said boundary with the northeastern line of the 90-foot right-of-way of the State Highway northwesterly from said boundary, said monument being shown on maps on file in the offices of the Division of Highways, State of California, at Los Angeles and Sacramento and in State Highway Map Book No. 1, Page 16-B, Office of the Recorder of Orange County, said west boundary here being the north and south center line of Section 4, T. 6 S., R. 11 W., San Bernardino Base and Meridian; thence continuing northwesterly along the same course 70.41 feet to Station 122+84.96, the end of said base line.

Points on said line of mean high water are located southwesterly from and distant from Stations of said base line as shown in the following tabulation, offset distances being measured normal to the back tangent at each Station:

Station	Distance in feet from Station to Line of Mean High Water
0+13.75	135
6+00	243
12+00	159
16+14.47	98
17+76.97	84
19+39.47	78
21+01.97	76
22+66.40	75
24+28.90	75
25+91.40	83
27+53.90	95
29+02.70	71
29+16.40	107
30+78.90	109
32+41.40	122
34+03.90	124
35+66.40	138
37+28.90	127
38+47.80	147
38+91.40	125
40+57.65	121
42+23.90	114

Station	Distance in feet from Station to Lowest Mean High Water
43+00.15	100
45+56.40	100
47+18.90	98
48+81.40	101
50+43.90	99
52+06.40	94
52+25.90	78
53+68.90	100
55+31.40	100
56+39.73	101
57+48.06	90
58+06.00	90
58+56.81	100
59+67.64	90
60+78.47	84
61+89.31	79
63+00.00	80
64+10.00	80
65+20.00	77
66+30.00	90
67+40	94
68+50	90
69+60	80
70+70	88
71+80	80
74+88.30	70
77+80	80
81+80	100
87+80	174
93+80	210
99+80	100
105+80	101
109+80	78
110+79.63	79
115+80	88
122+84.96	82

## Supplemental Agreement.

March 8, 1937.

Honorable Arlin F. Stockburger, Director of Finance, Sacramento, California.

DEAR SIR:

The grantee hereby submits to the State of California for execution two (2) duplicate originals of agreement for easement No. 338 at Huntington Beach.

Should it appear from subsequent investigations that the enclosed Agreement is not in accord with the physical facts, grantee agrees that such instrument may be amended to conform to such facts. It is understood that this agreement for easement shall not be effective until confirmed by the legislature and that any amendment so required may be made either before or after such confirmation.

Grantee agrees that said agreement for easement No. 338 as executed may be deemed amended in the following particulars:

(1) By deleting the date "31st day of December, 1936," in the second line of page 1 of the agreement and substituting in lieu thereof the date "1st day of March, 1934." The purpose of this amendment is to make agreement for easement 338 and the rights and liabilities of the parties thereunder conforming with other agreements for easements at Huntington Beach.

(2) By deleting the sum "five hundred five thousand nine hundred fifty-two and sixty-four hundredths dollars (\$505,952.64)" in Section 13, page 17 of the agreement, and inserting in lieu thereof "five hundred five thousand nine hundred sixty-nine and eighty-two hundredths dollars (\$505,969.82)." The purpose of this amendment is to conform the sum specified in Section 13 to the final figure agreed upon by both the state and the grantee following a check of all pertinent accounts.

In submitting this agreement for execution by the state, the grantee hereby offers to pay, in addition to the sum specified in said agreement, interest at the rate of six



(6) per cent per annum on the total amount of deferred royalty, whatever that may be determined to be by appropriate breakdown, for the period from February 8, 1935, to May 18, 1935.

**STANDARD OIL COMPANY OF CALIFORNIA.**

By R. W. HANNA, Vice President.

By LEE LAIRD, Assistant Secretary.

**HUNTINGTON BEACH COMPANY,**

By M. E. LOMBARDI, Vice President.

By G. M. FOSTER, Assistant Secretary.

**PACIFIC ELECTRIC RAILWAY COMPANY,**

By D. W. PONTIUS, President.

By L. A. LOVELL, Secretary.

**PACIFIC ELECTRIC LAND COMPANY,**

By D. W. PONTIUS, President.

By L. A. LOVELL, Secretary.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 34. Relative to adjournment out of respect for Colonel Charles Goff Thompson, deceased.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

**Consideration of Assembly Concurrent Resolution No. 34.**

Senator Williams asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 34, without reference to committee, for purpose of adoption.

**Assembly Concurrent Resolution No. 34.**

Relative to adjournment out of respect for Colonel Charles Goff Thompson, deceased.

WHEREAS, The members of the Legislature of the State of California have learned, with a sense of profound shock and deep regret, of the death of Colonel Charles Goff Thompson; and

WHEREAS, Colonel Thompson had a brilliant career as an officer in the United States Army, as a scientist, as a man of letters, and as an administrator of Yosemite Park; and

WHEREAS, During the period in which he was in charge of Yosemite National Park, through his diligent efforts in providing sanitary, recreational, and other facilities therein, he created a monument to himself which will endure as long as Yosemite Park endures; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature adjourns this day, it do so out of respect to the memory of said Colonel Charles Goff Thompson.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 34 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Williams—33.

NOES—None.

Assembly Concurrent Resolution No. 34 ordered transmitted to the Assembly.

**Motion.**

Senator Slater offered the following motion regarding the death of Gerry V. Schofield in Huntington Park on Tuesday, March 23rd.

Mr. President and Gentlemen of the Senate:

Many of the older members of the Legislature I know will be grieved to learn of the death yesterday at his home in Huntington Park of former Assemblyman

Gerry V. Schofield. For three terms Mr. Schofield served faithfully and efficiently as a member of the Legislature, and those of us who knew him and were his colleagues appreciated him as a man and a conscientious public servant in all his work in behalf of public welfare and human betterment. I wish to move that when we adjourn today we do so as a tribute of respect and esteem for Gerry Schofield.

Motion seconded by Senators Mixter and Crittenden, and adopted by a rising vote of the Senate.

### Reports of Standing Committees.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 391—An act to add Chapter 1, comprising sections 2000 to 2028, inclusive, to Division III of the Welfare and Institutions Code, and to add sections 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein.

Senate Bill No. 399—An act to amend section 47 of the Community Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Senate Bill No. 495—An act to add sections 34 and 124 to the California Districts Securities Commission Act, relating to the continuation of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 13—Directing the Director of Finance and the Attorney General to take immediate and proper action to recover all production and proceeds of production of oil, gas or other hydrocarbon substances taken, removed and produced from State lands by means of oil wells drilled upon privately owned lands; to enjoin further trespasses, and to intervene in certain actions for the protection of the interests of the State.

Senate Bill No. 445—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article IIa, relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929, to repeal sections 3174, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3415 and 3416 of the School Code, and to add three new sections to the School Code to be numbered 3221, 222 and 3201, all relating to the attendance of pupils residing in one district upon the schools of another district.

Senate Bill No. 390—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part II of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1051—An act to add section 366f to the Political Code, relating to the conditions of unemployment at the Preston School of Industry.

Senate Bill No. 1052—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry.

Senate Bill No. 1074—An act to amend section 4279 of the Political Code, relating to compensation for public service in counties of the fiftieth class.

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately;

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor;

Senate Bill No. 643—An act to repeal "An act relating to the apportionment of moneys to elementary school districts," approved May 31, 1929; to repeal sections 4.784 and 4.796 of the School Code; and to amend sections 4.774, 4.785 and 4.797 thereof, all relating to the apportionment of funds to elementary school districts; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

#### President Pro Tempore in the Chair.

At eleven o'clock and forty-five minutes a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

### Consideration of Daily File. Third Reading of Senate Bills.

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 377 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 377 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 23 of Article VI thereof, relating to eligibility of justices and judges.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its fifty-second session commencing on the fourth day of January, 1937, two-thirds of all members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that section 23 of Article VI of the Constitution be amended to read as follows:

**SECTION 1.** That section 23 of Article VI of the Constitution of said State be amended to read as follows:

23. No person shall be eligible to the office of a justice of the Supreme Court, or of a District Court of Appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least ten years immediately preceding his election or appointment to such office; provided, that the provisions of this section shall not apply to an incumbent or to the election of an incumbent to such office.

Bill read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 2 refused adoption by the following vote:

**AYES**—Senators DeLap, Hays, Holohan, McCormack, McGovern, Mixter, Phillips, and Quinn—8.

**NOES**—Senators Crittenden, Cunningham, Deuel, Fletcher, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Nielsen, Olson, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—24.



Senate Bill No. 1036—An act to amend section 4255 and repeal section 4255a of the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1036 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—33.

NOES—None.

Title read and approved.

Senate Bill No. 1036 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California amendments to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to sessions of the Legislature.

#### Amendment from the Floor.

During the reading of Senate Constitutional Amendment No. 4, the following amendment, offered by Senator Deuel, was read and adopted:

#### Amendment No. 1.

On page 1, line 22, of the printed measure, after "thereof", insert the following: "nor shall more than two bills be introduced by any one member after thirty days after the commencement of each session."

Bill read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 849—An act to add a new section to be numbered 862.26½ to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, empowering cities of the sixth class to employ economic or financial experts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 849 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—29.

NOES—Senator Tickle—1.

Title read and approved.

Senate Bill No. 849 ordered transmitted to the Assembly.

Senate Bill No. 205—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland,



Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—34.

NOES—None.

Title read and approved.

Senate Bill No. 205 ordered transmitted to the Assembly.

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Williams—34.

NOES—Senators Garrison, Olson, and Westover—3.

Title read and approved.

Senate Bill No. 306 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and twenty-eight minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate, declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation.

Respectfully submitted.

SENATOR JESPERSEN.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senator Jepsen's request to introduce a bill, the title of which is set forth below:

An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
KNOWLAND  
McCOLL  
SLATER  
TICKLE.

The question being on the adoption of the report  
The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

AYES—Senators Allen, Crittenden, Deuel, Fletcher, Gordon, Haffner, Hutton, Keough, Knowland, Law, McCormack, Nielsen, Parkinson, Phillips, Quinn, Ross, Scawell, Slater, Westover, and Young—21.

The Secretary announced the absentees.

Time, two o'clock and eight minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Messages from the Assembly.

The following messages from the Assembly were received and read

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 10—An act to amend sections 1269a and 1269b of the Civil Code, relating to the sale, mortgage or exchange of a homestead by the husband or wife of an insane or incompetent person;

Assembly Bill No. 28—An act to repeal sections 249 and 250 of the Political Code, relating to the Judiciary Committee;

Assembly Bill No. 32—An act to amend section 528 of the Political Code, relating to the publication of laws of each session of the Legislature;

Assembly Bill No. 33—An act to amend section 410 of the Political Code, relating to the laws, resolutions and journals of the Legislature;

Assembly Bill No. 279—An act to amend section 978a of the Code of Civil Procedure, relating to undertakings on appeal;

Assembly Bill No. 425—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending section 12 thereof, relating to flood control bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 10 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 28 read first time, and referred to Committee on Rules.

Assembly Bill No. 32 read first time, and referred to Committee on Rules.

Assembly Bill No. 33 read first time, and referred to Committee on Rules.

Assembly Bill No. 279 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 425 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

## ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 499—An act to amend section 4041k of the Political Code of the State of California, relating to the vacation of easements;

Assembly Bill No. 1434—An act to amend section 1024 of the Probate Code, relating to the payment of inheritance and personal property taxes before distribution;

Assembly Bill No. 1363—An act to amend section 4088 of the Political Code, relative to the call and redemption of county bonds;

Assembly Bill No. 2333—An act to amend section 3785 of the Political Code, relating to the execution in duplicate and recordation of tax deeds to the State;

Assembly Bill No. 1063—An act authorizing the removal of the Stephen M. White statue from the city of Los Angeles to the city of San Pedro.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 499 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1434 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1363 read first time, and referred to Committee on County Government.

Assembly Bill No. 2333 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1063 read first time, and referred to Committee on Governmental Efficiency.

## ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1276—An act to amend section 2801 of the School Code, relating to liability in damages of school districts;

Assembly Bill No. 451—An act to amend section 3719 of the Political Code, relating to the temporary borrowing of money by counties, cities and school districts;

Assembly Bill No. 892—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Assembly Bill No. 893—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations;

Assembly Bill No. 894—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1276 read first time, and referred to Committee on Education.

Assembly Bill No. 451 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 892 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 893 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 894 read first time, and referred to Committee on Municipal Corporations.

## ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 895—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Assembly Bill No. 896—An act to validate the organization and existence of municipal improvement districts:

Assembly Bill No. 897—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Assembly Bill No. 898—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds:

Assembly Bill No. 899—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GILBERTSON, Assistant Clerk.

Assembly Bill No. 895 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 896 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 897 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 898 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 899 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 900—An act to validate the organization and existence of public utility districts:

Assembly Bill No. 901—An act to legalize bonds heretofore issued and sold or to be issued and sold by public utility districts:

Assembly Bill No. 902—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class:

Assembly Bill No. 903—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class:

Assembly Bill No. 904—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same:

Assembly Bill No. 905—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GILBERTSON, Assistant Clerk.

Assembly Bill No. 900 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 901 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 902 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 903 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 904 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 905 read first time, and referred to Committee on Municipal Corporations.



## ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 908—An act confirming and validating the formation or organization and existence of sanitary districts.

Assembly Bill No. 910—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 911—An act to confirm and validate the boundaries of municipal utility districts;

Assembly Bill No. 912—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal utility district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Assembly Bill No. 913—An act confirming and validating the formation or organization and existence of irrigation districts.

Assembly Bill No. 914—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 908 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 910 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 911 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 912 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 913 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 914 read first time, and referred to Committee on Municipal Corporations.

## ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 915—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 916—An act to legalize bonds heretofore issued and sold or to be issued and sold by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 917—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds;

Assembly Bill No. 918—An act to validate the organization and existence of water conservation districts;

Assembly Bill No. 919—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 915 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 916 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 917 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 918 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 919 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 920—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Assembly Bill No. 921—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Assembly Bill No. 922—An act to validate the organization and existence of county water districts.

Assembly Bill No. 923—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Assembly Bill No. 924—An act to validate the organization and existence of municipal water districts.

Assembly Bill No. 2688—An act to amend section 1946 of the Civil Code, relating to notices of intention to terminate leasing of real property.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 920 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 921 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 922 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 923 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 924 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2688 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2398—An act authorizing the State of California, cities, counties, cities and counties and other political subdivisions to sell and otherwise dispose of real property acquired on tax sale and to extend assessments for delinquent taxes and other levies upon any sale by any other political subdivision and providing for the division of receipts from such sales.

Assembly Bill No. 1785—An act to amend section 324 of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds.

Assembly Bill No. 1310—An act to amend section 4140 of the Political Code, authorizing notations of revenue stamps by county recorder and the affixing of said stamps by registrar of land titles.

Assembly Bill No. 2202—An act adding section 367½ to the Political Code, providing for enforcing tax liabilities imposed by States extending like county to this State and providing for bringing suit in other States to collect taxes due this State.

Assembly Bill No. 2679—An act to amend section 2898 of the Civil Code, relating to priority of mortgage or trust deed for price.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 2398 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1785 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1310 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2202 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2679 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1057—An act to amend section 1 of an act entitled "An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration, when funds are available," approved June 7, 1935, relating to city treasurers;

Assembly Bill No. 772—An act to amend section 10 of the State Civil Service Act, relating to lists of preliminary requirements for eligibility for examinations;

Assembly Bill No. 1913—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 13½, relating to the conveyance and transfer to such district of drainage systems and works of drainage improvement districts and for the assumption of liability for the payment of bonds of drainage districts issued for the construction of the drainage systems and works so conveyed and transferred and for the maintenance of such drainage system and works;

Assembly Bill No. 1912—An act to authorize counties to convey and transfer to flood control districts within such counties drainage systems and works constructed in drainage improvement districts organized pursuant to an act entitled the Drainage District Improvement Act of 1919 prior to January 1, 1937, and prescribing the terms and conditions and the effect of such conveyance and transfer and fixing liabilities with respect to obligations of such drainage districts.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1057 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 772 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1913 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 1912 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

The names of the absentees were called, in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Waggy, Westover, and Young—33.

NOES—None.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School.

Respectfully submitted.

SENATOR JESPERSEN

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MARCH 23, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senator Jespersen's request to introduce a bill, the title of which is set forth below:

An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

ED. H. CHAFFIN,  
CLERK.  
SLATER,  
MCCOY,  
TUCKER,  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCook, McCormack, Morrison, Metzger, Mixer, Nielsen, Olsen, Parkman, Phillips, Powers, Rice, Schottky, Seawell, Slater, Waggy, Westover, and Young—30.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1109:** By Senator Jespersen—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation.

Senate Bill No. 1109 read first time, and referred to Committee on Municipal Corporations.

**Senate Bill No. 1110:** By Senator Jespersen—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School.

Senate Bill No. 1110 read first time, and referred to Committee on Education.

### Unfinished Business.

**Senate Bill No. 112**—An act to adopt the California Redwood as the official State tree of this State.



**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 112.

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "(Sequoia semper-", and in line 2 thereof, strike out "virens)".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 112?

The roll was called, and Assembly amendment to Senate Bill No. 112 concurred in by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, Westover, and Young—30.

**NOES**—None.

Senate Bill No. 112 ordered to enrollment.

**Appointment by the President of the Senate.**

The following communication was received and read:

*To the Secretary and Members of the Senate:*

I have this day appointed Jimmy McColl as Page in the Senate at the rate of \$2.50 per day.

**GEORGE J. HATFIELD**, Lieutenant Governor.

**Appointment Confirmed.**

Senator Tickle moved that the appointment be confirmed by the Senate.

The question being upon the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

**NOES**—None.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 24, 1937, and the Controller is hereby directed to pay the same:

	<i>Per day</i>
	<i>6 days per week</i>
Mildred Willard, Stenographer-----	<b>\$5 00</b>

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—27.

**NOES**—None.

**Leave of Absence.**

Senator Williams was, on motion of Senator Powers, granted leave of absence for the balance of this legislative day.

**Consideration of Daily File.****Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 233—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

**Amendment from the Floor.**

During third reading of Senate Bill No. 233, the following amendment, offered by Senator Biggar, was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, strike out "catfish."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 423—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Jespersen, Law, McBride, McColl, McGovern, Metzger, Meyer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 423 ordered transmitted to the Assembly.

Senate Bill No. 593—An act to add section 1872 to the Code of Civil Procedure, relating to expert testimony.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 593 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, McGovern, Metzger, Meyer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 593 ordered transmitted to the Assembly.

Senate Bill No. 264—An act to add section 134 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger,

Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Senate Bill No. 264 ordered transmitted to the Assembly.

Senate Bill No. 937—An act to add a new section, to be numbered 112, to the Streets and Highways Code, relating to official grades of State highways within cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 937 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 937 ordered transmitted to the Assembly.

Senate Bill No. 445—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article 11a, relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—32.

NOES—None.

Title read and approved.

Senate Bill No. 445 ordered transmitted to the Assembly.

Senate Bill No. 265—An act to amend section 24 of the Direct Primary Law, relating to party conventions.

#### Amendment from the Floor.

During third reading of Senate Bill No. 265, the following amendment, offered by Senator Olson, was read:

#### Amendment No. 1.

On page 5, lines 13 and 14, of the printed bill, strike out the words, "The chairman of each county central committee of the party".

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Garrison and Jespersen on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Cunningham, Garrison, Law, Olson, and Quinn—5.

NOES—Senators Allen, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McColl, McCormack, Metzger, Mixer, Nielsen, Park-

man, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepperson, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—Senator Olson—1.

Title read and approved.

Senate Bill No. 265 ordered transmitted to the Assembly.

Senate Bill No. 989—An act to amend section 2971 of the School Code, relating to election of boards of education.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 989 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 989 ordered transmitted to the Assembly.

Senate Bill No. 312—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 312 ordered transmitted to the Assembly.

Senate Bill No. 490—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding a new section thereto to be numbered "Section 16a" relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district; and containing a provision declaring this act to be an emergency matter, stating the facts constituting



such emergency and providing that this act shall take effect immediately upon its passage.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of facts constituting such necessity: To prevent widespread delinquency in the payment by assessed landowners within the district of installments levied to meet interest demands on outstanding bonds, it is essential that said bonds, by agreement with the holders thereof, be refinanced at a lesser interest rate. To effect these ends, it is necessary that this act take effect immediately upon its passage.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 490 ordered transmitted to the Assembly.

#### Second Reading of Senate Bills.

Senate Bill No. 511—An act to amend sections 800, 803, 804, 814, and 815 of the Military and Veterans Code, relating to veterans' farm and home purchase.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Military Affairs, the following amendment to Senate Bill No. 504 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following:

"§98. The sum of \$75,000 is hereby annually appropriated from the receipts heretofore or hereafter collected under the provisions of Chapter 303, Statutes of 1921, other than those receipts received from rents, bonuses, and royalties accruing from the use of State school land, to carry out the purposes of this article. Such amount shall annually be paid into the veterans' dependents' education fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 921—An act to amend Chapter III of Division V of the Military and Veterans Code, consisting of sections 1120 and 1121 and to repeal section 4108a of the Political Code, relating to county and city institutions.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Military Affairs, the following amendments to Senate Bill No. 921 were read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the title of the printed bill, after "1121," insert the following: "and to amend section 1262 of the Military and Veterans Code."

**Amendment No. 2.**

On page 2, line 5, of the printed bill, strike out "extended", and insert in lieu thereof the following: "expended".

**Amendment No. 3.**

On page 2, line 8, of the printed bill, after "board", insert the following: "of supervisors or city council".

**Amendment No. 4.**

On page 2 of the printed bill, between lines 16 and 17, insert the following: "Sec. 2. Section 1262 of the Military and Veterans Code is hereby amended to read as follows:

1262. Any city or county may provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of veteran's associations. For these purposes the governing body may:

(a) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary for such buildings, memorial parks, or recreation centers, and improve, preserve, manage, and control the same.

(b) Purchase, construct, lease, furnish, or repair such buildings, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(c) Clear, grade, plant, irrigate, fence, and improve such memorial parks, or recreation centers, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(d) Furnish sites for such buildings to be built by or for such organizations, and furnish sites for the erection thereon of such buildings, the funds for which are supplied by the governing body or from other sources. Any part or portion of any public lot, block, or park may be used for such purpose.

(e) The governing body of any county may levy in any year a special tax not to exceed one and one-half mills on each dollar of assessed valuation on all the taxable property in the county, in addition to all other taxes, and the fund so created to be expended for the purposes hereof.

(f) The governing body of any city may levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the city, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(g) Establish a fund for the purposes hereof, and transfer from the general fund to such fund such moneys as the governing body deems necessary.

(h) Incur, in the manner provided by law, a bonded indebtedness on behalf of the city or county for any of the purposes hereof.

(i) Any county may join with any incorporated city in the county in the accomplishment of the above purposes and to that end hold jointly with such city all property acquired, and expend money in conjunction with such city in accomplishing the above purposes."

**Amendment No. 5.**

On page 2, line 17, of the printed bill, strike out "2", and insert in lieu thereof the following: "3".

Bill read second time, ordered to reprint, and re-referred to Committee on Military Affairs.

Senate Bill No. 512—An act making an appropriation to be used in the construction of a neuro-psychopathic hospital.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Military Affairs, the following amendments to Senate Bill No. 512 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, before "dollars", insert the following: "550,000".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, after "the", insert the following: "purchase of a site and the".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out the words "The money hereby", and strike out all of lines 6, 7 and 8.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 521—An act to add section 653.1 to the Penal Code, relating to parking.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 521 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, strike out "provisions of this code" and insert in lieu thereof the following: "laws of this State".

**Amendment No. 2.**

On page 1 of the printed bill, insert between lines 10 and 11, the following:

"(b) In any prosecution charging a violation of any regulation governing the standing or parking of a motor vehicle under any law of this State or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any such law or such ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall be prima facie evidence of the violation of such parking regulation by the defendant. These provisions shall apply only when the following conditions are complied with:

(1) During the time of such illegal parking a notice thereof shall be securely attached to the vehicle setting forth the fact of such illegal parking including reference to the law of this State or to the ordinance so violated, the approximate time thereof and the location where such violation occurred.

Such notice shall be attached to the vehicle either on the steering post or front handle thereof or in such other conspicuous place on the vehicle as to be easily observed by the person in charge of the vehicle upon his return thereto.

(2) Before any complaint shall be filed against the alleged owner charging a violation of such parking regulation a notice of such illegal parking must be given the owner. Such notice shall contain the information required in subdivision (1) above and shall also inform the registered owner that unless he appears in the court to be designated in the notice within five days after service of the notice and answers the charge, a complaint will be filed against him upon such charge.

The notice shall be given either by personal delivery to the owner or by deposit in the United States Mail of an envelope with postage prepaid which envelope shall contain such notice and shall be addressed to the owner at his address as shown by the records of the Department of Motor Vehicles. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to such owner. The giving of notice by mail is complete upon the expiration of ten days after the deposit of such notice.

Proof of the giving of such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom the notice was given and specifying the time, place and manner of the giving thereof.

(c) Such prima facie evidence shall be sufficient to sustain the conviction of the registered owner of a violation of such parking regulation unless evidence is introduced that the vehicle was not so parked by such registered owner."

**Amendment No. 3.**

On page 1, line 11, of the printed bill, strike out "(b)", and insert in lieu thereof the following: "(d)".

**Amendment No. 4.**

On page 1, line 12, of the printed bill, strike out "of subdivision (a)".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 98—An act to add section 14 to the State Narcotics Act, relating to habit-forming narcotic and other dangerous drugs and substances.

**Amendments from the Floor.**

During second reading of Senate Bill No. 98, the following amendments, offered by Senator Young, were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, as amended, strike out "cannabis", and insert in lieu thereof the following: "cannabes".

**Amendment No. 2.**

On page 1, line 15, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "or".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 21—An act to add section 377f to the Penal Code, relating to racing.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 21 was read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "horse" insert the following: "or who so stimulates or depresses a dog or horse".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1035—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "Highway Carriers' Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 1035 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out the following: "counties, cities and", and strike out all of line 2 and from line 3 the following: "visions thereof."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, as amended, strike out the following: "counties, cities and", and strike out all of line 2, and from line 3 strike out the following: "sions thereof, are", and substitute in lieu thereof the word "is".

**Amendment No. 3.**

On page 1, line 8, of the printed bill, as amended, strike out the following: "Unfair Practices Act."

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 660—An act to amend section 43 of the Probate Code.  
Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 661—An act to amend section 42 of the Probate Code.  
Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 820—An act to amend section 4300i of the Political Code, relating to public administrator's fees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 824—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 366—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be retained the names and addresses of consular officers who make such requests.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 367—An act to amend section 328 of the Probate Code, relating to notices prior to the hearing of application for letters.

#### **Amendment from the Floor.**

During second reading of Senate Bill No. 367, the following amendment, offered by Senator McGovern, was read and adopted:

#### **Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out the word "is", and insert in lieu thereof the following: "appears from said petition to be".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters.

**Amendment from the Floor.**

During second reading of Senate Bill No. 368, the following amendment, offered by Senator McGovern, was read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, strike out the word "is", and insert in lieu thereof the following: "appears from said petition to be".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 491—An act to amend sections 3197 and 3198 of, and to add sections 3197a, 3197b and 3197c to, the Political Code, relating to trade-marks.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 223—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 223 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, after the word "excess", insert the following: "one cent shall be used for operating expense and".

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 346—An act relating to parole and the conditional release of prisoners.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 408—An act to amend sections 738, 740 and 741 of the Vehicle Code, relating to procedure upon arrest.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 408 was read and adopted:

**Amendment No. 1.**

On page 2, line 8, of the printed bill, after the period, insert the following: "A plea of guilty to any offense declared by this code to be a misdemeanor may also be entered by mail, and the court may proceed to pronounce judgment in the same manner as though the defendant were personally present. A plea of guilty when entered by mail must be acknowledged by the defendant before a notary public."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585.5, relating to stolen and altered vehicles and motors.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 667 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, after the word "traffic", insert the following: "or upon a street illegally parked so as to block the entrance to a private driveway".

**Amendment No. 2.**

On page 1, line 15, of the printed bill, after "(c)", insert the figure "(1)".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 20 to 27, inclusive, and insert in lieu thereof the following: "upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled or when the officer has reasonable ground to believe that such vehicle has been abandoned, such officer may remove or secure the removal of such vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency of which the officer is a member.

(2) Whenever any officer referred to in this subsection finds a vehicle upon a highway and such vehicle is so disabled as to constitute an obstruction to traffic such officer may move such vehicle or require the driver or other person in charge of the vehicle to move the same to a place where the vehicle shall not obstruct traffic, but if any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injuries incapacitated to such an extent as to be unable to provide for its custody or removal, then in such event such officer may remove or secure the removal of such vehicle to the nearest garage or to the address of the owner which ever is nearest, otherwise to a garage designated or maintained by the governmental agency of which the officer is a member."

**Amendment No. 4.**

On page 2, line 1, of the printed bill, strike out the words "a member", and insert the following: "(3)".

**Amendment No. 5.**

On page 2 of the printed bill, at the end of line 1, insert the following: "under subdivisions (b) or (c) of this section."

**Amendment No. 6.**

On page 2, line 17, of the printed bill, strike out ", and by section", and in line 18, strike out the following: "585.5".

**Amendment No. 7.**

On page 2, line 19, of the printed bill, strike out the "a" first appearing, and insert in lieu thereof the following: "any unattended".

**Amendment No. 8.**

On page 2 of the printed bill, strike out all of lines 21 to 52, inclusive, and on page 3, strike out all of lines 1 to 28, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 70—An act to add section 591 to the Vehicle Code, relating to illegal stopping, standing or parking of motor vehicles.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 70 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "relating to", and strike out all of line 2 of the title, and insert in lieu thereof the following: "prescribing a rule of evidence establishing a prima facie presumption of guilt of the registered owner of any vehicle illegally parked on any public street or highway and prescribing a procedure that must be followed in order that such presumption be invoked and limiting the application of such presumption in certain cases".



**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 3 to 12, both inclusive, and insert in lieu thereof the following:

"591. **Illegal Parking.**—(a) In any prosecution charging a violation of any regulation governing the standing of parking of a motor vehicle under this code or any ordinance enacted by local authorities, proved by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall be proven for a conviction of the violation of such parking regulation by the defendant. The above provisions shall apply only when the following conditions are complied with:

(1) During the time of such illegal parking a notice thereof shall be securely attached to said vehicle setting forth the fact of such illegal parking (including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred).

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any complaint shall be filed in such event against the registered owner charging a violation of such parking regulation, a notice of such illegal parking must be given such owner. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner that unless he appears in the court to be designated by said notice within five days after service of such notice and answers said charge, a conviction will be filed against him upon such charge.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States Mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of ten days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age meeting the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

(b) Such prima facie evidence shall be sufficient to sustain the conviction of such registered owner of a violation of such parking regulation unless evidence is introduced that said vehicle was not so parked by the said registered owner."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 656—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 354, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2, 363.3 and 378.5 thereto, relating to live stock marks and brands.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 475 were read and adopted:

**Amendment No. 1.**

On page 2, line 38, of the printed bill, after "346.", strike out "'".



**Amendment No. 2.**

On page 3 of the printed bill, commencing at line 9, strike out all of lines 9 to 22, inclusive.

**Amendment No. 3.**

On page 3, line 23, of the printed bill, strike out "77", and insert in lieu thereof "7".

**Amendment No. 4.**

On page 3 of the printed bill, commencing at line 29, after the words "of the meat thereof", strike out the period, and add "except to a pedler, retailer, hotel, restaurant, or any person offering the same for public consumption."

**Amendment No. 5.**

On page 3 of the printed bill, commencing at line 30, after the word "buyer", add a comma and add the words "and the buyer shall receive".

**Amendment No. 6.**

On page 5, line 22, of the printed bill, strike out the word "of", and insert in lieu thereof the word "or".

**Amendment No. 7.**

On page 5 line 37, of the printed bill, after the word "entire", add the words "with hide on".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 969—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts, for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such district," approved April 20, 1927, as amended, by amending section 20 of said act, relating to the management and control of harbors created, developed and improved under the provisions of said act.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 969 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, of the title; and in line 10 of the title, strike out "and section 20 of said act," and insert in lieu thereof the following: "An act to amend sections 582, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10, inclusive, to the Harbors and Navigation Code."

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 12 of the title and insert in lieu thereof the following: "provisions of Part II of Division VIII of said code."

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 18, inclusive, and on page 2, strike out lines 1 to 25, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 5802 of the Harbors and Navigation Code is hereby amended to read as follows:

5802. The board of supervisors may at the same time and in the same manner levy upon all of the property in the district a tax sufficient to pay the ordinary annual expenses of maintenance of the district and it may also levy a tax sufficient to meet expenditures for any further improvement and development of the harbor which the board deems necessary and advisable.

SEC. 2. Section 5900 of the Harbors and Navigation Code is hereby amended to read as follows:

5900. Whenever any district is formed pursuant to this part and its control is vested in the board of supervisors of the county in which the district is situated, the board of supervisors may pass all necessary ordinances for the regulation of the district and provide that the violation of such ordinances constitutes a misdemeanor.

Sec. 3. Section 5900.1 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.1. The board may sue and be sued in the name of the district.

Sec. 4. Section 5900.2 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.2. The board may adopt a seal and affix it as it pleases.

Sec. 5. Section 5900.3 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.3. The board may take by grant, purchase, gift, devise, lease and dispose of real and personal property of every kind within or without the district necessary to the full or convenient exercise of their powers.

Sec. 6. Section 5900.4 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.4. The board may exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, to take any property necessary or convenient to the exercise of the powers conferred by this part. In exercising the right of eminent domain the district has the same rights, powers, and privileges as are by law possessed by a municipal corporation.

Sec. 7. Section 5900.5 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.5. The board may borrow money and issue industrial and bond bonds, or other evidence of such indebtedness in the manner and to the extent deemed necessary by the board for further improvement and development of the harbor. The board may also do any other acts, and exercise any other powers, which may be necessary or convenient for the full exercise of the powers specifically granted by this part.

Sec. 8. Section 5900.6 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.6. When any improvement or development work done under the authority of the board is completed, the maintenance, management and control of the work done and of the harbor as so improved, shall pass to and be vested in the board. The board may employ and pay all necessary agents, servants and employees to manage, maintain and control the harbor.

Sec. 9. Section 5900.7 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.7. If any portion of the harbor is situated within the boundaries of an incorporated city, the board of supervisors may enter into arrangements or contracts with the governing body of that city, upon such terms as may be agreed upon, for the purchase and maintenance of fire boats, patrol boats, buoys and other equipment which the board deems necessary for the proper protection of the harbor.

Sec. 10. Section 5900.8 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.8. The board shall exercise general supervision over the harbor and may adopt general rules and regulations for the government thereof, which, in its judgment will best promote the interests thereof, if these rules and regulations do not conflict with the right of any city to exercise its police powers, or with the right of the city to license and regulate business enterprises within its corporate limits. If any business or enterprise is located adjacent to or affects the use and enjoyment of the waters of the harbor, the approval of the board of supervisors shall be necessary to the licensing and regulation thereof.

Sec. 11. Section 5900.9 is hereby added to the Harbors and Navigation Code, to read as follows:

5900.9. The board may provide by ordinance for the regulation of anchorages, wharves and dockage of vessels within the harbor and it may establish and collect fees and licenses therefor. The proceeds when collected shall be deposited to the credit of the harbor district fund.

Sec. 12. Section 5901 of the Harbors and Navigation Code is hereby amended to read as follows:

5901. The governing body of a city within which a portion of the harbor is situated may establish by ordinance any regulations which are proper in the exercise of its police powers which regulations do not conflict with the provisions of this part, or with any lawful ordinance of the board of supervisors.

Sec. 13. Section 5902 of the Harbors and Navigation Code is hereby amended to read as follows:

5902. The board of supervisors may by ordinance provide for the appointment of a harbor commission consisting of five persons, and shall by ordinance define its powers and duties.

SEC. 14. Section 5009.10 is hereby added to the Harbors and Navigation Code, to read as follows:

5009.10. Every person who violates the provisions of any ordinance enacted by the board of supervisors pursuant to this part, is guilty of a misdemeanor."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 248 were read and adopted:

##### Amendment No. 1.

On page 2, line 10, of the printed bill, after the period, insert the following: "All vacancies on the board shall be filled by appointment by the Governor."

##### Amendment No. 2.

On page 2, line 46, of the printed bill, strike out "Salaries", and insert in lieu thereof the following: "When salaries or compensation are due for services rendered in connection with any work which is payable from the proceeds of the sale of bonds, such salaries or compensation shall be paid out of the proceeds of these bonds. All other salaries".

##### Amendment No. 3.

On page 7, line 10, of the printed bill, after the comma, insert the following: "and the adjacent territory,".

##### Amendment No. 4.

On page 7, line 13, of the printed bill, after "part," insert the following: "which is".

##### Amendment No. 5.

On page 7 of the printed bill, strike out lines 15 to 52, inclusive; on page 8, strike out lines 1 to 52, and on page 9, strike out lines 1 to 45, inclusive, and insert in lieu thereof the following:

"Commencing at the intersection of the center line of Lewis Street with the center line of Webster Street; running thence easterly along the center of Lewis Street to a point distant 514.19 feet westerly from the westerly line of Van Ness Avenue; thence northerly 21.78 feet to a point distant 514.65 feet westerly from the westerly line of Van Ness Avenue; thence easterly 156.0 feet to a point distant 358.68 feet westerly from the westerly line of Van Ness Avenue and 25.02 feet northerly from the center line of Lewis Street; thence southerly 25.02 feet to a point on the center line of Lewis Street distant 358.16 feet westerly from the westerly line of Van Ness Avenue; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to a point 275 feet west of the westerly line of Hyde Street measured at right angles thereto; thence southerly parallel with the westerly line of Hyde Street to a point 225 feet north of the northerly line of Jefferson Street; thence easterly parallel with the northerly line of Jefferson Street to the westerly line of Hyde Street; thence southerly along the westerly line of Hyde Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to the center of Grant Avenue; thence southerly along the center of Grant Avenue to the center of North Point Street; thence easterly along the center of North Point Street to the southwesterly line of the Embarcadero; thence southeasterly along the southwesterly line of the Embarcadero to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street;

Thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lomb



hard Street; thence easterly along the center of Lombard Street to the easterly line of the Embarcadero; thence southerly along the southerly line of the Embarcadero to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the westerly line of the Embarcadero; thence southerly along the southerly line of the Embarcadero to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence southerly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the westerly line of the Embarcadero; thence southerly along the center of the Embarcadero to the center of Folsom Street; thence southerly along the center of Folsom Street to the center of Stuart Street; thence southerly along the center of Stuart Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point 167.5 feet southerly from the southerly line of Harrison Street measured at right angles thereto; thence westerly parallel to Harrison Street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Illinois Street; thence southerly along the westerly line of the Embarcadero to the center of Bryant Street; thence southerly along the center of Bryant Street to the center of Bond Street; thence southerly along the center of Bond Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the southerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Townsend Street; thence westerly along the center of Townsend Street to the center of Gale Street; thence southerly along the center of Gale Street to the center of King Street; thence westerly along the center of King Street to the center of Second Street;

Thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the southerly line of Channel Street; thence westerly along the northerly line of Channel Street to the easterly line of Seventh Street; thence southerly along the southerly line of Seventh Street to the southerly line of Channel Street; thence easterly along the southerly line of Channel Street to the center of Third Street; thence southerly along the center of Third Street to the center of Fourth Street; thence southerly along the center of Fourth Street to the center of Georgia Street; thence southerly along the center of Georgia Street to the center of Alameda Street; thence easterly along the center of Alameda Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point distant 120 feet southerly from the easterly line of Georgia Street, measured at right angles thereto; thence southerly, parallel with Georgia Street to the center of El Dorado Street; thence westerly along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the southerly line of Eighteenth Street; thence easterly along the southerly line of Eighteenth Street to the water front line established by the Board of State Tideland Commissioners; thence southerly along said last mentioned line to the northerly line of Tule Street; thence westerly along the northerly line of Tule Street to the center of Texas Street; thence southerly along the center of Texas Street produced to the southerly line of Islais Street produced westerly; thence easterly along the southerly line of Islais Street to the easterly line of Third Street; thence southerly along the easterly line of Third Street to the southwesterly line of Arthur Avenue; thence southeasterly along the southwesterly line of Arthur Avenue to the westerly line of India Street; thence southerly and easterly along the westerly and southerly lines of India Street to the center of Water Front Street; thence southerly along the center of Waterfront Street to the northwesterly line of China Street; thence southwesterly along the northwesterly line of China Street to the southerly line of Custer Street; thence southeasterly along the southwesterly line of Custer Street to the southeasterly line of Dry Dock Basin; thence northwesterly along the southeasterly line of Dry Dock Basin to the waterfront line established by the Board of State Tideland Commissioners; thence southerly along said last mentioned line to the northeasterly line of Evans Avenue produced; thence northwesterly along the northeasterly line of Evans Avenue produced, to the center of Water Front Street; thence southerly along the center of Water Front Street to the northeasterly line of Shafter Avenue; thence northwesterly along the northeasterly line of Shafter Avenue to the northwesterly line of Alford Street; thence southwesterly along the northwesterly line of Alford Street to the northeasterly line of Wallace Avenue; thence northwesterly along the northeasterly line of Wallace Avenue to a point distant 239.32 feet southeasterly from the southeasterly line of Ingalls Street; thence southwesterly to a point on the southwesterly line of Yosemite Avenue distant 316.27 feet southeasterly from the southeasterly line of Ingalls Street; thence southeasterly along the southwesterly line of Yosemite



Avenue to the center of Water Front Street; thence southerly along the center of Water Front Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement; thence south to the place of commencement."

**Amendment No. 6.**

On page 10 of the printed bill, strike out lines 33 to 52, inclusive, and on page 11, strike out lines 1 to 23, inclusive.

**Amendment No. 7.**

On page 13, line 11, of the printed bill, after the comma, insert the following: "and the waterfront line as described by Chapter 119 of the Statutes of 1880, page 132,".

**Amendment No. 8.**

On page 13, line 13, of the printed bill, strike out the semicolon and "and so much of said line of", strike out lines 14, 15 and 16, and insert in lieu thereof a period.

**Amendment No. 9.**

On page 14, line 21, of the printed bill, after the comma, insert the following: "the uses".

**Amendment No. 10.**

On page 14, line 23, of the printed bill, strike out "a public use", and insert in lieu thereof the following: "public uses".

**Amendment No. 11.**

On page 16 of the printed bill, strike out lines 51, and 52; on page 17, strike out lines 1 to 18, inclusive.

**Amendment No. 12.**

On page 24, line 9, of the printed bill, strike out "the" and in line 10, strike out "board", and in lieu thereof insert the following: "if the board determines that the revenues to accrue to the fund will be insufficient to defray the cost thereof, it".

**Amendment No. 13.**

On page 25, line 15, of the printed bill, strike out "along", and insert in lieu thereof the following: "from".

**Amendment No. 14.**

On page 34 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following:

"3133. The board may grant to the county of San Francisco the right to construct sewers along, through, or across any of the property under the jurisdiction of the board."

**Amendment No. 15.**

On page 36 of the printed bill, after line 47, insert the following:

"3165. The board may lay down the number of tracks along and on any portion of the waterfront, which the needs of commerce may require, and it may permit their use by any person under rules, regulations, and compensation determined by the board. The board may make agreements with persons owning spur or industry tracks relative to the use by the State of such tracks as the board may determine are necessary. Special privileges shall not be given to any person.

This section does not apply to or restrict the use of any premises leased for terminal facilities under or by reason of Chapter 171, page 194, of the Statutes of 1895, by the board. The board may permit the construction of switches leading from such railroad tracks to any warehouse or place of business."

**Amendment No. 16.**

On page 37 of the printed bill, strike out lines 23 to 28, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

**Second Reading of Assembly Bills.**

Assembly Bill No. 1793—An act to add a new section to be numbered 210 to the Penal Code, relating to extortion.

Bill read second time, and ordered on file for third reading.

**Third Reading of Assembly Bills.**

Assembly Bill No. 1435—An act to amend section 445 of the Political Code, relating to the salaries of the inheritance tax attorney and five assistant inheritance tax attorneys.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1435, the following amendment, offered by Senator Nielsen, was read and adopted:

**Amendment No. 1.**

On page 2, line 28, of the printed bill, after the word "Contractor", insert the following: "according to law".

Bill read, ordered to reprint, and on file for third reading.

**Motion to Reconsider.**

Pursuant to notice given on a previous day, Senator Deuel moved to reconsider the vote whereby Senate Bill No. 785 was passed.

**Postponement of Reconsideration.**

On motion of Senator Deuel, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 785 was passed was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to notice given on a previous day, Senator McColl moved to reconsider the vote whereby Senate Bill No. 910 was refused passage.

**Postponement of Reconsideration.**

On motion of Senator McColl, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 910 was refused passage was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 378 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 378 was passed was continued until the next legislative day.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bills Nos. 710 and 711 were passed was continued until the next legislative day.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 1078—An act to add section 737.5a to the Agricultural Code, relating to persons purchasing milk.

**Amendments from the Floor.**

During third reading of Senate Bill No. 1078, the following amendments, offered by Senator Garrison, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, after "milk", insert a comma and the following: "declaring the urgency of this act, to take effect immediately".

**Amendment No. 2.**

On page 3 of the printed bill, as amended, after line 29, insert the following:

"Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall therefore take effect immediately. The facts constituting such necessity are as follows:

The provisions of the Agricultural Code amended by this act relate to the marketing of fluid milk and fluid cream. The orderly production and marketing of such milk and cream is a matter of vital concern, particularly in relation to the public health. The sections of the code affected were amended by Chapter 3, Statutes of 1937, which is now in effect. In order to avoid such confusion as would arise should this act not take effect at once, it is necessary that this act take immediate effect."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Irrigation.**

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 875—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 700—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water;

Assembly Bill No. 756—An act to add section 3a to an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, to provide for an alternative method of instituting the formation of a special assessment district within an irrigation district to provide for the construction and maintenance of improvements therein;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relating to water and power development;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7.

MIXTER, Chairman.

**On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 62—An act to amend sections 1, 1c, and 5 of, and to add sections 1e and 9.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

DE LAP, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 628, Statutes of 1935;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

DELAPE, Chairman.

## On Revenue and Taxation.

## SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 3, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act, relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 733—An act to amend Title IX of Part III of the Political Code, embracing Chapters I to XI, inclusive, of said Title IX, and including sections 3007 to 3900, inclusive, relating to taxation, including the assessment of property, equalization of taxes, levy of taxes, duties of assessors in relation to revenue, collection of property taxes, collection of taxes by the assessor on certain personal property, settlements with the Controller and payments into the State treasury, and other provisions relating to taxation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 12—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817i, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

KNOWLAND, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of



payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

KNOWLAND, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:  
Senate Bill No. 225—An act to amend section 588 of the Vehicle Code, relating to angle parking;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

#### Adjournment.

On motion of Senator Schottky, at four o'clock and thirty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned out of respect to the memory of the late Colonel Charles Goff Thompson and also the late Assemblyman Gerry V. Schofield, until ten o'clock a.m., Thursday, March 25, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, THURSDAY, March 25, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pienovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

#### Reading of the Journal.

During the reading of the Journal of Wednesday, March 24, 1937, the further reading was, on motion of Senator Phillips, dispensed with.

#### Leaves of Absence.

Senator Biggar was, on motion of Senator Law, granted leave of absence for this day.

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

Senator Williams was, on motion of Senator Keating, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Baxter Geeting of Westwood.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. B. Fisher of Modesto.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss R. H. Chamberlain, Miss Molly Chamberlain, and Alfred Chamberlain, all of Piedmont.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elsie Wedimann and Mrs. Bert Carter, both of Vallejo.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. T. Eich, Robert Eich, and Danny Trimble, all of Roseville.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roscoe D. Jones, Jr., of Piedmont.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mildred Lages of Sacramento.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees.

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass;

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff, authorizing the Department of Natural Resources to select and purchase suitable lands for such park;

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, narcotics, cosmetics, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067, and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same.

Senate Bill No. 727—An act to amend section 20 of "The Personal Income Tax Act of 1935," relating to refunds;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State Highway routes;

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts;

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States and to make the law uniform with reference thereto;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 173—An act to amend section 4 of the "County Water District Act," relating to elections under the authority of said act;

Senate Bill No. 894—An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds of counties, cities and counties, incorporated cities and towns;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of March, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity;

Senate Bill No. 660—An act to amend section 43 of the Probate Code;

Senate Bill No. 661—An act to amend section 42 of the Probate Code;

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection;

Senate Bill No. 820—An act to amend section 43006 of the Political Code, relating to public administrator's fees;

Senate Bill No. 824—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 389—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 346—An act relating to parole and the conditional release of prisoners;

Senate Bill No. 366—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be retained the names and addresses of consular officers who make such requests;

Senate Bill No. 491—An act to amend sections 3197 and 3198 of, and to add sections 3197a, 3197b and 3197c to, the Political Code, relating to trademarks;

Senate Bill No. 511—An act to amend sections 800, 803, 804, 814 and 815 of the Military and Veterans' Code, relating to veterans' farm and home purchase;

Senate Bill No. 656—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.



## On Rules.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred

Assembly Concurrent Resolution No. 28—Relative to an amendment to Joint Rule No. 15:

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

RICH, Chairman.  
SLATTERY  
McGILL  
TICKLE  
KNOWLAND

## On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 98—An act to add section 14 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances.

Senate Bill No. 367—An act to amend section 328 of the Private Code, relating to notices prior to the hearing of application for letters.

Senate Bill No. 408—An act to amend sections 748, 749, and 741 of the Vehicle Code, relating to procedure upon arrest.

Senate Bill No. 1035—An act to exempt the State of California from the provisions of the "Unfair Practices Act," "Highway Curriers' Act," "City Curriers' Act," and all acts designed to establish and enforce minimum prices for persons to be rendered in California and for products or merchandise produced, manufactured or processed in California.

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 354, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2, 363.3 and 378.5 thereto, relating to live stock markets and brands. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon.

Senate Bill No. 21—An act to add section 377f to the Penal Code, relating to racing.

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California amendments to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to sessions of the Legislature. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 233—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1078—An act to amend sections 737.5 and 737.7 of the Agricultural Code, relating to persons handling and purchasing milk, declaring the urgency of this act, to take effect immediately.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 112—An act to adopt the California Redwood as the official State tree of this State:



And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1937, at three o'clock p.m.

KEOUGH, Chairman.

### **Consideration of Daily File. Second Reading of Senate Bills.**

Senate Bill No. 875—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 875 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 3, of the printed bill, after the word "under", insert the following: "any one".

##### **Amendment No. 2.**

On page 2, line 41, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "six".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 62—An act to amend sections 1 and 1e of, and to add sections 1e, 1.5 and 13.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 62 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "1.5".

##### **Amendment No. 2.**

On page 2, line 27, of the printed bill, as amended, strike out "second", and insert in lieu thereof the following: "seventh".

##### **Amendment No. 3.**

On page 5 of the printed bill, as amended, strike out lines 7 to 20, inclusive.

##### **Amendment No. 4.**

On page 5, line 21, of the printed bill, as amended, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 4".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes of 1935.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 118 were read and adopted.

##### **Amendment No. 1.**

On page 1, line 8, of the printed bill, after "cate", strike out balance of line, and in line 9, strike out "surgery in this State", and in lieu thereof insert the following: "issued under the provisions of the State Medical Practice Act of this State".

**Amendment No. 2.**

On page 1, line 18, of the printed bill, after the word "unlicensed" strike out balance of line 18, and the following in line 19: "has to practice medicine and surgery in this State", and in lieu thereof insert the following: "physician and surgeon's certificate issued under the provisions of the State Medical Practice Act of this State".

**Amendment No. 3.**

On page 2, line 4, of the printed bill, after the first word "off" strike out balance of line 4, and all of line 5, and the following words in line 6: "allied subjects" and insert in lieu thereof the following: "the fundamental sciences of bacteriology, biochemistry, serology, parasitology and other allied subjects relating to clinical laboratory procedure".

**Amendment No. 4.**

On page 2, line 46, of the printed bill, after the word "years" insert the following: "within a period of five years immediately".

**Amendment No. 5.**

On page 3 of the printed bill, strike out all of sections 6 and in lieu thereof insert the following:

"SEC. 6. None of the provisions of this act shall apply to a clinical laboratory operated by a hospital when such laboratory is under the direction of a person holding a valid and unrevoked physician's and surgeon's certificate issued under the provisions of the State Medical Practice Act of this State, or to any laboratory of the State of California, the United States of America or any department, official or agency thereof, or to non-profit foundations engaged in research work."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 733—An act to amend Title IX of Part III of the Political Code, embracing Chapters I to XI, inclusive, of said Title IX, and including sections 3607 to 3900, inclusive, relating to taxation, including the assessment of property, equalization of taxes, levy of taxes, duties of auditors in relation to revenue, collection of property taxes, collection of taxes by the assessor on certain personal property, settlements with the Controller and payments into the State treasury, and other provisions relating to taxation.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 733 were read and adopted:

**Amendment No. 1.**

Strike out the title of the printed bill, and insert in lieu thereof the following: "An act to amend section 3655 of the Political Code, relating to the assessment of property for taxes including rendering of statistical reports by county assessors."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 3655 of the Political Code is hereby amended to read as follows:

3655. On the second Monday of July of each year, the assessor of each county shall transmit to the State Board of Equalization a statement supplying such statistical information as the board may require, and shall supply from time to time such other information as the board may require."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May

15, 1933; to add sections 5, 6, 7, 8, 9, 10, 11, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 953 were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 42 and 43, insert the following:

"(f) The term 'Controller' means the State Controller."

##### Amendment No. 2.

On page 4, line 28, of the printed bill, as amended, after "remittance", strike out "of", and insert in lieu thereof "payable to the Controller for".

##### Amendment No. 3.

On page 5, line 52, of the printed bill, as amended, after "operator", insert ", provided that any operator assessed under the provisions of section 8 must first pay the amount of tax assessed together with any penalty and interest due on account thereof before his petition for reassessment may be filed".

##### Amendment No. 4.

On page 9, line 9, of the printed bill, as amended, strike out "Board", and insert in lieu thereof "Controller".

##### Amendment No. 5.

On page 9, line 17, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

##### Amendment No. 6.

On page 9, line 20, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

##### Amendment No. 7.

On page 9, line 26, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

##### Amendment No. 8.

On page 9, line 28, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

##### Amendment No. 9.

On page 10 of the printed bill, as amended, between lines 7 and 8, insert the following:

"The Controller may seize any motor vehicles subject to the lien of said license tax, interest and penalties and thereafter sell at private sale such motor vehicles so seized, or a sufficient portion thereof, to pay the license tax due hereunder, together with any interest or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale shall be given to such delinquent operator and to all persons appearing of record to have an interest in such motor vehicles in writing at least ten days before the sale of the motor vehicles by inclosing such notice in an envelope addressed to said operator at his last known residence or place of business in this State, if any, and, in the case of any person appearing of record to have an interest in such motor vehicles, addressed to such person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid. The said notice shall contain a description of the motor vehicles to be sold, together with a statement of the amount of the license taxes, interest, penalties and costs, the name of the operator, and the further statement that, unless such license taxes, interest, penalties and costs are paid within ten days said motor vehicles, or so much thereof as may be necessary, will be sold at private sale."

##### Amendment No. 10.

On page 10, line 9, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

##### Amendment No. 11.

On page 10, line 10, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 12.**

On page 10, line 20, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 13.**

On page 10, line 25, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 14.**

On page 10, line 33, of the printed bill, as amended, after "Vehicles", insert "and the Controller".

**Amendment No. 15.**

On page 10, line 40, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 16.**

On page 10, line 44, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 17.**

On page 12, line 8, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 18.**

On page 12, lines 9 and 10, of the printed bill, as amended, strike out "State Board of Equalization", and insert in lieu thereof "Controller".

**Amendment No. 19.**

On page 12, line 11, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 20.**

On page 12 of the printed bill, as amended, between lines 14 and 15 insert the following:

"All remittances for taxes, together with interest and penalties thereon, received by the board hereunder shall be transmitted daily to the Controller with the appropriate advices as to the operators by whom such remittances have been sent. The State Controller shall keep an appropriate record of such payments."

The board shall notify the Controller of any and all assessments made pursuant to section 7 and 8 hereof, as well as the amounts self-assessed under section 5 hereof, and the Controller shall keep an appropriate record of all such matters."

**Amendment No. 21.**

On page 12, line 17, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 22.**

On page 13, line 26, of the printed bill, as amended, strike out "to the board."

**Amendment No. 23.**

On page 13, line 27, of the printed bill, as amended, strike out "15" and insert in lieu thereof "20".

**Amendment No. 24.**

On page 13, line 35, of the printed bill, as amended, strike out "board", and insert in lieu thereof "Controller".

**Amendment No. 25.**

On page 13 of the printed bill, as amended, strike out all of lines 36 to 51, both inclusive.

**Amendment No. 26.**

On page 14, line 1, of the printed bill, as amended, strike out "20", and insert in lieu thereof "29".

**Amendment No. 27.**

On page 14, line 9, of the printed bill, as amended, strike out "31", and insert in lieu thereof "30".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon.

Bill read second time, ordered to engrossment, and on file for third reading.



Senate Bill No. 225—An act to amend section 588 of the Vehicle Code, relating to angle parking.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 225 was read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out "one hundred", and insert in lieu thereof the following: "sixty-five".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Joint Resolution No. 6—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuro-psychopathic hospital for veterans of the World War.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Military Affairs, the following amendments to Senate Joint Resolution No. 6 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed measure, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following: "additional hospitals in this State; now, therefore, be it".

**Amendment No. 2.**

On page 1, line 15, of the printed measure, strike out "in financial aid".

**Amendment No. 3.**

On page 1 of the printed measure, strike out lines 16 and 17, and insert in lieu thereof the following: "tion of additional hospitals by the Federal Government; and be it further".

Senate Joint Resolution No. 6 read, ordered to print, engrossment, and on file for adoption.

**Second Reading of Assembly Bills.**

Assembly Bill No. 700—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 756—An act to add section 3a to an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, to provide for an alternative method of instituting the formation of a special assessment district within an irrigation district to provide for the construction and maintenance of improvements therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 12—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817e5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax

redemption from tax sales and declaring the urgency thereof, to take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 12 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 2 of the title, and insert in lieu thereof the following: "3817i, and 3817m of the Political Code, to repeal section 3817k thereof, and to add".

##### Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, strike out "1937" and insert in lieu thereof the following: "1938".

##### Amendment No. 3.

On page 1, line 24, of the printed bill, as amended, strike out "1947" and insert in lieu thereof the following: "1938".

##### Amendment No. 4.

On page 2, line 3, of the printed bill, as amended, strike out "1939" and insert in lieu thereof the following: "1938".

##### Amendment No. 5.

On page 2, line 7, of the printed bill, as amended, strike out "1939" and insert in lieu thereof the following: "1938".

##### Amendment No. 6.

On page 2, line 9, of the printed bill, as amended, strike out "1938-1939", and insert in lieu thereof the following: "1937-1938".

##### Amendment No. 7.

On page 2, line 22, of the printed bill, as amended, strike out "1939" and insert in lieu thereof the following: "1938".

##### Amendment No. 8.

On page 2, line 34, of the printed bill, as amended, strike out "1939" and insert in lieu thereof the following: "1938".

##### Amendment No. 9.

On page 2, line 38, of the printed bill, as amended, strike out "1937" and insert in lieu thereof the following: "1936".

##### Amendment No. 10.

On page 2, line 39, of the printed bill, as amended, strike out "1939", and insert in lieu thereof the following: "1938".

##### Amendment No. 11.

On page 2, line 40, of the printed bill, as amended, strike out "1938-1939", and insert in lieu thereof the following: "1937-1938".

##### Amendment No. 12.

On page 2, line 43, of the printed bill, as amended, strike out "1940", and insert in lieu thereof the following: "1939".

##### Amendment No. 13.

On page 3, line 22, of the printed bill, as amended, strike out "1948", and insert in lieu thereof the following: "1947".

##### Amendment No. 14.

On page 3, line 27, of the printed bill, as amended, strike out "1948", and insert in lieu thereof the following: "1947".

##### Amendment No. 15.

On page 3 of the printed bill, as amended, strike out line 50, and insert in lieu thereof the following: "1937 or 1938 or in the month of January, 1939, but at the day and hour fixed in".

##### Amendment No. 16.

On page 4, line 6, of the printed bill, as amended, strike out "January, 1940", and insert in lieu thereof the following: "February, 1939".

##### Amendment No. 17.

On page 4, line 20, of the printed bill, as amended, after "prohibit", insert the following: "the making of".

**Amendment No. 18.**

On page 4, line 21, of the printed bill, as amended, strike out "made".

**Amendment No. 19.**

On page 4 of the printed bill, as amended, strike out line 23, and insert in lieu thereof the following:

"In the years 1937 and 1938 and until February 1, 1939, the".

**Amendment No. 20.**

On page 4 of the printed bill, as amended, strike out line 28 and insert in lieu thereof the following:

"In the years 1937 and 1938 and until February 1, 1939, the notice".

**Amendment No. 21.**

On page 5 of the printed bill, as amended, strike out lines 9 to 29, inclusive, and insert in lieu thereof the following:

"3817f. Any person, his heirs, executors, administrators, or other successors in interest, who makes an installment payment on account of delinquent taxes, penalties, costs, and interest, in accordance with the provisions of any section providing for such payment, and who elects to redeem the property, shall receive credit on the amount necessary to redeem for the total amount, without an allowance for interest thereon, previously paid in installments. Such credit shall be allowed after computation of the amount necessary to redeem."

**Amendment No. 22.**

On page 5 of the printed bill, as amended, strike out lines 32 to 50, inclusive, and on page 6, strike out lines 1 to 35, inclusive, and insert in lieu thereof the following:

"3817g. Any person, his heirs, executors, administrators, or other successors in interest, who elected to pay delinquent taxes in installments in accordance with the provisions of any section providing for such payment and who has defaulted in his payments under such section, and who elects to pay delinquent taxes in installments under the same or another section providing for such payment, shall receive credit on the amount payable for the total amount, without an allowance of interest thereon, previously paid. This credit is in addition to and not a substitute for the payment of any part of any installment payable.

SEC. 6. Section 3817h of the Political Code is hereby amended to read as follows:

3817h. All moneys received in accordance with the provisions of any section providing for redemption or for payment of delinquent taxes in installments shall be distributed after receipt of the money as prescribed for distribution of money received on redemption."

**Amendment No. 23.**

On page 6, line 46, of the printed bill, as amended, strike out "1938", and insert in lieu thereof the following: "1937".

**Amendment No. 24.**

On page 7 of the printed bill, as amended, strike out lines 8 to 21, inclusive, and insert in lieu thereof the following: "repealed."

**Amendment No. 25.**

On page 7, lines 25 and 26, of the printed bill, as amended, strike out "under sections 3817c, 3817c2, 3817c3, 3817c4, 3817c5, or 3817i", and insert in lieu thereof the following: "in installments under any section providing for such payment".

**Amendment No. 26.**

On page 7, lines 38 and 39, of the printed bill, as amended, strike out "under sections 3817, 3817c, 3817c2, 3817c3, 3817c4, 3817c5, 3817i or 3817j of the Political Code and", and insert in lieu thereof the following: "for delinquent taxes are being paid in installments on property and it".

**Amendment No. 27.**

Strike out all of section 12 of the printed bill.

Bill read second time, ordered to print, and on file for third reading.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 378 was passed.

Senate Bill No. 378—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417

and 418, relating to civil liability and financial responsibility of owners and operators of vehicles.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion to reconsider refused adoption by the following vote:

AYES—Senators Garrison, McGovern, Olson, Phillips, and Slater—5.

NOES—Senators Allen, Crittenden, Cunningham, DeLap, Dunn, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keogh, Knowland, Law, McBride, McColl, Metzger, Mixer, Parkman, Pirovich, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—29.

Senate Bill No. 378 ordered transmitted to the Assembly.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 710 was passed.

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion to reconsider refused adoption.

AYES—Senators Garrison, and Olson—2.

NOES—Senators Allen, Crittenden, Cunningham, DeLap, Dunn, Fletcher, Gordon, Hays, Holohan, Jepsen, Keating, Keogh, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

Senate Bill No. 710 ordered transmitted to the Assembly.

### Reconsideration Waived.

Senator Olson waived reconsideration on Senate Bill No. 711.

Senate Bill No. 711 ordered transmitted to the Assembly.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Dunn moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 785 was passed.

Senate Bill No. 785—An act to add section 44.5 to the Civil Code, relating to liability for statement broadcasted over a radio or a radio broadcasting system.

Resolution read.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion to reconsider adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Dunn, Fletcher, Hays, Hollister, Holohan, Keating, Keogh, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—30.

NOES—Senators Garrison, Jepsen, Knowland, Swing, and Wagy—5.

### Re-reference of Senate Bill No. 785.

Senator Olson moved that Senate Bill No. 785 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.



**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2612—An act to add a new section to Chapter I of Title X of Part II of the Code of Civil Procedure, to be numbered 730, and relating to sales by sheriffs under mortgage foreclosures;

Assembly Bill No. 2613—An act to add a new section to Chapter VII of Title XIV of Part II of the Code of Civil Procedure, to be numbered 1041, and relating to forms of undertaking in civil actions;

Assembly Bill No. 2615—An act to amend section 1057 of the Code of Civil Procedure, relating to the requisites of and corporation sureties on undertakings and bonds authorized or required by law;

Assembly Bill No. 2690—An act to amend section 827 of the Civil Code, relating to notice of change in terms of leases.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2612 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2613 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2615 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 2690 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2444—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed;

Assembly Bill No. 2445—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed;

Assembly Bill No. 2446—An act to add section 31 to "An act to allow and provide for the organization, incorporation and maintenance of fire districts to be governed by board of fire commissioners; to provide for the equipment and maintenance of fire departments and the acquisition of all property necessary therefor," approved March 4, 1881, relating to the application of the "District Investigation Act of 1933" to such districts formed or proposed;

Assembly Bill No. 2609—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property;

Assembly Bill No. 2610—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims to property based upon tender means of execution and attachment.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2444 read first time, and referred to Committee on County Government.

Assembly Bill No. 2445 read first time, and referred to Committee on County Government.

Assembly Bill No. 2446 read first time, and referred to Committee on County Government.

Assembly Bill No. 2609 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2610 read first time, and referred to Committee on Judiciary.

#### ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1722—An act to amend sections 1620, 1621, 1622, 1623 and 1624 of the Streets and Highways Code, relating to the use of bond funds by counties and authorizing the acquisition of rights of way by purchase or condemnation.

Assembly Bill No. 1784—An act to amend section 32 of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contracts to payment of principal or interest on bonds and to reserve funds.

Assembly Bill No. 1787—An act to amend section 15 of the California Irrigation District Act, relating to the powers and duties of the board of directors.

Assembly Bill No. 1789—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Assembly Bill No. 1833—An act to amend section 786 of the Fish and Game Code, relating to lobsters.

Assembly Bill No. 1858—An act to repeal sections 980 and 981 and to amend section 1020 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surfacers and county road commissioners in relation thereto.

Assembly Bill No. 2279—An act to amend section 453 of the Fish and Game Code, relating to possession after season.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1722 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1784 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1787 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1789 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1833 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1858 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 2279 read first time, and referred to Committee on Fish and Game.

#### ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1277—An act to amend the title of an act entitled, "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such

cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931, and approved as amended June 10, 1933, relating to liability of, and damages against, school districts;

Assembly Bill No. 1362—An act to amend section 4 of an act entitled "An act authorizing the filing of notices of liens for internal revenue taxes payable to the United States of America and the discharges thereof in the office of the county recorder, prescribing the manner of filing and indexing the same and fixing the compensation therefor," approved June 22, 1923;

Assembly Bill No. 1432—An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1935," relating to inheritance taxation;

Assembly Bill No. 1502—An act to amend section 3 of "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor and the winding up of the affairs of the district when dissolved," approved May 18, 1919, relating to irrigation districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1277 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1362 read first time, and referred to Committee on County Government.

Assembly Bill No. 1432 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1502 read first time, and referred to Committee on Irrigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 13—An act to add sections 8.5, 8.6, and 12.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to county fire protection districts;

Assembly Bill No. 18—An act to amend section 527 of the Political Code, relating to printed documents;

Assembly Bill No. 320—An act to amend section 5 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind, this act to take effect immediately;

Assembly Bill No. 701—An act to add section 48b to "The California Irrigation District Act," relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property;

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3669 of said Code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 13 read first time, and referred to Committee on County Government.

Assembly Bill No. 18 read first time, and referred to Committee on Rules.

Assembly Bill No. 320 read first time, and referred to Committee on Social Security.

Assembly Bill No. 701 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 836 read first time, and referred to Committee on Revenue and Taxation.

## ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25, Relative to transferring and dividing the Division of Highways and the California Highway Commission to better relocate State highways so as to avoid congested routes and preventing and directing boards of education to locate or establish and new school buildings or grounds so as to minimize traffic hazards to pupils.

JAMES G. SMYTH, Chief Clerk of Assembly.  
RAY W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 45 read, and referred to Committee on Roads and Highways.

**Resolution.**

The following resolution was offered:

By Senators Rich, McCall, Tickle and Slater:

WHEREAS, The volume of business before the Senate requires that the time of the Senate be conserved to the utmost; therefore, be it

*Resolved*, That for the balance of the 1937-38 session of the Legislature speeches on the floor of the Senate be limited to ten minutes in length for opening speeches, and five minutes for all other speeches. Extensions of time beyond said periods may be granted only by unanimous consent.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McCormack, Metzger, Mixer, Nielsen, Parkman, Persson, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Young—27

NOES—None.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator McCall moved to reconsider, at this time, the vote whereby Senate Bill No. 910 was refused passage.

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person.

The question being on the adoption of the motion to reconsider.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

The Secretary announced the absentees.

Time, two o'clock and forty minutes p.m.



The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Consideration of Daily File.**

#### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 367—An act to amend section 328 of the Probate Code, relating to notices prior to the hearing of application for letters.

##### **Amendments from the Floor.**

During third reading of Senate Bill No. 367, the following amendments, offered by Senator McGovern, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, strike out "Service of Notice on Heirs, etc."

##### **Amendment No. 2.**

On page 1, line 18, of the printed bill, as amended, strike out "328a", and insert in lieu thereof the following: "1203a".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters.

##### **Amendments from the Floor.**

During third reading of Senate Bill No. 368, the following amendments, offered by Senator McGovern, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, strike out "Procedure before Hearing."

##### **Amendment No. 2.**

On page 1, line 20, of the printed bill, as amended, strike out "328a", and insert in lieu thereof the following: "1203a".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 727—An act to add a new section to "The Personal Income Tax Act of 1935" to be numbered 20.5, relating to refunds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 727 ordered transmitted to the Assembly.

#### **Third Reading of Assembly Bills.**

Assembly Bill No. 462—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 462, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, after "vehicle", insert the following: "or motor vehicles".

**Amendment No. 2.**

On page 1, line 15, of the printed bill, as amended, strike out "is", and insert in lieu thereof the following: "or vehicles are".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, at the end of line 19, insert the following: "county".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, insert between lines 21 and 22 the following:

"Sec. 2. The provisions of this act shall operate and apply to registration during the registration year of 1937, as well as that of 1938, under the same forms and effect as if it had gone into operation and effect as a statute on January 1, 1937."

**Amendment No. 5.**

On page 1, line 22, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "3".

Bill read, ordered to reprint, and on file for third reading.

**Resolution.**

The following resolution was offered

By Senator Metzger:

WHEREAS, Due to the attractive climatic conditions, California is an ideal place for persons who in their youth lived in other portions of the United States to spend the declining years of their lives; and

WHEREAS, Persons who, due to advancing age, feel that they are unable to continue to live in the rigorous climate of the eastern and middle western States seek the more salubrious climate of California; and

WHEREAS, In conformity with the Social Security Act, California has reduced the age at which elderly people may receive pensions from 70 to 65 years; and

WHEREAS, Due to the conditions above recited, the proportion of persons over 65 years of age to the total population of California has thereby become much greater than the average throughout the United States; and

WHEREAS, Consequently, the burden to the State of California of providing its share of pensions for such persons has become so great that it will not be long possible to continue this burden; and

WHEREAS, The present system makes it difficult for persons who wish to receive a pension to move from one State to another; and

WHEREAS, It is to the interests of the United States and all the citizens thereof that a system be devised whereby persons receiving a pension may reside in any State of the union in which they may desire; and

WHEREAS, A system whereby the entire cost of pensions to aged persons is borne by the Federal Government would be both equitable and just; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Senate of the State of California respectfully urges the President of the United States and the Congress to take cognizance of the problem of the care of the unduly large proportion of aged persons in California as a national matter and make provision to properly amend the Federal Social Security Act or to pass such other appropriate act so as to provide that all pensions to elderly persons be paid from the treasury of the United States and that no State shall be required to assume any part thereof save and except in the administration of any pension system so set up, and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States and the Vice President of the United States, the Speaker of the House of Representatives and to each Senator and member of the House of Representatives in the United States Congress for California.

Resolution read, and on motion of Senator Metzger, adopted.

**Motion.**

On motion of Senator McGovern, Senate Bills Nos. 133, 134, 289, 290, 291, and 288 were placed on the unfinished business file.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The names of the absentees were called, and the vote whereby Senate Bill No. 910 was refused passage, was reconsidered by the following vote:

**AYES**—Senators Allen, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Mixter, Phillips, Quinn, Schottky, Seawell, Slater, Waggy, Westover, and Young—23.

**NOES**—Senators Cunningham, Hays, Hollister, Keating, Keough, Metzger, Nielsen, Olson, Parkman, Rich, Swing, and Tickle—12.

Senate Bill No. 910 ordered on file for third reading.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 910—An act to amend section 6 of Act 1970 of the General Laws of the State of California, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person.

**Amendment from the Floor.**

During third reading of Senate Bill No. 910, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 2, lines 5 and 6, of the printed bill, strike out "or their investigators".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 399—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 399 ordered transmitted to the Assembly.

Senate Bill No. 904—An act to amend section 809 of the Agricultural Code, relating to walnuts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 904 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 904 ordered transmitted to the Assembly.

Senate Bill No. 649—An act to prohibit the interference with the delivery of food and medical supplies, and prescribing a penalty for the violation of the same.

**Amendment from the Floor.**

During third reading of Senate Bill No. 649, the following amendment, offered by Senator Metzger, was read and refused adoption:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after the syllable "and", insert the following: "intended for human consumption or consumption by live stock."

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 passed by the following vote:

**AYES**—Senators Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Parkman, Phillips, Rich, Swing, Tickle, Westover, and Young—21.

**NOES**—Senators Allen, Cunningham, Hollister, Jaspersen, Keating, McBride, Nielsen, Olson, Pierovich, Quinn, Schottky, Seawell, Sizer, and Wagy—14.

Title read and approved.

Senate Bill No. 649 ordered transmitted to the Assembly.

Senate Bill No. 282—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Garrison, Gordon, Hollister, Holahan, Jaspersen, Knowland, Law, McBride, McColl, McCormack, Mixer, Olson, Parkman, Phillips, Quinn, Slater, Westover, and Young—21.

**NOES**—Senators Crittenden, Deuel, Hays, Keating, Keene, McGovern, Metzger, Pierovich, Rich, Schottky, Seawell, Swing, Tickle, and Wagy—14.

Title read and approved.

Senate Bill No. 282 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At four o'clock and five minutes p.m., Hon. William F. Rich, President pro tempore of the Senate, in the chair.

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 641 and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 893 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 893 ordered transmitted to the Assembly.



Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 560 ordered transmitted to the Assembly.

Senate Bill No. 643—An act to repeal "An act relating to the apportionment of moneys to elementary school districts," approved May 31, 1929; to repeal sections 4.784 and 4.796 of the School Code; and to amend sections 4.774, 4.785 and 4.797 thereof, all relating to the apportionment of funds to elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 643 ordered transmitted to the Assembly.

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments for certain purposes.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect, and therefore this act shall become effective immediately.

The following is a statement of the facts constituting such necessity: The immediate completion of the construction of the toll bridge and approaches thereto over the Bay of San Francisco, from the City and County of San Francisco to the county of Alameda so as to add thereto and include facilities for the transportation thereto and thereover of persons and property, is essential to afford adequate transportation for persons and property to and from the City and County of San Francisco and the county of Alameda at the earliest possible time, and to the preservation of the public peace, health and safety. To that end, it is essential that the complete, permanent and proper financing of the construction and maintenance of said toll bridge and transportation facilities, on the favorable terms and at the low financial cost obtainable at the present time, be made immediately available and assured to the California

Toll Bridge Authority and the people of the State of California. To accomplish such purposes, it is essential that this act go into immediate effect.

Urgency clause read

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Lane, McGovern, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—24

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 968 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Lane, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—32

NOES—None.

Title read and approved.

#### Notice of Motion to Reconsider.

Senator Metzger gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 968 was passed.

#### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented by Senator Fletcher:

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation for the dredging of certain portions of San Diego Bay.

Respectfully submitted

SENATOR FLETCHER

Request referred to Committee on Rules.

#### Report of Standing Committee.

The following report of standing committee was received and read:

##### On Rules.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Fletcher to introduce a bill entitled:

An act making an appropriation for the dredging of certain portions of San Diego Bay.

has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
McCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—32.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 473.7 to the Vehicle Code, relating to red lights upon or in view of highways.

Respectfully submitted.

SENATOR PARKMAN.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Parkman to introduce a bill entitled:

An act to add section 473.7 to the Vehicle Code, relating to red lights upon or in view of highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
MCCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Jospersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McCormack:

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

Respectfully submitted.

SENATOR MCCORMACK.

Request referred to Committee on Rules.

### Report of Standing Committee.

#### On Rules.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McCormack to introduce a bill entitled:

An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.  
McCOLL.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Lave, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Quinn, Rade, Schottky, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Phillips:

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts.

Respectfully submitted.

SENATOR PHILLIPS.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Phillips to introduce a bill entitled:

An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
McCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Lave, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—33.

NOES—None.



**Introduction, First Reading and Reference of Bills.**

The following bills were introduced:

**Senate Bill No. 1111:** By Senator Fletcher—An act making an appropriation for the dredging of certain portions of San Diego Bay.

Senate Bill No. 1111 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 1112:** By Senator Parkman—An act to add section 473.7 to the Vehicle Code, relating to red lights upon or in view of highways.

Senate Bill No. 1112 read first time, and referred to Committee on Motor Vehicles.

**Senate Bill No. 1113:** By Senator McCormack—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

Senate Bill No. 1113 read first time, and referred to Committee on County Government.

**Senate Bill No. 1114:** By Senator Phillips—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts.

Senate Bill No. 1114 read first time, and referred to Committee on County Government.

**Motion.**

On motion of Senator Schottky, Senate Bills Nos. 389, 390, 391, and 392 were placed on the unfinished business file.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 1051—An act to add section 366f to the Political Code, relating to the conditions of employment at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1051 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—Senator Young—1.

Title read an approved.

Senate Bill No. 1051 ordered transmitted to the Assembly.

Senate Bill No. 1052—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1052 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowlton, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Senwell, Slater, Swing, Tickle, and Wagy. 30.

NOES—Senator Young—1.

Title read and approved.

Senate Bill No. 1052 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 824. An act to repeal section 22402 of the School Code and to amend section 5467 thereof, relating to persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall go into immediate effect.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIKIS, Assistant Clerk.

Assembly Bill No. 824 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 36. Relative to approving certain amendments to the charter of the City and County of San Francisco voted for and passed by the electors of said City and County of San Francisco, at an election held therein on the ninth day of March, 1937.

JAMES G. SMYTH, Chief Clerk of the Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 36.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 36, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 36—Relative to approving certain amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco, at an election held therein on the ninth day of March, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 36 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Slater, Swing, and Young—28.

NOES—None.

Assembly Concurrent Resolution No. 36 ordered transmitted to the Assembly.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 80—An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department of Natural Resources, Division of Parks, over and appertaining to the State Burial

Grounds to the Department of Finance of the State of California, and to repeal certain acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, and Waggy—26.

NOES—None.

Title read and approved.

Senate Bill No. 80 ordered transmitted to the Assembly.

### Motion.

On motion of Senator Garrison, Senate Bill No. 1078 was placed upon the unfinished business file.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 439—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 230—An act to add section 751.5 to the Agricultural Code, relating to the certification of barley;

Senate Bill No. 774—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Senate Bill No. 277—An act to add a new section to the Agricultural Code to be numbered section 132.5, relating to pest control;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons;

Senate Bill No. 441—An act to amend sections 1022, 1032, and 1037 of the Agricultural Code, relating to fertilizing materials;



Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 992—An act to amend section 894 of, and to add sections, 897 1 to the Agricultural Code, relating to field crops.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 520—An act to amend an act entitled, "An act to establish legislative standards in relation to the regulation of agriculture and the regulation of producers, packers, distributors, shippers, processors, handlers, processors and others dealing in agricultural, viticultural, horticultural, apicultural and poultry products and of any competing commodity or product thereof, to regulate, make effective and provide for the enforcement in this State, of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 16 of the Seventy-third Congress of the United States; to provide for the uniform administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that such State and Federal marketing agreements and licenses shall be and contain standards of fair competition in this State; to suspend all antitrust and trade-restricting laws of this State in conflict herewith and therewith; to repeal Chapter 1620 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and remedies for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;" approved June 11, 1935, by amending such section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 6, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regarding the handling of agricultural commodities in interstate commerce; and to declare the urgency of this act, and that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 887—An act to amend section 1 of "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to a tare allowance on grain bags;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 991—An act to amend section 610 of the Fish and Game Code, relating to steelhead trout;

Senate Bill No. 715—An act to add section 50 to, and to amend section 535, 536.5, 536.6, and 536.9 of the Fish and Game Code, relating to fish screens;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.



**On Contingent Expenses.**

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred:

Assembly Bill No. 2803—An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

RICH, Chairman.

LAW.

McCORMACK.

**On Corporations and Financial Institutions.**

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 30—An act to amend section 404 of the Civil Code, relating to dissolution of corporations;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

HOLLISTER, Chairman.

**On Municipal Corporations.**

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1317—An act to amend sections 506, 608 and 609 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to organization, incorporation and government of cities;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1105—An act to amend section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts as amended;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 24, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 1028—An act to add section 2b to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to boundaries of municipal corporations;

Senate Bill No. 286—An act to amend section 241 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages and towns and villages (House). Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 33—An act to amend sections 2, 5, 21 and 23 of and to add section 22.1 to the "Personal Property Brokers Act," relating to interest and charges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as to the final disposition of the bill.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 199—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts (House);

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, and relating to courts of justice and various officers connected therewith;

Senate Bill No. 375—An act to add section 2890 to the Political Code, relating to the collection of money advanced in payment of taxes on real property by co-owners;

Senate Bill No. 573—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property;

Senate Bill No. 576—An act to amend section 2924 of the Civil Code and section 580b of the Code of Civil Procedure, relating to delinquency judgments;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 934—An act to amend sections 1000, 1001 and 1010 of the Probate Code, relating to partial and ratable distribution of the estates of decedents;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

#### On Elections.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 956—An act to amend sections 1315, 1317, and 1321 and to repeal sections 1310, 1311 and 1312 of the Political Code, relating to electors of President and Vice President of the United States;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1729—An act to amend section 1203 of the Political Code, relating to polling places;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1726—An act to amend section 1151 of the Political Code, relating to election officers in cities;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter;

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children;

Senate Bill No. 444—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons;

Senate Bill No. 623—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 339—An act to add section 246a to the Penal Code, relating to assault by a convict;

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to criminal assaults;

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escapes;

Senate Bill No. 342—An act to amend section 171a of the Penal Code, relating to the taking of narcotics, intoxicating liquor, firearms, weapons, or explosives into or within the grounds of penal institutions or reformatories;

Senate Bill No. 347—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.



SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 663—An act to add section 538c to the Penal Code, relating to poppies, badges, labels, and insignia of veterans' organizations.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 1103—An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 631—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Assembly Bill No. 510—An act to amend section 368 of the Streets and Highways Code, relating to State Highway Route 68;

Assembly Bill No. 664—An act to amend section 463 of the Streets and Highways Code, relating to State highways;

Assembly Bill No. 699—An act to amend section 422 of the Streets and Highways Code, relating to State highways.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

MCCORMACK, Chairman.

Adjournment.

At four o'clock and fifty-eight minutes p.m., on motion of Senator Hays, the President pro tempore of the Senate declared the Senate adjourned, until nine o'clock and thirty minutes a.m., Friday, March 26, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, FRIDAY, March 26, 1937.

At nine o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Piercevich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

Quorum present.

### Prayer.

Prayer was offered by Rev. E. G. Williams of Los Angeles.

### Reading of the Journal.

During the reading of the Journal of Thursday, March 25, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator Williams was, on motion of Senator Keating, granted leave of absence for this day.

Senator DeLap was, on motion of Senator Metzger, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Betty Lou Hartranft, Jane Hartranft, Mrs. M. V. Hartranft, Mrs. Rosetta Hartranft, and M. V. Hartranft, all of Tujunga.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. M. Barkley, principal of the Hamilton Union High School District, Hamilton City; Miss Ellen W. Hook, teacher; and the following students: Fayne Porter, Bob Ramsaur, Morris Schaffert, Harold Warkentin, Albert Alberico, Harry Fujita, Jake Nickel, Alvin Maas, Norman Holecek, Paul Young, Alfred Enns, Jack Seyoc, John Quinn, Glenn Gunn, Alice Beck, Alice McMartin, Esther Suderman, Lillian Sullivan, Norma Scott, Enid Day, Martha Compton, Anna May Henning, Claire Price, Luella Reiser, Gertrude Ferry, Elsie Winter, Lorraine Schneider, Hazel Arbogast, Myrtis Ball, June Henning, Margaret Duncan, Alma Siemens, and Bertra Mason.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George A. Kolb, W. J. Stearns, Wert White, Lowell Edington, George Dutton, James Doneherty, Henrietta Baade, and H. J. Baade.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 5—Relative to memorializing the President and Congress to enact legislation providing for mediation and voluntary arbitration of labor disputes affecting the public interest.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 5 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 216—An act to amend section 1103 of the Fish and Game Code, relating to the registration of vessels;

Assembly Bill No. 467—An act to provide for the maintenance of storm drain improvements, and of other water courses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof;

Assembly Bill No. 869—An act to amend section 6471 of the School Code, relating to powers and duties of board of school trustees and city boards of education;

Assembly Bill No. 1210—An act to amend sections 215 and 216 of the Vehicle Code, and to add thereto section 217, relating to the registration of vehicles;

Assembly Bill No. 1224—An act to amend section 109 of the Code of Civil Procedure, relating to justices of the peace;

Assembly Bill No. 1532—An act to amend section 384 of the Penal Code of the State of California by amending subdivision 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers;

Assembly Bill No. 1666—An act to amend sections 2906, 2907, 2908, 2910, 2911, 2914, 2915, 2917, 2919 and 2920 of the Political Code, and repealing sections 2916 and 2918, relating to franchises to construct and maintain public and private wharves, chutes, piers and slips.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 216 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 467 read first time, and referred to Committee on County Government.

Assembly Bill No. 869 read first time, and referred to Committee on Education.

Assembly Bill No. 1210 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1224 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1532 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1666 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2277—An act to amend section 1203.1 of the Penal Code, relating to probation;

Assembly Bill No. 2587—An act to repeal section 397c of the Penal Code, relating to the sale of intoxicating liquors and to enact a new section to be known as section 398 of the Penal Code, relating to the sale of alcoholic beverages, the act to take effect immediately;

Assembly Bill No. 2598—An act to amend sections 771, 772, 1530, 1531 and 1534 of the Probate Code, relating to sales of estate property.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2277 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2587 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 2598 read first time, and referred to Committee on Judiciary.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 553—An act to amend section 9 of, and to add section 9a to, an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and makes no recommendation as to further disposition of bill.

Committee membership—7; committee vote: Ayes—6; noes—1.

WAGY, Chairman.

### Second Reading of Senate Bill No. 103—(Out of Order).

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those



specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 103 were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, as amended March 17, 1937, strike out all of lines 4 to 15, inclusive, and insert in lieu thereof the following:

"The area bounded by a line beginning at the northeast corner of the northeast quarter of the northeast quarter of Section 4, Township 6 South, Range 14 West, S. B. B. & M.; thence easterly a distance of 14,520 feet, more or less, to the northeast corner of the northwest quarter of Section 1, Township 6 South, Range 14 West, S. B. B. & M.; thence south 41° 20' west to the high water mark of the Pacific Ocean; thence south 41° 20' west a distance of 15,840 feet to a point in the Pacific Ocean; thence north 48° 40' west a distance of 10,904 feet, more or less, to a point in the Pacific Ocean; thence north 41° 20' east to the point of beginning, except that portion thereof lying landward from the high water mark of the Pacific Ocean."

##### Amendment No. 2.

On page 2, line 18, of the printed bill, as amended, after the word "purposes", insert the words "and uses".

##### Amendment No. 3.

On page 2, line 19, of the printed bill, as amended, strike out the word "when-ever", and put a capital "T" on the word "the".

##### Amendment No. 4.

On page 2, line 20, of the printed bill, as amended, after the word "Finance" and before the comma, insert the words "shall, immediately after the effective date of this act, proceed".

##### Amendment No. 5.

On page 2, line 20, of the printed bill, as amended, after the word "Finance" following the word "financer", strike out the balance of said line 20, and all of line 21, and including the word "may".

##### Amendment No. 6.

On page 2, line 24, of the printed bill, as amended, after the word "any", insert the words "and all".

##### Amendment No. 7.

On page 2, line 29, of the printed bill, as amended, after the figure "2", strike out the words "of this act", and insert in lieu thereof the words "hereof as in this act provided".

##### Amendment No. 8.

On page 2, line 34, of the printed bill, as amended, after the word "act", strike out the balance of said line, and all of lines 35 to 40, both inclusive, and insert in lieu thereof the following: "may enter in and upon such part or portion of any right of way, right of ways, easement or easements required under eminent domain proceedings, as hereinbefore provided, as the Director of Finance shall deem necessary to enable such person, firm or corporation to perform his or its contract."

##### Amendment No. 9.

On page 3, line 27, of the printed bill, as amended, after the word "contract", insert a period, and strike out the balance of said line 27, and all of lines 28 and 29, and insert in lieu thereof "

##### Amendment No. 10.

On page 3, line 42, of the printed bill, as amended, strike out the word "For", and the balance of said line 42, and all of line 43.

##### Amendment No. 11.

On page 4, line 16, of the printed bill, as amended, strike out "within ninety (90) days from the".

##### Amendment No. 12.

On page 4, line 17, of the printed bill, as amended, strike out the words "execution of said contract", and insert in lieu thereof "within such time as the director shall specify".

##### Amendment No. 13.

On page 4, line 22, of the printed bill, as amended, strike out the words "ninety (90) days", and the balance of said line to and including the word "contract", and insert in lieu thereof the words "the time specified by the Director of Finance".



**Amendment No. 14.**

On page 5, line 2, of the printed bill, as amended, after the word "from", strike out the balance of said line and the word "ceels" in line 3, and insert in lieu thereof the words "said lands".

**Amendment No. 15.**

On page 5, line 13, of the printed bill, as amended, after the word "parcels", and before the period, insert the words "or from said lands as an entirety".

**Amendment No. 16.**

On page 5, line 33, of the printed bill, as amended, after the word "or", insert the words "that the bidder will operate upon and from such part or portion of the right of ways or easements designated by the director, as shall have been acquired under eminent domain proceedings instituted as herein provided."

**Amendment No. 17.**

On page 5, line 33, of the printed bill, as amended, strike out the word "that", and the balance of said line 33, and all of lines 34 to 46, both inclusive, and insert in lieu thereof the words: "Each bidder shall, at the time of submitting his bid, furnish to the Director of Finance satisfactory evidence of the financial ability of the bidder to fully perform his contract."

**Amendment No. 18.**

On page 6, line 4, of the printed bill, as amended, strike out all of lines 4 to 37, both inclusive, and insert in lieu thereof the following: "Director of Finance shall publicly open and publicly declare all bids which he shall have received, and within ten (10) days thereafter shall determine which of the bidders have demonstrated their financial responsibility and ability to perform the contract, and shall within said time prepare a list of such responsible bidders, together with the amount of royalty offered by each, and shall determine which bid or bids offers and will secure to the State the highest returns in value or amount of oil, gas or other hydrocarbons recoverable from said State lands. The director, if he deems it for the best interest of the State, shall award a contract or contracts to the highest and best responsible bidder or bidders. If any bidder fails to furnish to the Director of Finance satisfactory evidence of his financial responsibility and ability to perform his contract, the bid of such bidder shall be rejected. If in the opinion of the Director of Finance the acceptance of any of such bids will not be for the best interest of the State, he may reject such bid or bids and may readvertise for bids as hereinbefore provided, or, if he is unable to secure a satisfactory contract with a responsible bidder which insures to the State a return in oil, gas and other hydrocarbons from said State lands in a sufficient amount to adequately protect the State's interests, he may, with the consent of the Governor, proceed as provided in section 13 hereof. If any bid accepted under this section shall deal with more than one parcel, or in the event more than one bid has been accepted from the same person, firm or corporation, the bid or bids shall be made subject to a single contract within the purview of section 5 hereof."

**Amendment No. 19.**

On page 7, line 31, of the printed bill, as amended, strike out the comma after the word "provided", and insert a period, and strike out the balance of said line 31, and all of line 32 to and including the word "lands."

**Amendment No. 20.**

On page 7, line 43, of the printed bill, as amended, after the word "purpose", insert the words "or, if the Governor consents thereof, with moneys then available in the emergency fund".

**Amendment No. 21.**

On page 8, line 7, of the printed bill, as amended, strike out the comma after the word "act", and strike out the balance of said line 7, and all of lines 8 and 9 to and including the word "hereof" in line 9, and the comma following the word "hereof".

**Amendment No. 22.**

On page 8, line 9, of the printed bill, as amended, after the word "applicable", insert the words "so far as they may be".

**Amendment No. 23.**

On page 8, line 12, of the printed bill, as amended, strike out the comma after the word "provided", and strike out the word "other", and strike out all of line 13 to and including the word "hereof", and the comma following the same.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 439—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 439 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 784.3" and insert in lieu thereof "sections 782, 784.3 and 830."

#### Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 and 2 and insert in lieu thereof the following:

"Section 1. Section 782 of the Agricultural Code is hereby amended to read as follows:

782. The director and the commissioners of each county of the State, their deputies and inspectors, under the supervisory and control of the director shall enforce this chapter. The refusal of any officer mentioned under this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

The director may prescribe methods of selecting samples of lots or containers of fruits, nuts and vegetables which shall be reasonably sufficient to produce by such sampling fair representations of the entire lot or containers mentioned, establish and issue official color charts depicting the color standards and requirements established in this chapter, and make such other rules and regulations as are necessary to secure uniformity in the enforcement of this chapter.

Any sample taken under the provisions of this chapter shall be prima facie evidence, in any court in this State, of the true condition of the entire lot in the examination of which said sample was taken. A written notice of violation, issued by a duly qualified representative of the director or by commissioners, their deputies and inspectors holding valid examinations certificates or eligibility as enforcing officers of this chapter, stating that a certain lot of produce is in violation of the provisions of this chapter and based upon the examination of such sample, shall be prima facie evidence, in any court in this State, of the true condition of the entire lot.

SEC. 2. Section 784.3 of the Agricultural Code is hereby amended to read as follows:"

#### Amendment No. 3.

On page 1 of the printed bill, after line 14, add the following:

"SEC. 3. Section 830 of the Agricultural Code is hereby amended to read as follows:

830. All fruits, nuts or vegetables, except dates, of a kind specified in this chapter which are not wrapped or packed, and which are intended for use in the State in commercial processing, preserving, or manufacture of by-products for resale or which are being delivered to any person in the State for grading, packing or reconditioning are exempt from the provisions of this chapter if such commodities are moved directly from point of origin to a commercial by-product or grading or packing plant where such fruits, nuts or vegetables are to be used as provided in this section. The containers of such fruits, nuts or vegetables must not bear any false or misleading statements and such fruits, nuts or vegetables must not be deceptively packed.

The owner or person in possession of fruits, nuts or vegetables, which are to be used or disposed of as provided in this section, must, upon the demand of any enforcing officer, give to such officer a sworn statement in writing made before a notary public, specifying that the fruit, nut or vegetable will be disposed of as provided in this section, and the name and address of such commercial by-product or grading or packing plant to which such fruit, nut or vegetable is to be delivered, and an accurate identification of such product. Within a reasonable time after the demand and receipt of such statement by the officer a written receipt must be presented to the commissioner of the county specified in the statement as the destination of the fruit, nut or vegetable, by the person making the above mentioned statement. This receipt must contain a signed statement by a person representing such commercial by-product or grading or packing plant, receiving such fruits, nuts or vegetables, that such fruit, nuts or vegetables, giving an accurate description of them, have been received."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 230—An act to add section 751.5 to the Agricultural Code, relating to the certification of barley.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 230 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "751.5", and insert in lieu thereof the following: "892.5".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "751.5", and insert in lieu thereof the following: "892.5".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, strike out "751.5", and insert in lieu thereof the following: "892.5".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 774—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 774 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, immediately preceding the word "the", insert the following: "the State treasury to the credit of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of line 11, and insert in lieu thereof the following: "of \$138,264."

**Amendment No. 3.**

On page 1, line 22, of the printed bill, strike out "for", and insert in lieu thereof the following: "received in".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 277—An act to add a new section to the Agricultural Code to be numbered section 132.5, relating to pest control.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 277 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out "said notice shall be served", and insert in lieu thereof the following: "and where pests of the same kind are being subjected to control, destruction or eradication at the direction of the commissioner on other private or public property adjacent thereto, the director upon receiving a report of the existence of such pests from the commissioner shall notify such other department, division, or board and may instruct the commissioner to serve such notice".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 441—An act to amend sections 1022, 1032, and 1037 of the Agricultural Code, relating to fertilizing materials.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 962—An act to amend section 893 of, and to add section 897.1 to the Agricultural Code, relating to field crops.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 962 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

##### **Amendment No. 2.**

On page 1, line 12, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

##### **Amendment No. 3.**

On page 1, line 15, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

##### **Amendment No. 4.**

On page 1, line 18, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

##### **Amendment No. 5.**

On page 1, line 20, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

##### **Amendment No. 6.**

On page 1, line 24, of the printed bill, strike out "beans", and insert in lieu thereof the following: "crop products".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 520—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of



Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 520 were read and adopted:

##### Amendment No. 1.

On page 1, line 29 of the title of the printed bill, after the word "June", insert the number and comma "11,".

##### Amendment No. 2.

On page 4 of the printed bill, strike out lines 14 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 2a. The provisions of this act shall apply only to those agricultural commodities, the movement of which into interstate".

##### Amendment No. 3.

On page 8, line 9, of the printed bill, strike out the words "such handler", and insert in lieu thereof the words "all handlers".

##### Amendment No. 4.

On page 10, line 15, of the printed bill, strike out the word "license", and insert in lieu thereof the words "marketing order".

##### Amendment No. 5.

On page 18, line 7, of the printed bill, strike out the first word "for".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 887—An act to amend section 1 of "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to a tare allowance on grain bags.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 887 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 1 of", and insert in lieu thereof the following: "sections 1 and 2 of, and to add sections 3 and 4 to,".

##### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "a tare allowance on grain", and insert in lieu thereof the following: "burlap".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, after "frank", strike out the comma and "grain".

**Amendment No. 4.**

On page 1 of the printed bill, after line 18, insert the following:

"Sec. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. It is unlawful when purchasing grain in its original container and in burlap bags to deduct a tare on account of the container. The purchaser shall pay a like price for the grain and container based upon the total weight of both. The word "grain" includes wheat, barley, corn, oats, rye, and grain sorghums.

SEC. 3. Section 3 is hereby added to said act to read as follows:

SEC. 3. The violation of any of the provisions of this act is a misdemeanor.

SEC. 4. Section 4 is hereby added to said act to read as follows:

SEC. 4. The provisions of this act shall supersede all of the provisions of Chapter 597, Statutes of 1913, and of any other act relating or applicable to the sale of grain in burlap bags."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 991—An act to amend section 610 of the Fish and Game Code, relating to steelhead trout.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 991 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "and section 610 of", and insert in lieu thereof the following: "and section 610.5 to".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

SECTION 1. Section 610.5 is hereby added to the Fish and Game Code to read as follows:

610.5. In all streams in Shasta and Tehama counties which empty into the Sacramento River, all varieties of trout and white fish, except golden trout and steelhead trout, may be taken from May 1st to October 31st. Steelhead trout may be taken between May 1st and the last day of February.

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 715—An act to add section 50 to, and to amend sections 535, 536.5, 536.6, and 536.9 of the Fish and Game Code, relating to fish screens.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 715 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the words "to add section 50 to, and".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "536.6."

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive.

**Amendment No. 4.**

On page 1, line 7, of the printed bill, strike out the words "SEC. 2", and insert in lieu thereof "SECTION 1."

**Amendment No. 5.**

On page 1, lines 9 and 10, of the printed bill, strike out the words "and order the owners to", and insert in lieu thereof a comma.

**Amendment No. 6.**

On page 1, line 11, of the printed bill, strike out the words "owners of a conduit", and insert in lieu thereof the word "commission".

**Amendment No. 7.**

On page 1 of the printed bill, strike out lines 14 to 17, inclusive, and insert in lieu thereof the following: "Except as provided in sections 536.9, 537, and 538, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit, and one-half by the commission".

**Amendment No. 8.**

On page 1, line 18, of the printed bill, strike out "SEC. 3" and insert in lieu thereof "SEC. 2".

**Amendment No. 9.**

On page 1 of the printed bill, strike out lines 20 to 23, inclusive, and insert in lieu thereof the following:

"536.5. When a screen is installed the owner must pay the commission one-half of the expense of the construction or installation of the screen."

**Amendment No. 10.**

On page 1 of the printed bill, strike out lines 24 to 27, inclusive.

**Amendment No. 11.**

On page 2 of the printed bill, strike out lines 1 to 4, inclusive.

**Amendment No. 12.**

On page 2, line 5, of the printed bill, strike out "SEC. 5", and insert in lieu thereof "SEC. 3".

**Amendment No. 13.**

On page 2, line 7, of the printed bill, after the word "pay", insert the word "one-half".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 30—An act to amend section 404 of the Civil Code, relating to dissolution of corporations.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendment to Senate Bill No. 30 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 23 to 27, inclusive, and insert in lieu thereof the following:

"(4) That the corporation has received no income from any operations authorized by its articles of incorporation for a".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 55 were read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, before "declaring", strike out "and", and insert in lieu thereof the following: "repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935,".

**Amendment No. 2.**

On page 1, lines 2 and 3, of the printed bill, strike out "continued", and insert in lieu thereof the following: "prosecuted".

**Amendment No. 3.**

On page 1, lines 7 and 8, of the printed bill, strike out "After the expiration of thirty days from the date this act takes effect, this act shall", and insert in lieu thereof the following: "This act does".

**Amendment No. 4.**

On page 1 of the printed bill, strike out line 9, and insert in lieu thereof the following: "commencement or prosecution of any such proceeding in any case (a) where any".

**Amendment No. 5.**

On page 1, line 10, of the printed bill, after "delinquent", insert the following: ", or (b) where any installment of county or city taxes for the fiscal year 1936 1937 or any succeeding year is delinquent".

**Amendment No. 6.**

On page 2, line 2, of the printed bill, strike out "continued", and insert in lieu thereof the following: "prosecution".

**Amendment No. 7.**

On page 2, line 3, of the printed bill, strike out "properly taken or".

**Amendment No. 8.**

On page 2, line 10, of the printed bill, strike out "4a", and insert in lieu thereof the following: "5".

**Amendment No. 9.**

On page 2 of the printed bill, following line 19, insert the following:

"Sec. 6. Section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, is hereby repealed.

Sec. 7. This act shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

Sec. 8. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The following is a statement of the facts constituting such emergency:

The peace, safety and welfare of citizens of this State are dependent upon immediate relief from the payment of principal or installments thereof due upon such assessments, taxes, and bonds, by reason of the fact that the present economic crisis has made the owners of property upon which such lien falls unable to pay the principal due thereon. The property, as a result of the depression, has neither a reasonable existing sale value, nor does it at present furnish satisfactory or reliable security for raising funds for the payment of these bonds. If this act does not take effect immediately, these persons may lose their homes as a result of proceedings arising out of the nonpayment of these sums, the burden of their support and maintenance will have to be assumed by the State or by local taxation, to the great injury of the State or local government of this State. When a moratorium is declared upon such payments, it would be grossly inequitable and would cause financial ruin to guarantors not to extend to them similar relief. It is therefore necessary that the temporary relief given by this act be immediately extended and this act should therefore take effect immediately."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 1028—An act to add section 2b to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to boundaries of municipal corporation.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 1028 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 2b", and insert in lieu thereof the following: "amend sections 851, 852, and 852b of, and to add sections 2b and 852d".

**Amendment No. 2.**

On page 1, lines 3 and 4 of the title of the printed bill, strike out "boundaries of municipal corporation.", and insert in lieu thereof the following: "municipal corporations."

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 8 to 10, inclusive, and insert in lieu thereof the following: "not subject to taxation. All lands included within the boundaries of a municipal corporation shall be a part of such municipal corporation, and all the inhabitants thereof who are subject to the jurisdiction of this State shall be subject to the jurisdiction of such municipal corporation and to all of its laws, ordinances and regulations. Whenever such nontaxable lands become taxable they shall thereby immediately become and be fully subject to the jurisdiction of said municipal corporation and be subject to all of its laws, ordinances and regulations.

SEC. 2. Section 851 of said act is hereby amended to read as follows:

Sec. 851. (a) The government of such city shall be vested in:

1. A city council composed of five members.

2. A city clerk.

3. A city treasurer.

4. A chief of police.

5. A city judge.

6. Such subordinate officers or employees as are hereinafter provided for.

(b) In cities wherein members of the city council are elected from districts, the city council shall be composed of the same number of members as there are districts in said city.

SEC. 3. Section 852 of said act is hereby amended to read as follows:

Sec. 852. The members of the city council, the city clerk, and the city treasurer shall be elected by the qualified electors of said city at a general municipal election, except as provided otherwise in section 852b and section 852d of this act. Such a general municipal election shall be held therein on the second Tuesday in April in each even-numbered year. Members of the city council and the city clerk and the city treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The respective terms of the members of the first city council elected under the provisions of this section shall be determined as follows: The two members elected by the highest number of votes shall hold office for four years, and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more persons should be elected by the same number of votes, the respective terms of each shall be decided by lot.

The city council shall appoint the chief of police and the city judge; it may also, in its discretion, appoint a city attorney, a superintendent of streets, a civil engineer, a court clerk, and such other subordinate officers or employees as in its judgment may be deemed necessary. The compensation of all appointive officers and employees may be fixed from time to time by the city council by resolution or ordinance, and said officers and employees shall hold office during the pleasure of said city council.

SEC. 4. Section 852b of this act is hereby amended to read as follows:

Sec. 852b. The city council may submit to the electors at any municipal election, or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than councilmen, shall be appointed by said city council, instead of being elected as provided in section 852. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the city council hereafter appoint the ----- (naming the offices) of the city of -----" with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expiration of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them, for the appointment of whom such a majority vote was so cast, shall thereafter be appointed by the city council and hold office during the pleasure of such city council and shall not be required to be residents or electors in said city. The petition for the incorporation

of a proposed city of the sixth class may provide for the appointment of the elective officers, or any of them, other than constables, as herein provided for, in which event it shall not be necessary to hold the election hereinabove provided for, and upon the incorporation of such proposed city such officers shall be appointed by the city council and hold office during the pleasure of said city council.

Sec. 5. A new section to be numbered 8524 is hereby added to said act, to read as follows:

Sec. 8524. The city council may submit to the electors at any municipal election, or at a special election to be held for that purpose, an ordinance providing for the election of members of the city council by districts. The ordinance shall fix the number of said districts, which number shall be within five or more or nine, and shall describe the boundaries of each of said districts, and number the same consecutively from one up. The substance of the ordinance so submitted shall be printed on the ballots used at such election substantially as follows: "Shall members of the city council of the city of \_\_\_\_\_ be elected by districts with the words 'Yes' and 'No' so printed in connection therewith that the voters may express their choice.

The returns of such election shall be canvassed and declared as at other municipal elections, and if it appears that three-fifths of the qualified electors of said city have cast votes in favor of such ordinance, then at the expiration of the terms of office of the members of the city council then in office and on the occurrence of a vacancy in any such offices, and thereafter, such members of the city council shall be elected by districts, first a member from district numbered one in said ordinance and thereafter in sequence until all of said members shall be so elected from said districts.

One member of the city council shall be elected by the electors of each of said districts, and the number of the members of the city council shall equal the number of said districts. No person shall be eligible to hold the office of member of the city council of such city unless he is otherwise qualified and shall have resided in the district from which he is elected for 30 days next preceding the date of his election. The electors signing any petition for the nomination or for the recall of any member of the city council, or voting for any person for any such office, or for the recall of any such person, shall be residents of the district from which such person seeks to be elected as a member of the city council, or in case of a bonded petition, of the district from which such member was elected.

The city council of such city adopting any such ordinance shall hold regular meetings at such times as they shall fix by ordinance in session, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Such adjourned meeting may likewise be adjourned, and when so adjourned shall be a regular meeting for all purposes. The office of a member of the city council of any such city shall not be declared vacant by reason of the absence of such member from any meeting.

No ordinance or resolution of the city council of any such city, or any order for the payment of money by any such city shall have any validity or effect unless passed by the affirmative votes of at least a majority of the members of the city council.

The petition for incorporation of a proposed city of the sixth class may provide for the election of members of the city council by districts as above provided for by ordinance of an incorporated city by substantially including in such petition the provisions hereinabove required to be included in such ordinance, in which event it shall not be necessary to hold the election above provided for, and the members of the city council shall be elected from said districts as described in said petition, at the election for the purpose of determining whether said city shall become incorporated.

The terms of the members of the first city council elected under the provisions of this section providing for the election of members of the city council by districts, by including such provision in the petition for incorporation of a proposed city shall be determined as follows: The members elected from the district designated by even numbers in said petition shall hold office for four years and the members elected from the districts designated by odd numbers in said petition shall hold office for two years."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 286—An act to amend section 24½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages and areas contiguous thereto.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 286 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 24½", and insert in lieu thereof the following: "sections 24½ and 28b".

#### Amendment No. 2.

On page 2 of the printed bill, following line 49, add the following:

"Sec. 2. Section 28b of said act is hereby amended to read as follows:

Sec. 28b. Any such fire district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more persons who are both freeholders and residents of such district, or by a majority of the persons who are both freeholders and residents if there are less than one hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than ten days nor more than thirty days after the receipt thereof, and shall at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper of general circulation, published in said district, or if there is no newspaper published in said district, in a newspaper published in the county in which said district is located. At the time appointed for said hearing, or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition, together with any and all objections which may be made by persons interested, to the granting of the same. The board of supervisors shall consider such objections and shall pass upon the same and shall thereupon have power to either deny such petition for dissolution or by resolution duly adopted, call an election upon the proposition of dissolution of such fire district. Said resolution shall specify the date of the election called thereby, which election shall be held not less than 20 days after the adoption of such resolution, which shall also designate one or more precincts within the boundaries of said district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge and one clerk, in each precinct. In all other particulars not recited in said resolution, such election shall be held as provided by law for holding general elections in such county and any resident of the district who would be entitled to vote at a general election held at the same time may vote therein. No notice of such election other than the publication and posting of such resolution as hereinafter provided for, need be given. The resolution ordering the holding of such election shall be published once a week for two successive weeks prior to the date set for said election, in the newspaper of general circulation published within the said district, or if there is no newspaper published in said district, in a newspaper published in the county in which said district is located, and deemed by said board of supervisors to be most likely to give notice to the electors thereof of such election, and said resolution shall also be posted in three of the most public places within said district at least ten days prior to the date set for such election. The ballots used at such election shall state in substance the following proposition: "Shall the ----- fire district in ----- county (stating the name of the said district and the name of the county in which the same is located) be dissolved?", and opposite said proposition as so stated shall be printed the word "Yes" and "No" together with voting squares. If, at such election, a majority of the votes cast are in favor of the dissolution of such fire district, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the said district shall be deemed to be dissolved.

Upon the dissolution of any fire district as provided in this section the property of such district lying within the corporate limits of any city shall vest absolutely in such incorporated city; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city the whole or the portion of the property of the district which lies without the corporate limits of such city shall vest absolutely in the county within which said fire district was situated prior to such dissolution. All the funds of the district remaining on hand shall be divided between such incorporated city and the said county in the proportion that the total assessed value of the real property of the territory of said district in said city bears to the total assessed value of the real property within said fire district prior to such dissolution, such assessed value to be determined according to the last prior equalized assessment roll of such county. The said county shall use the property and funds reverting to it by the provisions hereof for general fire protection purposes throughout the county."

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 33—An act to amend sections 2, 5, 21 and 23 of and to add section 22.1 to the "Personal Property Brokers Act," relating to interest and charges.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 33 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the title and insert in lieu thereof the following:

"An act to amend sections 2, 4 (a), 5, 10, 11, 12, 13, 17, 18, 20, 21 and 23, to add a new paragraph to sections 14 and 16, of an act entitled, 'An act to define personal property brokers and regulate their charges and business,' approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers; to prescribe, fix, limit and regulate their charges, to regulate and regulate the assignment of wages, salary, commissions, or other compensation, for services when given to a personal property broker as essential for a loan or as consideration for the payment of money, credit, goods or things in action; to provide for administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for violation of this act."

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 48 to 51, inclusive, and insert in lieu thereof the following:

"(3) The word "broker", as used in this act, includes all who, as agent of the borrower and for compensation paid or to be paid to the broker by the borrower, arrange, negotiate or procure a loan or loans to be made by a personal property broker, or by an industrial loan company, or by a bank or trust company."

**Amendment No. 3.**

On page 3 of the printed bill, strike out line 10, and insert in lieu thereof the following: "property broker and or broker as consideration for a loan or forbearance of money, goods or things in action."

(6) The word "licensee" means a personal property broker or broker duly licensed under this act."

**Amendment No. 4.**

On page 3 of the printed bill, strike out lines 11 and 12, and insert in lieu thereof the following:

"Sec. 2. Section 4 (a) of said act is hereby amended to read as follows:

Sec. 4. (a) When doing the business authorized and as authorized by the respective law or laws under which each operate, this act shall not apply to any person doing business under and as permitted by any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions, or licensed pawnbrokers.

SEC. 3. Section 5 of said act is hereby amended to read as follows: "

**Amendment No. 5.**

On page 3 of the printed bill, strike out lines 32 and 33, and insert in lieu thereof the following:

"Sec. 4. Section 10 of said act is hereby amended to read as follows:

Sec. 10. Each license issued under this act shall authorize the licensee to engage in business only at the particular location designated in the application and set forth in the license. For each additional place of business, branch, agency or location, the commissioner shall require a separate application and license, and the payment of the license fee provided in subsection 2 of section 20 of this act. No license shall be transferable or assignable, but the commissioner may from time to time amend or alter, either upon his own motion or upon the application of the licensee, any license theretofore issued by him. The commissioner may issue a duplicate of any license which is lost, stolen or destroyed, upon a satisfactory showing of such loss, theft or destruction, and upon payment of the fee provided in subsection 4 of section 20 of this act. Any license may be surrendered by the licensee at any time by delivering same to the commissioner with written notice that such licensee thereby surrenders such license; but such surrender shall not effect the licensee's civil or criminal responsibility for acts committed prior or subsequent to such surrender.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Sec. 11. The payment of money, credit, goods, or things in action, as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purpose of regulation under this act be deemed a loan secured by



such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed charges upon or for such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this act.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Sec. 12. (a) The personal property broker making any loan or the broker arranging, negotiating or procuring it for the borrower shall:

1. Deliver to the borrower at the time the loan is made either a copy of each paper signed by the borrower, or a statement in the English language setting forth the name and address of the borrower, personal property broker, and broker (if any), the date and amount of the note evidencing the loan, the amount of charges included in such note and how computed, how and when such note is repayable, the basis for computing any default or other charges not included in such note; and such other information as the commissioner may require.

2. Any payment made in advance of any due date shall be applied first to all charges due to the date of such payment that are not included in the amount of the note evidencing the loan, and the balance to the amount of such note.

3. Give to the borrower upon request a receipt for each payment made on account of any loan, showing the date received, the total sum received, the sum applied to charges not included in the amount of the note evidencing the loan and the sum applied to the amount of such note, and identifying the note or loan upon which such payment is applied.

4. Upon payment of the loan in full, cancel or mark "Paid" and return any note, chattel mortgage, assignment or order signed by the borrower, unless same are a part of the court record in any action, and release all security for the loan.

(b) Each licensee shall:

(1) Submit to the commissioner sample copies of each form or instrument to be used by such licensee in the conduct of his business as a personal property broker or broker; and any such form or instrument shall not be used after the use thereof has been disapproved by the commissioner, and the licensee notified in writing of such disapproval.

2. Keep and use such books, accounts and records in the conduct of his business in such form as will properly enable the commissioner to determine whether such licensee is complying with the provisions of this act and with all rules and regulations established by the commissioner thereunder; and such books, accounts and records shall be preserved for at least two years after making the final entry on any loan recorded therein.

3. On or before the fifteenth day of March of each year, file an annual report with the commissioner giving such relevant information as the commissioner reasonably may require concerning the business and operations of the licensee during the preceding calendar or the licensee's fiscal year at each place of business, branch, agency or location conducted by the licensee within the State. Each report shall be made under oath, in such form as may be prescribed by the commissioner. The commissioner shall make an annual analysis and recapitulation of such reports. For failure to file the annual report within the time specified, the licensee shall pay to the commissioner a penalty of \$10 for each calendar day which such report is overdue; but the commissioner may, in his discretion, grant an extension of time for filing any such report, or relieve a licensee of all or any portion of such fine or fines. If the time for filing any such report is not so extended, nor the licensee relieved from the payment of any such fine or fines, and the licensee refuses to pay same, or if the same is not paid within thirty (30) days after notice from the commissioner of the assessment of any such fine or fines, the commissioner may maintain an action for the recovery thereof in any court of competent jurisdiction.

SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sec. 13. (a) No personal property broker or broker shall advertise, print, display, publish, distribute, or broadcast, in any manner whatsoever, any statement or representation with regard to the rates, terms or conditions for arranging, negotiating, procuring or making loans or advances of money or credit, which is false, misleading or deceptive. The commissioner may require any personal property broker or broker to submit all advertising copy before using; and any advertising shall not be used if disapproved by the commissioner.

(e) No licensee shall:

1. Transact the business of arranging, negotiating, procuring or making loans under any name or at any other place of business than that named in the license, nor shall any such licensee arrange, negotiate, procure or make any loan on which the first payment will not be due within forty days and the last payment within twenty-four (24) months from date the loan is made.

2. Take or accept any assignment of or order for the payment of more than ten per cent (10%) of the salary, wages, commissions or other compensation as security for any loan; but notwithstanding the provisions of any other statute, a written assignment or order for the payment of not more than ten per cent (10%)

of salary, wages, commissions or other compensation for services, whether earned or to be earned, when given as security for a loan made by any person or property broker licensed under this act, shall be valid, and under such assignment or under a sum not exceeding ten per cent (10%) of the assignor's salary, wages, commissions or other compensation for services, shall be collected from any employer of the assignor by the assignee or his agent from the time that a copy of such assignment or order verified by the oath of the assignee or his agent, together with a similarly verified statement of the amount unpaid upon such loan, is delivered to such employer of the assignor, or is left at the usual place of business of such employer with his or its superintendent, manager or person in charge.

Sec. 8. A new paragraph is hereby added to section 14 of said act, to read as follows:

The commissioner may suspend or revoke only the particular license with respect to which grounds for revocation or suspension may occur or exist. If he shall find that such grounds for revocation or suspension are of general application to all offices, or to more than one office operated by such licensee, he shall suspend or revoke all of the licenses issued to such licensee, or such licenses as such grounds apply to, as the case may be. No suspension or revocation or surrender of any license shall impair or effect the obligation of any pre-existing lawful contract between the licensee and any borrower or other person, nor suspend or terminate any of the powers of the commissioner under the provisions of this act. Whenever the commissioner shall suspend or revoke a license issued to a licensee pursuant to this act, he shall forthwith file with the Division of Corporations a written order to that effect and his findings with reference thereto containing the causes and the reason supporting the suspension or revocation, and forthwith serve upon or mail to the licensee a copy thereof at his last known address.

Sec. 9. A new paragraph is hereby added to section 16 of said act, to read as follows:

The commissioner may, whenever in his opinion any person is violating or is about to violate any provisions of this act or any rule or regulation established pursuant to the authority of this act, order such person in writing to desist and refrain from such violation. Whenever the commissioner shall believe from evidence satisfactory to him that any person has violated or is about to violate any of the provisions of this act, or any order, license, permit, decision, demand or requirement, or any part or provision thereof, the commissioner may bring an action in the name of the people of the State of California in the superior court of the State of California against such person to enjoin such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

Sec. 10. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The commissioner shall without previous notice make an examination of the affairs, business, and records of each licensee at least once each year, and may make such an examination oftener if the commissioner has received any complaint or complaints against the licensee to be examined, or if the commissioner has reason to believe that such licensee is violating any of the provisions of this act or the rules and regulations established thereunder by the commissioner.

If any such examination discloses that the licensee examined has violated any of the provisions of this act or the rules and regulations established thereunder by the commissioner, the commissioner may charge and collect for any such examination, the actual amount of salary or other compensation paid to the person or persons making such examination, plus the actual amount of expenses reasonably incurred in connection therewith. If the cost of any such examination is not paid by the licensee within thirty (30) days after receipt from the commissioner of a statement of such cost, together with a statement showing the violation disclosed by such examination, the commissioner may maintain an action for the recovery thereof in any court of competent jurisdiction.

Sec. 11. Section 18 of said act is hereby amended to read as follows:

Sec. 18. Any personal property broker licensed under this act may charge, contract for, collect and receive on any loan of five hundred dollars (\$500) or less, or on the first five hundred dollars (\$500) of any loan in excess of that amount, such charges as may be agreed upon in writing between the parties as compensation for the use of the amount borrowed and as compensation for services rendered by the personal property broker or any other person in connection with the loan and incident to transacting the business of making loans of the type contemplated by this act. The amount of charges agreed upon shall be in full compensation for services rendered and or costs and expenses incurred in taking the application, in ascertaining and establishing the identity of the applicant, in investigating the character, reputation, employment, financial responsibility, credit rating and other circumstances of the applicant and any co-makers or endorsers, in inspecting, listing and appraising any security offered, in examining the title thereto and searching public records for liens and encumbrances thereon, in preparing the note and the

other instruments in connection with the loan, in receiving, receipting for, crediting, allocating and recording payments thereon and keeping all records pertaining thereto; and in full compensation for all other services incident to transacting the business of making loans of the type contemplated by this act, and for losses on loans not collected. Such agreed charges may be included in the amount of the note. A schedule of approximately equal installment payments may be agreed upon, but the maximum charges agreed upon shall not exceed an amount computed at the rate of three per cent (3%) per month on that part of the unpaid balance of the loan up to and including three hundred dollars (\$300), and two and one-half per cent (2½%) per month on that part of such unpaid balance in excess of three hundred dollars (\$300) and up to and including five hundred dollars (\$500). For the purpose of computing maximum charges permitted hereunder, a month shall be any period of thirty (30) consecutive days, and in computing such charges for a fraction of a month, each elapsed day shall be considered as one-thirtieth (1/30) of a month. No charge of any kind shall be collected or received unless a loan is made. No husband and wife or any other borrower or borrowers shall be induced or permitted to split up or divide any loan or loans or to become obligated under more than one contract of loan at the same time if the effect of so doing will result in higher charges than would otherwise be permitted under this section. No broker shall collect or receive at any time from or at the expense of any borrower as brokerage or otherwise on or in connection with any loan, any amount or consideration which when combined with that paid or to be paid to the lender by or at the expense of the borrower, will make the total cost of the loan to the borrower more than the maximum charges permitted under this section. If any licensee shall collect or receive any charges in excess of those permitted by this section, the contract of loan shall be void and no person shall have any right to collect or receive any principal or charges whatsoever thereon; provided, however, that nothing herein shall be construed to deny any licensee the right to charge the statutory fees of any public officer for acknowledging, filing, recording and releasing in any public office any instrument securing the loan or in connection therewith, insurance premiums on agreed hazards in connection with the loan, and expenses (including attorney's fees and costs) incurred after default in the payment of any amount due or after the breach of any agreement between the borrower and the licensee.

SEC. 12. Section 20 of said act is hereby amended to read as follows:

Sec. 20. The commissioner shall charge and collect the following fees:

1. For investigating an original application for license as personal property broker or broker, \$100.
2. For any license as a personal property broker, \$100.
3. For any license as broker, \$50 except in cities with population of 25,000 or less, in which the license shall be \$25.
4. For duplicate of any license lost, stolen or destroyed, \$10.

SEC. 13. Section 21 of said act is hereby amended to read as follows: "

#### Amendment No. 6.

On page 3, line 40, of the printed bill, strike out the figures "22.1", and insert in lieu thereof the figures "18".

#### Amendment No. 7.

On page 3 of the printed bill, strike out lines 44 to 52, inclusive, and on page 4, strike out lines 1 to 45, inclusive, and insert in lieu thereof the following: "SEC. 12. Section 23 of said act is hereby amended to"

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 199—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts after final distribution.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 199 was read and adopted:

#### Amendment No. 1.

On page 1, line 27, of the printed bill, strike out the words "within ten days of", and substitute in lieu thereof the words "at least ten days prior to".

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 54 were read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, strike out "1854 (expired)" 12-1-57.

**Amendment No. 2.**

On page 1, line 16, of the printed bill, strike out "1854 (expired)" 71-182.

**Amendment No. 3.**

On page 2, line 3, of the printed bill, strike out "1857 130-154".

**Amendment No. 4.**

On page 2, line 45, of the printed bill, strike out "1859-212-220".

**Amendment No. 5.**

On page 2, line 48, of the printed bill, strike out "1862-200-260".

**Amendment No. 6.**

On page 2, line 49, of the printed bill, strike out "1863-260-333".

**Amendment No. 7.**

On page 3, line 7, of the printed bill, strike out "1863-129-702".

**Amendment No. 8.**

On page 3, line 12, of the printed bill, strike out "1865-6-527-688".

**Amendment No. 9.**

On page 3, line 13, of the printed bill, strike out "1863-4-64-67".

**Amendment No. 10.**

On page 3, line 21, of the printed bill, strike out "1863-4-231-229".

**Amendment No. 11.**

On page 3, line 25, of the printed bill, strike out "1863-4-392-448".

**Amendment No. 12.**

On page 3, line 37, of the printed bill, strike out "1869-70-376-516".

**Amendment No. 13.**

On page 3, line 39, of the printed bill, strike out "1869-70-416-579".

**Amendment No. 14.**

On page 3 of the printed bill, strike out line 42.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 375—An act to add section 3899 to the Political Code, relating to the collection of money advanced in payment of taxes on real property by co-owners.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 375 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 3899", and insert in lieu thereof the following: "sections 3899, 3899.1, 3899.2, 3899.3, 3899.4, 3899.5, 3899.6, 3899.7, and 3899.8".

**Amendment No. 2.**

On page 2 of the printed bill, between lines 4 and 5, insert the following: "Sec. 2. Section 3899.1 is hereby added to the Political Code to read as follows:".



**Amendment No. 3.**

On page 2, line 5, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the following: "3899.1."

**Amendment No. 4.**

On page 2 of the printed bill, between lines 13 and 14, insert the following: "SEC. 3. Section 3899.2 is hereby added to the Political Code to read as follows:."

**Amendment No. 5.**

On page 2, line 14, of the printed bill, strike out "Sec. 3.", and insert in lieu thereof the following: "3899.2."

**Amendment No. 6.**

On page 2 of the printed bill, between lines 34 and 35, insert the following: "SEC. 4. Section 3899.3 is hereby added to the Political Code to read as follows:."

**Amendment No. 7.**

On page 2, line 35, of the printed bill, strike out "Sec. 4.", and insert in lieu thereof the following: "3899.3."

**Amendment No. 8.**

On page 2 of the printed bill, between lines 41 and 42, insert the following: "SEC. 5. Section 3899.4 is hereby added to the Political Code to read as follows:."

**Amendment No. 9.**

On page 2, line 42, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following: "3899.4."

**Amendment No. 10.**

On page 2 of the printed bill, between lines 44 and 45, insert the following: "SEC. 6. Section 3899.5 is hereby added to the Political Code to read as follows:."

**Amendment No. 11.**

On page 2, line 45, of the printed bill, strike out "Sec. 6.", and insert in lieu thereof the following: "3899.5."

**Amendment No. 12.**

On page 2 of the printed bill, between lines 50 and 51, insert the following: "SEC. 7. Section 3899.6 is hereby added to the Political Code to read as follows:."

**Amendment No. 13.**

On page 2, line 51, of the printed bill, strike out "Sec. 7.", and insert in lieu thereof the following: "3899.6."

**Amendment No. 14.**

On page 3 of the printed bill, between lines 15 and 16, insert the following: "SEC. 8. Section 3899.7 is hereby added to the Political Code to read as follows:."

**Amendment No. 15.**

On page 3, line 16, of the printed bill, strike out "Sec. 8.", and insert in lieu thereof the following: "3899.7."

**Amendment No. 16.**

On page 3 of the printed bill, between lines 29 and 30, insert the following: "SEC. 9. Section 3899.8 is hereby added to the Political Code to read as follows:."

**Amendment No. 17.**

On page 3, line 30, of the printed bill, strike out "Sec. 9.", and insert in lieu thereof the following: "3899.8."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 573—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 573 was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the word "renewal," insert the words: "except a statute of limitations".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 576—An act to amend section 2924½ of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 576 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out the period, and insert a comma and the following words: "if exercised at any time between the effective date of this act and October 1, 1939, unless it shall affirmatively appear that the holder of bench and election to sell provided for in section 2924 of 1927 Civil Code, pursuant to which such sale was held, was receiving at least one year before the date of such sale. This section shall be effective until October 1, 1940."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 12 to 19 inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 444—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject."

approved June 13, 1923, and relating to penalties for violations of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 339—An act to add section 246a to the Penal Code, relating to assault by a convict.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to criminal assaults.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escapes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 342—An act to amend section 171a of the Penal Code, relating to the taking of narcotics, intoxicating liquor, firearms, weapons, or explosives into or within the grounds of penal institutions or reformatories.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 347—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1103—An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 1103 was read and adopted:

#### **Amendment No. 1.**

On page 2, line 17, of the printed bill, after the word "attendance," insert the phrase "or other remedial care".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 631—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 13 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, section 1300.10 (a), of the printed bill, delete the words "production and".

**Amendment No. 2.**

On page 1, lines 19, 20 and 21, section 1300.10 (a), of the printed bill, delete the words "tend to develop monopolies in the marketing of agricultural commodities produced in this State".

**Amendment No. 3.**

On page 2, line 11, section 1300.10 (b), of the printed bill, delete the words "production and".

**Amendment No. 4.**

On page 2, line 17, section 1300.10 (c), of the printed bill, delete the words "production and", and in line 18 change the word "are" to "is".

**Amendment No. 5.**

On page 2, lines 25 and 26, section 1300.11 (a), of the printed bill, delete the words "production and"; in line 25 change "to more effectively", to "more effectively to".

**Amendment No. 6.**

On page 2, line 32, section 1300.11, of the printed bill, delete all of lines 32 and 33 and renumber the following sections, presently numbered "(e)", "(f)" and "(g)" accordingly, to "(d)", "(e)" and "(f)".

**Amendment No. 7.**

On page 2, lines 37 and 38, section 1300.11 (f), of the printed bill, delete the words "production and".

**Amendment No. 8.**

On page 2, line 39, section 1300.11 (g), of the printed bill, delete the words "equitable and".

**Amendment No. 9.**

On page 3, line 21, section 1300.12, of the printed bill, delete the word "otherwise".

**Amendment No. 10.**

On page 3, line 46, section 1300.12, of the printed bill, add the succeeding paragraphs to be number "(l)", "(m)" and "(n)" respectively:

"(l) 'To handle' means to engage in the business of a handler as herein defined.  
 "(m) 'To process' means to engage in the business of a processor as herein defined.  
 "(n) 'To distribute' means to engage in the business of a distributor as herein defined."

**Amendment No. 11.**

On page 3, line 26, section 1300.12 (g), of the printed bill, amend definition of "distributor" to read as follows:

"(g) 'Distributor' means any person who engages in the business of selling, marketing or distributing, in intrastate commerce, any agricultural commodity which he has purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined herein except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity."

**Amendment No. 12.**

On page 3, line 43, section 1300.12 (k), of the printed bill, delete the word "production".

**Amendment No. 13.**

On page 4, lines 2, 3, 4, 5 and 6, section 1300.13 (a), of the printed bill, amend to read as follows: "marketing orders regulating the handling of agricultural commodities in intrastate commerce".

**Amendment No. 14.**

On page 4, line 7, section 1300.13, of the printed bill, delete section (b), and in lieu thereof substitute the following:

"(b) Whenever the director has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this act with respect to any agricultural commodity, he shall, either upon his own motion or upon application of any producer or handler of such commodity, give due notice of and an opportunity for a public hearing upon a proposed marketing order".



**Amendment No. 15.**

On page 4, line 31, of the printed bill, add a new paragraph to be numbered (d), to read as follows:

"(d) In order to effectuate the declared policy of this act, the director shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, distributors, producers and others engaged in the handling of any agricultural commodity, regulating the handling of such agricultural commodity. The execution of such marketing agreement shall in no manner affect the issuance, administration or enforcement of any marketing order provided for in this act. The director may issue such marketing order without executing a marketing agreement or may execute a marketing agreement without issuing a marketing order, or both may execute a marketing agreement and issue a marketing order covering the same commodity. The director, in his discretion, may hold a concurrent hearing upon a proposed marketing agreement and proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this act".

**Amendment No. 16.**

On page 4, line 31, section 1300.14, of the printed bill, delete all of said section 1300.14, and in lieu thereof substitute the following:

"1300.14 (a). After such notice and hearing the director shall issue a marketing order if he finds and sets forth in such marketing order that such order will tend to—

(1) Reestablish or maintain prices received by producers for such agricultural commodity at a level which will give to such services which farmers commonly buy, equivalent to the purchasing power of such commodity in the base period. The base period shall be such prior period in which the director finds that (a) the volume of production of such commodity was adequate to supply the requirements of consumers thereof and (b) the returns to producers thereof were sufficient to provide an adequate standard of living to the farm operator and his family.

(2) Approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for such commodity.

(3) Prevent the unreasonable or unnecessary waste of agricultural wealth because of improper preparation of such agricultural commodity for market, lack of uniform grading and inspection, or excessive shipments to markets.

(4) Protect the interests of consumers of such commodity, by exercising the powers of this chapter only to such extent as is necessary to establish the quality of purchasing power described in subsection (1) of this section.

(b) In making the findings set forth above in this section, the director shall take into consideration any and all facts available to him with respect to the following economic factors:

(1) The quantity of such agricultural commodity available for distribution.

(2) The quantity of such agricultural commodity normally required by consumers

(3) The cost of producing such agricultural commodity as determined by available statistics and surveys.

(4) The purchasing power of consumers as indicated by reports and indices.

(5) The level of prices of other commodities which compete with or are utilized as substitutes for such agricultural commodity.

(6) The level of prices of commodities, services and articles which farmers commonly buy."

**Amendment No. 17.**

On page 5, lines 28 and 29, section 1300.15, of the printed bill, delete the words "production, processing, distribution or".

**Amendment No. 18.**

On page 5, line 30, section 1300.15, of the printed bill, after the word "State", change the colon to a comma, and add the words "but no others".

**Amendment No. 19.**

On page 5, line 43, section 1300.15, of the printed bill, insert as paragraph heading, "(b)".

**Amendment No. 20.**

On page 5, line 47, section 1300.15, of the printed bill, after the word "personnel", add "including attorneys engaged in the private practice of the law".

**Amendment No. 21.**

On page 5, line 50, section 1300.15, of the printed bill, after the word "Board", delete the word "to", and insert after the word "properly", the word "to".

**Amendment No. 22.**

On page 6, line 24, of the printed bill, section 1300.15, (b), delete the present paragraph (b), and insert in lieu thereof, the following:

"(b) Provisions for limiting the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be processed, distributed or otherwise handled in intrastate commerce by any and all persons engaged in such processing, distribution or handling, during any specified period or periods. The total quantity of any such commodity so regulated and permitted to be processed,

distributed or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity."

#### Amendment No. 23.

On page 6, line 24, of the printed bill, section 1300.15, insert after paragraph (b), two new paragraphs to read as follows:

"(c) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may purchase or acquire from, or handle on behalf of, any and all producers thereof, in intrastate commerce, during any specified period or periods under a uniform rule, applicable to all handlers so regulated, based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity, or of any grade, size or quality thereof, so purchased or handled in intrastate commerce shall be apportioned equitably among the producers thereof.

(d) Provisions for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof, which each handler may process, distribute or handle in intrastate commerce under a uniform rule, applicable to all handlers so regulated, based upon the quantities of such commodity or of any grade, size or quality thereof which each such handler has available for such processing, distribution or handling, or upon the quantities of such commodity or of any grade, size or quality thereof so processed, distributed or handled by such such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity or any grade, size or quality thereof, processed, distributed or handled in intrastate commerce during any specified period or periods shall be equitably apportioned among all such handlers thereof."

#### Amendment No. 24.

On page 6, line 35, of the printed bill, section 1300.15, "(c)" change to "(d)".

#### Amendment No. 25.

On page 6, line 40, of the printed bill, section 1300.15, after the word "State", change the comma to a period, and delete words "during any specified period or periods".

#### Amendment No. 26.

On page 6, line 44, of the printed bill, section 1300.15, after the word "necessarily", delete the word "to", and after the word "reasonably", insert the word "to".

#### Amendment No. 27.

On page 6, line 46, of the printed bill, section 1300.15, "(d)" change to "(f)".

#### Amendment No. 28.

On page 7, line 3, of the printed bill, section 1300.15, paragraph (3), section (a), delete the present paragraph (a) and insert in lieu thereof the following:

"(3) (a) Provisions for the establishment of uniform grading and inspection of any agricultural commodity delivered by producers to handlers or others engaged in the handling thereof. The director may establish grading standards of quality, conditions, size or pack for any agricultural commodity and inspect and grade such commodity in accordance with such grading standards so established. The director shall not establish grading standards for any such commodity below any minimum standards now prescribed by law for such commodity."

#### Amendment No. 29.

On page 7, line 17, of the printed bill, section 1300.15, delete the words "California grown", and insert after the word "commodities", the words "grown in the State of California".

#### Amendment No. 30.

On page 7, line 28, of the printed bill, after 1300.16., insert a new subsection (1) to read as follows:

"(1) (a) No marketing order issued pursuant to this shall become effective (1) unless or until the director finds such order has been assented to in writing by the handlers of not less than 65 per cent of the volume of the commodity covered thereby which is produced or marketed within the area defined in such order, or 65 per cent of the number of such handlers engaged in the processing or marketing of the commodity covered thereby which is processed or marketed within the area defined in such order, and

(2) Unless and until the director determines that the issuance of such order is approved or favored (a) by at least 65 per cent of the producers who, during the representative period determined by the director, have been engaged, within the area specified in such order, in the production for market of the commodity specified therein in commercial quantities, and (b) produced for market in com-

mercial quantities, at least 65 per cent of the volume of such commodity produced within the area specified in such order, for market in commercial quantities.

(b) In the determination of whether the issuance of such order is approved or favored pursuant to the provisions of this section, the director shall consider approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members to so assent, as the approval of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association."

**Amendment No. 31.**

On page 7, line 28, of the printed bill, change "(1)" to "(2)"; and in line 34, change "(2)" to "(3)"; and in line 43, change "(3)" to "(4)".

**Amendment No. 32.**

On page 7, line 39, of the printed bill, section 1300.16, delete all of lines 39, 40, 41 and 42, and insert in lieu thereof the following:

"If the director finds that the termination of any marketing order is favored by a majority of the producers who, during such representative period determined by the director, have been engaged within the State of California in the production for market of the commodity specified in such marketing order, and who, during such representative period, produced for market more than fifty (50%) per cent of the volume of such commodity produced within the State of California for market, the director may, if he finds the marketing order then obstructs or does not tend to carry out the declared policy of this act, terminate, or suspend for a specified period, such marketing order or any term or provision thereof, but such termination shall be effective only if announced on or before such date (prior to the end of the then current marketing period) as may be specified in such marketing order".

**Amendment No. 33.**

On page 7, line 44, of the printed bill, section 1300.16, delete the words "of such"; and in line 45, delete the word "issuance", and in lieu thereof insert the word "thereof".

**Amendment No. 34.**

On page 8, line 13, of the printed bill, section 1300.17, correct the spelling of the word "pursuant".

**Amendment No. 35.**

On page 8, lines 22 and 23, of the printed bill, section 1300.17, after the word "season", delete the balance of the sentence, and insert in lieu thereof "or seasons during which the order is effective".

**Amendment No. 36.**

On page 8, lines 24 to 31, inclusive, of the printed bill, section 1300.17, delete and insert in lieu thereof the following:

"The director may require each and every producer, processor, distributor or handler directly affected by any marketing order to deposit with him in advance, an amount based upon the estimated gross dollar volume of sales by such producer or the dollar volume of purchases or amounts handled by such processor, distributor or handler during the period or periods covered by such marketing order. At the close of such period or periods the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual gross dollar volume of sales by such producer or actual dollar volume of purchases or amounts handled by such processor, distributor or handler during such period or periods."

**Amendment No. 37.**

On page 10, line 39, of the printed bill, section 1300.19, delete the period, and after the word "fees", insert "incurred by an advisory board in the prosecution of such action".

**Amendment No. 38.**

On page 11, line 7, of the printed bill, section 1300.20, delete the numeral "10", and insert in lieu thereof "1300.19".

**Amendment No. 39.**

On page 11, lines 8 and 9, of the printed bill, section 1300.21, delete the words "or agency".

**Amendment No. 40.**

On page 11, line 10, of the printed bill, section 1300.21, delete the words "or agency".

**Amendment No. 41.**

On page 11, line 17, of the printed bill, section 1300.21, delete the words "administrative agency".

**Amendment No. 42.**

On page 11, line 18, of the printed bill, section 1300.21, delete the words "or Committee".



**Amendment No. 43.**

On page 11, line 19, of the printed bill, section 1300-21, delete the words "administrative agency", and the words "or committee".

**Amendment No. 44.**

On page 12, line 10, of the printed bill, section 1300-23, delete figure "8", and insert in lieu thereof the figures "1300-17".

**Amendment No. 45.**

On page 12, line 13, of the printed bill, section 1300-23, delete figure "8 (a)", and insert in lieu thereof the following "1300-17 (a)".

**Amendment No. 46.**

On page 12, line 18, of the printed bill, section 1300-24, paragraph (d), delete the entire paragraph "(d)", and insert in lieu thereof the following:

"(d) In any civil or criminal action or proceeding for violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, Section 1673 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this act or a conflicting act shall constitute a defense to such action or proceeding."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

**Second Reading of Assembly Bills.**

Assembly Bill No. 1105—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1317—An act to amend sections 506, 608 and 609 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to organization, incorporation and government of cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 956—An act to amend sections 1315, 1317, and 1321 and to repeal sections 1310, 1311, and 1312 of the Political Code, relating to electors of President and Vice President of the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1729—An act to amend section 1203 of the Political Code, relating to polling places.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1726—An act to amend section 1151 of the Political Code, relating to election officers in cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 663—An act to add section 538c to the Penal Code, relating to poppies, badges, labels, and insignia of veterans' organizations.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 510—An act to amend section 368 of the Streets and Highways Code, relating to State Highway Route 68.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 664—An act to amend section 463 of the Streets and Highways Code, relating to State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 699—An act to amend section 422 of the Streets and Highways Code, relating to State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2803—An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 964—An act to amend sections 1000, 1001 and 1010 of the Probate Code, relating to partial and ratable distribution of the estates of decedents.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 964 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 20, of the printed bill, following the word "indebted", strike out the comma, and insert in lieu thereof the following: "and that all inheritance taxes payable in said proceeding have been paid, or that the State Controller has in writing consented to said distribution".

##### **Amendment No. 2.**

On page 2, line 16, of the printed bill, following the word "expired", strike out the comma, and insert in lieu thereof "and all inheritance taxes payable in said proceeding have been paid, or that the State Controller has in writing consented to said distribution".

Bill read second time, ordered to reprint, and on file for third reading.

#### **President of the Senate in the Chair.**

At ten o'clock and twenty minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

#### **Withdrawal from Committee of Assembly Joint Resolution No. 36.**

Senator Biggar moved that Assembly Joint Resolution No. 36 be withdrawn from Committee on Federal Relations for purpose of adoption.

Motion carried, and such was the order.

#### **Third Reading of Assembly Bills.**

##### **Assembly Joint Resolution No. 4.**

Relative to memorializing the President and Congress to increase the payments for old age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act.

WHEREAS, The present contributions made by the Federal Government to the State of California are inadequate to permit the State of California to increase the allowance for old age assistance and aid to the blind to \$50 a month; and

WHEREAS, The people of the State of California believe that \$50 a month is a reasonable amount to permit the aged and the blind to maintain suitable and respectable standards of living; and

WHEREAS, An increase in the allowance to the aged and to the blind to \$50 a month would, without increased assistance from the Federal Government, constitute

a destructive financial burden to the countries of the State of California, and, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the President and Congress of the United States are hereby respectfully urged to enact as quickly as possible such suitable legislation as will provide that the Federal Government shall pay to each State of the United States an amount equal to at least one-half of the total amount of the payments made by that State for aid to the aged and to the blind, not counting so much of such expenditure with respect to any individual for any month as exceeds \$10, and as it further.

*Resolved.* That the President and Congress are respectfully urged to understand and appreciate the seriousness of a condition which is peculiar to only two States in the United States whereby great numbers of aged people are coming to California because of that provision in the Social Security Act which makes them eligible for a pension after only five years residence, a condition which will before long seriously affect the financial condition of California unless the Federal Government recognizes that this is a Federal and not a State obligation and makes such increases in its allowances to California as are necessary to meet this obligation, and be it further

*Resolved.* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States; and that such Senators and Representatives from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Holahan, Keating, Keough, Knowlton, Lutz, McBride, McCall, McGowan, Metzger, Mixer, Nielsen, Phillips, Piersbach, Quinn, Schottky, Seawell, Slater, Tinkle, Wags, Westover, and Young—29.

NOTES—None.

Assembly Joint Resolution No. 4 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 36.

Relative to memorializing the President and the Congress of the United States to enact Bill H. R. 4009, which proposes to appropriate \$50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill.

WHEREAS, During recent times numerous noxious weeds, such as the Wild Morning Glory, sometimes known as the Creeping Jenny, or Field Bind Weed, the Russian Knapp Weed, Lonty Spurge, Canada Thistle, Perennial Sow Thistle, Quack Grass, Johnson Grass, Bermuda Grass, Nut Grass, Klamath Weed, and many others have invaded the farm and agricultural lands and gardens in most of the States of the United States, including the State of California; and

WHEREAS, It has been estimated that noxious weeds are costing the United States \$3,000,000,000 every year; and

WHEREAS, Little organized effort has been made to control such noxious weeds; and

WHEREAS, A definite effort made in the State of Idaho to check such weeds has clearly demonstrated that the work can be successfully accomplished; and

WHEREAS, There was introduced in the House of Representatives by D. Worth Clark of Idaho, a bill known as H. R. 4009, which has as its purpose enabling each State to furnish financial assistance as far as practicable for the control and eradication of noxious weeds within such States and the appropriation of \$50,000,000 by the Federal Government to aid in such work; and

WHEREAS, H. R. 4009 is general in its application and is well designed to accomplish the purposes desired; and

WHEREAS, Not only will the eradication of noxious weeds in the State of California and other States of the Union bring inestimable benefit to agriculture, and as a result to all citizens of this State and other States at large, but it will in addition result in the employment of numerous men who are now unemployed and thereby hasten economic recovery; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the President and the Congress of the United States are respectfully urged to enact legislation proposed by Bill H. R. 4009, and that Henry A. Wallace, Secretary of Agriculture, is also urged to expedite consideration favorable to said bill; and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to the Chairman of the Committee on Agriculture of the House of Representatives and to each member of the Committee on Agriculture of the House of Representatives, and to Henry A. Wallace, Secretary of Agriculture, and to each Senator and member of the House of Representatives from California in Congress, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 36 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

Assembly Joint Resolution No. 36 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

### **Third Reading of Senate Bills.**

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Holohan, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 528 ordered transmitted to the Assembly.

Senate Bill No. 92—An act to amend section 627 of the Penal Code, relating to trespass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 92 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 92 ordered transmitted to the Assembly.

Senate Bill No. 233—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 233 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Daniel, Gossman, Gordon, Hays, Holahan, Jepsen, Keating, Keough, Kossman, Lane, McBride, McCall, McGovern, Metzger, Mixter, Parkman, Phillips, Plummer, Quinn, Rife, Schaefer, Senwell, Slater, Tinkle, Westover, and Young—30

**NOES**—None.

Title read and approved.

Senate Bill No. 233 ordered transmitted to the Assembly.

Senate Bill No. 547—An act to amend subsection 5 and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State.

#### Amendments from the Floor.

During third reading of Senate Bill No. 547, the following amendments, offered by Senator McBride, were read and adopted:

##### Amendment No. 1.

On page 1 of the title of the printed bill, strike any lines 1 to 5 inclusive, and insert in lieu thereof the following: "An act to amend section 675 of the Political Code, relating to the Department of Finance."

##### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Subsection 5 of section", and insert in lieu thereof the following: "Section."

##### Amendment No. 3.

On page 1 of the printed bill, strike out lines 3 to 23, inclusive, and insert in lieu thereof the following:

"675. The Director of Finance shall have power:

1. To let, with the consent of the State department, board, commission, or officer concerned, for a period of not to exceed five years, any property, real or personal, which belongs to the State, except where such letting is expressly prohibited by law, if in the judgment of the director such letting will be for the best interests of the State.

2. To hire or lease, upon the written request of the State department, board, commission, or officer concerned, any property, real or personal, if in the judgment of the director such hiring or leasing will be for the best interests of the State.

3. To authorize, with the consent of the State department, board, commission, or officer concerned, the sale or exchange of any personal property which belongs to the State if in the judgment of the director such sale or exchange will be for the best interests of the State.

4. To acquire title to real property in the name of the State of California whenever the acquisition of such property is authorized or contemplated by law, if no other agency of the State is specifically directed and empowered to acquire such title.

5. To execute grants to real property belonging to the State of California in the name of, and upon behalf of, the State of California, whenever the sale or exchange of such real property is authorized or contemplated by law, if no other agency of the State is specifically directed and empowered to execute such grants; to execute grants to any real property belonging to the State of California in the name of, and upon behalf of, the State of California with the consent of the State agency, if any, concerned, to the United States of America, in exchange for lands of the latter, or for such other considerations, as may appear to the director of finance to be to the best interests of the State; any real property acquired by the State of California by exchange pursuant to the provisions of this subsection shall be subject to the laws governing real property of the class to which such acquired real property belongs.

6. To render such advisory, investigational or other similar service to any city, county, city and county, district or any other political subdivision of the State, as may be deemed expedient by the director, said service to be rendered only upon such terms and conditions as may be satisfactory to the director of finance.

7. To institute, in the name of the State of California, condemnation proceedings for the acquiring of any land authorized by law to be obtained for any State



department, board, commission or institution, except land to be acquired by the Department of Public Works for highway uses and purposes, and to proceed if necessary to condemn under the terms of the Code of Civil Procedure relating to such proceedings, if no other agency of the State is specifically directed and empowered to institute such proceedings.

8. To grant and convey in the name of the State of California, with the approval of the department concerned, easements and rights of way over and across real property belonging to the State except real property used for highway rights of way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions and reservations as in his judgment may be to the interest of the State.

9. To grant and convey by deed or otherwise to abutting property owners all right, title and interest of the State of California, in and to abandoned river channels.

10. To withdraw".

#### Amendment No. 4.

On page 2 of the printed bill, after line 4, insert the following:

"11. To establish, with the consent of the State agency concerned, boundaries between the property of the State of California held in proprietary capacity and real property in private ownership, and to execute upon behalf of and in the name of the State of California, and to accept upon behalf thereof, instruments necessary to the establishment of any such boundary."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1094—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read third time.

#### Urgency Clause.

11. Inasmuch as this act provides the method by which the appropriations for the usual current expenses of the various counties and districts of the State are to be prepared and submitted and inasmuch as this information and data must be compiled before the beginning of the next fiscal year, it is hereby declared an urgency measure and shall under the provisions of section 1 of Article IV of the Constitution of the State of California take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1094 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1094 ordered transmitted to the Assembly.

#### Senate Joint Resolution No. 7.

Relative to memorializing Congress to enact legislation relating to disabled veterans.

WHEREAS, Disabled Veterans drawing compensation on account of service-connected disabilities are unable to secure employment due to the fact that under the Workmen's Compensation, Insurance and Safety Act, the employer would be liable for any aggravation of prior disability by reason of any injury to the employee in the course of his employment; and

WHEREAS, The effect of this refusal of employer to employ such disabled veteran is the same as though the veteran was disabled 100 per cent, in that he can receive no gainful employment whereby he can make up the difference between the percentage of disability for which he is compensated and the 100 per cent ability to work and earn his living which all others possess; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of the State of California most respectfully urges and petitions the President and the Congress of the United States to enact legislation pertaining for the employment of veterans in public and private employment under special provisions and providing that the discrimination of employers to employ disabled veterans for the foregoing reasons be taken into consideration in fixing the amount of compensation to which such veterans are entitled.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keene, Keeney, Linn, McElroy, McCull, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Schott, Sargent, Sawyer, Tickle, Wagy, Westover, and Young—29

NOES—None.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

Senate Bill No. 39—An act to amend section 730 of the Agricultural Code, relating to dairy products.

#### Amendments from the Floor.

During third reading of Senate Bill No. 39, the following amendments, offered by Senator Garrison, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the figures "730" and the word "of", and in lieu thereof insert the following: "590A and 590A Section 590A to".

##### Amendment No. 2.

On page 1, line 1, of the printed bill, following the period, strike out all of the remainder of the line, and strike out all of lines 2 to 8 inclusive and insert in lieu thereof the following:

"Section 590 of the Agricultural Code is hereby amended to read as follows:

590. Butter when sold to the retail trade shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The words "manufactured by," shall appear above the name, when the name of the manufacturer is given; the words, "distributed by," shall appear above the name when the name of the wholesale distributor is given; and the words, "put up for" or "put up by," shall appear above the name when the name of the retailer is given. Butter when sold to the wholesale trade in cubs, tubs, fleckins, or other bulk forms, shall be labeled with the name and address of the manufacturer. The name of any city, country or other geographical designation or any word which may be pronounced the same as any city, county, or other geographical designation, other than the address of the manufacturer, wholesale distributor or retailer, whose name is printed on any package or wrapper, shall not appear thereon.

Nothing in this section prohibits the use of a trademark or brand having a geographical name, copyrighted or registered in the office of the Secretary of State of this State prior to the first day of January, 1923.

Sec. 2. Section 590A is hereby added to the Agricultural Code to read as follows:

590A. In addition to the labeling provisions contained in Section 590, All containers of butter, produced outside of the United States of America, shall have legibly printed or stamped thereon the name of the country of origin. All containers of butter produced inside of the United States of America shall have legibly printed or stamped thereon the name of the State or territory of origin."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 511—An act to amend sections 800, 803, 804, 814 and 815 of the Military and Veterans Code, relating to veterans' farm and home purchase.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 511 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 511 ordered transmitted to the Assembly.

Senate Bill No. 98—An act to add section 1.4 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 98 ordered transmitted to the Assembly.

Senate Bill No. 21—An act to add section 377f to the Penal Code, relating to racing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 21 ordered transmitted to the Assembly.

Senate Bill No. 820—An act to amend section 4300i of the Political Code, relating to public administrator's fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 820 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl,

Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Seawell, Slater, Tickle, Wag, Westover, and Young—29.  
NOES—None.

Title read and approved.

Senate Bill No. 820 ordered transmitted to the Assembly.

Senate Bill No. 824—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 824 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Donel, Fletcher, Garrison, Hays, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, and Westover—28.  
NOES—None.

Title read and approved.

Senate Bill No. 824 ordered transmitted to the Assembly.

Senate Bill No. 656—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Donel, Fletcher, Hays, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—26.  
NOES—None.

NOES—None.

Title read and approved.

Senate Bill No. 656 ordered transmitted to the Assembly.

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurer and interest thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Donel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—29.  
NOES—None.

NOES—None.

Title read and approved.

Senate Bill No. 869 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

### Third Reading of Assembly Bills—(Resumed).

#### Assembly Joint Resolution No. 30.

Relative to the granting of travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines.

WHEREAS, Certain persons who enlisted in the regular Army of the United States in the year 1898, under special act of Congress for the duration of the war with



Spain, who were honorably discharged from such enlistment while serving in the Philippines; who did not there render the military service of the United States through commission of enlistment, who embarked at Manila within one year after such discharge for return to the United States, have never been granted or allowed travel pay or allowance for transportation and subsistence between the Philippine Islands and San Francisco, California; and

WHEREAS, Many of these men are residents of the State of California; and

WHEREAS, The allowance of travel pay to said men constitutes a legal and legitimate obligation of the United States; and

WHEREAS, The Honorable John F. Dockweiler, Representative in Congress from the Sixteenth District, on January 8, 1937, introduced a bill numbered H. R. 2279, in the House of Representatives of the Seventy-fifth Congress of the United States, granting travel pay and other allowances to certain soldiers in the Spanish American War and the Philippine Insurrection who were discharged in the Philippines; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the President and Congress of the United States are hereby memorialized to use their utmost endeavors to secure the passage of said bill numbered H. R. 2279, granting travel pay and other allowances to certain soldiers of the Spanish American War and the Philippine Insurrection; and be it further

*Resolved.* That the Governor transmit copies of this resolution to the President of the United States, the Secretary of War, to the members of the California Delegation in Congress, and to the presiding officers of the Senate, and the House of Representatives, and to the Chairman of the Committee on War Claims.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 30 adopted by the following vote.

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Parkinson, Phillips, Pirovich, Quinn, Schottky, Seawell, Slater, Tinkle, Warr, Westover, and Young—28.

NOES—None.

Assembly Joint Resolution No. 30 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 1.

Relative to memorializing Congress to initiate an amendment to the Constitution of the United States to provide that the Electoral College be abolished and that the President and Vice President be elected by a direct vote of the people.

WHEREAS, Electors of the President and Vice President of the United States are in effect no more than messengers whose sole duty it is to certify and transmit the election returns; and

WHEREAS, The Electoral College is not adapted to modern times and is cumbersome and expensive; and

WHEREAS, Many voters are confused by the numerous names of electors appearing on the ballot and thereby divide their vote between opposing candidates without intending so to do; and

WHEREAS, The abolition of the Electoral College would result in a great monetary saving;

(a) In shortening the ballot.

(b) In abolishing fees and expenses now paid to electors; and

WHEREAS, In the opinion of the members of both houses of the California Legislature, a large majority of the citizens of the United States desire that the Electoral College be abolished and that they be enabled to vote directly for the President and Vice President of the United States; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the Congress of the United States is respectfully urged to initiate an amendment to the Constitution of the United States abolishing the Electoral College, and providing that the President and Vice President be directly elected by a majority of the qualified voters of the States of the United States, with the understanding, however, that the voting shall still be on the same basis as under the present law, namely, one vote for each congressional district and one vote for each senatorial district; and be it further

*Resolved.* That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and

member of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, Law, McBeck, McCall, Metzger, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Westover, and Young—24.

NOES—Senators Keating, Mixer, Schottky, and Wagy—4.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

Assembly Bill No. 1679—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds in civil actions or proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1679 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Keating, Keough, Knowland, Law, McCall, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Tuckie, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1679 ordered transmitted to the Assembly.

Assembly Bill No. 1680—An act to add a new section to the Probate Code to be numbered 1530a, relating to compromise of claim against estate of ward.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1680 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Keating, Keough, Knowland, Law, McCall, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tuckie, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1680 ordered transmitted to the Assembly.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

Senate Bill No. 339—An act to add section 246a to the Penal Code, relating to assault by a convict;

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to criminal assaults;

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escapes;

Senate Bill No. 347—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct;

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter;

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children;

Senate Bill No. 441—An act to amend sections 1022, 1032 and 1037 of the Agricultural Code, relating to fertilizing materials;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons;

Senate Bill No. 444—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons;

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 26, 1937.

*To the Honorable Members of the Senate of the State of California,  
State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that on November 17, 1936, I appointed the following as members of the Agricultural Prorate Commission, and in harmony with the law governing their appointment, I am submitting the same to you for consideration and confirmation:

George P. Clements.....	Los Angeles
A. J. McFadden.....	Santa Ana
R. C. Kennedy.....	Hayward
Roy M. Pike.....	Vernalis
E. F. Loecher.....	Fresno

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

### Motion.

On motion of Senator Fletcher, Senate Bills Nos. 73 and 74 were placed on the unfinished business file.

### Reconsideration Waived.

Senator Metzger waived reconsideration on Senate Bill No. 968, and Senate Bill No. 968 ordered transmitted to the Assembly.

### Leave of Absence.

Senator Hollister was, on motion of Senator McBride, granted leave of absence for the balance of this legislative day.

## Reports of Standing Committees—(Resumed).

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

### On Building and Construction.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Senate Bill No. 524—An act to amend sections 2, 4, 10, 11, 15, 28, 29, 30, 32, 42, 46, 52, 55, 56, 61, 62 and 63 of the State Housing Act, relating to houses designed for human habitation.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

METZGER, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section 5 of Article IX of the Constitution of said State, relating to county superintendents of schools.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

### On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 352—An act to provide for the temporary segregation of prisoners received at the State Prison at San Quentin, for examinations and investigations as a basis for classification, for the construction of housing facilities and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLOHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 353—An act to provide for the special treatment of insane and feeble-minded prisoners, for the construction of special housing and medical facilities, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLOHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLOHAN, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 81—An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 546—An act to add section 1034 to the Political Code, relating to elective officers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 321—An act to amend sections 15, 16, 43, 51, 52, 63, 65, 65b, 65c, 65d, 67, 76, 79, 95, 101, 108 and 109 of and to add sections 23a, 23b and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and to make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1895—An act to add section 663.5 to the Political Code, relating to the powers of the State Board of Control;

Assembly Bill No. 1763—An act to amend section 535 of the Political Code, relating to State Printer;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 183—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Ayes—5; noes—1, absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 250—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and property of, officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 251—An act to add section 205 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 737—An act to amend section 531 of the Political Code, relating to the State Printing Plant.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 7; committee vote: Ayes—6, absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1604—An act to provide for the transfer to the general fund of moneys in special funds collected pursuant to the provisions of repealed statutes, and to provide for the abolition of such special funds.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Ayes—6, absent—1.

SEAWELL, Chairman.

### On Education.

SENATE CHAMBER, SACRAMENTO, March 27, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 569—An act to amend sections 41, 4791 and 4881 of the School Code, relating to the apportionment of funds to school districts for the education of physically handicapped children.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—8; noes—1.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, March 27, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 824—An act to repeal section 22102 of the School Code and to amend section 5.667 thereof, relating to persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall go into immediate effect.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—9.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, March 27, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 566—An act to repeal sections 22134, 22135 and 4375 of the School Code, and to add thereto two new sections to be numbered 4.368 and 4.375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes—8; noes—1.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 27, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code; to repeal sections 5.782, 5.783 and 5.784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 27, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 799—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees of school districts, and to add a new section to be numbered section 5.1139 to the School Code;

Senate Bill No. 314—An act to add a new article to Chapter IV or Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

## On County Government.

## SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 642—An act to amend section 4041.21 of the Political Code, relating to the powers of boards of supervisors to buy, sell and rent property;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 296—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation;

Senate Bill No. 516—An act to amend section 4041.18 of the Political Code, relating to construction of public buildings;

Senate Bill No. 1102—An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 297—An act to amend section 4316 of the Political Code, relating to the privileges of public officers;

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911;

Assembly Bill No. 2380—An act to amend section 11.4 of an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1933, relating to land surveyors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.



## SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Senate Bill No. 1075—An act to amend section 4292 of the Political Code, relating to counties of the thirty-third class.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—9; absent—2.

GORDON, Chairman.

## On Civil Service.

## SENATE CHAMBER, SACRAMENTO, March 26, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Senate Bill No. 309—An act relating to the State Civil Service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for reports in regard to personnel by other officers and employees of the State.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

YOUNG, Chairman.

## On Commerce and Navigation.

## SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 129—An act to amend section 2362 of the Political Code, relating to the speed of vessels entering or leaving harbors of the State of California, or traveling within three miles of land, within the State of California.

Senate Bill No. 131—An act to amend section 2365 of the Political Code, relating to vessels overtaking or passing other vessels;

Senate Bill No. 132—An act to amend section 2364 of the Political Code, relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire, on regular routes between ports within this State;

Senate Bill No. 180—An act to amend section 252 of the Harbors and Navigation Code, relating to the speed of vessels entering or leaving harbors of this State, or traveling within three miles of land within the State of California;

Senate Bill No. 181—An act to amend section 255 of the Harbors and Navigation Code, relating to vessels overtaking or passing other vessels;

Senate Bill No. 482—An act to amend section 254 of the Harbors and Navigation Code, relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire on regular routes between ports within this State;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

(Signed out)

NIELSEN, Chairman.

KEOUGH.

FLETCHER.

## On Governmental Efficiency.

## SENATE CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 752—An act to add section 675b to the Political Code and to repeal section 675.1 thereof, relating to the approval of salaries by the Department of Finance;

Senate Bill No. 1054—An act to amend sections 12 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended;

Senate Bill No. 425—An act to promote temperance in the use of alcoholic beverages, relating to the manufacture, sale and use of alcoholic beverages, and to amend sections 1, 2, 3, 5, 6, 7, 8, 10, 21, 24, 33, 34, 37, 54 and 60 of the Alcoholic Beverage Control Act, and to add new sections thereto all relating to the manufacture, sale and use of alcoholic beverages;

Has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.



### Consideration of Senate Bill No. 425.

Senator Pierovich asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 425, out of order, for the purpose of amendment.

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 19, 22, 24, 26, 27, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 22a, 22b, 22c, 22d, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 38a, 38b, 38c, 38d, 38e, 38f, 49.2, 49.4, 49.5, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 51.8, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.2, 66.5, 67.5, relating to alcoholic beverages.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "14," insert "17," and after "19," insert "21," and after "22," insert "23,".

#### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, after "49," insert "50,".

#### Amendment No. 3.

On page 1, line 5 of the title of the printed bill, as amended, after "11a," insert "16 $\frac{1}{2}$ , 20 $\frac{1}{4}$ ," and after "22d," insert "22e, 23a, 23b,".

#### Amendment No. 4.

On page 1, line 8 of the title of the printed bill, as amended, after "30a," insert "36b," and strike out "38f," and "49.5,".

#### Amendment No. 5.

On page 1, line 9 of the title of the printed bill, as amended, strike out "51.8", and in lieu thereof insert "52 $\frac{1}{2}$ ,".

#### Amendment No. 6.

On page 1, line 10 of the title of the printed bill, as amended, strike out "66.2,".

#### Amendment No. 7.

On page 1, line 9, of the printed bill, as amended, strike out "positing", and in lieu thereof insert "posting".

#### Amendment No. 8.

On page 2, line 41, of the printed bill, as amended, after the word "wine", insert a comma and the following: "and other rectified wine products and by whatever name and which do not contain more than 5 per cent added flavoring, coloring and blending material and which contains not more than 24 per cent of alcohol by volume, and provided that the alcohol content be derived solely from wine as herein defined."

#### Amendment No. 9.

On page 5, line 6, of the printed bill, as amended, after "on-sale", insert "distilled spirits".

#### Amendment No. 10.

On page 5 of the printed bill, as amended, strike out all that portion of line 10 following the period, and strike out lines 11 and 12.

#### Amendment No. 11.

On page 5, line 36, of the printed bill, as amended, after "revocation", strike out the comma, and in lieu thereof insert "or".

#### Amendment No. 12.

On page 5, line 37, of the printed bill, as amended, after "surrender", insert "of", and after "renew", strike out "of".

**Amendment No. 13.**

On page 5, line 38, of the printed bill, as amended, strike out "entire", and after "stock", insert ", under supervision of the board in such manner as the board shall by rule or regulation provide," and after "licensee", insert "or licensees".

**Amendment No. 14.**

On page 5 of the printed bill, as amended, strike out all that portion of line 39 following "ages", and after "ages" insert a period, and strike out all of line 40.

**Amendment No. 15.**

On page 6 of the printed bill, as amended, strike out lines 22 and 23.

**Amendment No. 16.**

On page 6 of the printed bill, as amended, strike out lines 2 to 9, inclusive, and insert in lieu thereof the following:

"2. Wine manufacturers license (to be computed only on the gallonage manufactured) five thousand gallons or less.....\$20.00 per year"

**Amendment No. 17.**

On page 6, line 29, of the printed bill, as amended, strike out the following "100.00 per year", and insert in lieu thereof the following: "no fee".

**Amendment No. 18.**

On page 6, line 30, of the printed bill, as amended, strike out the following "100.00 per year", and insert in lieu thereof the following: "no fee".

**Amendment No. 19.**

On page 6, line 31, of the printed bill, as amended, strike out the following "100.00 per year", and insert in lieu thereof the following: "no fee".

**Amendment No. 20.**

On page 6, line 32, of the printed bill, as amended, before "per", insert "10.00".

**Amendment No. 21.**

On page 6 of the printed bill, as amended, after line 52, insert the following "24. Distilled spirits manufacturers agents license.....250.00 per year."

**Amendment No. 22.**

On page 7, line 30, of the printed bill, as amended, after the word "prescribe", strike out the period, and in lieu thereof insert the following: "provided that in the case of wine the license shall be determined solely upon the gallonage manufactured."

**Amendment No. 23.**

On page 7, line 48, of the printed bill, as amended, after the word "beer", insert the following: "and wine manufacturers may sell wine".

**Amendment No. 24.**

On page 7, line 49, of the printed bill, as amended, after the word "beer", strike out the semicolon, and insert in lieu thereof the following: "or wine."

**Amendment No. 25.**

On page 8 of the printed bill, as amended, between lines 20 and 21, add a new section to be numbered c-1, as follows:

"Sec. c-1. Wine bottling or packaging licenses authorizes the labeling, bottling or packaging of the alcoholic beverages specified in the license in accordance with and subject to the rules and regulations now in effect or as may hereafter be adopted by the State Department of Public Health of the State of California."

**Amendment No. 26.**

On page 8 of the printed bill, as amended, strike out all that portion of line 31 following the period, and strike out lines 32 to 36, both inclusive.

**Amendment No. 27.**

On page 9, line 35, of the printed bill, as amended, strike out "beer", and after "licensees", insert "authorized to sell beer".

**Amendment No. 28.**

On page 9 of the printed bill, as amended, between lines 47 and 48, insert the following:

"(p) A licensed wine manufacturer may in addition to selling wine at his licensed premises sell to other wine licensees from wagons or trucks operated by such manufacturer or wholesaler and provided that a wine manufacturer may sell and deliver wine from branch offices or warehouses located away from his place of manufacture and exercise all his license privileges thereat and therefrom other than manufacture, and the board shall upon request issue such wine manufacturer a duplicate of his original license which shall authorize the maintenance and opera-

tion of each branch or warehouse declared and designated by said manufacturer upon the payment for each such duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license."

#### Amendment No. 29.

On page 10, line 33, of the printed bill, as amended, after the word "location", strike out the period, and insert in lieu thereof the following: "except as provided for in section 6 subdivisions (o) and (p)."

#### Amendment No. 30.

On page 11 of the printed bill, as amended, strike out lines 40 to 48, both inclusive.

#### Amendment No. 31.

On page 12 of the printed bill, as amended, between lines 35 and 36, insert the following:

"SEC. 154. A new section to be numbered 16½ is hereby added to said act to read as follows:

Sec. 16½. A retail package off-sale distilled spirits license may be issued to the holder of a distilled spirits manufacturer's, rectifier's or wholesaler's license only for premises for which the distilled spirits manufacturer's, rectifier's or wholesaler's license is issued."

#### Amendment No. 32.

On page 13, line 19, of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the word "act."

#### Amendment No. 33.

On page 14, line 41, of the printed bill, as amended, after the figure "5", strike out the period, and insert in lieu thereof the following: "; provided, however, that where a license fee is based upon the actual manufacture of such alcoholic beverages no additional license fee shall be required except for the actual gallonage of such alcoholic beverages manufactured in excess of the amount permitted by the license of such manufacturer."

#### Amendment No. 34.

On page 15, line 18, of the printed bill, as amended, after the word "importer", insert the following: ", except as otherwise in this act provided,".

#### Amendment No. 35.

On page 15 of the printed bill, as amended, strike out lines 40 to 52, inclusive, and on page 16, strike out lines 1 to 4, inclusive, and in lieu thereof insert the following: "been sold by such manufacturer or importer unless proven to the satisfaction of the board, in verified reports on forms prescribed by the board, that such alcoholic beverages (1) are still in the possession of such licensee or (2) have been sold and delivered to another manufacturer or importer of such alcoholic beverages, or (3) have been exported without this State or sold for export by the licensee making the report, or (4) prior to the termination of possession such alcoholic beverages have been lost through unintentional destruction, or (5) were spoiled beer or wine which was destroyed in the presence of a representative of the board or of the United States Bureau of Internal Revenue, or (6) prior to the termination of possession have been unaccountably lost, but such unaccounted for loss shall not exceed a tolerance to be fixed by the board or in the case of wine such tolerance shall be that prescribed or as may hereafter be prescribed by the Treasury Department of the United States of America; or (7) are beer or wine otherwise exempted from taxation under this act."

No excise tax mentioned in section 23 hereof shall be imposed by this act upon any wine or beer sold and delivered by a manufacturer or importer to another manufacturer or importer holding a valid manufacturer's or importer's license or upon any wine or beer exported from the State or sold for export from the State by a licensed manufacturer or importer, or upon any wine or beer specifically mentioned in any subdivision (1) to (7) of this section.

Any claim for exemption from excise taxes claimed under this section must be made to the board within 60 days from the date when the right to exemption accrued, and in establishing the facts provided for in subdivision 3, 4, 5, 6, and 7 of this section whenever a licensee is required to file monthly reports with the United States Government setting forth such facts a copy of such report compiled and filed by the licensee with the United States Government shall be conclusive as to such facts."

#### Amendment No. 36.

On page 15 of the printed bill, as amended, strike out lines 23 to 28, inclusive, and insert in lieu thereof the following:

"(b) On all natural dry wines one cent per wine gallon and at a proportionate rate for any other quantity; (c) on all other still wines two cents per wine gallon and at a proportionate rate for any other quantity; (d) on champagne or sparkling water whether naturally or artificially carbonated one and one half cents per



half pint or fraction thereof, six cents per quart or fraction thereof greater than one half pint."

#### Amendment No. 37.

On page 16, line 21, of the printed bill, as amended, after "one half" insert "gallon".

#### Amendment No. 38.

On page 25 of the printed bill, as amended, following line 13, and preceding line 14, insert the following:

"When a licensee shall possess distilled spirits excise tax stamps which shall have been damaged so as to be unusable, or shall possess distilled spirits excise tax stamps of denominations no longer used by him, the licensee, at his discretion, either exchange such distilled spirits excise stamps for stamps of the same or other denominations or refund to the licensee the original value of the stamps."

#### Amendment No. 38(a).

On page 28, line 27, of the printed bill, as amended, strike out "imposed by the board".

#### Amendment No. 39.

On page 29 of the printed bill, as amended, following line 24, and preceding line 25, insert the following:

"The board may authorize any of its executive officers to join or subscribe to any national association or service having as its purpose the gathering and supply of information relative to the technique of law or regulation control or administration."

#### Amendment No. 40.

On page 29 of the printed bill, as amended, strike out lines 27 to 32, inclusive, and on page 30, strike out lines 1 to 4, inclusive, and in lieu thereof substitute the following:

"The board shall have power and authority to adopt rules and regulations which will foster and encourage the orderly wholesale marketing and equitable distribution of beer, provided that no such action shall be taken by the board except after public hearing and ten days notice to all manufacturers of beer in California of the time and place of such hearing and of the substance of the action intended to be taken by the board.

The board shall require that each manufacturer, importer and wholesaler of beer must forthwith file with the board, in such",

#### Amendment No. 41.

On page 30, of the printed bill, as amended, strike out lines 36 to 38, inclusive, and substitute in lieu thereof "an act shall constitute and be a misdemeanor, providing that the violation of posted prices as to each article covered by a particular sale or transaction shall not constitute a separate and single misdemeanor as to each such article, but each such sale or transaction involving a violation of posted prices under this section shall constitute but a single offense regardless of the number of articles covered by such sale or transaction.

Any director, officer, agent or employee of any licensee who knowingly assists or aids in the violation of this section or any effective posted price shall be guilty of such violation equally with the licensee.

Any licensee injured by any violation of this section or a regulation adopted pursuant to this section, or a trade association, having as members licensed beer manufacturers representing more than half of the volume of beer produced and sold in California for three months prior to the date of any act authorized in this section, or licensed beer and wine wholesalers representing more than half of the volume of beer sold at wholesale in California for three months prior to date of the filing of any suit authorized herein may maintain an action to obtain a continuance of any act or acts in violation of this section or any regulation adopted pursuant thereto, and if injured thereby for the recovery of damages. If in such action the court shall find the defendant is violating or has violated any of the provisions of this section or any regulation adopted pursuant thereto the court shall upon the defendant from a continuance to further violation thereof and it shall not be necessary that actual damages to the plaintiff be alleged or proven in such action and proof of a violation of this section or any regulation adopted in pursuance thereof shall be presumptive evidence of an intention to continue to violate such section or any such regulation. Any defendant in any action brought under the provisions of this section or any person who may be a witness therein under sections 2021, 2031 or 2055 of the Code of Civil Procedure of this State and the books and records of any such defendant or witness may be brought into court and such books and records may be introduced by reference into evidence; provided, however, that no information so obtained may be used against the defendant or any such witness as a basis for a misdemeanor prosecution under the provisions of this section.

The board shall not suspend or revoke the license of any licensee for a violation of the provisions of this section or a regulation adopted pursuant thereto unless such licensee shall have committed, within a period of one year, at least three violations of



the price posting provisions of this section or of regulations adopted pursuant thereto and such violations shall have been proven by convictions for misdemeanor or by judgment in a civil suit for injunction as herein provided, in which event the board may suspend or revoke the license of such licensee."

**Amendment No. 42.**

On page 35, line 34, of the printed bill, as amended, after "and", insert "not".

**Amendment No. 43.**

On page 35, line 47, of the printed bill, as amended, strike out "is", and in lieu thereof insert "are".

**Amendment No. 44.**

On page 36, line 1, of the printed bill, as amended, strike out "is", and in lieu thereof insert "are".

**Amendment No. 45.**

On page 36, line 10, of the printed bill, as amended, strike out "is", and in lieu thereof insert "are".

**Amendment No. 46.**

On page 37, line 44, of the printed bill, as amended, strike out "was", and in lieu thereof insert "were".

**Amendment No. 47.**

On page 38, line 13, of the printed bill, as amended, strike out "was", and in lieu thereof insert "were".

**Amendment No. 48.**

On page 40 of the printed bill, as amended, between lines 2 and 3 thereof, add the following:

"(g) Directly or indirectly, deliver the possession of any alcoholic beverages to any "on-" or "off-sale" licensee under an agreement of consignment whereby title to such alcoholic beverages is retained by the seller or whereby such licensee receiving such alcoholic beverages has the right at any time prior to sale to relinquish possession or to return them to the original seller:

(h) Directly or indirectly, give any licensee or any person any alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages."

**Amendment No. 49.**

On page 40 of the printed bill, as amended, strike out lines 15 to 18, inclusive, and in lieu thereof insert the following: "acid gas or tapping accessories furnished to any one "on-sale" licensee to a limit of not exceeding a value of \$5.00 per tap in any one calendar year."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Adjournment.**

At eleven o'clock and fifty-eight minutes a.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, March 29, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Monday, March 29, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman.

Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wags, Westover, Williams, and Young—37.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Friday, March 26, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leaves of Absence.**

Senator Phillips was, on motion of Senator DeLap, granted leave of absence for this day.

Senator Olson was, on motion of Senator McGovern, granted leave of absence for this day.

Senator Allen was, on motion of Senator Mixer, granted leave of absence for this day.

### **Privilege of Floor of Senate Extended.**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William Foster of Boston, Massachusetts, and Mr. and Mrs. William F. Dunlevy of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Black and Carl Pierce, both of Calistoga.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy Jean Bevan, sixth grade, business manager of Oak Leaves, Compa School official publication, Ventura County.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank S. Marnell of the Mental and Social Hygiene eighth district of the P.-T. A., and Mrs. Marvin Herman.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Paul Alexander, State Commander of California for Cancer Control.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Kent Clark of Carmel.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. T. Henshaw Kelly and Joseph Donovan, both of San Francisco.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank Rospau, business manager of the California P.-T. A. Federation News, of Placentia, and Mr. Frank Rospau, publisher of the Placentia Courier, of Placentia.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. L. Allen of San Diego, Mrs. Geo. Bunnell of Redlands, Mrs. Jno. Stewart of Hemet, Riverside County; Mrs. E. B. Shoesmith of Tracy, Mrs.

Walter Higgins of Ukiah, Mrs. W. P. Dyer of San Francisco, and Mrs. F. P. Wray of Davis, members of the State Board of California Federation of Women's Clubs.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Alice Maloney of San Francisco.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 34—An act to amend section 737 of the Penal Code, relating to officers liable to impeachment;

Assembly Bill No. 313—An act to amend section 4307 of the Political Code, relating to county charges;

Assembly Bill No. 352—An act to add a new section to the Civil Code, to be numbered 137.5, relating to attorney's fees granted in actions for divorce or separate maintenance;

Assembly Bill No. 406—An act to amend sections 3, 5, 6 of the Alcoholic Beverage Control Act, relating to licenses, declaring the urgency hereof, and providing that this act shall take effect immediately.

Assembly Bill No. 602—An act to the Political Code by adding thereto a new section to be numbered 4049.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes;

Assembly Bill No. 809—An act to amend section 3819 of the Political Code, relating to an action to recover a tax paid under protest;

Assembly Bill No. 1193—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section, No. 3a, relating to the use of reservoirs and adjacent land for recreational purposes;

Assembly Bill No. 1223—An act to amend sections 81, 504, 511, 525, 550, 576, 590 and 602 of, and to add sections 512 and 596.5 to, the Vehicle Code, relating to vehicles, the operation and equipment thereof, and certain crimes in relation thereto.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 34 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 313 read first time, and referred to Committee on County Government.

Assembly Bill No. 352 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 406 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 602 read first time, and referred to Committee on County Government.

Assembly Bill No. 809 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1193 read first time, and referred to Committee on County Government.

Assembly Bill No. 1223 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic

beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, and providing for the enforcement of the provisions hereof.

**JAMES G. SMYTH**, Chief Clerk of Assembly.  
By **H. ARTHUR DANIELS**, Assistant Clerk.

Assembly Bill No. 2794 read first time, and referred to Committee on Public Morals.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1217—An act to amend sections 158, 371.5, 374, 379 and 384 of, and to add section 162 to the Vehicle Code, relating to the registration of vehicles and fees therefor;

Assembly Bill No. 1760—An act to amend section 627 of the Penal Code, relating to trespass on real property;

Assembly Bill No. 1925—An act to amend section 4264 of the Political Code, relating to salaries of county officers in counties of the thirty fifth class;

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy, and operation of cleaning and dyeing shops or stores, and spotting, spandling and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, spandling and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing;

Assembly Bill No. 2341—An act to amend section 538b of the Penal Code of the State of California, prohibiting the wearing by a person not entitled to do so of the badge, lapel button, rosette, or other recognized and established insignia of any secret society order or organization, fraternal or religious order or denomination, or of any sect, church or religious denomination;

Assembly Bill No. 2395—An act amending section 6471 of the School Code, relating to purchasing power of boards of school trustees and boards of education.

**JAMES G. SMYTH**, Chief Clerk of Assembly.  
By **H. ARTHUR DANIELS**, Assistant Clerk.

Assembly Bill No. 1217 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1760 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1925 read first time, and referred to Committee on County Government.

Assembly Bill No. 2732 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2341 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2395 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 15—Relative to the celebration of Admission Day as a legal holiday.

**JAMES G. SMYTH**, Chief Clerk of Assembly.

Assembly Concurrent Resolution No. 15 read, and referred to Committee on Judiciary.



### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 2, 3, and 5 of the "Personal Income Tax Act of 1935," relating to income taxes.

Respectfully submitted.

SENATOR FLETCHER.

Request referred to Committee on Rules.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 774—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Senate Bill No. 30—An act to amend section 404 of the Civil Code, relating to dissolution of corporations;

Senate Bill No. 199—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts after final distribution;

Senate Bill No. 230—An act to add section 892.5 to the Agricultural Code, relating to the certification of barley;

Senate Bill No. 277—An act to add a new section to the Agricultural Code to be numbered section 132.5, relating to pest control;

Senate Bill No. 1028—An act to amend sections 851, 852, and 852b of, and to add sections 2b and 852d to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to municipal corporations;

Senate Bill No. 286—An act to amend sections 24 and 28b of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages and areas contiguous thereto;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 7—Relative to memorializing Congress to enact legislation relating to disabled veterans;

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest;

Senate Bill No. 62—An act to amend sections 1 and 1c of, and to add sections 1e and 13.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances;

Senate Bill No. 225—An act to amend section 588 of the Vehicle Code, relating to angle parking;

Senate Bill No. 631—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts;

Senate Bill No. 875—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness;

Senate Joint Resolution No. 6—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuro-psychopathic hospital for veterans of the World War; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1103—An act to amend sections 270 and 270a of the Penal Code relating to failure to provide;

Senate Bill No. 342—An act to amend section 171a of the Penal Code, relating to the taking of narcotics, intoxicating liquor, firearms, weapons, or explosives into or within the grounds of penal institutions or reformatories;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 367—An act to amend section 328 of the Probate Code, relating to notices prior to the hearing of application for letters;

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters;

Senate Bill No. 910—An act to amend section 6 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the transportation, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms, capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person;

Senate Bill No. 39—An act to amend section 590 of, and add section 590a to the Agricultural Code, relating to dairy products;

Senate Bill No. 547—An act to amend section 675 of the Political Code, relating to the Department of Finance;

And reports the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through federal lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for such contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the expensing of the powers of eminent domain in relation to such State lands and federal and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 33—An act to amend sections 2, 4(a), 5, 10, 11, 12, 13, 17, 18, 20, 21 and 23, to add a new paragraph to sections 14 and 16, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers; to prescribe, fix, limit and regulate their charges; to authorize and regulate the assignment of wages, salary, commissions, or other compensation for services when given to a personal property broker as security for a loan of or as consideration for the payment of money, credit, goods or things in action; to provide for administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for violation of this act;

Senate Bill No. 250—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and property of, officers, boards, commissions and State agencies supported from sources other than the general fund;

Senate Bill No. 251—An act to add section 205 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund;

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from other sources other than the general fund;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 296—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation;

Senate Bill No. 516—An act to amend section 4041.8 of the Political Code, relating to construction of public buildings;

Senate Bill No. 553—An act to amend section 9 of, and to add section 9a to, an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams;

Senate Bill No. 737—An act to amend section 531 of the Political Code, relating to the State Printing Plant;

Senate Bill No. 1102—An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 23, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Fletcher to introduce a bill entitled:

An act to amend section 2, 3 and 5 of the "Personal Income Tax Act of 1935," relating to income taxes;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.  
McCOLL.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32.

NOES—None.



## Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1115:** By Senator Fletcher—An act to amend sections 2, 3, and 5 of the "Personal Income Tax Act of 1935," relating to income taxes.

Senate Bill No. 1115 read first time, and referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 25:** By Senator Dench—A resolution to propose to the people of the State of California an amendment to the second paragraph of section 1 of Article IV of the Constitution of said State, relating to the time for submission of initiative measures to the electors.

Senate Constitutional Amendment No. 25 read first time, and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 16:** By Senator Slater—Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S4793 and HR3021, providing for the granting of aid by the Federal Government to the several States for the support of public education.

Senate Joint Resolution No. 16 read, and referred to Committee on Federal Relations.

## Report of Standing Committee.

The following report of standing committee was received and read.

### On Rules.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 26, 1937.

*To the Honorable Members of the Senate of the State of California,  
State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that on November 17, 1936, I appointed the following as members of the Agricultural Prorate Commission, and in harmony with the law governing their appointment, I am submitting the same to you for consideration and confirmation:

George P. Clements	Los Angeles
A. J. McFadden	Santa Ana
R. O. Kennedy	Hayward
Roy M. Pike	Vernalis
E. F. Loecher	Fresno

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

(Signed out)

RICH, Chairman.  
McCOLL.  
TICKLE.  
SLATER.  
KNOWLAND.

## Consideration of Appointments by the Governor.

### Motion Confirming Appointment by the Governor.

Senator Knowland moved that the Senate confirm and consent to the appointment of A. J. McFadden of Santa Ana as a member of Agricultural Prorate Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of A. J. McFadden?"



The roll was called, with the following result:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

#### **Appointment Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of A. J. McFadden as a member of the Agricultural Prorate Commission.

#### **Motion Confirming Appointment by the Governor.**

Senator Knowland moved that the Senate confirm and consent to the appointment of George P. Clements of Los Angeles as a member of the Agricultural Prorate Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of George P. Clements?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Pierovich, Powers, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

#### **Appointment Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of George P. Clements as a member of the Agricultural Prorate Commission.

#### **Motion Confirming Appointments by the Governor.**

Senator Knowland moved that the Senate confirm and consent to the appointment of R. C. Kennedy of Hayward, Roy M. Pike of Vernalis, and E. F. Loecher of Fresno, as members of the Agricultural Prorate Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of R. C. Kennedy, Roy M. Pike, and E. F. Loecher?"

The roll was called, with the following result:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Pierovich, Powers, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

#### **Appointments Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of R. C. Kennedy of Hayward, Roy M. Pike of Vernalis, and E. F. Loecher of Fresno, as members of the Agricultural Prorate Commission.

#### **Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be stricken from the list of the Senate Attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of March 27, 1937:

	<i>Per day</i>
John Arnold, Jr., Page-----	\$2 50
Stanley Gilliam, Page-----	2 50
Robert Seawell, Page-----	2 50

John Law, Page	\$2 50
Felix Moitoret, Page	2 50
Jimmy McColl, Page	2 50

Resolution read, and on motion of Senator Tickle, adopted.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$300 the same being for postage for the Senate mailing department.

RICH, Chairman

LAW

McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Cunningham, DeLap, Daniel, Fletcher, Garrean, Gaudin, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBrink, MacCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Perrygo, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Bill No. 524—An act to amend sections 2, 4, 10, 11, 15, 28, 29, 30, 32, 42, 46, 52, 55, 56, 61, 62 and 63 of the State Housing Act, relating to houses designed for human habitation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Construction, the following amendments to Senate Bill No. 524 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "61, 62 and 63 of", and in lieu thereof insert the following: "58, 61, 62, 63 and 65 of, and to add section 58a to,".

##### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "houses", and in lieu thereof insert the following: "buildings".

##### Amendment No. 3.

On page 4 of the printed bill, between lines 10 and 11, add the following: "'Building" is an apartment house, hotel or dwelling, as the case may be, or a combination of any two or more such buildings."

##### Amendment No. 4.

On page 13, line 33, of the printed bill, strike out "properly", and insert in lieu thereof the following: "separately and effectively".

##### Amendment No. 5.

On page 13, line 34, of the printed bill, strike out "vent", and insert in lieu thereof the following: "connection to a vent pipe".

##### Amendment No. 6.

Between page 17, line 51, and page 18, line 1, of the printed bill, add the following:

"SEC. 14.3. Section 58 of said act is hereby amended to read as follows:

Sec. 58. In every apartment house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water heating apparatus, using oil or other liquid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same.

The entire ceiling of such room shall be built with a double ceiling, with a space not less than one and one-half inches between the two ceilings and each ceiling shall only be metal lathed and be plastered not less than three-quarters (¾) inch thick, or in lieu of a double ceiling of metal lath such ceiling may be constructed of masonry. The floor of a boiler room shall be of masonry not less than two (2) inches thick.

Any door in the wall of such rooms shall be an approved fire-resisting door or a door constructed of three (3) thicknesses of twenty-five thirty-seconds (25/32) inch by not more than six (6) inches, tongued and grooved, matched boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth (¼) inch thick, set in a metal and/or metal covered sash and frames. Wherever wired glass is required it shall be retained in place by metal covered stops or metal glazing angles.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought iron stops and binders bolted through the walls. Swinging doors shall have wall eyes of wrought iron, built into or bolted through the wall. No combustible materials shall be used in hanging the door or its fittings.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other liquid fuel is burned, the oil or other liquid fuel shall not be fed by a gravity flow.

**SEC. 14.6.** Section 58a is hereby added to said act to read as follows:

**Sec. 58a.** Every gas water heater and except as otherwise provided in this section, every gas-fired appliance which is designed to be a vented appliance, as shown by the presence of a vent collar to which a vent may be attached, shall be provided with a vent pipe, which may be of sheet metal not smaller than the vent connection on the appliances nor less than two and one-half (2½) inches internal diameter, and which shall in all cases be connected to a vertical, or substantially vertical flue, vent, or chimney leading to the outer air. Such vertical vent, chimney, or flue for gas water heaters and gas-fired appliances shall be either a terra cotta patent chimney or constructed of brick, fire clay or similar masonry products not less than one-half inch thick, or other approved durable pipe having a wall thickness which will give an insulating value equal to the foregoing, which will not disintegrate from the effects of gas fumes and other products of combustion. The internal area of any such flue, vent or chimney shall not be less than twelve square inches and any such flue, vent or chimney of a rectangular shape shall not be less than two inches in any internal dimension.

In the kitchen of every building hereafter erected there shall be provided a flue, vent, or chimney similar to that as hereinabove provided for gas water heaters, in the wall of the kitchen adjacent to the gas outlet, and the oven of the gas range shall be connected to such vent; or in lieu of such vent there may be installed a ventilator opening in the wall or ceiling approximately over the gas outlet and having an area of the opening of not less than six inches by eight inches (6"X8") and connecting with a ventilating duct for each kitchen of not less than 36 square inches cross sectional area leading to the outside air. An approved system of forced draft ventilation may be substituted in lieu of the above natural draft ventilating arrangement.

Any ducts installed under the provisions of this section designed for use in connection with any approved system of forced draft ventilation or natural draft ventilating arrangement in any building shall be constructed in accordance with the requirements for ducts in apartment houses and hotels as set forth in section 55 hereof.

All gas vents, gas water heaters and other gas appliances now installed, and hereafter installed, shall be maintained in good repair."

#### **Amendment No. 7.**

On page 21 of the printed bill, following line 24, add the following:

"**Sec. 18.** Section 65 of said act is hereby amended to read as follows:

**Sec. 65.** It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room or water-closet compartment, or in any other place which in the judgment of the department charged with the enforcement of this act, is detrimental to the health of the occupants or the proper sanitation of the building.

In a hotel food shall not be cooked or prepared except in a room or a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored or prepared in a hotel, shall be made impervious to rats by a layer of concrete



not less than one and one-half inches thick or by a layer of sheet tin or tin or similar material.

It shall be unlawful for any person to use for living and sleeping purposes or permit or suffer any person to use for living or sleeping purposes any kitchen, cellar, hallway, bath or shower compartment, sleeping room, storeroom, closet, porch, apartment, or any other room or place which does not comply with the provisions of this act, or which in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to the health by reason of its overcrowded condition or the want of light, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous things.

It shall be unlawful to use or permit to be used for sleeping purposes any room that does not contain at least 650 cubic feet of air space, and if any room is occupied by more than two persons, the cubic air space of such room shall be increased by not less than 500 cubic feet for each additional person the room is designed, built or intended to accommodate or that such room does not comply with the provisions provided, that any room which existed at the time of the passage of this act and which is occupied or intended or designed to be occupied for sleeping purposes by but one person may contain not less than 500 cubic feet of air space.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Constitutional Amendment No. 10.—A resolution to propose to the people of the State of California an amendment to section 4 of Article IX of the Constitution of said State, relating to county superintendents of schools.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 10 were read and adopted:

##### Amendment No. 1.

On page 1, line 9, of the printed bill, after the word "shall" insert a comma and the following: "except as may be otherwise provided by the charter of any county under the provisions of this Constitution."

##### Amendment No. 2.

On page 1, line 17, of the printed bill, after the word "person", insert a comma and the following: "excepting a person now serving as a county superintendent of schools."

##### Amendment No. 3.

On page 1, line 20, of the printed bill, after the word "valid", insert the word "administrative".

##### Amendment No. 4.

On page 1, line 20, of the printed bill, strike out the words "or principals".

##### Amendment No. 5.

On page 1 of the printed bill, beginning in line 21, strike out the following: "to serve as superintendent or principal of any district or school in the county."

##### Amendment No. 6.

On page 1, line 27, of the printed bill, after the word "schools", insert the following: "taking office after the effective date of this amendment."

##### Amendment No. 7.

On page 2, line 3, of the printed bill, strike out the words "employee of", and insert in lieu thereof the following: "high school principal or district superintendent of schools employed by".

##### Amendment No. 8.

On page 2, line 4, of the printed bill, strike out the period, and insert a comma and the following: "or, if there be neither a high school principal or district superintendent of schools employed by a district within the county, any elementary school principal employed by a school district within the county."

##### Amendment No. 9.

On page 2, line 8, of the printed bill, after the period, insert the following: "The provisions of this section shall be self-executing, but the Legislature may enact such legislation as may be necessary to facilitate its operation."

Senate Constitutional Amendment No. 10 read, ordered to reprint, and re-referred to Committee on Constitutional Amendments.



Senate Bill No. 352—An act to provide for the temporary segregation of prisoners received at the State Prison at San Quentin, for examinations and investigations as a basis for classification, for the construction of housing facilities and making an appropriation therefor.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 352 was read and adopted:

**Amendment No. 1.**

On page 1, line 25, of the printed bill, strike out "-----", and insert in lieu thereof the following: "one hundred fifty thousand".

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 353—An act to provide for the special treatment of insane and feeble-minded prisoners, for the construction of special housing and medical facilities, and making an appropriation therefor.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 353 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, strike out "----- dollars", and insert in lieu thereof the following: "seven hundred fifty thousand dollars".

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 344 were read and adopted:

**Amendment No. 1.**

On page 2, line 11, of the printed bill, as amended, after the comma, insert the following: "or violates his parole,".

**Amendment No. 2.**

On page 2, line 20, of the printed bill, as amended, after "escape", insert the following: "or violation".

**Amendment No. 3.**

On page 3, line 40, of the printed bill, as amended, strike out "each year of".

**Amendment No. 4.**

On page 6, line 7, of the printed bill, as amended, strike out "Board of Prison Terms and Paroles", and insert in lieu thereof the following: "State Board of Prison Directors".

**Amendment No. 5.**

On page 6 of the printed bill, as amended, strike out line 10, and insert in lieu thereof the following: "or rule or regulation of the prison, or of the State Board of Prison Directors, or rule of the Board".

**Amendment No. 6.**

On page 6 of the printed bill, as amended, strike out lines 13 to 28, inclusive.

**Amendment No. 7.**

On page 6, line 43, of the printed bill, as amended, strike out "board certified by the".

**Amendment No. 8.**

On page 7, line 8, of the printed bill, as amended, after "the", insert the following: "chairman of the".

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 81—An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 81 was read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed bill, as amended, after the period, add the following: "The warden shall be the sole judge of the existence of any such emergency."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 183—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns, to provide for the securing and issuance of permits and fees therefor, to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act, to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties, and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 183 were read and adopted:

**Amendment No. 1.**

On page 2, line 24, of the printed bill, strike out the period, and insert in lieu thereof the following: "and this shall be construed to include the installation of Neon gas signs and installation of Neon gas tubing upon advertising structures and signs."

**Amendment No. 2.**

On page 4, line 19, of the printed bill, after the word "sold", insert the following: "or within 400 feet of the entrance to a road leading to such point".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 250—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and property of, officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 251—An act to add section 205 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 737—An act to amend section 531 of the Political Code, relating to the State Printing Plant.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 752—An act to add section 675b to the Political Code and to repeal section 675.1 thereof, relating to the approval of salaries by the Department of Finance.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 752 was read and adopted.

#### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of lines 8 to 13, inclusive, and insert in lieu thereof the following: "compensation for a State officer or employee fixed, set, prescribed, or otherwise determined by any State officer, department, board, commission, court, or other appointing power which is payable from State funds, shall be within the salary range for comparable positions in the State civil service and such initial salary or any salary advance for any State officer or employee either in the civil service or exempt from civil service must have the approval of the State Department of Finance before the same shall become effective and payable. Nothing in this section shall be construed to authorize the Department of Finance to reduce any salary, wage, or compensation of any officer or employee heretofore or hereafter approved by the State Department of Finance."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1054—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 1054 was read and adopted:

#### **Amendment No. 1.**

On page 2, line 45, of the printed bill, after the period, insert the following: "All sums in excess of 4 per cent of such gross amount paid into said "Fair and

exposition fund" shall be transferred to the general fund of the State at the expiration of each fiscal year."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 569—An act to amend sections 4.1, 4.791 and 4.881 of the School Code, relating to the apportionment of funds to school districts for the education of physically handicapped children.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 566—An act to repeal sections 2.2134, 2.2135 and 4.375 of the School Code, and to add thereto two new sections to be numbered 4.368 and 4.375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Elections, the following amendment to Senate Bill No. 566 was read and adopted:

##### **Amendment No. 1.**

On page 2, line 19, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "thirty-five".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 633—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code, to repeal sections 5.782, 5.783 and 5.784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code, and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 633 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 36, of the printed bill, after the word "requisition", insert the following: "and transmit it direct".

##### **Amendment No. 2.**

On page 3 of the printed bill, strike out all of lines 24, 25 and 26, inclusive.

##### **Amendment No. 3.**

On page 3, line 27, of the printed bill, strike out the number "4.352", and insert in lieu thereof the following: "4.351".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 799—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 799 were read and adopted:

**Amendment No. 1.**

Strike out the title of the printed bill, as amended, and insert in lieu thereof the following: "An act to repeal an act entitled 'An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act' approved June 19, 1929, and to add a new part to Division V of the School Code to be known as Part V, all relating to the retirement by school districts of employees thereof."

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out all of lines 1 to 26, both inclusive, and strike out all of pages 2, 3, 4 and 5, and insert in lieu thereof the following:

"SECTION 1. The act cited in the title hereof is hereby repealed.

SEC. 2. A new part is hereby added to Division V of the School Code to be known as Part V, and to read as follows:

**PART V—RETIREMENT OF EMPLOYEES BY SCHOOL DISTRICTS.**

5.1100. In any school district in which the employees of the district are not entitled to the benefits of a pension or retirement system maintained by a city, city and county, or county in which said district, or a part thereof, is located, the governing board of such district shall have power, in its discretion, to submit to the qualified electors of such district, and upon petition signed by not less than ten per cent (10%) of such qualified electors, such governing board shall submit, to said qualified electors of the district, the proposition of establishing a plan for a district retirement salary under the provisions of this article, to be paid by the district to all teachers fulfilling the requirements of said plan in the public schools of such district, and to such other employees of the district as the said governing board may determine, or, in the case of a petition, such other employees as may be specified in such petition, who may be retired under such plan as provided in this part, and to provide, out of funds of the district, a portion of the cost thereunder, including expenses incident to the administration of the plan, subject, however, to the provisions of this Part V. The word "teachers" as used in this Part V shall mean and be construed to mean all employees of school districts in positions requiring certification qualifications.

5.1101. The proposition of establishing such plan may be submitted to the electors of the district at any general or special election called and held in such district, and governing bodies of school districts desiring to submit such proposition to the electors of their respective districts are authorized to call and hold such elections.

If the governing board calling such an election is the governing board of more than one school district and calls elections in two or more districts to submit to the electors of the respective districts, on the same day, in the same territory, or in territory which is in part the same, the question whether a district retirement plan shall be established in such respective districts, such elections may be consolidated by order of such governing board. Within the territory affected by such order of consolidation, the election precinct polling places, and voting booths, shall, in every case, be the same; there shall be only one set of election officers in each such precinct; the proposition to be voted upon within the respective districts may be set forth on one ticket or ballot; all proceedings had in the premises shall be recorded in one set of election papers; and such election shall be held in all respects as though there were only one election.

Such election or elections may be consolidated with any other election under the provision of an act entitled, "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, as amended.

The election shall be called by posting notices, signed by a majority of the governing board of the district, in at least three public places in the district, or, if more than one district is affected, then in at least three public places in each of the districts affected, not less than ten days before the election. If there is a newspaper of general circulation published in the district, or districts, notice must be published in such a newspaper at least once, and at least ten days prior to the election.

In all respects not otherwise specified herein, the election shall be called and held, the returns thereof canvassed and the result announced in the manner provided by law for the holding of elections for the purpose of authorizing bonds of such school district or districts, so far as the provisions of such laws are applicable.

There shall be printed on the ballots to be used at such election the proposition: "Shall the governing board of (here insert the name of the district or districts under the control of the board submitting the proposition) school district (or districts) be authorized to establish a plan for a district retirement salary for the teachers and such other employees of such district (or districts) as such governing board may

determine". To the right of such proposition shall be printed the words "Yes" and "No" with voting squares.

If, at such election, a majority of the voters voting on such proposition cast their ballots in favor of the proposition, such governing board shall have the power, and it shall be its duty, to establish a district retirement salary for the teachers and for such other employees of the district as may be determined.

If a majority of such voters voting on the proposition cast their votes in the negative, such governing board shall not actually such proposition until within a period of six months after the date of such election.

5.1102. Every teacher and every other employee of any school district for which such plan for district retirement shall be adopted as herein provided, who is employed by such district at the time of the adoption of such plan, and who is not entitled to be subject to the benefits of such district retirement plan, shall be entitled to the benefits and subject to the burdens of such retirement plan. Every teacher employed in the public schools of the district after the passage of the provisions of this part by the governing board of the district, and such other employees as the boards may determine, shall be subject to the benefits and burdens of this part.

5.1103. That such plan shall not be adopted or established until the governing board, after such inquiry and hearing as it may direct, shall find that the prospective contributions of said teachers and other employees and the benefits provided by the said plan, are substantially in accordance with the more recent generally prevailing rates of such contributions in public institutions which have established pensionment systems, and that such plan is in accordance with sound business practice and with recognized actuarial methods.

That such plan may provide that the retirement salary shall be a predetermined monthly sum, or that all benefits under the retirement feature of the plan shall be based upon the monthly salary for each year of future active service in the district earned by said employee up to the date of retirement and upon the average monthly salary earned by the teacher or other eligible employee during the year immediately preceding the adoption of said plan and the number of years of past active service of said employee in the district, and subject to such provisions as may be made in said plan for minimum benefits, but no employee with less than ten years' service in the district prior to normal retirement age shall receive the benefit of any such minimum; provided, however, that in no instance shall such retirement benefits be based upon or allowed for any amount of salary in excess of the sum of \$500 per month.

That such governing board, after the adoption of such plan, shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of said plan, and said board shall from time to time amend said plan in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary.

A plan under which, as a part thereof, the district establishing the plan agrees to pay to employees who may become entitled to retirement salaries within a specified period, not exceeding fifteen years, after the establishment of such plan, a specified sum or sums, which, during the life expectancy of such employees, will be approximately equal, in the aggregate, to the aggregate difference, during such life expectancy, between the maximum salary paid to employees in the respective class or classes of the retiring employees, and the salaries paid to beginning employees in such class or classes, shall be construed to comply with the requirements of this section.

For the purpose of providing funds which may be necessary to make the payments required by any such district retirement plan, district taxes shall be levied and collected annually by such respective districts at the same time and in the same manner as other district taxes are levied and collected. Such tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

5.1104. Every district retirement plan adopted pursuant to the provisions hereof, shall provide that only those teachers and other employees who have served as teachers or employees of the district for at least 20 years of full time service immediately preceding such retirement, including all years so served prior to July 1, 1937, and who shall have reached a minimum age specified in such district retirement plan, which age shall be not less than 60 years, shall be entitled to a district retirement salary; provided that such plan may provide for the retirement of teachers or other employees on account of disability after 15 years of service immediately prior to the retirement, the proportion of the disability retirement salary to the full retirement salary to be specified in the plan. Anything herein contained to the contrary notwithstanding, absence from service by reason of a leave of absence granted by the governing board of the district shall not be construed to interrupt the years of continuous service required by this section or by any district retirement plan adopted pursuant to the provisions hereof. Provided, that time of service may be counted in the aggregate and fractions of years amounting to whole years may be

counted as whole years when payments by the teacher or other employee have been made for all of the time so counted.

5.1105. The governing boards of the districts shall in all cases determine the teachers and other employees who are entitled to retirement salaries, as provided in this part, and make and keep a list, which said list of such teachers and other employees shall be known as the retired list. For the purpose of making such retired list the boards may make testimony and examine witnesses under oath which said oath may be administered by any member of the board.

5.1106. The governing boards of the school districts shall have power to make all necessary and proper rules and regulations in aid or furtherance of the provisions of this part and in order to carry out and administer such provisions. A majority of the governing board of the district shall constitute a quorum for the transaction of all business under this part.

5.1107. All incidental expenses, including actual and necessary clerical or other help, incurred in carrying out the provisions of this part shall be paid out of the said fund at the same time and in the same manner as other expenditures are paid from district funds; but the members of the said governing boards shall discharge the powers, duties, purposes, responsibilities and jurisdiction conferred or imposed upon said governing board under this part without extra or additional compensation.

5.1108. The governing board of a district establishing such retirement plan, shall, as a part of the plan, provide for the administration of the funds and the payment of retirement salaries by a "District Retirement Board" to be composed of not less than three nor more than seven members, who shall serve without compensation, and upon which retirement board the governing board of the district shall be represented and the teachers and any other employees of the district subject to the plan shall be represented in proportion to the respective numbers of such teachers and other employees covered by the plan, by representatives chosen by such teachers and other employees by secret ballot. All members of such retirement board shall serve for such terms as may be specified by the governing board in establishing the plan.

5.1109. The governing board of any district establishing such a plan must transfer, at least once each year, to the district retirement board established in such plan all sums in the district retirement fund, after paying incidental expenses, and thereafter said district retirement board shall have charge and control of such funds and of the payment of all retirement salaries and annuities payable therefrom. Said district retirement board shall have power to invest such funds in the manner in which funds under the control of the public school teacher's retirement salary fund board, established by Part IV of this code, or any successor to said board, may be invested.

5.1110. The retirement salaries provided for in this act shall be in addition to any other retirement salaries received by any teacher under Part IV of this division or as may be otherwise provided by law.

5.1111. The retirement salaries provided for in this act, for all employees other than teachers, shall be in addition to any other retirement salaries that may be provided by law.

Sec. 3. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health, and safety that this law shall go into immediate effect, and therefore this act shall become effective immediately.

The following is a statement of the facts constituting such necessity: The School Code was amended by the Legislature at its 1935 session to permit governing boards of school districts to discharge teachers who have reached the age of 65 years, which amendment will become effective September 1, 1937. Many boards of education desire to take advantage of the provisions of said amendment, and to avoid the hardships which will follow the discharge of many teachers aged 65 years or more and to avoid the possibility of placing such teachers and their families and dependents on relief rolls of their respective counties, such boards desire to establish district retirement plans for their employees, as authorized herein. This act requires that the establishment of such plan be submitted to the vote of the people of the school district, and many municipal and school district elections are to be held during the months of April and May, 1937, at which such propositions can be submitted to the voters of the respective districts, at a large saving to the taxpayers of the respective districts."

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Senate Bill No. 314—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV.



relating to the supervision of the health of pupils enrolled in elementary schools.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 314 were read and adopted:

**Amendment No. 1.**

On page 1, line 24, of the printed bill, strike out the word "may", and insert in lieu thereof the word "may".

**Amendment No. 2.**

On page 1, line 24, of the printed bill, strike out the word "from", and insert in lieu thereof the following: "or from the county superintendent of schools from other".

**Amendment No. 3.**

On page 1, line 25, of the printed bill, strike out the words "and from", in lieu thereof the following: "or from the county elementary school superintendent from".

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Senate Bill No. 296—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 516—An act to amend section 104118 of the Political Code, relating to construction of public buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1102—An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1075—An act to amend section 4262 of the Political Code, relating to counties of the thirty-third class.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 1075 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 2, insert the following:

"4262. In counties of the thirty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

- (a) The auditor, three thousand dollars per annum.
- (b) The district attorney, three thousand dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters which the county is interested, incurred by him in the performance of his duties, and all expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.
- (c) Each member of the board of supervisors shall receive a salary of fifteen hundred dollars per annum and the further sum of ten cents per mile mileage in traveling to and from his residence to the county seat; and for services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled



by him in the performance of his duties within the county; provided, he shall not in any one year receive more than nine hundred dollars as such road commissioner.

(d) In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 309 —An act relating to the State Civil Service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill 309 were read and adopted:

##### Amendment No. 1.

On page 2, line 16, of the printed bill, as amended, strike out "and in this act".

##### Amendment No. 2.

On page 3, line 8, of the printed bill, as amended, strike out "the", and insert in lieu thereof "a".

##### Amendment No. 3.

On page 3, line 11, of the printed bill, as amended, strike out "an eligible list", and insert in lieu thereof "a list of persons eligible for certification for a specific class".

##### Amendment No. 4.

On page 4, line 47, of the printed bill, as amended, after "rules", insert in lieu thereof "in accordance with Article XXIV of the State Constitution and".

##### Amendment No. 5.

On page 5, line 35, of the printed bill, as amended, strike out "and regulations".

##### Amendment No. 6.

On page 5, line 36, of the printed bill, as amended, strike out "classifications and grades", and insert in lieu thereof "classes of positions".

##### Amendment No. 7.

On page 6, line 10, of the printed bill, as amended, after "amendments", insert "thereto".

##### Amendment No. 8.

On page 6, line 11, of the printed bill, as amended, strike out "Board", and insert in lieu thereof "board".

##### Amendment No. 9.

On page 6, line 32, of the printed bill, as amended, strike out ", and", and insert in lieu thereof "or".

##### Amendment No. 10.

On page 6, line 47, of the printed bill, as amended, strike out "and", as the same appears in said line for the second time, and insert in lieu thereof "or".

##### Amendment No. 11.

On page 7, line 2, of the printed bill, as amended, strike out "and", as the same appears for the second time in said line, and insert in lieu thereof "or".

##### Amendment No. 12.

On page 7, line 43, of the printed bill, as amended, strike out "and", as the same appears for the second time in the same line, and insert in lieu thereof "or".

##### Amendment No. 13.

On page 8, line 51, of the printed bill, as amended, strike out "and", as the same appears for the first time in said line, and insert in lieu thereof "or".

**Amendment No. 14.**

On page 9 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof

"SEC. 56. The executive officer with the approval of the board may enter into agreements to make available the services and"

**Amendment No. 15.**

On page 9, line 4, of the printed bill, as amended, strike out "shall be available".

**Amendment No. 16.**

On page 9, line 7, of the printed bill, as amended, strike out "Sec. 57", and eliminate the paragraph indention, and begin the same as it now exists immediately following the period in the line above.

**Amendment No. 17.**

On page 9 of the printed bill, as amended, strike out lines 11 to 18, inclusive, and insert in lieu thereof "agency. Such agreements shall be approved by the Director of Finance".

**Amendment No. 18.**

On page 9, line 19, of the printed bill, as amended, strike out "58", and insert "57".

**Amendment No. 19.**

On page 9, line 22, of the printed bill, as amended, strike out "59", and insert "58".

**Amendment No. 20.**

On page 9, line 38, of the printed bill, as amended, strike out "in", and insert in lieu thereof "of".

**Amendment No. 21.**

On page 10, line 1, of the printed bill, as amended, strike out "in the State Civil Service".

**Amendment No. 22.**

On page 11, line 5, of the printed bill, as amended, strike out "filled with", and also all of line 6 on said page, and in line 7, strike out "141, 142 and 143".

**Amendment No. 23.**

On page 11, line 13, of the printed bill, as amended, strike out "advancement", and insert in lieu thereof "adjustment".

**Amendment No. 24.**

On page 11 of the printed bill, as amended, strike out lines 32 to 36, inclusive, and insert in lieu thereof

"Sec. 71. The minimum and maximum salary limits for laborers, workmen and mechanics employed on an hourly or per diem basis need not be uniform throughout the State, but the appointing power shall ascertain, as to each such position, the general prevailing rate of such wages in the various localities of the State and shall report the same to the board. In fixing such minimum and maximum salary limits within the various localities of the State, the board shall take into account said prevailing rates of wages in the localities in which the employee is to work and other relevant factors, and shall in no event fix the minimum salary limits below the general prevailing rate for the various localities so ascertained and so reported".

**Amendment No. 25.**

On page 11, line 40, of the printed bill, as amended, after "80", insert "Appointments to vacant positions shall be made from employment lists in accordance with the provisions of the act unless otherwise in this act provided".

**Amendment No. 26.**

On page 11 of the printed bill, as amended, strike out lines 46 to 48, inclusive, and insert in lieu thereof the following:

"SEC. 81. Eligible lists shall be established as a result of free".

**Amendment No. 27.**

On page 12, line 3, of the printed bill, as amended, strike out "81", and insert in lieu thereof "82".

**Amendment No. 28.**

On page 12, line 9, of the printed bill, as amended, strike out "82", and insert in lieu thereof "83".

**Amendment No. 29.**

On page 12, line 22, of the printed bill, as amended, strike out "83", and insert in lieu thereof "84".

**Amendment No. 30.**

On page 12, line 32, of the printed bill, as amended, strike out "84", and insert in lieu thereof "85".

**Amendment No. 31.**

On page 12, line 38, of the printed bill, as amended, strike out "85", and insert in lieu thereof "86".

**Amendment No. 32.**

On page 12, line 47, of the printed bill, as amended, strike out "86", and insert in lieu thereof "87".

**Amendment No. 33.**

On page 13, line 9, of the printed bill, as amended, strike out "87", and insert in lieu thereof "88".

**Amendment No. 34.**

On page 13, line 13, of the printed bill, as amended, strike out "88", and insert in lieu thereof "89".

**Amendment No. 35.**

On page 13, line 16, of the printed bill, as amended, strike out "section 221 of this act", and insert in lieu thereof "sections 220, 221, 222 and 223".

**Amendment No. 36.**

On page 13, line 28, of the printed bill, as amended, strike out "89", and insert in lieu thereof "90".

**Amendment No. 37.**

On page 13, line 48, of the printed bill, as amended, strike out "90", and insert in lieu thereof "91".

**Amendment No. 38.**

On page 14, line 1, of the printed bill, as amended, strike out "91", and insert in lieu thereof "92".

**Amendment No. 39.**

On page 14, line 12, of the printed bill, as amended, strike out "92", and insert in lieu thereof "93".

**Amendment No. 40.**

On page 14, line 15, of the printed bill, as amended, strike out "91", and insert in lieu thereof "92".

**Amendment No. 41.**

On page 14, line 17, of the printed bill, as amended, strike out "93", and insert in lieu thereof "94".

**Amendment No. 42.**

On page 14, line 21, of the printed bill, as amended, strike out "94", and insert in lieu thereof "95".

**Amendment No. 43.**

On page 14, line 26, of the printed bill, as amended, strike out "95", and insert in lieu thereof "96".

**Amendment No. 44.**

On page 15, lines 21 and 22, of the printed bill, as amended, strike out "without the permission of the executive officer".

**Amendment No. 45.**

On page 16 of the printed bill, as amended, strike out lines 7 to 9, inclusive, and insert in lieu thereof "Sec. 118. No appointment".

**Amendment No. 46.**

On page 16, line 28 of the printed bill as amended, strike out "Executive Officer" and insert in lieu thereof "executive officer".

**Amendment No. 47.**

On page 16, line 35, of the printed bill, as amended, after "power", and before the comma, insert "or other officer or person in charge of the employee".

**Amendment No. 48.**

On page 16, line 47, of the printed bill, as amended, strike out "his", and insert in lieu thereof "the".

**Amendment No. 49.**

On page 16 of the printed bill, as amended, strike out line 48, and insert in lieu thereof "knowledge of the appointing power or other officer or person in charge of the employee, shall be filed by the appointing power with the".

**Amendment No. 50.**

On page 17 of the printed bill, as amended, strike out lines 4 to 7, inclusive, and insert in lieu thereof the following: "Sec. 124. A permanent employee who has vacated a position to accept another position in a higher class and who is rejected during the probationary period shall be reinstated in the former position."

**Amendment No. 51.**

On page 17, line 44, of the printed bill, as amended, strike out "industrially", and insert in lieu thereof "industriously".

**Amendment No. 52.**

On page 17, line 47, of the printed bill, as amended, strike out "superior or superiors", and insert in lieu thereof "appointing power".

**Amendment No. 53.**

On page 18, lines 2 and 3, of the printed bill, as amended, strike out "ratings", and insert in lieu thereof "reports".

**Amendment No. 54.**

On page 18, line 3, of the printed bill, as amended, strike out "or reports".

**Amendment No. 55.**

On page 18, line 46, of the printed bill, as amended, after the comma after him, insert "a".

**Amendment No. 56.**

On page 18, line 52, of the printed bill, as amended, strike out "promotional appointment", and insert in lieu thereof "promotion".

**Amendment No. 57.**

On page 21, line 16, of the printed bill, as amended, strike out "in the State civil service".

**Amendment No. 58.**

On page 21 of the printed bill, as amended, strike out lines 33 to 37, inclusive, and insert in lieu thereof the following: "expunction of such charges. Any employee may appeal to the board within 30 days after receiving notice of such suspension on the grounds that the written charges were untrue or that such suspension had not been made in good faith. The board shall within 30 days of such appeal hold such hearing or investigation as it may deem necessary and in rendering a decision the board may affirm or disaffirm the suspension. The board's decision upon the matter shall be final."

**Amendment No. 59.**

On page 22, line 1, of the printed bill, as amended, strike out "records", and insert in lieu thereof "reports".

**Amendment No. 60.**

On page 22, line 10, of the printed bill, as amended, strike out "records", and insert in lieu thereof "ratings".

**Amendment No. 61.**

On page 22, lines 11 and 12, of the printed bill, as amended, strike out "record or records", and insert in lieu thereof "rating or ratings".

**Amendment No. 62.**

On page 22, line 18, of the printed bill, as amended, strike out "classification", and insert in lieu thereof "class".

**Amendment No. 63.**

On page 22 of the printed bill, as amended, strike out lines 35 to 38, inclusive, and insert in lieu thereof "officer may determine".

**Amendment No. 64.**

On page 22, line 40, of the printed bill, as amended, strike out "or demoted".

**Amendment No. 65.**

On page 22, line 41, of the printed bill, as amended, strike out "or demotion".

**Amendment No. 66.**

On page 22, line 44, of the printed bill, as amended, strike out "or demotion".

**Amendment No. 67.**

On page 22, line 46, of the printed bill, as amended, strike out "or demotion".

**Amendment No. 68.**

On page 22, line 52, of the printed bill, as amended, strike out "or demotion".

**Amendment No. 69.**

On page 23, line 2, of the printed bill, as amended, strike out "in the State Civil Service".

**Amendment No. 70.**

On page 23, line 4, of the printed bill, as amended, strike out "transferred".



**Amendment No. 71.**

On page 24, line 12, of the printed bill, as amended, strike out "decisions", and insert in lieu thereof "decision".

**Amendment No. 72.**

On page 24, line 17, of the printed bill, as amended, strike out "testimony produced at", and insert in lieu thereof "evidence submitted in".

**Amendment No. 73.**

On page 24, line 21, of the printed bill, as amended, strike out "section 173 of this act", and insert in lieu thereof "this section".

**Amendment No. 74.**

On page 24, line 23, of the printed bill, as amended, strike out "his", and insert in lieu thereof "a".

**Amendment No. 75.**

On page 24, line 38, of the printed bill, as amended, strike out "section 173 of this act", and insert in lieu thereof "this section".

**Amendment No. 76.**

On page 25, lines 4 and 5, of the printed bill, as amended, strike out "the Controller or other fiscal officer", and insert in lieu thereof "any officer or employee".

**Amendment No. 77.**

On page 25, line 12, of the printed bill, as amended, strike out "of this act".

**Amendment No. 78.**

On page 25, line 20, of the printed bill, as amended, strike out "and regulations".

**Amendment No. 79.**

On page 25, line 20, of the printed bill, as amended, after "officer", insert "or employee".

**Amendment No. 80.**

On page 25, line 24, of the printed bill, as amended, after "State", insert a comma.

**Amendment No. 81.**

On page 25, line 37, of the printed bill, as amended, before the comma after "officer", insert "or employee".

**Amendment No. 82.**

On page 25, lines 40 and 41, of the printed bill, as amended, strike out "the auditing officer", and insert in lieu thereof "an officer or employee".

**Amendment No. 83.**

On page 25, line 42, of the printed bill, as amended, strike out "and regulations".

**Amendment No. 84.**

On page 25, line 44, of the printed bill, as amended, after "paid", insert "by such officer or employee".

**Amendment No. 85.**

On page 25, lines 46 and 47, of the printed bill, as amended, strike out "any member or employee of the board or".

**Amendment No. 86.**

On page 25, line 50, of the printed bill, as amended, strike out "any rules or regulations", and insert "this act or any rules".

**Amendment No. 87.**

On page 26, line 1, of the printed bill, as amended, after "act", and before the comma, insert "or the rules of the board".

**Amendment No. 88.**

On page 26, line 12, of the printed bill, as amended, after "act", insert "or the rules of the board".

**Amendment No. 89.**

On page 26, line 15, of the printed bill, as amended, after "act", insert "or the rules of the board".

**Amendment No. 90.**

On page 26, line 23, of the printed bill, as amended, after "act", and before the period, insert "or the rules of the board".

**Amendment No. 91.**

On page 26, line 44, of the printed bill, as amended, after "act", and before the comma, insert "or the rules of the board".

**Amendment No. 92.**

On page 27, line 1, of the printed bill, as amended, after "act", and before the comma, insert "or the rules of the board".

**Amendment No. 93.**

On page 27, line 5, of the printed bill, as amended, after "act", and before the period, insert "or the rules of the board".

**Amendment No. 94.**

On page 27, line 20, of the printed bill, as amended, strike out "employee in the State Civil Service", and insert in lieu thereof "State officer or employee".

**Amendment No. 95.**

On page 27, line 39, of the printed bill, as amended, strike out "ninety", and insert in lieu thereof "thirty".

**Amendment No. 96.**

On page 8, line 40, of the printed bill, as amended, strike out "hereinafter" and insert in lieu thereof "herein".

**Amendment No. 97.**

On page 29, line 1, of the printed bill, as amended, after "made", insert "herein".

**Amendment No. 98.**

On page 29, line 2, of the printed bill, as amended, strike out "off", as the same appears for the second time in said line, and insert in lieu thereof "in".

**Amendment No. 99.**

On page 29, line 3, of the printed bill, as amended, strike out "now or".

Bill read second time, ordered to reprint, and re-referred to Committee on Civil Service.

Senate Bill No. 129—An act to amend section 2362 of the Political Code, relating to the speed of vessels entering or leaving harbors of the State of California, or traveling within three miles of land, within the State of California.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 129 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, commencing with the words "any vessel", down to and including the words "per hour" in line 11, and insert in lieu thereof the following words: "any vessel of 500 tons or more gross register, traveling through the territorial waters of this State outside of and within three miles of the entrance to any port in the State of California shall travel at a moderate rate of speed in view of existing conditions, not exceeding a rate of speed in excess of 10 nautical miles per hour or at such lesser rate of speed as may be otherwise provided by law on account of lack of visibility or other existing conditions."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 131—An act to amend section 2365 of the Political Code, relating to vessels overtaking or passing other vessels.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 131 were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, strike out the words "inland waters", and insert in lieu thereof "rivers, inland waters or harbors subject to the jurisdiction or control of any harbor board, commission or other public authority".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "10".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 132—An act to amend section 2364 of the Political Code, relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire, on regular routes between ports within this State.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 132 was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, strike out "inland waters", and insert in lieu thereof "rivers, inland waters and harbors subject to the jurisdiction or control of any harbor board, commission or other public authority."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 480—An act to amend section 252 of the Harbors and Navigation Code, relating to the speed of vessels entering or leaving harbors of this State, or traveling within three miles of land within the State of California.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 480 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out commencing with the words "any vessel" down to including the words "per hour" in line 11, and insert in lieu thereof the following words: "any vessel of 500 tons or more gross register, traveling through the territorial waters of this State outside of and within three miles of the entrance to any port in the State of California shall travel at a moderate rate of speed in view of existing conditions, not exceeding a rate of speed in excess of 10 nautical miles per hour or at such lesser rate of speed as may be otherwise provided by law on account of lack of visibility or other existing conditions".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 481—An act to amend section 255 of the Harbors and Navigation Code, relating to vessels overtaking or passing other vessels.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 481 were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, strike out the words "inland waters", and insert in lieu thereof, "rivers, inland waters or harbors subject to the jurisdiction or control of any harbor board, commission or other public authority".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "10".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 482—An act to amend section 254 of the Harbors and Navigation Code, relating to the maintenance and testing of lifeboats on vessels engaged in the transportation of persons for hire on regular routes between ports within this State.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 482 was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, strike out "inland waters" and insert in lieu thereof "rivers, inland waters and harbors subject to the jurisdiction or control of any harbor board, commission or other public authority."

Bill read second time, ordered to reprint and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 553—An act to amend section 9 et al and to add section 9a to an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain preferences; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, now the Chief of the Division of State Lands, for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams.

Bill read second time, ordered to engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 546—An act to add section 1034 to the Political Code, relating to elective officers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 546 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 5, add the following:

"This section shall not apply to:

- (a) Appointments made under any civil service law from a list of persons certified by the State Personnel Board or by the civil service board of any city, city and county, county or other political subdivision or municipal corporation.
- (b) Appointments made before this section takes effect."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1895—An act to add section 663.5 to the Political Code, relating to the powers of the State Board of Control.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 1763—An act to amend section 535 of the Political Code, relating to State Printer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1604—An act to provide for the transfer to the general fund of moneys in special funds collected pursuant to the provisions of repealed statutes or statutes declared invalid by judicial decision and to provide for the abolition of such special funds.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1604 was read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the printed bill, as amended, after the word "by", insert a comma and the following: "or moneys collected pursuant to,".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 824—An act to repeal section 2.2102 of the School Code and to amend section 5 667 thereof, relating to persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall go into immediate effect.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 642—An act to amend section 4041.21 of the Political Code, relating to the powers of boards of supervisors to buy, sell and rent property.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 642 was read and adopted:

**Amendment No. 1.**

On page 2, line 15, of the printed bill, after the word "surplus", insert the following: "products of any salvage or vocational activities conducted by the county or any of its institutions, and surplus".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 297—An act to amend section 4316 of the Political Code, relating to the privileges of public officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2380—An act to amend section 11.4 of an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1933, relating to land surveyors.

Bill read second time, and ordered on file for third reading.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Senate Bills.

Senate Bill No. 495—An act to add sections 3a and 12a to the California Districts Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 495 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLong, Desai, Griffith, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keating, Lee, McKittrick, McLaughlin, McCormack, Metzger, Mixter, Nielsen, Parsons, Poythress, Quinn, Rudy, Sweeney, Senwell, Slater, Swing, Tickle, Wagy, Westover, and Young.

NOES—None.

Title read and approved.

Senate Bill No. 495 ordered transmitted to the Assembly.

### Senate Constitutional Amendment No. 4.

A resolution to propose to the people of the State of California amendments to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to sessions of the Legislature.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended by amending sections 2 and 34 of Article IV thereof, to read as follows:

First—Section 2 of Article IV is hereby amended, to read as follows:

Sec. 2. The sessions of the Legislature shall be biennial unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at noon, on the first Monday after the first day of January next succeeding the adjournment of its members. No bill shall be introduced in either house after 40 days after the commencement of each session without the consent of three-fifths of the members thereof nor shall more than two bills be introduced by any one member after 40 days after the commencement of each session.

Second—Section 34 of Article IV is hereby amended, to read as follows:

Sec. 34. The Governor shall, within the first 30 days of each regular session of the Legislature submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof. If the proposed expenditures for the ensuing biennial period shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided.

The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation.

The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the Budget Bill. The Budget Bill shall be referred immediately into each house of the Legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of section 15 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the Budget Bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the Budget Bill was originally referred. Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly. No bill making an appropriation of money, except the Budget Bill, shall contain more

than one item of appropriation, and that for one single and certain purpose to be therein expressed.

In any appropriation bill passed by the Legislature, the Governor may reduce or eliminate any one or more items of appropriations of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in section 16 of this article. Section 29 of this article is hereby repealed. In case of conflict between this section and any other portion of this Constitution, the provisions of this section shall govern, except that any item of appropriation in the Budget Act, other than for the usual current expenses of the State, shall be subject to the referendum. The Legislature shall enact all laws, necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

Senate Constitutional Amendment No. 4 read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 4 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Senate Constitutional Amendment No. 4 ordered transmitted to the Assembly.

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 357 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relating to water and power development.

#### Amendment from the Floor.

During the reading of Senate Constitutional Amendment No. 19, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 2, lines 3 and 4, of the printed measure, as amended, strike out "The Legislature may increase their compensation", and in lieu thereof insert the following: "Their compensation shall remain the same until changed by the Legislature."

Senate Constitutional Amendment No. 19 read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 491—An act to amend sections 3197 and 3198 of, and to add sections 3197a, 3197b and 3197c to, the Political Code, relating to trademarks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Dodd, Hays, Hollister, Holohan, Jepsen, Knowland, Law, McCall, McGovern, Metzger, Mixter, Nelson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Wager, Westover, and Young—26.

**NOES**—Senator McCormack—1.

Title read and approved.

Senate Bill No. 491 ordered transmitted to the Assembly.

**Recess.**

At twelve o'clock and fifty five minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

**MR. PRESIDENT:** In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 517 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up the affairs of disincorporated districts.

Respectfully submitted,

SENATOR PARKMAN

Request referred to Committee on Rules.



### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Parkman to introduce a bill entitled:

An act to add section 51.7 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
TICKLE.  
McCOLL.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Schottky moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Law, McCormack, Quinn, Rich, Schottky, Wagy, Westover, and Young—17.

The secretary announced the absentees.

Time, two o'clock and seven minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished the names of the absentees, was directed to bring them to the bar of the Senate.

#### Proceedings Under Call of the Senate.

#### Consideration of Daily File—(Resumed).

#### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 660 -An act to amend section 43 of the Probate Code.

#### Amendments from the Floor.

During third reading of Senate Bill No. 660, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "Code", insert the following: "relating to exemptions from restrictions on devises or bequests".

##### Amendment No. 2.

On page 1, line 3, of the printed bill, strike out "Exemption of certain donors from restrictions."

##### Amendment No. 3.

On page 1, line 11, of the printed bill, strike out "and/or", and insert in lieu thereof the following: "or".

**Amendment No. 4.**

On page 1, line 12, of the printed bill, strike out "and or", and insert in lieu thereof the following: "or".

**Amendment No. 5.**

On page 1, line 6, of the printed bill, after the word "grandchild", and before the word "or", insert the following: ", brother, sister".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 661—An act to amend section 42 of the Probate Code

**Amendments from the Floor.**

During third reading of Senate Bill No. 661, the following amendments, offered by Senator McGovern, were read and adopted.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "Code", insert the following: ", relating to exemptions from restrictions on devises or bequests."

**Amendment No. 2.**

On page 1, line 3, of the printed bill, strike out "Exemption of certain devises from restrictions."

**Amendment No. 3.**

On page 1, line 14, of the printed bill, strike out "and or", and insert in lieu thereof the following: "or".

**Amendment No. 4.**

On page 1, line 15, of the printed bill, strike out "and/or", and insert in lieu thereof the following: "or".

**Amendment No. 5.**

On page 1, line 12, of the printed bill, after the comma following the word "spouse", insert the following: "brother, sister,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

**Amendments from the Floor.**

During third reading of Senate Bill No. 662, the following amendment, offered by Senator McGovern, was read and adopted.

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the comma following the word "spouse", and before the word "descendant", insert the following: "brother, sister,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 199—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts after final distribution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Law, McCall, McCormack, McGovern, Metzger, Mixter, Pienovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Westover, Williams, and Young—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 199 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty-one minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Schottky.

The names of the absentees were called, and, in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Pierovich:

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein.

Respectfully submitted.

SENATOR PIEROVICH.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Pierovich to introduce a bill entitled:

An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
MCCOLL.  
TICKLE.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1116:** By Senator Parkman—An act to add sections 51.7 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts

in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved Mar. 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts.

Senate Bill No. 1116 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 1117:** By Senator Pierovich—An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein.

Senate Bill No. 1117 read first time, and referred to Committee on Rules.

#### **Re-reference of Senate Bill No. 30.**

Senator McCormack moved that Senate Bill No. 30 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

#### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 910—An act to amend section 6 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 910, the following amendment, offered by Senator Keough, was read and adopted:

#### **Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "district attorneys", and insert in lieu thereof the following: "State Senators".

Bill read third time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.



Senate Bill No. 875—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keogh, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 875 ordered transmitted to the Assembly.

Senate Bill No. 62—An act to amend sections 1 and 1e of, and to add sections 1e, 1.5 and 13.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 62 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keogh, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 62 ordered transmitted to the Assembly.

Senate Bill No. 230—An act to add section 751.5 to the Agricultural Code, relating to the certification of barley.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 230 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Jepsen, Keogh, Knowland, Law, McCall, McCormack, McGovern, Mixer, Pierovich, Powers, Rich, Schottky, Slater, Swing, Tickle, Westover, and Williams—25.

NOES—None.

Title read and approved.

Senate Bill No. 230 ordered transmitted to the Assembly.

Senate Bill No. 774—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act relates to the disposition of certain fees collected by the Department of Agriculture. Some of these fees are payable on or before July first of each year. In the absence of a provision for the immediate effectiveness of this act, some fees received in the fiscal year commencing July 1, 1937, would be paid into the general fund and some into the Department of Agriculture fund. Therefore, in order to provide for the orderly disposition of such money and avoid confusion it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Perovich, Powers, Quinn, Hill, Seawell, Seawell, Slater, Swing, Tickle, and Westover—29.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 774 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Perovich, Quinn, Hill, Seawell, Seawell, Slater, Swing, Tickle, and Westover—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 774 ordered transmitted to the Assembly.

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Hill, Seawell, Seawell, Slater, Swing, and Westover—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 308 ordered transmitted to the Assembly.

#### Senate Joint Resolution No. 6.

Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuropsychopathic hospital for veterans of the World War.

**WHEREAS**, There exists in the State of California a great need for a neuropsychopathic hospital for veterans of the World War; and

**WHEREAS**, It is the accepted fact that it is the duty of a Nation to provide for and care for needy war veterans who have so generously served their country; and

**WHEREAS**, The United States Government could graciously perform its duty to neuro-psychopathic Veterans by providing additional hospitals in this State; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the President and the Congress of the United States are hereby respectfully urged to enact legislation that would result in the construction of additional hospitals by the Federal Government; and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the speaker of the House, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Senate Joint Resolution No. 6 ordered transmitted to the Assembly.

Senate Bill No. 33—An act to amend sections 2, 5, 21 and 23 of and to add section 22.1 to the "Personal Property Brokers Act," relating to interest and charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 33 ordered transmitted to the Assembly.

Senate Bill No. 444—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 444 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 444 ordered transmitted to the Assembly.

Senate Bill No. 1103—An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1103 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—Senator McGovern—1.

Title read and approved.

Senate Bill No. 1103 ordered transmitted to the Assembly.

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McCormack, Metzger, Mixer, Parkman, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—27.

NOES—Senators Law, and Quinn—2.

Title read and approved.

Senate Bill No. 637 ordered transmitted to the Assembly.

(NOTE—The action of the Senate, in passing this bill, was recorded on April 15, 1937. J. A. Beek, Secretary of Senate.)

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Senators Bigger, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McCormack, Mixer, Parkman, Powers, Rich, Schottky, Slater, Swing, Tickle, and Westover—23.

NOES—Senators Law, McGovern, and Quinn—3.

Title read and approved.

Senate Bill No. 638 ordered transmitted to the Assembly.

(NOTE—The action of the Senate, in passing this bill, was recorded on April 15, 1937. J. A. Beek, Secretary of Senate.)

Senate Bill No. 537—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such district to defray the expenses thereof," approved May 23, 1923, as amended, by adding a new section, to be numbered 10c, relating to maintenance of fire fighting equipment by cities within county fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, Metcalf, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 537 ordered transmitted to the Assembly.

Senate Bill No. 538—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals



therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, by amending section 7, relating to annual levy of taxes upon property in county fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 538 ordered transmitted to the Assembly.

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection.

#### Amendments from the Floor.

During third reading of Senate Bill No. 720, the following amendments, offered by Senator Metzger, were read:

##### Amendment No. 1.

On page 1, line 12, of the printed bill, after "municipal inspection.", insert the following: "This section shall be effective only in counties having a population of thirteen thousand or more."

##### Amendment No. 2.

On page 2, line 7, of the printed bill, strike out "eight", and insert in lieu thereof the following: "three".

##### Amendment No. 3.

On page 2 of the printed bill, strike out lines 12 to 19, inclusive, and insert in lieu thereof the following: "marketed by whole carcass with hide on."

##### Amendment No. 4.

On page 2 of the printed bill, strike out lines 34 to 37, inclusive, and insert in lieu thereof the following: "animals were slaughtered."

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Metzger, Crittenden and Young, on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Gordon, Keough, McColl, McCormack, McGovern, Metzger, Pierovich, Powers, Quinn, Swing, Tickle, Wagy, and Williams—13.

NOES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, Mixer, Parkman, Rich, Schottky, Slater, Westover, and Young—19.

#### Resolution.

The following resolution was offered:

By Senator Williams:

WHEREAS, The Biennial Report of the State Board of Equalization covering the period from July 1, 1934, to June 30, 1936, now has been made available; and

WHEREAS, Material of great interest to the members of the Legislature is contained in this report and is deserving of frequent reference; now, therefore, be it

Resolved by the Senate of the State of California, That pages 1 to 11, inclusive, of said report dealing with matters of general concern affecting the revenue system, and pages 29 and 30 thereof concerning certain tables comparing revenues and expenditures and summarizing the revenues handled by the board, be printed in the Senate Daily Journal for this day.

Resolution read, and on motion of Senator Williams, adopted.

## Report.

In pursuance to the above resolution, the following excerpts from the Biennial Report for 1935-1936 of the State Board of Equalization were ordered printed in the Journal:

### MATTERS OF GENERAL CONCERN AFFECTING THE REVENUE SYSTEM.

#### Present Tax Structure Sound.

Changes in the revenue system, made largely upon recommendation of the State Board of Equalization, have combined with better economic conditions to give California a sound tax structure.

This improvement is to be noted especially in State financing, kept the close relationship between the central and local governments makes it possible for us that the entire fiscal structure is sounder than it has been in several years.

If present sources of revenue are left undisturbed and if public expenditures are kept reasonably in check, there should be a substantial surplus in the State treasury within the next two years.

#### Proposed Changes Require Scrutiny.

Numerous measures will be urged at the present legislative session, proposing amendment or repeal of existing tax laws, or enactment of new revenue statutes. A regard for the public interest requires careful examination of these proposals.

Thorough comprehension of basic facts is essential to the effective solution of any human problem. This is particularly true in the field of taxation, where haphazard experimentation is apt to be fraught with disastrous results.

Until we can assure ourselves that a new tax law is really a better one, we shall be much better off without its enactment. No sound and lasting basis for effective revenue measures until we know what the effect will be on the functions of government.

#### Unwise Changes Disturb Business.

Under modern conditions, the public has come to expect a great deal of government, and all business is oriented accordingly. Political and State functions are reflected immediately in unsettled commercial conditions. Tinkering with tax laws has an unwholesome effect not only on the Government but on private business as well.

#### Report Gives Essential Facts.

Realizing this, the State Board of Equalization has endeavored to present in the following biennial report data setting forth in general the activities of the past two years, particularly from the standpoint of the general operation of the present revenue laws.

During the biennium the board has developed steadily as the central taxing unit of the State Government. As an indication of this increased activity, combined with the substantial gain in revenues resulting from improved economic conditions, reports of the various divisions show a gain of more than \$117,000,000 in revenue assessments for the 1934-1936 biennium, as compared with the previous two-year period.

#### Revenues Register Substantial Gains.

For the eighty-sixth fiscal year (July 1, 1934, to June 30, 1935), revenues assessed by the board amounted to \$143,873,795 21. Of this amount, \$2,763,761 65 or 1.92 per cent, was expended for costs of administration. For the eighty-seventh fiscal year (July 1, 1935, to June 30, 1936), the total revenues assessed amounted to \$172,879,325 31, of which \$3,095,159 99 was spent for administration, or 1.79 per cent of the assessments.

Revenues and expenditures under the jurisdiction of the board for the biennium included:

Revenues	Percentages:	
	Administrative expenses to total expense	Revenues
General administration.....	\$114,040	37
Insurance tax.....	9,129 00	0.0680
Valuation of utilities.....	219,940	91
Motor transportation tax.....	660,733 62	17.9970
Motor vehicle fuel tax.....	215,083 89	0.2478
Retail sales tax and use tax.....	2,869,979 95	2.1434
Liquor licenses and control.....	1,517,106 56	1.8239
Excise taxes on alcoholic beverages.....	252,946 25	2.3417
Totals for biennium.....	\$5,878,921 55	1.8497

Indicative of the general upward trend in returns from taxes administered by the board, the records show that collections under the retail sales tax amounted to

\$60,538,150.53 during the eighty-sixth fiscal year and, with the addition of the use tax, jumped to \$73,044,256.01 in the eighty-seventh fiscal year. The present forecast is an annual income in excess of \$80,000,000 from this single source of revenue.

#### **Sales Tax Meets Costs of Education.**

This estimated income is approximately the amount required for the State's outlay for the support of common schools and for the maintenance of the University of California, the State colleges and other State establishments for public education.

This form of tax now has become a well-established part of the revenue system, not only in this State but also in a substantial number of other states. The fact that the per capita yield, after making due allowances for differences in per capita income and for exemptions, is higher in this State than in any other jurisdiction, is evidence of efficient administration.

#### **Field Work Brings Results.**

The high yield and effective administration have been largely the results of the organization of a program of field audits and investigations. It is essential that this phase of the work be further developed. The funds heretofore appropriated have been insufficient to provide the staff of auditors required by the large number of taxpayers and great volume of work. A relatively small increase in staff would produce additional revenues many times its cost and would permit more effective administration of these tax acts.

#### **Further Sales Tax Exemptions Unwise.**

Exemption of food products, through the 1935 amendment, has done much to remove such irritation as the buying public may have felt because of the sales tax. Those, who by reason of limited resources, have been required to spend a relatively large share of their income for food doubtless have found this exemption of appreciable benefit.

Other exemptions will be advocated during the current legislative session. The wisdom of allowing them is subject to serious question. Individually many of the proposals may appear to have merit, but their enactment would tend to impair materially the effectiveness of the tax.

If the sales tax is to continue as a successful revenue measure, it must be kept on as broad a base as possible. Its principal value as a source of public fund is the universality of its application. Extending to practically all retail sales of personal property, it is producing a large amount of revenue at a low rate. This can continue only so long as the base of the tax is left undisturbed.

One additional exemption will undoubtedly lead to another. Soon others will follow, supported by the argument that they are fully as meritorious as those allowed previously. Exemptions, reasonable enough when considered individually, will form a vicious cycle destroying the usefulness of the measure, and will plunge the State back into the "tax crisis" from which it was rescued through the adoption of the Sales Tax Act.

#### **Use Tax Protects Local Merchants.**

The Use Tax Act has accomplished its purpose of placing California retailers on equal terms with their out-of-State competitors. Adopted in 1935 upon recommendation of this board, the act applies only to the use of property which has not been reached under the sales tax. It imposes the same rate on the sales price of the property as would have been collected from the retailer had the sales tax been applicable.

Thus, the device of buying property out of California to avoid paying the sales tax is no longer effective. An equivalent use tax must be paid. Local merchants are not deprived of any business because of a tax advantage accruing to their out-of-State competitors.

More than \$2,500,000 has accrued directly from the use tax during the year and a half since the law has been in force. But, as above indicated, much more revenue is attributable to the use tax. Trade, which otherwise might have been diverted from California retailers, has been retained here and has swelled sales tax collections substantially. Moreover, since the tax rates are identical and but one report is used for both sales and use tax payments, taxpayers frequently make no distinction between the gross receipts subject to the different taxes. Much "sales tax" revenue is doubtless, strictly speaking, collected under the use tax law.

#### **Change in Use Tax Unwise.**

Changes will be advocated in the use tax. The Legislature will be told that the law is of doubtful validity or that it is productive of hardships in certain instances.

After reviewing the entire problem, and obtaining competent legal advice, the board is convinced that the California Use Tax Act will avoid successfully the pitfalls of unconstitutionality besetting any measure dealing with goods which have moved in interstate or foreign commerce. The act has been drawn to conform to the United States Supreme Court decisions holding similar laws constitutional



and, if left undisturbed, should be able to withstand the assaults of those who seek to have it declared invalid.

Inevitable harm may result if there is any tinkering with the use tax at this stage of developments. No court has held the use tax unconstitutional, and legal advisers say that, in its present form, the law should be upheld by the United States Supreme Court, under a ruling consistent with recent decisions. There is every thing to gain and nothing to lose in retaining this law upon the statute books without substantial amendment.

#### Gross Income Tax Inadequate.

Repeal of the sales tax and the use tax, as well as the net income tax, has been urged. In replacement, a gross income tax is proposed. Nothing in the experience of any other State, compared with what has transpired in California, lends support to such a change.

Estimated revenues from the sales and use taxes alone during the next biennium are in excess of \$183,000,000. Income tax revenues for the same period have been estimated at \$33,000,000, making a total of more than \$216,000,000.

Advocates of the change cite the success of the gross income tax in Indiana. In that State, with a population approximately half that of California, the tax on gross income yields less than \$17,000,000 per year, yet the rates are as high as are feasible, and apply to foodstuffs exempt from tax here.

Comparison on basis of population would indicate a yield of \$25,000,000 annually from a similar tax in California. Making allowance for trade farmers might increase this to \$50,000,000, although there is no assurance of such a yield. There would be, at most, a biennial revenue of \$100,000,000 from the gross income tax to replace \$216,000,000. A deficit of more than \$100,000,000 would result.

This brief review of the situation should serve to caution those interested in the solvency of government of the undesirability of scrapping our present tax laws in order to substitute a gross income tax. Moreover, administrative economy would be greatly increased, because instead of limiting our income to some 180,000 retailers as we now do, the number of individual taxpayers would be multiplied many times. The tax yield would be cut in half, but the expense of administration would be doubled.

#### Other Tax Yields Increased.

Gratifying results have been obtained by the board from other tax increases, as well, entrusted to our administration. During the past biennium the yield from the motor vehicle fuel tax has jumped from \$39,022,103 for the year ended June 30, 1935, to \$46,847,585 for the second half of the two-year period, with allowance for difference in rates. No other State approaches our yield from gasoline taxes in proportion to the number of vehicles licensed for operation.

Motor vehicle transportation license tax yields have also shown marked gain. In the first year of the biennium the 3 per cent gross receipts tax on motor vehicle operators was \$1,128,650. This increased to \$2,011,477 for the year ended June 30, 1936. Part of the gain is attributable to extension of the tax to out-of-state operators taxed prior to January 1, 1935, under a different law, but, nevertheless, California has established an enviable record for the amount of tax obtained. No State with a comparable statute has found it as productive of revenue.

#### Liquor Tax Revenues Gain.

During the first half of the biennial period covered by this report, the only special excise tax applicable to alcoholic beverages was the tax at 2 cents per gallon on beer and wine. This amounted to \$1,573,537 for the year ended June 30, 1935. With the addition of the excise tax at 80 cents per gallon on distilled spirits, the revenue from liquor taxes rose to \$9,228,225 in the following year, making a total of \$10,801,762 for the biennium. At the conclusion of the first year's experience with respect to the distilled spirits excise, it was found that 9,166,237 gallons had been taxed. This means that California collected a tax on 1,482 gallons of distilled spirits for every inhabitant of the State. The nearest approach to this figure is that for Illinois, where 1.07 gallons were taxed per capita.

California's distilled spirits tax collections are so much greater than those of any other State, in proportion to population, that the comparison points to the definite conclusion that we have had the most effective administration of the tax.

#### Liquor Licenses Bring More Fees.

Liquor license fees collected during the first half of the biennium amounted to \$3,725,261 and, during the following year, increased to \$4,464,714, making a total of \$8,189,975 for the two year period. A substantial part of this gain was due to changes, effective July 1, 1935, in the amounts of fees and dates of payment, but some of the additional revenue is attributable to a greater number of licenses.

The board does not regard increased revenue as a prime objective in liquor license administration. Consequently, in the absence of upward adjustment of fees, further substantial gains from this source are not anticipated.

Inasmuch as this report is concerned with revenue matters, no attempt will be made here to discuss the social problems involved in the sale of alcoholic beverages. It may be observed, however, that any design to augment revenues by increasing the



number of places at which such beverages may be obtained is subject to serious criticism.

#### New Utility Assessments Included.

For the first time in the history of the State, his report includes schedules of ad valorem assessments made by the board, covering approximately one-seventh of the taxable wealth in California. Most of this property is owned by public utilities (railroads, car and express companies, gas and electric companies, telephone and telegraph companies); but intercounty pipe lines and ditches, regardless of the character of ownership, are also assessed by the board. In pursuance of a constitutional amendment (Article XIII, section 14) adopted in 1933, the first valuations were made in 1935. Upon undertaking this work, the board found itself faced with three major problems:

- (1) Valuation of the various utility companies, pipe line or ditch systems as a whole;
- (2) Segregation of the value of the component items of property in the several taxing jurisdictions; and
- (3) Equalization of these assessments with those made by local assessors so that common tax rates might be applied equitably.

#### Utility System Valuation Essential.

From the very nature of their business, public utilities hold in single ownership vast properties of varied types located in numerous taxing jurisdictions. This circumstance was doubtless the underlying factor responsible for the constitutional provision that such holdings should be centrally assessed, even though taxed in the same manner as other property.

Recognizing the need for finding the system value of a utility in order to determine the worth of the component parts, the board has had valuation studies made with respect to each utility as a whole. Similar studies had been completed earlier for the purposes of comparing gross receipts tax burdens on utility property and ad valorem tax burdens on common property, under the system of separation of sources prevailing prior to amendment of the Constitution in 1933.

Thus, although much work of an exacting nature was involved, this task did not present an unfamiliar problem. Access was had to the earlier studies, which were brought down to date, and the board was enabled to find system values for the taxpayers whose properties it must assess.

#### Apportionment of System Value Difficult.

The second problem was mechanically a much greater task than the first. Aside from the difficulty of determining to what extent each of the properties contributed to the value of the system containing it, the board was compelled to ascertain the exact location of these properties, assigning each to the proper taxing jurisdiction.

Even under most favorable conditions, apportioning for taxation a seventh of the wealth in the State, comprised in the system values of about 400 companies, many with far flung activities, would present a serious problem. Under the conditions actually existing, the task was appalling.

#### Almost Five Thousand Tax Districts in State.

In addition to 58 counties and 281 cities, there are in California 2,820 elementary school districts, 315 high school and junior college districts, and 1,496 special districts of various kinds, making a total of 4,970 distinct taxing entities. Despite occasional consolidations, the number is increasing and soon will exceed 5,000.

An unfortunate feature of these districts, aside from the fact that they are so numerous, is that one does not necessarily leave off where another begins. On the contrary, they overlap in a most irregular manner. Occasionally, a single piece of property will be included in as many as twelve districts, each with distinct power to tax. Instances of seven or eight districts overlapping are not at all uncommon; four or five are the rule.

#### State Has 11,862 Different Tax Rates.

To meet this situation, the board has devised a system whereby the State is divided into "code areas" each including a geographical unit in which all the property is subject to a common group of taxes. There are 11,862 such areas in California. This is merely another way of saying that there are almost 12,000 different tax rates applicable to property within the State.

By indicating on the assessment rolls which we prepare, the "code area" for each parcel assessed, we have simplified the task of apportionment, but the fact remains that there are too many separate taxing jurisdictions. Only in the City and County of San Francisco is but one "code area" found. At the other extreme, there are 4,882 "code areas" in the county of Los Angeles alone.

Legislation tending to reduce the number of taxing jurisdictions would be of benefit not only to taxpayers but to those engaged in tax administration. From the taxpayer's standpoint, eight or ten tax rates, each determined independently and applying to a single piece of property, offer a serious threat. From the administrator's standpoint, this divided responsibility leads to misunderstanding and makes efficiency difficult to attain.

### Values Equalized Throughout State.

When the State Board of Equalization was created in 1879, its principal constitutional function was the equalization of assessed values between the counties. At that time the State, in common with the counties, derived its principal support from *ad valorem* taxes. The State rate applied to the values determined by county assessors.

Equalization between individual assessments within counties was left to local boards, but, after this function was performed, the assessment level for one county might vary considerably in comparison with that in another. An unequal distribution of the State tax load would result, hence, the necessity for a State Board of Equalization.

In 1911, however, State *ad valorem* taxes were abolished with the inauguration of the system of separation of counties whereby capital, utility and other property was taxed exclusively for State purposes. The need for equalization between counties ceased, and for 25 years the function lost its practical significance.

State *ad valorem* taxes have never been resumed, but now that the utility property is assessed by the board and entered on local tax rolls, the necessity for equalization on a state-wide basis has returned. During the interval of a quarter of century, large discrepancies in assessing standards and practices had developed among the local assessors.

Extensive studies were made to determine the level of assessment of property valued by county assessors, and, after public hearings, the board entered on the revision of assessment rolls of 34 counties, through percentage adjustments of 1935 valuations as follows:

County	Percentage	County	Percentage
Alpine	- 10	San Bernardino	+ 50
Butte	+ 10	San Joaquin	+ 16
Contra Costa	+ 27	San Mateo	+ 85
Del Norte	+ 10	Santa Barbara	+ 15
El Dorado	+ 7	Santa Clara	+ 10
Humboldt	+ 8	Santa Cruz	+ 40
Imperial	+ 10	Shasta	+ 30
Inyo	+ 50	Sierra	+ 17
Kern	+ 35	Sonoma	+ 49
Marin	+ 35	Stanislaus	+ 25
Mariposa	+ 10	Sutter	+ 25
Mendocino	+ 25	Tulare	+ 20
Merced	+ 40	Tuolumne	+ 50
Modoc	+ 50	Ventura	+ 15
Orange	+ 35	Yolo	+ 10
Plumas	- 10	Yuba	+ 5
Riverside	+ 50		

- indicates decrease

+ indicates increase

No change was made in the assessment rolls of those counties not listed.

Following further studies and hearings, the board found it necessary in 1936 to equalize three county tax rolls by increasing the assessments as follows:

County	Percentage
Fresno	20
Kings	80
Tehama	10

In those cities which have separate assessors for purposes of municipal taxation, special studies were made to determine the variation between the level of county and city assessments, and, after public hearings, orders were made to adjust accordingly the level of public utility assessments for municipal taxation. The details of this work appear in schedules appended to this report.

### Change Has Benefited Taxpayer.

Definite benefit to taxpayers generally may be found from the revision of the California tax system following adoption of the 1933 constitutional amendment. Not only has the State taken over school costs amounting to some \$40,000,000 annually, financing these from the proceeds of the sales tax instead of from county *ad valorem* levies, but there has been returned to local tax rolls utility property assessed at approximately \$900,000,000. Annual *ad valorem* taxes on this utility property amount to \$30,000,000. This means that tax burdens of at least \$70,000,000 per year have been removed from common property owners. Moreover, the new law has resulted in greater uniformity in assessments and assessment practices.

### Local Tax Officials of Great Help.

The board is most grateful to county assessors and other tax officials throughout the State for their splendid cooperation during the biennium. Without their generous assistance, much that has been accomplished for the betterment of the revenue

system could not have been achieved. The people of California are most fortunate in the intelligent devotion to public service which characterizes the work of their local tax officials.

#### Expenditure Limitation of Proven Value.

After four years' experience with expenditure limitation, the wisdom of its adoption in 1933 is demonstrated. When relief to the property taxpayer was planned through transfer of school costs and return of utility property to the local tax base, it was recognized that, as the burden of local taxes became less oppressive, the pressure to increase expenditures would grow.

In the absence of complete data as to actual needs of each of the local units of government, the expenditures for the fiscal year 1932-33 were taken as a starting point. The basic plan contemplates that an annual increase not exceeding 5 per cent should suffice to meet the need for additional expenditures.

During the past biennium there have been fewer instances of expenditures in excess of the limitation than were noted in the preceding two years. In many cases the occasion for exceeding the limit arose from cooperation with the Federal Government in public works projects. Now that local authorities have become accustomed to the limitation, the tendency to exceed it seems to have decreased.

Removal of any restraint would be followed inevitably by substantially greater expenditures and higher taxes. There is unremitting pressure on local taxing authorities by many well organized groups to spend more money out of the public treasury. These advocates of projects requiring appropriations are so intent on the benefits to be derived that they give little thought to the ultimate effect on the taxpayer. Frequently, there is no organized opposition and the funds are spent.

If, on the other hand, the taxing authorities can point to a limitation which can not be exceeded save in case of real emergency, much can be accomplished to combat this tendency to spend first and think later.

#### Limitation Methods Need Revision.

Unless the Legislature enacts new laws on the subject, there will be no expenditure limitation after June 30, 1937. Although the acts passed in 1933 and 1935 have been of definite value, it is to be hoped that 1937 may bring some improvement in this type of legislation.

Continuance of the limitation on a percentage basis, without adequate facilities for a review of all budgets, may be expected to result in a large number of automatic increases to the maximum allowable. Always safeguarding democratic control of government, some provision could be made for more effective review of proposed expenditures of public funds.

#### State Tax Administration Efficient.

As already shown, California taxes, administered by the State Board of Equalization, yield more revenue than is realized relatively in any other State in the Union. This productivity of tax laws is achieved at comparatively low cost.

The ratio of total revenues to total administrative expense as shown in the table on page 29 of this report is 1.8497 per cent. When liquor licenses are eliminated from revenues, and liquor regulation from expenditures, thus confining consideration to actual tax administration, the percentage drops to 1.4—a record among tax commissions throughout the country.

Low administrative cost has not been achieved, however, at the price of efficiency. The revenues produced show conclusively that our tax assessment and administration have been exceptionally effective. The board finds itself indebted in no small degree to an efficient staff whose cooperation has made these results possible.

#### Detailed Statement of Expenditures.

For the Period July 1, 1935, to June 30, 1936, of the 87th Fiscal Year.

Function	Salaries and wages	Materials and supplies	Service and expense	Property and equipment	Total
<b>ALCOHOL BEVERAGE CONTROL DIVISION</b>					
<b>Administration and Field Enforcement</b>					
Office and field.....	\$466,848 88	\$8,429 45	\$13,675 89	\$7,781 07	\$496,735 28
Printing .....		5,661 55			5,661 55
Traveling .....			50,626 63		50,626 63
Telephone and telegraph.....			11,058 98		11,058 98
Postage .....			8,515 20		8,515 20
Automobile .....		12,660 14	4,087 53	14,767 54	31,515 21
Freight, cartage and express.....			623 30		623 30
Rent .....			20,966 29		20,966 29
Compensation insurance .....			2,048 91		2,048 91
Evidence .....		44 48	7,194 99		7,339 47
Finger printing .....		180 48	336 87	221 06	738 41
<b>Totals .....</b>	<b>\$466,848 88</b>	<b>\$26,976 10</b>	<b>\$119,134 58</b>	<b>\$22,769 67</b>	<b>\$635,729 23</b>



## Detailed Statement of Expenditures—Continued

Tax Assessment					
Office and field	\$177,897 05	\$160,887	\$1,700 41	\$1,000 00	\$180,178 74
Stamps		161,774 47	77 44		161,851 91
Printing		111 57			111 57
Travelling			17,357 89		17,357 89
Telephone and telegraph			774 04		774 04
Postage			19 87		19 87
Automobile		7,141 47	5,000 00	2,000 00	7,500 00
Freight, cartage and express			879 73		879 73
Rent			2,248 94		2,248 94
Evidence					
Totals	\$177,897 05	\$161,888 80	\$18,000 41	\$3,000 00	\$180,178 74
Grand totals, all funds	\$2,397,311 71	\$149,375 10	\$458,400 70	\$92,072 48	\$3,087,159 89

\* Abatement from sale of Code Army Mess.

Summary of Revenues from Assessments and Collections Made by the State Board of Equalization.  
For the 86th (1934-35) and 87th (1935-36) Fiscal Years.

	86th Fiscal Year 1934-35	87th Fiscal Year 1935-36	Percentages 1935-36
Taxes levied on insurance companies	\$60,858,866 62	\$61,768,477 74	101.49
Estimated local taxes levied on properties of public utilities on which assessed value is fixed by State Board of Equalization	70,000,000 00	70,000,000 00	100.00
Motor transportation license tax and licenses			
Taxes levied	\$1,129,650 47	\$2,011,477 74	178.16
Licenses collected	271,200 00	283,000 00	104.35
Totals	\$1,399,850 47	\$2,271,672 74	162.51
Motor vehicle fuel tax:			
Taxes levied	\$39,930,995 59	\$46,858,402 92	117.33
Licenses collected	8,872 26	10,000 00	112.72
Totals	\$39,939,867 85	\$46,868,402 92	117.33
Retail sales tax and use tax:			
Taxes levied and collected	\$60,708,260 70	\$73,000,000 00	120.25
Permit fees collected	67,069 00	223,591 20	333.40
Totals	\$60,775,329 70	\$73,223,591 20	120.48
Liquor licenses collected	\$3,725,261 68	\$4,494,714 10	120.65
Taxes on alcoholic beverages:			
Taxes levied on beer and wines	\$1,573,537 92	\$1,895,385 26	120.46
Taxes collected on distilled spirits		7,332,990 35	
Totals	\$1,573,537 92	\$9,228,375 61	586.55
Grand totals	\$149,873,707 21	\$172,879,325 81	115.35

Comparison of Revenues and Expenditures for the Biennium.  
July 1, 1934, to June 30, 1936.

	Revenues assessed	Expenditures by State Board of Equalization	Percentages Expenditures to Revenues
For the 86th Fiscal Year, July 1, 1934, to June 30, 1935			
General administration		\$4,404 47	2.94
Insurance tax	\$6,858,866 62	4,500 00	0.07
Valuation of utilities	30,000,000 00	1,200 00	0.00
Motor transportation tax	1,399,850 47	2,271,672 74	162.51
Motor vehicle fuel tax	39,939,867 85	46,868,402 92	117.33
Retail sales tax	60,775,329 70	73,223,591 20	120.48
Liquor licenses and control	6,298,799 59	9,228,375 61	147.32
Excise taxes on alcoholic beverages	1,573,537 92	2,248 94	0.14
Totals	\$149,873,707 21	\$73,223,591 20	48.85
For the 87th Fiscal Year, July 1, 1935, to June 30, 1936			
General administration		\$70,000 00	40.00
Insurance tax	\$6,858,472 73	4,500 00	0.07
Valuation of utilities	30,000,000 00	1,200 00	0.00
Motor transportation tax	2,271,672 74	2,271,672 74	100.00
Motor vehicle fuel tax	46,858,402 92	46,858,402 92	100.00
Retail sales tax and use tax	73,223,591 20	73,223,591 20	100.00
Liquor licenses and control	4,494,714 10	4,494,714 10	100.00
Excise taxes on alcoholic beverages	9,228,375 61	9,228,375 61	100.00
Totals	\$172,879,325 81	\$73,223,591 20	42.36



**Comparison of Revenues and Expenditures for the Biennium,  
July 1, 1934, to June 30, 1936.**

	Revenues assessed	Expenditures by State Board of Equalization	Percentages Expenditures to revenues
Total for Biennium, July 1, 1934, to June 30, 1936			
General administration		\$114,040 37	
Insurance tax	\$13,407,278 75	9,120 00	0.0680
Valuation of utilities	60,000,000 00	219,940 91	0.3666
Motor transportation tax	3,671,523 21	680,783 62	17.9970
Motor vehicle fuel tax	86,780,398 51	215,083 89	0.2478
Retail sales tax and use tax	133,893,092 74	2,869,919 95	2.1434
Liquor licenses and control	8,189,975 78	1,517,106 56	18.5239
Excise taxes on alcoholic beverages	10,801,763 53	252,946 25	2.3417
Totals for biennium	\$316,753,032 52	\$5,858,921 55	1.8497

**Report of Standing Committee.**

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

**On Fish and Game.**

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 519—An act to add section 1110 to the Fish and Game Code, prohibiting operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters unless such delivery is permitted by State Fish and Game Commission; authorizes commission to issue revocable permits for such delivery; declaring it shall issue no permits which would tend to deplete the species or obstruct the operation of any law; provides penalties for violation;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—9; committee vote: Ayes—8; absent—1.

McCOLL, Chairman.

**Adjournment.**

At four o'clock and five minutes p.m., on motion of Senator Hays, the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Tuesday, March 30, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE.**

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 30, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—39.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Monday, March 29, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Civics and Commercial Law classes of the Esparto Union High School, F. B. Hopkins and Jeanette Greenwood, teachers, and the following students: Luella Archer, Thomas Archer, William Bahlman, Angelina Bol, Daryl Cadanasso, Janice Combs, Betty Covert, Frank Creamer, Wyatt Duncan, Chris Eowan, Mary Eowan, Winifred Erikson, Elmer Fitts, Harold Flesher, Joe Hartmann, John Hatanaka, Ray Hatanaka, Alfred Hayes, Bernice Hayes, Gladys Herman, Jane Hulck, Bob Hulman, Ellen Jensen, Robert Johnson, Jim Judy, LaVern Judy, Alfred Kender, Howard Lederer, Ruth Lader, Mary Lloyd, Nieves Mares, Teresa Marco, Robert Mast, Thelma M. Korney, Francis Metzger, Harold Mezger, Lucille Morrin, Doris Nardinelli, Agnes Ness, Leland Nichols, Erving Nordendall, Jack Oakes, Jim Pennings, Julia Pessington, Waverly Peirce, Lloyd Reminger, Bill Rooney, Efrimous Salomitis, Elton Shell, June Small, Ellaine Sovereign, Helen Soudell, Fred Stahl, Alfred Storz, Bob Stotts, Albert Tadlock, Bill Thompson, Norman Tharp, Victoria Vannucci, George Warshop, Fred Weaver, Maurice Wood, Sidney Wood, and Pauline Woupious.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. R. Abbey and James Sleeper, assessor of Orange County, Santa Ana.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Berdine Wood, instructor of the Modesto Citizenship Class, and the following students: Mrs. Becky Annapole, Mrs. D. H. Brown, Mr. Laureak Burke, Miss June Chapin, Mr. Joe C. Cotto, Mrs. Katharine De Ve, Mr. and Mrs. Bromley Hill, Mrs. Celia Kaplan, Mr. Don Mellis, Mr. C. H. Pritchard, Mr. Jean J. Page, Mrs. Maud Test, Mrs. Joanna Osterberg, Mrs. G. A. Velthoen, Mr. Louis Blattler, Mr. Joe Blattler, Eusebio Rojas, Mrs. Annie Beltrami, Mrs. Anna Murray, Mrs. Clarence Aldrich, Miss Elizabeth McRoberts, Mrs. Asenath Rayner, and Mr. Manuel V. Bettencourt.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John C. Cuneo, of Modesto.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Albert Call and Edythe Lawton of Santa Paula.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph M. Long, director, Joint Information Service.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. M. Knight, teacher of the Sylvan School; Mr. Elton Healy, driver, and the following students: Robert Wilder, Bill McIntyre, Donald Call, Doris Ware, Nila Clover, Donna Thomas, Alice Urakana, Bill Falkenstein, Charles Dent, Donald Pickering, Clarence Filkill, Wallace Baquist, Louise Crane, Marjory Cable, Stanley Stafford, Martina Terry, Paulina Terry, Mary Flint, Leon Ford, Marguerite Odell, Richard Root, Garry Whyte, Helen Gates, Wilbur Dodt, Ethel Erickson, Doris Dever, Harvey Gibson,

John Ciani, Claude Leiser, Carrie Neifert, Burley Harper, Jean Duncan, Eldon Herr, Grace Swetzer, and Virginia Wagner.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. M. Dreslow, attorney-at-law, of San Francisco.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 27, 1937.

*To the Honorable Members of the Senate of the State of California,  
State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that on March 27, 1937, I appointed the following as members of the Agricultural Prorate Commission, and in harmony with the law governing their appointment I am submitting the same to you for consideration and confirmation:

George H. Hecke, Woodland, vice self, term expired, for the term ending January 1, 1941.

George P. Clements, Los Angeles, vice self, term expired, for the term ending January 1, 1941.

Fred W. Read, Sacramento, vice self, term expired, for the term ending January 1, 1941.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

BUREAU OF PRINTING, SUPERVISOR OF DOCUMENTS,  
SACRAMENTO, March 30, 1937.

*Hon. Joseph A. Beck, Secretary, Fifty-second California Senate, State Capitol, Sacramento, California.*

DEAR MR. BECK: In accordance with provisions of section 695, of the Political Code, the State Printer, on June 10, 1935, transmitted with his account, a surplus of \$638.48, for deposit in the legislative printing fund for the account of the California Senate.

Subsequently business has been transacted for the Legislature and copy of our account for publications and funds accrued in sales thereof, is attached hereto. Our books and accounts have been examined by the Division of Budgets and Accounts, whose auditors find a deferred liability of \$582.45, which will be paid following our collection and shown in our next accounting.

Our issuance, in 1935 and 1936, to subscriber clients in legislative bill service derived sufficient funds to meet all expenses of labor, inclosure and transmittal with a surplus over and above same of \$1,312.98, which was divided equally between the Assembly and Senate. The proportionate share credited to the Senate is shown above.

Conforming with requests from committees in the Fifty-second Legislature, the State Printer has installed modern equipment to improve service in the Legislative Bill Room. An account of expenditures is conveyed herewith and we are anticipating adoption of a resolution which will confirm them.

Thanking you for your cooperation and assistance in expediting business connected with the Fifty-second Legislature and assuring you that we shall endeavor to convey business-like operation in service for the Fifty-second Legislature, I am

Very truly yours,

ROBERT A. GARDINER, Bureau of Printing.

### Statement of Business Transacted in Legislative Documents—June 30, 1936.

*By accounts to June 30, 1936—*

3	Budget, 1933-1935	\$1 50
74	Budget, 1935-1937	26 50
87	Statutes, 1933	267 00
935	Statutes, 1935	7,731 00
118	Statutes, 1935	638 15
2	Journals (sets), 1935	20 00
4	Appendices, 1935	40 00

23	Annotated Constitution	\$75 50	
34	Legislative Handbook	32 00	
1	Chartered laws	1 00	
2	Journals	14 00	
65	Chartered law service, 1935	225 00	
	Legislative bills	10 50	
	Miscellaneous publications	109 37	
	Deferred liability from 1935	128 35	
Total		\$9 288 52	\$9 288 52
Less prorata share in administrative expense			2,627 69
Net			\$6 660 83
Proportionate share Senate		\$3 330 42	\$3 330 42
Assembly		3,330 41	
		\$6 660 83	
Less charges for volumes provided to members of the Senate			66 00
Credit to account of the Senate			\$3 264 82
Proportionate share, Assembly			\$3,340 41
Less charges for volumes provided to members of the Assembly			196 45
Credit account of the Assembly			\$3 143 96
Deferred liability, as of June 30, 1936, credited		8782 45	
to Senate and Assembly			

The above statement is an extract from report of audit dated January 26, 1937, submitted to the Director, Department of Finance.

Approved and respectfully submitted,

GEORGE H. MOORE, State Printer

#### Statement of Expenditures Made in Legislative Bill Room Changes—1937.

Blue prints for floor plans	\$4 07	
Contract—Construction	1 000 00	
Lighting fixtures	171 51	
	1 06	
	2 19	
Carpentry	131 75	
Locks	10 03	
Painting	125 00	
Changes in service counter	34 57	
Steel storage bins	2 196 00	
Steel filing cases for enrolled bills	811 60	
Postage meter (25 per cent of original cost)	113 50	
Rental on meter (six months)	60 00	
Advances:		
Postage: January, 1937: Legislative bills	1 120 00	
February, 1937: Legislative bills	520 00	
Salaries: Legislative Bill Room; January, 1937	761 02	
	\$7,069 30	
Less allocation from postage appropriation	520 00	
Net	\$6,549 30	
Proportionate charges: Assembly		\$3 279 65
Credit: Net receipts of Legislature as of June 30, 1936—Assembly		\$3 136 96
Debit: Chargeable to receipts of Legislature, as of June 30, 1937		\$142 69
Proportionate charges: Senate		\$3,279 65
Credit: Net receipts of Legislature as of June 30, 1936—Senate		\$3,264 82
Credit: Allocate to account of Legislature as of June 30, 1937—Senate		\$14 43



### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 263—An act to amend section 5 of the act entitled "An act to provide a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under State authority, and, in that behalf, to create a State Civil Service Commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provision of this act, and to make an appropriation therefor," approved June 16, 1913, relating to the powers of the State Civil Service Commission;

Assembly Bill No. 1168—An act to amend sections 3h, 5, 9c, 10, 12, 12a and 18 of and to add two new sections to the California Real Estate Act to be numbered 10a, 10b and 10c, respectively, relating to the regulation and licensing of real estate brokers and salesmen, and to the disposition of money in the real estate fund;

Assembly Bill No. 1487—An act to add section 3366a to the Political Code, relating to license taxes;

Assembly Bill No. 1786—An act to amend section 170 of the Code of Civil Procedure by adding a new subsection thereto to be known as subsection 7, relating to disqualification of judges in actions or proceedings by or against the Reclamation Bureau of the State of California or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency or trustee, officer, or employee thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 263 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1168 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1487 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1786 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2547—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn;

Assembly Bill No. 2743—An act to amend section 4a of the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and calls for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2547 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2743 read first time, and referred to Committee on Labor and Capital.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1132—An act to add Chapter 11a, comprising sections 11491 to 11519, inclusive, to Part 2, Division 2, of the Insurance Code, and to repeal Chapter 386 of the Statutes of 1935, all relating to nonprofit hospital service plans, including the regulation and control of corporations operating such plans;

Assembly Bill No. 1335—An act to amend section 813.5 of the Agricultural Code, relating to celery.

Assembly Bill No. 1599—An act authorizing the Division of State Lands to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title, and interest of the State of California in and to certain lake, overflowed and submerged lands described herein.

Assembly Bill No. 1720—An act to amend section 490.5 of the Fish and Game Code, relating to chumming in District 20.

Assembly Bill No. 2100—An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1132 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1335 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1599 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1720 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2100 read first time, and referred to Committee on Labor and Capital.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 260—An act to amend section 4200g of the Political Code, relating to witness fees.

Assembly Bill No. 269—An act to add to the Labor Code sections 1120 and 1121 to be known as Chapter 7 of Part 3 of Division II, relating to the disciplining or discharging of any employee upon a report by a speaker against, subversive or unaffiliated spotter, and repealing an act relating to the same subject.

Assembly Bill No. 761—An act to amend sections 8, 9, 12 and 14 of an act entitled "An act to promote drainage," approved March 18, 1885, relating to drainages districts and to the manner of levying and collecting district assessments thereon.

Assembly Bill No. 762—An act authorizing suits against the State to open title against it to swamp and overflowed lands by certain persons entitled to the benefits of an act entitled "An act for the protection of settlers on public lands claimed by the State," approved March 10, 1874.

Assembly Bill No. 763—An act to add a new section to the Political Code to be numbered 34544, relating to actions by or against reclamation districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 260 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 269 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 761 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 762 read first time, and referred to committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 763 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

### Reports of Standing Committees.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 520—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of

producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act, to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately; And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 566—An act to repeal sections 2.2134, 2.2135 and 4.375 of the School Code, and to add thereto two new sections to be numbered 4.368 and 4.375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 81—An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons;

Senate Bill No. 519—An act to add section 1110 to the Fish and Game Code, prohibiting operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters unless such delivery is permitted by State Fish and Game Commission; authorizes commission to issue revocable permits for such delivery, declaring it shall issue no permits which would tend to deplete the species or obstruct the operation of any law; provides penalties for violation;

Senate Bill No. 1075—An act to amend section 4262 of the Political Code, relating to counties of the thirty-third class;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 660—An act to amend section 43 of the Probate Code, relating to exemptions from restrictions on devises or bequests;

Senate Bill No. 661—An act to amend section 42 of the Probate Code, relating to exemptions from restrictions on devises or bequests;

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 519—An act to add section 1110 to the Fish and Game Code, prohibiting operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters unless such delivery is permitted by State Fish and Game Commission; authorizes commission to issue revocable permits for such delivery; declaring it shall issue no permits which would



tend to deplete the species or obstruct the operation of any law, provides penalties for violation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 321. An act to amend sections 15, 16, 43, 51, 52, 63, 65, 65b, 65c, 65d, 67, 76, 79, 93, 101, 108, and 109 of and to add sections 23a, 23b, and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 321 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "15, 16" and insert in lieu thereof the following: "4, 15, 16, 20, 48."

##### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "15," and insert in lieu thereof the following: "4".

##### Amendment No. 3.

On page 1 of the printed bill, between lines 2 and 3, insert the following paragraph:

"SEC. 4. "Employee" shall mean any person in the employ of the State of California whose compensation, or at least that portion of such compensation which is provided by the State, is paid out of funds directly controlled by the State, excluding all political subdivisions, municipal and quasi public corporations. In addition to other funds so controlled, funds deposited in the State Treasury and withdrawn therefrom in payment of compensation, regardless of the source from which they were derived, shall be considered as directly controlled by the STATE for the purposes of this section.

SEC. 15. Section 15 of the act cited in the title hereof is hereby amended to read as follows:".

##### Amendment No. 4.

On page 2 of the printed bill, between lines 2 and 3, insert the following paragraph:

"SEC. 45. Section 30 of said act is hereby amended to read as follows:

SEC. 30. Effective officers, provided that any person so excluded from membership, who later becomes a member thereof, shall have the option of making contributions to the retirement system at the rate at which he would have contributed had he not been so excluded, and he shall then receive credit for prior service in the same manner as if he had not been so excluded. If he shall otherwise exercise the option, the contributions of the State because of his membership shall be the same as they would have been had he not been so excluded.

SEC. 47. Section 38b of the act cited in the title hereof is hereby amended to read as follows:

SEC. 38b. Persons who are members of any other retirement or pension system supported wholly or in part by funds of the United States Government, any State government or political subdivision thereof and who are becoming eligible for membership for service, if being the purpose of this section to prevent a person from receiving credit for the same service in two retirement systems supported wholly or in part by public funds, and no person shall receive such credit under any circumstance. Any member of the retirement system who, because of his membership of the State, shall be required to become a member of any such other system, shall be considered solely for the purposes of section 75 of this act as personally contributed from State service. The accumulated contributions of any member who shall be paid after becoming a member of such other system and before receiving said accumulated contributions, shall be paid to the beneficiary designated by him to receive any death benefit payable under section 100 hereof. Contributions to the permanent fund under sections 108 and 109 hereof on the basis of compensation earned by members after the effective date of termination of membership herein because of the



membership in such other system, shall be repaid to the fund from which said contributions were made.

For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to other than the State and when such persons were not in State service, shall not be considered, because of such receipt, members of any other retirement or pension system."

#### Amendment No. 5.

On page 8, lines 37 and 38, of the printed bill, strike out: "-----and-----" and insert in lieu thereof the following: "three and seventy-five one-hundredths".

#### Amendment No. 6.

On page 8, line 44, of the printed bill, strike out: "-----and-----", and insert in lieu thereof the following: "three and seventy-five one-hundredths".

#### Amendment No. 7.

On page 8, line 49, of the printed bill, after the second "fund", insert the following: "or any other fund received in whole or in part as a donation to the State, with restrictions as to its use which prevent contributions under section 109 hereof,".

#### Amendment No. 8.

On page 9, lines 21 and 22, strike out "-----and-----", and insert in lieu thereof the following: "nine".

#### Amendment No. 9.

On page 9, lines 27 and 28, strike out "-----and-----", and insert in lieu thereof the following: "three and seventy-five one-hundredths".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work March 29, 1937:

	<i>Per day</i>
Kathleen Marlahan, Stenographer-----	\$5 00
Catherine McGill, Stenographer-----	5 00

Resolution read, and on motion of Senator Tickle adopted.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 30, 1937, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i> <i>6 days per week</i>
Margaret Bryan, Stenographer-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Keating, Knowland, Law, McBride, McGovern, Metzger, Mixer, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—24.

NOES—None.

#### President Pro Tempore in the Chair.

At eleven o'clock a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Third Reading of Senate Bills.**

Senate Bill No. 547—An act to amend subsection 5, and to add a new subsection to be numbered 10 to section 675 of the Political Code, empowering the Director of Finance to execute grants to real property belonging to the State to the United States of America, and to withdraw from sale public lands of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 547 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Fletcher, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McGowan, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 547 ordered transmitted to the Assembly.

Senate Bill No. 68—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McGowan, Metzger, Mixer, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tinkle, Wagy, Westover, and Young—28.

NOES—Senator Swing—1.

Title read and approved.

Senate Bill No. 68 ordered transmitted to the Assembly.

Senate Bill No. 225—An act to amend section 588 of the Vehicle Code, relating to angle parking.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McGowan, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 225 ordered transmitted to the Assembly.

Senate Bill No. 277—An act to add a new section to the Agricultural Code to be numbered section 132.5, relating to pest control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donald, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McGill,

McCormack, McGovern, Mixer, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 277 ordered transmitted to the Assembly.

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 442 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 442 ordered transmitted to the Assembly.

Senate Bill No. 441—An act to amend sections 1022, 1032 and 1037 of the Agricultural Code, relating to fertilizing materials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 441 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 441 ordered transmitted to the Assembly.

Senate Bill No. 1028—An act to add section 2b to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to boundaries of municipal corporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1028 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Powers, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 1028 ordered transmitted to the Assembly.

Senate Bill No. 286—An act to amend section 24½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time, for such purpose, and to create a board of fire commissioners."

approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages and areas contiguous thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 286 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLoe, Deane, Garrison, Gordon, Hays, Hollister, Holubar, Keating, Keough, Knowland, Lath, Moran, McCormick, McGovern, Metzger, Myler, Nielsen, Phillips, Powers, Rice, Scherer, Swing, Tickle, Wagv, and Westover—28.

NOES—None.

Title read and approved.

Senate Bill No. 286 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

Senate Bill No. 943—An act to amend section 4211 of the Political Code, relating to the compensation of county officers in counties of the twelfth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLoe, Deane, Garrison, Gordon, Hays, Hollister, Holubar, Keating, Keough, Knowland, Lath, Moran, McCormick, McGovern, Metzger, Myler, Nielsen, Phillips, Powers, Rice, Scherer, Swing, Tickle, Wagv, and Westover—29.

NOES—None.

Title read and approved.

Senate Bill No. 945 ordered transmitted to the Assembly.

Senate Bill No. 884—An act to amend section 4724 of the Political Code, relating to the defense of State officers and employees.

Amendment from the Floor.

During third reading of Senate Bill No. 884, the following amendment, offered by Senator Nielsen, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 16 to 23 inclusive and insert in lieu thereof the following:

"The costs and expenses involved in any such action defended by the Attorney General, with the consent of the head of the department in which the person is employed, and where the officer or employee was found by the head of the department and the Attorney General to have represented his official duty in good faith and without malice, shall be a lawful charge against the funds of such department in which such officer or employee was employed and for which he was being defended; provided, however, that such department may recover from such officer or employee the amount of any costs or expenses paid out by it under the provisions of this section."

Bill read, ordered to reprint, re-enrollment and on file for third reading.

Senate Bill No. 546—An act to amend sections 3, 4, 5, 6, 7, 8, 10, 14 and 16 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of



the waters of such lakes and streams," approved April 27, 1911, relating to the powers and duties of the Division of State Lands with respect thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 546 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At twelve o'clock and fifteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 720 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Nielsen, Olson, Parkman, Phillips, Slater, Swing, Tickle, Westover, and Young—23.

NOES—Senators Allen, Biggar, Deuel, Gordon, Hays, McColl, Mixer, Powers, Quinn, Rich, Schottky, Seawell, and Wagy—13.

Title read and approved.

Senate Bill No. 720 ordered transmitted to the Assembly.

**Re-reference of Senate Bill No. 870.**

Senator Seawell moved that Senate Bill No. 870 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Re-reference of Senate Constitutional Amendment No. 11.**

Senator Biggar moved that Senate Constitutional Amendment No. 11 be re-referred to Committee on Constitutional Amendments.

Motion carried, and such was the order.

**Re-reference of Senate Bill No. 947.**

Senator Phillips moved that Senate Bill No. 947 be referred to Committee on Finance.

Motion carried, and such was the order.

**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the president of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Garrison:

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: In accordance with the provisions of Article II of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to regulate labor unions by providing methods of conducting elections for the purpose of selecting officers, making strikes, terminating strikes, and making working agreements, and providing penalties for violation thereof.

Respectfully submitted.

SENATOR GARRISON

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Garrison to introduce a bill entitled:

An act to regulate labor unions by providing methods of conducting elections for the purpose of selecting officers, making strikes, terminating strikes, and making working agreements, and providing penalties for violation thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
TUCKER  
SLATER  
MCCOLL  
KNOWLAND

The question being on the adoption of the report.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Cunningham, David, Garrison, Gordon, Hays, Hickman, Keating, Keough, Law, McColl, McGovern, Minter, Parkinson, Phillips, Pomeroy, Powers, Quinn, Rich, Slater, Tucker, Westover, and Young—23.

The Secretary announced the absentees.

Time, two o'clock and thirteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Joint Resolution No. 17:** By Senators McColl, McGovern, Seawell, and Keating—Relative to memorializing the President and

Congress of the United States to permit the Transcontinental and Western Air Lines, Inc., to enter San Francisco.

### Consideration of Senate Joint Resolution No. 17.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 17, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 17 read, ordered to print, and held at the desk.

Assistant Secretary Howard McIntire at the Desk.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The names of the absentees were called, and, in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—36.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 737a of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Respectfully submitted.

SENATOR BIGGAR.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Rules to which was referred a request by Senator Biggar to introduce a bill entitled:

An act to amend section 737a of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
TICKLE.  
MCCOLL.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride,

McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Powers, Quinn, Rich, Schottky, Slater, Swing, Tinkle, Wagg, Westover, Williams and Young—36.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, ARTICLE IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public servants to counties.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Seawell to introduce a bill entitled:

An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public servants to counties.

Has had the same under consideration, and respectfully reports the same, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL.  
SLATER.  
KNOWLAND.  
TINKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Cunningham, Delap, Depp, Farnham, Garrison, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, Lutz, McHugh, McCall, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Powers, Powers, Quinn, Rich, Schottky, Slater, Swing, Tinkle, Wagg, Westover, Williams, and Young—36.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bills were introduced:

**Senate Bill No. 1118:** By Senator Garrison—An act to regulate labor unions, by providing methods of conducting elections for the purpose of selecting officers, calling strikes, terminating strikes, and making working agreements, and providing penalties for violation thereof.

Senate Bill No. 1118 read first time, and referred to Committee on Labor and Capital.

**Senate Bill No. 1119:** By Senator Biggar—An act to amend section 737q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Senate Bill No. 1119 read first time, and referred to Committee on County Government.



**Senate Bill No. 1120:** By Senator Seawell—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties.

Senate Bill No. 1120 read first time, and referred to Committee on County Government.

Secretary Joseph A. Beek at the Desk.

**Consideration of Daily File—(Resumed).**

**Third Reading of Senate Bills.**

**Senate Bill No. 81—**An act to add section 1576.5 to the Penal Code, relating to hours of labor of guards at State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Allen, DeLap, Denel, Fletcher, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Rich, Schottky, Slater, Tickle, Wag, and Westover—25.

NOES—None.

Title read and approved.

Senate Bill No. 81 ordered transmitted to the Assembly.

**Senate Bill No. 737—**An act to amend section 531 of the Political Code, relating to the State Printing Plant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Denel, Fletcher, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Tickle, Wag, and Westover—28.

NOES—None.

Title read and approved.

Senate Bill No. 737 ordered transmitted to the Assembly.

**Senate Bill No. 516—**An act to amend section 4041.18 of the Political Code, relating to construction of public buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 516 ordered transmitted to the Assembly.

**Senate Bill No. 1102—**An act to amend sections 3, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1102 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Johnson, Keating, Keough, Knowland, Law, McBride, McGovern, Mixter, Olson, Phillips, Parnovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 1102 ordered transmitted to the Assembly.

Senate Bill No. 544—An act to amend Chapter 123, Statutes of California, 1917, entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act" approved May 17, 1917, as amended, and to add new sections therein to be known as 7a, 7b, 7c, 7d, 7e, and 7f, setting forth the manner of application and providing for rules and regulations for the use of state-owned property.

#### Amendments from the Floor.

During third reading of Senate Bill No. 544, the following amendments, offered by Senator McBride, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following:

"An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e and 7f to an act".

##### Amendment No. 2.

On page 1, in line 4 of the title of the printed bill, strike out "and to add new" and strike out lines 5, 6 and 7 of the title, and insert in lieu thereof the following: "relating to the leasing of State lands."

#### Consideration of Senate Bill No. 544, as Amended.

Senate Bill No. 544—An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e, and 7f to "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, relating to the leasing of State lands.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 544 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keough, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Parnovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—28.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 544 ordered transmitted to the Assembly.

Senate Bill No. 545—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923 (Chapter 155, Statutes of California, 1923).

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hollister, Holohan, Keough, Law, McBride, McColl, Metzger, Mixter, Olson, Phillips,

Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, and Wagy—26.  
NOES—None.

Title read and approved.

Senate Bill No. 545 ordered transmitted to the Assembly.

Senate Bill No. 549—An act to amend section 3805c of the Political Code, providing for the cancellation of assessments on certain lands of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—27.

NOES—None.

Title read and approved.

Senate Bill No. 549 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 464—An act to amend section 1200 of the Probate Code, relating to mode of giving notice in certain instances, and where not otherwise prescribed;

Assembly Bill No. 1667—An act to amend section 1 of an act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1905, relating to the granting of franchises.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 464 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1667 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 37—Relative to underpaid State employees and proper salary adjustments for certain State employees in low salary bracket classifications.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 37 read first time, and referred to Committee on Finance.

### Third Reading of Assembly Bills.

Assembly Bill No. 11—An act to add a new section to be numbered 5.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the

expense thereof," approved May 23, 1923, relating to the regulation and government of fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McElrath, Morrison, Mixer, Olson, Phillips, Pierovich, Rich, Schotky, Slater, Spring, Wagy, and Westover—26.

NOES—None.

Title read and approved.

Assembly Bill No. 11 ordered transmitted to the Assembly.

Assembly Bill No. 1682—An act to amend section 504 of the Code of Civil Procedure, relating to restrictions on appointment of receiver.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1682 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dond, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, Morrison, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schotky, Seawell, Slater, Spring, Wagy, and Westover—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1682 ordered transmitted to the Assembly.

Assembly Bill No. 291—An act to add section 1201.5 to the Penal Code, relating to motions after judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, Morrison, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schotky, Seawell, Slater, Spring, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 291 ordered transmitted to the Assembly.

Assembly Bill No. 1562—An act to add section 535a to the Political Code, relating to State printing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1562 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, Morrison, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schotky, Seawell, Slater, Spring, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1562 ordered transmitted to the Assembly.



Assembly Bill No. 462--An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read third time.

**Urgency Clause.**

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such shall go into immediate effect.

The following is a statement of facts constituting such necessity:

There are throughout the State of California a great number of unemployed and destitute people. Many persons and agencies have made available for the relief of such unemployed and destitute persons divers goods, wares and merchandise. It is necessary for the proper distribution of such goods, wares and merchandise that transportation facilities be furnished. Many persons own or possess motor vehicles, motor trucks, trailers and semitrailers available for the solicitation or transportation of such goods, wares and merchandise but such persons are financially unable to pay the required fees for the registration of such vehicles and the prompt and efficient distribution of the same and immediate unemployment relief will be impossible if this act does not go into immediate effect.

Any person filing a false affidavit for the purpose of securing an exempt registration for license plates shall be guilty of a misdemeanor.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Mixter, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 462 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Mixter, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 462 ordered transmitted to the Assembly.

Assembly Bill No. 2803--An act making an appropriation for the contingent expenses of the Assembly at its fifty-second session, and declaring that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McGovern, Mixter,

Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wags, Westover, Williams, and Young—28.  
 NAYS—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2803 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBrine, Murray, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Simon, Spring, Wags, Westover, and Young—27.  
 NAYS—None.

Title read and approved.

Assembly Bill No. 2803 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At three o'clock and forty-seven minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Assembly Joint Resolution No. 37.**

*Relative to the United States Maritime Commission.*

WHEREAS, The Merchant Marine Act of 1920 provides for the creation of a Maritime Commission to be composed of five members to be appointed by the President of the United States by and with the advice and consent of the United States Senate; and

WHEREAS, It is the duty of said Maritime Commission to keep up an adequate American-owned merchant marine for the entire Nation, sufficient to carry on domestic water-borne commerce and a substantial portion of the foreign commerce and import foreign commerce of the United States, and to provide adequate service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, and capable of serving as a sound and reliable primary in time of war or national emergency; and

WHEREAS, In the administration of the American Merchant Marine since the close of the World War the Pacific Coast-borne marine, a great commercial factor in the promotion of the welfare of growers and shippers of California and the Pacific Coast, has been neglected to the extent that American ships carry only 18 per cent of the total Pacific Coast-Europe shipping; and

WHEREAS, Pacific Coast shipbuilding has been promoted or largely had;

WHEREAS, Pacific Coast ports, and particularly those of California, have become the leading ports of the United States; and

WHEREAS, California and the Pacific Coast are not represented in the commission as nominated; and

WHEREAS, The American Merchant Marine in its function as a naval and military auxiliary will probably be called upon to act chiefly in the Pacific; and

WHEREAS, The present condition of shipping and shipbuilding on the Pacific Coast is detrimental to the farmers, producers, and shippers of California and the Pacific Coast, in that it restricts the movement of exports and limits its shipbuilding, and shipping California and Pacific Coast products; and

WHEREAS, There are Californians worthy and well qualified by experience and ability to fill the position of chief expert adviser to the commission; and, therefore, be it

*Resolved by the Assembly and Senate of the State of California jointly:* That the members of the United States Senate and of the House of Representatives elected from the State of California be memorialized to urge the appointment of a California resident as chief expert adviser to the commission; and be it further

*Resolved,* That copies of this resolution be forwarded to each California Senator and Representative in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 37 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl,

McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Waggy, Westover, Williams, and Young—31.

NOES—None.

Assembly Joint Resolution No. 37 ordered transmitted to the Assembly.

### **Resolution.**

The following resolution was offered:

By Senator McColl:

WHEREAS, We have learned with profound regret of the passing this day of Frank J. Powers, a former Assemblyman, also a former member of this body, a prominent stockman and agricultural leader, and the father of Senator Harold J. Powers, now an esteemed member of this body; and

WHEREAS, He was known far beyond the reaches of the district for which he served so long with great honor and distinction; and

WHEREAS, He was an esteemed and outstanding citizen and made his contribution to the welfare of this State; now, therefore, be it

*Resolved by the Senate of the State of California.* That when the Senate adjourns today, it adjourn out of respect to Frank J. Powers.

Resolution read, and adopted by a rising vote of the Senate.

### **Use of Senate Chamber.**

On motion of Senator Crittenden, the use of the Senate Chamber was granted to the Senate Committee on Agriculture for this evening.

### **Withdrawal and Re-reference of Assembly Bill No. 2423.**

Senator Parkman moved that Assembly Bill No. 2423 be withdrawn from Committee on County Government, and referred to Committee on Insurance.

Motion carried, and such was the order.

### **Rush Order to Printer.**

On motion of Senator Olson, the Secretary was directed to issue a rush order for printing Senate Bill No. 579.

### **Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### **On Judiciary.**

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 10—An act to amend sections 1269a and 1269c of the Civil Code, relating to the sale, mortgage or exchange of a homestead by the husband or wife of an insane or incompetent person;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

#### **On Public Morals.**

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 406—An act to amend sections 3, 5, 6 of the Alcoholic Beverage Control Act, relating to licenses, declaring the urgency hereof, and providing that this act shall take effect immediately;

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing

therein, defining discriminatory laws, and providing for the enforcement of the provisions hereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

FLETCHER, Chairman.

#### On Conservation.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Assembly Bill No. 1343—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 1076—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated by persons conducting business on the Railroad Commission with respect to the transportation of property by common carriers; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 70—An act to add section 591 to the Vehicle Code, prescribing a rule of evidence establishing a prima facie presumption of guilt of the registered owner of any vehicle illegally parked on any public street or highway and prescribing a procedure that must be followed to cause such presumption to be removed, and limiting the application of such presumption in certain cases.

Committee membership—9; committee vote: Ayes—7; absent—1.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 766—An act to amend sections 545, 637, 656, 675.5 and 676 of the Vehicle Code, relating to motor vehicles;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 953—An act to add section 1626.5 to the Streets and Highways Code and to amend sections 1627 and 1628 thereof, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the counties for vehicle registration license fees, and authorizing the refunding, repayment and adjustment of gross assessments levied for the acquisition, construction, maintenance, improvement or repair of public highways, bridges or culverts;

Has the same under consideration, and respectfully reports the same back, and recommends that bill be re-referred to Committee on Municipal Corporations.

Committee membership—9; committee vote: Ayes—8; absent—1.

SLATER, Chairman.

Assembly Bill No. 953, ordered referred to Committee on Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses, and declaring the urgency hereof;



Assembly Bill No. 1210—An act to amend sections 215 and 216 of the Vehicle Code, and to add thereto section 217, relating to the registration of vehicles;

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 39, 49, 66 and 67 thereof, and by adding thereto sections 32.5, 50 and 82.5, relating to definitions of words and phrases;

Assembly Bill No. 1212—An act to add section 130.1 to the Vehicle Code, relating to automobile registration service;

Assembly Bill No. 1213—An act to amend sections 140, 211, and 225 of the Vehicle Code, and to add thereto sections 143.5 and 161.5, relating to motor vehicles;

Assembly Bill No. 1215—An act to amend section 134 of the Vehicle Code, relating to motor vehicle publications;

Assembly Bill No. 1216—An act to amend sections 146 and 146.5 of the Vehicle Code, and to repeal section 180.5 thereof, relating to the registration of vehicles;

Assembly Bill No. 1219—An act to amend section 375 of the Vehicle Code, relating to fees for special plates;

Assembly Bill No. 1221—An act to amend sections 453, 541, 554, 633, and 671 of the Vehicle Code, to add thereto section 454, and to repeal section 517 thereof, relating to authorized emergency vehicles;

Assembly Bill No. 1208—An act to add section 607.7 to the Vehicle Code, relating to authorized emergency vehicles on vehicular crossings;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1207—An act to amend section 647 of the Vehicle Code, relating to tests of lamps or devices;

Assembly Bill No. 1222—An act to amend sections 471, 516, and 715 of the Vehicle Code, relating to highways, including bridges and structures, and the regulation and control of vehicles thereon;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

SLATER, Chairman.

#### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation to which was referred:

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

Senate Bill No. 248, ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation to which was referred:

Senate Bill No. 969—An act to amend sections 5802, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10, inclusive, to, the Harbors and Navigation Code, relating to the management and control of harbors created, developed and improved under the provisions of Part II of Division VIII of said code;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 951—An act making an appropriation for the purchase of property for State College at Chico;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

#### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 175—An act to amend section 500 of the Penal Code, relating to neglect to notify the owner of property which has been seized from fire.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be passed as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 74—An act to amend section 241 of the Code of Civil Procedure, relating to the impeaching of grand jury.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be recommended as to final disposition of the bill.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 388—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

#### On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred:

Senate Bill No. 260—An act to amend sections 1420b and 1420d of the Civil Code, relating to notices of location of hole and placer mining claims.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

PIEROVICH, Chairman.

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 580—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon substances from State lands by wells drilled upon privately owned lands;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without recommendation as to final disposition of the bill.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance;

Senate Bill No. 455—An act to amend sections 10639, 10692, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, and 10728 of the Insurance Code, and to add sections 10642, 10661.5, 10669.5, 10696.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance;

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1764, 1772, and 1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance;

Senate Bill No. 467—An act to amend sections 1033, 1037, and 1047 of, and to add section 1043.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers;

Senate Bill No. 468—An act to amend section 103 of the Insurance Code, relating to insurance;

Senate Bill No. 861—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 860—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance;

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers;

Senate Bill No. 457—An act to amend section 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—7.

WILLIAMS, Chairman.

**Adjournment.**

On motion of Senator Rich, at three o'clock and fifty-five minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Frank J. Powers, former Senator from the First Senatorial District, of Eagleville, until eleven o'clock a.m., Wednesday, March 31, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Wednesday, May 11 31, 1937

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Curren, Delap, Deed, Elder, Garrison, Gordon, Hays, Hollister, Housley, Johnson, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Morgan, Mixter, Nelson, Olson, Parkman, Phillips, Pirovich, Quinn, Rusk, Schaffner, Seawell, Slater, Sutter, Telle Wagy, Westover, Williams, and Young, 48.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kirker.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, March 30, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leaves of Absence.**

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. J. Klugaard of Alameda.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Welsh.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Newton Kinley, Alfred Halberg, Ansell Banks, Ed Prosser, officials and members of the Sonoma County Farm Bureau, Lloyd Hallengren of Geyserville, and W. G. Shackleton of Santa Rosa.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. Holohan, Oscar J. Holohan, and P. M. Rossetti, all of Wardsville.

On request of Senator Delap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wella Youngberg, Mrs. Annette Gatto, and Mr. Jack MacArthur, teachers of the Pittsburg Junior High School, and the following students: Group I: Wilma Richards, Captain; Barbara Irvine, Norma Julian, Loretta Malmborg, Jesse Smith, James Perkins, Tony Ambrosini, Paul Hensch, Jack Bastian, John Arcidiacano, Carl Colombo, and Harold Haag; Group II: Martha Steen, Captain, Pearl Fenton, Carmen Felix, Cleo York, Claire Woods, Helen Mae Sims, Geraldine O'Brien, Bill McDermott, Warren Perry, Gloria Soper, Kieth Viera, and Frank Fernan-



dez; Group III: Anna May Mason, Captain; Irene Spina, Oreatta York, Lois Davis, Marjorie Kelly, Arthur Blockson, Philip Terranova, Mario Magnoli, Bill Kramer, Barbara Hansen, and Dorothy Baker; Group IV: Phyllis Jorgensen, Captain; Elvera Sbranti, Mary Elizabeth Girot, Dorothy Musetti, Josephine Moriel, June Anderson, George Gellepes, Ernest Lucido, Neno Costa, Howard Patterson, Dick Anderson, and Rosemary Rookaird; Group V: Evelyn McDermott, Captain; Cyril Bruno, Richard Nelson, Jack Loederick, Frances Aiello, Josephine Usino, Salvatore Russo, Angelo Alaimo, Anna Costanza, Katherine Brown, and Betty Perry; Group VI: Tony Smylie, Captain; John Enea, Bill King, Leslie Booth, Ethel Jacobs, Elizabeth Duncan, Virginia Peck, Josephine Cardinalli, Marie Viscuso, Harvard Hubbard, and Edwin Mortimer; Group VII: Josie Calomoneri, Captain; Rose Balesteri, Irene Dragoiu, Carmen Alonso, Eleanor Linschied, Patricia Wise, Fortune Ferre, Charles Kundert, Robert Leonard, Jack Woodyard, and Alan O'Neil; Group VIII: James Hanges, Captain; Marguerite Harris, Elisabeth Jones, Marie Cardinale, Daphne Dings, Bernice Carusa, Angelina Costanza, Annabelle Minor, Doris Christianson, Virginia Scott, Margaret E. Benedict, and Carolyn Richards; Group IX: Marian McAvoy, Captain; Shirley Sellick, Marjorie Dunkley, Grace Cardinale, Geraldine Bonari, Isabelle Lopez, Genevieve Leber, Mary Ong, Luis Basterrechea, Manuel Lopez, and Lawrence Byrd.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. E. Denlay, principal; Gladys McKeown, teacher, and the following students of the Carmichael School of Sacramento: Gene Aiken, Alvin Angle, Edward Plummer, Kenneth Telts, Jack Washburn, Robert Boiree, James Neronde, Lowell Stilson, Frances Robards, Betty Davis, Genevieve Bush, Donna Mae Williams, Harvey Peters, Eleanor Wilson, Hilda Schumacher, Marian Colby, Barbara Grady, Tommy Peyton, Bill Sturges, Jimmie Dakin, Jerry Gospodnetich, Douglas Brekke, Stanley Davies, Joline Clary, Barbara Dean, Harry Dewey, Robert Warren, Kenneth Monroe, Betty Irene Jackson, Aileen Beamer, Betty Lee Irving, Emily Kattenhorn, Kenji Harada, Mayme Christian, Juanita Brack, Elaine Dustin, Florine Dreisbaugh, Nancy Shoemaker, Clifford Winnett, Robert Parks, Alva Heaney, Robert Matheny, George Robinson, Robert Cooper, David Stickler, James Bishop, Mr. L. Hauptman, and Mrs. Lydia McCarthy.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator William R. Sharkey and Steve Nielson.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Gene Weber of Napa.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Donald Allen and W. Dean Agnew of Oakland.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. P. A. Gray and Dr. Irving Wills of Santa Barbara.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Picard,

coach; Joe Suchen, Leon Gray, and Bruce Huffman of the University of Arizona, Tucson.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harold L. Rogers of Modesto.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William R. Wherry of Los Angeles, and Mrs. E. S. Denison of San Diego.

### Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MARCH 31, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 969—An act to amend sections 5802, 5806, 5807, 5808 of, and to add sections 5900 I to 5900 J, inclusive, to the Harbors and Navigation Code, relating to the management and control of harbors, wharves, docks and wharves under the provisions of Part II of Division VIII of said code.

Senate Bill No. 524—An act to amend sections 2, 3, 10, 11, 12, 18, 20, 22, 32, 42, 46, 52, 55, 56, 58, 61, 62, 63 and 65 of, and to add sections 584 to, the State Housing Act, relating to buildings designed for human habitation.

Senate Constitutional Amendment No. 19—A resolution in response to the people of the State of California for amendment to the Constitution, to add §1002, by adding a new article thereto to be known as Article XIV, relating to water and power development.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MARCH 31, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code, to repeal sections 5782, 5783 and 5784 thereof and Articles VI and VII of Chapter I of Part III of Division IV of the School Code, and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VII, all relating to payments from school district funds.

Senate Bill No. 884—An act to amend section 472 of the Political Code, relating to the defense of State officers and employees.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MARCH 31, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 70—An act to add section 591 to the Vehicle Code prescribing a rule of evidence establishing a prima facie presumption of guilt of the registered owner of any vehicle illegally parked on any public street or highway and prescribing a procedure that must be followed in order that such presumption be rebutted and limiting the application of such presumption in certain cases.

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes of 1935.

Senate Bill No. 260—An act to amend sections 1426b and 1426d of the Civil Code, relating to notices of location of lode and placer mining claims.

Senate Bill No. 388—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Senate Bill No. 860—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Senate Bill No. 990—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout.

Senate Bill No. 991—An act to add section 610.5 to the Fish and Game Code, relating to steelhead trout.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Resolution.

The following resolution was offered: By Senator McColl:

*Resolved*, That a Select Committee of four members of the Senate be appointed by the President of the Senate to attend the funeral services of the late Senator Frank J. Powers.

Resolution read, and on motion of Senator McColl adopted.

### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators McColl, Seawell, Pierovich, and Metzger.

### Second Reading of Senate Bill No. 57—(Out of Order).

Senate Bill No. 57—An act to add sections 86.5, 845.5, and 845.6 to the Fish and Game Code, relating to the use of nets.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 57 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "add sections 86.5, 845.5, and 845.6", and insert in lieu thereof the following: "amend section 86 of, and to add sections 86.5, 86.6, 86.7, 845.5, 845.6 and 845.7".

#### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 86 of the Fish and Game Code is hereby amended to read as follows:

86. District 18. The following shall constitute Fish and Game District 18: The ocean waters and tidelands to high-water mark, not included in other districts, lying within the following boundaries: Beginning at the mouth of Carmel River, thence west three miles, thence southerly, and following a line three miles out from high-water mark to a point three miles south of the junction of the common boundary of Santa Barbara and Ventura counties and high-water mark, and thence north to said last mentioned junction, and excluding all rivers, streams, sloughs and lagoons.

SEC. 2. Section 86.5 is hereby added to said code to read as follows:

86.5. District 18B. The following shall constitute Fish and Game District 18B: The ocean waters and tidelands to high water mark not included in other districts lying within the following boundaries: Commencing at the junction of the Monterey-San Luis Obispo County line and high-water mark, thence west two miles, thence southerly along a line two miles out from the high-water mark to a point two miles south of Government Point, near Point Concepcion, thence north to high-water mark. Except as otherwise provided, the provisions relating to District 18 shall apply to District 18B.

SEC. 3. Section 86.6 is hereby added to said code to read as follows:

86.6. District 18C. The following shall constitute Fish and Game District 18C: The ocean waters and tidelands to high-water mark lying within the following boundaries: Beginning at the southernmost point of Government Point, near Point Concepcion, at high-water mark, thence south a distance of two miles, thence easterly along a line two miles from high-water mark to a point two miles south of the junction of the Santa Barbara-Ventura County line with high-water mark, thence north to said last mentioned junction. Except as otherwise provided, the provisions relating to District 18 shall apply to District 18C.

SEC. 4. Section 86.7 is hereby added to said code to read as follows:".

#### Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "86.5. District 18.5.", and insert in lieu thereof the following: "86.7. District 18D."

#### Amendment No. 4.

On page 1, line 4, of the printed bill, strike out "18.5", and insert in lieu thereof the following: "18D".

#### Amendment No. 5.

On page 1, line 6, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the following: "Sec. 5".



**Amendment No. 6.**

On page 1 of the printed bill, strike out lines 8 and 9, and insert in lieu thereof the following:

"845.5. In District 18B it is unlawful to use or operate or assist in using or operating any dragnet.

Sec. 6. Section 845.6 is hereby added to said code to read as follows:

845.6. In District 18C it is unlawful to use or operate or to assist in using or operating any dragnet or purse seine."

**Amendment No. 7.**

On page 1, line 10, of the printed bill, strike out "Sec. 3. Section 845.6" and insert in lieu thereof the following: "Sec. 7. Section 845.7".

**Amendment No. 8.**

On page 1, line 12, of the printed bill, strike out "845.6", and insert in lieu thereof the following: "845.7".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 1076—An act to amend section 1430 of the Insurance Code of the State of California, relating to reports and examinations of reciprocal and inter-insurance companies.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles the following amendments to Senate Bill No. 1046 were read and adopted:

**Amendment No. 1.**

On page 1, line 18, of the printed bill, after the word "code", strike out all of the balance of paragraph (f) of section 1, and insert in lieu thereof the following: "the selling in this State at wholesale or retail any agricultural or horticultural product of the soil in its natural or unprocessed state and transporting the same by the use upon any public highway of a motor vehicle or motor vehicles. However, it does not include any corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, transporting any such agricultural or horticultural product of the soil produced by any such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, by the use upon any public highway of a motor vehicle or motor vehicles, nor does it include the transportation of any such agricultural or horticultural product of the soil by any nonprofit agricultural cooperative association, organized under Chapter 1 of Division VI of the Agricultural Code, transporting any such product itself as the said member or members of such association, nor does it include any corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, transporting any such product owned by such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, when such product is being transported to or from an established place of business of the owner."

**Amendment No. 2.**

On page 3, line 42, of the printed bill, strike out all of lines 42 to 45, inclusive, and insert in lieu thereof the following:

"All fees charged and collected under this act shall be deposited at least once a month in the State treasury to the credit of the Railroad Commission, and in augmentation of the current appropriation for the support of the Railroad Commission, and may be expended by the Railroad Commission for the administration of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 70—An act to add section 591 to the Vehicle Code, prescribing a rule of evidence establishing a prima facie presumption of guilt of the registered owner of any vehicle illegally parked on any public street or highway and prescribing a procedure that must be fol-



lowed in order that such presumption be invoked and limiting the application of such presumption in certain cases.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 766—An act to amend sections 545, 637, 656, 675.5 and 676 of the Vehicle Code, relating to motor vehicles.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles,<sup>4</sup> the following amendments to Senate Bill No. 766 were read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the title of the printed bill, strike out "637,".

**Amendment No. 2.**

On page 1, line 9, of the printed bill, strike out "eighteen", and insert in lieu thereof the following: "twenty-four".

**Amendment No. 3.**

On page 1, line 13, of the printed bill, after "then", insert the following: "such vehicle or vehicles must be equipped with and".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 14 to 28, inclusive, and on page 2, strike out lines 1 and 2.

**Amendment No. 5.**

On page 2, line 3, of the printed bill, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 2".

**Amendment No. 6.**

On page 2 of the printed bill, strike out lines 21 and 22, and insert in lieu thereof the following: "out the provisions of this section."

**Amendment No. 7.**

On page 2, line 23, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 3".

**Amendment No. 8.**

On page 3, line 1, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 4".

**Amendment No. 9.**

On page 3, line 15, of the printed bill, strike out "have", and insert in lieu thereof the following: "also be equipped with".

**Amendment No. 10.**

On page 3 of the printed bill, strike out lines 17 to 20, inclusive, and insert in lieu thereof the following: "good operating condition. Any windshield wiper as required".

**Amendment No. 11.**

On page 3 of the printed bill, strike out line 23, and insert in lieu thereof the following: "under conditions of fog or rain."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 969—An act to amend sections 5892, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10, inclusive, to, the Harbors and Navigation Code, relating to the management and control of harbors created, developed and improved under the provisions of Part II of Division VIII of said code.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 951—An act making an appropriation for the purchase of property for State college at Chico.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 951 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 to 29, inclusive, and on page 2 strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. The Director of Finance, with the consent and approval of the Superintendent of Public Instruction, is hereby authorized and empowered to acquire and accept in the name of and upon behalf of the State of California, 3.00 acres to him to be in the best interests of the State, and property situate in the county of Butte, State of California, and adjacent to the present site of Chico State College, for use of said college.

SEC. 2. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the acquisition of such real property to which reference is made in section 1 hereof."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 175—An act to amend section 590 of the Penal Code, relating to neglect to notify the owner of property which has been saved from fire.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 175 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, after the period in line 11, add the following words: "Provided, that nothing in this section shall apply to the removal of property from a burning building or a building threatened by fire by any organization or persons there combating the fire, but shall apply only to removal or theft of property after it has been removed or salvaged from the fire."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 74—An act to amend section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Senate Bill No. 74 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 15, insert the following: "The grand jury shall not sit for a greater period than one year."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 388—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 260—An act to amend sections 1426b and 1426d of the Civil Code, relating to notices of location of lode and placer mining claims.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 579 were read and adopted:

**Amendment No. 1.**

On page 2, line 15, of the printed bill, as amended, after the word "authorized", strike out the word "and", and insert in lieu thereof a comma, and after the word "empowered", insert the following: "and directed to immediately"; also in said line 15, strike out the word "to", preceding the word "condemn".

**Amendment No. 2.**

On page 2, line 30, of the printed bill, as amended, after the word "act", strike out the period, and insert a semicolon and the following words: "provided, that the cost and expense of such acquisition shall be paid by such lessee".

**Amendment No. 3.**

On page 2, line 34, of the printed bill, as amended, strike out the word and figure "nine (9)", and insert in lieu thereof the word and figure "eleven (11)".

**Amendment No. 4.**

On page 3, line 10, of the printed bill, as amended, strike out the figure "3", following the word "Township", and insert the figure "6".

**Amendment No. 5.**

On page 5 of the printed bill, as amended, strike out all of lines 21 to 34, both inclusive, and insert in lieu thereof the following:

"SEC. 7. Each parcel described in section 6 hereof shall be offered for lease in the manner as hereinafter provided, to that qualified bidder offering by bid to pay to the State the highest percentage in amount and value of oil, gas and other hydrocarbon substances produced from wells drilled under such lease; but no two parcels contiguous to each other shall be leased to the same person, nor shall any lease be made of any parcel to any person that has an interest, direct or indirect, equal to or exceeding six per cent in value in the lease of any contiguous parcel. It is the intention of this act, in the event leases are made as herein provided, to develop the parcels described in section 6 competitively with leases of contiguous parcels made to distinct persons who have no interest equal to or exceeding six per cent in a lease of a contiguous parcel."

**Amendment No. 6.**

On page 5 of the printed bill, as amended, strike out all of lines 35 to 49, both inclusive, and insert in lieu thereof the following:

"SEC. 8. The Director of Finance shall immediately after the effective date of this act cause to be published twice a week for three consecutive weeks in a daily newspaper of general circulation published in the county of Orange and in three daily newspapers of general circulation published in the city of Los Angeles and in two daily newspapers of general circulation published in the city of San Francisco, notice that the parcels described in section 6 will be leased and that persons desiring to bid for leases thereof shall fill out and file, within fifteen days from the last date of publication of said notice, a questionnaire with the Director of Finance; provided, that the time for filing said questionnaire may be extended by the director an additional ten days. Said notice shall contain a description of each of said parcels and shall specify the minimum royalty requirements herein established, and such additional information with reference to the location of said lands and the provisions and purposes of this act as the director may include in said notice for the purpose of informing the prospective bidders and the public generally of the purpose of the State to lease said lands under the provisions of this act. Said questionnaire shall be immediately prepared on a standard form by the Director of Finance, copies of which shall be available to all persons desiring to qualify as bidders for leases on any or all of said parcels, and shall contain questions calling for the following information:"

**Amendment No. 7.**

On page 6 of the printed bill, as amended, strike out all of lines 27 to 31, inclusive.

**Amendment No. 8.**

On page 6, line 32, of the printed bill, as amended, strike out the figure "8", and insert in lieu thereof the figure "7".

**Amendment No. 9.**

On page 6, line 46, of the printed bill, as amended, strike out the word and figure "fifteen (15)", and insert in lieu thereof the word and figure "ten (10)".

**Amendment No. 10.**

On page 6, line 49, of the printed bill, as amended, strike out the word and figure "fifteen (15)", and insert in lieu thereof the word and figure "ten (10)".

**Amendment No. 11.**

On page 6, line 50, of the printed bill, as amended, strike out the words "Said director", and strike out all of lines 51 and 52 on said page 6, and on page 7 strike out all of lines 1, 2 and 3.

**Amendment No. 12.**

On page 7 of the printed bill, as amended, strike out all of lines 4 to 18, both inclusive, and insert in lieu thereof the following:

"Sec. 10. Within ninety (90) days after the effective date of this act, the Director of Finance shall prepare a list of persons who shall have their duly sworn testimony and paid the expenditures for property for oil and gas, and all such persons shall be deemed qualified and entitled to the use of a lease of one acre of said parcels described in section 6, provided that such examination of such questionnaire must be qualified to do business in the State of Oklahoma."

**Amendment No. 13.**

On page 7, line 25, of the printed bill, as amended, strike out the word and figure "twenty (20)", and insert in lieu thereof the word and figure "ten (10)".

**Amendment No. 14.**

On page 7 of the printed bill, as amended, strike out all of lines 41 to 47, both inclusive, and insert in lieu thereof the following:

"Sec. 15. Any lease made under authority of this act shall provide for the drilling of at least ten (10) wells on the surface of area contained in said lease, and by means of pierce, groins or islands constructed upon the surface of said leased area, and that the first wells drilled thereon shall be so spaced as to properly and most effectively offset wells on adjacent or adjacent lands that are or may be draining oil and gas from the subsurface of said leased area. At least two strings of tools shall be used in drilling each offset well. Upon the completion of the required number of offset wells, the lessee shall be required to proceed with the drilling of additional wells downward therefrom, with one or more strings of tools, until a total of at least ten wells shall have been drilled to the oil zone from the surface of the leased parcel. The producing portion of the lease, from and upward under said lease shall be so spaced as not to be deeper than fifty feet from the producing portion of the pipe of any other well drilled under said lease, and any nearer than 330 feet from the boundary line of any other parcel described in section 6 hereof, insofar as it is practicable or so space the same. At all time after the drilling of the offset or base wells required to be drilled under said lease, the lessee may quitclaim to the State said leased premises, except that portion on which any well shall have been drilled and is producing oil and gas in commercial quantities and a space of 240 square feet each surrounding the same, provided that said lessee shall also grant to any subsequent lessee of said leased area, on such terms and conditions as the Director of Finance may prescribe, a right to the joint use with said original lessee of all rights of way and easements furnished in connection with the operation of said original lease as may be necessary and convenient in connection with operations on said leased area under a subsequent lease. The Director of Finance may thereupon, in the manner herein provided for the making of the original lease and upon the same terms and conditions, as to as to the required number of wells, lease to others said questioned portion of said leased area."

**Amendment No. 15.**

On page 8, line 9, of the printed bill, as amended, after the word "sandstone", insert the following words: "and collecting the drainage of oil and gas from said State lands by wells drilled and operated on and within private owned lands."

**Amendment No. 16.**

On page 8, line 10, of the printed bill, as amended, after the word "sands", insert the following: "and requirements as to the depth of such wells for the purpose of reaching the oil sands and producing oil and gas therefrom in commercial quantities."



**Amendment No. 17.**

On page 8, line 10, of the printed bill, as amended, after the word "lessee", and the comma, insert the following: "including provisions for a declaration of forfeiture of said lease for violation of any of the covenants by the lessee."

**Amendment No. 18.**

On page 8, line 20, of the printed bill, as amended, strike out the word and figure "thirty (30)", and insert in lieu thereof the word and figure "twenty (20)".

**Amendment No. 19.**

On page 8, line 50, of the printed bill, as amended, before the word, "parcels", insert the word "contiguous"; and in line 52, before the word "parcel", insert the word "noncontiguous", and add the letter "s" to the word "parcel".

**Amendment No. 20.**

On page 8, line 39, of the printed bill, as amended, strike out the figures "\$15,000", and insert in lieu thereof the figures "\$100,000".

**Amendment No. 21.**

On page 9, line 7, of the printed bill, as amended, strike out the words "of the remaining", and insert in lieu thereof the word "contiguous", and strike out the letter "s" in the word "parcels".

**Amendment No. 22.**

On page 9, line 8, of the printed bill, as amended, strike out the word "hereunder", and insert in lieu thereof the word "thereof".

**Amendment No. 23.**

On page 9, line 10, of the printed bill, as amended, after the word "hereunder", insert the words "of a contiguous parcel"; and in line 17, after the word "any", strike out the words "of said", and insert the word "contiguous", and strike the letter "s" from the word "parcels".

**Amendment No. 24.**

On page 9 of the printed bill, as amended, following line 41, insert the following: "SEC. 23. Neither the right to bid for nor any lease awarded hereunder shall be capitalized for the sale of any interest thereunder or for the issuance or sale of stock in any corporation or any part of interest in any trust or other entity or person holding such right or lease."

**Amendment No. 25.**

On page 9, line 42, of the printed bill, as amended, strike out the figures "23", and insert thereof the figures "24", and also in said line 42, after the words "and of", insert the words "and also", and strike out the words "and the words" at the end of said line 42 and in line 43 strike out the words "any of said parcels", also in line 44, on said page 9, strike out the words "and within", and strike out all of line 45, and the words "are rejected" in line 46.

**Amendment No. 26.**

On page 9, line 38, of the printed bill, as amended, after the word "bids", insert the following: "and call for new bids on any or all parcels".

**Amendment No. 27.**

On page 10, line 32, of the printed bill, as amended, strike out the words "that are known or", and strike out all of lines 33 to 37, both inclusive, and insert in lieu thereof the following: "underlaid with a proved oil and gas structure from which oil wells on privately owned littoral lands within a distance of 230 feet from the tideland boundary are draining or threatening to drain oil and gas."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Rush Order to Printer.**

On motion of Senator Olson, the Secretary was directed to issue a rush order for printing Senate Bill No. 579.

Senate Bill No. 452. An act to amend sections 733, 1151, 1165, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 794.5, 796.5, 903.5, 12903, 12904, 12919, 12923, 12924.5, 12956, and 12957 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 452 were read and adopted:

**Amendment No. 1.**

On page 2, line 3, of the printed bill, after "is", insert the following: "in such an"

**Amendment No. 2.**

On page 2, line 9, of the printed bill, as amended, strike out "and financial benefit", also, in line 10, strike out "societies".

**Amendment No. 3.**

On page 2 of the printed bill, strike out lines 51 and 52, also on page 3, strike out lines 1 to 18, inclusive, and insert in lieu thereof the following: "If, after hearing, the commissioner is satisfied that the insurer has refused reasonable offers for sale of any such real estate held in this State by more than five years, or if he is satisfied that such real estate may be disposed of without undue hardship to such insurer, he may order the disposal of such real estate within six months after the issuance of such order. The commissioner may suspend or modify the exercise of authority of any insurer failing to comply with such order."

For the purpose of enabling him to determine upon the demand of any owner, the commissioner, if he is not satisfied with the appraisal furnished by the insurer, may appraise such real estate at the expense of the insurer."

**Amendment No. 4.**

On page 3, line 35, of the printed bill, as amended, strike out "or", and in line 36, strike out "person", and insert in lieu thereof the following: "commissioner, deputy or person".

**Amendment No. 5.**

On page 4 of the printed bill, strike out lines 27 to 50, inclusive, and insert in lieu thereof the following:

"12923 Any person who

(1) Holds, or has applied for a license, certificate of authority or permit, under this code,

(2) Is affected by any order, ruling, decision or act of the commissioner, and

(3) Believes such order, ruling, decision or act to be in conflict with, or not authorized by law.

May in writing request the commissioner to submit to the Attorney General the question of the legality or validity of any such order, ruling, decision or act of the commissioner. Upon receipt of such written request, including an acknowledgment by a written statement of the grounds for such belief, it shall be the duty of the commissioner to submit such question, together with any documents appertaining thereto, to the Attorney General for an opinion thereon. The opinion of the Attorney General in response to such submission shall govern and bind the commissioner and shall be binding upon the person so requesting such submission in respect to the matter so submitted."

**Amendment No. 6.**

On page 5 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following: "under or have possession of such opinion."

Sec. 10a. This act shall not be construed as modifying, repealing, or in any wise affecting section 473a of the Political Code."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 455—An act to amend sections 10669, 10672, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, and 10728 of the Insurance Code, and to add sections 10642, 10661.5, 10669.5, 10696.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10729.5 thereto, all relating to life insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 455 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "10669, 10692," and insert in lieu thereof the following: "10692, 10693,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "and 10728", and insert in lieu thereof the following: "10728 and 10740".

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, strike out "10642, 10661.5," and in line 4, strike out "10669.5, 10696.5," and insert in lieu thereof the following: "10669.5".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 1 to 25, inclusive, and on page 2, strike out lines 1 to 11, inclusive, and in line 12, strike out "Sec. 4.", and insert in lieu thereof the following: "Section 1."

**Amendment No. 5.**

On page 2, line 21, of the printed bill, strike out "Sec. 5.", and insert in lieu thereof the following: "Sec. 2."

**Amendment No. 6.**

On page 2, line 28, of the printed bill, strike out the period, and insert in lieu thereof the following: "and as collateral for appeal bonds covering appeals from judgments against the association based upon the provisions of its benefit certificates."

**Amendment No. 7.**

On page 2, line 30, of the printed bill, after "reject", insert the following: "within"

**Amendment No. 8.**

On page 3 of the printed bill, between lines 4 and 5, insert the following: "Sec. 3. Section 10693 of the Insurance Code is hereby amended to read as follows:

10693. In order to provide for the contingency of an unexpected number of deaths, any such association may levy assessments additional to those required by the preceding section, whenever the board of directors, in its discretion, believes such additional assessments to be advisable. All the proceeds of such additional assessments shall be placed entirely in the benefit fund and the benefit fund shall not in any case be permitted to exceed a sum greater than \$25,000 plus a sum equalling the amount of the largest benefit certificate outstanding and plus a sum sufficient to pay all accrued losses of the association under benefit certificates."

**Amendment No. 9.**

On page 3, line 5, of the printed bill, strike out "SEC. 6.", and insert in lieu thereof the following: "SEC. 4."

**Amendment No. 10.**

On page 3, line 10, of the printed bill, strike out "within the meaning of section 1011".

**Amendment No. 11.**

On page 3, line 17, of the printed bill, immediately before "aggregate", insert the following: "unpaid".

**Amendment No. 12.**

On page 3 of the printed bill, strike out lines 20 to 42, inclusive, and insert in lieu thereof the following:

"(b) The largest total amount of benefits to any member provided under one or more certificates outstanding."

**Amendment No. 13.**

On page 3, line 43, of the printed bill, strike out "SEC. 8.", and insert in lieu thereof the following: "SEC. 5."

**Amendment No. 14.**

On page 3, line 44, of the printed bill, strike out "10696.6", and insert in lieu thereof the following: "10696.5".

**Amendment No. 15.**

On page 3, line 45, of the printed bill, strike out "10696.6", and insert in lieu thereof the following: "10696.5".

**Amendment No. 16.**

On page 4 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"(b) Permit the benefit fund to remain below the largest total amount of benefits to any member provided under one or".

**Amendment No. 17.**

On page 4, line 3, of the printed bill, strike out "sixty", and insert in lieu thereof the following: "ninety".

**Amendment No. 18.**

On page 4 of the printed bill, strike out lines 7 to 16, inclusive.

**Amendment No. 19.**

On page 4, line 17, of the printed bill, strike out "Sec. 9", and insert in lieu thereof the following: "Sec. 6."

**Amendment No. 20.**

On page 4, line 24, of the printed bill, strike out "policy", and insert in lieu thereof the following: "certificate".

**Amendment No. 21.**

On page 4, line 32, of the printed bill, strike out "Sec. 10", and insert in lieu thereof the following: "Sec. 7."

**Amendment No. 22.**

On page 4 of the printed bill, strike out line 42, and insert in lieu thereof the following: "notice either by registered mail, return receipt demanded, or by first class mail, requiring".

**Amendment No. 23.**

On page 4, line 45, of the printed bill, after the period, insert the following: "The final notice shall be void and without effect if not sent by registered mail, return receipt requested, unless the association advises from the post office, at the time of mailing, a receipt for such notice, and such receipt specifies the name of the member and the address to which directed."

**Amendment No. 24.**

On page 5, line 10, of the printed bill, strike out "Sec. 11", and insert in lieu thereof the following: "Sec. 8."

**Amendment No. 25.**

On page 5, line 12, of the printed bill, immediately before "amount", insert the following: "The".

**Amendment No. 26.**

On page 5, line 21, of the printed bill, strike out "Sec. 12", and insert in lieu thereof the following: "Sec. 9."

**Amendment No. 27.**

On page 5, line 37, of the printed bill, after "issue", insert the following: "certificates".

**Amendment No. 28.**

On page 5, line 38, of the printed bill, after "certificates", insert the following: "issued under this chapter,".

**Amendment No. 29.**

On page 5, line 40, of the printed bill, strike out "Sec. 13", and insert in lieu thereof the following: "Sec. 10."

**Amendment No. 30.**

On page 5 of the printed bill, strike out line 44, and insert in lieu thereof the following: "certificate presently providing benefits of at least two hundred".

**Amendment No. 31.**

On page 5 of the printed bill, strike out lines 47 to 50, inclusive, and insert in lieu thereof the following: "tion. In the case of an association".

**Amendment No. 32.**

On page 6, line 6, of the printed bill, strike out "Sec. 14", and insert in lieu thereof the following: "Sec. 11."

**Amendment No. 33.**

On page 6, line 10, of the printed bill, after the period, insert the following: "In disapproving such form he shall notify the association, giving his reasons for disapproval."

**Amendment No. 34.**

On page 6, line 25, of the printed bill, strike out "Sec. 15", and insert in lieu thereof the following: "Sec. 12."

**Amendment No. 35.**

On page 6, line 27, of the printed bill, after "certificates", insert the following: "issued on or after January 1, 1938,".

**Amendment No. 36.**

On page 6, line 31, of the printed bill, strike out "Sec. 16", and insert in lieu thereof the following: "Sec. 13."



**Amendment No. 37.**

On page 6, line 33, of the printed bill, after "certificate", insert the following: "issued on or after January 1, 1938,".

**Amendment No. 38.**

On page 6, line 38, of the printed bill, strike out "SEC. 17.", and insert in lieu thereof the following: "SEC. 14."

**Amendment No. 39.**

On page 6, line 40, of the printed bill, after "certificate", insert the following: "issued on or after January 1, 1938,".

**Amendment No. 40.**

On page 6, line 45, of the printed bill, strike out "SEC. 18.", and insert in lieu thereof the following: "SEC. 15."

**Amendment No. 41.**

On page 6, line 51, of the printed bill, strike out "SEC. 19.", and insert in lieu thereof the following: "SEC. 16."

**Amendment No. 42.**

On page 7, line 9, of the printed bill, strike out "SEC. 20.", and insert in lieu thereof the following: "SEC. 17."

**Amendment No. 43.**

On page 7 of the printed bill, strike out line 11, and insert in lieu thereof the following:

"10725.5. Whenever any certificate issued on or after January 1, 1938,".

**Amendment No. 44.**

On page 7, line 12, of the printed bill, strike out "which".

**Amendment No. 45.**

On page 7, line 13, of the printed bill, after "which", insert a comma and the following: "or time when,".

**Amendment No. 46.**

On page 7, line 14, of the printed bill, after the comma, insert the following: "such exception or provision".

**Amendment No. 47.**

On page 7, line 16, of the printed bill, strike out "SEC. 21.", and insert in lieu thereof the following: "SEC. 18."

**Amendment No. 48.**

On page 7, line 18, of the printed bill, after "certificate", insert the following: "issued on or after January 1, 1938,".

**Amendment No. 49.**

On page 7, line 27, of the printed bill, strike out "policy", and insert the following: "certificate".

**Amendment No. 50.**

On page 7, line 28, of the printed bill, strike out "SEC. 22.", and insert in lieu thereof the following: "SEC. 19."

**Amendment No. 51.**

On page 7 of the printed bill, after line 45, add the following:

"SEC. 20. Section 10740 of the Insurance Code is hereby amended to read as follows:

10740. Any such association at its option, instead of depositing \$25,000 as provided for in section 10739 of this chapter, may, on or before August 1, 1941, deposit \$5,000 at the time of transformation, and the balance of \$20,000 as follows: \$5,000 within one year after the certificate of authority is issued to such association, \$5,000 within two years after the certificate of authority is issued to such association, \$5,000 within three years after the certificate of authority is issued to such association, and \$5,000 within four years after the certificate of authority is issued to such association. If any such association fails to deposit any of such installments when due or within any extension of time granted by the commissioner, it shall be subject to liquidation by the commissioner for failure to comply. No portion of such deposit may be considered as part of the reserves as defined in section 10870 of this code until the total thereof equals \$25,000.

Such deposit shall be in cash or in such securities in which domestic incorporated insurers are allowed by this code to invest their capital."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1764, 1772, and 1773 thereof, and to add sections 1769.5 and 1775.5 thereto, all relating to insurance.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 464 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after "Sections", insert the following: "1762,".

##### Amendment No. 2.

On page 1, line 1, of the printed bill, after "Sections", insert the following: "1762,".

##### Amendment No. 3.

On page 1, line 7, of the printed bill, strike out "reinsurance", and insert in lieu thereof a colon.

##### Amendment No. 4.

On page 1 of the printed bill, strike out lines 8 to 13, inclusive, and insert in lieu thereof the following:

"(a) Reinsurance of the liability of any licensed insurer;

(b) Insurance against perils of navigation, transit or transportation upon lands, freights or disbursements, or other shipment interests, upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation (including transportation by land or water from coast of country to both coastlines) and including war risks, and marine hulls; (c) fire, dry docks and marine ways, including insurance of ship repairs; (d) fire, and protection and indemnity insurance, but excluding insurance covering barges or tugs;

(e) Aircraft insurance;

(f) Insurance on property or operations of railroads engaged in interstate commerce.

The insurances specified in the foregoing paragraphs (b), (c), (d), (e), and (f) shall be placed with a nonadmitted insurer only by and through a surplus lines surplus line broker. The license of a surplus lines surplus line broker shall be approved for and procured and shall be subject to two conditions for being or assuming in the same manner as the license of a surplus line broker, except that in lieu of the bond required by subdivision (b) of section 1765 there shall be deposited to the commissioner a bond in the form, amounts, and conditions specified in section 1644 of this code and only one fee shall be collected from the person for such licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except sections 1761, 1763 and 1775.5.

The commissioner may, in respect to business written or placed under the provisions of this section, require such".

##### Amendment No. 5.

On page 1, line 23, of the printed bill, after "a", insert the following: "second lines".

##### Amendment No. 6.

On page 2, line 4, of the printed bill, after "insurance" insert the following: "on property located or operations conducted within, or on the lives or persons of residents of this State".

##### Amendment No. 7.

On page 2, line 9, of the printed bill, after "broker", insert the following: "licensed under this chapter and".

##### Amendment No. 8.

On page 2, line 16, of the printed bill, after "class", insert "or classes".

##### Amendment No. 9.

On page 2, line 21, of the printed bill, immediately before "presumed", insert the following: "conclusively".

##### Amendment No. 10.

On page 2, line 38, of the printed bill, after the period, insert the following: "Statements filed under this section shall not be subject to public inspection unless the commissioner determines that the public interest or the welfare of the filing broker requires that any statement be made so subject. The commissioner may make and publish reasonable rules and regulations, consistent with this chapter, in respect to transactions governed thereby and the basis or bases for his determinations hereunder."

**Amendment No. 11.**

On page 2, line 49, of the printed bill, strike out "1760a", and insert in lieu thereof the following: "1760.5".

**Amendment No. 12.**

On page 2 of the printed bill, between lines 49 and 50, insert the following:

"For the purpose of determining such tax, the total premium charged for all such nonadmitted insurance placed in a single transaction with one underwriter or group of underwriters, whether in one or more policies, shall be allocated to this State in such proportion as the total premium on the insured properties or operations in this State, as computed on the exposure in this State on the basis of any single standard rating method in use in all states or countries where such insurance applies, bears to the total premium so computed in all states or countries in which such nonadmitted insurance may apply. This provision shall not apply to interstate motor transit operations conducted between this and other States. With respect to such operations surplus line tax shall be payable on the entire premium charged on all nonadmitted insurance, less

A. Such portion of the premium as is determined, as herein provided, to have been charged for operations in other States taxing such premium on operations in such States of an insured maintaining its headquarters office in this State;

B. The premium for any operations outside of this State of an insured who maintains a headquarters operating office outside of this State and a branch office in this State."

**Amendment No. 13.**

On page 3 of the printed bill, after line 16, add the following:

"It is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept or pay directly or indirectly any consideration or remuneration for or in connection with the placing of insurance which, if done by a person within this State, is governed by the provisions of this chapter, when such placing was not done by a person licensed therefor pursuant to this chapter.

It is a misdemeanor for any agent or broker to solicit, negotiate or effect any insurance governed by the provisions of this chapter in nonadmitted insurers, except by and through a surplus line broker or special lines' surplus line broker licensed pursuant to this chapter. Except in the case of insurance specified in paragraph (b) of section 1760.5, it is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept, place, pay, or permit the payment of commission or other remuneration on insurance placed by him under authority of his license to any person other than one holding a license to act as an insurance agent, insurance broker, surplus line broker, or special lines' surplus line broker, except that such business may be accepted by such surplus line broker or special lines' surplus line broker directly from an assured or other person who would likewise be entitled to place the same directly with an admitted insurer without the solicitation, negotiation or effecting thereof by an insurance agent or broker.

The commissioner may deny, suspend or revoke any license issued pursuant to this code if he finds after proper notice and hearing that the licensee has violated any provision of this section.

The permission granted in this chapter to place any insurance in a nonadmitted insurer shall not be deemed or construed to authorize any such insurer to do business in this State".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 467—An act to amend sections 1033, 1037, and 1047 of, and to add section 1043.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 467 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "sections", insert the following: "1011, 1016, 1017,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "1043.5", and insert in lieu thereof the following: "1056.5",



**Amendment No. 3.**

On page 4 of the printed bill, between the enacting clause and line 1, insert the following:

"SECTION 1. Section 1014 of the Insurance Code is hereby amended to read as follows:

1014. The superior court of the county in which is located the principal office of such person in this State shall, upon the filing by the commissioner of the verified application showing any of the following conditions substantially contained to exist, issue its order vesting title to all of the assets of such person, then and there situated, in the commissioner or his successor in office, as the court may direct, as such, and direct the commissioner forthwith to take possession of all of the books, records, property, real and personal, and assets, and to preserve and maintain the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, SYNDICS, and employees from the transaction of its business or disposition of its property until the further order of said court:

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy in writing;

(b) That such person has neglected or refused to observe the order of the commissioner to make good within the time prescribed by law and declared in its capital if it is a stock corporation, or in its income if it is a mutual insurer;

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially any entire property or business or, without such consent, has suffered any and dissimulate the effect of which is to merge, consolidate, or reorganize substantially its entire property or business in or with the property or business of any other person;

(d) That such person is found, after an examination to be in such condition that its further transaction of business will be hazardous to its policy holders or creditors, or to the public;

(e) That such person has violated its charter or any law of the State;

(f) That a certificate of authority of such person has been declared null and void 10711.

(g) That any officer of such person refuses to be examined under oath, touching its affairs;

(h) That any officer or attorney in fact of such person has embezzled, misappropriated, or wrongfully diverted any of the assets of such person.

(i) That a domestic insurer does not comply with the requirements for the issuance to it of a certificate of authority, or that its certificate of authority has been revoked; or

(j) That the last report of examination of any person or entity the provisions of this article apply shows such person to be insolvent within the meaning of Article 13, Chapter 1, Part 2, Division 1 of this code.

SEC. 2. Section 1016 of the Insurance Code is hereby amended to read as follows:

1016. If at any time after the issuance of an order under section 1014, or if at the time of instituting any proceeding under this article, it shall appear to the commissioner that it would be futile to proceed as conservator with the conduct of the business of such person, he may apply to the court for an order to liquidate and wind up the business of said person. Upon a full hearing of such application, the court may make an order directing the winding up and liquidation of the business of such person by the commissioner, as liquidator, for the purpose of carrying out the order to liquidate and wind up the business of such person.

SEC. 3. Section 1017 of the Insurance Code is hereby amended to read as follows:

1017. In his application for an order for the liquidation of a domestic corporation, or at any time thereafter, the commissioner may apply for, and the court shall make, an order dissolving such corporation."

**Amendment No. 4.**

On page 1, line 1, of the printed bill, strike out "Section 1," and insert in lieu thereof the following: "Sec. 4."

**Amendment No. 5.**

On page 1, line 10, of the printed bill, strike out "Sec. 2," and insert in lieu thereof the following: "Sec. 5."

**Amendment No. 6.**

On page 2 of the printed bill, strike out lines 21 to 29 inclusive, and insert in lieu thereof the following: "court may prescribe."

(c) Shall have authority to transfer to a trustee or trustees, under a voting trust agreement, the stock of an insurer heretofore or hereafter issued to him as conservator or as liquidator in connection with a rehabilitation or reinsurance agreement, or any other proceeding under this article. Such voting trust agreement shall confer upon the trustee or trustees the right to vote or otherwise



represent such stock, and shall not be irrevocable for a period of more than twenty-one (21) years."

**Amendment No. 7.**

On page 2, line 30, of the printed bill, strike out "(e)", and insert in lieu thereof the following: "(f)".

**Amendment No. 8.**

On page 3 of the printed bill, strike out lines 9 to 18, and in line 19, strike out "SEC. 4.", and insert in lieu thereof the following: "SEC. 6."

**Amendment No. 9.**

On page 3 of the printed bill, strike out lines 30 to 51, inclusive, also on page 4, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following:

"(b) Imposing liens upon, or otherwise adjusting, the policies of the insurer so as to create or make available the minimum paid-in capital required of such an insurer to be admitted and such additional paid-in capital as will be reasonably sufficient to enable such insurer to carry on its business.

No lien or adjustment of such insurer's policies shall be made or imposed which has the effect of creating or making available for distribution to the shareholders of such insurer assets otherwise unavailable therefor".

**Amendment No. 10.**

On page 4 of the printed bill, after line 29, add the following:

"SEC. 7. A new section is hereby added to the Insurance Code to be numbered 1056.5 and to read as follows:

1056.5. Whenever moneys are payable to any claimant out of the assets of any person under any provision of section 1021 to 1033 but such person can not be located or for any other reason the payments of such assets to such person can not be made, although assets are available for such payment, such assets shall be paid into the State treasury as a special deposit subject to recovery by the claimant. At any time after two years after such payment into the State treasury, the Attorney General shall commence a proceeding pursuant to the provisions of section 1269 of the Code of Civil Procedure. For the purpose of such proceeding such assets shall be deemed to have escheated to the State to the same extent and with the same effect as in the case of property of a decedent paid into the State treasury under the provisions of sections 1154 and 231 of the Probate Code, except that the decree or judgment in said proceeding shall require such assets to be paid to the credit of the insurance fund instead of to the credit of the school fund and the State treasury shall transfer such moneys out of the special deposit fund into the insurance fund pursuant to said decree."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 468—An act to amend section 103 of the Insurance Code, relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 468 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "103", and insert in lieu thereof the following: "105".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "103", and insert in lieu thereof the following: "105".

**Amendment No. 3.**

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"105. Surety insurance includes:

(1) The guaranteeing of behavior of persons and the guaranteeing of performance of contracts (including executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed), other than insurance policies and other than for payments secured by liens of mortgages.

(2) Insurance against loss resulting from the forgery or alteration of any instrument of any kind or character or of any signature thereon.

(3) Any of the following insurance when included as a part of contract containing any such guarantee of behavior or performance: Insurance indemnifying the insured named therein against loss or destruction from any cause of any evidences of debt of any kind or character, evidences of ownership of any kind or character, deeds, mortgages, warehouse receipts, bills of lading, certificates of stock, bonds,

stamps, documents, money, precious metals of any kind or character, refined or unrefined, and articles made therefrom, jewelry, watches, instruments, scientific, guns and precious and semi-precious stones, and also against loss or damage, arising from fire, to the insured's premises, furniture, etc., hydraulic equipment, water and rights therein caused by burglary, robbery, hold-up, theft or piracy or attempted thefts. No such insurance indemnifying against loss of any property at sea or on land, in the custody or possession of a carrier for hire for the purpose of transportation, except for the purpose of transportation by an armed vessel, whether armed by one or more armed guards."

#### Amendment No. 4.

On page 1 of the printed bill, strike out lines 3 to 28, inclusive; also on page 2 strike out lines 1 to 15, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 861—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 861 were read and adopted:

#### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, strike out "to amend section 10436, relating to loans on life policies," and insert in lieu thereof the following: "sections 10436 and 10437 to the Insurance Code, relating to life insurance."

#### Amendment No. 2.

On page 1 of the printed bill, after line 14, insert the following:

"SEC. 2. Section 10437 is hereby added to the Insurance Code to read as follows:

10437. With respect to life insurance policies upon the death of the insured, an admitted life insurer shall pay to his beneficiary, or to his estate, or the one may be, in addition to any sums due pursuant to the policy of such insured, the premium which has been paid and which is accrued at the time of the death of the insured.

Whenever any insurer violates the provisions of this section, the commissioner shall revoke its certificate of authority."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 860—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 453 was read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, strike out line 8, and insert in lieu thereof the following: "punishable by imprisonment in the State Prison for not exceeding ten years or in the county jail for not exceeding one year, or by".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 454 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, strike out "821a", and insert in lieu thereof the following: "821".

**Amendment No. 2.**

On page 1, line 19, of the printed bill, as amended, strike out "But every", and insert in lieu thereof the following: "Sec. 3. Every".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1667.1, 1677.5, and 1705.5 to said code, and to add Article 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 457 were read and adopted:

**Amendment No. 1.**

On page 1, line 7 of the title of the printed bill, as amended, strike out "1661.5".

**Amendment No. 2.**

On page 1, line 13, of the printed bill, after "spouse," strike out "or his".

**Amendment No. 3.**

On page 3, line 13, of the printed bill, strike out "transaction of insurance", and insert in lieu thereof the following: "employment".

**Amendment No. 4.**

On page 4, line 2, of the printed bill, after "United States", insert a comma and the following: "unless such person is licensed under this chapter when this section takes effect".

**Amendment No. 5.**

On page 4, line 27, of the printed bill, strike out "enabling the obtaining", and insert in lieu thereof the following: "writing".

**Amendment No. 6.**

On page 7, line 33, of the printed bill, strike out "or life", and in line 34, immediately before the comma preceding "broker", strike out "agent".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 580—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon substances from State lands by wells drilled upon privately owned lands.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 580 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, after the words "the right to", strike out all the rest of said line, and insert in lieu thereof the following: "extract, produce or remove".

**Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, strike out the word "approved".

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

**Second Reading of Assembly Bills.**

Assembly Bill No. 10—An act to amend sections 1262a and 1262b of the Civil Code, relating to the sale, mortgage or exchange of a homestead by the husband or wife of an insane or incompetent person.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 406—An act to amend sections 3, 5, and 6 of the Alcoholic Beverage Control Act, relating to licenses, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing or selling alcoholic beverages manufactured in any State, the laws, rules or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, and providing for the enforcement of the provisions hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1343—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses, and declaring the urgency hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1210—An act to amend sections 215 and 216 of the Vehicle Code, and to add thereto section 217, relating to the registration of vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 49, 66 and 67 thereof, and by adding thereto sections 32.5, 50 and 82.5, relating to definitions of words and phrases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1212—An act to add section 130.1 to the Vehicle Code, relating to automobile registration service.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 1213—An act to amend sections 140, 211, and 225 of the Vehicle Code, and to add thereto sections 143.5 and 164.5, relating to motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1215—An act to amend section 134 of the Vehicle Code, relating to motor vehicle publications.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1216—An act to amend sections 146 and 146.5 of the Vehicle Code, and to repeal section 180.5 thereof, relating to the registration of vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1219—An act to amend sections 375 and 383 of the Vehicle Code, relating to fees for special plates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1221—An act to amend sections 453, 541, 551, 633, and 671 of the Vehicle Code, to add thereto section 454, and to repeal section 517 thereof, relating to authorized emergency vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1208—An act to add section 607.7 to the Vehicle Code, relating to authorized emergency vehicles on vehicular crossings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1207—An act to amend section 647 of the Vehicle Code, relating to tests of lamps or devices.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1207 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, after "code", insert a comma and the following: "and may expend such sums as may be necessary for this purpose from funds appropriated for the support of the department".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1222—An act to amend sections 471, 516, and 715 of the Vehicle Code, relating to highways, including bridges and structures, and the regulation and control of vehicles thereon.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1222 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 24, of the printed bill, at the end of the line, add "not less than".

Bill read second time, ordered to print, and on file for third reading.

#### **Third Reading of Senate Bills.**

Senate Bill No. 250—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and property of, officers, boards, commissions and State agencies supported from sources other than the general fund.

**Amendment from the Floor.**

During third reading of Senate Bill No. 250, the following amendment, offered by Senator Nielsen, was read and adopted:

**Amendment No. 1.**

On page 2, line 11, of the printed bill, after "money", insert the following: "under the provisions of section 661 of this code".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 251—An act to add section 295 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

**Amendment from the Floor.**

During third reading of Senate Bill No. 251, the following amendment, offered by Senator Nielsen, was read and adopted:

**Amendment No. 1.**

On page 1, line 26 of the printed bill, after "money", insert the following: "under the provisions of section 661 of the Political Code".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

**Amendment from the Floor.**

During third reading of Senate Bill No. 252, the following amendment, offered by Senator Nielsen, was read and adopted:

**Amendment No. 1.**

On page 1, line 24 of the printed bill, after "money", insert the following: "under the provisions of section 661 of the Political Code".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 39—An act to amend section 730 of the Agricultural Code, relating to dairy products.

**Amendment from the Floor.**

During third reading of Senate Bill No. 39, the following amendment, offered by Senator Young, was read:

**Amendment No. 1.**

On page 2, line 10, of the printed bill, as amended, strike out "All can", and strike out all of lines 11 to 13, inclusive.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Garrison, Young and Rich, on the adoption of the amendment offered by Senator Young.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Gordon, Hays, Keating, Knowland, McBride, McColl, McCormack, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Williams, and Young—22.

**NOES**—Senators Biggar, Crittenden, Garrison, Hollister, Jespersen, Law, Pierovich, Schottky, Swing, and Westover—10.

#### **Re-reference of Senate Bill No. 39.**

Senator Garrison moved that Senate Bill No. 39 be re-referred to Committee on Live Stock and Dairying.

Motion carried, and such was the order.

#### **Report of Standing Committee.**

The following report of standing committee was received and read:

##### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.  
SACRAMENTO, March 27, 1937.

*To the Honorable Members of the Senate of the State of California,  
State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that on March 27, 1937, I appointed the following as members of the Agricultural Prorate Commission, and in harmony with the law governing their appointment I am submitting the same to you for consideration and confirmation:

George H. Hecke, Woodland, vice self, term expired, for the term ending January 1, 1941.

George P. Clements, Los Angeles, vice self, term expired, for the term ending January 1, 1941.

Fred W. Read, Sacramento, vice self, term expired, for the term ending January 1, 1941.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

(Signed out)

RICH, Chairman.  
McCOLL.  
SLATER.  
TICKLE.  
KNOWLAND.

#### **Consideration of Appointment by the Governor.**

##### **Motion Confirming Appointment by the Governor.**

Senator Rich moved that the Senate confirm and consent to the appointment of George H. Hecke, George P. Clements and Fred W. Read, as members of the Agricultural Prorate Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of George H. Hecke, George P. Clements and Fred W. Read?"

The roll was called, with the following result:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

##### **Appointments Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of George H. Hecke, George P. Clements, and Fred W. Read, as members of the Agricultural Prorate Commission.

**Recess.**

At twelve o'clock and twenty-eight minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until 2 o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Introduction, First Reading and Reference of Bills**

The following bill was introduced:

**Senate Concurrent Resolution No. 19:** By Senator Pierovich—Relative to the appointment of a Joint Committee of six members to recommend the legislative representative on the Personnel Board, if Fred B. Wood finds it undesirable to continue on the board.

Senate Concurrent Resolution No. 19 read, and referred to Committee on Rules.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Deuel, Fletcher, Gooden, H. Houser, McColl, Ross Schottky, and Westover—19.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Motion.**

Senator Pierovich moved that the President appoint a Committee of Three to meet with a like committee from the Assembly for the purpose of making arrangements for receiving and entertaining the Hon. Paul V. McNutt, Governor of the State of Indiana.

**Appointment of Special Committee.**

The President announced, in accordance with the above motion, the appointment of Senators Pierovich, Slater, and Rich.

**Consideration of Daily File—(Resumed).****Third Reading of Assembly Bills.**

Assembly Bill No. 1793—An act to add a new section to be numbered 210 to the Penal Code, relating to extortion.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1793 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1793 ordered transmitted to the Assembly.

Assembly Bill No. 700—An act to amend section 18 of the California Irrigation District Act, relating to the distribution of water.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

NOES—None.

Title read and approved.

Assembly Bill No. 700 ordered transmitted to the Assembly.

Assembly Bill No. 756—An act to add section 3a to an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, to provide for an alternative method of instituting the formation of a special assessment district within an irrigation district to provide for the construction and maintenance of improvements therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Williams—32.

NOES—None.

Title read and approved.

Assembly Bill No. 756 ordered transmitted to the Assembly.

Assembly Bill No. 12—An act to amend Sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 12, the following amendments, offered by Senator DeLap, were read and adopted:

**Amendment No. 1.**

On page 2, line 29, of the printed bill, as amended, strike out the words "State and county".

**Amendment No. 2.**

On page 2, line 43, of the printed bill, as amended, strike out the words "State and county".

**Amendment No. 3.**

On page 3, line 7, of the printed bill, strike out the words "State and county".

Bill read, ordered to print, and on file for third reading.

**Assembly Concurrent Resolution No. 28.**

Relative to an amendment to Joint Rule No. 15.

*Resolved by the Assembly at the State of California, the Senate thereunto concurring.* That Rule 15 of the Joint Rules of the Senate and Assembly be amended to read as follows:

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other houses and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 28 adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, David, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Keough, Lutz, McCall, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schaefer, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 28 ordered transmitted to the Assembly.

Assembly Bill No. 1105—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors thereon," approved May 23, 1925, relating to municipal courts as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1105 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, David, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keating, Keough, Lutz, McCall, McCormack, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schaefer, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 1105 ordered transmitted to the Assembly.

Assembly Bill No. 1317—An act to amend sections 506, 608 and 609 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March

13, 1883, relating to organization, incorporation and government of cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1317 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1317 ordered transmitted to the Assembly.

Assembly Bill No. 956—An act to amend sections 1315, 1317, and 1321 and to repeal sections 1310, 1311, and 1312 of the Political Code, relating to electors of President and Vice President of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 956 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 956 ordered transmitted to the Assembly.

Assembly Bill No. 663—An act to add section 538c to the Penal Code, relating to poppies, badges, labels, and insignia of veterans' organizations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 663 ordered transmitted to the Assembly.

Assembly Bill No. 510—An act to amend section 368 of the Streets and Highways Code, relating to State Highway Route 68.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 510 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich,

Quinn, Schottky, Senwell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34

**NOES**—None.

**Title read and approved.**

Assembly Bill No. 510 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At two o'clock and fifty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assembly Bill No. 699—An act to amend section 422 of the Streets and Highways Code, relating to State highways.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 699, the following amendments, offered by Senator Garrison, were read:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend section 422 of", and insert in lieu thereof the following: "add section 422a to".

**Amendment No. 2.**

On page 1, line 1 of the printed bill, strike out "422 of", and insert in lieu thereof the following: "422a as hereby added to".

**Amendment No. 3.**

On page 1, line 2, of the printed bill, strike out "as hereby amended".

**Amendment No. 4.**

On page 1, line 3, of the printed bill, strike out "422 Route 122" and insert in lieu thereof the following: "422a Route 122a".

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Garrison, Hollister and Dond, on the adoption of amendments offered by Senator Garrison.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Garrison and Olson—2.

**NOES**—Senators Allen, Biggar, Delap, Dond, Fletcher, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McColl, McCracken, McGovern, Miller, Nielsen, Parkman, Phillips, Piersovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Williams, and Young—26.

**The question being on the passage of the bill.**

The roll was called, and Assembly Bill No. 699 passed by the following vote:

**AYES**—Senators Biggar, Delap, Dond, Fletcher, Gordon, Hays, Hollister, Josephson, Keating, Keough, Knowland, Law, McColl, McCracken, McGovern, Miller, Nielsen, Parkman, Phillips, Piersovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Williams, and Young—29.

**NOES**—Senators Allen, Garrison, and Olson—3.

**Title read and approved.**

Assembly Bill No. 699 ordered transmitted to the Assembly.

Assembly Bill No. 1604—An act to provide for the transfer to the general fund of moneys in special funds collected pursuant to the provisions of repealed statutes or statutes declared invalid by judicial decision and to provide for the abolition of such special funds.

**Bill read third time.**

The question being on the passage of the bill



The roll was called, and Assembly Bill No. 1604 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1604 ordered transmitted to the Assembly.

Assembly Bill No. 297—An act to amend section 4316 of the Political Code, relating to the privileges of public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, and Westover—31.

NOES—None.

Title read and approved.

Assembly Bill No. 297 ordered transmitted to the Assembly.

Assembly Bill No. 824—An act to repeal section 2.2102 of the School Code and to amend section 5.667 thereof, relating to persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall go into immediate effect.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

School Code section 2.2102 comprising a part of the unified school district law enacted in 1935 (Statutes 1935, Chapter 773. School Code sections 2.2009-2.2160) provides that probationary employees having three years or more service in a district having an average daily attendance of less than \$50 and which merged into a unified school district having an average daily attendance of \$50 or more shall become permanent employees of the unified school district upon serving therein for one year and being reelected for the succeeding school year. A number of teachers employed in certain unified school districts resulting from the merger of districts with an average daily attendance of less than \$50 will lose their positions at the close of the current school year because of the operation of School Code section 2.2102. The enactment of this act as an urgency measure prior to the close of the school year will enable such teachers to continue in the employ of the districts in which they are now employed.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, and Westover—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 824 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donel, Hays, Hollister, Hollahan, Jaspersen, Keough, Knowland, McBride, McGovern, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—21.  
 NOES—Senator Bigger—1.

Title read and approved.

Assembly Bill No. 824 ordered transmitted to the Assembly.

Assembly Bill No. 2061—An act to amend section 7371a of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Mateo.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2061 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donel, Garrison, Hollister, Hollahan, Keating, Keough, Knowland, Law, McCreary, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2061 ordered transmitted to the Assembly.

Assembly Bill No. 1262—An act to amend section 472 of the Political Code, relating to the State Board of Public Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1262 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donel, Garrison, Hays, Hollister, Hollahan, Keating, Keough, Knowland, Law, McCreary, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.  
 NOES—None.

Title read and approved.

Assembly Bill No. 1262 ordered transmitted to the Assembly.

Assembly Bill No. 2080—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved Mar. 23, 1925, relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2080 passed by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, DeLap, Donel, Garrison, Hollister, Hollahan, Keating, Keough, Knowland, McCormack, McGovern, Mixter,

Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—Senators Fletcher, and Hays—2.

Title read and approved.

Assembly Bill No. 2080 ordered transmitted to the Assembly.

Assembly Bill No. 401—An act to amend section 261 of the Code of Civil Procedure, relating to superior court commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 401 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 401 ordered transmitted to the Assembly.

Assembly Bill No. 2380—An act to amend section 11.4 of an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1933, relating to land surveyors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2380 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Olson, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2380 ordered transmitted to the Assembly.

Assembly Bill No. 1441—An act to repeal an act entitled "An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness," approved by the Governor April 26, 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1441 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixter, Olson, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1441 ordered transmitted to the Assembly.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 687.—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California; approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof.

Bill read third time.

#### Case of Urgency.

#### Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 687:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 31, 1937.

To the Honorable Members of the Senate, Sacramento, California:

Senate Bill No. 687.—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof.

In my opinion, said Senate Bill No. 687 constitutes an urgent bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 687 as such an emergency measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

#### Urgency Clause.

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution of this State, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLoe, Dool, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBrink, McCall, McGowan, Metzger, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Seawell, Slater, Swine, Tickle, Wag, Westover, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 687 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLoe, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBrink, McCall, McGowan, Metzger, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Seawell, Slater, Swine, Tickle, Wag, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 687 ordered transmitted to the Assembly.



Senate Bill No. 661—An act to amend section 42 of the Probate Code.

**Amendment from the Floor.**

During third reading of Senate Bill No. 661, the following amendment, offered by Senator McGovern, was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, before "descendant", insert the following: "nephew, niece,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 156—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 775—An act to add section 3886 to the Political Code, relating to sales of property to political subdivisions while taxes remain as a lien upon the property;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 743—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3669 of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1434—An act to amend section 1024 of the Probate Code, relating to the payment of inheritance and personal property taxes before distribution;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 271—An act to amend sections 3871d, 3871f, 3871g, 3871h, 3871j, 3871k, 3871l, and 3871m of the Political Code and to add sections 3871n, 3871o and 3871p thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

### On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred,

Assembly Bill No. 1502—An act to amend section 3 of "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor and the winding up of the Affairs of the district when dissolved," approved May 18, 1919, relating to irrigation districts;

Assembly Bill No. 1787—An act to amend section 15 of the California Irrigation District Act, relating to the powers and duties of the board of directors;

Assembly Bill No. 1789—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property and for delinquent assessments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Senate Bill No. 991—An act to add section 6105 to the Fish and Game Code relating to steelhead trout;

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer;

Assembly Bill No. 296—An act to add section 6106 to the Fish and Game Code relating to the manner of taking salmon in Districts 12, 5, and the Klamath River District;

Assembly Bill No. 2752—An act to amend section 800 of the Fish and Game Code, relating to abalones;

Senate Bill No. 990—An act to add section 6135 to the Fish and Game Code relating to steelhead trout;

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Senate Bill No. 16—An act to amend sections 718 and 805 of the Fish and Game Code, relating to shad;

Assembly Bill No. 1833—An act to amend section 786 of the Fish and Game Code, relating to lobsters;

Assembly Bill No. 1742—An act to add section 786.5 to the Fish and Game Code, relating to the sale of cooked lobsters and shellfish;

Senate Bill No. 584—An act adding section 1275.5 to the Fish and Game Code, relating to the possession of deer;

Senate Bill No. 207—An act to amend section 187 of the Fish and Game Code, relating to game refuges;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 57—An act to add sections 86.5, 845.5, and 845.6 to the Fish and Game Code, relating to the use of nets;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1098—An act to add sections 1184 and 1417 to the Fish and Game Code, relating to the taking of birds;

Senate Bill No. 212—An act to add sections 875.5 and 1410.5 to the Fish and Game Code, relating to nets;

Senate Bill No. 931—An act to amend section 1270, and to repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to deer;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 63—An act to amend section 1177 and to repeal section 1201 of the Fish and Game Code, relating to mountain quail;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; noes—2; absent—1.

McCOLL, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1138—An act to amend sections 4 and 6 of the Optometry Law, relating to the practice of optometry;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DeLAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes of 1935; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DeLAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1140—An act to amend section 11 of the Optometry Law, relating to the suspension and revocation of certificates;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DeLAP, Chairman.



SENATE CHAMBER, SACRAMENTO, MARCH 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 59—An act to amend sections 1c and 5 of, and to add sections 1.5, 1e, and 9.5 to, the State Narcotic Act, relating to habit forming narcotic and other dangerous drugs and substances.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 605—An act to add Chapter 11B to Part 2 of Division 2 of the Insurance Code, authorizing the creation, organization and maintenance, and providing for the regulation of public associations to be known as medical service associations, defining medical service contracts, providing standard provisions for such contracts, providing for the deposit of security by medical service associations, providing for certificates of authority for a secretary entering into medical service contracts, and rendering through medical service associations and providing for the powers and liabilities of medical service associations.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

### On Rules.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 18—An act to amend section 527 of the Political Code, relating to printed documents;

Assembly Bill No. 20—An act to amend section 324 of the Political Code, relating to resolutions;

Assembly Bill No. 23—An act to amend sections 301 and 302 of the Political Code, relating to witnesses before the Legislature and committees thereof;

Assembly Bill No. 24—An act to repeal section 207 of the Political Code, relating to the Speaker of the Assembly;

Assembly Bill No. 25—An act to amend section 247 of the Political Code, relating to officers and employees of the Legislature;

Assembly Bill No. 26—An act to amend section 256 of the Political Code, relating to the Journals of the respective houses of the Legislature;

Assembly Bill No. 27—An act to amend section 250 of the Political Code, relating to the Sergeant-at-Arms.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 28—An act to repeal sections 249 and 250 of the Political Code, relating to the Judiciary Committee;

Assembly Bill No. 33—An act to amend section 410 of the Political Code, relating to the laws, resolutions and Journals of the Legislature;

Assembly Bill No. 38—An act to amend section 549 of the Political Code, relating to the printing of bills;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

### On Insurance.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 2423—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance or a hospital service plan for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county a part of the premiums upon such insurance.



and to deduct from the compensation of employees a part of the premiums of such insurance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

WILLIAMS, Chairman.

#### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 372—An act to amend section 3 and section 9 of the Pharmacy Law of the State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

DELAP, Chairman.

#### Adjournment.

At four o'clock and twenty-five minutes p.m., on motion of Senator Schottky, the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, April 1, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 1, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

#### Reading of the Journal.

During the reading of the Journal of Wednesday, March 31, 1937, the further reading was, on motion of Senator Slater, dispensed with.

#### Leaves of Absence.

Senators Powers, McColl, Pierovich, Metzger, and Seawell were, on motion of Senator Rich, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

#### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harold Rogers of Modesto.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth F. Declusin, Principal; Mr. and Mrs. E. Handel, Mrs. E. F. Beckman, Mr. P. J. Goehring, and Mr. Malcolm Lea, teachers; and the following seventh and eighth grade students of the Viator Elementary School: Viola Handel, Fern Lea, Emma Presser, Leona Pines, Elsie Goehring, Irene Wittig, Clara Sasaki, Reinhold Reich, Lee Kaase, Leroy Schmierer, Kenneth Beckman, Reuben Hein, Stanley Belligmeier, Henry Christman, Johnnie Geigle, Harold Krauss, Milton Schmierer, Elmer Goehring, Harold Goehring, Elmer Wagemann, and Hageo Sasaki.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Horstman of Santa Rosa.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Manoel Souza, Joe Aguiar, and Jack Silva, all of Gustine.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth Brent, teacher; Mrs. Leora Keena, mother; Mrs. Katherine Kammerer, mother, and the following seventh and eighth grade students of the Carroll School, Elk Grove: Lorain Kammerer, Norma Jean Fuser, Nadine Sprock, Sophie Backer, Ruby Kammerer, Marie Ohrist, Walter Kammerer, Herbert Ferkert, Orville Wacker, Richard Schmidt, Leland Lust, Wallace Giesser, Emil Ohrist, Donald Keena, Margaret Backer, Muriel Kammerer, Dolores Keena, and Alfred Johnson, and R. E. Dula, Principal, and the following students of Carmichael School, Carmichael, California: Elden Proops, Maryett Wack, Allen Taylor, Marie Stilson, Betty Rae Cole, Lillian Rytkowicz, Grace Robinson, Zoe Smith, June Wilson, Irene Goehring, Lucille Cole, Gwendolyn Taylor, Betty Irene Newton, Dick Grady, Jimmie O'Donnell, Gordon Hyde, Merle Linville, Jimmie Davis, Robert Slayton, Robert Williams, Donald Trocke, Jack Pitley, Earl Lee Kelly, Jr., Herbert Richards, Donald Franklin, and Charles Wickham.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2345—An act to amend section 1343 of the Fish and Game Code, relating to seals and sea lions;

Assembly Bill No. 1342—An act to amend section 52 of the Public Utilities Act, relating to financial transactions of public utilities;

Assembly Bill No. 1676—An act to add two new sections to the School Code, to be numbered 1,120a and 5,95, both relating to the testing of hearing and sight of pupils in the schools of the public school system;

Assembly Bill No. 2689—An act to amend section 1862 of the Civil Code, relating to the sale of unclaimed baggage or other personal property in the possession of the keeper of any hotel, inn, boarding or lodging house, furnished apartment house or furnished bungalow court;

Assembly Bill No. 338—An act to add a new section to the Labor Code, to be numbered 1682, relating to free employment bureaus.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 2345 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1342 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 1676 read first time, and referred to Committee on Education.

Assembly Bill No. 2689 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 338 read first time, and referred to Committee on Labor and Capital.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1218—An act to amend sections 372, 702, 703, 704 and 705 of the Vehicle Code, relating to fees and weights of vehicles;

Assembly Bill No. 797—An act to amend section 1 of and to add section 1.1 to an act entitled "An act to define the liability of stockholders in California State banks and to provide for the enforcement and collection of that liability by the Superintendent of Banks of the State of California," approved April 24, 1931, relating to liability of stockholders;

Assembly Bill No. 766—An act to amend section 3466a of the Political Code, relating to lands sold for delinquent reclamation district assessments;

Assembly Bill No. 906—An act to amend section 25 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection and county fire protection districts from the operation of said act.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1218 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 797 read first time, and referred to Committee on Banking.

Assembly Bill No. 766 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 906 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1615—An act to amend sections 10 and 12 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1615 read first time, and referred to Committee on Mines and Mining.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

Respectfully submitted,

SENATOR CRITTENDEN.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Crittenden to introduce a bill entitled:

An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties:

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER  
TUCKER  
KNOWLAND

The question being on the adoption of the report.

The roll was called.

### Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, DeLap, Fletcher, Garrison, Hays, Housner, Mahan, Jespersen, Keating, Keough, Knowland, Law, McCutcheon, McGowan, Mixner, Parkman, Phillips, Quinn, Rich, Schorkey, Slater, Swing, Tucker, Wagy, and Westover—26.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Reports of Standing Committees.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 183—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of



outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;  
And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 544—An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e and 7f to an act entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, relating to the leasing of State lands;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 21 to Article XI thereof, relating to hospitals maintained by cities, counties, or cities and counties;

Senate Bill No. 16—An act to amend sections 718 and 865 of the Fish and Game Code, relating to shad;

Senate Bill No. 534—An act adding section 1275.5 to the Fish and Game Code, relating to the possession of deer;

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer;

Senate Bill No. 207—An act to amend section 137 of the Fish and Game Code, relating to game refuges;

Senate Bill No. 74—An act to amend section 241 of the Code of Civil Procedure, relating to the impeding of grand juries;

Senate Bill No. 175—An act to amend section 500 of the Penal Code, relating to neglect to notify the owner of property which has been saved from fire;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance;

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately;

Senate Bill No. 775—An act to add section 3886 to the Political Code, relating to sales of property to political subdivisions while taxes remain as a lien upon the property;

Senate Bill No. 766—An act to amend sections 545, 656, 675.5 and 676 of the Vehicle Code, relating to motor vehicles;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, APRIL 1, 1937.

MR. PRESIDENT: Your Committee on Engineering, Improvement and Printing has examined:

Senate Bill No. 250—An act to amend section 377c of the Political Code, relating to the acquisition of land and the construction and equipment of dwelling offices and facilities for, and the receipt and custody of, claims, bonds, commissions and State agencies supported from sources other than the general fund.

Senate Bill No. 251—An act to add section 205 to the Political and Punctuation Code, relating to the acquisition of land, the construction and equipment of dwelling offices and facilities for officers, judges, commissioners and State agencies supported from sources other than the general fund.

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, judges, commissioners and State agencies supported from sources other than the general fund.

Senate Bill No. 661—An act to amend section 12 of the Political Code, relating to exemptions from restrictions on disposal of property.

And reports that the same have been carefully re-examined.

KELLOGG, Chairman.

Assistant Secretary Howard McIntire at the Desk.

## Consideration of Daily File.

### Second Reading of Senate Bills

Senate Bill No. 150—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 150 were read and adopted:

##### Amendment No. 1.

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to repeal sections 3897a and 3897b and to amend sections 3897d and 3898 of the Political Code, relating."

##### Amendment No. 2.

On page 1 of the printed bill, preceding line 1, insert the following:

"SECTION 1. Sections 3897a and 3897b of the Political Code are hereby repealed."

##### Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "Section 1," and insert in lieu thereof the following: "Sec. 2".

##### Amendment No. 4.

On page 1 of the printed bill, between lines 2 and 3, insert the following: "3897d. As used in this section "lien" or "liened" means subject to a lien, for delinquent taxes or assessments, which has been in payment for at least five years."

##### Amendment No. 5.

On page 1, line 3, of the printed bill, strike out "3897a."

##### Amendment No. 6.

On page 1, line 4, of the printed bill, strike out "and/".

##### Amendment No. 7.

On page 1 of the printed bill, strike out line 5, and insert in lieu thereof the following: "property is also liened or doaded for delinquent taxes or."

##### Amendment No. 8.

On page 1, line 26, of the printed bill, after "to", insert the following: "or have a lien on".

##### Amendment No. 9.

On page 2, line 6, of the printed bill, strike out "and/".

##### Amendment No. 10.

On page 4, line 33, of the printed bill, strike out "in section 3898 of this code", and insert in lieu thereof the following: "for the distribution of moneys received from sales made of property which has been doaded to the State where such sale terminates the right of redemption".

**Amendment No. 11.**

On page 4, line 34, of the printed bill, after "to", insert the following: "or is subject to the lien of".

**Amendment No. 12.**

On page 4, line 35, of the printed bill, strike out "and".

**Amendment No. 13.**

On page 5 of the printed bill, after line 15, insert the following:

"Sec. 3. Section 3898 of the Political Code is hereby amended to read as follows:

3898. On receiving the purchase price at sales under the provisions of section 3897 of the Political Code, the tax collector must execute a deed to the purchaser at such sale, which deed shall be in substance, and may be in form as follows:

"This indenture made the ----- day of -----, 19-----, between ----- tax collector of the county of -----, State of California, first party, and -----, of the county of -----, State of California, second party,

WITNESSETH:

That whereas the real property hereinafter described was duly sold and conveyed to the State of California for the nonpayment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law, and

Whereas in conformity with law, the State of California, acting by and through -----, tax collector as aforesaid, did sell said property, hereinafter described, at a private sale to the said second party, for ----- dollars, (or in case of a sale at public auction) did offer said property hereinafter described, for sale at public auction to the highest bidder at which sale second party became the purchaser of the whole thereof for the sum of ----- dollars.

Now, therefore, the said first party in consideration of the premises and in pursuance of the statute in such cases made and provided, does hereby grant to the second party, his heirs and assigns, that certain real property hereinbefore referred to and situate in the county of -----, State of California, more particularly described as follows, to wit:

In witness whereof, said first party has hereunto set his hand the day and year first above written.

-----  
Tax Collector of the County of  
-----, State of California."

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds when executed by the tax collector shall be taken by the county clerk free of charge.

3. Within ten days after each sale, as provided in section 3897 of the Political Code, the tax collector shall report to the assessor and recorder of the county in which the lands sold are situated, giving the name or names of all persons to whom deeds have been issued under the provisions of this section, and said section 3897, together with the dates of such deeds, the amount for which the property was sold, the description of the property conveyed, together with the numbers and dates of the certificates of sale and of the tax deeds by which title to such property so granted was conveyed to the State.

4. The recorder shall note on the margin of each certificate of sale and of each tax deed involved in the sale, and transfer of such property, the name of the purchaser, the date of the deed to the purchaser, and the consideration named therein. The assessor shall use such report in his determination of the ownership of such property for assessment purposes.

5. Upon the completion of the sale, the tax collector shall report to the State Controller the date of sale, the description of the property, the name of the purchaser, and the amount of money received for the property sold.

6. (a) Whenever in any action at law it has been, or shall be determined by a court that the sale and conveyance provided for in this section and section 3897 of the Political Code, or in section 3771 of the Political Code, heretofore or hereafter made, are void for any reason, and that the purchaser from the State may not be finally awarded the property so purchased, no decree of the court shall be given declaring a forfeiture of the property until the former owner or other party in interest shall have repaid to the purchaser the full amount of taxes, penalties, and costs, paid out and expended by him, to be determined by the court, in pursuit of the State's title to the property so sold. The said purchaser may, within one year after such decree becomes final, also present a claim against the county in the manner provided by law for a refund of the amount paid into the county treasury as the purchase price of such property in excess of the amount for which he may have been reimbursed for taxes, penalties and costs, as herein provided, and such excess shall be refunded in accordance with section 3804 of this code.

(b) Whenever it shall be determined to the satisfaction of the board of supervisors of the county in which the land is situated that any land belonging to the United States Government or to this State, a municipality or other political sub-



division of this State has been erroneously sold and conveyed under the provisions of this section or section 3897, or section 3771 of this code, and the said land therein, not have been so sold, the purchaser at said sale may present a claim against the county in the manner provided by law for a refund of the amount so paid into the county treasury by reason of such sale and such claim shall be paid by the county treasurer as provided in section 3804 of the Political Code of the State of California."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 775.—An act to add section 3886 to the Political Code relating to sales of property to political subdivisions while taxes remain as a lien upon the property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 271.—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817e5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 271 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "sections", insert the following: "3817, 3817a,".

##### Amendment No. 2.

On page 7, line 42, of the printed bill, insert after "Sec. 11", the following: "Section 3817 of the Political Code is hereby amended to read as follows:

3817. In all cases where real estate has been sold, or may hereafter be sold to the State for delinquent taxes and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, at any time after the same has been sold to the State and before the State shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties for delinquency and costs due thereon at the time of such sale; and also all taxes that were a lien upon said real property at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the same, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, and also all costs and expenses of such redemption, and penalties as follows, to wit:

Eight per cent per annum, if redeemed within five years from July first of the year of sale; if not redeemed within five years from July first of the year of sale, eight per cent per annum for a period of five years and at the rate of one-half of one per cent per month thereafter to the time of redemption. The penalty shall be computed from July first of the year of sale upon the amount of taxes delinquent at the time of sale, and upon the amount of each year's taxes in like manner, reckoning from the first day of July of the year when the property would have been sold for the taxes of that year, if there had been no previous sale.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the State Controller.

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the date thereof, and by whom redeemed, which certificate of sale, or deed, shall become



null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

The county treasurer shall settle for the moneys received as for other State and county moneys.

The State Controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

This act shall also apply to State lands sold by the State when the full amount of the purchase price has not been paid to the State therefor, after the deed to the State, provided for in section 3785 has been filed with the Surveyor General; provided, however, that one of the receipts showing the redemption of such land shall be delivered to the Surveyor General who shall issue his receipt to the redemptioner; and provided further, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the Surveyor General that the land has not been disposed of by the State.

SEC. 12. Section 3817a of the Political Code is hereby amended to read as follows:

3817a. In all cases where real estate has been sold, or may hereafter be sold to the State for delinquent taxes pursuant to the provisions of section 3771 of this code and where the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, contemporaneously or prior to the payments hereinafter provided, also pay the current State and county taxes due on said property for the fiscal year during which such payment shall be made, such person, his heirs, legal representatives or other successors in interest, shall at any time after the same has been sold to the State pursuant to the provisions of section 3771 of this code and prior to the sale at auction provided for in section 3771a of this code have the right to extend the period during which such real estate may be redeemed and to postpone the date of sale by auction as provided by section 3771a of this code and the execution of the deed to the State as provided by section 3785 of this code, for additional periods of one year each, by paying to the county treasurer of the county wherein said real estate may be situated the following amounts for the following periods, respectively: (1) for extending the period of redemption for the first period of one year, by paying to the county treasurer a sum of money equal to the amount of the taxes, penalties for delinquency and costs thereon for which said real estate was originally sold to the State together with a sum equal to penalties on the aggregate amount of said taxes at the rate of 8 per cent per annum; (2) for extending the period of redemption for each additional year thereafter, by paying to the county treasurer a sum of money equal to the taxes, penalties for delinquency and costs thereon for each of the second, third, fourth and fifth years of delinquency, respectively and consecutively, together with a sum equal to the penalties on the aggregate amount of said taxes at the rate of 8 per cent per annum; provided, however, that if any of the payments, as hereinabove in subdivisions (1) and (2) of this section provided, shall be made on or after the first day of July of any year and the State and county taxes on said property for the fiscal year next preceding such payment have not theretofore been paid, then such person must contemporaneously with the payments hereinabove provided also pay the said State and county taxes for the fiscal year next preceding such payment together with the penalties and costs due thereon.

The county auditor shall, upon request, issue his certificate in triplicate showing the amounts necessary to be paid as hereinabove provided, one copy of said certificate shall be delivered to the person making such payment and upon payment being made a receipt shall be indorsed upon said certificate by the county treasurer evidencing payments as compensation for the use and occupancy of said real estate and to be applied as a credit if, when and as redemption is made, as in this subdivision hereinafter provided. The county treasurer shall deposit all payments so made to the same fund in which moneys received upon redemption are deposited.

The county auditor shall keep accurate records of all payments made hereunder in a book kept for that purpose, said records to show the name of the person making said payments, the amount or amounts paid, the certificate number, if any, and the year or years of delinquency together with a description of the property.

Such payments shall not be deemed a redemption of such real estate nor affect the right, title, or interest in the State thereto, but shall postpone, for the period or periods aforesaid, the time when said real estate shall be deemed to or may be disposed of by the State and the moneys so paid shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, however, that if redemption shall thereafter be made pursuant to the provisions of section 3817 of the Political Code, the amounts so paid to extend said periods of redemption and to postpone the sale provided for by section 3771a of this code and the execution of the deed provided for in section 3785 of this code, together with interest thereon at the rate of 7 per cent per annum computed from the dates of said

respective payments to the date of redemption, shall be credited on the amounts to be paid for such redemption.

Sec. 13. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the emergency are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes and to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, many taxpayers will be enabled to resume their property, restore the same to the tax rolls, and thereby add resources for the support and maintenance of government. It is also necessary in order to reduce much of this property which does not at the present time appear on the assessment rolls that it be assessed according to present day values. If this is not done immediately taxpayers whose property does not now appear on the assessment rolls will be unable to take advantage of the rights granted by this act.

Bill read second time, ordered to reprint, and referred to Committee on Revenue and Taxation.

Senate Bill No. 991—An act to add section 610.5 to the Fish and Game Code, relating to steelhead trout.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 990—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 16—An act to amend sections 718 and 865 of the Fish and Game Code, relating to shad.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 534—An act adding section 1275.5 to the Fish and Game Code, relating to the possession of deer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 207—An act to amend section 137 of the Fish and Game Code, relating to game refuges.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1098—An act to add sections 1184 and 1417 to the Fish and Game Code, relating to the taking of birds.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 1098 was read and adopted.

#### Amendment No. 1.

On page 1, line 5, of the printed bill, strike out "twice", and insert in lieu thereof the following: "two and one-half times".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 212—An act to add sections 875.5 and 1410.5 to the Fish and Game Code, relating to nets.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 212 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after the word "In", strike out "district", and insert in lieu thereof the following: "districts 1½ and".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, strike out the period, and insert in lieu thereof the following: ", except under regulations which may be prescribed by the commission".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 931—An act to amend section 1270, and to repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to deer.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 931 were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, after "deer", strike out the period, and insert in lieu thereof a comma and the following: "declaring the urgency of this act, to take effect immediately."

**Amendment No. 2.**

On page 1, line 3, of the printed bill, after "2½", insert a comma and the following: "2½".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out "15", and insert in lieu thereof the following: "16".

**Amendment No. 4.**

On page 1 of the printed bill, after line 8, insert the following:

"Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The presence of deer hunters in large areas within the State during the latter portion of the summer months creates a serious fire hazard which would be eliminated by changing the season, as provided in this bill. In order to eliminate such a fire hazard for the deer hunting season of 1937 it is necessary that this act take immediate effect."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 59—An act to amend sections 1c and 5 of, and to add sections 1.5, 1e, and 9.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 59 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 and 2 of the title, and insert in lieu thereof the following:

"An act to add section 6.5 to the State Narcotic Act, relating to addiction to the use of habit".



**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "15", and insert in lieu thereof the following: "6.5".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 3 to 27, inclusive, and strike out all of pages 2 and 3, and insert in lieu thereof the following:

"Sec. 6.5. Every person who, having theretofore placed himself in or having been found guilty by a court or jury of, a violation of subdivision 12 of section 647 of the Penal Code, violates said subdivision 12 of section 647 of the Penal Code, shall be punished by imprisonment in the county jail for not less than two months. No probation shall be granted to any such person. The prior plea, judgment or finding of guilty shall be charged in the complaint, and admitted or denied and if denied, tried in the same procedural manner as charges of prior convictions in future cases."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 605. An act to add Chapter 11B to Part 2 of Division 2 of the Insurance Code, authorizing the creation, organization and government, and providing for the regulation of public associations to be known as medical service associations, defining medical service contracts, providing standard provisions for such contracts, providing for the deposit of security by medical service associations, providing for certificates of authority for associations entering into medical service contracts, and rendering through members medical services and providing for the powers and liabilities of medical service associations.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 605 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, strike out the words "General Provisions" and substitute the words "Scope of Chapter."

**Amendment No. 2.**

On page 1, line 11, of the printed bill, after the comma immediately following the word "surgeons," insert the words "and subject to the provisions of subdivision (h) of section 11503, dentists."

**Amendment No. 3.**

On page 1, lines 14 and 15, of the printed bill, strike out the words "from physicians and surgeons".

**Amendment No. 4.**

On page 2 of the printed bill, between lines 4 and 5, insert the following: "11501.2. This chapter applies only to associations formed and operating pursuant to its provisions and to contracts issued by such associations."

**Article 2. Definitions.**

11501.6. "Medical service contract" is an agreement by a medical service association to provide to the beneficiary named therein, in consideration of a sum certain, the professional services of physicians therein named and the services of dentists for such dental services as may be provided therein (together with, if so provided therein, all or any part of the hospital service contemplated in any pre-organizing non-profit hospital service plans) for a specified period in the event that the beneficiary is in need thereof.

11501.7. "Physician" or "physician and surgeon" means a person who holds an unrevoked physician's and surgeon's certificate issued to him by the Board of Medical Examiners of this State.

11501.8. "Dentist" means a person who holds an unrevoked dentist's certificate issued to him by the Board of Dental Examiners of this State.

11501.9. When used in this chapter "association" or "medical service association" means a medical service association formed under this chapter.

**Article 3. Formation and Purposes of Medical Service Associations.**

11502.1. In counties having a population of more than two million, a group of physicians comprising at least 26 per cent of the physicians engaged in active



practice within a city having a population of more than 100,000 may form a medical service association.

11502.2. In counties having a population of more than two million a group of physicians comprising at least 26 per cent of the physicians engaged in active practice within their county may form a medical service association. With the exception of associations formed in cities having a population of more than 100,000, there may be but one association operating within each of such counties. Associations formed under this section may not operate in cities having an association formed under the preceding section and in determining the number of physicians in active practice there shall be excluded all physicians actively practicing in those cities in which an association has been formed.

11502.3. In counties having a population of more than 200,000 and not more than 2,000,000 a group of physicians comprising at least 26 per cent of the physicians engaged in active practice within their county may form a medical service association.

11502.4. In counties having a population of 200,000 or less, a group of physicians comprising at least 51 per cent of the physicians engaged in active practice within their county may form a medical service association.

11502.5. A group of physicians engaged in active practice within a group of contiguous counties or within a city in which an association may be formed and a county or group of contiguous counties adjoining the county in which such city is situated and comprising with respect to each county or city at least the minimum proportion of physicians required in the preceding sections of this article for such county or city, may form one association to operate in all of the counties or counties and cities in which such physicians are engaged in active practice.

11502.6. Medical service associations formed pursuant to this chapter are to be formed for the purpose of furnishing, within the cities, counties or groups of contiguous counties in which they are formed, professional services of physicians or physicians and dentists, and for the purpose of providing hospital services, to those persons who may enter into medical service contracts therefor.

11502.7. Each medical service association shall be known and designated by the name of the city, county or of one or more of the counties within which it is formed, followed by the words: "Medical Service Association". No other name may be used by a medical service association in the conduct of its affairs. Persons or private associations of persons not operating under this chapter may not conduct their affairs under any name which includes the words "Medical Service Association".

#### Article 4. Organization and Government."

##### Amendment No. 5.

On page 2 of the printed bill, strike out all words in lines 5 to 38, inclusive.

##### Amendment No. 6.

On page 2, line 43, of the printed bill, strike out the word "above", and substitute the word "herein".

##### Amendment No. 7.

On page 2, line 46, of the printed bill, after the word "surgeon", insert the words: "or, as hereinafter provided, a dentist".

##### Amendment No. 8.

On page 2, lines 48 and 49, of the printed bill, strike out "and surgeons practicing within the county or counties included in the association's territory"; and insert in lieu thereof the following: "and, subject to the provisions of this section, all dentists, who are engaged in active practice within the city, county or counties included in the association's territory and who agree to abide by the articles of association, by-laws and regularly adopted rules and regulations of the association."

##### Amendment No. 9.

On page 3 of the printed bill, between lines 33 and 34, insert the words:

"(h) The association may admit as members, at the option of its board of directors, dentists who are practicing in the city, county or counties included in the association's territory for the purpose of providing such dental care as may be included in medical service contracts. Those services, incidental to the treatment of diseases and injuries of the jaws and their dependent tissues which may be performed by dentists, shall be excluded from all medical service contracts issued by the association until such time as it exercises the option referred to above."

##### Amendment No. 10.

On page 3, line 37, of the printed bill, strike out the figure "3", and substitute the figure "5".

##### Amendment No. 11.

On page 3, line 47, of the printed bill, after the word "county", insert the words: "except as otherwise provided in this chapter".

**Amendment No. 12.**

On page 4 of the printed bill, strike out all words in lines 1 to 25, inclusive, and insert in lieu thereof the following:

"11504.2. No association formed under this chapter shall operate or be in business unless it shall have and at all times maintain a reserve fund equal to the sum of all amounts payable to persons other than beneficiaries plus the amount of assumed premiums plus an amount equal to the following: providing same be applied to the number of beneficiaries to whom it has issued or has agreed to issue medical service contracts:

Number of beneficiaries	Amount of reserve fund
1,000 or less	\$10,000.00
1,001 to 2,000, inclusive	7,000.00
2,001 to 3,000, inclusive	10,000.00
3,001 to 4,000, inclusive	12,000.00
4,001 to 5,000, inclusive	15,000.00
5,001 to 6,000, inclusive	17,000.00
6,001 to 7,000, inclusive	20,000.00
7,001 and above	25,000.00 plus \$2,000.00 per 1,000 additional, 1000 beneficiaries in excess of 7,000

If the association includes hospital services in its medical service contracts, then it shall have and at all times maintain in addition to the amounts above required a reserve fund equal to the maximum amounts required for contract hospital service plan corporations. This additional reserve fund shall be computed as provided in any chapter now or hereafter contained in this code and governing contract hospital service plans."

**Amendment No. 13.**

On page 4, line 44, of the printed bill, after the word "medical", insert the words: "for any medical service association".

**Amendment No. 14.**

On page 5, line 4, of the printed bill, strike out the word "medical" and substitute the word "professional".

**Amendment No. 15.**

On page 5, line 26, of the printed bill, insert after the word "physicians", in such place that it appears in said line 26, the words: "or dentist".

**Amendment No. 16.**

On page 5, line 31, of the printed bill, after the word "physicians", insert the words: "or dentist".

**Amendment No. 17.**

On page 5, line 37, of the printed bill, after the word "physicians", insert the words: "or dentist".

**Amendment No. 18.**

On page 5, line 39, of the printed bill, after the word "physicians", insert the words: "or dentist".

**Amendment No. 19.**

On page 5, line 42, of the printed bill, after the word "physicians", insert the words: "or dentist".

**Amendment No. 20.**

On page 5, line 44, of the printed bill, strike out the word "medical" and substitute the word "professional".

**Amendment No. 21.**

On page 6, line 5, of the printed bill, strike out the word "medical", and substitute the word "professional".

**Amendment No. 22.**

On page 6, line 18, of the printed bill, strike out the word "medical", and substitute the word "professional".

**Amendment No. 23.**

On page 6, lines 27 and 28, of the printed bill, strike out the words "physicians and surgeons".

**Amendment No. 24.**

On page 6, line 31, of the printed bill, strike out the word "and".

**Amendment No. 25.**

On page 6, line 38, of the printed bill, strike out the period and substitute a semicolon, and insert immediately after the semicolon the word "and".

**Amendment No. 26.**

On page 6 of the printed bill, between lines 38 and 39, insert the words:

"(k) If the contract includes hospital services, unless the requirements as to contract form of any act regulating nonprofit hospital service plans are fulfilled, or, if applicable, unless the requirements as to contract form of section 10310 of this code are fulfilled."

**Amendment No. 27.**

On page 7, lines 2 and 3, of the printed bill, strike out the words: "will not, in his discretion," and substitute the words: "he has found, after due examination of the material facts, will not".

**Amendment No. 28.**

On page 7, line 5, of the printed bill, after the word "thereof", insert the words: "or in unreasonable compensation to members of any association for services rendered".

**Amendment No. 29.**

On page 7, line 5, of the printed bill, strike out the words: "will not, in his discretion," and substitute the words: "he has found, after such examination, will not".

**Amendment No. 30.**

On page 7, line 10, of the printed bill, strike out the figure "4", and substitute the figure: "6".

**Amendment No. 31.**

On page 7, line 43, of the printed bill, strike out the figure "5", and substitute the figure: "7".

**Amendment No. 32.**

On page 8, line 7, of the printed bill, after the word "physicians", insert the words: "or physicians and dentists".

**Amendment No. 33.**

On page 8 of the printed bill, strike out all words in lines 12 to 16, inclusive, and substitute the words:

"11515.3. Medical service associations formed and operating strictly in accordance with this chapter shall not be subject to any other provisions of this code not specifically referred to in this chapter, nor to any statute relating to insurance, whether now existing or hereafter enacted, except when expressly designated therein."

**Amendment No. 34.**

On page 8, line 18, of the printed bill, strike out the figure "6", and substitute the figure "8".

**Amendment No. 35.**

On page 8, line 34, of the printed bill, strike out the word "is", and all following words to and including the word "public", in line 41; and substitute the words: "shall be deemed to be insolvent if its reserve fund shall be impaired so as to be less than the amounts required to be maintained by the provisions of this chapter. In determining whether there has been an impairment of the reserve fund, the unexpired portions of all premiums received by and paid to the association on medical service contracts then in force shall be deemed a liability."

**Amendment No. 36.**

On page 8, line 43, of the printed bill, strike out the words "Article 7 Miscellaneous"; in line 45, strike out the figures "11518.1", and substitute the words, "Section 2"; and in line 49, strike out the figures "11518.2", and substitute the words: "Section 3".

**Amendment No. 37.**

On page 8 of the printed bill, after line 50, insert the following new paragraph: "Sec. 4. Nothing in this act shall prevent nonprofit bona fide fraternal societies, operated on the lodge plan, from furnishing medical attention to their members and dependents."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 63—An act to amend section 1177 and to repeal section 1201 of the Fish and Game Code, relating to mountain quail.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 63 was read and adopted:



**Amendment No. 1.**

On page 1, line 7, of the printed bill, after the word "will", insert the word "then".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 372—An act to amend section 3 and section 9 of the Pharmacy Law of the State of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 372 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "Sections 3 and section 9 of the Pharmacy Law of the State of California", and insert in lieu thereof the following: "sections 3 and 9 of an act entitled 'An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy,' approved March 20, 1905, relating to the practice of pharmacy."

**Amendment No. 2.**

On page 1, lines 1 and 2, of the printed bill, strike out "Pharmacy Law of the State of California", and insert in lieu thereof the following: "act cited in the title hereof".

**Amendment No. 3.**

On page 1 of the printed bill, between lines 26 and 27, insert the following: "store experience for the same calendar month as more than the actual calendar month, and provided further, that not more than forty months of pharmacy college attendance shall be counted toward required experience."

Graduation from a school or college of pharmacy or department of pharmacy of a university shall hereafter not be recognized by the California State Board of Pharmacy unless such school or college of pharmacy or department of pharmacy of a university shall require of its students resident attendance of not less than eight calendar months of each year of its course, which course shall be continuous over a period of not less than four years, and shall consist of a minimum of 3200 hours in pharmaceutical work which includes 1000 hours of laboratory work predominantly related to pharmaceutical chemistry. It is provided, however, that nothing contained herein shall be construed to deny any student the right to complete required 3200 hour curriculum in a lesser period of time and provided further, that the provisions of this paragraph shall not be construed in this sense so as to deny recognition of the graduation from a school or college of pharmacy or department of pharmacy of a university of any student who matriculated therein prior to January 1, 1938.

Registration as a licentiate in pharmacy shall be granted by the California State Board of Pharmacy to the following classes of persons: CLASS one, two, three, class three, and class four.

Class one. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California State Board of Pharmacy, who shall have had four years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as an assistant pharmacist in this State for a period of not less than one year and who shall have graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the California State Board of Pharmacy.

Class two. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof appearing in person before the California State Board of Pharmacy who shall have been registered by examination as a licentiate in pharmacy or a registered pharmacist in any other State or Territory or the District of Columbia, except that, however, such State or Territory of the United States or the District of Columbia must be one which reciprocally grants registration without examination to persons who have been registered in the State of California as licentiates in pharmacy under the terms and conditions similar to those required in this class, who shall have graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the California State Board of Pharmacy who shall have had four years of pharmaceutical experience as defined by section 3 of this act.



Class three. Registration as a licentiate in pharmacy shall be granted to any person who shall have been registered as a licentiate in good standing in another State or Territory of the United States or District of Columbia, graduated from a recognized school or college of pharmacy or department of pharmacy of a university, and who shall have had not less than four years actual experience in the practice of pharmacy".

#### Amendment No. 4.

On page 2, lines 11 and 12, of the printed bill, strike out "Pharmacy Law of the State of California", and insert in lieu thereof the following: "act cited in the title hereof".

#### Amendment No. 5.

On page 2, line 21, of the printed bill, strike out "two", and in lieu thereof insert the following: "three".

#### Amendment No. 6.

On page 2, line 22, of the printed bill, strike out "one dollar", and in lieu thereof insert the following: "three dollars".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-five minutes a.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.  
NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Allen:

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Respectfully submitted.

SENATOR ALLEN.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Allen to introduce a bill entitled:

An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System. Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
MCCOLL.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES.** Senators Allen, Crittenden, Cunningham, Deed, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knecht, Kuschel, Lee, McManis, McGovern, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schatzki, Sailer, Saling, Tickle, Wagy, Westover, Williams, and Young—29.

**NOES.**—None.

### Introduction, First Reading and Reference of Bills

The following bills were introduced:

**Senate Bill No. 1121:** By Senator Crittenden. An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

Senate Bill No. 1121 read first time, and referred to Committee on Civil Service.

**Senate Bill No. 1122:** By Senator Allen—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Senate Bill No. 1122 read first time, and referred to Committee on Civil Service.

### Consideration of Daily File—(Resumed).

#### Third Reading of Senate Bills

Senate Bill No. 524—An act to amend sections 2, 4, 10, 11, 13, 18, 20, 30, 32, 42, 46, 52, 55, 56, 61, 62 and 67 of the State Housing Act, relating to houses designed for human habitation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

**AYES.** Senators Allen, Crittenden, Cunningham, DeLain, Fletcher, Garrison, Hays, Hollister, Holahan, Jaspersen, Keating, Knecht, Kuschel, Lee, McManis, McGovern, Mixer, Olson, Parkman, Phillips, Rich, Schatzki, Sailer, Saling, Tickle, Wagy, Westover, and Young—28.

**NOES.**—None.

Title read and approved.

Senate Bill No. 524 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest.

#### Amendments from the Floor.

During the reading of Senate Constitutional Amendment No. 1, the following amendments, offered by Senator Saling, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed measure, strike out line 12, and insert in lieu thereof the following: "be 5 per cent per annum, but the Legislature may from time to time change such rate in its discretion. It shall be competent".

**Amendment No. 2.**

On page 2 of the printed measure, strike out lines 34 to 36, inclusive, and insert in lieu thereof the following:

"The provisions of this section shall not be construed as repealing or superseding any law passed by the Legislature in force at the effective date of this act, as the same may then exist or may thereafter be amended, relating to the rate of interest upon a loan or forbearance of any money, goods or things in action, or on accounts after demand."

Senate Constitutional Amendment No. 1 read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, and Westover—29.

NOES—None.

Title read and approved.

Senate Bill No. 350 ordered transmitted to the Assembly.

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject." approved June 13, 1923, and relating to penalties for violations of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 629 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixter, Olson, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Tickle, and Waggy—27.

NOES—None.

Title read and approved.

Senate Bill No. 629 ordered transmitted to the Assembly.

Senate Bill No. 339—An act to add section 246a to the Penal Code relating to assault by a convict.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Knepp, Kuntz, Law, McCormack, Mixer, Olson, Parkman, Phillips, Schottky, Senter, Sweng, Tykle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 339 ordered transmitted to the Assembly.

Senate Bill No. 340—An act to amend section 220 of the Penal Code relating to criminal assaults.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 340 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Knepp, Kuntz, Law, McCormack, Mixer, Olson, Parkman, Phillips, Senter, Tykle, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 340 ordered transmitted to the Assembly.

Senate Bill No. 341—An act to amend section 110 of the Penal Code relating to aid in escapes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 341 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Knepp, Kuntz, Law, McCormack, Mixer, Olson, Parkman, Quinn, Rich, Schottky, Senter, Tykle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 341 ordered transmitted to the Assembly.

### Message from the Assembly.

Assemblywoman Jeanette Daley appeared at the bar of the Senate, and invited the Senate to join with the Assembly at eleven o'clock a.m., April 2, 1937, for the purpose of hearing from the Hon. Paul V. McNutt, en route to the Philippine Islands.

### Motion.

Senator Olson moved that the Senate accept the invitation.

Motion carried, and such was the order.

### Recess.

At twelve o'clock and twenty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.



**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Consideration of Daily File—(Resumed).****Second Reading of Assembly Bills.**

Assembly Bill No. 743—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3669 of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1434—An act to amend section 1024 of the Probate Code, relating to the payment of inheritance and personal property taxes before distribution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1502—An act to amend section 3 of "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor and the winding up of the affairs of the district when dissolved," approved May 18, 1919, relating to irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1787—An act to amend section 15 of the California Irrigation District Act, relating to the powers and duties of the board of directors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1789—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 296—An act to add section 650.6 to the Fish and Game Code, relating to the manner of taking salmon in districts 1½, 5, and the Klamath river district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2752—An act to amend section 800 of the Fish and Game Code, relating to abalones.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1833—An act to amend section 786 of the Fish and Game Code, relating to lobsters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1742—An act to add section 786.5 to the Fish and Game Code, relating to the sale of cooked lobsters and shellfish.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1138—An act to amend sections 4 and 6 of the Optometry Law, relating to the practice of optometry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1140—An act to amend section 11 of the Optometry Law, relating to the suspension and revocation of certificates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 18—An act to amend section 527 of the Political Code, relating to printed documents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 20—An act to amend section 324 of the Political Code, relating to resolutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 23—An act to amend sections 301 and 302 of the Political Code, relating to witnesses before the Legislature and committees thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 24—An act to repeal section 267 of the Political Code, relating to the Speaker of the Assembly.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 25—An act to amend section 247 of the Political Code, relating to officers and employees of the Legislature.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 26—An act to amend section 256 of the Political Code, relating to the Journals of the respective houses of the Legislature.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 27—An act to amend section 259 of the Political Code, relating to the Sergeant-at-Arms.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 28—An act to repeal sections 249 and 250 of the Political Code, relating to the Judiciary Committee.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 33—An act to amend section 410 of the Political Code, relating to the laws, resolutions and Journals of the Legislature.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 38—An act to amend section 539 of the Political Code, relating to the printing of bills.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2423—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance or a

hospital service plan for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 2423 was read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, as amended in the Assembly March 15, 1937, delete the period after the word "employees", and substitute therefor a semi-colon, and add the following: "provided, however, that any employee who adheres to the faith or teachings of any recognized religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion shall be exempted from this system upon filing annually with the board of supervisors an affidavit stating such adherence and dependence and disclaiming any benefits under the system".

Bill read second time, ordered to print, and on file for third reading.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Law, Olson, Phillips, Quinn, Rich, Schottky, Slater, Swing, Westover, Williams, and Young—19.

The Secretary announced the absentees.

Time, two o'clock and twelve minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 342—An act to amend section 171a of the Penal Code, relating to the taking of narcotics, intoxicating liquor, firearms, weapons, or explosives into or within the grounds of penal institutions or reformatories.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 342 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Mixer, Olson, Quinn, Rich, Slater, Tickle, Wagy, Westover, Williams, and Young—25.  
NOES—None.

Title read and approved.

Senate Bill No. 342 ordered transmitted to the Assembly.

Senate Bill No. 347—An act to amend section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Quinn, Slater, Tickle, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 347 ordered transmitted to the Assembly.

Senate Bill No. 631—An act to amend sections 1563 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nelson, Olson, Parkman, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 631 ordered transmitted to the Assembly.

Senate Bill No. 349—An act to amend section 192 of the Penal Code, relating to the penalty for the crime of manslaughter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 refused passage by the following vote:

AYES—Senators DeLap, Fletcher, Gordon, Hays, Hollister, Keough, Law, Mixer, Parkman, Phillips, Slater, Wagy, Westover, Williams, and Young—15.

NOES—Senators Allen, Crittenden, Cunningham, Ford, Gordon, Jorgensen, Keating, Knowland, McCormack, McGovern, Olson, Quinn, Rich, Schottky, and Swing—15.

# Senate Joint Resolution No. 17.

Relative to memorializing the President and Congress of the United States to permit the Transcontinental and Western Air Lines, Inc., to enter San Francisco.

WHEREAS, The Transcontinental and Western Air Lines, Inc., applied for permission to institute and maintain passenger and express schedules between Albuquerque, New Mexico, and San Francisco, California; and

WHEREAS, By a decision on February 8, 1937, this application was denied by the Interstate Commerce Commission; and

WHEREAS, The decision states that the Interstate Commerce Commission under the Air Mail Act of 1934 can not authorize an air mail carrier to institute off-line passenger and express service which would in any way compete with similar service available upon another air mail route and that the proposed San Francisco-Albuquerque service would be competitive with similar service on air mail routes of other carriers; and

WHEREAS, The Air Mail Act of 1934 as so construed denies to the San Francisco Bay region logical and proper expansion of two air routes connecting it with other areas and cities of the United States while at the same time those provisions permit such service to other Pacific Coast cities; and

WHEREAS, As a result of this decision the Air Mail Act of 1934 permits the San Francisco Bay region service by only one air line, namely, the United Air Lines; and



WHEREAS, The United Air Lines maintains only one transcontinental route which is practically a straight line from San Francisco and Oakland to New York via Salt Lake City, Cheyenne and Chicago, causing any passenger who wishes to reach a city off this straight line to be routed either southerly via Los Angeles or northerly via Seattle, or to make a connection at some point along the eastern route with another air line, all of which alternatives necessitate broken schedules and loss of time; and

WHEREAS, It appears that the present law denies to the San Francisco Bay region the right of direct mail, express and passenger service to Kansas City and other cities of the South Central West; and

WHEREAS, The establishment of such a direct service would be of great value both to the San Francisco Bay area and to these cities in providing a faster interchange of commerce and mail between nationally important centers; and

WHEREAS, In direct contrast to the situation in the San Francisco Bay region the city of Los Angeles is served by six air lines, of which three are directly competitive on parallel routes terminating eventually in New York; and

WHEREAS, There are only three transcontinental schedules daily in and out of San Francisco and Oakland on their one air line as against 12 transcontinental schedules daily in and out of Los Angeles; and

WHEREAS, In the dissenting opinion of four of the commissioners in the above mentioned decision by the Interstate Commerce Commission there is excellent expression of the discriminatory phases of the Air Mail Act; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly.* That the Legislature of the State of California respectfully urges and memorializes the President and the Congress of the United States to take such steps as are proper to have the law amended to permit logical and nondiscriminatory expansion of air mail, passenger, express and freight service to and from the city of San Francisco and the city of Oakland, major seaports of the United States; and be it further

*Resolved.* That certified copies of this resolution be forwarded by the Secretary of the Senate of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Interstate Commerce Commission and to all the Senators and Representatives from California in the United States Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 17 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keogh, Knowland, Law, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Senate Joint Resolution No. 17 ordered transmitted to the Assembly.

Senate Bill No. 346—An act relating to parole and the conditional release of prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 346 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keogh, Knowland, Law, McCormack, Mixter, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 346 ordered transmitted to the Assembly.

Senate Bill No. 70—An act to add section 591 to the Vehicle Code, prescribing a rule of evidence establishing a prima facie presumption of guilt of the registered owner of any vehicle illegally parked on any public street or highway and prescribing a procedure that must be

followed in order that such presumption be invoked and limiting the application of such presumption in certain cases.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 70 passed by the following vote:

AYES—Senators Allen, Bigger, Crottingham, DeLap, Fletcher, Hays, Hollister, Holahan, Keating, Keough, Knowlton, Law, Mixer, Nielson, Olson, Parkman, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—24.

NOES—Senators Gordon, Jorgensen, McCormack, and Tickle—4.

Title read and approved.

Senate Bill No. 70 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Assembly Bills.

Assembly Bill No. 1763—An act to amend section 535 of the Political Code, relating to State Printer.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Assembly Bill No. 1763 passed by the following vote:

AYES—Senators Allen, Bigger, Crottingham, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Knowlton, Law, McCormack, Mixer, Nielson, Olson, Parkman, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1763 ordered transmitted to the Assembly.

Assembly Bill No. 664—An act to amend section 403 of the Streets and Highways Code, relating to State highways.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Assembly Bill No. 664 passed by the following vote:

AYES—Senators Allen, Bigger, Crottingham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Knowlton, Law, McCormack, Mixer, Nielson, Olson, Parkman, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 664 ordered transmitted to the Assembly.

Assembly Bill No. 642—An act to amend section 4041.21 of the Political Code, relating to the powers of boards of supervisors to buy, sell and rent property.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Assembly Bill No. 642 refused passage by the following vote:

AYES—Senators Allen, DeLap, Donel, Garrison, Gordon, Holahan, Jorgensen, McCormack, Nielson, Olson, Quinn, Rich, Slater, and Westover—14.

NOES—Bigger, Crottingham, Crottingham, Hays, Hollister, Keating, Keough, Law, Mixer, Parkman, Schottky, Swing, Tickle, Wagy, Williams, and Young—16.

**Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 342 was passed.

**Notice of Motion to Reconsider.**

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 642 was refused passage.

**Notice of Motion to Reconsider.**

Senator Allen gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 349 was refused passage.

**Notice of Motion to Reconsider.**

Senator Rich gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 346 was passed.

**Senator Westover in the Chair.**

At three o'clock and forty-six minutes p.m., Senator Westover of the Thirty-fifth District was called to the chair.

**Secretary Joseph A. Beek at the Desk.****Third Reading of Assembly Bills—(Resumed).**

Assembly Bill No. 1435—An act to amend section 445 of the Political Code, relating to the salaries of the inheritance tax attorney and five assistant inheritance tax attorneys.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1435 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1435 ordered transmitted to the Assembly.

Assembly Bill No. 1579—An act to amend section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1579 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1579 ordered transmitted to the Assembly.

Assembly Bill No. 1580—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other

public corporation," approved April 14, 1913, by adding a new section thereto, relating to disposition of fees received by the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1580 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Parkhurst, Phillips, Quinn, Rich, Schott, Slater, Tickle, Wagy, Westover, Williams, and Young. 30.

NOES—None.

Title read and approved.

Assembly Bill No. 1580 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Law:

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately.

Respectfully submitted,

SENATOR LAW

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Law to introduce a bill entitled:

An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Riggat, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland,



Law, McCormack, Mixer, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Youngs—32.  
 NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Keating:

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 737u and 4252 of the Political Code, relating to compensation of public officers.

Respectfully submitted.

SENATOR KEATING.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Keating to introduce a bill entitled:

An act to amend sections 737u and 4252 of the Political Code, relating to compensation of public officers;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
 TICKLE.  
 KNOWLAND.  
 SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Williams—31.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1123:** By Senator Law—An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately.

Senate Bill No. 1123 read first time, and referred to Committee on Irrigation.

**Senate Bill No. 1124:** By Senator Keating—An act to amend sections 737u and 4252 of the Political Code, relating to compensation of public officers.

Senate Bill No. 1124 read first time, and referred to Committee on County Government.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 196—An act to amend section 296a of the Code of Civil Procedure, relating to place of trial of civil actions.

Assembly Bill No. 197—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions.

Assembly Bill No. 448—An act to amend section 1124 of the Probate Code of the State of California, and to add a new section thereto to be known as section 1125-1, relating to testamentary trustees.

Assembly Bill No. 449—An act to amend section 1503 of the Probate Code, relating to the discharge of guardians.

Assembly Bill No. 562—An act to add section 785a to the Code of Civil Procedure, relating to bonds or undertakings required by law or order of court.

Assembly Bill No. 563—An act to amend section 1482 of the Probate Code, relating to additional bond required of applicants upon the sale or mortgaging of real property of the decedent.

Assembly Bill No. 1444—An act to amend sections 147 and 150 of the Code of Civil Procedure, relating to court seals.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1786—An act to amend section 170 of the Code of Civil Procedure, relating to disqualification of judges on account of proceedings by or against the Reclamation Board of the State of California or the Irrigation, Reclamation, Levee, Swamp Land or Drainage District, or any public agency or trustee, officer, or employee thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 573—An act to add two new sections to the numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; noes—1; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 283—An act to amend section 985 of the Code of Civil Procedure, relating to the execution of judgments.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—1.

HAYS, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 650—An act to add section 136½ to the Penal Code, relating to bribing or offering to bribe witnesses;

Assembly Bill No. 1025—An act to amend section 1368 of the Penal Code, relating to the sanity of the defendant in a criminal prosecution;

Assembly Bill No. 2277—An act to amend section 1203.1 of the Penal Code, relating to probation;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 371—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business;

Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

**On Finance.**

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

**On Constitutional Amendments.**

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 21 to Article XI thereof, relating to hospitals maintained by cities, counties, or cities and counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be not adopted.

Committee membership—3; committee vote: Ayes—2; noes—1.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section 3 of Article IX of the Constitution of said State, relating to county superintendents of schools;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the amendment be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

**On Roads and Highways.**

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 484—An act to amend section 10 of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts



of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1928, relating to rules and regulations of said districts, the policing of the bridges and approaches thereto of such districts, the maintenance of directional signs in connection therewith, the maintenance of fire departments and towing and emergency service thereto, and the enforcement of laws by such districts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that if so passed, as amended.

Committee membership—9; committee vote: Ayes—8; nays—1.

MCCORMACK, Chairman.

### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1860—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to issue bonded debt and to acquire, construct, acquire and manage works and property, providing for the regulation of property therein and the performance of certain functions relating thereto by officers of said districts, providing for the addition of area thereto and the addition of area thereto and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2, 5, 6, 7, 8, all relating to the incorporation, powers, government, and management of metropolitan water districts.

Assembly Bill No. 892—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Assembly Bill No. 893—An act to validate proceedings for the annexation of territory to, incorporation in, and resolution thereof, of certain municipal corporations.

Assembly Bill No. 894—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities whose authority for such issuance has already been given by a vote of not less than two-thirds of the members of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Assembly Bill No. 895—An act to legalize bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 896—An act to validate the organization and existence of municipal improvement districts.

Assembly Bill No. 897—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Assembly Bill No. 898—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts whose authority for such issuance has already been given by a vote of not less than two-thirds of the members of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Assembly Bill No. 899—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Assembly Bill No. 900—An act to validate the organization and existence of public utility districts.

Assembly Bill No. 901—An act to legalize bonds heretofore issued and sold or to be issued and sold by public utility districts.

Assembly Bill No. 902—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.



Assembly Bill No. 903—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 904—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same;

Assembly Bill No. 905—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 908—An act confirming and validating the formation or organization and existence of sanitary districts;

Assembly Bill No. 910—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 911—An act to confirm and validate the boundaries of municipal utility districts;

Assembly Bill No. 912—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal utility district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Assembly Bill No. 913—An act confirming and validating the formation or organization and existence of irrigation districts;

Assembly Bill No. 914—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 915—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 916—An act to legalize bonds heretofore issued and sold or to be issued and sold by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Assembly Bill No. 917—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds;

Assembly Bill No. 918—An act to validate the organization and existence of water conservation districts;

Assembly Bill No. 919—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Assembly Bill No. 920—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts;

Assembly Bill No. 921—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Assembly Bill No. 922—An act to validate the organization and existence of county water districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 923—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any street, highway, district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereon.

Assembly Bill No. 924—An act to validate the organization and formation of municipal water districts.

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency thereof, and providing that it shall take effect immediately," approved February 1, 1935, declaring the urgency thereof, and providing that it shall take effect immediately.

Assembly Bill No. 1442—An act to repeal an act entitled "An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State," approved by the Governor July 11, 1935.

Assembly Bill No. 953—An act to add section 1620.5 to the Streets and Highways Code and to amend sections 1627 and 1628 thereof, relating to assessments by boards of supervisors of moneys received by the issuing from the motor vehicle fuel fund or from moneys received by the committee for public registration license fees, and authorizing the refunding, remission and adjustment of such assessments levied for the acquisition, construction, maintenance, improvement or repair of public highways, bridges or culverts.

Has had the same under consideration, and respectfully requests the same back and recommends that they do pass.

Committee membership—5; committee vote, Ayes, 5; absent, 2.

MCGOVERN, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 285—An act providing for the formation of publicly ownership corporations to be known as electric municipally corporations, authorizing such corporations to acquire, sell and distribute energy in the jurisdiction of the State at the lowest cost consistent with sound economy, and the general management of the business of such corporations, authorizing such corporations to generate or otherwise acquire, own, operate, transmit, deliver and dispose of electric energy and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Assembly Bill No. 528—An act to add section 528 to the act entitled "An act to provide for the organization, incorporation and governance of municipal corporations," approved March 13, 1888, relating to the procedure in cases of the said class.

Assembly Bill No. 1861—An act for the relief of certain assessment districts and for that purpose empowering municipal corporations to render financial aid to such districts.

Has had the same under consideration, and respectfully requests the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote, Ayes, 3; absent, 2.

MCGOVERN, Chairman.

## SENATE CHAMBER, SACRAMENTO, March 31, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 633—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions.

Assembly Bill No. 600—An act to amend section 28a of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments.

Assembly Bill No. 747—An act to amend section 18a of the Streets and Highways Code, relating to reassessment procedure and relief from special assessments.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

#### On Civil Service.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

YOUNG, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 30, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 304—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 166—An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and for ancillary purposes, and to prescribe its powers and duties;

Senate Bill No. 908—An act to amend sections 1299.18, 1300, 1300.3 and 1300.4 of the Agricultural Code, relating to processors of farm products;

Senate Bill No. 878—An act to amend section 632 of the Agricultural Code, relating to samples;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 912—An act to add a new section to be numbered 32c to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Senate Bill No. 438—An act to amend section 4 of an act entitled, "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to species illegally entered or kept;



Senate Bill No. 410--An act to amend sections 1064, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons.  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Senate Bill No. 913—An act to add a new section to be numbered 56 to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and measures like false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry out the provisions of this act including a State Superintendent of Weights and Measures and his deputies, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Land Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—9.

CRITTENDEN, Chairman.

### Adjournment.

At four o'clock and five minutes p.m., on motion of Senator Rich, the acting President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m. Friday, April 2, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, April 2, 1937.

At ten o'clock and thirty minutes a.m. pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keeney, Keough, Knowland, Law, McColl, McCormack, Mixer, Nielsen, Olson, Phillips, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—32.

Quorum present.



### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, April 1, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

Senators Powers and Metzger were, on motion of Senator McColl, granted leave of absence for this day.

Senator Parkman was, on motion of Senator Seawell, granted leave of absence for this day.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Emelyn Knowland of Alameda.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1, comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 541—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election;

Assembly Bill No. 1253—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs, and devices and to the powers of the State Board of Public Health in relation thereto;

Assembly Bill No. 669—An act to amend section 22 of the Direct Primary Law, relating to the canvass of the returns of primary elections;

Assembly Bill No. 1194—An act to amend section 1097 of the Political Code, relating to registration of electors;

Assembly Bill No. 2183—An act to amend the School Code by adding thereto three new sections, to be numbered 2,973, 2,974 and 2,975, relating to the election and recall of members of city boards of education, the cost and expense of such elections, and for the consolidation of such elections;

Assembly Bill No. 584—An act to amend section 1197 of, and to add section 1188.5 to, the Political Code, relating to election ballots and the nomination of presidential electors.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 541 read first time, and referred to Committee on Elections.

Assembly Bill No. 1233 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 669 read first time, and referred to Committee on Elections.

Assembly Bill No. 1194 read first time, and referred to Committee on Elections.

Assembly Bill No. 2183 read first time, and referred to Committee on Education.

Assembly Bill No. 584 read first time, and referred to Committee on Elections.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2326—An act to amend section 1 of an act entitled "An act to regulate solicitations and solicitations for companies during strikes, lock-outs and other labor troubles," approved June 7, 1931, as amended, and to add thereto a new section to be known as section 10, relating to prohibition of solicitation for companies whose negotiations to conclude working conditions are to settle labor disputes are pending, and providing a copy of said notification and a statement identifying the employer concerned to be filed with the Labor Commissioner where such identity does not appear in such notification or notification.

Assembly Bill No. 2223—An act to amend section 5470a of the Political Code, relating to the salary of judges of the court of Sessions.

Assembly Bill No. 1275—An act to amend the title of and section 1 of an act entitled "An act relating to the liability in damages of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, prescribing the duties of the officers thereof in such cases, and authorizing such public or quasi public corporations to take out and pay for insurance to protect them against such liability," approved June 19, 1931, relating to liability of and damages against school districts.

Assembly Bill No. 1230—An act to amend section 598 of the Agricultural Code, relating to cheese standards.

Assembly Bill No. 1231—An act to amend section 621 of the Agricultural Code, relating to factory licenses.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2326 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2223 read first time, and referred to Committee on County Government.

Assembly Bill No. 1275 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1230 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1231 read first time, and referred to Committee on Live Stock and Dairying.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1941—An act to amend section 4 of the County Water District Act, relating to the organization of such districts, and to elections thereon, including the election and appointment of directors thereof.

Assembly Bill No. 436—An act to add a new section to the Civil Code, to be numbered 3052a, relating to jewelers' liens.

Assembly Bill No. 469—An act to amend section 710 of the Code of Civil Procedure, relating to execution on moneys due from a governmental agency to a judgment debtor;

Assembly Bill No. 1072—An act to amend section 9 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system;

Assembly Bill No. 2376—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1941 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 436 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 469 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1072 read first time, and referred to Committee on County Government.

Assembly Bill No. 2376 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 101—An act to amend section 1680 of the Labor Code, relating to the establishment of free employment bureaus;

Assembly Bill No. 1084—An act to amend section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments relating to real property by a name other than that by which they acquired title.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 101 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 1084 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 873—An act to amend section 26 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to subrogation procedure;

Assembly Bill No. 1177—An act to amend the title of and sections 1 and 10 of, and to add sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act;

Assembly Bill No. 1467—An act to amend sections 4,962, 4,963, 4,964, 4,1010, and to add two new sections to be numbered 4,967 and 4,968, of the School Code, relating to school district bonds;

Assembly Bill No. 74—An act to regulate the sale of second-hand watches;

Assembly Bill No. 1466—An act to amend section 1973 of the Code of Civil Procedure, and section 1624 of the Civil Code, relating to agreements required to be in writing and to be subscribed by the party to be charged.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 873 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1177 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1467 read first time, and referred to Committee on Education.

Assembly Bill No. 74 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1466 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended.

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within appropriate state and county judicial, quasi-governmental agency, society, association, authority or utility rendering service to the public, and to authorize the creation and use of reserve funds for the purpose of defraying costs of construction or acquisition of public utilities and continuous repairs, replacements and improvements to public utilities, for the acquisition, production, purchase and distribution of public utilities, property or services of such public utilities, and providing for the payment of such loans and the interest thereon.

And respectfully requests your honorable body to concur in said amendments.

JAMES C. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR JONES, Assistant Clerk.

### Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendment to Senate Bill No. 200.

#### Amendment No. 1.

On page 6, line 12, of the printed bill, after the word "water" strike out the words "water and electric energy, gas, transmission, telephones", and on line 14, strike out the words "and telephone service, on part of same", and thereon to strike thereof the following: "such public utility service as may be paid for by the public as authorized by the Constitution or laws of the State of California."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 200?

The roll was called, and Assembly amendment to Senate Bill No. 200 concurred in by the following vote:

AYES—Senators Bagge, Crittenden, Cunningham, DeLoe, Deuel, Frazier, Garrison, Gordon, Hollister, Holcomb, Keating, Keegan, Keweenaw, McCall, McCormack, Mixer, Nielson, Olson, Phillips, Rich, Schuch, Seasholtz, Sauer, Wages, Westover, and Young 26.

NOES—None.

Senate Bill No. 200 ordered to enrollment.

### Petition Referred to Special Committee of One.

A petition was received from the Stockton Parlor No. 7, Native Sons of the Golden West, and referred to Senator Crittenden as a Special Committee of One, to consider said petition.

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Bill No. 642 was refused passage.

#### Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 642 was refused passage was continued until the next legislative day.



**Motion to Reconsider.**

Pursuant to the notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 346 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 346 was passed was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to the notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 346 was passed.

**Postponement of Reconsideration.**

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 346 was passed was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Allen moved to reconsider the vote whereby Senate Bill No. 349 was refused passage.

**Postponement of Reconsideration.**

On motion of Senator Allen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 349 was refused passage was continued until the next legislative day.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 573—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 573 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 3 to 19, inclusive, and insert in lieu thereof the following:

"2953. Any agreement exacted from a borrower as a condition to the making or renewing of any loan secured by a deed of trust, mortgage or other lien on real property whereby the borrower agrees to waive any rights or privileges existing under sections 2924, 2924b, 2924c of the Civil Code or under sections 580a or 726 of the Code of Civil Procedure, and any agreement exacted from a borrower as a condition to the making of any such loan whereby the borrower in general terms agrees to waive any rights or privileges which may be conferred upon him by legislation thereafter enacted are hereby declared to be void and unenforceable."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 827 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, commencing on line 7, strike out the following: "and the costs of administration if such costs can not be retained out of other property of the estate."

**Amendment No. 2.**

On page 1, line 11, of the printed bill, strike out the period, and insert the following: "provided, that when property is sold where the sales proceeds are given or other lien given or created to secure repayment to the State out of moneys furnished under the Old Age Security Act the purchase money must be applied to the costs of administration if such costs can not be retained out of other property of the estate before being applied to the payment of such mortgage or lien."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 283—An act to repeal section 683 of the Code of Civil Procedure, relating to the execution of judgments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof, to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 891 were read and adopted:

**Amendment No. 1.**

On page 8, line 42, of the printed bill, as amended, strike out "and shall insert in lieu thereof the following:—one-fourth of the net proceeds of said race track Veterans' Home of California at Yountville for major construction; one-fourth to be allocated under the supervision of the Department of Pensions to the said grape shows, festivals or fiestas within the several counties in the agricultural district the vineyard acreage of the county in which such show and fiesta were, festival or fiesta is conducted bears to the total acreage of vineyards within the State; provided that no such allocation shall be made to more than one county; festival or fiesta in any one county each year; and no allocation shall be made to any such show, festival or fiesta unless it shall have exhibited for at least one out of the preceding ten years, and shall from now on exhibit not less than three times each year; and provided that no such allocation shall exceed \$25,000 to any one grape and wine show, festival or fiesta in any one year; and provided that if a surplus remains after all such allocations are made, the said surplus shall come to the Department of Institutions of the State to be expended in accordance with the law under the supervision of the Department of Finance; no such show and wine show, festival or fiesta promoted by private enterprise for personal gain shall participate in the allocation of these funds; and"

**Amendment No. 2.**

On page 8, line 45, of the printed bill, as amended, after "institutions," strike out the semicolon, and strike out all of lines 46 to 50, inclusive, and insert in lieu thereof the following: "to be expended in accordance with law under the supervision of the Department of Finance."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 371—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 484—An act to amend section 10 of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to rules and regulations of said districts, the policing of the bridges and approaches thereto of such districts, the maintenance of directional signs in connection therewith, the maintenance of fire departments and towing and emergency service thereon, and the enforcement of liens by such districts.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 484 were read and adopted:

##### **Amendment No. 1.**

On page 3, line 5, of the printed bill, after the word "thereto", insert the following: "constructed by the district".

##### **Amendment No. 2.**

On page 3, line 13, of the printed bill, after the period add the following: "No toll shall be charged or collected upon any portion of any approach road constructed by the district other than the portion of such approach road lying between a bridge constructed by the district and the nearest intersection or interception of such approach road with any other public street or highway."

##### **Amendment No. 3.**

On page 3, line 43, of the printed bill, after the word "location", insert the following: "size, shape, composition".

##### **Amendment No. 4.**

On page 4, line 4, of the printed bill, after the period, add the following: "Any vehicle owned or operated by the district or by anyone under contract with the district, and equipped and used for either fighting fire on or towing other vehicles on or over a bridge or its approaches, constructed by the district, shall be deemed, and is hereby classified as, an authorized emergency vehicle while on such bridge or the approaches thereto constructed by the district."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that

it shall take effect immediately," approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 285—An act providing for the formation of non-profit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 285 were read and adopted:

##### Amendment No. 1.

On page 1, line 4, of the printed bill, ~~as introduced January 19, strike out the word "from", and insert in lieu thereof the words "from".~~

##### Amendment No. 2.

On page 2, line 6, of the printed bill, after the word "all", insert the word "electric".

##### Amendment No. 3.

On page 4, line 31, of the printed bill, ~~strike out the words "energy source", and substitute in place thereof the words "supply energy".~~

##### Amendment No. 4.

On page 6, line 12, of the printed bill, after the word "State", ~~strike out the period, and substitute in place thereof a semicolon, and add the words "provided further, that anything done to the contrary notwithstanding, no such corporation may take by eminent domain either real property within the boundaries of any municipal corporation, utility district, municipal utility district, irrigation district or other political subdivision or public agency of the State which is authorized by law to acquire, construct, own or operate an electric utility or any property owned by such municipal corporation, utility district, municipal utility district, irrigation district or other political subdivision or public agency outside of its boundaries, without having first obtained the written consent of the legislative or governing body of such municipal corporation, utility district, municipal utility district, irrigation district or other political subdivision or public agency."~~

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 633—An act to add section 1081d to the Political Code, relating to the publication of notice of intention to circulate petitions.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 633 were read and adopted:

##### Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the words "municipal corporation", and insert in lieu thereof the word "city".



**Amendment No. 2.**

On page 1, lines 5 and 6, of the printed bill, strike out the words "municipal corporations", and insert in lieu thereof the word "cities".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out the words "municipal corporation", and insert in lieu thereof the word "city".

**Amendment No. 4.**

On page 1, line 24, of the printed bill, strike the word "forthwith", and insert in lieu thereof the following: "within four days after the date of the publishing of such notice".

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 309 were read and adopted:

**Amendment No. 1.**

On page 4, line 5, of the printed bill, as amended, strike out the words "twenty-five", and insert in lieu thereof the word "fifteen".

**Amendment No. 2.**

On page 4, line 8, of the printed bill, as amended, strike out the word "one", and insert in lieu thereof the word "two".

**Amendment No. 3.**

On page 5, line 24, of the printed bill, strike out the following: ", either personally or by representative,".

**Amendment No. 4.**

On page 5, line 26, of the printed bill, as amended, after the comma after the word "act", insert "supervise and direct the work of,".

**Amendment No. 5.**

On page 5, line 28, of the printed bill, as amended, strike out the comma after the figures "31", and insert in lieu thereof a period.

**Amendment No. 6.**

On page 5, line 29, of the printed bill, as amended, strike out the following: "and to supervise and direct their work."

**Amendment No. 7.**

On page 6 of the printed bill, as amended, strike out all of lines 8, 9, and 10.

**Amendment No. 8.**

On page 6, line 12, of the printed bill, as amended, after the word "and", insert the following: "amendments".

**Amendment No. 9.**

On page 6, line 14, of the printed bill, as amended, strike out the words "or subscribe to any association or service", and insert in lieu thereof the words "associations of public personnel agencies".

**Amendment No. 10.**

On page 6, line 38, of the printed bill, as amended, after the word "witness", insert the following: ", other than a State officer,".

**Amendment No. 11.**

On page 6, lines 14 and 15, of the printed bill, as amended, strike out the following: "its purpose the interchange or supply", and insert in lieu thereof "their purpose the interchanging or supplying".

**Amendment No. 12.**

On page 6, line 21, of the printed bill, as amended, strike out the word "shall", and insert in lieu thereof the word "may".

**Amendment No. 13.**

On page 8, line 33, of the printed bill, as amended, after the word "process", insert the words "and served".

**Amendment No. 14.**

On page 8, line 35, of the printed bill, as amended, before the word "process", insert the following: "nor shall any such person be compensated by the State subsequent to the date when such charge of infamy or proceeding against such person is filed and served within 90 days after the same is taken."

**Amendment No. 15.**

On page 8 of the printed bill, strike out all of lines 40 and 41.

**Amendment No. 16.**

On page 8 of the printed bill, as amended, between lines 41 and 42, insert the following:

"Sec. 55. Process directed to any appointing power or the board of the members thereof, or the executive officer, in any action or proceeding against such person may be served upon the president of the board, or the secretary, or assistant secretary, and also upon the Attorney General, or one of his assistants."

**Amendment No. 17.**

On page 8, line 42, of the printed bill, as amended, strike out "52" and insert in lieu thereof "56."

**Amendment No. 18.**

On page 9, line 6, of the printed bill, as amended, strike out "56" and insert in lieu thereof "57."

**Amendment No. 19.**

On page 9, line 23, of the printed bill, as amended, immediately following the period after the word "Finance", insert the following: "And any such fund of the State pursuant to such agreements shall be placed in the general fund of the State treasury to the credit of the support and maintenance of the State Pension Agency."

**Amendment No. 20.**

On page 9, line 24, of the printed bill, as amended, strike out "57" and insert in lieu thereof "58."

**Amendment No. 21.**

On page 9, line 28, of the printed bill, as amended, strike out "58" and insert in lieu thereof "59."

**Amendment No. 22.**

On page 9, line 43, of the printed bill, as amended, strike out the following: "by the board, after considering the recommendations."

**Amendment No. 23.**

On page 9, line 44, of the printed bill, as amended, strike out the word "or" and insert in lieu thereof the word "by".

**Amendment No. 24.**

On page 11, line 24, of the printed bill, as amended, after the word "there", insert the following: "for a period not to exceed two years".

**Amendment No. 25.**

On page 11, line 29, of the printed bill, as amended, strike out the words "include therein", and insert in lieu thereof the following: "and provision to the need for".

**Amendment No. 26.**

On page 11, lines 31 and 32, of the printed bill, as amended, strike out the words "Nothing contained in this section shall be construed to prevent special salary", and insert in lieu thereof the following: "Salary".

**Amendment No. 27.**

On page 11, line 33, of the printed bill, as amended, strike out the words "and sections", and insert in lieu thereof "this section may be made".

**Amendment No. 28.**

On page 11, line 34, of the printed bill, as amended, after the word "and", insert the word "with".

**Amendment No. 29.**

On page 19, line 30, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "fifteen".

**Amendment No. 30.**

On page 20, line 19, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "three".

**Amendment No. 31.**

On page 21, line 10, of the printed bill, as amended, after the word "State", insert the following: "otherwise qualified".

**Amendment No. 32.**

On page 23, line 34, of the printed bill, as amended, strike out the words "within five days after", and insert in lieu thereof the word "and".

**Amendment No. 33.**

On page 23, line 35, of the printed bill, as amended, strike out the words "has been".

**Amendment No. 34.**

On page 23, line 39, of the printed bill, as amended, strike out the words "or investigated".

**Amendment No. 35.**

On page 23, line 43, of the printed bill, as amended, strike out the words "or investigation".

**Amendment No. 36.**

On page 23, lines 45 and 46, of the printed bill, as amended, strike out the words "an investigation or", and insert in lieu thereof the word "a".

**Amendment No. 37.**

On page 23, line 51, of the printed bill, as amended, strike out the words "or investigation".

**Amendment No. 38.**

On page 23, line 52, of the printed bill, as amended, strike out the words "or investigation".

**Amendment No. 39.**

On page 24, line 4, of the printed bill, as amended, strike out the words "or investigation".

**Amendment No. 40.**

On page 24, line 6, of the printed bill, as amended, after the comma after the word "charges", insert the following: "or to appear at the hearing".

**Amendment No. 41.**

On page 24, line 7, of the printed bill, as amended, strike out the words "investigation or".

**Amendment No. 42.**

On page 24, line 13, of the printed bill, as amended, strike out the words "or investigation".

**Amendment No. 43.**

On page 24, line 16, of the printed bill, as amended, strike out the words "or the investigation".

**Amendment No. 44.**

On page 24, line 23, of the printed bill, as amended, strike out the words "or investigations".

**Amendment No. 45.**

On page 24, line 27, of the printed bill, as amended, strike out the words "or investigations".

**Amendment No. 46.**

On page 24 of the printed bill, strike out all of lines 49 to 52, inclusive, and on page 25, strike out all of lines 1 to 9, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section 3 of Article IX of the Constitution of said State, relating to county superintendents of schools.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 10 were read and adopted:

**Amendment No. 1.**

On page 2, line 12, of the printed bill, as amended, strike out the word "changed", and insert in lieu thereof the word "decreased".

**Amendment No. 2.**

On page 2, line 13, of the printed bill, as amended, after the word "appointed", insert the following: "but may be increased by the board of supervisors of such county".

Senate Constitutional Amendment No. 10 read second time, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 304—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation, preventing discriminations between various forms of transportation, conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles, providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 304 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 8 to 11, inclusive, and insert in lieu thereof the following: "and whose business in such transportation service does not amount to more than \$100 in any one month or more than \$400 in any one year, nor persons haul".

**Amendment No. 2.**

On page 2, line 12, of the printed bill, as amended, strike out "or manufacture".

**Amendment No. 3.**

On page 2, line 15, of the printed bill as amended, after the word "hauling," strike out "for themselves or for their members for persons haul," and strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "haul any property or the property of their members."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 166—An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and ancillary purposes, and to prescribe its powers and duties.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 166 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "Agricultural"

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "agricultural".

**Amendment No. 3.**

On page 1, lines 1 and 2, of the printed bill, strike out "the agricultural areas of".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 12 to 26, inclusive, and on page 2, strike out lines 1 to 8, inclusive.

**Amendment No. 5.**

On page 2, line 9, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".



**Amendment No. 6.**

On page 2 of the printed bill, strike out lines 16 and 17, and insert in lieu thereof the following: "ruption to production or commerce."

**Amendment No. 7.**

On page 2, line 19, of the printed bill, strike out "interference or coercion by," and strike out lines 20 and 21, and in lieu thereof insert the following: "any interference or coercion of any kind."

**Amendment No. 8.**

On page 2, line 22, of the printed bill, strike out "4. California Agricultural", and insert in lieu thereof the following: "3. California".

**Amendment No. 9.**

On page 2, line 23, of the printed bill, strike out "Agricultural".

**Amendment No. 10.**

On page 2, line 30, of the printed bill, strike out "and board member number 2".

**Amendment No. 11.**

On page 2 of the printed bill, strike out lines 31 and 32, and insert in lieu thereof the following: "represent industrial employees. Board member number 2 shall be appointed to represent agricultural employees. Board member number 3 shall be appointed to represent industrial employ-".

**Amendment No. 12.**

On page 2, line 33, of the printed bill, after the syllable "ers", add a comma and the following: "and board member number 4 shall be appointed to represent agricultural employers".

**Amendment No. 13.**

On page 2, line 42, of the printed bill, strike out "three", and insert in lieu thereof the following: "four".

**Amendment No. 14.**

On page 3 of the printed bill, strike out line 5, and insert in lieu thereof the following:

"(c) Expenses. The board may appoint a secretary, experts, referees, attorneys, assistants and".

**Amendment No. 15.**

On page 3, line 6, of the printed bill, strike out "assistants, including an attorney," and insert in lieu thereof the following: "personnel".

**Amendment No. 16.**

On page 3, line 8, of the printed bill, following the period, add the following: "The board shall also have the power to make expenditures for necessary rent, books, periodicals and research."

**Amendment No. 17.**

On page 3, line 9, of the printed bill, strike out "(d) Compensation."

**Amendment No. 18.**

On page 3, line 15, of the printed bill, strike out "conduct of the".

**Amendment No. 19.**

On page 3, line 16, of the printed bill, after "board", add the following: "and other expenses".

**Amendment No. 20.**

On page 3 of the printed bill, between lines 30 and 31, add the following:

"(h) The board shall have the power to make such rules and regulations as may be necessary for the administration of this act."

**Amendment No. 21.**

On page 3, line 31, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

**Amendment No. 22.**

On page 3, line 48, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

**Amendment No. 23.**

On page 4, line 51, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

**Amendment No. 24.**

On page 5, line 48, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

**Amendment No. 25.**

On page 5, line 50, of the printed bill, strike out the period, and insert in lieu thereof a comma and add the following: "nor shall anything in this act be con-

strued as directly or indirectly advocating or encouraging the organization of agricultural labor."

#### Amendment No. 26.

On page 5 of the printed bill, between lines 50 and 51, insert the following:

"Sec. 8. The board or its representative shall, within five days after written request from any employer involved in or affected by a labor dispute, or from a representative of any group of employees involved in or affected by a labor dispute, and may at any time or on its own motion, call, hold and conduct a meeting of the employees involved in, or affected by such labor dispute. At such meeting the board or its representative may present to such employees such information, advice or recommendation as it may deem fit and proper, and, on the discussion, the board or its representative may permit the employer or a representative of the employer and a representative of such employees to make such statements, offers or arguments to such employees as to the board may seem fit and proper.

Sec. 9. At such meeting, the board shall be empowered to hold and conduct a vote of the employees affected or involved in such labor dispute, and may on all of such questions, disputes or offers by secret ballot or otherwise. For such purpose the board may determine the proper unit, group or class of employees who shall vote upon such questions, disputes or offers.

Sec. 10. The vote of a majority of the employees of and such meeting at which a majority of the employees in any group will or cause of employees involved in, or affected by such labor dispute, shall be present, shall be final, binding and binding upon all of such employees, provided that no employee shall thereby be required to render labor or service without his consent or against his will.

Sec. 11. The term "labor dispute," as used in this act, means any dispute between employees and their employer concerning wages, hours, terms and conditions of employment or the interpretation of or compliance with any contract, agreement or understanding, oral or written, between the employees and their employer.

Sec. 12. It shall be unlawful to interfere with or obstruct the staffing or holding of any meeting or election herein provided for, or to interfere with the steps or prevent the performance of any contract, understanding or agreement made or entered into pursuant to, or in accordance with, the provisions of this act, or to attempt to persuade, induce or compel any of the parties thereto, or wrongfully to violate the same."

#### Amendment No. 27.

On page 5, line 51, of the printed bill, strike out "9," and insert in lieu thereof the following: "13".

#### Amendment No. 28.

On page 6, line 6, of the printed bill, strike out "10," and insert in lieu thereof the following: "14".

#### Amendment No. 29.

On page 6 of the printed bill, following line 19, add the following:

"Sec. 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 908. An act to amend sections 1299.18, 1400, 1400.2 and 1300.4 of the Agricultural Code, relating to processors of farm products.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 908 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, between lines 25 and 26, insert the following:

"(e) The term "agent" designates any person who on behalf of any processor contracts for or solicits any farm product from a producer thereof, or who negotiates the purchase of any farm product on behalf of any processor."

#### Amendment No. 2.

On page 2, lines 24 and 25, of the printed bill, strike out "of said contract".

#### Amendment No. 3.

On page 2, line 50, of the printed bill, after "make", insert the following: "payment".

**Amendment No. 4.**

On page 3, line 4, of the printed bill, strike out the period, and insert in lieu thereof the following: " , provided however that in no event may such damages exceed the amount still remaining due and unpaid under said contract."

**Amendment No. 5.**

On page 4, line 23, of the printed bill, strike out "previous", and all of lines 24 to 28, inclusive.

**Amendment No. 6.**

On page 4, line 47, of the printed bill, immediately before "section", insert the following: "following".

**Amendment No. 7.**

On page 5 of the printed bill, strike out lines 6 to 14, inclusive, and insert in lieu thereof the following: "upon and forthwith shorten the time herein provided for hearing upon an order to show cause why the license of said processor should not be forthwith suspended or revoked, provided however that the time of notice of said hearing shall in no event be less than 24 hours, and shall within that period call a hearing, at which the processor proceeded against shall be ordered to show cause why his or its license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors involved. Said hearing, in the case of such emergency, may be called upon".

**Amendment No. 8.**

On page 5 of the printed bill, strike out all of lines 22 to 25, inclusive, and insert in lieu thereof the following: "or applied for hereunder. Previous violation of record of any provisions of this chapter by the applicant or by any person owning any substantial interest in or acting in a proprietary capacity in the business of said applicant, or charged with the management of said business, shall be good and sufficient grounds for denial of license."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 878—An act to amend section 632 of the Agricultural Code, relating to samples.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 878 was read and adopted:

**Amendment No. 1.**

On page 2, line 10, of the printed bill, following the period, insert the following: "The provision herein requiring that samples shall consist of not more than one day's delivery from any person, and shall be tested daily, shall not apply to cooperative dairies duly organized under the laws of this State, and handling the products exclusively of their own members."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 913—An act to add a new section to be numbered 32d to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining

the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 912—An act to add a new section to be numbered 32e to an act entitled "An act to establish a standard of weights and measures in the State of California, to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers, and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 912 were read and adopted:

##### Amendment No. 1.

On page 1, line 5, of the printed bill, strike out "in packages here", and insert in lieu thereof the following: "or materials used for household or hotel purposes in packaged form or sealed containers."

##### Amendment No. 2.

On page 1, line 6, of the printed bill, immediately preceding the word "at", insert the following: "or container."

##### Amendment No. 3.

On page 1, line 7, of the printed bill, after the word "food", insert the following "or material".

##### Amendment No. 4.

On page 1, line 10, of the printed bill, strike out "in terms of weight or measure", and insert in lieu thereof the following: "or measure in terms of weight or measure except in cases where from the nature of such food or material reasonable variances are allowed in the percentage of fill under rules and regulations made by the Superintendent of Weights and Measures, the making of which rules and regulations are hereby authorized".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 438—An act to amend section 4 of an act entitled, "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to species illegally entered or kept.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 438 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 4", and insert in lieu thereof the following: "sections 2 and 4".

**Amendment No. 2.**

On page 1, line 4 of the title of the printed bill, strike out "species", and insert in lieu thereof the following: "permits and to species".

**Amendment No. 3.**

On page 1 of the printed bill, strike out "4", and insert in lieu thereof the following: "2".

**Amendment No. 4.**

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"SEC. 2. The Fish and Game Commission may issue a written permit to import into or transport within this State any wild bird or animal enumerated in or designated pursuant to section 1 of this act, upon determination that said wild bird or animal is not detrimental to agriculture, or to native wild life, or to the public health or safety.

Such permit shall be issued only upon written application from the person, firm, corporation or organization desiring to import or transport said species, specifying:

(a) The approximate number and true scientific name of each species of wild bird or animal for which permit is requested.

(b) The carrier and probable point of first arrival in this State of each shipment of such species.

(c) The purpose for which such species of birds or animals are to be imported or transported.

(d) The name and address of the consignee.

Each permit issued shall set forth:

(a) The number and true scientific name of the species of wild bird or animal for which the permit is granted.

(b) A statement of the manner and conditions under which the entry of such species is permitted.

(c) A statement of the conditions under which said species must be kept after importation or during transportation.

Whenever any permit is issued under the provisions of this section, one copy shall be sent by the Fish and Game Commission to the county agricultural commissioner or to the State Plant Quarantine Officer having jurisdiction at the place designated in the application as the probable point of first arrival in the State of such species, and one copy shall accompany each shipment of such wild birds or animals.

SEC. 2. Section 4 of the act cited in the title hereof is hereby amended to read as follows:—

**Amendment No. 5.**

On page 1, line 5, of the printed bill, after the word "be", insert the following: "held in confinement and".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 440—An act to amend sections 1064, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 440 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after the first comma, insert the following: "1066,".

**Amendment No. 2.**

On page 2 of the printed bill, between lines 9 and 10, insert the following:

"SEC. 14. Section 1066 of the Agricultural Code is hereby amended to read as follows:

It is unlawful to sell any adulterated or misbranded economic poison. It shall be unlawful to sell an undivided interest in the contents of a sealed or closed tank

or other container or package of economic poisons. It shall be unlawful for any person to sell or to possess within this State any thallium, or its compounds, or preparations thereof, unless same is for sale to and for official use for pest control purposes by Federal, State, or county officers or employees under their immediate supervision, or for sale to and for use by licensed pharmacists, druggists, pharmacians, or veterinarians in connection with their respective professions.

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 578 was read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, strike out lines 16 to 28, inclusive, and insert in lieu thereof the following:

"Sec. 5. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of \$44,800, of which the sum of \$4,800, or so much thereof as may be necessary, shall be expended by the commission for the maintenance of its office and the carrying on of its work. The sum of \$40,000 is hereby allocated to the emergency fund of the treasury, in anticipation of all other appropriations made to said fund, to be expended in the event that the Federal Government fails to maintain the field service now maintained by it for the furtherance of farm debt adjustment work. If such event should occur, \$40,000 shall be expended through the commission in the furtherance of the work then, and by the establishment of a field service substantially the same as that now maintained by the Federal Government.

SEC. 5. A new section to be numbered 6 is hereby added to said act to read as follows:

Sec. 6. The commission shall, within thirty days prior to each regular session of the Legislature, submit to the Governor a full and true report of its transactions during the preceding biennium, including a complete statement of receipts and expenditures during that period."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

#### Recess.

At eleven o'clock and ten minutes a. m., on motion of Senator Swing, the President of the Senate declared recess for the purpose of hearing an address by the Hon. Paul V. McNutt, ex-Governor of Indiana, en route to the Philippine Islands, the Senate to reconvene immediately following the address.

#### Reconvened.

At twelve o'clock and eighteen minutes p. m., the Senate reconvened. Lieutenant Governor George J. Hallfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

#### Consideration of Daily File—(Resumed).

#### Second Reading of Assembly Bills.

Assembly Bill No. 196—An act to amend section 396a of the Code of Civil Procedure, relating to place of trial of civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 197—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions.  
Bill read second time, and ordered on file for third reading.

Assembly Bill No. 448—An act to amend section 1124 of the Probate Code of the State of California, and to add a new section thereto to be known as section 1125.1, relating to testamentary trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 449—An act to amend section 1593 of the Probate Code, relating to the discharge of guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 562—An act to add section 948a to the Code of Civil Procedure, relating to bonds or undertakings required by law or order of court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 563—An act to renumber section 1482 of the Probate Code, relating to additional bond required of guardians upon the sale or mortgaging of real property of the ward.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1444—An act to amend sections 147 and 150 of the Code of Civil Procedure, relating to court seals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 650—An act to add section 136½ to the Penal Code, relating to bribing or offering to bribe witnesses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1025—An act to amend section 1368 of the Penal Code, relating to the sanity of the defendant in a criminal prosecution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2277—An act to amend section 1203.1 of the Penal Code, relating to probation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1786—An act to amend section 170 of the Code of Civil Procedure, relating to disqualification of judges in actions or proceedings by or against the Reclamation Board of the State of California or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency or trustee, officer, or employee thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1860—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2,

5, 6, 7, 8, all relating to the composition, powers, government, and management of metropolitan water districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 892—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 893—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 894—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 895—An act to legalize pending bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 896—An act to validate the organization and existence of **municipal improvement districts**.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 897—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 898—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 899—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 900—An act to validate the organization and existence of **public utility districts**.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 901—An act to legalize bonds heretofore issued and sold or to be issued and sold by public utility districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 902—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 903—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 904—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 905—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 908—An act confirming and validating the formation or organization and existence of sanitary districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 910—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 911—An act to confirm and validate the boundaries of municipal utility districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 912—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal utility district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 913—An act confirming and validating the formation or organization and existence of irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 914—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915.—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 916.—An act to legalize bonds heretofore issued and sold or to be issued and sold by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 917.—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 918.—An act to validate the organization and existence of water conservation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 919.—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold for any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 920.—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 921.—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 922.—An act to validate the organization and existence of county water districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 923.—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 924—An act to validate the organization and existence of municipal water districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1442—An act to repeal an act entitled "An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State," approved by the Governor July 11, 1935.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 528—An act to add section 862b to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to fire protection in cities of the sixth class.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 528 were read and adopted:

##### Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "municipality", insert the following: "or county or county fire protection district".

##### Amendment No. 2.

On page 1, line 6, of the printed bill, after the word "municipality", insert the following: "or county or county fire protection district".

##### Amendment No. 3.

On page 1, line 7, of the printed bill, after the word "municipality", insert a comma and the following: "or county or county fire protection district".

##### Amendment No. 4.

On page 1, line 10, of the printed bill, strike out the words "legislative body", and insert in lieu thereof "governing board".

##### Amendment No. 5.

On page 1, line 12, of the printed bill, strike out the words "any municipal", and insert in lieu thereof the following: "the".

##### Amendment No. 6.

On page 1, line 13, of the printed bill, after the word "department", insert the following: "of any public agency or municipality".

##### Amendment No. 7.

On page 1, line 14, of the printed bill, after the word "such", insert the following: "public agency or".

##### Amendment No. 8.

On page 1, line 15, of the printed bill, strike out the word "municipal".

##### Amendment No. 9.

On page 1, line 16, of the printed bill, strike out the words "such municipality", and insert in lieu thereof the words "its territorial limits".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1861—An act for the relief of certain assessment districts and for that purpose empowering municipal corporations to render financial aid to such districts.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 1861 were read and adopted:

##### Amendment No. 1.

On page 1, line 3, of the printed bill, after the figures "1925", insert a comma and the following: "the Municipal Improvement District Act of 1927 or an act entitled

"An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915".

#### Amendment No. 2.

On page 4, line 23, of the printed bill, after the figure "1925", insert a comma and the following: "the Municipal Improvement District Act of 1927 as so amended." "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915".

Bill read second time, ordered to reprint, and on file for third reading.

**Assembly Bill No. 953**—An act to add section 1626.5 to the Streets and Highways Code and to amend sections 1627 and 1628 thereof, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the counties for vehicle registration license fees, and authorizing the refunding, repayment and adjustment of direct assessments levied for the acquisition, construction, maintenance, improvement or repair of public highways, bridges or culverts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 600**—An act to amend section 234 of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 600 were read and adopted:

##### Amendment No. 1.

On page 1, line 21, of the printed bill, strike out the following: "For doing the work".

##### Amendment No. 2.

On page 2, line 17, of the printed bill, after the period, strike out the remainder of said line 17, and strike out all of lines 18, 19, 20 and 21.

##### Amendment No. 3.

On page 2, line 22, of the printed bill, strike out "none shall be made"; and insert in lieu thereof the following: "The notice shall contain a reference to the original assessment and diagram and reference shall also be made".

##### Amendment No. 4.

On page 2, line 23, of the printed bill, strike out the period and insert in lieu thereof a comma and the following: "as to the extent of the district affected by these proceedings and for all other particulars." strike out the remainder of said line 23; strike out all of lines 24 and 25; and in line 26, strike out the words "less frequently".

##### Amendment No. 5.

On page 2, line 29, of the printed bill, strike out the last word "When"; strike out all of lines 30, 31, 32, and in line 33, the word "reassessment", and insert in lieu thereof the following: "When the city council is satisfied with the correctness of the reassessment it shall confirm the same."

##### Amendment No. 6.

On page 2, line 43, of the printed bill, strike out the words "street superintendent", and insert in lieu thereof the following: "city treasurer or such other officer as the city council may designate".

##### Amendment No. 7.

On page 3, line 5, of the printed bill, strike out the word "ordering", and insert in lieu thereof the following: "the confirmation of".



**Amendment No. 8.**

On page 3, line 9, of the printed bill, strike out the words "or the person"; strike out all of line 10 on said page, and insert in lieu thereof the following: "or where a purchaser under a contract of purchase or a lessee under a lease pursuant to the terms of which contract of purchase or lease, is required to and has made such payment or payments upon the original assessment or bonds, then such purchaser or lessee".

**Amendment No. 9.**

On page 3, line 16, of the printed bill, strike out the word "the", before the word "payment", and insert in lieu thereof the word "such".

**Amendment No. 10.**

On page 3, line 31, of the printed bill, after the word "ordinance", insert the following: "or resolution".

**Amendment No. 11.**

On page 3, line 36, of the printed bill, strike out the words "one year", and insert in lieu thereof "two years".

**Amendment No. 12.**

On page 3 of the printed bill, strike out all of lines 37 to 43, both inclusive, and insert in lieu thereof the following: "notice. Reference shall be made to said reassessment and diagram for all particulars. Such notice shall be published once a week for two (2) weeks. In case claim for such refund shall".

**Amendment No. 13.**

On page 4, line 8, of the printed bill, strike out the word "on", and insert in lieu thereof the word "from".

**Amendment No. 14.**

On page 4 of the printed bill, following line 13, add the following paragraph: "The making of any reassessment pursuant to the provisions of this section in any proceeding shall not constitute a bar or limit the right to make further reassessments as the city council may determine."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 747—An act to amend section 18a of the Street Opening Act of 1903, relating to reassessment procedure and relief from special assessments.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 747 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections 1 and".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, after the word "relating", insert the following: "to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities or within unincorporated territory and one or more municipalities."

**Amendment No. 3.**

On page 1 of the printed bill, before line 1, insert the following:

"SECTION 1. The title to the act cited in the title hereof is hereby amended to read as follows:

An act to provide for the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement.

"Sec. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of any one or more of any public streets, parking places, alleys, lanes, courts or places within such municipality, and to acquire by condemnation any and all property necessary or convenient for that purpose or any interest therein including an easement or easements for the construction and maintenance of any one or more of any public streets or walks, parking places, passages or ways above the surface of the earth or in any designated level or levels or above or below above or below such surface together with a sufficient clearance height thereabove which height shall be conclusively determined and designated by the city council of such municipality and the leaving to the owner or owners the right to maintain or construct and maintain any building or buildings or other structure or structures above or below, or above and below such street or streets, walk or walks, parking place or parking places, passage or passages, way or ways, and the clearance height therefor as acquired by such municipality."

#### Amendment No. 4.

On page 1, line 1, of the printed bill, strike out the following: "Section 1," and insert in lieu thereof the following: "Sec. 2".

#### Amendment No. 5.

On page 2, line 23, of the printed bill, after the period, strike out the remainder of said line, strike out all of lines 24, 25 and 26, and insert in lieu thereof the following: "The notice shall contain a reference to the original assessment and diagram, and reference shall also be made to the reassessment and diagram of the street superintendent for full particulars as to the extent of the district affected by these proceedings and for all other particulars."

#### Amendment No. 6.

On page 2, line 30, of the printed bill, after the period, strike out the remainder of said line, strike out all of lines 31, 32 and 33, and insert in lieu thereof the following: "When the city council is satisfied with the correctness of the reassessment, it shall confirm the same. The street super-".

#### Amendment No. 7.

On page 2, line 44, of the printed bill, strike out the words "street superintendent", and insert in lieu thereof the following: "city treasurer or such other officer as the city council may designate".

#### Amendment No. 8.

On page 3, line 5, of the printed bill, strike out the word "ordering", and insert in lieu thereof the following: "the confirmation of".

#### Amendment No. 9.

On page 3, line 9, of the printed bill, strike out the words "or the person", strike out all of line 10, and insert in lieu thereof the following: "or whose a purchaser under a contract of purchase or a lessee under a lease purports to the terms of which contract of purchase or lease, is required to and has made such payment or payments from the original assessment or bonds, then such purchaser or lessee shall".

#### Amendment No. 10.

On page 3, line 15, of the printed bill, strike out the word "the", before the word "payment", and insert in lieu thereof the word "such".

#### Amendment No. 11.

On page 3, line 31, of the printed bill, after the word "ordinance", insert the following: "or resolution".

#### Amendment No. 12.

On page 3, line 36, of the printed bill, strike out the words "one year", and insert in lieu thereof the words "two years".

#### Amendment No. 13.

On page 3 of the printed bill, strike out all of lines 37, 38 and 39, and insert in lieu thereof the following: "notice. Reference shall be made to said reassessment and diagram for all particulars. Such notice shall be published once a week for two (2) weeks. In".

#### Amendment No. 14.

On page 4 of the printed bill, following line 9, insert the following paragraph: "The making of any reassessment pursuant to the provisions of this section in any proceeding shall not constitute a bar or limit the right to make further reassessments as the city council may determine."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

### Approval of Journals.

The Senate Journals of Monday, March 1, 1937; Tuesday, March 2, 1937; Wednesday, March 3, 1937; Thursday, March 4, 1937; Friday, March 5, 1937; Monday, March 8, 1937; Tuesday, March 9, 1937; Wednesday, March 10, 1937; Thursday, March 11, 1937; Friday, March 12, 1937; Monday, March 15, 1937; Tuesday, March 16, 1937; Wednesday, March 17, 1937; Thursday, March 18, 1937; Friday, March 19, 1937; Monday, March 22, 1937; Tuesday, March 23, 1937; Wednesday, March 24, 1937; Thursday, March 25, 1937; and Friday, March 26, 1937, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, and 14a, and to renumber 14a to be section 14j, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

#### On Education.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 305—An act to repeal section 2.2140 of the School Code and to amend sections 2.2143 and 2.2145 thereof, all relating to instruction in unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately;

Assembly Bill No. 1671—An act to amend sections 2.114, 2.472, 2.596 and 6.50 of the School Code and to repeal section 6.82 thereof, all relating to the public school system;

Assembly Bill No. 1391—An act to add a new article to Chapter I, Part III, Division IV of the School Code to be known as Article IVa, relating to the cancellation of school district warrants;

Assembly Bill No. 2270—An act to amend section 1.250 of the School Code, relating to the appointment of supervisors of attendance by county superintendents of schools;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 567—An act to repeal Article IV of Chapter VII of Part II of the School Code; to repeal an act entitled "An act providing for the annexation of elementary school districts to high school districts," approved May 31, 1929; and to add to Chapter VII of Part I of Division II of the School Code a new article to be known as Article IV, all relating to the annexation of elementary school districts to high school districts;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols.

Senate Bill No. 319—An act to amend section 6750 of the School Code, relating to the use of the schoolhouses.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 314—An act to add a new section to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools.

Senate Bill No. 799—An act to repeal, to not existing, an act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by chapter approved June 19, 1929, and to add a new part to Division V of the School Code to be known as Part V, all relating to the retirement of school teachers or employees thereof.

Assembly Bill No. 1915—An act to add section 6732 to the School Code, relating to provision of a place for children to get lunches brought from home.

Assembly Bill No. 1276—An act to amend section 2801 of the School Code, relating to liability in damages of school districts.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

#### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 2100—An act to establish a Labor Com., having unifying and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 728—An act limiting the hours of labor of persons and domestic employees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

OLSON, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1630—An act to amend section 6601 of, and to add section 6603 to, the Fish and Game Code, relating to salmon.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.



**Adjournment.**

At twelve o'clock and twenty-nine minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 5, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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**IN SENATE.****SENATE CHAMBER.**

SACRAMENTO, Monday, April 5, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called and the following answered to their names:

Senators Allen, Biggar, Crattenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tinkle, Wagy, Westover, Williams, and Young—39.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Friday, April 2, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leave of Absence.**

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Indian Chief Spott of Klamath, Del Norte County.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. H. Rollins of Alhambra.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. E. C. Morris, president of the Eureka Fish and Game Club of Eureka.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. R. A. Cushman, Superintendent of the Mendocino State Hospital at Talmadge; and Mr. Wm. C. Jerome, Supervisor and Auditor of Orange County.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2773—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers;

Assembly Bill No. 2798.—An act relating to the delimitation of lines upon the base class of farm products.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DAVENPORT, Assistant Clerk.

Assembly Bill No. 2773 read first time, and referred to Committee on Elections.

Assembly Bill No. 2798 read first time, and referred to Committee on Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1836.—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of town for the incorporation of unincorporated towns, rated towns and cities, and for the incorporation of such unincorporated territories, and as a part of such amendments, and for the definition, determination, and delimitation of unincorporated territory," approved March 19, 1889.

Assembly Bill No. 1837.—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the incorporation of unincorporated territory thereto, and for the incorporation of such unincorporated territory in and as a part of such unincorporated, and for the definition, determination, and municipal control of the unincorporated territory," approved March 19, 1889.

Assembly Bill No. 1838.—An act to repeal an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to remove territory therefrom," approved March 19, 1889.

Assembly Bill No. 2749.—An act authorizing cities, cities and counties, and counties to accept title to real property, to secure the creation of interests in public lands for raising and for selling property, to acquire such lands, to operate, maintain and manage by the direct board or by boards of trustees appointed by the directors, or otherwise, and to secure the donation of territory to such boards of trustees, and to permit the appropriation of money for the support of the same.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DAVENPORT, Assistant Clerk.

Assembly Bill No. 1836 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1837 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1838 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2749 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a law of the State:

Assembly Bill No. 2415.—An act to amend section 745.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DAVENPORT, Assistant Clerk.

Assembly Bill No. 2415 read first time, and referred to Committee on Live Stock and Dairying.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 22.—An act to amend section 268 of the Political Code, relating to the compensation of officers and attaches of the Senate and Assembly.

Assembly Bill No. 29.—An act to amend section 267 of the Political Code, relating to temporary officers and employees of the Senate and Assembly.

Assembly Bill No. 30.—An act to repeal sections 241, 242, 243, and 244 of the Political Code, relating to the Controller.

Assembly Bill No. 40.—An act to repeal section 537 of the Political Code, relating to warrants for wages of State printing employees.

Assembly Bill No. 42.—An act to repeal section 532 of the Political Code, relating to contracts for paper;

Assembly Bill No. 579—An act to amend sections 4, 5, 6, and 12 of the Direct Primary Law, relating to primary elections;

Assembly Bill No. 802—An act to add section 929 to the Fish and Game Code, relating to and regulating the subject of fishing within the jurisdiction of the State of California;

Assembly Bill No. 1200—An act to amend sections 112, 116, 121, and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof, relating to the California Highway Patrol.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 22 read first time, and referred to Committee on Rules.

Assembly Bill No. 29 read first time, and referred to Committee on Rules.

Assembly Bill No. 30 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 40 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 42 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 579 read first time, and referred to Committee on Elections.

Assembly Bill No. 802 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1200 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 29—Relative to awarding distinguished service crosses to Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, veterans of the Philippine Insurrection;

Senate Joint Resolution No. 17—Relative to memorializing the President and Congress of the United States to permit the Transcontinental and Western Air Lines, Inc., to enter San Francisco.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 29 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 17 ordered to enrollment.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 166—An act to establish a California Labor Relations Board for the mediation and arbitration of labor disputes and for ancillary purposes, and to prescribe its powers and duties;

Senate Bill No. 304—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, APRIL 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest.

Senate Bill No. 931—An act to amend sections 1270, and to repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to trout, declaring the urgency of this act, to take effect immediately.

Senate Bill No. 63—An act to amend section 1477 and to repeal section 1261 of the Fish and Game Code, relating to mountain sheep.

Senate Bill No. 212—An act to add sections 875.5 and 1419.5 to the Fish and Game Code, relating to nets.

Senate Bill No. 283—An act to repeal section 685 of the Code of Civil Procedure, relating to the execution of judgments.

Senate Bill No. 371—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of false business.

Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals.

Senate Bill No. 1098—An act to add sections 1184 and 1115 to the Fish and Game Code, relating to the taking of birds.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, APRIL 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 913—An act to add a new section to be numbered 22d to an act entitled "An act to establish a department of weights and measures in the State of California", to regulate weights and measures and weighing and measuring instruments and devices and providing for the issuance and sealing thereof, to regulate the use and sale of false weights and measures and weighing and measuring instruments and devices, providing for the inspection, certification and weighing of goods, commodities, wares, packages and contents of containers therefor, for use in the process of delivery, to prevent the sale of goods, wares and commodities by false weights and measures, to provide penalties for the violation of the provisions of this act, for the admission in evidence of copies of the State's statement of weights and measures, providing for the appointment of officers, inspectors and auditors, and other the provisions of this act including a State Department of Weights and Measures and his deputy, sealers of weights and measures and their assistants, defining the powers and duties of such officers, sealers and assistants, and making an appropriation to carry this act into effect, approved June 16, 1917, as amended, relating to weights and measures.

Senate Bill No. 484—An act to amend section 19 of an act entitled "An act to provide for the incorporation and organization and management of cities and highway districts and to provide for the acquisition and construction of said districts, of highways, bridges and approaches thereto, and for the limitation of all property necessary therefor, and also to provide for the location and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereon," approved May 29, 1926, relating to rules and regulations of said districts, the setting of the bonds and approaches thereto of said districts, the limitation of additional taxes in connection therewith, the maintenance of the departments and roads and emergency service thereon, and the enforcement of liens of such districts.

Senate Bill No. 827—An act to amend section 792 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

Senate Bill No. 878—An act to amend section 632 of the Agricultural Code, relating to samples.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, APRIL 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 579—An act relating to certain State lands and the handling and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith.

And reports that the same has been correctly reengrossed.

KEOUGH, Chairman.



SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 572—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property;

Senate Bill No. 285—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect;

Senate Bill No. 908—An act to amend sections 1299.18, 1300, 1300.3 and 1300.4 of the Agricultural Code, relating to processors of farm products;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Introduction, First Reading and Reference of Bills.

The following resolution was offered:

**Senate Concurrent Resolution No. 20:** By Senator Swing—Relative to the approval of amendments to the charter of the city of San Bernardino.

### Consideration of Senate Concurrent Resolution No. 20.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 20, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 20—Relative to the approval of amendments to the charter of the city of San Bernardino.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—32.

NOES—None.

Senate Concurrent Resolution No. 20 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following resolution was offered:

**Senate Concurrent Resolution No. 21:**—By Senator Wagy—Relative to approving a certain amendment to the charter of the city of Bakersfield, county of Kern, State of California, relating to amending relief and pension fund for members of the fire department of the city of Bakersfield known as Proposition No. 1 "Relief and pension fund for members of the fire department of the city of Bakersfield," voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the twenty-third day of March, 1937.

### Consideration of Senate Concurrent Resolution No. 21.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 21, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 21—Relative to approving a certain amendment to the charter of the city of Bakersfield, county of Kern, State of California, relating to amending relief and pension fund for members of the fire department of the city of Bakersfield known as Proposition No. 1—"Relief and pension fund for members of the fire department of the city of Bakersfield"—voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the twenty-third day of March, 1937.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Allen, Baggett, Christensen, DeLoe, Fletcher, Gagnier, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Knowland, Lee, McCampbell, McGovern, McHugh, Miller, Nelson, Olson, Packman, Phillips, Peterson, Quinn, Rich, Schottky, Sewell, Slater, Strong, Tully, Weller, Wendrich, and Young—34.

NAWS—None.

Senate Concurrent Resolution No. 21 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the text of which is set forth below:

An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the second class, class.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Slater to introduce a bill (captioned):

An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the second class, class.

Has had the same under consideration and respectfully submits the same back and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McOLLY,  
TUCKER,  
SLATER,  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baggett, Christensen, Christensen, DeLoe, DeLoe, Fletcher, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Knowland, Lee,

McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Westover, and Young—34.

NOES—None.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bills were introduced:

**Senate Bill No. 1125:** By Senator Slater—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class.

Senate Bill No. 1125 read first time, and referred to Committee on County Government.

**Senate Concurrent Resolution No. 22:** By Senator Olson—Relative to the participation by the State of California in the Swedish-American Tercentenary Celebration of 1938.

### **Consideration of Senate Concurrent Resolution No. 22.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 22, without reference to committee for purpose of adoption.

#### **Senate Concurrent Resolution No. 22.**

Relative to the participation by the State of California in the Swedish-American Tercentenary Celebration of 1938.

WHEREAS, The year 1938 will mark the three hundredth anniversary of the first permanent settlement in the United States by Swedish colonists; and

WHEREAS, The tercentennial celebration of such settlement is to be held in the city of Wilmington, Delaware, in the year 1938; and

WHEREAS, It is proposed that such celebration constitute a State, interstate, national, and international gathering in commemoration of the first permanent establishment of European civilization in the Delaware River Valley at "The Rocks" on the Christina River in the State of Delaware; and

WHEREAS, The Scandinavian people of California, especially those of Swedish origin, take great pride in the part that Swedish culture and civilization has played in the formation, maintenance and preservation of our Union; and

WHEREAS, The State of California owes a debt of gratitude to the Swedish-American pioneers in the development of the State; and

WHEREAS, A great number of the States of this Union are joining in a concerted movement to send delegations to the tercentenary; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* A majority of all the members elected to each house voting for the adoption of the resolution and concurring thereon, That the State of California participate in the celebration and that the Governor of this State designate a commission or official committee to arrange for such participation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young, 33.

NOES—None.

Senate Concurrent Resolution No. 22 ordered transmitted to the Assembly.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following resolution was offered:

**Senate Concurrent Resolution No. 23:** By Senator McColl—Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California.

**Consideration of Senate Concurrent Resolution No. 23.**

Senator McColl asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 23 without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 23.**

Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly during its currence, That leave of absence from the State of California for the period from April 6, 1937, to April 16, 1937, inclusive, be granted to the Honorable John B. McColl, member of the Senate, during the fifty-second session of the Legislature for said period.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 23 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crenshaw, DeLong, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Hudson, Johnson, Keating, Keith, Kennard, Lay, McBride, McColl, McCrackin, McGowan, Morgan, Murray, Quinn, Parnham, Phillips, Pinerich, Quinn, Schottky, Sewell, Slater, Smith, Wagy, Westcott, and Young—34.

**NOES**—None.

Senate Concurrent Resolution No. 23 ordered transmitted to the Assembly.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Allen moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 349 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 349 reconsidered by the following vote:

**AYES**—Senators Allen, Biggar, Crenshaw, Crenshaw, DeLong, Donald, Fletcher, Garrison, Gordon, Hollister, Hudson, Johnson, Keating, Keith, Kennard, McBride, McColl, McCrackin, McGowan, Morgan, Murray, Quinn, Parnham, Pinerich, Quinn, Schottky, Sewell, Slater, Smith, Wagy, Westcott, and Young—42.

**NOES**—Senators Hays, Rich, and Sewell—3.

Senate Bill No. 349 ordered on file as unfinished business.

**Postponement of Reconsideration.**

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 346 was passed was continued until the next legislative day.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 342 was passed.

The question being on the adoption of the motion to reconsider.



The roll was called, and reconsideration refused by the following vote:

**AYES**—Senators Crittenden, Garrison, Keating, Olson, and Swing—5.

**NOES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Holohan, Jespersen, Keough, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—31.

Senate Bill No. 342 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and forty-one minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

#### **ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 6—Relative to memorializing the President and Congress to enact legislation furnishing aid in the construction of check dams in the Salinas River Valley;

Assembly Joint Resolution No. 9—Relative to memorializing the President and Congress pertaining to the Central Valley Project, and to enact necessary legislation therefor;

Assembly Joint Resolution No. 21—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuro-psychopathic hospital for veterans of the World War;

Assembly Concurrent Resolution No. 33—Relative to requesting the Governor to grant a full and complete pardon to Thomas J. Mooney.

**JAMES G. SMYTH, Chief Clerk of Assembly.**

**By H. ARTHUR DANIELS, Assistant Clerk.**

Assembly Joint Resolution No. 6 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 21 read, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 33 read, and ordered held at the desk.

#### **ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State.

**JAMES G. SMYTH, Chief Clerk of Assembly.**

**By H. ARTHUR DANIELS, Assistant Clerk.**

Senate Bills Nos. 45 and 993 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 125--An act expressing assent by the State of California to the provisions and purposes of an act passed by the Congress of the United States entitled "An act to provide for research into farm, farm and petroleum relating to agriculture and to provide for the further development of economic, educational extension work and the more complete cultivation and dispersal of biological colleges," approved June 29, 1935, and to authorize and empower the Regents of the University of California to receive all grants of money appropriated under the act above entitled act of the Congress of the United States and to accept, use and expend said grants of money for the purposes and in accordance with the terms, conditions, and requirements set forth in the act of the Congress aforesaid.

Assembly Bill No. 200--An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

Assembly Bill No. 217--An act to amend sections 2 and 3 of an act entitled "An act relating to the registration of vessels and requiring a 10-day charter in the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels.

Assembly Bill No. 288--An act to add section 661 to the Penal Code, relating to false advertising by radio, and providing penalties therefor.

Assembly Bill No. 341--An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 143 read first time, and referred to Committee on Education.

Assembly Bill No. 200 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 217 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 288 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 341 read first time, and referred to Committee on Judiciary.

## ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 411--An act to amend section 588 of the Vehicle Code, relating to parking.

Assembly Bill No. 444--An act to amend the Penal Code of the State of California by amending section 1142, relating to notice of election in the manner designated section 1142b to provide for the publication of the designated printed notice in a newspaper of general circulation at the time of the nomination of general candidates at various places in the county, and by amending section 1142c to provide for publication of the notice of election in the same manner.

Assembly Bill No. 472--An act to amend section 1500 of the Civil Code, relating to the extinction of pecuniary obligations.

Assembly Bill No. 737--An act to amend section 4004 of the Penal Code, relating to county assistance to special juries.

Assembly Bill No. 977--An act to amend section 24206 of the School Code, relating to the granting of schools by county superintendents of schools.

Assembly Bill No. 1027--An act to add section 1182.5 to the Penal Code, relating to evidence on motion for new trial.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 411 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 444 read first time, and referred to Committee on Elections.

Assembly Bill No. 472 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 737 read first time, and referred to Committee on County Government.

Assembly Bill No. 977 read first time, and referred to Committee on Education.

Assembly Bill No. 1027 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2194—An act to amend section 4041.21 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stand, cigar stand and lunch room purposes;

Assembly Bill No. 2551—An act to add a new section to be numbered 6.53 to the School Code, relating to inspection of school buildings, fixtures and school building equipment;

Assembly Bill No. 2607—An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contribution to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act;

Assembly Bill No. 2808—An act to add section 1098 to the Political Code, relating to elections;

Assembly Bill No. 2788—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of the said city.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2194 read first time, and referred to Committee on County Government.

Assembly Bill No. 2551 read first time, and referred to Committee on Education.

Assembly Bill No. 2607 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2808 read first time, and referred to Committee on Elections.

Assembly Bill No. 2788 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1798—An act to amend section 5.721 of the School Code, relating to absence from duty;

Assembly Bill No. 1834—An act to amend section 2167b of the Political Code, relating to persons mentally disordered and bordering on insanity but not dangerously insane;

Assembly Bill No. 1835—An act to amend section 2 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, relating to the annexation of territory to municipal corporations;

Assembly Bill No. 1839—An act to repeal "An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof," approved May 31, 1929, relating to the annexation of territory to municipal corporations;

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to

purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1798 read first time, and referred to Committee on Education.

Assembly Bill No. 1834 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 1835 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1839 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2215 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1037—An act to amend section 1127 of the Penal Code, relating to instructions and comment of criminal cases.

Assembly Bill No. 1069—An act to add section 2612 to the Penal Code, relating to county maps for tax purposes.

Assembly Bill No. 1290—An act to add three new sections to the Political Code, to be numbered 4041.30, 4041.31 and 4041.32, relating to sale of lands dedicated for public parks.

Assembly Bill No. 1301—An act to amend section 688 of the Code of Civil Procedure, relating to the levy of execution on interests in realties.

Assembly Bill No. 1341—An act to amend section 1150 of the Streets and Highways Code, relating to county road taxes.

Assembly Bill No. 1568—An act to amend section 2506 of the Political Code, relating to the State housing program.

Assembly Bill No. 1607—An act to amend section 716 of the Political Code, relating to State buildings and grounds.

Assembly Bill No. 1683—An act to add section 2262 to the Political Code, relating to courses in social service in the California School for the Blind.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1037 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1069 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1290 read first time, and referred to Committee on County Government.

Assembly Bill No. 1301 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1341 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1568 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1607 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1683 read first time, and referred to Committee on Social Security.

President of the Senate in the Chair.

At two o'clock and fourteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.



**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bills were introduced:

**Senate Concurrent Resolution No. 24:** By Senator Crittenden—Relative to honoring Captain Charles M. Weber, pioneer.

Senate Concurrent Resolution No. 24 read, ordered to print, and held at the desk.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, and 14a, and to renumber 14a to be section 14½, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 971 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "and 14a", and insert the word "and" between the numerals "13" and "14".

**Amendment No. 2.**

On page 5, line 21, of the printed bill, after the word "gasoline", add the words "distillate," "kerosene,".

**Amendment No. 3.**

On page 5, line 33, of the printed bill, strike out the fraction "3/16", and insert " $\frac{1}{8}$ ".

**Amendment No. 4.**

On page 5, line 40, of the printed bill, strike out the fraction "3/32", and insert " $\frac{1}{8}$ ".

**Amendment No. 5.**

On page 6, line 14, of the printed bill, strike out the fraction "9/16", and insert " $\frac{1}{2}$ ".

**Amendment No. 6.**

On page 6, line 18, of the printed bill, strike out the fraction "9/16", and insert " $\frac{1}{2}$ ".

**Amendment No. 7.**

On page 6, line 25, of the printed bill, strike out the fraction "3/23", and insert " $\frac{1}{8}$ ".

**Amendment No. 8.**

On page 7, line 6, of the printed bill, strike out the fraction "3/16", and insert " $\frac{1}{8}$ ".

**Amendment No. 9.**

"On page 7, line 8, of the printed bill, strike out the fraction "9/16", and insert " $\frac{1}{2}$ ".

**Amendment No. 10.**

On page 7, line 22, of the printed bill, after the word "trailer", insert the words "or tank semitrailer".

**Amendment No. 11.**

On page 7, line 29, of the printed bill, after the word "trailer", insert the words "or tank semitrailer".

**Amendment No. 12.**

On page 7, line 32, of the printed bill, after the word "trailer", insert the words "or tank semitrailer".

**Amendment No. 13.**

On page 7, line 43, of the printed bill, after the word "distillate" insert the word "kerosene".

**Amendment No. 14.**

On page 7, line 45, of the printed bill, after the word "distillate", insert the word "kerosene".

**Amendment No. 15.**

On page 7, line 47, of the printed bill, strike out the word "will".

**Amendment No. 16.**

On page 7, line 48, of the printed bill, strike out the words "fully and".

**Amendment No. 17.**

On page 8, line 50, of the printed bill, after the words "and the amount of line 50, and all of line 51, and insert the words "and any determination of a duly incorporated personhood from throughout the State of California shall be referred to the State Board of Weights and Measures or any county scales of weights and measures upon request".

**Amendment No. 18.**

On page 10, line 21, of the printed bill, after the word "or" insert the words "or near".

**Amendment No. 19.**

On page 11, line 48, of the printed bill, after the word "and", insert a sentence designated as subsection D as follows:

"D. No person shall keep, maintain or display on the premises of any place of business in the State of California any banner, sign, placard, poster, streamer, card or other advertising medium, which banner, sign, placard, poster, streamer, card or other advertising medium, which is or is intended to be, the price of "motor oil" or "lubricating oil" offered for sale or advertising for use from such premises without clearly and conspicuously stating in the same history, sign, placard, poster, streamer, card or other advertising medium, where any price is advertised, the trade name or brand name of the particular "motor oil" or "lubricating oil", the price of which is so advertised together with the words "motor oil", or "lubricating oil", and if any person so violates or attempts to do so he shall be guilty of a misdemeanor. No person shall be permitted in connection with the description of the trademark, trade name or brand name of the motor oil or lubricant, which are part of any such banner, sign, placard, poster, streamer, card or other advertising medium, shall be printed, written, or otherwise displayed in any type and design, shall be uniform with other letters and numbers, and all letters and numbers shall be of one color or hue and shall have a size and contrast with the background and other portions or parts of such banner, sign, placard, poster, streamer, card or other advertising medium."

**Amendment No. 20.**

On page 11, line 51, of the printed bill, after the numerals "12", strike out the capital letter "A".

**Amendment No. 21.**

On page 12 of the printed bill, strike out lines 13 to 25, both inclusive.

**Amendment No. 22.**

On page 14, line 38, of the printed bill, after the numerals "14", strike out the balance of the line, and insert a period.

**Amendment No. 23.**

On page 14 of the printed bill, strike out lines 39 to 52, both inclusive.

**Amendment No. 24.**

On page 15 of the printed bill, strike out lines 1 to 23, both inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 567--An act to repeal Article IV of Chapter VII of Part II of the School Code; to repeal an act entitled "An act providing for the annexation of elementary school districts to high school districts" approved May 31, 1929; and to add to Chapter VII of

Part I of Division II of the School Code a new article to be known as Article IV, all relating to the annexation of elementary school districts to high school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 567 were read and adopted:

**Amendment No. 1.**

On page 1 of the title of the printed bill, strike out all of lines 1 to 6, both inclusive, and insert in lieu thereof the following: "An act to amend section 2.462 of the School Code, relating to the".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1 to 22, both inclusive, and strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 2.462 of the School Code is hereby amended to read as follows:

2.462. The board of supervisors must at the time and place mentioned in the notice hear the person interested in the petition, and, unless it shall be shown that the elementary school district is already paying through the county high school tax a reasonable amount toward the cost of the high school, must make an order annexing the elementary school district to the high school district."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 105 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the word "such", insert "rules and".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, strike out the comma after "district", and insert a period, and strike out the remainder of the line and all of line 11.

**Amendment No. 3.**

On page 1, line 16, of the printed bill, strike out the period after "board", and strike out the remainder of the line, and insert "; provided, however, such supervision and control may be delegated by the governing board of such school district to the chief of police in cities, and to the Chief of the California Highway Patrol in unincorporated territory, upon such terms and conditions as may be agreed upon."

**Amendment No. 4.**

On page 1, line 17, of the printed bill, before the word "who", insert the following: "1.62. The pupils".

**Amendment No. 5.**

On page 1, line 24, of the printed bill, strike out "1.62.", and insert "1.63."

**Amendment No. 6.**

On page 1, line 25, of the printed bill, after "to", insert "give traffic signals and directions in order to".

**Amendment No. 7.**

On page 1, line 26, of the printed bill, strike out "safely public", and after the word "in", insert "safely".

**Amendment No. 8.**

On page 1, line 27, of the printed bill, insert a period after "highways", and strike out the remainder of the line.

**Amendment No. 9.**

On page 2 of the printed bill, strike out lines 1 and 2, inclusive.

**Amendment No. 10.**

On page 2, line 3, of the printed bill, strike out "1.63.", and insert "1.64."

**Amendment No. 11.**

On page 2, line 5, of the printed bill, strike out "Sections therein", and insert "and the governing board of any such school district is hereby authorized to adopt additional rules and regulations not inconsistent therewith, governing junior traffic patrols established under its jurisdiction."

**Amendment No. 12.**

On page 2 of the printed bill, strike out all of lines 6 to 12, inclusive, and insert the following:

"1.65. The chief of police in each city, and the Chief of the California Highway Patrol in unincorporated territory, shall upon the request of the governing board of any school district, cooperate in the establishment, equipment and manning of a junior traffic patrol.

1.66. Any person who shall disregard any traffic signal or direction given by a member of a junior traffic patrol, shall be guilty of a misdemeanor, and subject to the penalties provided in section 762 of the Vehicle Code.

1.67. The governing board of a school district shall not authorize the establishment of a junior traffic patrol, unless such board has first provided for adequate hospital and medical attention to care for any injury or disability that may be suffered by any pupil while performing any act within his duties as a member of a junior traffic patrol.

1.68. The governing board of any school district, city or county is hereby authorized to expend funds under its jurisdiction for the purpose of carrying out the provisions of this article."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 319.—An act to amend Section 6.71d of the School Code, relating to the use of schoolhouses

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 319 was read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "such use, however, by any individual, society, group or organization which has as its object or as one of its objects or is affiliated with any group, society, or organization which has as its object or one of its objects the overthrow or the advocacy of the overthrow of the present form of government of the United States or of the State of California by force or violence or other unlawful means shall not be granted, permitted or suffered."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 314.—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 799.—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code to be known as Part V, all relating to the retirement by school districts of employees thereof.



**Amendments from the Floor.**

During second reading of Senate Bill No. 799, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 1, line 13 of the title of the printed bill, as amended, after "Part V," insert the following: "containing sections 5.1100, 5.1101, 5.1102, 5.1103, 5.1104, 5.1105, 5.1106, 5.1107, 5.1108, 5.1109, 5.1110, and 5.1111."

**Amendment No. 2.**

On page 1, line 15 of the title of the printed bill, as amended, after "thereof", insert the following: ", and declaring the urgency hereof".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Senate Bill No. 729 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"SECTION 1. If living on the premises of the employer, no personal or domestic servant shall be employed or permitted to labor more than ten working hours in any consecutive 17 hours, and thereafter such person shall not be permitted to labor until at least seven hours have elapsed. Such person shall not be employed or permitted to labor more than 60 hours in any one week.

SEC. 2. If living on premises other than those of the employer, no personal or domestic servant shall be employed or permitted to labor more than eight working hours in any consecutive 17 hours, and thereafter, such person shall not be permitted to labor until at least seven hours have elapsed. Such person shall not be permitted to labor more than 48 hours in any one week."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

Senate Bill No. 1030—An act to amend section 660 of, and to add section 660.3 to, the Fish and Game Code, relating to salmon.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 1030 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "to amend section 660 of, and".

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, after the last "to", strike out the comma.

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive.

**Amendment No. 4.**

On page 1, line 7, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the following: "Section 1".

**Amendment No. 5.**

On page 1, line 7, of the printed bill, strike out "said", and insert in lieu thereof the following: "the Fish and Game".

**Amendment No. 6.**

On page 1, line 10, of the printed bill, strike out "July 16 and October", and insert in lieu thereof the following: "March 1 and August".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

**Second Reading of Assembly Bills.**

Assembly Bill No. 305—An act to repeal section 22140 of the School Code and to amend sections 22143 and 22145 thereof, all relating to instruction in unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered in file for third reading.

Assembly Bill No. 1671—An act to amend sections 2414, 2472, 2596 and 650 of the School Code and to repeal section 682 thereof, all relating to the public school system.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1391—An act to add a new article to Chapter I, Part III, Division IV of the School Code to be known as Article IVa, relating to the cancellation of school district warrants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2270—An act to amend section 1250 of the School Code, relating to the appointment of supervisors of attendance by county superintendents of schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1276—An act to amend section 2801 of the School Code, relating to liability in damages of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2100—An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 2100 were read and adopted:

**Amendment No. 1.**

On page 22 of the printed bill, strike out lines 46 to 52, inclusive, and on page 23 strike out lines 1 to 20, inclusive.

**Amendment No. 2.**

On page 143 of the printed bill, strike out line 30.

**Amendment No. 3.**

On page 143 of the printed bill, between lines 51 and 52, insert the following: "(except that section 51 of chapter 586 of the Statutes of 1917, page 831, is not repealed by this code)".

**Amendment No. 4.**

On page 144 of the printed bill, strike out lines 50 to 52, inclusive.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1915—An act to add section 653 to the School Code, relating to provision of a place for children to eat lunches brought from home.

**Amendments from the Floor.**

During second reading of Assembly Bill No. 1915, the following amendments, offered by Senator Garrison, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "653", and insert in lieu thereof the following: "654".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, as amended, strike out "6.53", and insert in lieu thereof the following: "6.54".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out line 3, and insert in lieu thereof the following:

"6.54. The governing board of every school district shall provide".

**Amendment No. 4.**

On page 1, line 4, of the printed bill, as amended, strike out "healthy", and insert in lieu thereof the following: "healthful".

Bill read second time, ordered to print, and on file for third reading.

**Third Reading of Senate Bills.**

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

**Amendments from the Floor.**

During third reading of Senate Bill No. 103, the following amendments, offered by Senator Swing, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and on page 2, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. (a) It is the policy of the State of California to protect and preserve the beaches of the State for the benefit of the people and to adhere strictly to the trust under which it holds title to the tidelands, overflowed and submerged lands of the State. To permit prospecting for or drilling for oil, gas or other hydrocarbons upon or within such lands generally and indiscriminately is incompatible with this policy. It is necessary and in the public interest, however, that the property rights of the State in and to the oil, gas and other hydrocarbons within and beneath such lands be protected. Whenever loss of such oil, gas or other hydrocarbons is threatened, either by reason of wells trespassing upon or beneath such lands or because of drainage caused by wells bottomed in lands littoral or adjacent thereto, such oil, gas or other hydrocarbons may be removed and extracted from tidelands, overflowed and submerged lands of the State in the manner provided by this act.

(b) No lease, contract, or agreement for the removal and extraction of oil, gas and other hydrocarbons from the tidelands, overflowed and submerged lands of the State shall hereafter be made, except as provided in this act, and any such lease, contract or agreement shall be subject only to the provisions hereof.

(c) Whenever the Director of Finance has reason to believe that oil, gas or other hydrocarbons are being lost or are about to become lost from within and beneath any tidelands, overflowed and submerged lands in the manner described in subsection (a) of this section, he shall forthwith, with the approval of the Governor, publish notice in one newspaper published in the city of Los Angeles and one newspaper published in the City and County of San Francisco describing such lands and declaring his intention to proceed with respect thereto as in this act provided.

He shall thereafter promptly proceed in the manner provided herein for the extraction and recovery of the oil, gas and other hydrocarbons within and beneath the lands so described.

(d) The Legislature hereby declares that loss of oil, gas and other hydrocarbons is occurring or is about to occur on the lands described in section 2 hereof, and the Director of Finance shall, as to such lands, proceed forthwith in the manner provided in this act as if notice thereof had been published or provided in subsection (c) of this section."

#### Amendment No. 2.

On page 2, line 3, of the printed bill, as amended, after "in", insert the following: "subsection (d) of".

#### Amendment No. 3.

On page 2, lines 32 and 33, of the printed bill, as amended, strike out "the State lands described in section 2" and insert in lieu thereof the following: "tidelands, overflowed or submerged lands belonging to the State".

#### Amendment No. 4.

On page 2, line 37, of the printed bill, as amended, strike out "proceed", and insert in lieu thereof the following: "as to the lands described in section 2 hereof, and shall promptly, as to any other lands, overflowed or submerged lands coming within the provisions of this act,".

#### Amendment No. 5.

On page 2, line 38, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "acquire by purchase or shall,".

#### Amendment No. 6.

On page 2, lines 45 and 46, of the printed bill, as amended, strike out "lands described in section 2 hereof", and insert in lieu thereof the following: "tidelands, overflowed or submerged lands".

#### Amendment No. 7.

On page 2 of the printed bill, as amended, strike out line 51, and insert in lieu thereof the following: "tidelands, overflowed or submerged lands belonging to the State".

#### Amendment No. 8.

On page 3, lines 20 and 21, of the printed bill, as amended, strike out "lands described in section 2 hereof", and insert in lieu thereof the following: "tidelands, overflowed or submerged lands".

#### Amendment No. 9.

On page 3 of the printed bill, as amended, strike out line 26, and insert in lieu thereof the following: "such lands."

#### Amendment No. 10.

On page 3, line 33, of the printed bill, as amended, strike out "lands described in section 2", and insert in lieu thereof the following: "tidelands, overflowed or submerged lands belonging to this State".

#### Amendment No. 11.

On page 5, line 19, of the printed bill, as amended, strike out "Director of Finance shall divide said State lands", and insert in lieu thereof the following: "the Director of Finance shall, where the same is practical, divide any such lands, overflowed or submerged lands belonging to this State".

#### Amendment No. 12.

On page 9 of the printed bill, as amended, strike out lines 17 to 34, inclusive, and insert in lieu thereof the following:

"Sec. 14. This act shall be known and may be cited as the 'Tidelands Dealing Act of 1937.'"

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 991—An act to add section 610.5 to the Fish and Game Code, relating to steelhead trout.

#### Amendments from the Floor.

During third reading of Senate Bill No. 991, the following amendments, offered by Senator Metzger, were read and adopted.

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "add section 610.5", and insert in lieu thereof the following: "amend section 611.6 of and to add sections 62.5 and 290.5".



**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, after "trout", insert the following: "in certain streams in district 1, creating a new fish and game district in relation thereto, and making certain provisions as to such new district".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 62.5 is hereby added to the Fish and Game Code, to read as follows:

62.5. The following shall constitute fish and game district 14: The waters of that portion of the Sacramento River including its tributaries for a distance of five miles upstream from their mouths, within the exterior boundaries of District 1, lying between the Vina Ferry near the town of Vina, in Tehama County, and the junction of Middle Creek and the Sacramento River, in Shasta County.

SEC. 2. Section 290.5 is hereby added to the Fish and Game Code, to read as follows:

290.5. Except as otherwise provided, and so far as consistent with other provisions of this code relating to a particular district, the provisions of this code relating to district 1 apply to district 14.

SEC. 3. Section 611.6 of the Fish and Game Code is hereby amended to read as follows:

611.6. In district 14 steelhead trout may be taken between May 1 and the last day of February. The bag limit is five per day, irrespective of size, between November 1 and the last day of February."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 183—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

**Amendments from the Floor.**

During third reading of Senate Bill No. 183, the following amendments, offered by Senator Jespersen, were read:

**Amendment No. 1.**

On page 6 of the printed bill, strike out all of lines 47 to 52, inclusive.

**Amendment No. 2.**

On page 7 of the printed bill, strike out all of lines 1 to 27, inclusive.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Jespersen, Phillips and Westover, on the adoption of the amendments.

The roll was called, and amendments refused adoption by the following vote:

AYES—Senators Cunningham, Garrison, Holohan, Jespersen, Knowland, McCormack, Olson, Phillips, Tickle, Wagy, Westover, and Young—12.

NOES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen,

Parkman, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing and Williams 26

Bill read first time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 184 passed by the following vote:

**AYES.**—Senators Allen, Bigger, Crittenden, DeLoe, Deuel, Fletcher, Gordon, Howe, Keating, Keough, Law, McBurn, McGill, Morgan, Morris, Nathan, Parkman, Pirovich, Quinn, Rich, Seawell, Slater, Swing and Williams—24.

**NOES.**—Senators Cunningham, Garrison, Hildreth, Leipers, Knechtel, McCormick, Olson, Phillips, Schottky, Tackle, Wagy, Westover, and Young—13.

Title read and approved.

Senate Bill No. 184 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

Assembly Bill No. 2794. An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, and providing for the enforcement of the provisions hereof.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2794, the following amendments, offered by Senator Swing, were read and adopted:

##### Amendment No. 1.

On page 4, line 31, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the words "Board of Equalization".

##### Amendment No. 2.

On page 4, line 36, of the printed bill, strike out the word "be".

##### Amendment No. 3.

On page 4, lines 37 and 38, of the printed bill, strike out the words "with the State Board of Equalization".

##### Amendment No. 4.

On page 4, line 45, of the printed bill, strike out the words "Attorney General", and insert the word "Board".

##### Amendment No. 5.

On page 4, line 48, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

##### Amendment No. 6.

On page 4, line 50, of the printed bill, strike out the word "be", and insert in lieu thereof the words "the Board".

##### Amendment No. 7.

On page 4, line 51, of the printed bill, strike out the words "he shall file his", and insert in lieu thereof the words "it shall file a".

##### Amendment No. 8.

On page 5, line 1, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof "chairman and attested by the secretary".

##### Amendment No. 9.

On page 5, lines 6 and 7 of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

##### Amendment No. 10.

On page 5, line 8, of the printed bill, strike out the word "be", and insert in lieu thereof the word "it".

**Amendment No. 11.**

On page 5, line 16, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 12.**

On page 5, line 42, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 13.**

On page 5, line 45, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 14.**

On page 5, line 49, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 15.**

On page 5, line 50, of the printed bill, strike out the word "he", and insert in lieu thereof the word "it".

**Amendment No. 16.**

On page 6, line 2, of the printed bill, strike out the word "his", and insert in lieu thereof the word "the".

**Amendment No. 17.**

On page 6, line 6, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 18.**

On page 6, line 9, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 19.**

On page 6, line 11, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 20.**

On page 6, line 12, of the printed bill, strike out the word "he", and insert in lieu thereof the word "it".

**Amendment No. 21.**

On page 6, lines 14 and 15, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 22.**

On page 6, line 18, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 23.**

On page 6, line 18, of the printed bill, strike out the word "he", and insert in lieu thereof the word "it".

**Amendment No. 24.**

On page 6, line 20, of the printed bill, strike out the word "his", and insert in lieu thereof the word "its".

**Amendment No. 25.**

On page 6, line 22, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 26.**

On page 6, line 23, of the printed bill, strike out the word "he", and insert in lieu thereof the word "it".

**Amendment No. 27.**

On page 6, line 25, of the printed bill, strike out the word "his", and insert in lieu thereof the word "its".

**Amendment No. 28.**

On page 6, line 26, of the printed bill, strike out the word "him", and insert in lieu thereof the word "it".

**Amendment No. 29.**

On page 6, line 27, of the printed bill, strike out the words "Attorney General", and insert in lieu thereof the word "Board".

**Amendment No. 30.**

On page 7, line 17, of the printed bill, add the following:  
"SEC. 20. The Attorney General shall render such legal assistance as may be required to aid the board in the performance of its duties under this act."

**Amendment No. 31.**

On page 7, line 16, of the printed bill, strike out the figure "8", and insert the figure "9".

Bill read, ordered to reprint, and on file for third reading.

**Assembly Bill No. 1860.**—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of said districts providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2, 3, 6, 7, 8, all relating to the composition, powers, government, and management of metropolitan water districts.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1860, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out line 41.

**Amendment No. 2.**

On page 3, line 17, of the printed bill, after the word "provided", insert a comma.

**Amendment No. 3.**

On page 10, line 7, of the printed bill, strike out the second of the word "provided", and insert a comma after the word "then".

**Amendment No. 4.**

On page 10, line 23, of the printed bill, after the word "provided", insert a comma.

**Amendment No. 5.**

On page 10, line 29, of the printed bill, after the word "then" insert the word "at".

Bill read, ordered to reprint, and on file for third reading.

**President Pro Tempore in the Chair.**

At three o'clock and fifty eight minutes p.m. Hon. William P. Roth, President pro tempore of the Senate, in the chair.

**Special Order.**

Senator Young moved that Senate Bill No. 512 be made a special order for Tuesday, April 6, 1937, at 11 o'clock and thirty minutes a.m.

**Withdrawal from Committee of Senate Bill No. 241.**

Senator Biggar moved that Senate Bill No. 241 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

**Consideration of Senate Bill No. 241.**

**Senate Bill No. 241.**—An act to provide for the organization of an industrial commission, to define its jurisdiction, powers and duties and the rights, remedies, powers, and duties of employers, and the rights, remedies and duties of employees, and providing penalties for the violation thereof.



**Amendments from the Floor.**

During third reading of Senate Bill No. 241, the following amendments, offered by Senator Biggar, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "to provide for the organization of an industrial", and insert in lieu thereof the following: "creating a labor relations".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "to define its", and insert in lieu thereof the following: "for the mediation, arbitration, and conciliation of labor disputes, defining the".

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, as amended, after the first word "duties", insert the following: "of the commission".

**Amendment No. 4.**

On page 1, line 4 of the title of the printed bill, as amended, after "employers", strike out the comma.

**Amendment No. 5.**

On page 1, line 4 of the title of the printed bill, as amended, strike out "the rights, remedies and duties of".

**Amendment No. 6.**

On page 1, line 5 of the title of the printed bill, as amended, strike out "providing", and insert in lieu thereof the following: "prescribing".

**Amendment No. 7.**

On page 1, line 5 of the title of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "of its provisions".

**Amendment No. 8.**

On page 1 of the printed bill, as amended, strike out lines 1 to 23, and strike out all of pages 2 to 8, inclusive, and insert in lieu thereof the following:

**"Article I. Preliminary Provisions.**

**SECTION 1.** Short title. This act shall be known as the Labor Relations Act.  
**SEC. 2.** Purpose of the act. It is the intent of the Legislature, in passing this act, to insure just and fair treatment to all parties to any industrial dispute, and to provide a just and orderly procedure to settle all industrial or labor disputes to the end that there shall not be a stoppage of wages or of industrial or farm operations because of industrial or labor disputes, and that wages may be steadily paid and that the earnings of labor and the operation of industries and farms may be assured and continuous during industrial and labor controversies, contentions, or disputes.

To effect this helpful and beneficent purpose and to safeguard the public generally, and labor, industries, and farms against the huge, disastrous, and appalling losses caused to labor, industries, farms, and the public by present day lockouts and strikes, this act provides a method for the settlement of disputes between industry and labor, and between the farmer and his employees, by fair and orderly negotiations.

The objects of this enactment are:

First: To safeguard the rights of the public and prevent the impairment and disruption of commerce and the losses occasioned to the public hereby.

Second: To prevent losses to labor by providing for no cessation of employment during labor disputes, in order that earnings shall not be stopped or lost.

Third: To subject to reasonable regulation all threatened or existing industrial disputes in order to promote the general convenience, prosperity, and welfare of the general public.

**Article II. Labor Relations Commission.**

**SEC. 10.** Labor Relations Commission. There is hereby created a Labor Relations Commission to consist of seven members, who shall be appointed by the Governor with the advice and consent of two-thirds of the Senate.

**SEC. 11.** Representation. The commission shall be appointed as follows:

(a) Two commissioners shall be appointed as representatives of employees within the State.

(b) Two commissioners shall be appointed as representatives of employers within the State.

(c) Two commissioners shall be appointed as representatives of farmers within the State.

(d) One commissioner shall be appointed from the State at large, and shall act as chairman of the commission.

SEC. 12. *Qualifications.* At the time of his appointment each commissioner shall be a qualified elector of the State, at least 25 years of age, and shall have been a citizen of the United States for at least 21 years.

SEC. 13. *Disinterestedness.* No commissioner while serving as the commissioner shall be in the employ of any labor union or organization, nor shall he be in the employ of any firm, partnership, company, corporation or association engaged in this act.

SEC. 14. *Terms.* Except as herein provided, the term of office of the members of the commission shall be four years and they shall hold office until the appointment and qualification of their successors. Of the commissioners first appointed two shall be appointed to hold office until January 1, 1938, two until January 1, 1940, and three, including the chairman, until January 1, 1941. The commission first appointed, other than the chairman, shall draw lots to determine the order in which their terms shall expire.

SEC. 15. *Vacancies.* Should any vacancy occur, the vacancy shall be filled by appointment by the Governor, subject to confirmation by resolution of the Senate; the person so appointed to hold office only for the balance of the period of time that his predecessor in office would have held and no longer extended.

SEC. 16. *Compensation.* The salary of the chairman of the commission shall be the sum of \$6,000 per year. Compensation for each of the other members shall be \$15 per day for each and every day devoted to the actual performance of his duties under the provisions of this act. Each member of the commission shall receive his actual and necessary traveling expenses incurred by the conduct of the business of the commission.

SEC. 17. *Removal.* The Legislature shall have power, by a two-thirds vote of all members elected to each house, to remove any commissioner from office.

SEC. 18. *Executive officer.* The chairman shall be the executive officer of the commission.

SEC. 19. *Quorum.* A majority of the commissioners shall constitute a quorum for the transaction of business and for the exercise of any powers of the commission. Any action conceived in or approved by a majority of the entire commission shall be the act of the commission.

SEC. 20. *Office.* The commission shall maintain its public office in Sacramento and may hold meetings in any place in the State when necessary in order to perform its duties to the best advantage.

#### Article III. Negotiation, Mediation, Arbitration and Conciliation.

SEC. 30. *Negotiation.* In the case of a dispute it shall be the duty of the employer and his employees, within five days after the receipt of notice of a strike on the part of his employees to confer in person to seek a settlement of the dispute and place at which such conference shall be held. The place so selected shall be situated near the place of employment or as the case demands within reach. The time so specified shall allow the designated conference necessary to arrive at such place of conference. All disputes between employer and employee shall be considered, and, if possible, adjusted, with all expedition, in such conference.

SEC. 31. *Mediation.* The parties to any dispute, or if designated by the employer or employees and an employer or employees coming to the terms of this act may invoke the services of the commission or the commission may provide its services in the case of any dispute between such persons concerning questions of rates of pay, hours of work, terms of working conditions or arising out of agreements concerning such. In either event or upon its own motion, the commission shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement. If such efforts to bring about an amicable adjustment through mediation shall be unsuccessful, the commission shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the following sections of this act.

SEC. 32. *Arbitration.* Whenever a controversy is not settled by mediation or through mediation, the controversy may, by agreement of the parties, be submitted to the arbitration of a board of arbitration composed of three, or if the parties so stipulate, of six persons.

(a) *Composition of board of arbitration.* In the case of a board of arbitration of three members, each party to the dispute shall name one member, and these two shall choose the third. If, after their first meeting they fail to do so within five days, the commission shall name the third. In the case of a board of arbitration of six members, each party shall name two members, and these four shall name the other two. If they fail to do so within five days after their first meeting, the commission shall name the two remaining members.

(b) *Notice to commission.* When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the commission, and in the event of their failure to agree upon any or all of the necessary arbitrators within the period fixed by this act, they shall, at the expiration of such period, so notify the commission.

(c) *Hearings.* The board of arbitration shall organize, and select its own chairman, and make all necessary rules for the conduct of its hearings, provided how-

ever that the board of arbitration shall be bound to give the parties to the controversy a full and fair hearing, which shall include an opportunity to present evidence in support of their claims, and an opportunity to present their case, in person, by counsel, or by other representatives as they may respectively elect.

(d) **Qualifications.** No arbitrator, chosen by the commission, shall be interested in the controversy or connected with the parties thereto.

(e) **Compensation.** Each member of any board of arbitration, created under the provisions of this act, named by either party to the arbitration shall be compensated by the party naming him. Every arbitrator selected by the arbitrators or by the commission shall receive from the said commission such compensation as the commission may fix, together with his necessary traveling expenses incurred while serving as an arbitrator.

(f) **Copy of award.** The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy. It shall transmit the original together with the papers, proceedings, and transcript of the evidence taken at the hearings, certified by at least a majority of the members of the board of arbitration to the commission.

(g) **Employment of assistants.** A board of arbitration may, subject to the approval of the commission, employ and fix the compensation of such assistants as it deems necessary to carry on the arbitration proceedings. The compensation of such employees and the necessary expenses of boards of arbitration shall be paid by the commission from its funds.

(h) **Power to administer oaths.** All testimony before a board of arbitration shall be given under oath or affirmation, and any member of a board of arbitration shall have the power to administer oaths or affirmations.

**SEC. 33. Agreement to arbitrate.** All agreements to arbitrate under this act shall:

(a) Be in writing.

(b) Stipulate that the arbitration is had under the provision of this act.

(c) State whether the board of arbitration is to consist of three or of six members.

(d) Be signed by the duly accredited representatives of the employer or employers and the employees, parties respectively to the agreement to arbitrate, and be acknowledged by the parties before a notary public or before a member of the commission, and when so acknowledged, be filed in the office of the commission.

(e) State specifically the questions to be submitted to the said board of arbitration for decision.

(f) Provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all parties and served on the board of arbitration.

(g) Stipulate that the signatures of a majority of the board of arbitration affixed to its award shall be competent to constitute a valid and binding award.

(h) Fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board within which the board of arbitration shall commence its hearings.

(i) Provide that the respective parties to the award shall each faithfully execute it.

**SEC. 34. Conciliation.** When a dispute is not settled in conference or by mediation or arbitration within a time deemed reasonable by the commission, then the commission shall, as a last resort, or upon the request of the Governor, or upon its own motion if it finds that the dispute or threatened dispute is of such a nature as probably to cause grave injury or inconvenience to the public if allowed to go unsettled, immediately proceed with the conciliation of the dispute, endeavoring through such means as it deems advisable to secure a speedy, fair, and amicable settlement thereof. In connection therewith, the commission may hold such hearings and take such testimony as it may deem necessary or advisable.

**SEC. 35. Hearing.** All parties to the dispute shall have reasonable notice and opportunity to present to the commission such matters as may be relevant to the settlement of the dispute. If the commission is unable by conciliation to effect an amicable settlement of the dispute in question, it shall proceed at once to investigate and inquire into the cause or causes of the dispute. Such investigation shall be signified by written notice served upon the parties to the dispute, served personally or by registered mail.

Hearings shall be held at such times and places as the commission in its judgment shall determine will best serve the public interest, having due regard to the convenience of the parties. All parties to the dispute shall be given reasonable notice of the time and place of such hearings. The commission shall have power to continue any hearing from time to time or from place to place and to bring in new parties as the circumstances may require.

**SEC. 36. Recommendations.** The commission in conducting such inquiry shall proceed with due diligence to complete its inquiry into the dispute and shall make a writing of its findings and recommendations. The findings and recommendations shall clearly recite the nature of the controversy and the points of dispute. The



recommendations shall be put and accepted on the grounds that such an action contributes to the settlement of the dispute on a basis that is not binding.

Immediately upon the completion of the findings and recommendations, one copy thereof shall be served upon each of the parties to the dispute.

If the parties to the dispute want better the recommendations that they receive or accept the recommendations on or after the lapse of a time deemed reasonable by the commission, it shall appear to the commission that the dispute will not be amicably settled by the parties, then the commission shall be empowered to do the finding and recommendations with the secretary of State and his copy with the county clerk of the county where the dispute exists or a permanent place shall be public record.

Sec. 37. Truce interval. No change in the conditions out of which the dispute arose, shall be made by the parties or a labor union.

(a) After the giving of notice by either party to the other, it is deemed to continue in respect to the dispute, and there shall still be the commission there constituted.

(b) After the services of the commission have been broken by either party, or have been proffered by the commission, or mediation and conciliation have been terminated or efforts in mediation.

(c) After notice of intervention by the commission and where the dispute goes by commission has served its findings and recommendations, there are no more parties.

Sec. 38. Termination of time interval. In any case, the time interval shall be terminated by either party to the dispute at anytime three days previous notice mailed to the commission and to the other party to the dispute. Disputations by the part of the employee shall be made by a majority of the total paid by each party.

Sec. 39. Employee meeting. Within five days after receipt of the findings from the majority of the employees or from the total of the employees or from a representative of 10 per cent of the employees, mailed to or received by the employee, the commission shall serve on each party the first meeting, and shall hold a meeting of the employees involved in an offering by each labor dispute.

At such meeting the commission or its representative shall present to each employees such information, advice, or promises. After an it shall open to each proper, and, in its discretion, the commission or its representative may permit the employer or a representative of the employees and a representative of the commission to make such statements, reports, or suggestions in the presence of the commission may seem fit and proper.

At such meeting the commission shall have power to hold and conduct a vote of the employees affected or involved in such labor dispute or the of all of such questions, disputes, or offers, by secret ballot. For the purpose of the commission shall determine the proper rule, group or class of employees who shall vote upon such questions, disputes, or offers.

The vote of a majority of the employees in any such meeting or of which a majority of the employees in any group, and in those of employees involved in an offering by such labor dispute shall be present, such to mail, committee and meeting open of such employees, provided that no employees shall transfer in relation to some labor or service without his consent or against his will.

#### Article IV. General Provisions.

Sec. 60. Definitions. Unless a different meaning is plainly apparent by the context, the construction to be given to terms used in this Act is as follows:

(a) "Comp. serv." means the labor relations commission created by this act.

(b) "Member" or "commissioner" means a member of the labor relations commission.

(c) "Person" means an individual, partnership, partnership, association, legal representative, trustee, trustee in bankruptcy, or estate.

(d) "Employer" means a person who has an employee, as defined by this act, in service under an employment or contract of hire, or apprenticeship, express or implied, oral or written, but does not include the United States, the States or any political subdivision thereof.

(e) "Employee" means any individual engaged in the service of an employer subject to this act, and shall not be limited to the limitations of membership in any union unless expressly provided, and shall include any individual who has been engaged in consequence of, or in connection with any business, labor dispute, wages, obtained any other regular and substantially equivalent employment, but shall not include any of the following classes:

(1) Domestic servant.

(2) An individual directly employed in interstate commerce.

(3) An employee of the United States, or of the State, or of any political subdivision thereof.

(4) An individual employed by a parent or spouse.

(f) "Labor organization," "union," or "labor union" means an organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.



(g) "Labor dispute," or "dispute" means any question or dispute, whether presently existing or reasonably likely to occur, concerning terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment regardless of whether or not the disputants stand in the proximate relation of employer and employee, and involving 25 or more persons who are engaged in the same industry, trade or occupation, or have direct or indirect interest therein, or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees.

(h) "Lockout" means the closing of a place of employment, or suspension of work, or refusal by any employer to continue to employ any number of persons employed by him in consequence of a dispute, done with the intention of compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or condition of, or affecting employment.

(i) "Strike" means the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are, or who have been so employed, to continue to work or to accept employment. However, nothing in this act is intended to sanction, nor shall the same be construed as sanctioning that form of a strike which is commonly known as the "sit down" strike, and any person who enters upon real property in the possession of another, or remains thereon without a claim made in good faith of a legal right to possession, and without the permission and against the expressed will of the person or agent of the person entitled to the possession of the premises, is guilty of a misdemeanor.

Whenever the singular is used in this act, the plural is included; where the masculine gender is used, the feminine and neuter is included.

SEC. 61. Assistants. The commission may employ such officers, legal advisers, experts, engineers, statisticians, accountants, inspectors, clerks and other employees as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

SEC. 62. Equipment. The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, that may be needed in the performance of its duties.

SEC. 63. Seal. The commission shall adopt a seal bearing the following inscription: "Labor Relations Commission of the State of California." The seal shall be affixed to all writs and authentication of copies of records and to such other instruments as the commission shall direct, and such seal shall be judicially noticed by all courts and tribunals.

SEC. 64. Rules. The commission shall have authority to adopt, publish, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 65. Witnesses. In any investigation, proceeding or hearing which under the provisions of this act the commission is empowered to institute, conduct or hold, the commission, each member thereof, its secretary, or any person authorized by the commission to conduct such investigation, proceeding or hearing, shall have the power to administer oaths, certify to official acts, issue subpoenas for the attendance of witnesses and the production of books, papers and records, and exercise all of the powers conferred upon the head of a department by the provisions of section 353 of the Political Code. All of the provisions of said section are incorporated herein with the same force and effect as if herein set forth at length and wherever in said section the term "head of a department," or similar designation occurs, the same, for the purpose of this reference, means the commission, any member thereof, its secretary, or any person so authorized by the commission.

SEC. 66. Evidence. All hearings, investigations, and proceedings of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof technical rules of evidence need not be applied.

No informality in any hearing, investigation or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved or confirmed by the commission.

SEC. 67. Priority of hearing. If at any time the commission is unable immediately to hear all cases, it shall give priority to those disputes involving the largest number of employees, or most likely to disturb the public peace and welfare.

SEC. 68. Examiners. The commission may employ examiners who shall have power to administer oaths, examine witnesses, issue subpoenas, and receive evidence, under such rules and regulations as the commission may adopt, for the purpose of supplying the commission with information concerning the issue before it.

SEC. 69. Secret formulas. Facts relating to secret processes or formulas, which by reason of their nature if given to the public might jeopardize the rights of the employer shall not be made public; and should such secret formulas or processes become known to the members of the commission or any of its employees, it shall be unlawful to divulge the same to any person or persons.

Sec. 70. *Objections to evidence.* Either party to a hearing before the commission may object to the use of a report as evidence upon which the commission may base its decision on the ground that such report is inaccurate or incomplete. In the event of such objection, the commission shall endeavor to procure more conclusive information on the points objected to as early as possible thereafter.

Sec. 71. *Discrimination.* No employer shall discharge, or in any other manner discriminate against any employee because such employee testified or is about to testify, or because such employer believes that said employee may testify or has investigation or proceedings relative to the enforcement of this act.

Sec. 72. *Cooperation of State agencies.* All departments and agencies of the government of the State of California, and of political subdivisions, shall render all appropriate assistance to the commission in the performance of its duties and to carry into effect its rulings when requested by the commission.

Sec. 73. *Report.* The commission shall issue and submit to the Governor on or before the first day of December of each year a report containing a full and complete account of its proceedings during the previous thirty-month period and setting forth such suggestions and recommendations as it may deem proper.

Sec. 74. *Application of act.* This act shall apply to commerce with foreign nations and commerce among the several States of the Union or between such regulation is not in conflict with the provisions of the Constitution of the United States and the Acts of Congress.

Sec. 75. *Unlawful interference.* It shall be unlawful to interfere with or obstruct the calling or holding of any meeting or conference herein provided for, or to interfere with, obstruct or prevent the performance of any lawful undertaking or agreement made or entered into pursuant to or in accordance with the provisions of this act, or to attempt to persuade, induce or compel any of the parties thereto, or working thereunder, to violate the same.

Sec. 76. *Emergency powers.* If a dispute between an employer and his employees be not adjusted under the foregoing provisions of this act and should, in the judgment of the commission, threaten substantially to interfere with services essential to the public health, welfare, and safety, the commission shall notify the Governor who may thereupon, in his discretion, take such steps as may be necessary to maintain such services.

Sec. 77. *Construction of act.* This act shall be liberally construed in order to effect the purposes thereof.

Sec. 78. *Constitutionality.* If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 79. *Penalty.* Any violation of this act shall be a misdemeanor and shall be punishable by a fine of \$500, or by imprisonment in the county jail for one year, or by both such fine and imprisonment."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Swing moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 642 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, McGovern, Mixer, Olson, Phillips, Rich, Slater, Swing, Westover, and Young—17.

NOES—Senators Allen, Biggar, Donel, Hays, Jespersen, Keating, Kough, Knowland, Law, McBride, McColl, McCormick, Metzger, Nielsen, Pierovich, Quinn, Schottky, Seawell, Wagy, and Williams—20.

### Special Order.

Senator McGovern moved that Assembly Concurrent Resolution No. 33 be made a special order for Wednesday, April 7, 1937, at two o'clock and thirty minutes p.m.

## Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 196—An act to amend section 1151 of the Fish and Game Code, relating to use of lights;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

McCOLL, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 830—An act to amend sections 3, 4, and 6 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, and to amend sections 7, 8, 9, 11, 12, 18, 29, 30, and 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to workmen's compensation";

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 879—An act to add section 2a to an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, relating to train crews;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 907—An act to regulate the sale of fuel oil; to provide special occasions therefor; and for an inspection thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

### On Public Morals.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Senate Bill No. 597—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

FLETCHER, Chairman.

### On County Government.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 862—An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class;

Senate Bill No. 110—An act to amend section 4029 of the Political Code, relating to supervisorial districts;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 5; committee vote: Ayes: 3; absent: 2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1096—An act to amend section 4090 of the Political Code by adding thereto a provision specifying the mileage to be charged for constables and marshals in the service of any writ, order or report, containing a writ of attachment relating to counties of the twenty-eighth class.

Senate Bill No. 1113—An act to amend section 4236 of the Political Code relating to compensation of county and township officers in respect of the twenty-fourth class.

Senate Bill No. 1114—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, management and dissolution of such police districts, the assessment, collection, levying and distribution of taxes for such purpose, and to create a board of police commissioners," approved April 26, 1925, relating to the dissolution of police districts.

Senate Bill No. 1110—An act to amend section 737g of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Senate Bill No. 691—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 5; committee vote: Ayes: 3; absent: 2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2024—An act to amend section 4307 of the Political Code of the State of California, relating to county charges.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership: 5; committee vote: Ayes: 3; absent: 2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 886—An act to amend section 1041.27 of the Political Code relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or some fund of the county, a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership: 5; committee vote: Ayes: 3; absent: 2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2223—An act to amend section 737wa, of the Political Code, relating to the salary of judges of the county of Sonoma.

Assembly Bill No. 2444—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to appropriation of the "District Investigation Act of 1933" to such districts formed or proposed.

Assembly Bill No. 2446—An act to add section 31 to "An act to allow and provide for the organization, incorporation and maintenance of fire districts to be governed by board of fire commissioners; to provide for the equipment and maintenance of fire departments and the acquisition of all property necessary therefor."



approved March 4, 1881, relating to the application of the "District Investigation Act of 1933" to such districts formed or proposed;

Assembly Bill No. 2445—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 1925—An act to amend section 4264 of the Political Code, relating to salaries of county officers in counties of the thirty-fifth class;

Assembly Bill No. 132—An act to add section 4307.5 to the Political Code, relating to county charges;

Assembly Bill No. 1063—An act authorizing the removal of the Stephen M. White statue from the city of Los Angeles to the city of San Pedro;

Assembly Bill No. 211—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers;

Assembly Bill No. 1705—An act to amend section 4251 of the Political Code, relating to the compensation of county and township officers in counties of the twenty-second class;

Assembly Bill No. 1706—An act to amend section 7371 of the Political Code, relating to salaries of the judges of Humboldt County;

Assembly Bill No. 2356—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, March 29, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 1037—An act to repeal and add Chapter 5, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

WILLIAMS, Chairman.

#### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, April 2, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Senate Bill No. 518—An act to add two new sections to the Political Code, to be numbered 3480e and 3480f, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

#### Adjournment.

At four o'clock and twenty minutes p.m., on motion of Senator Hays, the President pro tempore of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Tuesday, April 6, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

## SENATE CHAMBER

SACRAMENTO, Tuesday, April 6, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, at the desk.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called and the following answered to their names:

Senators Allen, Bogan, Crittenden, Cunningham, DeLap, Donald, Fitchner, Gentry, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Knease, Kuykendall, Lamm, McBride, McGill, McCormack, McGovern, Metzger, Meyer, Nason, Olson, Pannun, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seaton, Senter, Smith, Tickle, Wagy, Westover, Williams, and Young—49.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kierker.

**Reading of the Journal.**

During the reading of the Journal of Monday, April 5, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Lee L. Sunday, representative of the Oil Workers Union, Local 5, of Martinez.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Vic Ribbink of Oakland.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John Allen Fitz, instructor in social science of the Red Bluff Union High School, and the following students: J. Dan Allen, Raymond Anchorage, Merrill Kellogg Apple, William W. Bagby, Duhaert Denver Baker, Betty Lavine Barr, Anna Bayles, Don Brent, Kenneth Brent, Roberta Jean Brown, James Carroll Bunting, Millie Elizabeth Burress, Herman William Burrichter, Nettie Chew, Martha Carolyn Cleod, Neal Maryle Conley, Bethel B. Dexter, Gareth Duell, Jane Gertrude Duell, Robert Douglas, Henry Arnold Eaton, Ben Ferber, Babette Fickert, Solomon Elijah Field, Vernon Nyle Fisher, Thalia Alice Forward, Richard Henry Frost, Jack Warn Hampton, Alan B. Hayes, Erma Ina Hendricks, Richard Hester, Hilman Harold Hoy, Norma Jones, Jane Marie Jordan, Carl Kloose, Eugene John Lauer, Owen Marpin, Junior McDonald, Bernardine Ellen McKenna, Craig Cosper Moore, Elizabeth Mildred Moore, Lawrence Nason, Guy Piper, Robert William Purvis, Anna Marie Roderiques, Lillian Mae Schott, Adolph Leonard Simonet, Mary Josephine Stricker, Allan Strong, and Helen Lenore Whitten.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank H. Davis, secretary of the Madera County Farm Bureau, and J. L. Davis of Madera.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James M. Burke of Visalia.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maxwell Nichols, City Attorney of Santa Barbara.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. C. Williams and Miss Florence Eggert, teachers of the Dixon Union High School, and the following students: Florence Andersen, Henry Cagle, Margaret Jane Carpenter, Irving Dietrich, Dean Dubbcliff, Vernon Dutra, Willie Dutra, Ethel Haigh, Bernice Hannagan, Merriel Hissey, Mary Lou Hughes, Genevieve Johnson, Marjorie Madden, Gordon Marvin, Barbara McIntyre, Ellwood Norton, Raymond Norton, James Parsons, Wilda Pritchard, Marguerite Reimers, Naida Ritchey, James Seyman, Lester Simpson, Margaret Soares, Pearl Stahl, Francis Stolle, Orabelle Tutt, Gordon Watson, Charles Witt, Gerald Cowden, Gail McKenzie, and James Hartley.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Louis Martin, M. Leason, and Harry G. Robinson, all of Alameda County.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Curtis Whitt of Tulare County.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Evalyn A. Johnson of Kentfield and Louise S. Garrod of Saratoga.

### Communications.

The following communications were received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, April 5, 1937.

*Joseph A. Beek, Secretary of the Senate,  
Sacramento, California.*

DEAR SECRETARY BEEK: Herewith please find copy of letter, together with statement respecting the operation of the sales tax in California, filed with this office by Hon. Frank C. Weller, an attorney of Los Angeles.

Accompanying his letter are copies of enclosures as set forth on page 2 of Mr. Weller's letter.

I am forwarding these documents that the Honorable Members of the Senate may be cognizant of these various statements regarding the operation of the sales tax, and take any action they may deem advisable.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

(COPY)

SACRAMENTO, March 22, 1937.

*Honorable Frank F. Merriam, Governor of California, Sacramento, California.*

### IN RE: ADMINISTRATION OF STATE SALES TAX ACT.

DEAR GOVERNOR: PURSUANT to our conversation held in your local office two or three weeks ago in regard to the problem confronting the State, and also the creditors, relative to delinquent sales taxes, I submit herewith a statement of our solution of the problem.

You will recall that I directed your attention to the fact that the State is suffering considerable loss in its income by reason of delinquent sales taxes where the merchant who is delinquent has become insolvent and gone into bankruptcy, or made an assignment for the benefit of his creditors. This situation applies particularly to the larger centers such as Los Angeles and San Francisco. I think you will agree with me that to permit this situation to continue is unfair to the State.



is unfair to the other merchants who are paying their taxes, and it is an undue burden to the creditors who are extending credit and whose merchandise is being used to pay the delinquent sales taxes, and the creditors are left holding the parcel-garbage.

The situation in this respect has become so disturbing to the members of the Board of Trade, the Los Angeles Credit Men's Association, the San Francisco Wholesale Board of Trade, and the San Francisco Credit Men's Association, and other credit organizations throughout the State, to remove the existing situation, and effect the following solution:

(1) That the State Board of Equalization put into effect a procedure similar to that of the State of Ohio, requiring that during 1936 be furnished in addition and delivered to the customer at the time of the sale. (This can be done under our existing Sales Tax Act without the necessity of any amendment.)

(2) That the Sales Tax Act be amended so that anyone who fails to comply in making it at least a misdemeanor punishable by fine and a jail sentence of not to exceed six months for any merchant so failing to comply in paying his sales tax.

The organizations to which I have referred have given careful thought to this problem, and believe that the foregoing suggestions are a reasonable part of the existing trouble in connection with the collection of the sales tax. In this connection, they have written to two of the larger department stores in Ohio, inquiring as to the success of the method of issuing stamps, and very favorable replies have been received from these large department stores.

To give you some idea of the losses that are being suffered by the State, and also even greater losses by the creditors on account of delinquent sales tax, we attach hereto the following:

(1) A list of some of the assignments made to the Los Angeles Wholesale Board of Trade for the benefit of creditors, where the department stores are particularly large in proportion to the amount of the assets, and where in some instances the State suffered substantial losses, and in all instances the creditors suffered substantial losses. (This list does not include losses on trading stamps where the delinquent sales tax has been sent out in all proportion to the revenues.)

(2) Copy of a letter from Mr. Grant H. Wren, attorney for the San Francisco Board of Trade, listing a few of the assignments and bankruptcies in San Francisco in which the State suffered substantial losses on account of delinquent sales tax.

(3) A photostatic copy of a letter from H. & S. Paine Company, Cincinnati, Ohio, a large department store in that city, with reference to the method employed in that State of requiring the purchase of sales tax stamps.

(4) A photostatic copy of a letter from the Halle Bros. Company, Cincinnati, Ohio, a large department store in that city, with reference to the method employed in that State of requiring the purchase of sales tax stamps.

We feel that this problem is of sufficient importance to merit your careful consideration, and we know that if these problems can be solved by you that you will receive the warm commendation of the membership of not only the organizations referred to above, but of all credit interests throughout the State of California.

Thanking you in advance for the consideration which I know this matter will receive at your hand, I remain,

Sincerely yours,

(Signed)

FRANK C. WELLER

Name of estate	Date of Assignment	Recovery	Sales Tax	Losses
Angelo Shoe Co., Inc.	1 27 36	\$936 30	\$514 59	
Queen, Inc.	11 27 35	636 26	364 49	\$417 42 (Only partially paid)
Southern Food Products	-- 8 26 35	1,450 40	996 12	\$498 80 (Only partially paid)
Fred Wilkerson----	8 6 35	2,148 37	467 25	(Dr. claimed to own \$45)
Roy Garner	5 15 35	325 00	504 37	Only partially paid
A. H. Marquardt----	3 6 35	416 61	264 82	
W. R. Anthony	12 13 34	490 70	220 41	\$25 00 (Only partially paid)
Nash Bestor Co.	11 28 34	2,832 64	1,610 31	\$28 16
Chas. K. Thompson	8 18 36	500 00	240 49	268 09 P. P. tax \$70
Cecil N. Williams	10 26 34	200 00	118 52	
Ben H. Gonzales---	2 24 36	714 30	305 31	
Vincent Sotelo	3 16 36	1,440 20	1,922 96	(Dr. claimed to owe \$370 70)
Jimmie's Cafe-----	4 22 36	100 00	533 78	
O. D. Cosgriff	9 29 36	653 97	283 77	(Dr. claimed to owe \$63 25)
Ralph W. Pease	7 20 35	1,393 83	730 32	Labor \$357 33
Thos. Robbins	-- 5 16 36	252 82	1,014 59	
Ross & Jespersen, Inc.	(Attach, outside board)			Attachment held for benefit of all crs. Sold for \$5,700. Sales tax \$3,706 27.
C. M. Yerkes	9 19 35			

(Assignee requested audit of records September 26, 1935. Received statement for \$100.48 on December 23, 1935, which was paid December 30, 1935, and case closed. On February 14, 1936, received additional statement for \$52.86. We



advised case closed, debtor now cited to appear and show cause why additional tax should not be paid.  
No audit has been made on any of the above cases by the State Board of Equalization since date sales tax came into effect.

(COPY)

SAN FRANCISCO, CALIFORNIA, March 20, 1937.

*Craig and Weller, Attorneys at Law,**111 West Seventh Street, Los Angeles, California.*

Attention: Mr. Frank C. Weller.

DEAR MR. WELLER: With further reference to my letter of March 16th, Mr. Alexander of the accounting department has made a list of the following cases in which the State Board of Equalization has suffered severe losses by reason of the fact that their sales tax was allowed to accumulate over an extended period:

Herberts, Inc. (Bankruptcy) total loss of tax amounting to.....\$4,955 26

Tahiti, Inc. (Bankruptcy) probably total loss in tax amounting to 462 25

Hanford's Waldorf (Assignment)—

Amount of tax.....\$592 39

Paid on account.....466 54

Loss .....125 85

Grover's Cafeteria (Assignment)—

Tax claim .....\$714 52

Loss, approximately .....300 00

Landucci & Mattucci—

Tax claim .....\$1,137 62

Paid on account.....764 64

Loss .....372 98

Total loss in above cases .....\$6,216 34

These are merely some of the outstanding cases. Of course, there are many others in our records in which the sales tax has not been paid or else has only been partially paid, by reason of the fact that it had been allowed to accumulate over a long period before the liquidation. At the time of the liquidation, as you know, an audit is made and all of this back tax is presented as a claim. It often develops that this claim consumes the entire assets of the estate, excluding even the payment of labor claims, and that even then there are not sufficient assets to meet the account in full. Of course, in bankruptcy cases the labor claims are given priority and that accounts for the large loss listed in the first case above referred to.

Trusting this information will be of some assistance to you, I am

Yours very truly,

GRANT H. WREN.

(COPY)

October 29, 1936.

*Mr. J. E. Alexander, Walker's, Inc.,**Fifth and Broadway, Los Angeles, California.*

DEAR MR. ALEXANDER: In connection with the sales tax in the State of Ohio all retail merchants, as well as other distributors buy sales tax stamps in various denominations from the tax commission who of course have various agencies widely located throughout the State of Ohio. The rate of the tax is as follows: One cent tax on sales from 10 cents to 40 cents inclusive; 2 cent tax on sales from 41 cents to 70 cents inclusive; 3 cent tax on sales from 71 cents to \$1 inclusive. There is no tax on sales less than 10 cents. You can see that the rate based on the foregoing figures is approximately a 3 per cent sales tax.

On each sales check (customers copy) a stamp is affixed for the amount of the tax on the purchase. These stamps are kept in various denominations in each department in specially designed containers for this purpose. In a large department, we have from three to ten containers in order that it will facilitate the service rendered by sales people.

Under the Ohio law any merchant who fails to charge the sales tax, or assumes it themselves, are subject to a very severe penalty if discovered by the Tax Commission. We have had a few instances of this kind. There is no question that the necessity to purchase sales tax stamps in advance of their use has created some hardship on small merchants who have inadequate financial reserves. But if it wasn't handled in this manner, we would have the same situation as you have in California.

Upon the inauguration of the Ohio sales tax it seemed an almost unsurmountable problem to handle the detail necessary in its execution. But after two or three weeks we had all the major difficulties solved and today we are practically unconscious of its nuisance.

It is our opinion and I believe it is the opinion of all retail merchants in the State of Ohio that our form of sales tax is the most desirable of any. If there are any other facts that you should discuss with them, feel free to write us again.

Sincerely yours,

THE H. & S. POOLE COMPANY  
H. N. Hogg, Chairman

(COPY)

October 29, 1936

Mr. J. E. Alexander, Walker's, Inc.,

Fifth and Broadway, Los Angeles, California

DEAR MR. ALEXANDER: I am sorry that my attention to some important legal matters did not permit an immediate reply to your letter. As I am not familiar with the method of assessing the State sales tax in California, I can say little of the practice in that State.

In Ohio the method of assessing the tax, as well as the measures are considered is as described in the third article of that letter. The system required the purchase of vending machines or receptacles for the stamps, especially designed for this purpose. These are considered unnecessary but must not be without give the advantage of holding in the machine under locked pressure, the value a portion of the tax stamp. Secondly, it is not necessary to have an accurate tallying of unused stamps and a record of the number of sales tax collected for each day, so that at the end of the month or at any period, you can ascertain for yourselves not only that the tax is being collected for its full due by the customers, but that the salespeople are conscientiously canceling and mutilating each stamp before giving to the customer.

The law requires that the amount reported to the State is paid out of the net taxable sales, although the commission states, and justly so, that the amount should be in excess of 3 per cent. The system in Ohio is not as simple as the system in Ohio the vendor, to reimburse him for the advancing of the money and the clerical work involved in the collection of the tax, is given a discount of 3 per cent on the portion of the net taxable sales. Unquestionably under this system the State has a great advantage in not having to pay the money unless the tax is collected from the consumer.

Political movements are constantly on foot to eliminate both House or State from the taxable sales. While the State of Ohio, having its House and State governments, because the consumer is not able to pay the tax, it is not possible.

Properly administered and passed by the Tax Commission, there is no question that from the point of view of the State and of the retailer or other vendors, all vendors are on a basis of equality. While we are certain that a privilege tax would eliminate a lot of retail bookkeeping and clerical work, the system that the use of the privilege tax stamps as described in this letter is possible for the vendor to receive all of the sales tax from the consumer, which we understand from reliable sources is not the case with other systems.

If you have any further questions, please do not hesitate to write me.

Very truly yours,

THE HALL BROS. CO.  
JAY IGLAUER, Vice President and Treasurer

FEDERAL HOME LOAN BANK BOARD  
WASHINGTON, April 2, 1937

Hon. George J. Hatfield, Lieutenant Governor, State of California

State Capital, Sacramento, California

RE: ASSEMBLY JOINT RESOLUTION NO. 23

MY DEAR GOVERNOR: I have for attention and reply a letter dated March 24, 1937, from the Honorable James G. Stewart, Chief Clerk of the California Legislature, transmitting Assembly Joint Resolution No. 23 which requests us to advise the Legislature of the State of California whether or not, in our opinion, the adoption of legislation in the State abolishing this money judgments would have a tendency to hamper, curtail, make difficult, or prevent the granting of loans to citizens of the State. I am directed by the board to make this reply.

The Federal Home Loan Bank Board supervises the operation of the twelve Federal home loan banks, whose members have a very substantial proportion of the money for the financing of other homes in California and throughout the United States, holding at present more than \$7,000,000,000 invested in such mortgages. These members are currently lending several hundred million dollars a year to home owners, chiefly in the form of long-term, monthly amortized mortgages. Home Owners' Loan Corporation, under the direction of the board, lends approximately \$3,000,000,000 in small home mortgages, amortized over a 15-year period. This board was established by Federal statute not only for the specific purposes referred to above and others, but also for the broad purpose of encouraging sound and economical home financing. It is therefore very much interested in the question which you submit.

In our opinion, no mortgagees in the collection of the mortgage debt, should receive, by any means, more than the amount of the mortgage debt, with legitimate accumulations, advances and costs. We are advised that the laws of the State of California provide for the sale of property in the event of foreclosure of a mortgage at not less than its fair value as found by the court, and it follows that a deficiency judgment can not be introduced for more than any balance of the debt after crediting the amount of such fair value on the debt. We believe that this basis, adopted by your State about two years ago, is fair and reasonable to all concerned.

Any law which arbitrarily prohibits any deficiency judgment on any mortgage foreclosure case we believe to be unsound. We believe it to be good public policy to encourage lending institutions to assist bona fide home seekers, by lending them up to a very high percentage of the current value at the time of the making of the loan and to make such loans repayable over a long period of years so that monthly or other periodical payments may be within the family budget. It is important that no law be passed which will discourage bona fide lending on this basis, as it is important to encourage and assist families of small means to acquire home ownership. Such loans are very frequently made in very large reliance upon the good character of the family engaging in home purchase. To prohibit absolutely any deficiency judgment has the effect of minimizing the value of good character because it compels the lending institution to look solely to the security and its value. This results in the lending institution's offering to lend a smaller percentage of value in the first place, and, in the second place, insisting upon repayment terms so that if property values change over the years it will be sure to be protected.

To encourage high-percentage lending, especially on small homes, and to encourage long-term, amortized loans requiring small periodical payments is to assist the small home owners and to encourage home ownership. To do anything which restricts the amount of loan which the lender can afford to provide or which tends to suggest short-term loans, which small families can not meet from their family budgets, tends to make it impossible for families of small means to enter into home purchase or to carry through their contracts for home purchase.

We therefore believe that such deficiency judgment legislation as you refer to is unwise public policy, puts obstacles in the way of the family desiring to acquire a home, and should be avoided. We believe that legislation such as you passed two years ago, which prohibits a deficiency judgment for more than the difference between the debt and the value of the property foreclosed upon, largely, if not completely, eliminates the evil from which we have suffered in years past of inequitable and unconscionable excess judgments.

We might point out further that frequently banks and others holding open note debts or debts in the form of accounts, take a mortgage or deed of trust as partial security only but are thus enabled to continue an extension of credit which they otherwise would not be able to do. In such cases, if such creditors cut themselves off from their claim against the debtor in personam by taking a mortgage, the creditor would frequently be compelled to sue his claim to judgment and take an execution in the first instance, which would be a lien upon all real estate and other property of the debtor.

The deficiency judgment evil consisted of the wrong which resulted from auction block sales on a bid representing not fair value at all but a mere nominal amount and the taking of a deficiency judgment for the remainder of the debt after the mortgagee had taken the property for such nominal value. This situation is avoided by the law now on the books in California requiring that full credit for the full, fair value of the property be given at the foreclosure sale and the deficiency judgment be taken only for the remainder. Under your present law, Federal agencies, State agencies and private lenders may continue to lend high percentage of value in California and make their loans over long terms on the most favorable basis, and we hope that this situation will not be disturbed.

Assuring you of our desire to cooperate with you at all times, I am,

Very truly yours,

HORACE RUSSELL, General Counsel.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 462—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect;

Assembly Bill No. 2061—An act to amend sections 737b, 737c, 737i, and 737oo of the Political Code, relating to the salary of judges of the superior court.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.



## ASSEMBLY CHAMBER, SACRAMENTO, APRIL 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 20—Relative to the approval of amendments to the charter of the city of San Bernardino.

Senate Concurrent Resolution No. 21—Relative to approving a certain amendment to the charter of the city of Berkeley, county of Kern, STATE of California, relating to amending relief and pension fund for members of the fire department of the city of Berkeley, and the two members of the city of Berkeley known as Proposition No. 1. "Relief and pension fund for members of the fire department of the city of Berkeley," called for and called by the electors of said city at Berkeley at a special election held thereon on the twenty-third day of May, 1937.

Senate Concurrent Resolution No. 22—Relative to granting leave of absence to the Honorable John R. McCall, member of the Senate of the fifty-second session of the Legislature of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 20, 21, and 22 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, APRIL 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1600—An act to amend an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regarding the management, use, lease and control thereof, authorizing the improvement and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5, inserted, permitting the City and County of San Francisco, by action of its Board of Supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tidelands described in the clause mentioned act.

Assembly Bill No. 854—An act to add section 146 to the State Civil Service Act, relating to rehearing after decision by the State Personnel Board or the Civil Service Commission.

Assembly Bill No. 2557—An act to amend section 1431 of the Penal Code relating to change of venue.

Assembly Bill No. 110—An act to amend section 447 and section 448 of the Code of Civil Procedure, relating to pleading of written instruments.

Assembly Bill No. 636—An act to amend sections 2, 3, 4, 7, 9, 11, 17, 22 and 23, and to add sections 24a and 24b to an act entitled "An act defining crime crimes providing for their incorporation, powers, management and supervision," enacted March 31, 1927, relating to the regulation of crime crimes.

Assembly Bill No. 1062—An act to amend sections 20 and 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, relative to awards and disposition thereof.

Assembly Bill No. 1214—An act to amend section 44 of the Vehicle Code relating to authorized emergency vehicles.

Assembly Bill No. 2813—An act authorizing the removal of the monument or statue in memory of Chief Solano from its present location on the highway near Fairfield to the grounds of the court house at Fairfield in the county of Solano.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1600 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 854 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 2557 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1101 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 636 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1062 read first time, and referred to Committee on Insurance.



Assembly Bill No. 1214 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2813 read first time, and referred to Committee on Roads and Highways.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the terms of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for the violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs;

Assembly Bill No. 1225—An act to add section 53 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles;

Assembly Bill No. 1688—An act to add a new section to the Code of Civil Procedure, to be numbered 1166a, relating to unlawful detainer;

Assembly Bill No. 1728—An act to amend section 8 and to repeal sections 4, 33, and 34 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class;

Assembly Bill No. 1469—An act to repeal sections 2.1223 and 6.523 of the School Code, relating to reports of books purchased for any school district;

Assembly Bill No. 2785—An act relating to radio intercommunication service between the State and several counties in the State and authorizing the State and the counties to enter into agreements in respect thereto and to defray the cost of such service;

Assembly Bill No. 1730—An act to amend sections 220 and 222 of the Vehicle Code, relating to reports of stolen vehicles;

Assembly Bill No. 348—An act to amend section 1015 of the Fish and Game Code, relating to packing and reduction licenses;

Assembly Bill No. 632—An act to amend section 7 of, and to add section 15 to, the California Air Navigation Act, relating to rules and regulations and their enforcement;

Assembly Bill No. 1616—An act to authorize cities, counties, or county fire protection districts to perform services for each other in extinguishing fires and providing for the payment therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1824 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1225 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1688 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1728 read first time, and referred to Committee on Elections.

Assembly Bill No. 1469 read first time, and referred to Committee on Education.

Assembly Bill No. 2785 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1730 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 348 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 632 read first time, and referred to Committee on Aviation and Aircraft.

Assembly Bill No. 1616 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 38—Relative to authorizing certain amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the ninth day of March, 1937.

JAMES G. SMYTH, Clerk of the Assembly;  
H. C. W. PERRY, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 38.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 38 without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 38—Relative to approving certain amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the ninth day of March, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Concurrent Resolution No. 38 adopted by the following vote:

AYES—Senators Crittenden, DeLong, Donald, Gordon, Harrison, Harkin, Jepsen, Keating, Keough, Knowland, Lusk, McBrake, McCall, McGovern, McManis, Metzger, Mixer, Nelson, Perkins, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Assembly Concurrent Resolution No. 38 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be paid and he is hereby authorized to draw his warrant in favor of the person for the same amount and the Treasurer is hereby directed to pay the same:

Dolores Schroeder, Stenographer

Per diem  
\$75.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLong, Donald, Garrison, Gordon, Hays, Hollister, Holshen, Keating, Keough, Law, McBrake, McCall, McManis, McGovern, Metzger, Mixer, Nelson, Perkins, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 314—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools;

Senate Bill No. 309—An act relating to the State Civil Service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 200—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon;

And reports that the same has been correctly enrolled, and presented to the Governor on the fifth day of April, 1937, at two o'clock and thirty minutes p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 196—An act to amend section 1151 of the Fish and Game Code, relating to use of lights;

Senate Bill No. 691—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class;

Senate Bill No. 1056—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in the service of any writ, order or paper, excepting a warrant of arrest;

Senate Bill No. 1106—An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class;

Senate Bill No. 1113—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class;

Senate Bill No. 1114—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts;

Senate Bill No. 1119—An act to amend section 737q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 22—Relative to the participation by the State of California in the Swedish-American Tercentenary Celebration of 1938;

Senate Concurrent Resolution No. 24—Relative to honoring Captain Charles M. Weber, pioneer;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 991—An act to amend section 611.6 of and to add sections 62.5 and 290.5 to the Fish and Game Code, relating to steelhead trout in certain streams in District 1, creating a new fish and game district in relation thereto, and making certain provisions as to such new district;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

Assistant Secretary Howard McIntire at the Desk.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses.

*Resolved*, That the Controller be and he is hereby requested and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$862.80 to pay the bills paid for the purposes set forth below, and the Treasurer is hereby directed to pay the same:

Cascade Towel Supply	\$ 77 91
Western Union	42 22
Postal Telegraph Cable Co.	2 36
State Department of Finance, regular and adjutants in SENATE Chamber and committee rooms.	24 86
Postage for Senate Meeting Room.	500 00
Caruthers Sign Co., printing signs in doors of Senate committee rooms and Senators' offices.	40 46
Hammond Typewriter Co., typewriter, repairs and ribbons.	7 08
Supply department.	941 98
H. S. Crocker Co., supplies to Senate.	102 92
	\$862 80

(Signed out)

RICH, Chairman.  
LAW

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Baggett, Craftenden, Cunningham, DeLap, Foss, Garrison, Gordon, Hays, Hollister, Jorgensen, Keough, Knowland, Law, McLean, McGovern, Mixer, Nielsen, Perryack, Poulos, Quinn, Rusk, Schuchter, Slater, Slator, Swing, Tickle, Wagy, Westover, and Young. 41.

**NOES.** None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator DeLap.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the text of which is set forth below:

An act to add section 903 to the Fish and Game Code, relating to cats.

Respectfully submitted,

SENATOR DELAP.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator DeLap to introduce a bill entitled:

An act to add section 903 to the Fish and Game Code, relating to cats.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL  
KNOWLAND  
SLATER  
TICKLE.

The question being on the adoption of the report.



The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Westover—32.

NOES—None.

### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1126:** By Senator DeLap—An act to add section 903 to the Fish and Game Code, relating to nets.

Senate Bill No. 1126 read first time, and referred to Committee on Fish and Game.

### **Motion to Reconsider Waived.**

Senator Crittenden waived reconsideration of Senate Bill No. 346. Senate Bill No. 346 ordered transmitted to the Assembly.

### **Consideration of Daily File.**

#### **Second Reading of Senate Bills.**

Senate Bill No. 196—An act to amend section 1151 of the Fish and Game Code, relating to use of lights.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 830—An act to amend sections 3, 4, and 6 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, and to amend sections 7, 8, 9, 11, 12, 18, 29, 30, and 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to workmen's compensation.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 830 were read and adopted:

##### **Amendment No. 1.**

On page 3, line 9, of the printed bill, as amended, following the word "shall", strike out the comma and the words "irrespective of"; and in line 10, strike out the words "the number of employees engaged in such work", and the comma.

##### **Amendment No. 2.**

On page 12, line 31, of the printed bill, as amended, following the word "employer", strike out all the rest of said line 31, and all of lines 32 to 35, both inclusive, and insert in lieu thereof a period.

##### **Amendment No. 3.**

On page 12 of the printed bill, as amended, strike out all of lines 47 to 52, both inclusive, and strike out all of lines 1 to 9, both inclusive.

##### **Amendment No. 4.**

On page 14, line 20, of the printed bill, as amended, strike out the words "sixty-five", and insert in lieu thereof "sixty-six and two-thirds".

##### **Amendment No. 5.**

On page 14, line 34, of the printed bill, as amended, after the words "less than", strike out all the rest of said line, and all of line 35, and the words "ninety-nine dollars and ninety-two cents" in line 36, and insert in lieu thereof the following: "six hundred sixty-six dollars and sixty-six and two-thirds cents nor more than one thousand six hundred sixty-six dollars and sixty-six and two-thirds cents".

**Amendment No. 6.**

On page 17, line 1 of the printed bill, so amended, strike out the word "500", and insert in lieu thereof the figure "500.00".

**Amendment No. 7.**

On page 17, line 1 of the printed bill, so amended, strike out the word "500", and insert in lieu thereof the word "500.00". And strike out the figure "500.00", and insert in lieu thereof the figure "50,000".

**Amendment No. 8.**

On page 17, line 48 of the printed bill, so amended, strike out the word "defendant", and insert in lieu thereof the following: "complainant or defendant or other".

**Amendment No. 9.**

On page 17, line 50 of the printed bill, so amended, after the word "meaning that the", insert the word "employees".

**Amendment No. 10.**

On page 18, line 3 of the printed bill, so amended, after the word "because of the", insert the word "employee's".

**Amendment No. 11.**

On page 22, line 1, of the printed bill, so amended, changing the word "company" strike out the period and insert in lieu thereof a comma and the following: "and shall, if necessary, instruct the person acting in the capacity of such person shall employer from controlling the business operations of such person and such employer shall be considered as a partner in the business."

Bill read second time, ordered to reprint and re-referred to Committee on Labor and Capital.

Senate Bill No. 879—An act to add section 22 to an act entitled "An act to promote the safety of employees and trainmen upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1931, relating to train crews.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 879 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 to 4 of the title of the printed bill, strike out the following: "22 to an act entitled 'An act to promote the safety of employees and trainmen upon railroads by compelling common carriers by railroad to properly man their trains,' approved February 20, 1931," and insert in lieu thereof the following: "6902a to the Labor Code."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 78 inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 6902a is hereby added to the Labor Code, to read as follows:

6902a. It shall be unlawful for any common carrier by railroad of the State of California operating more than two trains each day on any day of 24 hours on any main track or branch line of railroad within the State, to fail or refuse to be man, any local freight train that has not at least the following minimum manning: One engineer and one fireman for each steam locomotive where such train is propelled by steam, one motorman for each train where such train is propelled or drawn by electricity and one motor or power control man for each train propelled by other motive power than steam or electricity and one conductor and three or more brakemen. For the purpose of this act the term "local freight" means a train which stops at any siding or depot and loads or unloads freight or does station switching."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

Senate Bill No. 907—An act to regulate the sale of fuel oil; to provide special occasions therefor; and for an inspection thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 907 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following: "An act to regulate the sale of fuel or burner oil."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful to expose for sale, offer for sale or sell any burner oil, other than gasoline and grades of fuel oil for various types of fuel oil burning equipment designated as Grades No. 2, 3, 4, 5 and 6, A.S.T.M. Designation D-396, made from petroleum which is adulterated or misbranded within the meaning of this act. Such volatile burner oil shall be deemed to be adulterated or misbranded if it fails to meet the minimum specifications herein prescribed.

SEC. 2. The requirements enumerated in these specifications shall be determined in accordance with the following methods of testing a distillate oil for use in burners requiring a volatile fuel as prescribed by the American Society for Testing Materials, in A.S.T.M. Designation D-396 for Grade No. 1 fuel oil.

(a) The flash point shall not be lower than one hundred and twenty degrees (120 degrees) Fahrenheit or higher than one hundred fifty degrees (150 degrees) Fahrenheit when tested by means of the Pensky-Martens Closed Tester, A.S.T.M. Designation D-93.

(b) The burner oil shall be free from water and suspended matter when tested by means of centrifuge, A.S.T.M. Designation D-96.

(c) Distillation of Grade No. 1 fuel oil shall be determined in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products, A.S.T.M. Designation D-86, and it shall distill within the following limits:

(1) When ten per cent (10%) has been recovered in the receiver the thermometer shall not read more than four hundred and twenty degrees (420) Fahrenheit.

(2) The end point shall not be higher than six hundred degrees (600) Fahrenheit.

SEC. 3. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent, or employee thereof, to sell, offer for sale, or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer to deliver to any premises any product as or purporting to be a burner oil or Grade No. 1 fuel oil for use in burners requiring a volatile fuel unless such product conforms to the foregoing specifications.

SEC. 4. The Division of Weights and Measures of the Department of Agriculture, and every person authorized by it, each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city in the State of California, and any person now or hereafter authorized or empowered by law to inspect the petroleum products in this act referred to, are hereby severally authorized and empowered to take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale within the State of California. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to refuse to permit any person authorized by this section to take such sample or samples, or to prevent or to attempt to prevent the taking of such sample or samples. If the owner or person in possession of such product shall at the time of such taking, demand payment for the commodity taken, then the person taking such sample shall pay the reasonable market price thereof.

SEC. 5. Any person, firm, association or corporation or any member, officer, agent or employee thereof, who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than \$25 or not more than \$500, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

SEC. 6. There is hereby appropriated out of the general fund of the State an annual sum of \$10,000 for the purpose of enforcing the provisions of this act.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and

phrase thereof, irrespective of the fact that such case or cases of one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 597—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors.

#### Consideration of Committee Amendments

Pursuant to the report of the Committee on Public Morals, the following amendments to Senate Bill No. 597 were read and adopted:

##### Amendment No. 1.

On page 1, line 8, of the printed bill, following the word "and", insert the words "and one-half", and add the letter "s" to the word "fifty".

##### Amendment No. 2.

On page 1, line 11, of the printed bill, following the word "and" insert the word "and one-quarter", and insert the letter "s" to the word "fifty".

##### Amendment No. 3.

On page 1, line 12, of the printed bill, strike out the words "the lands occupied by any", and insert in lieu thereof the following: "any building actually occupied as a".

##### Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 15 to 20, both inclusive, and insert in lieu thereof the following:

"4. Distances provided in this act shall be measured not in air line but in following the closest convenient public road or highway connecting the points in question."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 862—An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 862 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "to compensation for public services in counties".

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 7 to 26, inclusive, and insert in lieu thereof the following:

"1. The auditor, one thousand six hundred twenty dollars per annum."

##### Amendment No. 3.

On page 2 of the printed bill, strike out lines 1 to 39, inclusive, and insert in lieu thereof the following:

"2. The district attorney, two thousand two hundred dollars per annum."

##### Amendment No. 4.

On page 2, line 40, of the printed bill, strike out "13", and insert in lieu thereof the following: "3".

##### Amendment No. 5.

On page 2 of the printed bill, strike out lines 51 and 52, and on page 3, strike out lines 1 to 31, inclusive.

##### Amendment No. 6.

On page 3, line 32, of the printed bill, strike out "17", and insert in lieu thereof the following: "4".



**Amendment No. 7.**

On page 4, line 1, of the printed bill, strike out "18", and insert in lieu thereof the following: "5".

**Amendment No. 8.**

On page 4, line 12, of the printed bill, after the comma following "cases", insert the following: "and upon the juvenile court in juvenile court matters".

**Amendment No. 9.**

On page 4, line 15, of the printed bill, after "cases", insert the following: "and in juvenile court matters".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 110—An act to amend section 4029 of the Political Code, relating to supervisorial districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 110 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "of", insert the following: ", and to add section 4029.2 to,".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, strike out "shall, by a two-thirds", and insert in lieu thereof the following: "may, by a majority".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out "before July", and strike out lines 6, 7, and 8, and in line 9, strike out "or expenses".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1056—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in the service of any writ, order or paper, excepting a warrant of arrest.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1106—An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1113—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1114—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1119—An act to amend section 7379 of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 691—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifth-seventh class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 886—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county, a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 886 were read and adopted:

##### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, after "insurance," insert the following: ", or hospital service".

##### Amendment No. 2.

On page 1, line 5, of the printed bill, after "insurance," insert the following: "or a hospital service plan".

##### Amendment No. 3.

On page 1, line 8, of the printed bill, after "insurance," insert the following: ", and hospital service".

##### Amendment No. 4.

On page 1, line 9, of the printed bill, strike out "insurance companies", and insert in lieu thereof the following: "corporations or associations".

##### Amendment No. 5.

On page 1, line 10, of the printed bill, strike out "The business of such insurance", and insert in lieu thereof the following: "such business".

##### Amendment No. 6.

On page 1, line 14, of the printed bill, after "insurance", and the comma, insert the following: "or hospital service plan".

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 1037—An act to repeal and add Chapter 5, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 1037 were read and adopted:

##### Amendment No. 1.

On page 3, line 50, of the printed bill, as amended, strike out "The", and insert in lieu thereof the following: "In those cases in which the policy has been canceled by the insurer because of nonpayment of premium by the member, the".

**Amendment No. 2.**

On page 3 of the printed bill, as amended, strike out line 52; and on page 4, strike out lines 1 and 2, and insert in lieu thereof the following: "insurer below the customary short term premium for the time during which the policy was in force."

**Amendment No. 3.**

On page 5 of the printed bill, as amended, strike out lines 35 and 36, and in line 37, strike out "11997.", and insert in lieu thereof the following: "11996."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 518—An act to add two new sections to the Political Code, to be numbered 3480 and 3480f, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Senate Bill No. 518 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of section 1, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Political Code, to be numbered 3480e, to read as follows:

3480e. Whenever any reclamation district shall have issued bonds pursuant to section 3480 or section 3480a of this code, and any such bonds are still outstanding, and such district has entered into a contract with the United States of America, or any agency thereof, including Reconstruction Finance Corporation, for a loan to such district to be used solely for the purchase of any issue of said bonds, or for the purchase of any such issue of bonds and outstanding warrants of said district, and pursuant to said contract the United States of America, or such governmental agency, shall have acquired and shall hold not less than 75 per centum of the principal amount of any such issue of bonds, and the secretary of said district shall furnish a certificate to the county treasurer of the main county as defined in section 3480, setting forth the provisions of such contract and the amount of bonds so purchased and held by the governmental agency with whom said contract was so made, then said county treasurer shall include within his estimate made pursuant to the provisions of said section 3480 only such amount of money as may be necessary to pay interest and principal of bonds held by any person, other than the United States of America, or such governmental agency, maturing on the next ensuing interest date of the bonds, and such amount of money as may be necessary to pay such governmental agency the amount due under said contract on such next ensuing interest date, the expenses of the county treasurer mentioned in section 3480, and 15 per centum of the aggregate of the sums mentioned herein to cover possible delinquencies."

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of section 2, and insert in lieu thereof the following:

"SEC. 2. A new section is hereby added to the Political Code, to be numbered 3480f, to read as follows:

3480f. Whenever the United States of America, or any agency thereof, including Reconstruction Finance Corporation, shall have agreed to grant a loan to any reclamation district for the purpose of purchasing or refunding any indebtedness of such district evidenced by bonds or warrants of such district, and as a condition of said grant of loan the United States of America or said governmental agency has required such reclamation district to create a reserve fund in a specific amount, which amount shall not be in excess of the largest amount said reclamation district may be obligated to pay the United States of America or such governmental agency in any given six-months period under the provisions of such loan agreement, and when the United States of America or such governmental agency shall have disbursed not less than 75 per centum of the amount of such grant, then the secretary of said reclamation district shall certify a copy of such loan agreement, and shall file the same with the county treasurer of the main county, as defined in section 3480 of this code. Said county treasurer shall thereupon in his next estimate made pursuant to the provisions of said section 3480 include therein a sum equal to the amount of the reserve fund provided to be created in and by said loan agreement, in addition to any other amounts required by law to be included

in such estimate. If and when said county treasurer shall have received to the bond fund of such district an amount sufficient to pay the interest and principal maturing on the next ensuing interest date of any outstanding bonds of such district and an amount sufficient to pay the United States of America on each governmental agency all principal and interest which may be due to or under such loan agreement on the next ensuing interest date provided by such agreement, then the county treasurer shall credit to the reserve fund or fund he shall choose all moneys thereafter collected by him, by sale or collection, from said assessment against which bonds shall have been issued until there shall be in such reserve fund an amount equal to the sum provided by such loan agreement to be set aside for such reserve fund.

Said county treasurer shall use the moneys in such reserve fund only to satisfy and discharge any default on the part of such assessment district in paying promptly when due any ensuing installment of principal or interest owing by such reclamation district to the United States of America on such governmental agency. If any of the moneys in said reserve fund shall be used to satisfy or discharge any default on the part of such assessment district by the payment of interest on the loan said reclamation district to the United States of America on such governmental agency, then said county treasurer is the authorized agent for the payment of the provisions of and article 1489 not following the day of the default in such reserve fund shall include in each estimate or periodic estimate or statement such moneys found to be full amount payable to said loan agreement.

When all moneys owing from such assessment district to the United States of America on such governmental agency shall have been paid in full, and when all of the outstanding bonds of such assessment district, which were then and there issued against said assessment shall have been paid in full, then said county treasurer shall transfer any balance remaining of said reserve fund to the credit of the maintenance or swamp and overflowed lands fund of said district.

Bill read second time, ordered to print, engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

Assembly Bill No. 2024—An act to amend sections 4307 of the Political Code of the State of California, relating to county changes.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2024 was read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, after line 49, insert the following:

"15. The expenses necessarily incurred in the preparation of plans for meeting any emergency caused by a flood, fire, earthquake, pestilence, locusts, or other act of God which might cause extraordinary loss of life or destruction of property.

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Assembly Bill No. 2223—An act to amend section 7379a of the Political Code, relating to the salary of judges of the county of San Bernardino.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2444—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2446—An act to add section 31 to "An act to allow and provide for the organization, incorporation and maintenance of fire districts to be governed by board of fire commissioners, to pro-



vide for the equipment and maintenance of fire departments and the acquisition of all property necessary therefor." approved March 4, 1881, relating to the application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2445—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1925—An act to amend section 4264 of the Political Code, relating to salaries of county officers in counties of the thirty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 132—An act to add section 4307 5 to the Political Code, relating to county charges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1063—An act authorizing the removal of the Stephen M. White statue from the city of Los Angeles to the city of San Pedro.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 211—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1705—An act to amend section 4251 of the Political Code, relating to the compensation of county and township officers in counties of the twenty-second class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1706—An act to amend sections 7371 of the Political Code, relating to salaries of the judges of Humboldt County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2356—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read second time, and ordered on file for third reading.

### **Third Reading of Senate Bills.**

Senate Bill No. 250—An act to amend section 377g of the Political Code, relating to the acquisition of land and the construction and equipment of buildings, offices and facilities for, and the records and prop-

erty of, officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 250 passed by the following vote:

AYES—Senators Allen, Crittendon, Delap, Dene, Garrison, Hayden, Hollister, Holahan, Jespersen, Keating, Knecht, Kunkland, Lee, McCall, McCormack, McGovern, Metzger, Mixer, Nelson, Perkins, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 250 ordered transmitted to the Assembly.

Senate Bill No. 251—An act to add section 205 to the Business and Professions Code, relating to the acquisition of land, the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 251 passed by the following vote:

AYES—Senators Allen, Crittendon, Delap, Dene, Garrison, Hayden, Hollister, Holahan, Jespersen, Keating, Knecht, Kunkland, Lee, McCall, McCormack, McGovern, Mixer, Nelson, Phillips, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 251 ordered transmitted to the Assembly.

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Allen, Crittendon, Crittendon, Delap, Dene, Garrison, Hayden, Hays, Hollister, Holahan, Jespersen, Keating, Knecht, Kunkland, Lee, McCall, McCormack, Mixer, Nelson, Perkins, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 252 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 1.

A resolution to propose to the people of the State of California an amendment to section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 22 of Article XX of the Constitution of said State, relating to the legal rate of interest, be amended to read as follows:

Sec. 22. The rate of interest upon the loan or forbearance of any money, goods or things in action, or on accounts after demand or judgment rendered in any court of the State shall be 5 per cent per annum, but the Legislature may from time to time change such rate in its discretion. It shall be competent for the parties to any loan or forbearance of any money, goods or things in action to contract in writing for a rate of interest not exceeding 10 per cent per annum.

No person, association, copartnership or corporation shall by charging any fee, bonus, commission, discount or other compensation receive from a borrower more than 10 per cent per annum upon any loan or forbearance of any money, goods or things in action.

However, none of the above restrictions shall apply to any building and loan association as defined in and which is operated under that certain act known as the "Building and Loan Association Act," approved May 5, 1931, as amended, or to any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, or any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended or any duly licensed pawnbroker or personal property broker, or any bank as defined in and operating under that certain act known as the "Bank Act," approved March 1, 1909, as amended, or any bank created and operating under and pursuant to any laws of this State or of the United States of America or any nonprofit cooperative association organized under Chapter 4 of Division VI of the Agricultural Code in loaning or advancing money in connection with any activity mentioned in said title or any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business or any corporation securing money or credit from any Federal intermediate credit bank, organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended in loaning or advancing credit so secured, nor shall any such charge of any said exempted classes of persons be considered in any action or for any purpose as increasing or affecting or as connected with the rate of interest hereinbefore fixed. The Legislature may from time to time prescribe the maximum rate per annum of, or provide for the supervision, or the filing of a schedule of, or in any manner fix, regulate or limit, the fees, bonus, commissions, discounts or other compensation which all or any of the said exempted classes of persons may charge or receive from a borrower in connection with any loan or forbearance of any money, goods or things in action.

The provisions of this section shall not be construed as repealing or superseding any law passed by the Legislature in force at the effective date of this act, as the same may then exist or may thereafter be amended, relating to the rate of interest upon a loan or forbearance of any money, goods or things in action, or on accounts after demand.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Westover, Williams, and Young—31.

NOES—Senators Hays, McColl, and Wagy—3.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 519, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 519—An act to add section 1110 to the Fish and Game Code, prohibiting operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond

State waters unless such delivery is permitted by State Fish and Game Commission; authorizes commission to issue revocable permits for such delivery, declaring it shall issue no permits which would tend to deplete the species or obstruct the operation of any law, provides penalties for violation.

#### Amendments from the Floor.

During third reading of Senate Bill No. 519, the following amendments, offered by Senator Keating, were read:

##### Amendment No. 1.

On page 1, line 3 of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "and in connection with fishing" and insert in lieu thereof the following: "engaged in fishing".

##### Amendment No. 3.

On page 1, lines 9 and 10, of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 4.

On page 1, lines 11 and 12, of the printed bill, strike out "or on the high seas or elsewhere".

##### Amendment No. 5.

On page 1, line 18, of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 6.

On page 2, lines 4 and 5, of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 7.

On page 2, line 8, of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 8.

On page 2, line 10, of the printed bill, strike out "fish, mollusks or crustaceans", and insert in lieu thereof the following: "salmon or pilchard".

##### Amendment No. 9.

On page 2, line 13, of the printed bill, after "whenever", strike out "and", and strike out all of lines 14 to 25, inclusive, and insert in lieu thereof a period.

#### Recess.

At twelve o'clock and forty minutes p.m., on motion of Senator Knowland, the President of the Senate declared recess until two o'clock p.m.

#### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

#### Call of the Senate.

Senator Schottky moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Gordon, Jepsen, McCormack, McGovern, Schottky, Slater, Tickle, Westover, and Young—9.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.



The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Schottky.

### **Consideration of Amendments to Senate Bill No. 519—(Resumed).**

The Senate took up for further consideration, the amendments to Senate Bill No. 519, offered by Senator Keating.

Senator Keating withdrew Amendment No. 4.

The question being upon the adoption of Amendments Nos. 2 and 9

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Keating, McGovern and Gordon on the adoption of Amendments Nos. 2 and 9.

The roll was called, and Amendments Nos. 2 and 9 refused adoption by the following vote:

**AYES**—Senators Gordon, Keating, Knowland, McColl, McGovern, Metzger, Pierovich, and Slater—8.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Law, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Young—30.

The question being upon the adoption of Amendments Nos. 1, 3, 5, 6, 7 and 8.

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Keating, McGovern and Pierovich on the adoption of Amendments Nos. 1, 3, 5, 6, 7 and 8.

The roll was called, and Amendments Nos. 1, 3, 5, 6, 7 and 8 refused adoption by the following vote:

**AYES**—Senators Gordon, Keating, Knowland, McColl, McGovern, Metzger, Pierovich, Schottky, Slater, and Swing—10.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Law, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Tickle, Wagy, Westover, and Young—28.

Senate Bill No. 519 read third time.

#### **Further Amendments from the Floor.**

During third reading of Senate Bill No. 519, the following amendments, offered by Senator McGovern, were read:

##### **Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out the words "fish, mollusks or crustaceans," and substitute the word "sardines."

##### **Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, after the word "to", add the words "floating reduction plants at".

##### **Amendment No. 3.**

On page 1, line 4 of the title of the printed bill, strike out the words "delivery is per-," and strike out all of lines 5, 6, 7 and 8 and 9 of the title, and substitute the words "floating plants shall agree to pay the sum of 75 cents per ton for all such sardines so delivered and controlling the take of sardines."

**Amendment No. 4.**

On page 1, line 4, of the printed bill, strike out the words "No person shall" and substitute the words "It shall be unlawful for any person to".

**Amendment No. 5.**

On page 1, line 8, of the printed bill, following the word "any", and before the word "may", add the following words: "a floating reduction plant or"

**Amendment No. 6.**

On page 1, line 9, of the printed bill, following the word "State", and before the word "may", insert the following words: "(while such floating plant is operating out of the waters of this State)".

**Amendment No. 7.**

On page 1, line 9, of the printed bill, strike out the words "fish, sardines, or crabs", and strike out the word "sardines" in line 10, and substitute the word "sardines".

**Amendment No. 8.**

On page 1, line 12, of the printed bill, strike out the words "a vessel, boat, or the like"; and strike out the words "same shall have been issued by the Fish and Game Com." in line 13, and strike out the word "sardines" in line 14, and substitute in lieu thereof the words "the owner of such floating reduction plant shall have secured with the Fish and Game Commission a permit to use a privilege for the use of 75 cents per ton for each ton of sardines unloaded by such floating plant during its operating out of the waters of this State and such floating reduction plant shall be liable in default in such payments. Said permit shall be valid in the reduced and used for the purposes provided in section 1016, 1017, 1018, and 1019 of this code and each floating reduction plant while operating out of the waters of any State must keep the same records and make the same reports as those required of a plant operating wholly within the State. And it shall not be lawful for any person to use or operate or assist in using or operating in this State or the waters thereof any boat or vessel used in connection with taking sardines, crabs, or fish, at any home port or port of registration, which taking boat or vessel delivers or by which there is delivered to a floating reduction plant at any point or place within or near within this State (while such floating plant is operating out of the waters of this State) any sardines which are caught by or taken aboard said boat or vessel from the waters of the Pacific Ocean within this State or on the high seas or anywhere whenever at any time after August 1st of each year and until the annual March 31st, the total take of sardines delivered to all floating reduction plants while operating in the waters of the Pacific Ocean adjacent to the western boundary of this State shall equal 50 per cent of the total of the take of sardines delivered to floating plants operating in said waters of the Pacific Ocean adjacent to the western boundary of this State and to puffers and reduction plants within the State of California for the year previous to each August 1st.

**Amendment No. 9.**

On page 1 of the printed bill, strike out all of lines 15, 16, 17 and 18, and strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 on page 2.

**Motion.**

Senator Young moved that the amendments be laid on the table.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators McGovern, Jaspersen and McColl on the adoption of the motion to table the amendments.

The roll was called, and the motion to table the amendments carried by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jaspersen, Keough, Keough, Law, McFadden, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tuckie, Wagon, Westover, and Young—26.

**NOES**—Senators Gordon, Keating, McColl, McGovern, Pierovich, Schottky, Seawell, Slater, and Williams—9.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 519 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLay, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jaspersen, Keough, Law, McFadden, Mixer,

Nielsen, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—Senators Gordon, Keating, Knowland, McBride, McColl, McGovern, Pierovich, and Williams—8.

Title read and approved.

Senate Bill No. 519 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Holohan:

WHEREAS, The members of the Senate of the State of California have learned with deep regret of the death of Fred W. Atkinson; and,

WHEREAS, Fred W. Atkinson had a brilliant career as publisher of the "Watsonville Register" and "Evening Pajaronian," and as Mayor of the City of Watsonville, and

WHEREAS, He was a public spirited citizen of the finest and most desirable type, setting an admirable example to those who follow after him; now, therefore, be it

*Resolved by the Senate of the State of California,* That when the Senate adjourns this day it does so out of respect to the late Honorable Fred W. Atkinson; and be it further

*Resolved,* That the Secretary of the Senate be and he hereby is instructed to cause to be prepared and transmitted to the immediate family of the deceased a suitable memorial resolution properly engrossed.

Resolution read, and unanimously adopted by a rising vote of the Senate.

### Re-reference of Senate Bill No. 1021.

Senator Williams moved that Senate Bill No. 1021 be re-referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

### Re-reference of Senate Joint Resolution No. 10.

Senator Williams moved that Senate Joint Resolution No. 10 be re-referred to Committee on Federal Relations.

Motion carried, and such was the order.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 408—An act to amend sections 738, 740 and 741 of the Vehicle Code, relating to procedure upon arrest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—Senators McCormack, and Tickle—2.

Title read and approved.

Senate Bill No. 408 ordered transmitted to the Assembly.

Senate Bill No. 388—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

### Amendment from the Floor.

During third reading of Senate Bill No. 388, the following amendment, offered by Senator Garrison, was read:

### Amendment No. 1.

On page 1, line 5, of the printed bill, after "drunkard", add the following: "or to any State Senator or Assemblyman".

# Motion.

Senator Keough moved that the amendment be laid on the table. Motion carried, and such was the order.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

**AYES.**—Senators Allen, Bagley, Crittenbush, Cunningham, DeLoach, Dwyer, Garrison, Gordon, Hollister, Keating, Keough, Knudsen, Lane, McBeth, McConney, McGovern, McManis, Nielsen, Olson, Parkhill, Parnell, Peterson, Rusk, Samuel, Swing, Tickle, Wager, Williams, and Young—29.

**NOES.**—Senators DeLoach, Hays, Hendon, McKee, Phillips, Quinn, Schmitt, Shaw, and Westover—9.

Title read and approved.

Senate Bill No. 388 ordered transmitted to the Assembly.

Senate Bill No. 166. An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and ancillary purposes, and to prescribe its powers and duties.

## Amendments from the Floor.

During third reading of Senate Bill No. 166 the following amendments, offered by Senator Crittenbush, were read and adopted:

### Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "farmers" and insert in lieu thereof the following: "employers".

### Amendment No. 2.

On page 1, line 7, of the printed bill, as amended, strike out "farmers and"

### Amendment No. 3.

On page 3, line 4, of the printed bill, as amended, strike out "1938", and insert in lieu thereof the following: "1939".

### Amendment No. 4.

On page 3, line 6, of the printed bill, as amended, strike out "1939", and insert in lieu thereof the following: "1940".

### Amendment No. 5.

On page 3, line 8, of the printed bill, as amended, strike out "1940", and insert in lieu thereof the following: "1941".

### Amendment No. 6.

On page 3, line 16, of the printed bill, as amended, strike out "shall also have the power to", and insert in lieu thereof the following: "may".

### Amendment No. 7.

On page 3, line 19, of the printed bill, as amended, before "Board", insert the following: "(d) Compensation."

### Amendment No. 8.

On page 3 of the printed bill, as amended, strike out lines 30 and 31, and insert in lieu thereof the following: "shall constitute a quorum."

Any action concurred in or approved by a majority of the entire board shall be the act of the board; provided, however, that in making and rendering findings, conclusions or recommendations, as hereinafter provided, there may be a majority report and a minority report. The board may authorize its representative or representatives to arrange for, call, hold and conduct the meetings of employees as hereinafter provided."

### Amendment No. 9.

On page 4, line 18, of the printed bill, as amended, after "Labor", insert the following: "Relations".

### Amendment No. 10.

On page 4, line 22, of the printed bill, as amended, after "Labor", insert the following: "Relations".

### Amendment No. 11.

On page 4, line 25, of the printed bill, as amended, after "Labor", insert the following: "Relations".



**Amendment No. 12.**

On page 4, line 28, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 13.**

On page 4, line 37, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 14.**

On page 4, line 44, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 15.**

On page 4, line 45, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 16.**

On page 5, line 2, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 17.**

On page 5, line 4, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 18.**

On page 5, line 8, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 19.**

On page 5, line 24, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 20.**

On page 5, line 25, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 21.**

On page 5, line 49, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 22.**

On page 6, line 6, of the printed bill, as amended, after "Labor", insert the following: "Relations".

**Amendment No. 23.**

On page 6, line 15, of the printed bill, as amended, after "agricultural", insert the following: "or other".

**Amendment No. 24.**

On page 6 of the printed bill, as amended, strike out lines 16 to 21, inclusive, and in line 22, strike out "such labor dispute.", and insert in lieu thereof the following:

"Sec. 8. The Labor Relations Board or its authorized representative shall, upon receiving a written request from any employer involved in or affected by a labor dispute, or from a representative of any group of employees involved in or affected by a labor dispute, forthwith proceed to arrange for, call, hold and conduct a meeting of the employees involved in, or affected by such labor dispute, or may at any time on its own motion arrange for, call, hold and conduct such a meeting. The Labor Relations Board shall cause reasonable notice of the place where and the time when—not exceeding five days—such meeting shall be held."

**Amendment No. 25.**

On page 6, line 33, of the printed bill, as amended, strike out "or otherwise.", and insert in lieu thereof the following: ", and it is provided that any election held at such meeting shall be by secret ballot; provided, however, that a ballot by acclamation or otherwise may be held if, in the discretion of the Labor Relations Board, a secret ballot is unduly cumbersome and unnecessary to accomplish the purposes of this act."

**Amendment No. 26.**

On page 6, line 43, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or to become a member of any labor organization against his will or without his consent."

**Amendment No. 27.**

On page 6 of the printed bill, as amended, strike out lines 44 to 49, inclusive, and insert in lieu thereof the following:

"Sec. 11. The term "labor dispute," as used in this act, means any question or dispute, whether presently existing or reasonably likely to occur, between employees and their employer concerning wages, hours, terms and conditions of employment or the interpretation of, or compliance with any contract, agreement or understanding, oral or written, between the employees and their employer and shall also include all questions or disputes concerning the proper representatives of such employees for the purposes of collective bargaining."

**Amendment No. 28.**

On page 7, lines 6 and 7, of the printed bill, as amended, strike out "California Agricultural".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

**Amendments from the Floor.**

During third reading of Senate Bill No. 309, the following amendments, offered by Senator Young, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 3 and 4 and insert in lieu thereof a period.

**Amendment No. 2.**

On page 20 of the printed bill, as amended, strike out line 30 and insert in lieu thereof:

**Amendment No. 3.**

On page 20 of the printed bill, as amended, strike out lines 35 to 45, inclusive, and insert in lieu thereof the following:

"Sec. 157. Whenever any machine used by any department, board, division, institution, commission, committee, office or other State agency for the purpose of printing, offset printing, manuscript preparation, reproduction or other work is replaced, supplemented, or partially replaced or persons employed by and and or different and/or additional machines and the purpose or purpose of such displacing or supplementing machine is the printing, offset printing, manuscript construction, or other work as the machine or person or such a new person or analogous nature as a result of or by reason thereof is substituted, or such displacing or supplementing machine the person or persons employed by and employees operating such machine be substituted and such person or persons the same for a period of three months before the person or persons of operating the new or different or additional machine if such person or persons in this case to operate said machine without prior instruction. In the event that such person or persons is not able to operate said machine or machines (1)2 without further prior instruction, such such person or persons shall be given the opportunity for a period of three months to learn to operate said displacing or supplementing machine; that during said period of three months such person or persons shall be paid wages or salary at the same rate as paid to said person or persons for the operation of said displaced or supplementing machine during a period of one year immediately prior to such displacement or replacement.

If, upon the expiration of said period of three months or at any period thereafter, said employee or employees believes he can operate said machine in such manner to operate said machine, retaining the same position and authority as he possessed in the operation of the displaced or supplemented machine, and such employee or employees can only be removed from said position as provided by section 173, at all times the position of such employee or employees shall remain the same either the displaced or supplemented machine or the displacing or supplementing machine."

**Amendment No. 4.**

On page 20, line 48, of the printed bill, as amended, strike out "(159)" and insert in lieu thereof "(158)".

**Amendment No. 5.**

On page 24, lines 49 and 50, of the printed bill, as amended, strike out the holding any position appointment to which is required to be reported under section 157".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Motion.**

On motion of Senator Westover, Senate Bill No. 969 was placed on the unfinished business file.

### Report.

The following report of Referee and Findings of Fact in the Matter of the Application of Thomas J. Mooney for a Writ of Habeas Corpus was received, and ordered printed in the Journal:

Criminal No. 3898.

#### IN THE SUPREME COURT OF THE STATE OF CALIFORNIA.

In the Matter of the Application of THOMAS J. MOONEY for a Writ of Habeas Corpus.

#### Report of Referee and Findings of Fact.

A. E. SHAW,

260 California Street, San Francisco, Referee.

#### Report of Referee and Findings of Fact.

Pursuant to an order of the Supreme Court made and entered August 5, 1935, appointing the undersigned a referee in the above entitled matter and under a commission issued upon said order empowering said referee, upon such days and at such places as he should appoint, to take the testimony of witnesses and to cause the said testimony and proceedings to be taken in shorthand and transcribe into typewriting and certified by said referee to the Supreme Court, the referee caused the said testimony and the proceedings before him to be taken by a reporter in shorthand and transcribed into typewriting at the times and places as set forth in said transcript, and has certified the same as set forth in said reporter's transcript, consisting of 13,416 pages and bound in twenty volumes, which are filed herewith.

Pursuant to the further order of said court duly made and entered on August 5, 1936, directing said referee to prepare and file findings of fact based upon said testimony and proceedings as set forth in said reporter's transcript, the referee submits the following report and findings of fact:

#### I.

The following questions were by said order submitted to the referee as the legal and proper issues involved in the above entitled matter.

(1) Did any witness who testified against Thomas J. Mooney in the trial which led to his conviction on the charge for which he is now deprived of his liberty, commit perjury as defined in section 118 of the Penal Code of the State of California,—that is, did such witness testify to any material matter which he knew to be false?

(2) In the event that such witness or witnesses did commit perjury as so defined, did the representatives of the State of California, the district attorney or any of his deputies or assistants cause or suffer such testimony to be introduced, knowing that such testimony as given was perjured?

(3) Did the district attorney, or any of his staff charged with the prosecution of Thomas J. Mooney, deliberately, wilfully, knowingly or at all suppress or prevent the introduction of any evidence which, had it been given, would have been favorable to the defense of said Thomas J. Mooney?

#### II.

The petitioner was convicted on the charge for which he was being tried by the verdict of the jury and the judgment of the trial court, and such verdict and judgment against him are conclusive in this proceeding, and all presumptions of law must be considered as supporting such verdict and judgment. Said petitioner is not in this proceeding on trial as to his guilt or innocence of the charge on which he was tried. For the foregoing reasons, all of the evidence offered by the petitioner for the purpose of showing his innocence of the crime charged is incompetent, irrelevant and immaterial. The burden is upon the petitioner to prove by a preponderance of competent, relevant and material evidence the allegations of his petition.

#### III.

Much evidence was offered on behalf of petitioner directed to a charge that the petitioner was convicted as a result of a "frame-up" on the part of the district attorney, his deputies and other officers of the State and the City and County of San Francisco. The petitioner offered evidence touching the methods and propriety of such methods used in identifying the petitioner. Petitioner's claim of a "frame-up" and also his claims as to the methods used in identifying him were made during his trial and were necessarily before the jury which, by its verdict, foreclosed such claims. In this proceeding, therefore, it must be held as conclusive against petitioner, and evidence offered in support of such claims is incompetent, irrelevant and immaterial, but whether this is so or not the petitioner has failed to establish his claims by a preponderance of credible, competent or material or relevant evidence. Where incompetent, immaterial or irrelevant testimony appears



in the reporter's transcript after objection thereon had been sustained, such testimony was then offered in lieu of a tender of evidence, and upon motion, said jury testimony, as and when given, has been struck out of the record.

### III.

On his trial petitioner's testimony on direct examination was limited to his activities on July 22, 1916, and thereby open examination as to his activities prior to that day was prevented. In the proceeding, therefore, testimony offered by petitioner as to such activities is incompetent, irrelevant and immaterial.

### IV.

The referee finds that the testimony of the petitioner and of the witness Billings was thoroughly discredited by reason of the fact that each of them had been convicted of a felony, and also by reason of their interest in the outcome of these proceedings. The referee further finds that the evidence at Washington, N. C., Nockels, Mrs. Rena Mooney and Mrs. Harnsberger is unimpaired by reason of that intense interest in the outcome of these proceedings.

### V.

The referee finds that the testimony of John MacDonald given upon the trial of the petitioner was true, that said MacDonald willfully said or suggested, and at a time when neither the petitioner nor Billings had been introduced with the case, with which they were afterwards charged, pictures and the photographs of each of them, which, with a number of other photographs, were introduced as MacDonald at that time, and the said MacDonald was affected by the partial, biased bias, or suggestion or inducement of any kind, that at time of said introduction, the ability or inability of said MacDonald to give a correct description of each picture or to testify as to how they were, or either of them, was, desired, because a matter of little or no importance.

### VI.

Thereafter, MacDonald testified truthfully as to the proceedings which he had observed at Street and Market Streets, in the City of San Francisco, on July 22, 1916, that on that day he saw two men on Street Street. One of them carried a suitcase and placed it on the sidewalk at the point of the explosion. After placing the suitcase this man named another who stopped from a vehicle on the corner. They conversed for a few moments, looked at the Ferry clock, and disappeared in the street. Some time after they left he went down Market Street toward the Ferry and stopped in front of the Alameda Cafe. While there the explosion occurred. Some women passing mentioned the explosion and that a number of people were killed and others injured. This information was given him when he asked them what had referred to when speaking about the explosion. He then went around the corner to a restaurant and told Johnson, who was in charge of the restaurant, what he had seen. He told substantially the same story to four or five other persons and was advised to report to the United States Marshal. This was done by him on Monday, July 24. That night he went to a dancing school. Golf showed him pictures of dynamite and cartridges. Without hesitation he picked out the picture of Billings. He passed up a picture of Mooney, and he looked like the other man, but this other man did not have a mustache. When the man in the picture did have a mustache. Golf then placed his finger over the mustache in the picture and MacDonald immediately said that that was the other man seen by him. At that time Golf did not know that either Billings or Mooney was suspected and he did not in any manner suggest or attempt to suggest that they were wanted in connection with the crime. MacDonald's identification was made freely, voluntarily, positively and without any suggestion whatsoever.

He testified at the trial of petitioner freely, and without suggestion or inducement on the part of any representative of the State. After testifying in this and certain other cases he remained in California for some time. As late as January 11, 1921, he wrote a letter to Captain Matheson in which he reaffirmed the testimony given by him at petitioner's trial.

There is no direct evidence as to what caused him to make the affidavit of February 7, 1921, and thereafter to attempt to repudiate the testimony as given by him. It is not difficult to infer the cause of such change.

MacDonald testified truthfully at the trial of petitioner, but if he did not, there is no evidence to justify the claim that the representatives of the State at any of them had any knowledge or suspicion that he had committed perjury.

In this proceeding the witness MacDonald, called as a witness for petitioner, spent days in attempting to repudiate his said testimony. Leaving aside the manner of the direct examination of this witness and the interruptions of the cross-examination, the witness perjured himself, with two exceptions, one was that he had actually seen two men as testified to by him, but claimed that the said two men were not Mooney and Billings, nevertheless, when on cross-examination he was asked to describe the two men that he did see, he described Mooney and



Billings, but attempted the next day, after giving such testimony, to repudiate the same.

#### VII.

The petitioner put in evidence the testimony of Frank C. Oxman given upon petitioner's trial, and thereafter undertook by a series of questions and offers of proof to impeach the said Oxman. Oxman being dead, the said testimony having been offered by petitioner, the referee ruled that counsel would be limited in the attempt to discredit the said witness by the well known rules of law governing impeachment; that evidence as to his good or bad reputation was incompetent and immaterial. Petitioner could not claim that the witness had made any statements which could be construed into surprise, and therefore the only competent or relevant testimony would be limited to a production of witnesses who could show as a matter of fact that Oxman was not present in San Francisco on July 22, 1916, at or about the time of the explosion. The testimony offered of the witness Wood, of the Kansas City affidavit, of the character witnesses from Durkee, Oregon, as well as the alleged attempt of Oxman to produce corroborating testimony when acting as a witness for the O. W. R. & N., was incompetent, irrelevant and immaterial; that the only direct evidence which contradicts the testimony of the witness Oxman is the evidence given by E. K. Hatcher and his wife.

The evidence in this proceeding shows that Mrs. Hatcher in her testimony is governed by her husband's testimony.

#### VIII.

The testimony of Hatcher is discredited by a number of facts. In the first place, claiming that Oxman was at his residence in Woodland, or immediately on his way to a train for San Francisco at the time of said explosion, he concealed that knowledge, if it was a fact, and on frequent occasions stated that Oxman had left Woodland on the 9.13 train in the morning, which would get him to San Francisco shortly after twelve o'clock noon. Hatcher and his wife each signed affidavits wholly supporting the claim of Oxman as to when he arrived in San Francisco. It is true they claimed not to have read the affidavits and not to have sworn to them, which is a fact as to the swearing to them, but the evidence in this case shows that they did read the affidavits and that the reason they were not sworn to is because it was a Saturday afternoon and no notary was available. Further than this, Hatcher testified that Oxman was in Woodland only once during the year 1916, and that was the occasion of his being there on the twenty-second of July of that year. Nevertheless, Hatcher admits that on one occasion in 1916 he rode with Oxman to the train in the hotel bus. His testimony is further discredited by his statement that at or about six o'clock p.m., he received a telephone message from Oxman in San Francisco stating that he had made an appointment to see the representative of Miller & Lux on the following Monday. The time schedule shows he could not have arrived in San Francisco had he left Woodland in the afternoon as claimed by Hatcher until at least 6.30 p.m., so that it would be entirely impossible for him to have telephoned to Hatcher at six o'clock.

If further appears that Hatcher made no statement as to what he claims was his knowledge of the actions of Oxman on that day until some three years later, when he attempted to borrow some considerable sum of money from Oxman, who refused to let him have it, thereby greatly incensing Hatcher.

It also appears that some person, presumably acting on behalf of petitioner, attempted to bribe Hatcher to testify as he ultimately did, although at the time he refused to consider the offer.

#### IX.

For these reasons the referee finds that it has not been proven that Oxman was not in San Francisco at the time of the explosion as testified to by him, but if, in fact, his said testimony was false, there is no evidence to show that the district attorney, his assistants or any representative of the State or the county had any knowledge of such perjury, or any reason to believe that his testimony was perjured.

#### X.

An investigation concerning him made by the district attorney showed that he was known to a number of business men in San Francisco who apparently thought very highly of him.

Further than this, a letter from Hatcher to Nichols clearly shows that no representative of the State of California would have any reason to doubt Oxman's evidence.

Oxman first told his story on July 28, 1916. He was corroborated as to seeing the jitney bus on Market Street shortly before or after the parade started at The Embarcadero by several disinterested witnesses, and the testimony shows that at least two jitneys passed south on Stewart to Mission Street at or about the time as testified by him. No matter how many officers testified they did not see an automobile at about the time testified to, it does not overcome the testimony of disinterested witnesses who did see it.

At that time he took the license number of the jitney which he saw. His memorandum of this number was later produced.

## XII.

The so-called Rigall letters do not in themselves show any attempt to suborn perjury, nor do they in any way tend to charge the State of California or the representatives of the State of California with any attempt to use Rigall as a witness. The evidence on behalf of petitioner as to Oxniam does not establish perjury by a preponderance of such evidence. The testimony of Rigall is entitled to no credit whatever. There is nothing, however, in any testimony given which tends to base a claim that the representatives of the State of California, or any of them, knew that Oxniam's testimony was perjured.

## XIII.

Mellie and Sadie Edeau testified to seeing the petitioner at 721 Market Street at or about 1:20 or 1:30 p.m. on the day of the explosion. They also testified to seeing Mrs. Mooney there and also Billings and Weisberg, that the witness and a jitney bus parked in front of 721 Market Street, and that two men and Weisberg drove off in his jitney toward the Ferry Building, and that the witness that other words identified as Mooney, Billings and Mrs. Mooney walked away toward the corner of Third and Market Streets. A vicious and violent attempt was made by parties representing the petitioner to force these women to repudiate their testimony. Nevertheless, they have never rehabilitated it.

## XIV.

Draper Hand was called as a witness for perjury. His evidence was rejected and discredited by other evidence in the record and is not entitled to any credit.

## XV.

The testimony of Chief of Police Peterson and William H. Smith, police officer of Oakland, is thoroughly discredited by reason of their refusal to admit an attempt was made to force these women to repudiate the testimony which they had given at the Billings trial. The Edeaus have never, so far as the record shows, repudiated such testimony.

## XVI.

The evidence of disinterested witnesses shows that Billings was at 721 Market Street at or about the time he was placed there as seen by the Edeaus. The testimony so given has never been successfully shown any of means, but appears at 721 Market Street completely substantiates his claim of seeing and describing all of his evidence.

## XVII.

In this proceeding there has been no contradiction over the claim made by petitioner that he and his wife and other members of his family were on the roof of the Eilers Building as early as two o'clock p.m. on the evening second day of July, 1916.

## XVIII.

The witness Frank C. Oxniam, who testified against Thomas J. Mooney in the trial which led to his conviction on the charge for which he is now deprived his liberty, did not commit perjury as defined in section 118 of the Penal Code of the State of California, nor was his testimony shown by a preponderance of the evidence to be false or perjured testimony.

## XIX.

The witness John MacDonald, who testified against Thomas J. Mooney in the said trial, did not commit perjury as defined in section 118 of the Penal Code of the State of California, in that he did not give false or perjured evidence from the trial of said petitioner.

## XX.

It is not shown by a preponderance of the evidence that either the witness Mellie Edeau or the witness Sadie Edeau committed perjury as herebefore defined, or gave false or perjured testimony in the trial which led to petitioner's conviction.

## XXI.

It is not true that said representatives of the State of California, charged with the prosecution of said petitioner, including the district attorney, his deputies and assistants, or either or any of them, caused or influenced the testimony of Frank C. Oxniam to be introduced knowing that such testimony as given was perjured or false.

## XXII.

It is not true that said representatives of the State of California, or either or any of them, had reasonable or any means of knowledge, or should have known that said testimony was false or perjured, if it were such.

## XXIII.

It is not true that their alleged lack of knowledge was due to negligence or neglect of duty, or a wilful avoidance of knowledge.

## XXIV.

It is not true that said representatives of the State of California charged with the prosecution of the petitioner, including the district attorney, his deputies and assistants, or either or any of them, caused or suffered the testimony of John MacDonald to be introduced knowing that such testimony as given was perjured or false, if it were such.

## XXV.

It is not true that said representatives of the State of California had reasonable or any means of knowledge, or should have known such testimony was perjured or false, if it were such.

## XXVI.

It is not true that their alleged lack of knowledge was due to negligence or neglect of duty, or wilful avoidance of knowledge.

## XXVII.

It is not true that said representatives of the State of California charged with the prosecution of the petitioner, including the district attorney, his deputies and assistants, or either or any of them, caused or suffered the testimony of Melbie Edeau to be introduced knowing that such testimony as given was perjured, if it were such.

## XXVIII.

It is not true that the district attorney or any of his assistants, or representatives of the State of California, caused or suffered the testimony of Melbie Edeau to be introduced knowing that such testimony as given was false, if it were such.

## XXIX.

It is not true that said representatives had reasonable or any means of knowledge of should have known such testimony was perjured and false, if it were such, or that their lack of knowledge was due to negligence or neglect of duty or wilful avoidance of knowledge.

## XXX.

It is not true that said representatives of the State of California charged with the prosecution of the petitioner, including the district attorney, his deputies and assistants, or either or any of them, caused or suffered the testimony of Sadie Edeau to be introduced knowing that such testimony as given was perjured or false, if it were such.

## XXXI.

It is not true that said representatives of the State of California, or either or any of them, had reasonable or any means of knowledge, or should have known said testimony was perjured and false, if it were such, and it is not true that if said representatives of the State of California did not know that said testimony was perjured or false, their lack of knowledge was due to negligence or neglect of duty, or wilful avoidance of knowledge.

## XXXII.

It is not true that said representatives of the State of California charged with the prosecution of the petitioner herein, including the district attorney, his deputies and assistants, or either or any of them, deliberately or otherwise, or at all, wilfully or knowingly or otherwise or at all, suppressed or prevented the introduction of evidence which, had it been given, would have been favorable to the defense of the petitioner.

## XXXIII.

It is not true that said representatives of the State of California charged with the prosecution of the petitioner, including the district attorney, his deputies and assistants, or either or any of them, deliberately or wilfully or knowingly or otherwise or at all suppressed or prevented the introduction of evidence which, had it been given, would have prevented the conviction of said petitioner.

## XXXIV.

It is not true that the State of California has acknowledged that the testimony of the witnesses Frank C. Oxman or John MacDonald or Melbie Edeau or Sadie Edeau was perjured, or that by reason of the use of said testimony the petitioner has been wrongfully convicted. It is true that certain witnesses have undertaken to give their opinions that the said testimony of the said witnesses was false or perjured testimony, but said opinions are incompetent, irrelevant and immaterial.

## XXXV.

The referee finds that petitioner has failed to establish by a preponderance of the evidence or by any evidence which is itself competent or credible that any witness who testified on behalf of the prosecution in the case which resulted in the petitioner's present conviction and detention committed perjury or testified to anything



which said witness did not believe to be true as a result of his or her own knowledge and observation.

## XXXVI.

That petitioner has failed to establish by a preponderance of the evidence, or by any evidence which is itself competent or probable, that Charles Fickert or Edward Cunha or any other person connected with the prosecution of petitioner knowingly offered or produced against petitioner in the trial which resulted in his recent conviction and detention any testimony or evidence which the said Charles Fickert or the said Edward Cunha, or the said other persons connected with the prosecution of petitioner, knew to be false or did not believe to be true.

## XXXVII.

That the petitioner has failed to establish by a preponderance of the evidence, or by any evidence which is itself competent or probable, that Charles Fickert or Edward Cunha or any other person connected with the prosecution of petitioner willfully or deliberately or at all concealed or suppressed any evidence which, had it been produced, would have been favorable to petitioner.

## XXXVIII.

That it is established by a preponderance of the evidence that Charles Fickert and Edward Cunha and other persons connected with the prosecution of petitioner had reason to believe and did believe that the evidence produced against petitioner was honest and truthful evidence, and that the said Charles Fickert and the said Cunha and such other persons had reason to believe and did believe that petitioner was guilty of the offense charged against him, and of which he now stands convicted.

## XXXIX.

That it is established by a preponderance of the evidence that petitioner had a fair and impartial trial, and that he was not denied any right or privilege constitutionally or granted to him by the Constitution of the United States or of the State of California, or by any statute of the United States or of the State of California.

## XL.

That it is established by a preponderance of the evidence that petitioner was not the victim of a "frameup", nor was he convicted as a result of such "frameup" nor of any kind on the part of the district attorney or any of his associates, or on the part of any person representing the State of California.

## XLI.

There is filed herewith petitioner's proposed findings of fact and evidence in support thereof, and also respondent's analysis of the evidence and proposed findings of fact, and the referee finds that respondent's analysis of the evidence is true and correct.

Dated, San Francisco, January 25, 1937.

Respectfully submitted,

A. E. SHAW, Referee.

### Reports of Standing Committee.

The following reports of standing committee were received and read:  
**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 17—Relative to memorializing the President and Congress of the United States to permit the Transcontinental and Western Air Lines, Inc., to enter San Francisco;

Senate Bill No. 45—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of April, 1937, at two o'clock and thirty minutes p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.



### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 2415—An act to amend section 735.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 2157—An act to amend section 651 of the Agricultural Code, relating to dairy statistics;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

POWERS, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

MCCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

MCCOLL, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—2.

HAYS, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1371—An act to add section 765 to the Vehicle Code, relating to violations thereof;

Assembly Bill No. 1220—An act to add section 76 to, and to amend sections 425, 426 and 438 of, the Vehicle Code, relating to garages and repair shops and the rights thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1223—An act to amend sections 81, 504, 511, 525, 559, 579, 590 and 602 of, and to add sections 512 and 596.5 to, the Vehicle Code, relating to vehicles, the operation and equipment thereof, and sections relating to license fees. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes: 6; absent: 3.

STATLER, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred

Assembly Bill No. 1130—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5; committee vote: Ayes: 4; absent: 1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred

Assembly Bill No. 2141—An act to amend section 7186 of the Penal Code of the State of California, prohibiting the wearing by a person and carrying in dress of any badge, lapel button, emblem, or other insignia and symbols of any secret society, order or organization, national or religious order or denomination, or of any sect, church or religious congregation. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 5; committee vote: Ayes: 4; absent: 1.

LAW, Chairman.

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred

Senate Bill No. 165—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county and mutual fire insurers;

Senate Bill No. 458—An act to amend sections 1290, 1291, 1292, and 1293 of the Insurance Code, relating to insurance;

Senate Bill No. 464—An act to amend sections 1761, 1762, and 1763 of the Insurance Code, to repeal sections 1762, 1764, 1772, and 1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance;

Senate Bill No. 467—An act to amend sections 1911, 1916, 1917, 1918, 1937 and 1947 of, and to add section 1936.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers;

Senate Bill No. 468—An act to amend section 195 of the Insurance Code relating to insurance;

Senate Bill No. 489—An act to add section 1793.5 to the Insurance Code, relating to agents for disability insurance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 7; committee vote: Ayes: 6; absent: 1.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred

Senate Bill No. 452—An act to amend sections 733, 1151, 1165, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance;

Senate Bill No. 469—An act to amend sections 10846, 10850 and 10860 of the Insurance Code, to add sections 10818, 10860.5, 10871, 10872, 10873, 10891 and 10919 thereto, and to add Article 13a, comprising section 10892, to Chapter 9, Part 2, Division 2 thereof, all relating to life and disability insurance;

Senate Bill No. 1047—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10699.5, 10699.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance;

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance;

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

#### On Conservation.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Assembly Bill No. 2789—An act to add section 4056 to the Political Code, relating to wild flower reserves;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 5—Relative to memorializing the President and Congress to enact legislation providing for mediation and voluntary arbitration of labor disputes affecting the public interest;

Assembly Joint Resolution No. 31—Relative to memorializing Congress to enact legislation limiting the number of cars in trains;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Senate Joint Resolution No. 16—Relative to memorializing the President and Congress to provide for the granting of aid by the Federal Government to the several States for the support of public education;

Assembly Joint Resolution No. 19—Relative to memorializing Congress to enact legislation relating to disabled veterans;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

**On Rules.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred,

Senate Bill No. 1117—An act pertaining to the commission on compiling, issuing, publishing and distribution of a Legislative Manual, State Blue Book, Register or Register of California State Government, with appearing certain parts specified herein;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be referred to Committee on Finance.

Committee membership—5; committee vote—Ayes—5.

RICH, Chairman.

**On Prisons and Reformatories.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Assembly Bill No. 277—An act to amend section 1438 of the Penal Code, relating to reprieves, commutations, and pardons.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—3; committee vote—Ayes—3.

HOLAHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 344—An act to amend section 1498 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—3; committee vote—Ayes—3.

HOLAHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 223—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale of certain new books shall be sold by the State, and providing for punishment of and punishment of officers under the same," approved May 19, 1927, relating to the price of the same or new books.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote—Ayes—3.

HOLAHAN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 735—An act to amend section 1574 of the Penal Code, relating to the State prisons;

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—3; committee vote—Ayes—3.

HOLAHAN, Chairman.

**Adjournment.**

On motion of Senator Rich, at four o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Fred W. Atkinson, former Mayor of Watsonville, until ten o'clock and thirty minutes a.m., Wednesday, April 7, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.



## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 7, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, April 6, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leave of Absence.**

Senator Keough was, on motion of Senator Metzger, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. J. H. Strayer, pastor, Epworth Methodist Episcopal Church; Rev. Otis L. Linn, minister of St. Paul's Community Presbyterian Church, and Rev. Dillon Wesley Throckmorton, Grace United Church of the Mission, all of San Francisco.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ulysia Woodbury, principal; Miss Virginia Burr, teacher, and the following students of the Walnut Grove Grammar School: LaVerne Ida Schauer, Geraldine Calsonbach, Katherine Mary De Mealer, Christine Burnett, Lorraine Simoni, Lauren Donald Woodbury, Louie Hernandez, Jr., Tony Castanho, Jr., Richard Saleh, Tony Andrew Enos, Jr., Edward Carl Andrews, William James Donally, Vera Reibin, Dora June Raines, Eugene Dupras, David Crowell, Dorothy Mollring, and Thelma Fox.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Thomas F. Griffin of Modesto.

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jesse W. Carter, former Assemblyman from Redding and Dan J. Carleton also of Redding.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Sam Mason of San Diego.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ben. F. Wright, ex-Mayor of Monterey.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. A. Boddy, principal of the Granite Grammar School, Folsom, and the following eighth grade students: Rosemary Farschon, Margarita Swingle, Jack McHaffey, Betty Thomas, Jack Burns, Muriel Crail, John Davis, Alice Bayler, Louise French, Donald McDonald, Bud Edwards, Jerry McHaffey, Bobby Fisher, Jim Dougherty, Peggy Lasselles, Dorothy Fabry, Ruth Kaneo, Mary Ferreira, Shirley Henry, Elwood Sylvester, John Leonard, Donald Morton, Gordon Johnston, Joe Ferreira, Marguerite Karl, Katherine Karl, and Norma Cain.

On request of Senators McGovern and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Malcolm R. Giles, Supreme Secretary, Loyal Order of Moose, Mooseheart, Illinois, J. G. Isenhour, Regional Director, Loyal Order of Moose of Los Angeles, S. A. Berglund, Auditor, Loyal Order of Moose of San Francisco, California, and Clarence J. Dunleavy, Secretary, Loyal Order of Moose, San Francisco.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer E. Hewitt, District Attorney of Yuba County, and Arthur Coats, Superior Court Judge of Yuba County.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank H. Buck, wife of Congressman Frank H. Buck, and Mrs. Edward Thurber, both of Vacaville.

On request of the Secretary of the Senate and upon motion of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Robert Rollins who are visiting the Senate on their honeymoon.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. L. Brown, and Mrs. George McClelland, both of Roseville.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. Sanders.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Edward W. N. Bowes of Alameda.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge L. E. Bailey, President of the State Association of Justices and Comptables, Rodger Donahue, both of Madera, and Cerwin Radcliffe of Merced.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward Hyatt of Sacramento.

### Communication.

The following communication was received and ordered printed in the Journal:

STATE DEPARTMENT OF SOCIAL WELFARE.  
OFFICE MEMORANDUM.

To: Mrs. Florence L. Turner

From: F. V. Schweitzer.

Place and Date: SACRAMENTO, March 31, 1937.

RE: ESTIMATE OF AMOUNT OF RELIEF GOING TO ALIENS

In response to your request of this morning, we present herewith an estimate of the February relief expenditures going to aliens.

	Number of aliens		Amount paid	Total	Percent-
	Cases	Persons	to aliens	Relief	age to Aliens
County indigent aid-----	3,000	6,300	\$60,000 00	\$749,722 90	8.0
SRA -----	4,200	13,000	125,000 00	2,418,119 64	5.2
Aid to needy blind-----	420	420	15,000 00	162,636 48	9.2
	7,620	19,720	\$200,000 00	\$3,330,479 02	6.0

This estimate is based on information received from county welfare departments as to approximate numbers of aliens receiving indigent aid, from SRA as to approximate number of aliens included in their case load and on a classification of persons accepted for blind aid since November 1, 1936.

Very sincerely yours,

FVS:ab

F. V. SCHWEITZER.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 8—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

Assembly Bill No. 1496—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof: to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10, of the seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending each section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 8 read first time, and referred to Committee on County Government.

Assembly Bill No. 1496 read first time, and referred to Committee on Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1586—An act to add a new section to the State Bar Act, to be numbered section 29a, providing against the disbarment, suspension, or discipline



of a member of the State Bar for statements concerning a judge during an election campaign.

Assembly Bill No. 2331—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered section 11110 relating to agricultural research by counties.

Assembly Bill No. 866—An act to amend section 1152 of the Agricultural Code pertaining to marketing.

Assembly Bill No. 2637—An act to amend Article II of Chapter 11 of Part 11 of Division II of the School Code, adding to the governing board of a study organized school district.

Assembly Bill No. 1034—An act to add a new section to Chapter I of Part I of Division I of the School Code to be known as Article VII, providing section 157 relating to the participation of pupils in public education.

Assembly Bill No. 538—An act to amend the causes of injury frequently injuriously affecting the welfare of the people of this State; to encourage the practice of collective bargaining between employers and employees; to provide to insure to employees the right of self-organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide for the establishment of a California Labor Relations Board, including provisions defining its duties and powers for administration and assistance thereon; and for enforcement with review of its findings and orders, and to provide for enforcement of this act and penalties for its violation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1586 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2331 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 866 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 283 read first time, and referred to Committee on Education.

Assembly Bill No. 1034 read first time, and referred to Committee on Education.

Assembly Bill No. 538 read first time, and referred to Committee on Labor and Capital.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1446—An act to amend section 882 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1880, relating to fines and license of the said class.

Assembly Bill No. 2762—An act to amend section 698 of the Fish and Game Code, relating to black bass.

Assembly Bill No. 1938—An act to amend section I of an act entitled "An act granting to the city of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to alter and dispose of the city of South San Francisco and regulating the management, use and control thereof" (Approved April 10, 1925).

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1446 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2762 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1938 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 38—Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria



River flood control and the Santa Ana River flood control projects in the national program of work relief.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Joint Resolution No. 38 read and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 39 Relative to commemorating the completion of twenty years of honorable and noteworthy public service in the Senate of the United States by the Honorable Hiram W. Johnson.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 39.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 39, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 39.

Commemorating the completion of twenty years of honorable and noteworthy public service in the Senate of the United States by the Honorable Hiram W. Johnson.

WHEREAS, On April 2, 1937, our most distinguished citizen of California, the Honorable Hiram W. Johnson, celebrated his twentieth anniversary as a member of the Senate of the United States; and

WHEREAS, Since 1910 said Honorable Hiram W. Johnson has played a leading part in the public service of his Nation and of his native State; and

WHEREAS, The said Honorable Hiram W. Johnson, as its Governor, guided the State of California to a high standard of progressive humanitarian legislation; and

WHEREAS, The said Honorable Hiram W. Johnson waged an uncompromising battle in the Senate of the United States to have enacted legislation sponsored by him, which led ultimately to the creation of the giant Boulder Dam; and

WHEREAS, The said Honorable Hiram W. Johnson has continuously and consistently been an inspiring example of honest, courageous and progressive leadership, and above all, a champion of democratic principles and of the concept of traditional democratic government; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That this, the fifty-second session of the California Legislature hereby extends to the said Hiram W. Johnson, his just need of praise, and upon this occasion congratulate, felicitate and pay tribute to the favorite son of the Golden State of California; and be it further

*Resolved,* That the chief clerk of the Assembly is hereby instructed to have a copy of this resolution properly engrossed as a memorial, and sent to the said Honorable Hiram W. Johnson.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 39 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—36.

NOES—None.

### Motion.

Senator Crittenden moved that the remarks offered by Senators McGovern and Slater, during the consideration of Assembly Concurrent Resolution No. 39, be printed in the Journal.

Motion carried, and such was the order.

## By Senator McGovern:—

*Mr. President and Gentlemen of the Senate:*

Assembly Concurrent Resolution No. 29, by Assemblyman Kuehl and others, celebrates former Governor Hiram W. Johnson upon the anniversary of the twentieth anniversary of his service as United States Senator from California. There is a resolution that applies to every one of all political needs, human, more important, Hiram W. Johnson personates the highest ideal of California in his splendid record of public service.

Senator Johnson is a native of this State. His father served as a member of this Legislature. At an early age Senator Johnson attended a law office in the private practice of the law in his native city of San Francisco, and in the great metropolis of San Francisco of which he is now a resident. When an oppressive people demanded democracy, swift action against those business officials who had become their enemies or others who defied the great power of government, Hiram W. Johnson fought the people's fight in the legal battle to secure a stronger State. His distinguished service as a special prosecutor in the San Francisco graft prosecution following the fire of 1906 proved his worth to a State and his ability as a lawyer.

Against overwhelming odds and in defiance of great power he stood a sturdy political ring from power and national prominence to preserve justice.

When the great political revolution began in California in 1910 the Democratic son of the West led the fight to reclaim our State Government from the entrenched powers of privilege. As the leader of a fight to secure a progressive, popular government, he was elected Governor of this State in 1910. He was a Governor worthy of the name. Today his administration remains before us as the most forward commonwealth in modern history. Legislation enacted by Governor Johnson and enacted under his leadership is the forerunner of our modern history of social justice in this State. Our constitution was born from the necessity of special privilege seeking interest and selfishness in the hands of the instrumentality of Governor Johnson. Let us hope that California will continue to remain where he left it when duty called him to a greater service in the Nation's capital.

Many times has the name of Hiram W. Johnson been submitted to the electorate of California and many times have we again elected him additional for different opportunities to serve by increasing popularity.

Twice elected Governor of his native State, once officially approved for Vice President of the United States by the voters of the Commonwealth, once nominated for the Presidency of the Nation by the voters of the Republican party of this State, and four consecutive times elected Senator in the United States by those of us who know him best and love him best, Hiram W. Johnson is without question the favorite son of California and the national political leader.

It is with pleasure that we learn that our distinguished Senator is again enjoying the benefits of a restored health and that he is now again discharging the duties of his high office with his old time vigor and independence.

All California salutes Hiram W. Johnson. We applaud his splendid record of unexampled public service and we renew our faith in the great American man. In every battle, on all fronts, he has always kept the faith of the people of California.

## By Senator Slater:—

*Mr. President and Gentlemen of the Senate:*

I am very happy to second the adoption of the resolution by which the Legislature of the State of California extends its congratulations to United States Senator Hiram W. Johnson on the attainment of his twentieth year in the United States Senate, a sentiment in which I am sure the State of his birth heartily joins as token of the wonderful service he has rendered his own State and the Nation at large.

I am pleasantly reminded when Senator Johnson made his successful campaign for Governor of California in 1910. I also made my first campaign in which I was elected a member of the Legislature of the State of California. I have always been grateful that I was enabled to participate in the progressive and outstanding legislation which Senator Johnson championed as Governor of this State, pausing to mention with great appreciation what I consider one of the greatest humanitarian laws providing workmen's compensation, the Public Utilities Commission, the Water Commission and the other laws which have lived on and have been very helpful in the promotion of human welfare and the betterment of conditions.

In a few words, the story of Senator Johnson's public career embracing so much of merit and distinguished accomplishment, can not be told. It is a record of which California is justly proud. It is worthy of congratulation. We are certainly all very happy Senator Johnson's health has so greatly improved and that he is now able to again enter vigorously into his big duties.

Just a bit of color. The old campaign days are recalled today as we forward our good wishes to Hiram W. Johnson. To him was attributed that saying of

impressiveness: "A Man Must Eat!" Even though he once told me this immortal slogan was really placed in his mouth by a newspaper writer, nevertheless the words are in harmony with so many of the old time utterances of this distinguished citizen that we say it was Hiram Johnson who declared "A Man Must Eat!" He certainly has done his utmost in promoting legislation from time to time in accordance with the suggestion that bodily sustenance is absolutely essential to promote physical endurance, contentment and accompanying happiness. The old slogan holds good today.

We all hope Senator Johnson will be spared for many years to come to continue a career so wondrously marked with worthwhile service.

Assembly Concurrent Resolution No. 39 ordered transmitted to the Assembly.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 799—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code, to be known as Part V, containing sections 5.1100, 5.1101, 5.1102, 5.1103, 5.1104, 5.1105, 5.1106, 5.1107, 5.1108, 5.1109, 5.1110, and 5.1111, all relating to the retirement by school districts of employees, and declaring the urgency hereof;

Senate Bill No. 110—An act to amend section 4029 of, and to add section 4029.2 to, the Political Code, relating to supervisorial districts;

Senate Bill No. 597—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas, and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and rights of way for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 862—An act to amend section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator DeLap:

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:



An act confirming and ratifying an agreement for Easement No. 338, Huntington Beach, heretofore made by the Director of Finance on behalf of the State of California, with the Standard Oil Company and others.

Respectfully submitted

SENATOR DELAP

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, APRIL 6, 1937.

MR. PRESIDENT: Your Committee on Rules to which was referred a request by Senator DeLap to introduce a bill entitled:

An act confirming and ratifying an agreement for Easement No. 338, Huntington Beach, heretofore made by the Director of Finance on behalf of the State of California, with the Standard Oil Company and others.

Has had the same under consideration, and respectfully reports the same back and recommends that the request be granted.

(Signed out.)

RICHL, Chairman.  
McCOLL,  
SLATER,  
KNOWLAND,  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Dool, Gorman, Hays, Hollister, Holahan, Jorgensen, Keating, Lusk, McBride, McCormack, McQuinn, Metzger, Myer, Nelson, Pyrkman, Phillips, Pierovich, Poirson, Quinn, Rich, Schottky, Serwell, Slater, Swing, Tickle, Wagon, Westover, Williams, and Young—33.

NOES—None.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Bill No. 1127:** By Senator DeLap—An act confirming and ratifying an agreement for Easement No. 338, Huntington Beach, heretofore made by the Director of Finance on behalf of the State of California, with the Standard Oil Company and others.

Senate Bill No. 1127 read first time, and referred to Committee on Oil Industries.

### Special Order.

Senator Crittenden moved that Senate Bill No. 166 be made a special order for Thursday, April 8, 1937, at two o'clock and thirty minutes p.m.

### Report.

The following report by the California Toll Bridge Authority, was received, read, and ordered printed in the Journal:

### Report on Carquinez Toll Bridge—Senate Concurrent Resolution No. 3.

April 5, 1937.

*To the Honorable Members of the State Legislature of California, Session of 1937.*

Pursuant to the provisions of Senate Concurrent Resolution No. 3, filed with the Secretary of State January 20, 1937 (Chapter 14, Statutes 1937), which provides for a survey and investigation by the



California Toll Bridge Authority concerning the feasibility and practicability of the acquisition by the State or the Authority of the Carquinez Toll Bridge extending across Carquinez Straits, near Crockett, California, we have the honor to transmit to you the results of such survey and investigation in the accompanying report.

Respectfully submitted,

CALIFORNIA TOLL BRIDGE AUTHORITY.

By EARL LEE KELLY, Secretary.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS,

SACRAMENTO, March 4, 1937.

*To the Members of the California Toll Bridge  
Authority, Sacramento, California.*

GENTLEMEN: I am herewith transmitting the report of the State Division of Highways, on its survey and investigation of the toll bridge across Carquinez Straits.

This information was authorized and directed by the California Toll Bridge Authority, on January 28, 1937.

Sincerely yours,

EARL LEE KELLY,

Director of Public Works.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS,

SACRAMENTO, March 4, 1937.

*Mr. Earl Lee Kelly, Director of Public  
Works, Sacramento, California.*

DEAR SIR: There is herewith submitted a report covering investigation of the toll bridge across Carquinez Straits.

This report is in compliance with the direction of the California Toll Bridge Authority, under date of January 28, 1937.

Yours very truly,

C. H. PURCELL,

State Highway Engineer.

Senate Concurrent Resolution No. 3, copy attached, directs that the California Toll Bridge Authority make a survey and investigation of the toll bridge across Carquinez Straits to obtain specified information. At a meeting of the Toll Bridge Authority on January 28, 1937, a motion was passed requesting that the Division of Highways, Department of Public Works, prepare a report in accordance with the resolution.

The resolution directs that the survey and investigation be made with a view to the feasibility and practicability of its acquisition as of October 1, 1937, and as of July 1, 1938, either by purchase or condemnation by the State or California Toll Bridge Authority, and that it shall comprehend the following items:

(1) "the appraisal of the value of the structure in case of its acquisition."

The value of the structure in this case is the value of its earning power during the remaining life of its franchise.

(2) "the amount of compensation to the owner which . . . should be paid on the basis of the value of this structure and the length of time which the franchise has yet to run."

The present value of its estimated future earnings capitalized at 8 per cent, which rate of interest is considered commensurate with the security of the investment, is as follows:

\$7,556,800 as of October 1, 1937.

\$7,225,700 as of July 1, 1938.

(3) "the feasibility of providing funds for such acquisition by issuing and selling revenue bonds."

The provision of funds by issuing and selling revenue bonds undoubtedly is feasible, the rate of interest which they would have to bear being uncertain. In our judgment revenue bonds can be sold bearing a 4 per cent rate of interest, but we have no assurance that they can be sold at a lower rate of interest.

(4) "the rate of tolls by it estimated as necessary to collect pending the retirement of such revenue bonds."

If the bridge is purchased as of the dates specified, and is financed by revenue bonds bearing 4 per cent interest, amortized during the remaining life of the franchise, the following average toll rates will be sufficient to retire the investment:

Date of purchase October 1, 1937, average toll . . . . . \$0 68

Date of purchase July 1, 1938, average toll . . . . . 0 67

(5) "the reduction, if any, in the rate of tolls which may be effected immediately upon the acquisition of said toll bridge."

Since the present average toll rate is 89 cents, the saving in average toll rate if purchased as of October 1, 1937, would be 21 cents, and 22 cents if purchased as of July 1, 1938.

The resolution also requests the following information:

(a) "Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20-year period together with interest computed thereon computed at 3 per cent, and with interest computed at  $3\frac{1}{2}$  per cent."

For the estimated purchase price of \$7,556,800 the annual cost of operation up to March, 1948, plus amortization and interest at 3 per cent is \$692,000, and \$715,700 for interest at  $3\frac{1}{2}$  per cent.

For the estimated purchase price of \$7,225,700 the annual cost of operation up to March, 1948, plus amortization and interest at 3 per cent is \$669,700 and \$692,400 for interest at  $3\frac{1}{2}$  per cent. The costs will be reduced by \$84,000 after March, 1948, when payment of taxes to the counties will terminate.

(b) "Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls, from the first of January, 1937, to the expiration of the franchise on said bridge."

Two attached tables furnish the above requested information.

(c) "Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collection costs from the gas tax fund."

The estimated cost of operation is itemized as follows:

<i>Item</i>	<i>Carquinez Bridge</i>
Office salaries -----	\$ 5,000 00
Toll collection -----	26,000 00
Attorneys fees -----	1,000 00
Power, light, phone -----	3,500 00
Supplies -----	4,500 00
Insurance -----	25,000 00
Maintenance -----	24,000 00
Miscellaneous -----	2,000 00
County taxes to March, 1948 -----	76,000 00
 Total -----	 \$167,000 00
Contingencies, 10 per cent -----	17,000 00
	<hr/> \$184,000 00

Funds secured from the gas tax are not sufficient to provide for necessary highway expenditures, therefore it is thought neither proper nor feasible to expend gas tax money for operation of the Carquinez Bridge.

(d) "a report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge."

Of the total number of cars crossing the Carquinez Bridge in a day, during 1936, approximately 1,170 had San Francisco for their destination, which is some 6 or 7 per cent of the San Francisco-Oakland Bay Bridge traffic.

A decrease in tolls on the Carquinez Bridge would naturally increase its traffic. On the other hand, the completion of the Golden Gate Bridge will divert a certain amount of the San Francisco traffic. The combined effect of the above makes it impracticable to estimate the resulting effect upon the San Francisco-Oakland Bay Bridge with any degree of certainty.

REVENUE AND TRAFFIC STATISTICS, 1927-1931 (CARQUINEZ BRIDGE).

Year	1927			1928			1929			1930			1931		
Traffic	Number vehicles	Revenue	Average toll	Number passengers	Passenger revenue	Average toll	Number passengers	Passenger revenue	Average toll	Number passengers	Passenger revenue	Average toll	Number passengers	Passenger revenue	Average toll
Automobiles...	699,726	110,772	0.15	1,023,366	66,295	0.06	1,362,364	88,729	0.06	1,592,999	79,799	0.05	1,936,811	102,851	0.05
Trucks	26,945	24,736	0.92	44,432	4,099	0.09	78,407	7,840	0.10	100,000	10,000	0.10	100,000	10,000	0.10
Buses	11,660	5,325	0.46	16,737	8,278	0.50	30,000	15,000	0.50	30,000	15,000	0.50	30,000	15,000	0.50
Other	1,876	8,127	4.33	2,432	14,111	5.80	3,000	17,400	5.80	3,000	17,400	5.80	3,000	17,400	5.80
Totals	746,065	148,180	0.19	1,154,167	96,733	0.08	1,802,771	121,069	0.07	2,055,000	112,199	0.05	2,400,811	135,251	0.06
Passengers	2,198,872	188,478	0.08	2,414,359	200,349	0.08	2,666,006	210,000	0.08	2,800,000	220,000	0.08	3,000,000	240,000	0.08
Total revenue	.....	617,928	99.82	.....	680,736	99.86	.....	1,081,307	90.86	.....	1,081,307	90.86	.....	1,081,307	90.86
Average passengers per vehicle	3.41			2.02			2.36			1.48			1.36		

1 Average toll per empty vehicle.

2 Average toll per vehicle, including passengers.

3 Includes commuters who after 1929 were distributed in proper busload.



## AVERAGES, 1927-1931

Year	1927	1928	1929	1930	1931
Average passengers per vehicle.....	2 57	2 52	2 52	2 48	2 36
Average toll per vehicle.....	0 674	0 863	0 857	0 875	0 875

## REVENUE AND TRAFFIC STATISTICS, 1932-1936 (CARQUINEZ BRIDGE).

Year	1932			1933			1934			1935			1936		
Traffic	Number vehicles	Revenue	Average toll	Number vehicles	Revenue	Average toll	Number vehicles	Revenue	Average toll	Number vehicles	Revenue	Average toll	Number vehicles	Revenue	Average toll
Automobiles.....	999,814	583,157	0 58	900,079	521,181	0 58	924,637	527,521	0 58	905,100	577,858	0 58	1,283,931	717,929	0 56
Trucks.....	80,678	117,168	1 45	92,706	145,443	1 57	100,312	160,219	1 60	124,745	187,713	1 50	131,331	214,369	1 63
Buses.....	17,938	8,989	0 52	19,320	9,660	0 50	22,012	11,008	0 50	23,465	12,761	0 50	33,077	17,024	0 51
Other.....	11,576	10,117	0 87	11,499	6,707	0 58	12,479	5,850	0 47	13,941	7,825	0 56	18,693	9,885	0 53
Totals.....	1,110,006	719,411	0 65	1,023,604	682,691	0 67	1,059,440	714,596	0 67	1,159,340	785,557	0 68	1,467,032	959,147	0 65
Passengers.....	2,725,022	256,499		2,555,372	234,127		2,673,218	244,633		3,000,461	274,164		4,067,995	346,043	
Total revenue.....		975,910	0 88		917,118	0 90		959,229	0 91		1,059,721	0 91		1,306,190	0 89
Average passengers per vehicle.....	2 46			2 48			2 52			2 59			2 79		

1 Average toll per empty vehicle.

2 Average toll per vehicle including passengers.



AMENDED IN SENATE JANUARY 14, 1937.

Senate Concurrent Resolution

No. 3

INTRODUCED BY SENATOR NIELSEN,

January 6, 1937.

REFERRED TO COMMITTEE ON COMMERCE AND NAVIGATION.

*Senate Concurrent Resolution No. 3—Directing an investigation and report upon acquisition of the toll bridge across Carquinez Straits.*

1 WHEREAS, It is the policy of the State of California to  
2 acquire and own all toll bridges situated upon or along any  
3 part of the highways of the State with the end in view of  
4 ultimately eliminating all toll charges thereon; and

5 WHEREAS, The privately owned toll Carquinez bridge  
6 extending across Carquinez Straits, near Crockett, California,  
7 constitutes an important connecting link between highways  
8 of the State; and

9 WHEREAS, The present rates of tolls across said bridge are  
10 relatively higher than tolls on other toll bridges; and

11 WHEREAS, The acquisition of said toll bridge by the State  
12 or the California toll bridge authority at the earliest possi-  
13 ble date is in conformity with said established policy; now,  
14 therefore, be it

15 *Resolved by the Senate of the State of California, the Assem-*  
16 *bly thereof concurring,* That the California toll bridge author-  
17 ity is hereby authorized and directed to conduct a survey and  
18 investigation of said toll bridge with a view to the feasibility  
19 and practicability of the acquisition, as of the first of Octo-  
20 ber, 1937, and as of the first of July, 1938, of this toll bridge  
21 by purchase or condemnation by the State, or the California  
22 toll bridge authority, which survey and investigation shall  
23 comprehend the appraisal of the value of the structure in  
24 case of its acquisition; the amount of compensation to the  
25 owner which in the judgment of said authority should be  
26 paid on the basis of the value of the structure and the length  
27 of time which the franchise has yet to run; the feasibility of  
28 providing funds for such acquisition by issuing and selling  
29 revenue bonds; the rate of tolls by it estimated as necessary  
30 to collect pending the retirement of such revenue bonds, and  
31 the reduction, if any, in the rate of tolls which may be effected  
32 immediately upon acquisition of said toll bridge; and be it  
33 further

34 *Resolved, That as a part of the report hereinafter*  
35 *referred to, the California toll bridge authority shall prepare*  
36 *and submit to the Legislature:*

1 (a) Itemized tables of the annual amounts estimated as  
2 necessary to retire such revenue bonds over a twenty year  
3 period together with interest thereon computed at three per  
4 cent, and with interest computed at three and one-half per  
5 cent.

6 (b) Itemized tables of the traffic over said bridge for the  
7 years 1932 to 1936, inclusive, showing for each year the amount of  
8 different classes of traffic and the receipts from each class at  
9 the present toll rates together with an estimate of the amount  
10 of annual traffic over said bridge at the present rate of tolls,  
11 from the first of January, 1937, to the expiration of the fran-  
12 chise on said bridge.

13 (c) Itemized tables, by years, showing the estimated cost  
14 of the operation and maintenance of said bridge and of the  
15 estimated cost of collecting tolls thereon for a period of twenty  
16 years, together with a report upon the propriety and prob-  
17 ability of paying such maintenance, operation and toll col-  
18 lections costs from the gas tax fund.

19 (d) A report upon the effect the lowering of tolls upon said  
20 bridge may have with respect to the volume of traffic which  
21 may be expected to use the San Francisco-Oakland Bay  
22 Bridge; and be it further

23 *Resolved*, That the California toll bridge authority shall  
24 prepare a report of the results of such investigation and  
25 survey and deliver it to the secretary of the Senate prior to  
26 the reconvening of this Legislature after its constitutional  
27 recess.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO, March 29, 1937.

California Toll Bridge Authority, Governor's Office.

Sacramento, California.

GENTLEMEN: Because of widespread interest among members of the California Legislature and the public generally in discussions concerning proposals that the State purchase and operate the Carquinez Bridge as a part of the State highway system, I submit the following based on studies made by the engineers of the Department of Public Works:

The market price of the Carquinez Bridge stock has varied between 82 cents and 90 cents during the past week or two which would make the value of the 3,719,593 shares at say 88 cents equal to \$3,273,000. On January 1, 1938, there will be \$3,600,000 par value of bonds remaining for which the call price is 102½, which will require an expenditure of \$3,690,000. The market value of bonds and stocks may therefore be taken as \$6,963,000 less such excess of actual current assets over liabilities as the company may possess at that time.

Since about 90 per cent of the net revenue from operations is contributed by the Carquinez Bridge, its present market value may be said to be 90 per cent of the above figure, or approximately \$6,200,000. It



is also estimated that the approximate cost of a new bridge built by the State in the same general location as the existing toll bridge would be \$5,800,000.

If the Carquinez Bridge could be purchased for \$6,200,000, and assuming that its operation and maintenance will be paid for from gas tax funds, a comparatively low toll would result which should correspondingly increase traffic over what it is at the present time. The increase in traffic may be expected to come from the following sources:

Diversion of passenger traffic now using the trains because of the fact that the train fare is at present less than one-half the cost of traveling by auto and paying the existing tolls.

Diversion of auto and truck traffic now using other routes.

Increased holiday traffic including pleasure traffic which desires to go by one route and return by another.

Increased local traffic between Vallejo and Crockett, Oleum, Rodeo, etc. This factor is hardest to estimate on account of the uncertainties connected with it, and yet it is likely to have the greatest influence on the future traffic over the bridge.

If it is assumed that there will be an immediate increase of 15 per cent in traffic over the figures used in obtaining the estimated future earnings during the life of the toll bridge franchise, and that such increase will double itself by the end of a 20-year period due to the above local development, the average toll which will be necessary for a purchase price of \$6,200,000 will be about 21 cents, embracing all motor vehicles. At this rate, it would be possible to charge as low as 15 cents per passenger automobile, which rate would remain in effect during the 20-year period of bond liquidation after which, as in the case of the San Francisco-Oakland Bay Bridge, the Carquinez span would be toll free.

In arriving at this figure, it has been assumed that 20-year revenue bonds can be obtained bearing  $3\frac{1}{2}$  per cent interest, but a change of  $\frac{1}{2}$  per cent in the interest rate will make less than 1 cent difference in the average tolls. A change in the purchase price from \$6,000,000 to \$7,000,000 would likewise only make a difference of about 4 cents in the average toll rate.

Sincerely yours,

EARL LEE KELLY,  
Director of Public Works.

#### Communication.

The following communication was received, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LIEUTENANT GOVERNOR,

STATE CAPITOL, SACRAMENTO, April 6, 1937.

*To the Secretary and Members of the State Senate.*

GENTLEMEN: I am herewith transmitting my Minority Report as a member of the California Toll Bridge Authority, on the feasibility of the State acquisition of the Carquinez Bridge.

This report was authorized by Senate Concurrent Resolution No. 3.

Very truly yours,

GEORGE J. HATFIELD,

Lieutenant Governor and Member of the  
California Toll Bridge Authority.

### **I. Reasons for a Minority Report.**

Senate Concurrent Resolution No. 3, adopted in the Senate January 15, 1937, and in the Assembly, January 18, 1937, directs that the California Toll Bridge Authority make a survey and investigation of the toll bridge across Carquinez Straits and to prepare a report of such investigation and survey and to deliver it to the Secretary of the Senate prior to the reconvening of the Legislature after its constitutional recess.

The survey and investigation was for the following purposes:

1. To determine the feasibility and practicability of the acquisition of said toll bridge by purchase or condemnation by the State.
2. To obtain specified information as set forth in said resolution.

On January 28, 1937, the California Toll Bridge Authority by appropriate resolutions authorized and directed the State Division of Highways of the Department of Public Works to prepare the report requested.

On March 4, 1937, the Director of Public Works transmitted to the California Toll Bridge Authority a report prepared by the Division of Highways pursuant to the directions of the California Toll Bridge Authority, which report has heretofore been released to the press. This report is now before the California Toll Bridge Authority for action.

I have refused and do now refuse to give my approval to the report and to transmit it to the State Senate as the report authorized and requested by Senate Concurrent Resolution No. 3 above referred and instead submit this report.

My action in this regard is predicated upon the fact that while the report prepared by the Department of Public Works purports to furnish the specified information requested by said resolution, it utterly fails to advise as to the feasibility or practicability of the acquisition of the Carquinez Bridge by the State. Furthermore, in my opinion, the specified information furnished is so meager and apparently intentionally so selected as to fail to disclose the facts of the matter and to discourage any attempt to lower the excessive rates of tolls

now charged which builds an effective barrier to traffic between the Sacramento Valley and the Bay Area.

## II. The Problem Presented.

### A. HISTORY OF THE CARQUINEZ BRIDGE.

The Carquinez Bridge was constructed by private capital pursuant to the authority of Ordinance No. 171 of the board of supervisors of Contra Costa County, which said ordinance was adopted February 5, 1923, and became effective 30 days from and after its passage, to wit: March 3, 1923.

This ordinance granted a franchise to the Rodeo Vallejo Ferry Company, a corporation, to erect, construct and maintain a toll bridge and take tolls thereon across the straits of Carquinez between Contra Costa County and Solano County, California. The right to take tolls was specified to be for the term of 25 years from and after the effective date of the ordinance. *In other words, the right to take tolls will expire March 7, 1948, at which time the bridge automatically passes into public ownership.*

The ordinance further provided: "It is further ordered that the rate of tolls which may be collected for crossing said bridge shall be as fixed by the Railroad Commission of the State of California, and that in the event said Railroad Commission shall fail to fix such tolls, then it is hereby further ordered that the rate of tolls which may be collected for crossing said bridge shall be" as fixed in said ordinance.

### B. THE PRESENT STATUTES DO NOT CONFER AUTHORITY UPON THE RAILROAD COMMISSION TO REGULATE THE RATES OF TOLLS TO BE CHARGED UPON THE CARQUINEZ BRIDGE. HOWEVER, SUCH POWER MAY BE GRANTED BY THE LEGISLATURE.

Despite the fact that the ordinance granting the franchise provided that the rate of tolls shall be as fixed by the Railroad Commission, I am advised by the Legislative Counsel of the State of California in a written opinion that the Carquinez Toll Bridge is not at the present time subject to regulation by the Railroad Commission of California because of the failure of the State Legislature to enact laws so providing.

Section 22, of Article XII, of the Constitution of the State of California creates a Railroad Commission and gives it the power to regulate railroads and transportation companies, followed by this provision:

"No provision in this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution."

Section 23 of Article XII declares that every private corporation and every individual or association of individuals engaged in certain specified activities is declared to be a public utility, subject to control and regulation by the Railroad Commission, and continues:

"and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature, to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution."

Neither section 23 of Article XII nor the Public Utilities Act seems broad enough to include a toll bridge. However, in view of the provisions in both sections 22 and 23 there is no doubt that the State Legislature has a constitutional authority to declare toll bridges as a public utility and to give the Railroad Commission power and jurisdiction over such toll bridges and to fix the rates to be charged thereon.

### C. RESULTS OF PRIVATE OPERATIONS.

At a meeting of the California Toll Bridge Authority, held on March 19, 1936, in answer to my inquiry, engineers of the Division of Highways advised the Bridge Authority that the Carquinez Bridge cost approximately \$7,000,000 to build with an additional \$500,000 for promotional expense or some \$7,500,000 in all.

Tabulated returns of actual income from traffic over the bridge are as follows:

Year	Number across	Trucks	Buses	Other	Expenses	Income gross
1927 (Opened May 21, 1927)	696,520	20,645	11,050	4,875	2,438,872	\$607,910.00
1928	1,384,156	44,432	36,777	6,862	2,438,872	1,084,870.00
1929	1,186,394	36,145	21,812	32,254	2,438,872	1,084,870.00
1930	1,291,006	65,065	23,714	12,794	2,438,872	1,113,729.78
1931	1,246,461	72,772	24,411	15,664	2,438,872	1,113,729.78
1932	966,814	86,678	17,938	11,576	2,438,872	975,911.00
1933	966,679	92,769	19,320	11,436	2,438,872	975,911.00
1934	924,637	109,312	22,002	12,476	2,438,872	975,911.00
1935	995,199	124,745	25,455	16,447	2,438,872	1,000,223.00
1936	1,283,951	131,531	33,077	18,436	2,438,872	1,000,223.00

In short, from May 21, 1927, the date of the opening of the Carquinez Bridge, until December 31, 1936, inclusive, or in nine years, seven months and ten days, the operators of the bridge collected from the public a grand total of \$10,269,729.

The operating expenses for the same period have been detailed by the Department of Public Works at my request in a computation sheet attached hereto as "Exhibit A," pages 13 to 15. They total \$2,633,307.



Deducting the operating expenses of \$2,633,307 from the gross receipts of \$10,269,729, gives a net operating profit of \$7,636,422, in nine years, seven months and ten days.

The Division of Highways estimates the gross revenue and operating expenses from January 1, 1937, to the date of the expiration of the franchise, March 7, 1948, as follows:

	Gross revenues	Operating expenses	Net revenue
1937	\$1,280,900 00	\$240,600 00	\$1,040,300 00
1938	1,310,100 00	241,100 00	1,068,900 00
1939	1,338,100 00	241,800 00	1,096,300 00
1940	1,373,600 00	242,500 00	1,131,100 00
1941	1,391,100 00	242,800 00	1,148,300 00
1942	1,415,700 00	243,300 00	1,172,400 00
1943	1,439,100 00	243,800 00	1,195,300 00
1944	1,461,800 00	244,200 00	1,217,600 00
1945	1,482,900 00	244,700 00	1,238,200 00
1946	1,503,400 00	245,000 00	1,258,400 00
1947	1,522,600 00	245,500 00	1,277,100 00
1948	256,800 00	40,900 00	215,900 00
Totals	\$15,776,100 00	\$2,716,200 00	\$13,059,900 00

In other words, from a bridge that cost \$7,000,000 to build plus a promotional expense of \$500,000 the private operators will take from the public in tolls, \$26,045,829, or a net operating profit of \$20,696,222 during the life of the franchise unless something is done to prevent.

But even these figures do not present the complete picture of private ownership and management of the Carquinez Bridge. A study of "Carquinez Bridge Operating Account—May 21, 1927, to December 31, 1936" prepared at my request by the Department of Public Works and attached hereto and marked "Exhibit A" furnishes much enlightening information.

In the nine years, seven months and ten days covered by this account—i.e. from the opening of the bridge until December 1, 1936—there was earned and paid in bond interest the sum of \$3,043,611.

During the same period there was charged off as amortization of the cost of the bridge the sum of \$2,455,330.

During the same period there was charged off as amortization of bond discount and expense the sum of \$539,704. This item was to cover the cost of financing.

When all of these items were deducted from gross revenues as well as operating expenses, maintenance, insurance and taxes during the same period, there was earned and available for dividends the sum of \$1,694,010.

In considering these figures it must be kept in mind that included in operating expenses, during this period, is the sum of \$607,482 for head office expense and the sum of \$160,256 for publicity expense. These two items are largely made up of executive salaries, attorneys

fees, legal expenses and publicity that would almost entirely be eliminated under public ownership and operation for reasons hereinafter discussed.

#### D. COST OF NEW BRIDGE.

At the meeting of the California Toll Bridge Authority held on March 19, 1937, in answer to my inquiry, engineers of the Division of Highways roughly estimated that a new bridge across the Carquinez Straits would cost approximately \$5,800,000. The Toll Bridge Authority at that meeting passed a resolution calling upon the Attorney General for an opinion as to whether or not the Toll Bridge Authority would have the power to erect and maintain another toll bridge across Carquinez Straits in competition with the present one erected and operated by private capital. The opinion of the Attorney General has not yet been received.

#### E. SUGGESTED REMEDIES TO EFFECT LOWERING OF TOLLS.

To effect a lowering of the fares charged to cross Carquinez Straits, several remedies suggested themselves:

1. The Railroad Commission of the State of California could be empowered to regulate the rates over toll bridge privately operated. Senators Roy Nelson and John McCall have introduced a bill in the present Legislature to accomplish this purpose. It is known as Senate Bill No. 24 and is now pending in the Senate on the third reading file.
2. The California Toll Bridge Authority could erect a competing bridge across Carquinez Straits.
3. The California Toll Bridge Authority could purchase or condemn the present bridge.

*The California Toll Bridge Authority has the power to condemn the Carquinez Bridge. The California Toll Bridge Authority Act, Statutes of 1929, Chapter 763, page 1489; Deering Act, 956, provides in part as follows:*

"Whenever the Department of Public Works determines that it is advisable or necessary to acquire either through eminent domain proceedings or otherwise any existing privately owned toll bridge or bridges \* \* \*. The director of said department shall submit its recommendation to that effect to the California Toll Bridge Authority, together with preliminary estimates of the cost of such acquisition \* \* \* and an estimate of the amount required to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of such acquisition \* \* \*.

If a majority of the members of the California Toll Bridge Authority concur in the recommendation of the Department of Public Works the said California Toll Bridge Authority shall adopt a resolution declaring that public interest and necessity require the acquisition of any such toll bridge \* \* \* and authorizing the issuance of revenue bonds, for the purpose of

obtaining funds in an amount not in excess of that estimated to be required for such acquisition \* \* \*."

Section 9 of the act, as amended in 1935, reads in part as follows:

The Department of Public Works is hereby authorized and empowered to condemn and take, in fee or otherwise, as the California Toll Bridge Authority may determine, in the name of the State of California bridge \* \* \*, whether publicly or privately owned and whether or not already devoted to a public use or purpose, \* \* \*, under the provisions of the Constitution and laws of this State relating to eminent domain proceedings.

Such department shall not have power to commence any such proceedings in eminent domain unless and until the California Toll Bridge Authority shall first have passed a resolution declaring that public interest and necessity require the acquisition, construction or completion by the State acting through the said Department of Public Works of any such bridges \* \* \*.

Such resolution shall be conclusive evidence (a) of the public necessity of such acquisition, construction or completion; (b) that such property and said franchises, \* \* \* are, and that the acquisition of the fee or other interest therein is necessary therefor and, (c) that such proposed acquisition, \* \* \* is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. \* \* \*

In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridge \* \* \* appropriated or dedicated to a public use or purpose by any person, \* \* \* may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any act or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing and property sought to be taken and directing such proceedings.

These provisions appear to be ample to authorize the California Toll Bridge Authority to acquire the Carquinez Toll Bridge by proceedings in eminent domain.

4. The board of supervisors of Contra Costa County in the absence of power in the Railroad Commission, has certain powers in the regulation of rates over the Carquinez Bridge.

Section 2845 of the Political Code provides that "the board of supervisors granting authority to construct a toll bridge \* \* \* must at the same time: \* \* \* Fix the rate of tolls which may be collected \* \* \* which may raise annually an income not exceeding 15 per cent on the actual cost of the construction or erection of the bridge \* \* \* and such additional income as will provide for

the annual cost of operation, maintenance, amortization and taxes  
• • •

Section 2846 of the Political Code provides "• • • the rate of toll fixed as provided in the preceding section must not be increased or diminished during the term of twenty years, at any time, unless it is shown to the satisfaction of the board of supervisors that the receipts from tolls in any one year is disproportionate to the cost of construction or erection, or the fair cash value thereof, together with the cost of all necessary repairs and maintenance of the bridge  
• • •

In 1936 the gross income from tolls was \$1,306,191. The total operating expense, maintenance, insurance and taxes (including Federal and State income taxes) was \$297,475, leaving a net profit available for bond interest, amortization and dividends of \$1,024,443. Bond interest was \$184,524 leaving \$839,808 available after payment of bond interest. Amortization of the cost of the bridge was \$73,280, and of the bond discount and expense of \$75,657 leaving a net of \$408,943 for the stockholders. Surely these figures indicate that it might be possible to show "to the satisfaction of the board of supervisors that the receipts from tolls in 1936" is disproportionate to the cost of construction or erection, or the fair cash value thereof, together with the cost of all necessary repairs and maintenance."

It may be pointed out that under the terms of the franchise there is to be paid to the county of Contra Costa 2 per cent of the gross receipts derived from the use and operations of the bridge for the benefit of the counties of Contra Costa and Solano. In view of the large amount of traffic passing over the bridge that does not originate in Contra Costa County, it is possible that the board of supervisors might be adverse to any reductions in tolls.

This report is concerned primarily with the feasibility of the third of the three suggested remedies to effectuate the lowering of tolls across the Carquinez Bridge—that of the purchase by negotiation or condemnation by the California Toll Bridge Authority, of the present bridge.

### III. Economies of Public Ownership and Operation.

Ultimately the traveling public pays the cost of financing, constructing, operating and maintaining a toll bridge whether the toll bridge be built and operated by private or by public capital. Therefore an analysis of operating costs, financing costs, and tolls under both systems is necessary.



**A. OPERATING COSTS UNDER PUBLIC OWNERSHIP AND OPERATION OF CARQUINEZ BRIDGE WOULD BE LOWER THAN UNDER THE PRESENT PRIVATE OWNERSHIP AND MANAGEMENT.**

The operating costs of Carquinez Bridge from the opening on May 21, 1927, to December 31, 1936, are set forth by years on page 3 of "Exhibit A" attached hereto. The operating costs have averaged \$273,988 per year. The Division of Highways have estimated under the present private ownership and management the future operating cost, January 1, 1937, to the date of the expiration of the franchise, to wit: March 7, 1948, (exclusive of the 2 per cent gross traffic receipt tax payable to Contra Costa County and hereafter discussed) at \$215,000 per annum.

On page 29 of the "Report on Investigation of Carquinez Toll Bridge," dated October 20, 1932, made pursuant to Senate Concurrent Resolution No. 36 (Statutes 1931, Chapter 78) the costs of operation for the year 1931 are itemized as follows:

Operating expense.....	\$ 55,700 00
Publicity .....	16,800 00
Head office expense.....	58,000 00
Maintenance .....	11,800 00
Insurance and taxes.....	147,000 00
<b>Total .....</b>	<b>\$289,300 00</b>

On page 16 of the same report, additional detail is given.

1. Salaries of President, Secretary-Treasurer, Comptroller and Stenographer was.....\$23,097 00

It is to be noted that none of these executive salaries were connected with the actual operation or maintenance of the bridge itself. The salaries and wages of manager, superintendent, toll takers, traffic men and mechanics were in another item.

2. Attorney fees and legal expenses.....15,847 00
3. Trustee fees for bond issues, stock transfers, registration and semi-annual audits.....3,534 00
4. Directors fee of \$25 per month per director present..1,920 00
5. Publicity .....

16,762 00

These five items of expenses could almost entirely be eliminated under public ownership and operation. No executive salaries, trustee fees or directors fees would have to be paid. Attorney fees and publicity costs could be reduced to but a small fraction of those above set forth.

This is borne out by the estimate of the Division of Highways of operating costs under public ownership as follows:

<i>Item</i>	<i>Carquinez Bridge</i>
Office salaries.....	\$ 5,000 00
Toll collection.....	26,000 00
Attorney fees.....	1,000 00
Power, light, phone.....	3,500 00
Supplies.....	4,500 00
Insurance.....	25,000 00
Maintenance.....	24,000 00
Miscellaneous.....	2,000 00
County taxes to March, 1948.....	76,000 00
<b>Total</b> .....	<b>\$167,000 00</b>
Contingencies, 10 per cent.....	17,000 00
<b>Total</b> .....	<b>\$184,000 00</b>

It is to be noted that in the above tabulation, the Division of Highways includes an item of \$76,000 for county taxes to March, 1948. For reasons hereinafter set forth it is believed that this item of cost would be entirely eliminated under State ownership and operation and that therefore the cost of operation under State ownership and control would be less than \$100,000 per year, as follows:

Office salaries.....	\$ 5,000 00
Toll collection.....	26,000 00
Attorney fees.....	1,000 00
Power, light and phone.....	3,500 00
Supplies.....	4,500 00
Insurance.....	25,000 00
Maintenance.....	24,000 00
Miscellaneous.....	2,000 00
<b>Total</b> .....	<b>\$91,000 00</b>

As contrasted with the estimated cost of private ownership and management of \$215,000 per year for the period January 1, 1937, to March 7, 1948, or the actual average annual cost of \$273,988 from May 21, 1927, to December 31, 1936, it is apparent that the operating costs of Carquinez Bridge would be considerably less under public ownership and operation than under the present private ownership and management.

**B. UNDER PUBLIC OWNERSHIP AND OPERATION OF CARQUINEZ BRIDGE THE TRAVELING PUBLIC WOULD BE SAVED THE COST OF SEVERAL TAXES.**

The American Toll Bridge Company, the successor to the Rodeo Vallejo Ferry Company and the present holder of the Carquinez Bridge franchise, pays the following taxes:

1. Franchise tax to the State of Delaware, which in 1936 was ----- \$150 00
2. Franchise tax to the State of California, which in 1936 was ----- 16,584 00
3. Federal capital stock tax, which from June 30, 1936, to July 1, 1937, was----- 4,080 00
4. Federal income tax, which in 1936 was----- 67,241 00
5. Contra Costa and Solano County ad valorem tax--- 76,000 00
6. Bridge license tax----- 1,200 00
7. The franchise granted by Ordinance No. 171 of the board of supervisors of Contra Costa County required the payment of 2 per cent of the gross receipts derived from the use and operation of said bridge shall also be paid to the county of Contra Costa for the benefit of the counties of Contra Costa and Solano. The legality of this 2 per cent charge is before the Supreme Court in the case of *County of Contra Costa vs. American Toll Bridge Company*, S. F. No. 1534.

Under State ownership and operation, the California Toll Bridge Authority nor the public would have to pay (1) the franchise tax to the State of Delaware; (2) the franchise tax to the State of California; (3) the Federal capital stock tax; or (4) Federal income taxes.

As to (5) Contra Costa and Solano County advalorem taxes; (6) Bridge license tax of \$1,200 per year and (7) the 2 per cent of the gross receipts charge imposed by the franchise itself, a different matter is presented.

Section 9 of the California Toll Bridge Authority Act, Chapter 763, Statutes of 1929, as amended by Chapter 401, Statutes of 1931, relative to the purchase by agreement or condemnation of an existing toll bridge, reads that the property so acquired by the State "shall continue to be subject to taxation by the county and the State shall pay to the county granting the franchise for said bridge such amounts as may become due to such county for the franchise for the construction of such toll bridge."

On page 46 of the Report of 1929 above referred to, it is stated that "this interpreted to mean that the State will have to pay the existing franchise taxes until the term of the franchise expires but unless other laws of the State cover the matter, the payment of property tax might continue indefinitely."

Despite this interpretation by the Division of Highways, both in the 1929 report and in the present proposed report in answer to said Senate Concurrent Resolution No. 3, the Division of Highways include in its estimate of operating expenses under public ownership and operation, some \$76,000 for property or ad valorem tax.

Not content with this treatment of the matter, I requested the opinion of the Legislative Counsel of the State of California as to whether or not under Article XIII, section 1 of the Constitution of the State of California providing that property belonging to the State shall be exempt from taxation and under Article XI, section 12, providing that the Legislature shall not have power to impose a tax on a county for county purposes, the above quoted provisions of section 9 of the California Toll Bridge Authority Act were constitutional.

The Legislative Counsel has rendered me two opinions thereto attached as Exhibits B and C, to the effect: (1) that the provision of said section 9 which provides that in the event the State or any agency thereof acquires any existing toll bridge that it shall continue to subject to taxation by the county is absolutely unconstitutional and void; (2) that the provision of said section 9 which provides in the event of State acquisition of an existing toll bridge the State shall pay to the county granting the franchise for said bridge such amounts as may become due to such county for the franchise is of questionable validity and would probably be held to be unconstitutional—but the question is still open and to be decided.

In view of these opinions it is believed that there would be no question that the State would not have to pay any property or ad valorem tax on Carquinez Bridge in the event of its acquisition—and that it might not have to pay the bridge license tax of \$1,200 per year or the 2 per cent gross revenue charge imposed by the franchise itself.

**C. THE CALIFORNIA TOLL BRIDGE AUTHORITY COULD BORROW ON REVENUE BONDS AT A LOWER INTEREST RATE THAN THE AMERICAN TOLL BRIDGE COMPANY, BORROWED ON ITS FIRST MORTGAGE BONDS.**

In 1935 the American Toll Bridge Company floated a \$4,300,000 bond issue bearing  $5\frac{1}{2}$  per cent interest rate to reimburse its then outstanding bonds. The company sold the bonds to underwriters at  $96\frac{1}{2}$  per cent of their face value or for \$4,149,500. In other words, it cost the company a bonus of \$150,500 to sell \$4,300,000 face value of  $5\frac{1}{2}$  per cent bonds. These bonds are subject to income tax but the company agrees, so far as legal, to reimburse the holder of any bond for any normal income tax not exceeding in the aggregate any year 2 per cent of the interest derived by such holder from the bond in question.

The California Toll Bridge Authority in conjunction with the Department of Public Works is authorized to issue revenue bonds to acquire an existing toll bridge. In the case of the San Francisco-Oakland Bay Bridge these revenue bonds have been decided to be not taxable for income tax purposes by the Federal or State Government.



In view of the fact that these bonds are not taxable for income tax purposes and in view of the history of traffic over the Carquinez Bridge since its opening, it is believed that no difficulty would be encountered in borrowing at  $3\frac{1}{2}$  per cent. sufficient moneys to purchase or condemn the Carquinez Bridge at a fair price or to erect a competing bridge if it be decided that the California Toll Bridge Authority has that power.

It is true that the present proposed report of the Division of Highways states "in our judgment revenue bonds can be sold bearing a 4 per cent rate of interest, but we have no assurance that they can be sold at a lower rate of interest." However, a study of "The Bond Buyers Annual List of Important Municipal Bond Offerings by Dealers in 1936" reveals a list of revenue bond issues of recent dates that indicates that it would be possible to market revenue bonds bearing a  $3\frac{1}{2}$  per cent interest rate.

1. In California the city of Los Angeles in December, 1935, sold its first issue of \$22,799,000 revenue bonds. These bonds are known as "Electric Plant Revenue Bonds, Refunding Issue, 1935." They mature serially from December 1, 1939, to 1975, inclusive, and bear interest at the rate of 4 per cent per annum, payable semiannually. The sale price by the city was par plus a premium of \$279,990.

2. The city of Los Angeles in January of 1937 sold a second issue of revenue bonds known as "Electric Plant Revenue Bonds, Issue of 1937." These bonds consisted of \$23,500,000 Series A,  $3\frac{1}{2}$  per cent bonds due serially January 15, 1938 to 1977, inclusive, and \$23,500,000 Series B,  $3\frac{1}{2}$  per cent bonds, due January 15, 1977, subject to redemption requirements. The sale price by the city was par plus a premium of \$141,000.

3. The Port of New York Authority on May 15, 1936, sold an issue of \$17,500,000 revenue bonds bearing  $3\frac{1}{2}$  per cent interest maturing from 1941-1976.

4. The Port of New York Authority on December 15, 1936, sold an issue of \$10,000,000 revenue bonds bearing 3 per cent interest maturing from 1941-1976. Both of these last two issues were sold at par plus a premium.

5. Fort Collins, Colorado, on August 1, 1936, sold an issue of \$745,000 electric light and power revenue bond maturing from 1937-1951. These bonds bear 3 per cent and  $3\frac{1}{4}$  per cent interest.

6. Louisville, Kentucky, on September 16, 1936, sold an issue of \$4,400,000 toll bridge revenue bonds maturing in 1955 and bearing 3 per cent interest.

7. St. Charles County, Missouri, on July 14, 1936, sold an issue of \$2,332,000 toll bridge revenue bonds maturing in 1956 and bearing  $3\frac{3}{4}$  per cent interest.

8. Lake Champlain Bridge Commission on February 17, 1936, sold an issue of \$500,000 toll bridge revenue bonds maturing in 1961 and bearing 3½ per cent interest.

9. Lake Champlain Bridge Commission on June 10, 1936, sold an issue of \$925,000 toll bridge revenue bonds maturing in 1966 and bearing 3½ per cent interest.

In short, the State could borrow money to finance the purchase of the Carquinez Bridge, either by agreement or *amalgamation*, on revenue bonds at 1½ per cent per year less interest if the Division of Highways is correct in believing that 4 per cent is the lowest interest rate at which the revenue bonds could be sold or at 2 per cent per year less interest if my belief, based upon the foregoing sales, is correct.

Furthermore, the State would not have to reimburse any bondholder to the extent of 2 per cent of the interest derived by such bondholder from bonds held by him for any normal income tax paid by such bondholder because the revenue bonds of the California Toll Bridge Authority are not subject to tax.

Furthermore, no bonus or other payment would have to be made by the State to the underwriters. On the contrary, there is every reason to expect in view of the sales by public bodies of revenue bonds above listed that the States would receive a premium.

The extra interest, reimbursement of 2 per cent of normal income tax paid by bondholders and bonuses instead of premiums are important because in the final analysis they are all paid by the traveling public.

#### IV. The Value of Carquinez Bridge.

In October of 1929, the Division of Highways estimated that the then fair purchase price of Carquinez Bridge was \$10,288,840. In its present proposed report, the Division of Highways estimates its value as of October 1, 1937, at \$7,556,800 and as of July 1, 1938, at \$7,225,700.

These valuations were not in anywise predicated upon the actual cost of the bridge. Nor were they in anywise predicated upon the cost of replacement or upon the cost of the construction of a new bridge.

These three valuations of the Division of Highways were each predicated upon the capitalization of estimated future earnings. In other words, the Division of Highways estimated in 1929 and again in 1937 what the future traffic earnings of the Carquinez Bridge would be until the termination of the franchise—i.e., March 7, 1948—it deducted the estimated operating expenses for the same period to determine the total net earnings and then determined what sum capitalized at 8 per cent would produce the total amount of net earnings and the result was the valuations set.

In 1929 in its "Report on Investigation of Carquinez Toll Bridge" at page 30, it estimated the gross revenue of Carquinez Bridge for the years 1932 to 1936, inclusive, as follows:

1932	-----	\$1,022,887 00
1933	-----	1,233,000 00
1934	-----	1,272,400 00
1935	-----	1,310,200 00
1936	-----	1,345,600 00
Total	-----	\$6,184,087 00

These estimates of their future gross revenue were for the purpose of determining the "fair purchase price of Carquinez Bridge" and these estimates actually entered into the computations which gave the price of \$10,288,840.

The actual gross revenue for these years follows:

1932	-----	\$ 975,910 00
1933	-----	917,118 00
1934	-----	959,229 00
1935	-----	1,057,721 00
1936	-----	1,306,190 00
Total	-----	\$5,216,168 00

or \$967,919 less than estimated.

This means that in 1929 the Division of Highways overestimated the succeeding five years gross receipts of the Carquinez Bridge by approximately \$200,000 per year. This overestimate was necessarily reflected in the "fair purchase price" of \$10,288,840.

Whether or not a similar error is involved in its present valuations of \$7,556,800 as of October 1, 1937, and of \$7,225,700 as of July 1, 1938, only time can tell.

The vice with this entire method of computation is that it proceeds on the theory that the public can do nothing before the termination of the franchise to protect itself against the excessive exorbitant tolls charged on the Carquinez Bridge. It proceeds upon the theory that the public will supinely allow itself to be mulcted of over \$26,000,000 in tolls for the privilege of passing over a bridge that cost \$7,000,000 and could be replaced for less than \$6,000,000.

If, for example, the present State Legislature should pass and the Governor sign a bill placing privately owned toll bridges under the Railroad Commission and the Railroad Commission should then lower the rates on the Carquinez Bridge, the estimate of the Division of Highways as to future gross earnings would be valueless and its valuations of \$7,556,800 as of October 1, 1937, and of \$7,225,700 as of July 1, 1938, would have no basis whatsoever.

Likewise the board of supervisors of Contra Costa County might act to lower the tolls even though the Railroad Commission is not empowered to act by the State Legislature.

In short, the three valuations of the Division of Highways proceed upon the assumption that the present schedule of excessive tolls shall continue unchanged during the life of the franchise, and this assumption is one that may not be sound if the public awakes to its powers in the matter.

**V. Effect of Amortization of Value Fixed by Department of Public Works Coupled with State Ownership and Operation of Carquinez Bridge.**

Even if the California Toll Bridge Authority purchased the Carquinez Bridge at the values fixed by Division of Highways of \$7,500,000 as of October 1, 1937, or of \$7,225,000 as of July 1, 1938, a substantial reduction of tolls could be effectuated.

In its present proposed report the Division of Highways states "If the bridge is purchased as of the dates specified and is financed by revenue bonds bearing 4 per cent interest, amortized during the remaining life of the franchise, the following toll rates will be sufficient to return the investment:

Date of purchase October 1, 1937, average toll .68

Date of purchase July 1, 1938, average toll .67.

These average tolls of 67 cents and 68 cents as contrasted with the present average toll of 89 cents actually collected on the Carquinez Bridge reveals that under State ownership and operation a decided cutting of the tolls could be made even if the Carquinez Bridge were purchased at the valuations of the Division of Highways. But they do not clearly and adequately reveal all of the possibility of cutting the tolls because in its arrival at these tolls the Division of Highways assumes a number of conditions that need not be the conditions at all.

*First*, it assumes that the revenue bonds "will be amortized during the remaining life of the franchise"—i.e., that the revenue bonds to be issued by the California Toll Bridge Authority will all be returned by March 7, 1948.

*Second*, it assumes that the rate of interest on said revenue bonds will be 4 per cent, whereas we have seen there is at least some basis to believe that they can be sold at  $3\frac{1}{2}$  per cent or less.

*Third*, that the California Toll Bridge Authority would have to pay the property or ad valorem tax upon the Carquinez Bridge until March 7, 1948, whereas we have seen that no such requirement can be constitutionally placed upon the Toll Bridge Authority.

*Fourth*, that the California Toll Bridge Authority would have to pay the Franchise License Tax of \$1,200 per year and the 2 per cent gross receipts charge imposed by the franchise itself until March 7, 1948, whereas we have seen that this is extremely doubtful.

*Fifth*, that the operation and maintenance charges of some \$97,000 per year could not be paid out of the gas tax money as is the case with the San Francisco-Oakland Bay Bridge.



*Sixth*, that the reduction in tolls will not result in an increased traffic.

These six assumptions are all included in the computation of the 67 cents and 68 cents average toll determined by the Division of Highways. Let us examine the result under other assumed conditions:

At the meeting of the California Toll Bridge Authority held on March 5, 1937, I requested the Department of Public Works to prepare amortization tables showing tolls required to operate the Carquinez Bridge on the basis of amortization of the valuations placed by the Division of Highways in 20 years instead of by March 7, 1948, and also on the basis of 3 per cent,  $3\frac{1}{2}$  per cent and 4 per cent interest.

In other words, I requested the computation made on the basis of a change in but the first two conditions of the six assumed by the Division of Highways, it arriving at the 67 cents and 68 cents toll.

Attached hereto and marked "Exhibit D", is the computations made by the Department of Public Works in answer to my request.

It shows that on the purchase price of \$7,556,800 (October 1, 1937) the average tolls collected under those conditions would be as follows:

45-6 10 cents to 1948 and 37-8 10 cents thereafter if a 4 per cent interest;

43 $\frac{1}{2}$  cents to 1948 and 37 cents thereafter if a  $3\frac{1}{2}$  per cent interest;

41-4 10 cents to 1948 and 36-3 10 cents thereafter if a 3 per cent interest.

This, according to the Department of Public Works, means as an average toll for the entire 20 years of:

41-7 10 cents if the interest on the bonds is 4 per cent;

40-3 10 cents if the interest on the bonds is  $3\frac{1}{2}$  per cent;

38-9 10 cents if the interest on the bonds is 3 per cent.

It further shows that on the purchase price of \$7,225,700 (July 1, 1938) the average tolls collected under these conditions would be as follows:

45 cents to 1948 and 35-1 10 cents thereafter if a 4 per cent interest;

43-1 10 cents to 1948 and 34 $\frac{1}{2}$  cents thereafter if a  $3\frac{1}{2}$  per cent interest;

41-1 10 cents to 1948 and 33-8 10 cents thereafter if a 3 per cent interest.

This, according to the Department of Public Works means an average toll for the entire 20 years of

40-1/10 cents if the interest on the bonds is 4 per cent;

38-8 10 cents if the interest on the bonds is  $3\frac{1}{2}$  per cent;

37 $\frac{1}{2}$  cents if the interest on the bonds is 3 per cent.

Contrast these average tolls with the actual average toll of 89 cents now charged on the Carquinez Bridge under private ownership and management. On a 20-year amortization these computations of the Department of Public Works demonstrate that the present tolls could be reduced by more than half under public ownership and operation.

If it is to be remembered that these computations of the Department

of Public Works proceeded upon the assumptions that under public ownership and operation the State would have to pay the ad valorem tax, the franchise license tax of \$1,200 per year and the 2 per cent gross receipts charge.

It was likewise assumed that the operation and maintenance charges would not be paid out of the gas tax fund, and no allowance was made for increased traffic resulting from the reduction in tolls.

At my request, the Deputy State Treasurer, Mr. A. Q. Robison, made a series of computations and tabulations which are hereto attached and marked "Exhibit E."

The result of these tabulations are detailed as follows (I quote from Mr. Robison's letter of transmittal):

"We have worked out several different tolls, with and without a charge for passengers, and have used the annual totals of such tolls as revenue available for the payment of bonds. For your convenience, in referring to the listings we have identified the different methods by number:

**No. 1.** Based on 1936 traffic, tolls of 35 cents for automobiles, buses, and other vehicles and 75 cents for trucks, less 2 per cent county tax, (no charge for passengers) would bring in an annual income of \$554,758.99, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800, in full by 1950, with interest at the rate of 3½ per cent per annum, or pay such indebtedness in full by 1958 using a 4 per cent interest rate.

**No. 2.** Based on 1936 traffic, tolls of 35 cents for automobiles, buses, and other vehicles and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual income of \$759,658.74, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1950 with interest at the rate of 3½ per cent or 4 per cent per annum.

**No. 3.** Based on 1936 traffic, *plus a 33½ per cent increase in such traffic*, tolls of 35 cents for automobiles, buses, and other vehicles and 75 cents for trucks, less 2 per cent county tax, (no charge for passengers) would bring in an annual income of \$739,679.01, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1950, with interest at the rate of 3½ per cent per annum, or pay such indebtedness in full by 1951 using a 4 per cent interest rate.

**No. 4.** Based on 1936 traffic, *plus a 33½ per cent increase in such traffic*, tolls of 35 cents for automobiles, buses and other vehicles and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$1,012,878.66, which, according to the attached schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1946 with interest at the rate of 3½ per cent per annum, or pay such indebtedness in full by 1947 using a 4 per cent interest rate.

**No. 5.** Based on 1936 traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks and 50 cents for buses,

less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$636,881.55, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$7,556,800 in full by 1953 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full in 1954 using a 4 per cent interest rate.

**No. 6.** Based on 1936 traffic, plus a  $33\frac{1}{3}$  per cent increase in such traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks and 50 cents for buses, less 2 per cent county tax, (*no charge for passengers*) would bring in an annual income of \$575,976.13, which, according to the attached amortization schedules would be sufficient to pay a bonded indebtedness of \$7,556,800 in full by 1955 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1956 using a 4 per cent interest rate.

**No. 7.** Based on 1936 traffic, plus a  $33\frac{1}{3}$  per cent increase in such traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks, and 50 cents for buses, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$849,854.79, which, according to the attached amortization schedules would be sufficient to pay a bonded indebtedness of \$7,556,800, in full by 1948 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full in 1949 using a 4 per cent interest rate.

**No. 8.** Shows the amount of principal and interest necessary to pay off indebtedness of \$7,556,800 in 20 years using a  $3\frac{1}{2}$  per cent interest rate and a 4 per cent interest rate, respectively.

**No. 9.** Shows the amount of principal and interest necessary to pay off indebtedness of \$7,225,700 in 20 years using a  $3\frac{1}{2}$  per cent interest rate and a 4 per cent interest rate, respectively.

We are presuming, in furnishing you this data, that the entire expense of maintaining and operating the bridge would be paid by the Division of Highways out of the gas tax moneys. The only charge against the revenue would possibly be premiums on insurance covering the structure.

There is also some question as to whether or not the county tax of 2 per cent should be deducted after 1948; however, you are much more familiar with those problems than we are and, no doubt, have already taken such questions into consideration."

It is to be noted that Mr. Robison assumes the operation and maintenance cost of \$91,000 per year is to be born out of the gas tax money as is the case with the San Francisco-Oakland Bay Bridge. But it is also to be noted that Mr. Robison does not include as toll income any charge whatsoever for freight hauled in the trucks crossing the Carquinez Bridge. At the present time, 30 cents per ton is collected upon freight. I have been unable to secure any detail as to the amount realized from this business. The present tolls upon trucks and freight are as follows:



Trucks under 3,000 lbs.	\$0 60
Trucks from 3,000 to 6,000 lbs.	80
Trucks from 6,000 to 9,000 lbs.	1 00
Trucks over 9,000 lbs.	1 30
Two wheel trailers (each)	25
Four wheel trailers (each)	50
all plus 30 cents per ton of freight.	

As the average toll in 1936 per truck and freight was \$1.63, and there were 131,531 such trucks it is believed that the income from the freight business, which Mr. Robison omitted in his calculations, would produce a substantial part, if at all, of the \$91,000 cost of operation and maintenance.

Especial attention is called to the result of the sixth method used by Mr. Robison. Assuming a 33 1/3 per cent increase in traffic due to decrease in tolls of over 50 per cent of those now charged, Mr. Robison computes that with a toll of 25 cents for automobiles (without charge for driver or passenger), 75 cents for trucks and 50 cents for buses, a bonded indebtedness of \$7,556,800 (the October 1, 1937, valuation of the Division of Highways) could be paid in full by 1956 using a 4 per cent interest rate.

An examination of these various computations demonstrates that even if the California Toll Bridge Authority acquired the Carquinez Bridge at the valuations of the Division of Highways with public ownership and operation the toll rates upon the Carquinez Bridge could be reduced by more than one-half. The rate upon the casual passenger automobile could be reduced from the present rate of 60 cents plus 10 cents for each passenger, including driver to 25 cents for the automobile and all passengers.

#### **VI. Effect of Amortization of the Acquisition of Carquinez Bridge at the Cost of Erecting a New Bridge Coupled with State Ownership and Operation.**

The discussion under the heading of subdivision V entitled "Effect of Amortization of Value Fixed by Department of Public Works Coupled with State Ownership and Operation of Carquinez Bridge" proceed upon the assumption that Carquinez Bridge was purchased by the California Toll Bridge Authority for \$7,556,600 as of October 1, 1937, or for \$7,225,000.

However, it must be remembered that the valuations of \$7,556,600 and of \$7,225,000 is based entirely upon the estimates of the Division of Highways of the future earnings and operating expenses of the Carquinez Bridge and upon the assumption that the public will be unable to secure a reduction in the excessive tolls now charged.

Therefore, in considering the question of the feasibility of the purchase of Carquinez Bridge, by agreement or negotiation, it is necessary to consider the possibilities of other values being placed upon the bridge.



As has already been stated, the Division of Highways has estimated that the cost of a new bridge would be approximately \$5,800,000. Allowing an extra \$200,000 for contingencies, a value of \$6,000,000 would thus be obtained.

Upon that value, Deputy State Treasurer Robison has tabulated the amortization at  $3\frac{1}{2}$  per cent and 4 per cent interest rates. His results are attached hereto as "Exhibit F".

He summarizes them as follows:

"This is in response to your request for tables as to how revenue from a 15 cent passenger car toll rate on the Carquinez Bridge would service bonds totaling \$6,000,000, based on interest rates of  $3\frac{1}{2}$  per cent and 4 per cent, respectively.

The attached tabulations show revenue at such rates, and the application of such revenue towards retirement of a bonded indebtedness of \$6,000,000 based on the two interest rates in accordance with your request. We believe the schedules and tabulations are self-explanatory.

We have continued the numbers of the schedules from the numbers of the schedules set out in our letter to you of March 15, 1937, covering other toll rates, and are referring to the methods of calculation by number for your convenience.

**No. 10.** Based on 1936 traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for buses, and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual income of \$509,242.03, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$6,000,000 in full by 1953 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1954 using a 4 per cent interest rate.

**No. 11.** Based on 1936 traffic, plus a  $33\frac{1}{3}$  per cent increase in such traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for buses, and 75 cents for trucks, less 2 per cent county tax (*no charge for passengers*) would bring in an annual income of \$405,790.17, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$6,000,000 in full by 1959 with interest at the rate of  $3\frac{1}{2}$  per cent per annum or pay such indebtedness in full by 1960 using a 4 per cent interest rate.

**No. 12.** Based on 1936 annual traffic, plus a  $33\frac{1}{3}$  per cent increase in such traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for buses, and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$679,668.83, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$6,000,000 in full by 1948 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1949 using a 4 per cent interest rate.

We wish to call your attention to the fact that no freight figures are available to be used in figuring revenue on truck tonnage, so we have merely used a flat rate of 75 cents for each truck. We

understand that the revenue from freight tonnage would increase the revenue figures materially.

We also wish to comment, that with such low toll rates, your estimate of a mere 331 per cent traffic increase is very conservative, and, we believe, greatly underestimated.

We presume, as we did in our letter of March 15, 1937, that the entire expense of maintenance and operation will be paid out of the gas tax moneys. We also deducted the county tax of 2 per cent in accordance with your suggestion."

From these tabulations it is apparent that if the Carquinez Bridge were purchased at the cost of the erection of a new bridge—i. e., at its replacement value, that tolls of 15 cents per passenger automobile could be immediately established.

## VII. Effect of Reduction of Tolls in Regard to Increasing Traffic.

It is a universally accepted principle of traffic that the volume of traffic is affected by the tolls charged upon such traffic. A lowering of the tolls will increase the traffic. A raising of the tolls will decrease the traffic. Three interesting examples of this principle is found in the history of San Francisco transbay traffic:

A. A striking example of the effect of a toll reduction is found in the case of the Oakland Pier Ferry. In 1923 and prior thereto, the Oakland Pier Ferry charged \$1.05 to transport a casual automobile, and 8 cents per passenger. In December of 1923 this rate was reduced to 60 cents per automobile and 5 cents per passenger. In 1925, 1,558,536 vehicles used this service. In 1926, 2,707,066 vehicles used the same service, or an increase of over 80 per cent.

B. Another interesting Bay experience is found in the change of rates on the Golden Gate Ferry Company's San Francisco-Sausalito ferry. Prior to May 1, 1925, the rate on passenger cars was \$1. On the first of May, 1925, the rate was reduced to 65 cents, and again on May 1, 1926, it was reduced from 65 cents to 60 cents. According to the reports on file in the Railroad Commission, from the first of May, 1924, until the thirtieth of April, 1925, the Golden Gate Ferry Company on its Sausalito-San Francisco ferry carried 515,563 vehicles at the rate of \$1. From May 1, 1925, to April 30, 1926, 705,308 vehicles were carried at the 65 cent fare, or an increase of 36.7 per cent. From May 1, 1926, until April 30, 1927, 840,887 vehicles were carried at the still further reduced rate of 60 cents per vehicle, or an increase in traffic of almost 20 per cent.

C. In 1918, 35,088,000 passengers were carried on the East Bay ferries when the population of San Francisco and Alameda counties was 809,000, or a per capita travel of 43.4 per cent. In 1933, but 24,816,000 passengers were carried on the East Bay passenger ferries, while the population of San Francisco and Alameda counties has grown to 1,165,000. The per capita travel had decreased to 21.1 per cent.

or a shrinkage of more than half. In other words, there was less than half as many people per 1000 of population in the East Bay and San Francisco traveling on the East Bay passenger ferries in 1933 than there were in 1918.

This decrease is largely explained by the fact of a raise in rates from 10 cents to 21 cents and in commute rates from \$3 to \$6.50.

In view of these actual experiences in the nearby Bay Region it is believed that Mr. Robison's assumption of a 33 $\frac{1}{3}$  per cent increase of traffic over Carquinez Bridge by lowering the rates on the casual passenger automobile from 60 cents per automobile plus 10 cents per passenger to 25 cents per automobile with no charge for passengers is most conservative. Personally, it is my opinion that such a reduction would increase traffic considerably more than one-third.

This view is strengthened by a study of the traffic history of Carquinez Bridge and a consideration of the annual statistics of population, motor vehicle registration and gasoline consumption in the counties affording the greatest proportion of traffic to the Carquinez Bridge.

In 1928, there were 1,083,156 automobiles that crossed Carquinez Bridge. In 1936, there were 1,283,951 automobiles that crossed on an increase of 200,795 cars or 18 per cent.

In 1928, there were 44,432 trucks that crossed.

In 1936, there were 131,531 trucks that crossed, an increase of almost 300 per cent.

In 1928, there were 16,777 buses that crossed.

In 1936, there were 33,077 buses that crossed, an increase over 100 per cent.

What explanation can be given for the slight increase in eight years of but 18 per cent in automobile traffic over Carquinez Bridge when at the same time truck traffic increased 300 per cent and bus traffic 100 per cent?

The question becomes even more pointed when consideration is given to the statistics of population, motor registration and gasoline consumption of the 24 northern counties most vitally affected by Carquinez Bridge. Attached hereto and marked "Exhibit G" is a report upon these matters furnished me by the Legislative Counsel.

From 1928 to 1936 the population of these counties has increased from 1,544,079 to 1,883,758 or an increase of 339,679 persons.

In the same period, total number of motor vehicles registered in those counties has increased from 456,477 in 1928 to 586,491 in 1936 or an increase of 130,014 vehicles.

In the same period, gasoline consumption on those counties has increased from 237,701,644 gallons in 1928 to 345,750,401 gallons in 1936 or an increase of 118,048,757 gallons.



The failure of the passenger automobile traffic across Carquinez Bridge to keep pace with the truck and bus traffic across the same bridge and with population, motor vehicle registration and gasoline consumption can only be explained by the excessive tolls charged. When it costs a man in tolls practically as much to drive a machine from Sacramento to San Francisco and return as it does for a round trip ticket on the railroad or electric train, automobile traffic will be discouraged and hampered with a consequent hampering of the growth of the communities serviced by the bridge.

### VIII. Conclusions.

From the facts submitted, it is readily apparent that a drastic lowering of the tolls across the Carquinez Bridge is both desirable and feasible. Such a reduction is essential to the full development of not only the Sacramento Valley, but likewise of Solano, Napa and Lake counties. It is also of vital importance to the business and industrial development of the metropolitan bay area.

The reduction in tolls can be accomplished through the purchase by agreement or condemnation of the Carquinez Bridge by the California Toll Bridge Authority, even at the excessive valuations set by the Division of Highways of the State Department of Public Works.

There need be and should be no waste of public funds, however, in the purchase of the bridge. To pay \$7,250,000 or \$7,500,000 for a bridge some nine years old, which cost only \$7,000,000 to erect—and which could be duplicated today for less than \$6,000,000—would be utterly without justification.

If the California Toll Bridge Authority is alive to its public responsibility, it can force a sale of the Carquinez Bridge to the State at a price which is fair to both the public and the franchise holder, or it can erect a new bridge across Carquinez Straits to be owned and operated by the public in the public interest.

It should be borne in mind that the Carquinez Bridge cost approximately \$7,500,000, including all construction costs and \$500,000 for promotional expense. It should likewise be borne in mind that at the end of last year the operators of the bridge had collected from the public, in tolls, \$10,269,729, and that even with the deduction of all operating expenses, the bridge already has more than paid for itself.

To permit the bridge operators to continue to charge the present excessive tolls until the expiration of their franchise in March, 1948, would mean that \$15,776,100 additional would be collected from the toll-paying public—of which more than \$13,000,000 would be net profit to the bridge company.



In other words, the public under these conditions, would be required to pay for the bridge three times over!

It should be noted that the Carquinez Bridge, although privately-owned, is entirely dependent on publicly-owned, publicly-supported highways for its traffic. And apart from every other consideration, neither the State Department of Public Works nor the Toll Bridge Authority could possibly countenance the use of state-owned highways by a private corporation to exact such extortionate profits from the motoring public.

In the public interest, solution of the Carquinez Bridge problem is an urgent and immediate necessity.

#### **Addendum.**

Since the foregoing report was written, and on March 29, 1937, the Director of Public Works addressed a letter to the California Toll Bridge Authority indicating the possibility of the lowering of the tolls on the casual passenger automobile over Carquinez Bridge to 15 cents through the public ownership and operation.

This letter places a present value upon the Carquinez Bridge of \$6,200,000 based upon the present market price of the stock of the American Toll Bridge Company and the call price of its outstanding bonds.

The letter further recognizes the probabilities of the issuance of revenue bonds bearing a  $3\frac{1}{2}$  per cent interest rate and likewise recognizes that the costs of operation and maintenance should be paid out of gas tax funds. It likewise recognizes that the reductions of tolls to 15 cents per passenger automobile would result in an immediate increase of traffic which it estimates would be 15 per cent.

Upon the reading of this letter, upon my motion, the California Toll Bridge Authority unanimously passed a resolution authorizing and directing the Director of Public Works, Mr. Earl Lee Kelly, to enter into negotiations with the American Toll Bridge Company for the purchase of Carquinez Bridge.

As has been stated in this report, the Department of Public Works by the precise language of the California Toll Bridge Authority Act is charged with the responsibility of initiating any action for the acquisition of a privately owned toll bridge. The department is manned with engineers and a technical staff thoroughly qualified to advise the director as to any matters concerned with the acquisition of the bridge or to furnish him with any needed information. Thus the responsibility for immediate action is now definitely and squarely placed upon the Department of Public Works.

I have no reason to doubt that the Director of Public Works and his department will proceed at once in good faith to solve the evil of the excessive tolls upon Carquinez Bridge. They have the authority—they have the ability to do the job.

I therefore look forward to the acquisition by the public of Carquinez Bridge in the immediate future, resulting in a drastic reduction in tolls.

Respectfully submitted.

GEORGE J. HATFIELD,

Lieutenant Governor.

**Exhibit A.**

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS,

SACRAMENTO, March 27, 1937

*Honorable George J. Hatfield, Lieutenant Governor,*

*State Capitol Building, Sacramento, California.*

DEAR GOVERNOR HATFIELD: The attached are income figures for each year of operation of the Carquinez Bridge which you requested from Mr. Mitchell.

These figures have been summarized, together with similar figures for the Antioch Bridge, to show a complete statement for both the bridges operated jointly by the American Toll Bridge Company. The data has been taken from the Toll Bridge Company's records, and has been checked over as closely as possible in the limited time available. In order to obtain strictly accurate data, a complete audit requiring several weeks time and considerable expense would be required, and it is not believed the results of such an audit would materially modify any deduction which might be made from the data already obtained.

Very truly yours,

C. H. PURCELL, State Highway Engineer.

By G. T. McCox, Asst. State Highway Engineer.

**SUMMARY OF OPERATIONS, AMERICAN TOLL BRIDGE COMPANY  
TO DECEMBER 31, 1936.**

Item	Carquinez Bridge, May 21, 1927, to December 31, 1936	Antioch Bridge, January 1, 1927, to December 31, 1936	Total
Gross revenue from tolls and proportionate share of other company income .....	\$10,365,962 00		
Operating expense, maintenance, insurance and taxes .....	2,633,307 00		
Balance available for bond interest, amortization and dividends or reinvestment .....	\$7,732,655 00	\$731,436 00	\$8,464,091 00
Bond interest .....	3,043,611 00	760,163 00	3,803,774 00
Balance after bond interest .....	\$4,689,044 00	\$28,727 00	\$4,660,317 00
Book reserve for amortization of property and bond discount and expense .....	2,995,034 00	696,803 00	3,691,837 00
Balance available for dividends or reinvestment .....	\$1,694,010 00	\$725,530 00	\$969,480 00

<sup>1</sup> Deficit.

<sup>2</sup> Complete figures for the Antioch Bridge January 1 to December 31, 1926, not available at this time. These should increase the balance available for bond interest and amortization by approximately \$50,000 and decrease the balance after bond interest by about \$50,000.

Out of the total of approximately \$4,600,000 which would then remain after bond interest, the company is known at this time to have done the following:

Retired \$2,500,000 face value of 7 per cent 1st M. and 8 per cent 2d M. bonds by May 31, 1935.

Retired \$350,000 of 5 per cent bonds August 1, 1936.

Used about \$955,500 to complete the construction of the two bridges.

Invested \$193,000 in the Martinez-Benicia Ferry and other miscellaneous property.

Paid a dividend of 8 per cent on the \$1 par value of 3,719,593 shares of stock amounting to \$297,567.

Book value of the bridges	Carquinez Bridge	Antioch Bridge	Total
July 1, 1928 .....	\$7,311,712 00	\$1,709,077 00	\$9,020,789 00
July 1, 1931 .....	7,869,703 00	1,726,248 00	9,595,951 00
December 31, 1936 .....	7,864,301 00	1,734,477 00	9,598,778 00

Data taken from records (not audited) of the American Toll Bridge Co. and assembled by the Bridge Department, Division of Highways, March 25, 1937.

STEWART MITCHELL.

## CARQUINEZ BRIDGE OPERATING ACCOUNT—MAY 21, 1927, TO DECEMBER 31, 1936.

April 7, 1937]

SENATE JOURNAL

1461

	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Gross revenue from tolls— 81.93 per cent of other county income <sup>1</sup>	\$637,458 00	\$946,570 00	\$1,041,307 00	\$1,143,727 00	\$1,152,297 00	\$975,811 00	\$947,117 00	\$959,229 00	\$1,036,722 00	\$1,504,191 00
	3,210 00	2,754 00	5,687 00	11,122 00	9,262 00	12,684 00	12,175 00	47,134 00	10,849 00	15,617 00
Total revenue	\$641,168 00	\$949,324 00	\$1,046,994 00	\$1,207,459 00	\$1,161,559 00	\$988,595 00	\$959,292 90	\$988,662 00	\$1,070,571 00	\$1,521,808 00
Operation										
Head office expense	\$46,027 00	\$72,618 00	\$79,516 00	\$57,788 00	\$63,721 00	\$50,403 00	\$58,176 00	\$46,784 00	\$64,160 00	\$40,584 00
Toll collection, wages and expense	29,882 00	45,706 00	38,971 00	45,176 00	48,062 00	43,438 00	41,121 00	58,884 00	27,119 00	25,538 00
Light, power, supplies and miscellaneous	4,570 00	9,324 00	5,409 00	6,824 00	7,640 00	6,788 00	5,405 00	5,553 00	7,217 00	11,064 00
Publicity	24,175 00	43,426 00	19,026 00	1,664 00	19,168 00	12,866 00	9,887 00	4,369 00	7,006 00	7,430 00
Total operation	\$104,654 00	\$168,474 00	\$144,912 00	\$128,422 00	\$138,528 00	\$113,529 00	\$114,564 00	\$15,137 00	\$112,732 00	\$85,536 00
Maintenance										
Insurance	\$1,506 00	\$287 00	\$401 00	\$656 00	\$11,854 90	\$14,218 00	\$17,880 00	\$17,662 00	\$27,008 00	\$18,260 00
Ad valorem and franchise taxes	39,196 00	27,236 00	27,136 00	24,417 00	25,251 00	24,351 36	29,000 00	24,351 36	27,000 00	24,172 00
2 per cent tax on gross earnings	14,652 00	80,077 00	76,044 00	73,137 00	73,403 00	73,434 00	82,000 00	64,562 00	82,000 00	76,571 00
100 per cent of Federal income tax	( )	4,794 00	24,626 00	25,000 00	24,003 00	19,400 00	18,840 00	58,800 00	71,100 00	29,125 00
Total operating expense, insurance and taxes	\$168,859 00	\$246,841 00	\$242,872 00	\$240,474 00	\$260,219 00	\$262,292 00	\$240,412 00	\$222,209 00	\$287,206 00	\$292,479 00
Balance available for bond interest, amortization and dividends or reinvestment	\$472,309 00	\$699,843 00	\$804,022 00	\$947,985 00	\$897,340 00	\$723,343 00	\$708,785 90	\$746,967 00	\$749,516 00	\$1,024,213 00
Bond interest <sup>2</sup>	221,858 00	594,562 00	583,446 00	597,238 00	542,002 00	555,000 00	580,000 00	597,400 00	605,314 00	584,854 00
Balance after bond interest	\$250,451 00	\$109,281 00	\$220,576 00	\$350,747 00	\$355,338 00	\$168,343 00	\$128,785 90	\$149,567 00	\$144,202 00	\$439,359 00
Amortization, bridge	\$99,506 00	\$188,536 00	\$207,863 00	\$228,925 00	\$247,281 00	\$263,584 00	\$278,471 00	\$265,022 00	\$310,380 00	\$333,260 00
Amortization, bond discount and expense	30,278 00	60,426 00	59,458 00	57,957 00	54,066 00	51,100 00	46,888 00	42,888 00	60,000 00	79,662 00
Amortization, total	\$129,784 00	\$248,965 00	\$267,321 00	\$286,882 00	\$301,347 00	\$314,684 00	\$325,359 00	\$307,910 00	\$370,380 00	\$412,922 00
Balance available for dividends or reinvestment, Carquinez Bridge (assuming the Antioch Bridge will bear its proportionate share of company expenditures)	\$117,639 00	\$50,016 00	\$133,355 00	\$228,604 00	\$226,310 00	\$168,497 00	\$157,229 00	\$140,255 00	\$140,844 00	\$430,865 00

<sup>1</sup> Federal income tax for 1927 and 1928 can not be ascertained from company records. May be added to sum of such taxes added to 1931 and 1932 figures.<sup>2</sup> The company in its own records has allocated the reserve for amortization to the two bridges in 1928, except for the years 1927 and 1928. The amortization for these two years have been revised to conform approximately to the other years 2.26 in our revision to make the total amortization figure agree with the balance sheet as of December 31, 1936.<sup>3</sup> Bond interest, discount and expense allocated for the company, 80 7/10 per cent to the Antioch Bridge and 19 3/10 per cent to the Carquinez Bridge.<sup>4</sup> Other income is here divided between the two bridges in proportion to book value of bridge as of December 31, 1936. Representative stock interest received miscellaneous income.<sup>5</sup> Excessive amount of bond office expense for 1935 due to extra legal costs and settlement of suit.



**Exhibit B.**

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,

SACRAMENTO, CALIFORNIA, March 10, 1937

*Honorable George J. Hatfield, Lieutenant Governor of California,**State Capitol, Sacramento, California.***Subject: Right to Tax State-owned Property.****Request: 6764.****DEAR GOVERNOR HATFIELD:****QUESTION.**

We have been asked to discuss the meaning and constitutionality of the last sentence of section 9 of the California Toll Bridge Authority Act (D. A. 956, as amended 1935:228:890). Leaving the discussion of the remainder of that sentence to a separate opinion, we shall discuss here that part of the sentence which reads as follows:

"When the State or any department or governmental agency thereof acquires any existing toll bridge or the real or personal property used in connection therewith, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located \* \* \*."

**OPINION.**

It is our opinion that this portion of the sentence purports to require the State to pay local ad valorem property taxes on the toll bridge which it acquires, and that this requirement is unconstitutional.

**ANALYSIS.****I.**

Article XIII, section 1, of our Constitution provides as follows:

"\* \* \* property \* \* \* such as may belong to \* \* \* this State \* \* \* shall be exempt from taxation \* \* \* ."

This is a provision of a statutory character and is self-executing. "These are in fact but laws made directly by the people instead of by the Legislature and they are to be construed and enforced, in all respects, as though they were statutes \* \* \* . In effect, these constitutional provisions are but statutes *which the Legislature can not repeal or amend.*" *Winchester vs. Powers*, 136 Cal. 432, at 439.

**II.**

"Taxation," as used in section 1 of Article XIII of the Constitution, relates to such general taxes on property as are levied to defray the ordinary expenses of government, and not to special assessments for improvements, such as street improvements. This is the well-established law in this State, based on the decision in *Emery vs. San Francisco Gas Company*, 28 Cal. 345, which construed an analogous reference to taxation of property in section 12 of Article XI of the 1849 Constitution. The statute which we are discussing by its terms, relates to taxation on property and relates, therefore, to the same kind of taxation mentioned in section 1, Article XIII, of our Constitution.

## III.

Property belonging to the State is clearly exempt, under section 1 of Article XIII, from taxation.

In *Webster vs. Board of Regents*, 163 Cal. 705, in considering whether a mortgage executed to the Regents of the University of California is taxable, the court says at page 708:

"The Constitution declares that all property belonging to the State shall be exempt from taxation. [Art. XIII, sec. 1.] A mortgage of land, executed to the Regents of the University of California, to secure money due said body for any purpose for which it was created, and the interest which it thereby, for the purposes of taxation, holds in the land, is the property of the State, within the meaning of this provision, and as such the said interest is exempt from taxation. (Citing cases.)"

In *State Land Settlement Board vs. Henderson*, 197 Cal. 470, the court is considering lands held by the State and open for settlement on the terms prescribed by the State Land Settlement Act. On page 480, the court says:

"The fact that the public lands in question were once held in private ownership can not affect the public character that such lands take on after purchase by the State for public purposes. If this argument should obtain, none of the lands belonging to the State and devoted to public uses could be exempt from taxation. We have no doubt but that property acquired by the board for the purpose of carrying out the objects of the act belongs to the State within the intent and meaning of the constitutional provision which exempts property from taxation, and that such property is property of the State of California. The word 'belong' is applied alike and with the same force and meaning to the United States, this State, and to counties and municipalities, and it seems to us was employed to denote an unqualified ownership of the property, not an ownership subject to the condition that it was to be used exclusively for governmental purposes. Certainly it was not intended to attach any such condition to property belonging to the United States or this State, and how can we give it a different meaning as applied to counties and municipalities?"

On page 481, the court says:

"The rule that provisions exempting property from taxation are to be strictly construed has no application to this case. In *Pasadena vs. County of Los Angeles*, 182 Cal. 171 (187 Pac. 418), speaking of the strict construction rule, it is said: 'That rule applies to exemptions of property held in private ownership. But where the question is whether or not public property shall be taxed, the rule is that it is not to be taxed unless there is express authority therefor • • •'."

## IV.

The property of a public agency or public corporation is the same as the property of the State and is, therefore, exempt.

In *Reclamation District No. 551 vs. County of Sacramento*, 134 Cal. 477, the court was considering the attempt of the defendant to levy taxes on the property of the plaintiff, a reclamation district. On page 479, the court says:

"It is not necessary to hold this property, thus acquired, to be the property of a municipal corporation, in order to make it exempt from taxation. It would be sufficient to hold that it is public property of the State, within the meaning of the Constitution. The whole scheme of reclamation originates with the State, and is carried to a conclusion by agents of the State,—the district, as we have already seen, being a *public agency*,—in furtherance of public policy. The property mentioned in section 3471 of the Political Code is public property, acquired by the agents of the State, for State purposes, and we think is exempt from taxation as such \* \* \*."

See, also, *Turlock Irrigation District vs. White*, 186 Cal. 183, which holds that an irrigation district is a public corporation and that its property is exempt from taxation under the express exemption of the property of the State, and not under a special exemption of the property of municipal corporations.

#### V.

The California Toll Bridge Authority is a State or public agency or public corporation.

In *California Toll Bridge Authority vs. Kelly*, 218 Cal. 7, there was considered the question whether the California Toll Bridge Authority was entitled, as the State is, to deposit any of its funds in a bank outside the State of California for the payment of interest on bonds, since it was not specifically mentioned in the Constitution as being entitled to do so. On page 16 the court says:

"There can be little question that the California Toll Bridge Authority is an agency of the State. Consequently, all moneys received from the sale of bonds and other tolls and from revenues of the bridge are in the custody of the State. Furthermore, while there is no express reference to the Bridge Authority as being a public corporation, we are satisfied that it is \* \* \*."

It follows, therefore, that property held by the California Toll Bridge Authority is property of a State agency or public corporation or public agency, and is, therefore, exempt from taxation.

#### VI.

The Legislature can not take away the constitutional tax exemption.

In the case of *St. John's Church vs. Los Angeles County*, 5 Cal. App. 2d, 235, the court was considering the provision in section 3611 of the Political Code, which provides that if the church property tax exemption in Article XIII, section 1½, of the Constitution is not claimed in the manner and within the time required by section 3611, such failure

"shall be deemed a waiver of such exemption by such person, institution or association by whom or on whose behalf such exemption is claimed." The court held that this provision purported to put the burden of proof of right to claim the exemption on the person claiming it, if the person failed to make affidavit as required, but "the authority to levy such a tax thus withheld can not be acquired by a statute providing, in effect, that if the owner does not claim the exemption before the assessment roll is completed the tax will be levied." In other words, if an exemption is granted by the Constitution, the Legislature can not, in effect, repeal the exemption.

Accordingly, when the statute in question attempts to make toll bridges acquired by the California Toll Bridge Authority subject to property taxation, it is unconstitutional, since the Legislature can not, in effect, repeal the exemption specified in section 1 of Article XIII.

### VII.

Although reference is herein made to the fact that under some circumstances publicly owned property may be subject to a special assessment for improvements, no inference is to be drawn therefrom that it is our opinion that a state-owned toll bridge would be subject to such a special assessment.

According to the cases of *Inglewood vs. County of Los Angeles*, 207 Cal. 697, *City of Fresno vs. Fresno Irrigation District*, 72 Cal. App. 503, and *San Diego vs. Linda Vista Irrigation District*, 108 Cal. 189, it appears that certain publicly owned land is subject to special assessments, as distinguished from taxation, if (1) there is specific provision in the law for such assessments, or (2) the land is not devoted to public use. However, in this case the statute does not specifically provide that the property may be subjected to special assessment, and since, under section 2618 of the Political Code, a bridge is a public highway, it appears that the bridge is clearly used for a public purpose. It seems, therefore, that the Carquinez Bridge would not be subject to any special assessments.

Very truly yours,

ALVIN P. JACOBS,

Deputy Legislative Counsel.

Approved: FRED B. WOOD, Legislative Counsel.



**Exhibit C.**

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,

SACRAMENTO, CALIFORNIA, March 10, 1937.

*Honorable George J. Hatfield, Lieutenant Governor of California,  
State Capitol, Sacramento, California.***Subject: Liability of State to Pay Counties for Use of Franchise Acquired by State.****Request No. 6764.**

DEAR GOVERNOR HATFIELD: You ask as to the meaning and legal effect of that portion of the last sentence of section 9 of the California Toll Bridge Authority Act (Deering Act. No. 956) which reads as follows:

"When the State or any department or governmental agency thereof acquires any existing toll bridge or the real or personal property used in connection therewith. \* \* \* the State shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge."

We will consider this in its relation to the county ordinance which granted a franchise for the existing Carquinez Toll Bridge. That ordinance requires the grantee of the franchise to pay certain moneys. This requirement is expressed in the following terms:

"That the license tax to be paid by the Rodeo-Vallejo Ferry Co., a corporation, its successors and assigns, for taking tolls on said bridge shall be one hundred (\$100) dollars per month payable annually, commencing from date of the operation of said bridge. That two (2) per cent of the gross receipts derived from the use and operation of said bridge shall also and in addition be paid to the county of Contra Costa, for the benefit of the counties of Contra Costa and Solano for the use of said franchise."

The \$100 per month payments, thus required, appear to be in the nature of a license tax, and, as such, duly authorized by section 2845 of the Political Code.

As to the 2 per cent of gross receipts, it is not definitely settled whether the same are in the nature of a license tax, or consideration for the granting of the franchise, or a condition upon which the franchise was granted. These questions are involved in a suit now pending before the Supreme Court, *County of Contra Costa vs. Am. Toll Bridge Co.*, S. F. No. 15,342.

The county claims that the percentage requirement is either consideration for the franchise or a condition upon which it was granted. The company claims it is in the nature of a license tax and, as such, not within the power of the county (under the Political Code) to impose or collect.

The superior court, we are informed, gave judgment for the county.

Should it be finally held that this feature is a license tax, it would then seem to follow that it is not collectible. Section 2845, Political Code, prescribes \$100 per month as the maximum amount of "license tax" which the county may fix. It is clear that the county could not impose a different tax or a higher ratio of tax than authorized by the applicable statute. (*Ferguson vs. Gardner*, 86 Cal App 421; *American Co. vs. City of Lakeport*, 220 Cal 548.)

Should the State acquire the Carpinuez Toll Bridge, section 9 of the California Toll Bridge Authority Act would come into play, for whatever legal effect it may have.

It becomes material, therefore, to consider whether or not the State, in such case, would be required to pay the county:

(1) A license tax, such as the \$100 per month, or the 2 per cent of the gross receipts, in case the latter be deemed a license tax;

(2) Money payments imposed as a "condition," in case the 2 per cent of gross be deemed such;

(3) Money payments imposed as "consideration," in case the 2 per cent of gross be deemed such.

OBIGATION OR LACK OF OBIGATION OF THE STATE TO PAY THE COUNTY IN THE ABSENCE OF SECTION 9 OF THE TOLL BRIDGE AUTHORITY ACT

When a county grants a franchise, it does so merely as an agent of the State. The franchise is really granted by the State, the county acting merely as the instrumentality through which the State makes the grant. *Fall vs. County of Sutter*, 21 Cal 237.

The State can take away any powers which it has given to a political subdivision. *Paehuska vs. Paehuska Oil Co.*, 250 U. S. 394, cited with approval in *Road Commission of California vs. Los Angeles Ry. Corporation*, 280 U. S. 156.

"A license tax is not a tax upon property but a burden imposed for the right to exercise a franchise or privilege which could be withheld or forbidden altogether, and the sum to be charged is merely used as a mode of computing the amount to be paid for the exercise of the privilege." McQuillin on Municipal Corporations, 2d edition, section 1092, citing, among other cases, *Sonora vs. Curtin*, 137 Cal. 583, and *San Francisco vs. Liverpool, etc., Ins. Co.*, 74 Cal. 113.

Should the State acquire the franchise, it would take back only that which it had given in the first place, even though given through a county as agent of the State. It would seem to follow, therefore, that there would remain no "right to exercise a franchise or privilege, which could be withheld or forbidden altogether," on which the burden of a license tax could be placed.

In the absence of the statute (section 9) which we are considering, it would appear that the State would have no obligation to pay any license tax to the county for the franchise of collecting tolls on the toll bridge, since the State would need no franchise to operate the toll bridge.

If the percentage of the gross receipts be held to be a *condition* for the granting of the franchise, as is indicated in a dictum in *People vs. State Board of Tax Commissioners*, 67 N. E. (N. Y.) 69 at 77, it would appear that, in the absence of the statute in question, the State would not be obligated to make any payment.

The bridge company is only bound by the conditions if it accepts the franchise, and if the company does not wish to pay the amount specified, it need not accept the franchise. 19 R.C.L. 1153.

However, since it is really the State which is granting the franchise through its agent, the county, no conditions may be attached to the exercise of the franchise by the State itself. The franchise is not granted to the State; it is granted by it.

If the percentage of the gross receipts be considered as *consideration* for the granting of the franchise, as it appears to be under the case of *County of Tulare vs. Dinuba*, 188 Cal. 664, it would seem that, in the absence of the statute in question, the State would not be bound to make the payment, since the State would be merely exercising the right which it already had, and the use of which it had granted through its agent, the county. There would not be apparent any consideration to the State for an agreement to pay its agent for this privilege.

If this reasoning be sound, the State would not have to pay either the \$100 per month or the 2 per cent of the gross receipts upon taking over the toll bridge, in the absence of the statute in question.

OBLIGATION OR LACK OF OBLIGATION OF THE STATE TO PAY THE COUNTY,  
UNDER SECTION 9 OF THE TOLL BRIDGE AUTHORITY ACT.

If, in the absence of said section 9, there would be no legal obligation on the part of the State to pay any money to the county, upon acquiring the bridge, section 9 (if effective) would, we believe, operate as an appropriation of State funds for local purposes.

It does not appear competent for the State to do that.

The Legislature has no power to impose a tax on a county for county purposes. (Calif. Const. Art. XI sec. 12.) Under a similar constitutional provision it has been held that the power to appropriate is no greater than the power to tax. (*Gen. Irr. Dist. vs. Van Deusen*, 31 Idaho 779, 176 Pac. 887.)

In California it has been held that the State can not appropriate money to a county for local purposes, that if the appropriation does not specify the purpose for which the county is to spend the money

(whether State or local) the presumption is that the Legislature intends to act under the Constitution, that it intended the funds be used solely for State purposes. (*County of L. A. vs. Riley*, 6 Cal. (2d) 625.)

As to section 9 it might be possible for a court to hold that the Legislature intended such payment from the State to the county to be devoted by the county to State uses and purposes. However, that is not a probable result because of the peculiar provisions of the ordinance granting the franchise which declares that the 2 per cent of gross receipts shall be paid to the county—

“for the benefit of the counties of Contra Costa and Solano.”

This declaration seems to speak of county, not State, purposes.

In contrast, the appropriation measure involved in *County of L. A. vs. Riley*, 6 Cal. (2d) 625, required the counties to spend the money “for law enforcement and the regulation and control and fire protection of highway traffic.”

We believe, therefore, it is likely it would be held that the provisions of section 9 first above quoted, in their application to the situation presented by the Carquinez franchise ordinance, operate as an appropriation of State money to the counties, for county purposes, hence ineffective and inoperative.

While we can not indicate a conclusion with positive assurance, we believe the factors herein discussed are the pertinent factors and that they indicate the State would be under no obligation to pay to the counties of Contra Costa or Solano any part of the \$100 per month, nor any part of the gross receipts, should the State acquire the Carquinez Toll Bridge.

Yours very truly,

ALVIN P. JACOBS, Deputy Legislative Counsel

Approved: FRED B. WOOD, Legislative Counsel

### Exhibit D.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO, March 19, 1937.

Mr. Earl Lee Kelly, Director of Public Works,

Sacramento, California.

DEAR SIR: At the meeting of the California Toll Bridge Authority, held on March 5th, the Department of Public Works was requested by Lieutenant Governor Hatfield to prepare an amortization table showing tolls required to operate the Carquinez Bridge, on the basis of retirement in twenty years at 4 per cent, 3½ per cent and 3 per cent interest.

The table on this basis is attached hereto.

Yours very truly,

C. H. PURCELL, State Highway Engineer.



## CARQUINEZ BRIDGE—TOLLS REQUIRED UNDER STATE OPERATION.

\$7,225,700 Revenue Bond Issue.

(Typical Bond Retirement Program with Tolls Based on Expected Increase of Traffic at Rate Estimated for 1937-1948.)

Year	No.	Number vehicles	Bond retire- ment	Bonds out- standing	Operating expense	Interest			Total cost of operation			Average tolls		
						3 per cent	3½ per cent	4 per cent	3 per cent	3½ per cent	4 per cent	3 per cent	3½ per cent	4 per cent
1938	1	1,472,000	\$236,000	\$7,225,700	\$184,000	\$216,770	\$252,900	\$294,030	\$606,770	\$672,900	\$709,030	\$0 433	\$0 457	\$0 482
1939	2	1,503,500	236,000	7,225,700	184,000	216,770	252,900	294,030	636,770	672,900	709,030	424	438	472
1940	3	1,534,100	236,000	7,225,700	184,000	216,770	252,900	294,030	636,770	672,900	709,030	415	430	462
1941	4	1,563,000	236,000	7,225,700	184,000	216,770	252,900	294,030	636,770	672,900	709,030	407	431	454
1942	5	1,590,700	236,000	7,225,700	184,000	216,770	252,900	294,030	636,770	672,900	709,030	400	423	443
1943	6	1,617,000	300,000	5,985,200	184,000	179,560	209,480	239,410	636,770	672,900	709,030	410	429	447
1944	7	1,642,500	300,000	5,685,200	184,000	179,560	198,480	225,410	654,560	682,980	721,410	410	429	447
1945	8	1,666,200	330,000	5,385,200	184,000	161,560	188,480	215,410	655,560	722,180	749,410	417	434	460
1946	9	1,689,200	330,000	5,085,200	184,000	151,000	176,240	201,410	685,060	710,250	733,410	406	420	435
1947	10	1,710,800	350,000	4,685,200	184,000	140,500	165,980	187,410	674,560	697,980	721,410	394	408	422
1948	11	1,731,200	400,000	4,185,200	111,000	130,000	151,730	173,410	644,060	667,730	687,410	372	385	397
1949	12	1,749,800	400,000	3,885,200	100,000	118,060	137,730	157,410	618,060	637,730	657,410	353	365	376
1950	13	1,767,700	400,000	3,585,200	100,000	106,060	124,730	141,410	606,060	625,730	641,410	342	353	363
1951	14	1,784,100	430,000	3,185,200	100,000	94,060	109,730	125,410	644,060	659,730	675,410	351	370	379
1952	15	1,799,300	450,000	2,685,200	100,000	80,500	95,980	107,410	650,560	673,780	687,410	350	358	365
1953	16	1,813,300	450,000	2,285,200	100,000	67,000	78,230	89,410	617,060	628,230	639,410	340	346	343
1954	17	1,826,100	450,000	1,885,200	100,000	53,500	62,480	71,410	603,560	614,480	621,410	331	335	340
1955	18	1,837,400	500,000	1,385,200	100,000	40,000	46,730	53,410	640,060	616,730	625,410	348	352	356
1956	19	1,847,000	500,000	885,200	100,000	26,270	33,410	43,410	625,060	629,230	636,410	338	341	343
1957	20	1,857,800	335,200	335,200	100,000	10,060	11,730	13,410	445,290	446,000	448,610	240	241	241
Average toll to 1948												\$0 411	\$0 431	\$0 450
Average toll after 1948												338	351	351
Average												\$0 375	\$0 388	\$0 401

County tax stops at expiration of present franchise, March 7, 1948.

CARQUINEZ BRIDGE—TOLLS REQUIRED UNDER STATE OPERATION.  
\$7,556,800 Revenue Bond Issue.

Year	No.	Number vehicles	Bond interest	Bonds outstanding	Operating expense	Interest			Total cost of operation			Average tolls		
						per cent.	3½%	per cent.	per cent.	3½%	per cent.	per cent.	3½%	per cent.
1938	1	1,172,000	\$250,000	\$7,556,800	\$184,000	\$220,200	\$204,100	\$302,270	\$141,200	\$684,400	\$222,250	\$0 45%	\$0 45%	\$0 45%
1939	2	1,265,300	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	43%	43%	43%
1940	3	1,254,100	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	42%	42%	42%
1941	4	1,262,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	41%	41%	41%
1942	5	1,300,700	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	40%	40%	40%
1943	6	1,317,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	38%	38%	38%
1944	7	1,341,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	36%	36%	36%
1945	8	1,360,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	34%	34%	34%
1946	9	1,380,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	32%	32%	32%
1947	10	1,410,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	30%	30%	30%
1948	11	1,431,200	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	28%	28%	28%
1949	12	1,440,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	26%	26%	26%
1950	13	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	24%	24%	24%
1951	14	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	22%	22%	22%
1952	15	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	20%	20%	20%
1953	16	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	18%	18%	18%
1954	17	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	16%	16%	16%
1955	18	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	14%	14%	14%
1956	19	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	12%	12%	12%
1957	20	1,450,000	250,000	7,556,800	184,000	220,200	204,100	302,270	141,200	684,400	222,250	10%	10%	10%
Average toll to 1945														
Average toll after 1945														
Average														

\* County tax drops at expiration of present franchise March 7, 1945.

**CARQUINEZ BRIDGE.**  
**REQUIRED AVERAGE TOLL RATES UNDER STATE OPERATION.**  
**Amortization Period 20 Years—Sinking Fund Basis.**

	\$7,225,700			\$7,556,800		
Operating cost to 1948.....	\$184,000			\$184,000		
Operating cost after 1948.....	100,000			100,000		
Interest and amortization percentage.....	3%	3½%	4%	3%	3½%	4%
Sinking fund annuity.....	268,940	255,500	242,500	281,260	267,210	253,610
Interest.....	216,770	252,900	289,030	226,700	264,490	302,270
Total annual cost to 1948.....	669,710	692,400	715,530	691,960	715,700	739,880
Total annual cost after 1948.....	585,710	608,400	631,530	607,960	631,700	655,880
Average toll to 1948.....	0.419	0.433	0.448	0.433	0.448	0.463
Average toll after 1948.....	0.325	0.338	0.351	0.338	0.351	0.364

**Exhibit E.**

TREASURER OF THE STATE OF CALIFORNIA,  
 SACRAMENTO, March 15, 1937.

*Honorable George J. Hatfield, Lieutenant Governor,  
 209 State Capitol, Sacramento, California.*

DEAR GOVERNOR HATFIELD: We are furnishing the following information to you in accordance with your request for tables of the amount of revenue from reduced toll rates on the Carquinez Bridge necessary to service bonds to be used in purchasing the structure by the California Toll Bridge Authority.

The attached tabulations covering revenue and the application of such revenue towards retirement of bonded indebtedness on the bridge are based on an interest rate of 3½ per cent and 4 per cent, respectively, and we believe the schedules are self-explanatory.

We have worked out several different tolls, with and without a charge for passengers, and have used the annual totals of such tolls as revenue available for the payment of bonds. For your convenience in referring to the listings we have identified the different methods by number:

**No. 1.** Based on 1936 traffic, tolls of 35 cents for automobiles, buses, and other vehicles and 75 cents for trucks, less 2 per cent county tax, (*no charge for passengers*) would bring in an annual income of \$554,758.99, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1956, with interest at the rate of 3½ per cent per annum, or pay such indebtedness in full by 1958 using a 4 per cent interest rate.

**No. 2.** Based on 1936 traffic, tolls of 35 cents for automobiles, buses and other vehicles and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual income of \$759,658.74, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1950 with interest at the rate of  $3\frac{1}{2}$  per cent or 4 per cent per annum.

**No. 3.** Based on 1936 traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 35 cents for automobiles, buses, and other vehicles and 75 cents for trucks, less 2 per cent county tax, (*no charge for passengers*) would bring in an annual income of \$739,679.01, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1950 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1951 using a 4 per cent interest rate.

**No. 4.** Based on 1936 traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 35 cents for automobiles, buses and other vehicles and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$1,012,878.66, which, according to the attached schedules, would be sufficient to pay bonded indebtedness of \$7,556,800 in full by 1946 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1947 using a 4 per cent interest rate.

**No. 5.** Based on 1936 traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks, and 50 cents for buses, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$636,881.55, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$7,556,800 in full by 1953 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full in 1954 using a 4 per cent interest rate.

**No. 6.** Based on 1936 traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks, and 50 cents for buses, less 2 per cent county tax, (*no charge for passengers*) would bring in an annual income of \$575,976.13, which, according to the attached amortization schedules would be sufficient to pay a bonded indebtedness of \$7,556,800 in full by 1955 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1956 using a 4 per cent interest rate.

**No. 7.** Based on 1936 traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 25 cents for automobiles and other vehicles, 75 cents for trucks, and 50 cents for buses, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$849,854.79, which, according to the attached amortization schedules



would be sufficient to pay a bonded indebtedness of \$7,566,800 in full by 1948 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full in 1949 using a 4 per cent interest rate.

**No. 8.** Shows the amount of principal and interest necessary to pay off indebtedness of \$7,556,800 in 20 years using a  $3\frac{1}{2}$  per cent interest rate and a 4 per cent interest rate, respectively.

**No. 9.** Shows the amount of principal and interest necessary to pay off indebtedness of \$7,225,700 in 20 years using a  $3\frac{1}{2}$  per cent interest rate and a 4 per cent interest rate, respectively.

We are presuming, in furnishing you this data, that the entire expense of maintaining and operating the bridge would be paid by the Division of Highways out of the gas tax moneys. The only charge against the revenue would possibly be premiums on insurance covering the structure.

There is also some question as to whether or not the county tax of 2 per cent should be deducted after 1948, however, you are much more familiar with those problems than we are and, no doubt, have already taken such questions into consideration.

Respectfully yours,

A. Q. ROBISON, Deputy State Treasurer.

**ESTIMATED REVENUE FROM CARQUINEZ BRIDGE AT LOWERED  
TOLL RATES BASED ON 1936 TRAFFIC TABLES AND FIGURING AT  
33 $\frac{1}{4}$  PER CENT INCREASE.**

Suggested toll rate		1936 traffic	Revenue	1936 traffic plus 33 $\frac{1}{4}$ % increase	Revenue
0.35	Automobiles.....	1,283,951	\$449,382 65	1,711,935	\$599,177 25
0.75	Trucks.....	131,531	98,648 25	175,375	131,531 25
0.35	Buses.....	33,077	11,576 95	44,103	15,436 05
0.35	Other vehicles.....	18,493	6,472 55	24,657	8,629 95
	Totals.....	1,467,052	\$566,080 60	1,956,070	\$754,774 50
	Less 2 per cent county tax ..		11,321 61		15,095 49
			\$554,758 99		\$739,679 01
.05	Passengers.....	4,097,995	204,899 75	5,463,993	273,199 65
			\$759,658 74		\$1,012,878 66
0.25	Automobiles.....	1,283,951	\$320,987 75	1,711,935	\$427,983 75
0.75	Trucks.....	131,531	98,648 25	175,375	131,531 25
0.50	Buses.....	33,077	16,538 50	44,103	22,061 50
0.25	Other vehicles.....	18,493	4,623 25	24,657	6,164 25
	Totals.....	1,467,052	\$440,797 75	1,956,070	\$587,730 75
	Less 2 per cent county tax.....		8,815 95		11,754 62
			\$431,981 80		\$575,976 13
.05	Passengers.....	4,097,995	204,899 75	5,463,993	273,878 66
			\$636,881 55		\$849,854 79

- 1 No. 1
- 1 No. 2
- 1 No. 3
- 1 No. 4
- 1 No. 5
- 1 No. 6
- 1 No. 7.

## AMORTIZATION SCHEDULE.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$7,556,800.

Year	Based on annual revenue of \$551,278.25 (See Revenue No. 1)		Based on annual revenue of \$755,815.74 (See Revenue No. 2)		Based on annual revenue of \$1,000,000.00 (See Revenue No. 3)	
	Principal	1½ per cent interest	Principal	1½ per cent interest	Principal	1½ per cent interest
1938.....	\$290,270.99	\$264,488.00	\$165,179.74	\$264,488.00	\$475,707.02	\$264,488.00
1939.....	30,439.47	254,048.52	25,262.72	257,157.28	499,002.70	257,157.28
1940.....	110,045.54	243,611.05	99,429.28	250,229.46	500,000.00	250,000.00
1941.....	120,828.93	233,173.58	93,194.45	243,301.64	500,000.00	250,000.00
1942.....	90,000.00	222,736.11	78,279.81	236,373.82	500,000.00	250,000.00
1943.....	144,759.88	212,298.64	58,357.11	229,445.99	500,000.00	250,000.00
1944.....	150,817.16	201,861.17	49,399.27	222,518.17	500,000.00	250,000.00
1945.....	100,000.00	191,423.70	40,441.43	215,590.35	500,000.00	250,000.00
1946.....	80,000.00	180,986.23	31,483.59	208,662.53	500,000.00	250,000.00
1947.....	50,000.00	170,548.76	22,525.75	201,734.71	500,000.00	250,000.00
1948.....	40,000.00	160,111.29	13,567.91	194,806.89	500,000.00	250,000.00
1949.....	40,000.00	149,673.82	13,567.91	187,879.07	500,000.00	250,000.00
1950.....	40,000.00	139,236.35	13,567.91	180,951.25	500,000.00	250,000.00
1951.....	40,000.00	128,798.88	13,567.91	174,023.43	500,000.00	250,000.00
1952.....	40,000.00	118,361.41	13,567.91	167,095.61	500,000.00	250,000.00
1953.....	40,000.00	107,923.94	13,567.91	160,167.79	500,000.00	250,000.00
1954.....	40,000.00	97,486.47	13,567.91	153,239.97	500,000.00	250,000.00
1955.....	40,000.00	87,048.99	13,567.91	146,312.15	500,000.00	250,000.00
1956.....	445,250.39	15,588.76				
Bonded debt.....	\$7,556,800.00		\$7,556,800.00		\$7,556,800.00	

## AMORTIZATION SCHEDULE—Continued.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$7,556,800.

Year	Based on annual revenue of \$1,000,000.00 (See Revenue No. 4)		Based on annual revenue of \$1,000,000.00 (See Revenue No. 5)	
	Principal	1½ per cent interest	Principal	1½ per cent interest
1938.....	\$748,200.00	\$264,488.00	\$657,000.00	\$264,488.00
1939.....	774,594.33	254,048.52	683,394.33	254,048.52
1940.....	80,000.00	243,611.05	709,788.66	243,611.05
1941.....	826,754.10	233,173.58	736,183.00	233,173.58
1942.....	853,500.00	222,736.11	762,577.33	222,736.11
1943.....	880,246.00	212,298.64	788,971.67	212,298.64
1944.....	906,992.00	201,861.17	815,366.00	201,861.17
1945.....	933,738.00	191,423.70	841,760.33	191,423.70
1946.....	960,484.00	180,986.23	868,154.67	180,986.23
1947.....	987,230.00	170,548.76	894,549.00	170,548.76
1948.....	1,013,976.00	160,111.29	920,943.33	160,111.29
1949.....	1,040,722.00	149,673.82	947,337.67	149,673.82
1950.....	1,067,468.00	139,236.35	973,732.00	139,236.35
1951.....	1,094,214.00	128,798.88	1,000,126.33	128,798.88
1952.....	1,120,960.00	118,361.41	1,026,520.67	118,361.41
1953.....	1,147,706.00	107,923.94	1,052,915.00	107,923.94
1954.....	1,174,452.00	97,486.47	1,079,309.33	97,486.47
1955.....	1,201,198.00	87,048.99	1,105,703.67	87,048.99
1956.....	1,227,944.00	76,611.52	1,132,098.00	76,611.52
Bonded debt.....	\$7,556,800.00		\$7,556,800.00	



## AMORTIZATION SCHEDULE\*—Continued.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$7,556,800.

Year	Based on annual revenue of \$1,011,875.00 (See Revenue No. 4)		Based on annual revenue of \$1,011,875.00 (See Revenue No. 5)	
	Principal	Interest	Principal	Interest
1938	\$71,000.00	\$1,011,875.00	\$71,000.00	\$1,011,875.00
1939	23,000.00	273,847.73	23,000.00	273,847.73
1940	23,000.00	244,299.49	23,000.00	244,299.49
1941	23,000.00	214,751.25	23,000.00	214,751.25
1942	23,000.00	185,203.01	23,000.00	185,203.01
1943	23,000.00	155,654.77	23,000.00	155,654.77
1944	23,000.00	126,106.53	23,000.00	126,106.53
1945	23,000.00	96,558.29	23,000.00	96,558.29
1946	23,000.00	67,010.05	23,000.00	67,010.05
1947	23,000.00	37,461.81	23,000.00	37,461.81
1948	23,000.00	7,913.57	23,000.00	7,913.57
1949			23,000.00	7,913.57
1950			23,000.00	7,913.57
1951			23,000.00	7,913.57
1952			23,000.00	7,913.57
1953			23,000.00	7,913.57
1954			23,000.00	7,913.57
1955			23,000.00	7,913.57
1956			23,000.00	7,913.57
1957			23,000.00	7,913.57
1958			23,000.00	7,913.57
Bonded debt	\$7,556,800.00		\$7,556,800.00	

\* Interest shown on this sheet is computed at the rate of 4 per cent per annum.

## AMORTIZATION SCHEDULE\*—Continued.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$7,556,800.

Year	Based on annual revenue of \$755,680.00 (See Revenue No. 6)		Based on annual revenue of \$755,680.00 (See Revenue No. 7)	
	Principal	Interest	Principal	Interest
1938	\$223,704.13	\$1,011,875.00	\$223,704.13	\$1,011,875.00
1939	284,632.40	291,323.83	284,632.40	291,323.83
1940	249,008.19	273,847.73	249,008.19	273,847.73
1941	207,876.92	244,299.49	207,876.92	244,299.49
1942	320,195.12	214,751.25	320,195.12	214,751.25
1943	388,993.62	185,203.01	388,993.62	185,203.01
1944	349,722.04	155,654.77	349,722.04	155,654.77
1945	304,176.68	126,106.53	304,176.68	126,106.53
1946	374,583.00	96,558.29	374,583.00	96,558.29
1947	389,566.32	67,010.05	389,566.32	67,010.05
1948	406,148.67	37,461.81	406,148.67	37,461.81
1949	421,854.98	7,913.57	421,854.98	7,913.57
1950	438,209.13		438,209.13	
1951	455,287.50		455,287.50	
1952	473,067.00		473,067.00	
1953	492,925.68		492,925.68	
1954	512,642.70		512,642.70	
1955	533,148.41		533,148.41	
1956	557,544.58		557,544.58	
1957				
1958				
Bonded debt	\$7,556,800.00		\$7,556,800.00	

\* Interest shown on this sheet is computed at the rate of 4 per cent per annum.



**SCHEDULE SHOWING THE PAYMENTS OF PRINCIPAL AND INTEREST TO PAY A DEBT OF \$7,556,800 IN TWENTY EQUAL ANNUAL INSTALLMENTS OF \$377,840 EACH, PLUS ACCRUED INTEREST, AS HEREAFTER SHOWN AT THE RATE OF 3½ PER CENT AND 4 PER CENT, RESPECTIVELY.\***

Principal	Interest at 3½ per cent	Total interest and principal payment	Interest at 4 per cent	Total interest and principal payment
\$7,556,800.00	\$264,488 00	\$642,328 00	\$302,272 00	\$680,112 00
7,178,960.00	251,263 60	629,103 60	287,158 40	664,998 40
6,801,120.00	238,039 20	615,879 20	272,044 80	649,884 80
6,423,280.00	224,814 80	602,654 80	256,931 20	634,771 20
6,045,440.00	211,590 40	589,430 40	241,817 60	619,657 60
5,667,600.00	198,366 00	576,206 00	226,704 00	604,544 00
5,289,760.00	185,141 60	562,981 60	211,590 40	589,430 40
4,911,920.00	171,917 20	549,757 20	196,476 80	574,316 80
4,534,080.00	158,692 80	536,532 80	181,363 20	559,203 20
4,156,240.00	145,468 40	523,308 40	166,249 60	544,089 60
3,778,400.00	132,244 00	510,084 00	151,136 00	528,976 00
3,400,560.00	119,019 60	496,859 60	136,022 40	513,862 40
3,022,720.00	105,795 20	483,635 20	120,908 80	498,748 80
2,644,880.00	92,570 80	470,410 80	105,795 20	483,635 20
2,267,040.00	79,346 40	457,186 40	90,681 60	468,521 60
1,889,200.00	66,122 00	443,962 00	75,568 00	453,408 00
1,511,360.00	52,897 60	430,737 60	60,454 40	438,294 40
1,133,520.00	39,673 20	417,513 20	45,340 80	423,180 80
755,680.00	26,448 80	404,288 80	30,227 20	408,067 20
377,840.00	13,224 40	391,064 40	15,113 60	392,953 60
Totals...	\$2,777,124 00	\$10,333,924 00	\$3,173,856 00	\$10,730,656 00

\* No. 8.

**SCHEDULE SHOWING THE PAYMENTS OF PRINCIPAL AND INTEREST TO PAY A DEBT OF \$7,225,700 IN TWENTY EQUAL ANNUAL INSTALLMENTS OF \$361,285 EACH, PLUS ACCRUED INTEREST, AS HEREAFTER SHOWN AT THE RATE OF 3½ PER CENT AND 4 PER CENT, RESPECTIVELY.\***

Principal	Interest at 3½ per cent	Total interest and principal payment	Interest at 4 per cent	Total interest and principal payment
\$7,225,700.00	\$252,899 50	\$614,184 50	\$280,028 00	\$650,313 00
6,864,415.00	240,254 53	601,539 53	274,576 60	635,861 60
6,503,130.00	227,609 55	588,894 55	269,125 20	621,410 20
6,141,845.00	214,964 57	576,249 57	245,673 80	606,958 80
5,780,560.00	202,319 60	563,604 60	231,222 40	592,507 40
5,419,275.00	189,674 63	550,959 63	216,771 00	578,056 00
5,057,990.00	177,029 65	538,314 65	202,319 60	563,604 60
4,696,705.00	164,384 67	525,669 67	187,868 20	549,153 20
4,335,420.00	151,739 70	513,024 70	173,416 80	534,701 80
3,974,135.00	139,094 73	500,379 73	158,965 40	520,250 40
3,612,850.00	126,449 75	487,734 75	144,514 00	505,799 00
3,251,565.00	113,804 77	475,089 77	130,062 60	491,347 60
2,890,280.00	101,159 80	462,444 80	115,611 20	476,896 20
2,528,995.00	88,514 83	449,799 83	101,159 80	462,444 80
2,167,710.00	75,869 85	437,154 85	86,708 40	447,993 40
1,806,425.00	63,224 87	424,509 87	72,257 00	433,542 00
1,445,140.00	50,679 90	411,864 90	57,805 60	419,090 60
1,083,855.00	37,934 93	399,219 93	43,354 20	404,639 20
722,570.00	25,289 95	386,574 95	28,902 80	390,187 80
361,285.00	12,644 97	373,929 97	14,451 40	375,736 40
Totals...	\$2,655,444 75	\$9,881,144 75	\$3,034,794 00	\$10,260,494 00

\*No. 9.

**Exhibit F.**

TREASURER OF THE STATE OF CALIFORNIA.

SACRAMENTO, March 17, 1937

*Honorable George J. Hatfield,**Lieutenant Governor,**209 State Capitol,**Sacramento, California.*

DEAR GOVERNOR HATFIELD: This is in response to your request for tables as to how revenue from a 15 cent passenger car toll rate on the Carquinez Bridge would service bonds totaling \$6,000,000, based on interest rates of  $3\frac{1}{2}$  per cent and 4 per cent, respectively.

The attached tabulations show revenue at such rates, and the application of such revenue towards retirement of a bonded indebtedness of \$6,000,000 based on the two interest rates in accordance with your request. We believe the schedules and tabulations are self-explanatory.

We have continued the numbers of the schedules from the numbers of the schedules set out in our letter to you of March 15, 1937, covering other toll rates, and are referring to the methods of calculation by number for your convenience.

**No. 10.** Based on 1936 traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for busses, and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual income of \$509,242.03, which, according to the attached amortization schedules, would be sufficient to pay bonded indebtedness of \$6,000,000 in full by 1953 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1954 using a 4 per cent interest rate.

**No. 11.** Based on 1936 traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for buses, and 75 cents for trucks, less 2 per cent county tax *and charge for passengers*, would bring in an annual income of \$405,790.17, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$6,000,000 in full in 1959 with interest at the rate of  $3\frac{1}{2}$  per cent per annum or pay such indebtedness in full by 1960 using a 4 per cent interest rate.

**No. 12.** Based on 1936 annual traffic, plus a  $33\frac{1}{4}$  per cent increase in such traffic, tolls of 15 cents for automobiles and other vehicles, 50 cents for buses, and 75 cents for trucks, less 2 per cent county tax, *plus a toll of 5 cents per passenger*, would bring in an annual revenue of \$679,668.83, which, according to the attached amortization schedules, would be sufficient to pay a bonded indebtedness of \$6,000,000 in full by 1948 with interest at the rate of  $3\frac{1}{2}$  per cent per annum, or pay such indebtedness in full by 1949 using a 4 per cent interest rate.

We wish to call your attention to the fact that no freight figures are available to be used in figuring revenue on truck tonnage, so we have merely used a flat rate of 75 cents for each truck. We understand that the revenue from freight tonnage would increase the revenue figures materially.

We also wish to comment, that with such low toll rates, your estimate of a mere  $33\frac{1}{3}$  per cent traffic increase is very conservative, and, we believe, greatly underestimated.

We presume, as we did in our letter of March 15, 1937, that the entire expense of maintenance and operation will be paid out of the gas tax moneys. We also deducted the county tax of 2 per cent in accordance with your suggestion.

Respectfully yours,

A. Q. ROBISON,  
Deputy State Treasurer.

**ESTIMATED REVENUE FROM CARQUINEZ BRIDGE AT TOLL RATES  
HEREINAFTER SPECIFIED, BASED ON 1936 TRAFFIC TABLES AND  
FIGURING A  $33\frac{1}{3}$  PER CENT INCREASE IN SUCH TRAFFIC.**

Suggested toll rate	1936 traffic	Revenue	1936 traffic plus $33\frac{1}{3}$ % increase	Revenue
0.15 Automobiles.....	1,283,951	\$192,592 65	1,711,935	\$256,790 25
0.75 Trucks.....	131,531	98,648 25	175,375	131,531 25
0.50 Buses.....	33,077	16,538 50	44,103	22,051 50
0.15 Other vehicles.....	18,493	2,773 95	24,657	3,698 60
Totals.....	1,467,052	\$310,553 35	1,956,070	\$414,071 60
Less 2 per cent county tax.....		6,211 07		5,281 43
		304,342 28		\$405,790 17
.05 Passenger.....	4,097,995	204,899 75	5,463,993	273,178 66
		\$509,242 03		\$679,668 83

<sup>10</sup> No. 10.  
<sup>11</sup> No. 11.  
<sup>12</sup> No. 12.

## AMORTIZATION SCHEDULE.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$6,000,000.

	Number 10. Based on annual revenue of \$500,000.00, interest at 4 1/2 per cent.		Number 11. Based on annual revenue of \$400,000.00, interest at 4 1/2 per cent.		Number 12. Based on annual revenue of \$300,000.00, interest at 4 1/2 per cent.	
	Principal	Interest	Principal	Interest	Principal	Interest
1938	\$269,242.03	\$210,000.00	\$177,700.17	\$210,000.00	\$47,000.00	\$210,000.00
1939	280,011.71	220,230.32	172,431.75	202,368.29	467,222.58	222,413.25
1940	300,595.54	188,930.49	246,043.61	170,000.00	453,540.81	204,120.00
1941	311,774.39	187,430.73	243,225.66	168,430.73	404,507.04	183,101.41
1942	344,887.11	167,804.43	264,011.72	161,100.00	394,000.00	163,248.46
1943	355,405.00	150,800.00	263,227.67	170,000.00	350,200.00	144,744.40
1944	367,844.86	143,000.00	247,000.00	165,114.36	327,000.00	130,000.00
1945	389,711.43	135,000.00	240,000.00	155,000.00	297,000.00	115,000.00
1946	394,044.01	134,100.00	247,800.00	147,000.00	278,000.00	105,000.00
1947	407,800.17	101,000.00	240,000.00	135,000.00	240,110.41	95,000.00
1948	424,119.44	87,000.00	228,110.00	120,000.00	200,000.00	85,000.00
1949	430,384.00	77,000.00	281,847.77	110,000.00	160,000.00	75,000.00
1950	450,175.05	57,000.00	240,000.00	90,000.00	120,000.00	65,000.00
1951	468,000.00	41,000.00	240,000.00	70,000.00	100,000.00	55,000.00
1952	484,881.41	24,800.00	216,024.47	50,000.00	80,000.00	45,000.00
1953	225,021.20	7,000.00	220,000.00	30,000.00	60,000.00	35,000.00
1954			230,497.49	20,000.00	40,000.00	25,000.00
1955			231,879.41	10,000.00	30,000.00	15,000.00
1956			230,000.00	0,000.00	20,000.00	5,000.00
1957			220,000.00		10,000.00	
1958			200,000.00		0,000.00	
1959			180,000.00			
Bonded debt	\$6,000,000.00		\$6,000,000.00		\$6,000,000.00	

## AMORTIZATION SCHEDULE.

Showing Annual Revenue, as Explained in Revenue Tables, Applied on Interest and Principal Installment Payments of Bonded Indebtedness of \$6,000,000.

	Number 10. Based on annual revenue of \$500,000.00, interest at 4 per cent.		Number 11. Based on annual revenue of \$400,000.00, interest at 4 per cent.		Number 12. Based on annual revenue of \$300,000.00, interest at 4 per cent.	
	Principal	Interest	Principal	Interest	Principal	Interest
1938	\$269,242.03	\$240,000.00	\$195,700.17	\$240,000.00	\$47,000.00	\$240,000.00
1939	280,011.71	220,230.32	172,431.75	202,368.29	467,222.58	222,413.25
1940	291,212.18	210,000.00	170,000.00	190,000.00	453,540.81	204,120.00
1941	302,800.00	200,000.00	180,000.00	170,000.00	404,507.04	183,101.41
1942	314,975.09	194,266.94	193,951.05	171,800.00	394,000.00	163,248.46
1943	327,574.10	181,000.00	201,000.00	164,000.00	350,200.00	144,744.40
1944	340,677.06	168,000.00	200,000.00	150,000.00	327,000.00	130,000.00
1945	354,304.14	154,937.89	218,108.35	142,000.00	297,000.00	115,000.00
1946	368,476.31	140,765.72	220,800.00	128,000.00	278,000.00	105,000.00
1947	383,215.36	126,000.00	235,071.11	110,000.00	240,110.41	95,000.00
1948	398,545.98	110,000.00	247,400.00	90,000.00	200,000.00	85,000.00
1949	414,485.74	94,756.29	254,220.00	70,000.00	160,000.00	75,000.00
1950	431,065.16	78,178.87	263,435.46	50,000.00	120,000.00	65,000.00
1951	448,307.77	60,000.00	270,000.00	30,000.00	100,000.00	55,000.00
1952	466,240.08	43,001.95	287,094.93	10,000.00	80,000.00	45,000.00
1953	484,889.69	24,352.34	298,578.73	0,000.00	60,000.00	35,000.00
1954	125,918.93	4,000.00	316,000.00	0,000.00	40,000.00	25,000.00
1955			320,000.00	0,000.00	30,000.00	15,000.00
1956			335,560.46	0,000.00	20,000.00	5,000.00
1957			340,000.00	0,000.00	10,000.00	
1958			300,000.00	0,000.00	0,000.00	
1959			270,000.00	0,000.00		
1960			322,023.27	0,000.00		
Bonded debt	\$6,000,000.00		\$6,000,000.00		\$6,000,000.00	



**No. 13. SCHEDULE SHOWING THE PAYMENTS OF PRINCIPAL AND INTEREST TO PAY A DEBT OF \$6,000,000 IN TWENTY EQUAL ANNUAL INSTALLMENTS OF \$300,000 EACH, PLUS ACCRUED INTEREST AT THE RATES OF  $3\frac{1}{2}$  PER CENT AND 4 PER CENT, RESPECTIVELY, AS HEREAFTER SHOWN.<sup>13</sup>**

Principal	Interest at $3\frac{1}{2}$ per cent	Total interest and principal payments	Interest at 4 per cent	Total interest and principal payments
\$6,000,000.00	\$210,000 00	\$510,000 00	\$240,000 00	\$540,000 00
5,700,000.00	199,500 00	499,500 00	228,000 00	528,000 00
5,400,000.00	189,000 00	489,000 00	216,000 00	516,000 00
5,100,000.00	178,500 00	478,500 00	204,000 00	504,000 00
4,800,000.00	168,000 00	468,000 00	192,000 00	492,000 00
4,500,000.00	157,500 00	457,500 00	180,000 00	480,000 00
4,200,000.00	147,000 00	447,000 00	168,000 00	468,000 00
3,900,000.00	136,500 00	436,500 00	156,000 00	456,000 00
3,600,000.00	126,000 00	426,000 00	144,000 00	444,000 00
3,300,000.00	115,500 00	415,500 00	132,000 00	432,000 00
3,000,000.00	105,000 00	405,000 00	120,000 00	420,000 00
2,700,000.00	94,500 00	394,500 00	108,000 00	408,000 00
2,400,000.00	84,000 00	384,000 00	96,000 00	396,000 00
2,100,000.00	73,500 00	373,500 00	84,000 00	384,000 00
1,800,000.00	63,000 00	363,000 00	72,000 00	372,000 00
1,500,000.00	52,500 00	352,500 00	60,000 00	360,000 00
1,200,000.00	42,000 00	342,000 00	48,000 00	348,000 00
900,000.00	31,500 00	331,500 00	36,000 00	336,000 00
600,000.00	21,000 00	321,000 00	24,000 00	324,000 00
300,000.00	10,500 00	310,500 00	12,000 00	312,000 00
Totals.....	\$2,205,000 00	\$8,205,000 00	\$2,520,000 00	\$8,520,000 00

<sup>13</sup> No. 13.

**Exhibit G.**

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 18, 1937.

*Honorable George J. Hatfield,*  
*Lieutenant Governor,*  
*State Capitol,*  
*Sacramento, California.*

**Subject: Carquinez Bridge.**

DEAR GOVERNOR HATFIELD: In compliance with your request, we have compiled the inclosed statistics in reference to population, automobile registration and gasoline consumption in the following counties during the years 1927 to 1936, inclusive.

Alameda, Alpine, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Lake, Lassen, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, Shasta, Sierra, Solano, Sutter, Tehama, Yolo and Yuba.

The registration figures have been taken from the records of the Department of Motor Vehicles and can be regarded as accurate.

The population figures from 1927 to 1929, inclusive, represent estimates made by the State Department of Education, Division of Research and Statistics; those for 1930 are based upon the United States census of that year; those from 1931 to 1935, inclusive, are estimates made by the California Taxpayers' Association; those for 1936 are estimates made by this office. In computing the latter we used as a

prime factor the percentage of increase or decrease in the 1936 motor vehicle registration figures as compared with those for 1935.

We arrived at the gasoline consumption figures by calculating the yearly percentage of registered vehicles in each county to the total number of registered vehicles in the State, and multiplying the total gallonage taxed in the State during the particular year by the percentage thus obtained. The net result is nothing more nor less than a fair approximation but is, we believe, no less accurate than one that might be reached through the use of some other formula.

Very truly yours,

FRED B. WOOD,

Legislative Counsel.

By J. GOULD,

Assistant Counsel.

Year	Total population	Total motor vehicle registration	Total gasoline consumption
1927	1,507,000	411,508	105,450,000
1928	1,544,000	460,417	120,000,000
1929	1,580,000	490,000	125,000,000
1930	1,610,000	505,748	128,000,000
1931	1,645,000	520,000	130,000,000
1932	1,680,000	498,656	125,000,000
1933	1,700,000	490,000	125,000,000
1934	1,720,000	490,000	125,000,000
1935	1,740,000	500,000	125,000,000
1936	1,800,000	500,000	125,000,000

The above figures include the population, motor vehicle registration and gasoline consumption in the counties of Alameda, Alpine, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Lake, Lassen, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, Shasta, Sierra, Solano, Sutter, Tehama, Yolo and Yuba.

County	Year	Population	Motor vehicle registration	Gasoline consumption
Alameda.....	1927	468,441	126,101	67,433,519
	1928	467,631	135,244	70,560,911
	1929	476,090	149,643	80,897,050
	1930	474,883	150,339	84,276,531
	1931	474,290	159,959	86,527,100
	1932	476,230	148,122	88,208,501
	1933	477,370	149,967	86,141,946
	1934	479,840	149,837	84,700,254
	1935	493,120	159,695	93,845,443
	1936	537,500	173,895	102,515,241
Alpine.....	1927	117	51	27,273
	1928	198	67	34,950
	1929	189	83	44,869
	1930	241	104	58,299
	1931	310	103	59,037
	1932	310	120	71,461
	1933	340	128	73,523
	1934	370	142	80,270
	1935	570	151	88,735
	1936	530	143	84,301
Amador.....	1927	6,264	2,032	1,086,628
	1928	6,112	2,314	1,207,113
	1929	5,967	2,501	1,352,041
	1930	8,494	2,672	1,497,860
	1931	8,790	3,004	1,721,841
	1932	8,950	2,912	1,734,132
	1933	9,530	2,973	1,707,709
	1934	9,650	2,996	1,693,586
	1935	9,840	3,241	1,904,587
	1936	10,686	3,521	2,075,713
Butte.....	1927	39,071	13,378	7,153,994
	1928	38,165	14,376	7,499,333
	1929	39,646	15,043	8,132,250
	1930	34,093	15,226	8,545,399
	1931	35,230	15,621	8,968,688
	1932	37,710	15,282	9,100,621
	1933	38,440	15,411	8,852,171
	1934	38,160	15,642	8,842,151
	1935	40,140	16,765	9,952,023
	1936	43,632	18,236	10,750,556
Colusa.....	1927	10,829	4,384	2,344,379
	1928	10,382	4,565	2,381,361
	1929	10,199	4,790	2,540,821
	1930	10,258	4,921	2,738,567
	1931	11,090	5,036	2,889,548
	1932	10,990	4,862	2,865,381
	1933	10,620	4,600	2,642,267
	1934	10,960	4,724	2,670,395
	1935	10,810	5,126	3,012,315
	1936	11,361	5,391	3,178,122
Contra Costa.....	1927	74,405	21,191	11,332,056
	1928	76,287	22,252	11,607,900
	1929	78,795	25,034	13,533,387
	1930	76,605	26,331	14,760,543
	1931	80,690	26,801	15,361,871
	1932	81,830	26,016	15,492,852
	1933	83,320	26,192	15,044,842
	1934	87,700	27,619	15,612,541
	1935	91,560	30,153	17,716,538
	1936	99,800	32,947	19,423,040
El Dorado.....	1927	7,694	2,422	1,295,184
	1928	7,576	2,778	1,449,161
	1929	7,608	3,101	1,676,401
	1930	8,325	3,398	1,904,839
	1931	8,730	3,420	1,960,285
	1932	9,120	3,514	2,092,630
	1933	10,190	3,696	2,128,005
	1934	10,560	3,941	2,227,779
	1935	11,760	4,624	2,717,313
	1936	12,900	5,075	2,991,833

County	Year	Population	Motor vehicle registration	Gasoline consumption
Glenn	1927	17,640	4,877	2,608,004
	1928	17,826	5,223	2,777,489
	1929	18,020	5,709	3,119,710
	1930	19,515	5,845	3,384,445
	1931	21,100	5,719	3,250,212
	1932	20,826	5,365	3,164,994
	1933	21,499	5,202	3,002,711
	1934	21,580	5,479	3,060,660
	1935	21,690	5,916	3,470,560
	1936	22,949	6,045	3,761,595
Lake	1927	6,529	2,025	1,400,770
	1928	6,595	2,009	1,394,447
	1929	6,873	2,004	1,434,797
	1930	7,166	2,004	1,504,300
	1931	7,940	2,074	1,641,555
	1932	8,550	2,010	1,600,000
	1933	8,766	2,000	1,600,000
	1934	8,919	2,000	1,600,000
	1935	9,090	2,075	1,675,445
	1936	9,338	2,000	1,600,000
Lassen	1927	14,343	3,400	1,905,120
	1928	14,604	3,171	1,775,400
	1929	14,720	3,444	1,880,840
	1930	15,360	3,444	1,910,000
	1931	15,949	3,171	1,815,115
	1932	15,230	3,171	1,850,000
	1933	15,780	3,000	1,800,000
	1934	15,800	3,000	1,800,000
	1935	15,900	3,171	1,910,000
	1936	15,115	3,444	1,920,000
Napa	1927	20,351	7,000	3,775,000
	1928	20,787	7,400	3,771,000
	1929	20,805	8,000	4,400,000
	1930	22,000	8,400	4,700,000
	1931	22,000	8,700	5,000,000
	1932	22,520	8,000	4,775,000
	1933	20,420	8,070	4,775,000
	1934	20,410	8,071	4,775,000
	1935	24,970	9,407	5,245,000
	1936	21,470	10,074	5,550,000
Nevada	1927	10,157	2,010	1,500,000
	1928	8,804	2,161	1,600,000
	1929	9,515	2,400	1,800,000
	1930	10,500	3,534	1,800,000
	1931	10,800	3,705	2,120,000
	1932	11,740	4,154	2,475,000
	1933	12,450	4,685	2,600,000
	1934	14,500	5,460	3,000,000
	1935	15,700	6,100	3,200,000
	1936	16,800	7,187	4,200,000
Placer	1927	20,001	8,419	4,500,127
	1928	20,482	8,780	4,500,144
	1929	21,055	9,000	4,500,000
	1930	24,408	9,500	5,200,000
	1931	25,000	9,874	5,000,000
	1932	26,840	9,115	5,000,000
	1933	24,470	8,876	5,000,000
	1934	27,000	10,076	5,000,000
	1935	28,826	10,626	6,200,000
	1936	31,270	11,507	6,800,000
Plumas	1927	6,766	1,954	1,044,017
	1928	7,028	2,145	1,115,000
	1929	7,533	2,441	1,200,000
	1930	7,910	2,542	1,470,000
	1931	8,000	2,432	1,020,000
	1932	8,350	2,402	1,000,000
	1933	8,290	2,500	1,400,000
	1934	8,440	2,500	1,440,000
	1935	10,010	3,001	1,500,000
	1936	11,712	3,548	2,000,000



County	Year	Population	Registration	Gasoline consumption
Sacramento	1927	147,051	42,925	22,954,487
	1928	148,442	47,917	24,996,215
	1929	152,304	50,880	27,508,986
	1930	141,909	53,118	29,776,710
	1931	144,940	54,197	31,064,788
	1932	149,940	53,683	31,968,897
	1933	149,840	53,331	30,633,647
	1934	154,560	54,618	30,874,607
	1935	159,230	59,100	34,730,365
	1936	173,561	64,653	38,114,482
San Francisco	1927	554,645	135,729	72,582,169
	1928	559,964	147,526	76,957,897
	1929	565,948	159,501	86,226,288
	1930	634,394	163,355	91,572,997
	1931	630,770	162,345	93,047,628
	1932	637,250	156,275	93,063,714
	1933	654,540	152,224	87,437,806
	1934	655,460	171,845	85,835,342
	1935	673,990	160,253	94,173,355
	1936	727,877	174,643	102,956,205
Sierra	1927	2,188	726	391,977
	1928	2,076	800	417,325
	1929	2,172	834	450,861
	1930	2,422	833	466,960
	1931	2,140	886	507,840
	1932	2,510	912	543,107
	1933	2,700	1,019	585,320
	1934	2,970	1,144	646,683
	1935	3,110	1,230	728,104
	1936	3,272	1,304	768,739
Shasta	1927	12,280	4,803	2,568,442
	1928	11,861	5,037	2,627,584
	1929	12,280	5,392	2,723,004
	1930	13,927	5,564	3,119,048
	1931	14,230	5,898	3,380,632
	1932	15,030	5,879	3,501,018
	1933	16,020	6,129	3,520,534
	1934	16,260	6,576	3,717,299
	1935	17,460	7,062	4,150,014
	1936	19,031	7,738	4,561,735
Solano	1927	49,248	11,570	6,187,150
	1928	50,625	12,582	6,563,482
	1929	51,944	13,856	7,490,558
	1930	40,834	14,649	8,206,842
	1931	40,570	14,601	8,369,042
	1932	40,700	14,233	8,475,929
	1933	41,240	14,744	8,469,042
	1934	41,400	15,033	8,497,894
	1935	43,660	15,743	9,251,441
	1936	48,026	17,354	10,230,596
Sutter	1927	16,656	5,842	3,124,056
	1928	16,843	6,165	3,216,012
	1929	16,908	6,327	3,420,378
	1930	14,618	6,318	3,653,839
	1931	16,060	6,696	3,838,032
	1932	16,400	6,421	3,823,786
	1933	16,110	6,465	3,679,070
	1934	16,650	6,696	3,785,133
	1935	17,320	7,146	4,196,377
	1936	18,359	7,565	4,459,748
Tehama	1927	14,152	5,154	2,756,142
	1928	14,040	5,574	2,407,713
	1929	14,204	5,902	3,140,623
	1930	13,866	5,885	3,298,994
	1931	14,210	5,632	3,400,120
	1932	14,400	6,421	3,823,786
	1933	14,690	5,801	3,332,129
	1934	15,120	6,120	3,459,530
	1935	15,840	6,500	3,819,752
	1936	17,044	6,989	4,120,182

COUNTY	Year	Population	Male Population	Female Population
Yuba	1907	13,757	6,422	7,335
	1910	24,178	11,371	12,807
	1920	24,178	11,371	12,807
	1930	24,178	11,371	12,807
	1931	24,178	11,371	12,807
	1932	24,178	11,371	12,807
	1933	24,178	11,371	12,807
	1934	24,178	11,371	12,807
	1935	24,178	11,371	12,807
	1936	24,178	11,371	12,807
	1937	24,178	11,371	12,807
	1938	24,178	11,371	12,807
	1939	24,178	11,371	12,807
Yuba	1907	11,704	4,751	6,953
	1910	11,704	4,751	6,953
	1920	11,704	4,751	6,953
	1930	11,704	4,751	6,953
	1931	11,704	4,751	6,953
	1932	11,704	4,751	6,953
	1933	11,704	4,751	6,953
	1934	11,704	4,751	6,953
	1935	11,704	4,751	6,953
	1936	11,704	4,751	6,953
	1937	11,704	4,751	6,953
	1938	11,704	4,751	6,953
	1939	11,704	4,751	6,953

### Motion.

Senator Nielsen moved that 300 extra copies of the Report of the California Toll Bridge Authority, along with the Minority Report, be printed under separate cover.

Motion carried, and such was the order.

### Consideration of Daily File.

#### Third Reading of Senate Bills.

Senate Bill No. 766—An act to amend sections 545, 637, 656, 673.5 and 676 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 766 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Piarovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Williams—33.

NOES—Senator McGovern—1.

Title read and approved.

Senate Bill No. 766 ordered transmitted to the Assembly.

Senate Bill No. 175—An act to amend section 500 of the Penal Code, relating to neglect to notify the owner of property which has been saved from fire.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 175 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gorden, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Piarovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—34.

NOES—None.

Title read and approved.

Senate Bill No. 175 ordered transmitted to the Assembly.

Senate Bill No. 260—An act to amend sections 1426b and 1426d of the Civil Code, relating to notices of location of lode and placer mining claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—35.

NOES—None.

Title read and approved.

Senate Bill No. 260 ordered transmitted to the Assembly.

Senate Bill No. 860—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 860 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 860 ordered transmitted to the Assembly.

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 453 ordered transmitted to the Assembly.

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 454 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride,

McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams and Young—33.  
 NOES—None.

Title read and approved.

Senate Bill No. 454 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1661.5, 1667.1, 1677.5, and 1705.5 to said code, and to add Article 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 457 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holahan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 457 ordered transmitted to the Assembly.

Senate Bill No. 367—An act to amend section 328 of the Probate Code, relating to notices prior to the hearing of application for letters

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holahan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—32.

NOES—None.

Title read and approved.

Senate Bill No. 367 ordered transmitted to the Assembly.

Senate Bill No. 368—An act to amend section 441 of the Probate Code, relating to notices prior to the hearing of application for letters

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 368 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holahan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 368 ordered transmitted to the Assembly.



Senate Bill No. 366—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its Territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be retained the names and addresses of consular officers who make such requests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Perovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 366 ordered transmitted to the Assembly.

Senate Bill No. 520—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof: to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act, to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce,

and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

Sec. 1A. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions of agricultural producers throughout the State are such as to require immediate relief, if their purchasing power and bargaining ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of agricultural products and the establishment of marketing agreements and marketing orders which assure stabilized and orderly distribution of agricultural products which can not otherwise be so marketed.

Urgency clause read

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Doud, Fletcher, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Meyer, Nielsen, Olsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 520 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Doud, Fletcher, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Meyer, Nielsen, Olsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 520 ordered transmitted to the Assembly.

Senate Bill No. 991—An act to add section 610.5 to the Fish and Game Code, relating to steelhead trout.

Bill read third time.

The question being on the passage of the bill.

The roll was call, and Senate Bill No. 991 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Doud, Fletcher, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Meyer, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 991 ordered transmitted to the Assembly.

Senate Bill No. 16—An act to amend sections 718 and 865 of the Fish and Game Code, relating to shad.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 16 ordered transmitted to the Assembly.

Senate Bill No. 534—An act adding section 1275.5 to the Fish and Game Code, relating to the possession of deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 534 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 534 ordered transmitted to the Assembly.

Senate Bill No. 1098—An act to add sections 1184 and 1417 to the Fish and Game Code, relating to the taking of birds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1098 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1098 ordered transmitted to the Assembly.

Senate Bill No. 212—An act to add sections 875.5 and 1410.5 to the Fish and Game Code, relating to nets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 212 ordered transmitted to the Assembly.

### Communication.

The following communication was received, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, May 4, 20, 1937.

Honorable George J. Hatfield, President of the Senate, State Capitol, Sacramento, California.

Subject: VOTE REQUIRED ON URGENCY MEASURES.

Request No. 7409.

MR. PRESIDENT: You have asked us the following questions:

(1) How many votes are required to pass the section constituting the statement of facts required to be present in a bill which is to take effect as an urgency measure, as necessary for the preservation of the public peace, health, or safety?

(2) How many votes are required to pass the bill itself?

1. The procedure relative to the vote upon such a section is contained in this single sentence:

"Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only by a yeas and nays vote upon a separate roll call thereon; \* \* \*" (Sec. 1, Art. IV, State Constitution.)

It may well be that this sentence does not require that such a section be passed by a two-thirds vote. However, Joint Rule 23, as embodied in Senate Concurrent Resolution No. 2 (Chapter 150), reads as follows:

"23. Upon the third reading of a bill which is an urgency measure setting the meaning of section 1, Article IV of the State Constitution, the presiding officer shall direct that the section of said bill setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be this: 'Shall this section, setting forth the urgency features of this bill, be passed?' If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill, but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on the without reference to any committee."

From this language, it would appear that a two-thirds vote of the members elected to the house in which the vote is being taken would be necessary to the passage of the "urgency section."

2. The fourth paragraph of section 1 of Article IV of the State Constitution provides, in part, as follows:

"\* \* \* urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house \* \* \*."

This language would seem to require that the "measure" (bill) itself be passed by a two-thirds vote.

This provision does not apply to: (1) acts ending elections, or, (2) tax levies or appropriations for the usual current expenses of the State. *Ruth Douglass vs. Johnson*, (1936) 13 Cal. App. (2d), 720, at page 726.

If we can be of any further assistance to you in this respect, please do not hesitate to call upon us.

Very truly yours,

SIDNEY L. WEINSTOCK,  
Deputy Legislative Counsel.

Approved: FRED B. WOOD, Legislative Counsel.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith.



**Amendments from the Floor.**

During third reading of Senate Bill No. 579, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, line 6 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "declaring the urgency thereof, and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 7 of the printed bill, as amended, strike out all of line 27.

**Amendment No. 3.**

On page 8, line 20, of the printed bill, as amended, after the word "lease", insert the following: "on contiguous parcels".

**Amendment No. 4.**

On page 9, line 7, of the printed bill, as amended, after "pipe", insert the following: "or casing".

**Amendment No. 5.**

On page 9, line 9, of the printed bill, as amended, after "pipe", insert the following: "or casing".

**Amendment No. 6.**

On page 9, line 22, of the printed bill, as amended, strike out the word "all", insert a comma after the word "way", strike out the word "and", and following the word "easements", insert the following: "or other interests in real property".

**Amendment No. 7.**

On page 9, line 23, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the word "or".

**Amendment No. 8.**

On page 9, line 26, of the printed bill, as amended, strike out the comma and the words "in the manner herein provided for the making of", and strike out all of line 27, and the following words in line 28: "except as to the required number of wells" and the comma.

**Amendment No. 9.**

On page 9, line 28, of the printed bill, as amended, following the words "lease to", strike out the word "others", and insert in lieu thereof the words: "the highest bidder".

**Amendment No. 10.**

On page 9, line 29, of the printed bill, as amended, strike out the period after the word "area", and insert the following words: "in substantially the same manner as is herein provided for making such original lease."

**Amendment No. 11.**

On page 9, line 31, of the printed bill, as amended, strike out the word "such", and insert in lieu thereof the word "any", and after the word "lease", insert the words: "under this act".

**Amendment No. 12.**

On page 10, line 5, of the printed bill, as amended, after the word "including", insert the word "reasonable"; and in line 6, strike out the words "declaration of".

**Amendment No. 13.**

On page 10, line 7, of the printed bill, as amended, after the word "lessee", and the comma, insert the following: "and the requirement that the lessee shall within twenty days after the acceptance of his bid furnish a good and sufficient bond in the sum of \$100,000 in favor of the State, guaranteeing favorable performance by the lessee of the terms and covenants and his compliance with the conditions of the lease,".

**Amendment No. 14.**

On page 10, line 31, of the printed bill, as amended, after the word "lessee", and the period, insert the following: "Failure of a successful bidder to furnish such bond within twenty days after acceptance of his bid will constitute a forfeiture of his lease and a forfeiture to the State of said deposit of \$10,000."

**Amendment No. 15.**

On page 12, line 3, of the printed bill, as amended, strike out the figure "24", and insert in lieu thereof the figure "25".

**Amendment No. 16.**

On page 12, line 16, of the printed bill, as amended, strike out the word "therefrom", and insert in lieu thereof the following words: "from operations under this act".

**Amendment No. 17.**

On page 12, line 18, of the printed bill, as amended, following the word "and", strike out the period, and insert in lieu thereof a comma and the words "except as otherwise provided by law."

**Amendment No. 18.**

On page 12 of the printed bill, as amended, strike out all of lines 19 to 22, both inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Rush Order to Printer.**

On motion of Senator Olson, the Secretary was directed to issue a rush order for printing Senate Bill No. 579.

**Recess.**

At twelve o'clock and thirty minutes p.m. on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Remarks.**

The following remarks, offered by Senator Young, were ordered printed in the Journal:

*Gentlemen of the Senate:*

You will notice on your desk two attractive packages, one containing what is known as Sunsweet Tenderized Prunes, the other a bottle containing a wonderful healthful drink known as Sunsweet Prune Juice.

These are products presented to you through the courtesy of the California Prune and Apricot Growers Association, a group of cooperatively-minded growers who have for the past 20 years been working together to try to solve their mutual problems. They have at the present time some \$4,000,000 invested in their business of packing and distribution. They have purchased the work of pack improvement and have spent millions in advertising, increasing the quantity of their finished product and developing new varieties of prunes, and these packages now on your desk represent years of work by this association for the benefit of this important industry. Last year in excess of 75,000 tons of dried fruit products were processed and sold by this organization in this country, and the world's markets. Its membership extends from the Mexican line to the Oregon border, many of its members live in our metropolitan area, consequently are our constituents.

I hope you will enjoy this slight token of good will that this organization has extended toward the members of this Legislature. It certainly has given our association pleasure to be able to do it.

**Consideration of Daily File—(Resumed).****Second Reading of Senate Bills.**

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 310 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, after "waters", insert a comma and the following: "declaring the urgency of this act, to take effect immediately".

## Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 3 to 29, inclusive, and insert in lieu thereof the following:

"482. (a) It is unlawful to conduct any mining operations in the Trinity and Klamath River Fish and Game District between July 1 and November 30, both dates inclusive, except when the debris, substances, tailings or other effluent from such operations do not and can not pass into the waters in said district.

(b) It is unlawful between July 1 and November 30, both dates inclusive, to pollute, muddy, contaminate, or soil the waters of the Trinity and Klamath River Fish and Game District. It is unlawful between said dates to deposit in or cause, suffer, or procure to be deposited in, permit to pass into or place where it can pass into said waters, any debris, substance or tailings from hydraulic, placer, milling or other mining operation affecting the clarity of said waters. The clarity of said waters shall be deemed affected when said waters at a point a distance of one mile below the confluence of the Klamath River and the Salmon River or at a point a distance of one mile below the confluence of the South Fork of the Trinity River and the Trinity River contain fifty (50) parts per million, by weight, of suspended matter, not including the natural turbidity of said river or rivers.

(c) It is unlawful, between July 1 and November 30, both dates inclusive, to carry on or operate any hydraulic mine of any kind on, along, or in any waters flowing into said Trinity and Klamath River District, provided, however, nothing herein contained shall prevent the operation of a hydraulic mine where the tailings, substance, or debris, or other effluent therefrom, does not or will not pass into said waters of said Trinity and Klamath River Fish and Game District, between said dates, and provided further that any person, firm or corporation engaged in hydraulic mining shall have the right until the fifteenth day of July to use water for the purpose of cleaning up.

(d) Any structure or contrivance which causes or contributes, in whole or in part, to the condition, the causing of which is in this section prohibited, is a public nuisance, and any person, firm or corporation maintaining or permitting the same shall be guilty of maintaining a public nuisance, and it shall be the duty of the district attorney of the county where the condition occurs or the acts creating the public nuisance occur, to bring action to abate such public nuisance.

(e) Any person, firm, or corporation violating any of the provisions of this section is guilty of a misdemeanor.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State. A statement of the facts constituting such necessity is as follows:

The streams guarded against pollution by this act constitute an extensive recreation district and the preservation of the mining industry is vital to the State of California and in order that the health of visitors be protected and recreation facilities protected during the summer months of this year it is necessary that this act take immediate effect."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 165—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county mutual fire insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 458—An act to amend sections 1390, 1391, 1392, and 1399 of the Insurance Code, relating to insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1762, 1764, 1772, and

1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 466 were read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, between lines 17 and 18, insert the following: "Sec. 7a. Section 7 of this act shall take effect January 1, 1938."

**Amendment No. 2.**

On page 4, line 46, of the printed bill, after "State", insert the following: "and shall therefore take effect immediately".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 467—An act to amend sections 1011, 1016, 1017, 1031, 1037, and 1047 of, and to add section 1056.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1044, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 470 were read and adopted:

**Amendment No. 1.**

On page 1, line 19 of the printed bill, after "guaranties" insert the following: "in the State in which the security or some part thereof is located."

**Amendment No. 2.**

On page 2, line 42 of the printed bill as amended, after "requesting", insert the following: "the broker to obtain".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 489—An act to add section 1703.5 to the Insurance Code, relating to agents for disability insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923



thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 452 were read and adopted:

**Amendment No. 1.**

On page 3, line 36, of the printed bill, as amended, after "assistants", strike out "advisers".

**Amendment No. 2.**

On page 3, line 40, of the printed bill, as amended, strike out "commissioner".

**Amendment No. 3.**

On page 6, line 15, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "unless such contract, by its terms, is not subject to cancellation by the insurer and the insured did not knowingly participate in such wrongful acts."

**Amendment No. 4.**

On page 6 of the printed bill, as amended, strike out lines 18 and 19, and insert in lieu thereof the following: "In any such case, whether or not the particular contract is thus required to be canceled or is subject to such cancellation, the commissioner may order the insurer, insurance".

**Amendment No. 5.**

On page 6, line 21, of the printed bill, as amended, strike out "so canceled".

**Amendment No. 6.**

On page 6, line 23, of the printed bill, as amended, strike out "the policy so canceled", and insert in lieu thereof the following: "such contract".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 469—An act to amend section 10846, 10850 and 10860 of the Insurance Code, to add sections 10818, 10860.5, 10871, 10872, 10873, 10891 and 10919 thereto, and to add Article 13a, comprising section 10892, to Chapter 9, Part 2, Division 2 thereof, all relating to life and disability insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 469 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the comma, also strike out "10850 and 10860", and insert in lieu thereof the following: "and 10850".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "10818, 10860.5, 10871," also strike out line 3, and insert in lieu thereof the following: "10871, 10872 and 10891 thereto, and to add Article".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and in line 7, strike out "Sec. 2.", and insert in lieu thereof the following: "SECTION 1."

**Amendment No. 4.**

On page 1, line 16, of the printed bill, strike out the comma, also strike out "without the modification therein", and in line 17, strike out "permitted,".

**Amendment No. 5.**

On page 1, line 20, of the printed bill, strike out comma, also strike out "and", and insert in lieu thereof the following: "and shall also collect such payments as are necessary".

**Amendment No. 6.**

On page 2, line 5, of the printed bill, strike out "collected annually", and insert in lieu thereof the following: "required under this section".

**Amendment No. 7.**

On page 2, line 7, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 2."

**Amendment No. 8.**

On page 2 of the printed bill, strike out lines 10 to 15, inclusive, and in line 46, strike out "Sec. 6.", and insert in lieu thereof the following: "Sec. 3."

**Amendment No. 9.**

On page 3 of the printed bill, between lines 4 and 5, insert the following: "In the case of contracts not in compliance with the foregoing paragraph, the commissioner shall require that within one year from the date this section takes effect such insurer shall make reasonable progress in conducting such examinations in agreement with the contract holders so that within a reasonable period such contracts will comply with the foregoing paragraph. The commissioner may, in his discretion, allow a reasonable time thereafter for compliance with such requirements. The insurer shall be annually examined by the commissioner and the commissioner shall determine in each examination whether proper progress in such compliance is being made to justify him in further extending the time. In no event shall such extension or extensions of time exceed a period of three years from and after the date this section takes effect. In granting such extensions the commissioner shall be guided by his judgment as to whether or not the insurer is making proper effort to endorse such contracts and may, whenever he deems that such effort is not sufficient or that the progress of compliance toward such efforts is not indicated within a reasonable time, withhold any extending extension or decline further to extend such period. At the end of such such extension, or otherwise as indicated in this section, the provisions of the last preceding paragraph shall take effect except as therein indicated."

**Amendment No. 10.**

On page 3, line 5, of the printed bill, strike out "on", and insert in lieu thereof the following: "of".

**Amendment No. 11.**

On page 3, line 6, of the printed bill, strike out "in", and insert in lieu thereof the following: "into".

**Amendment No. 12.**

On page 3, line 7, of the printed bill, strike out "contract does", and insert in lieu thereof the following: "contracts do".

**Amendment No. 13.**

On page 3, line 8, of the printed bill, strike out "to", and insert in lieu thereof a comma.

**Amendment No. 14.**

On page 3, line 9, of the printed bill, after the comma, insert the following: "and"

**Amendment No. 15.**

On page 3, line 10, of the printed bill, strike out "such reserves", and insert in lieu thereof the following: "the reserves required by section 10870".

**Amendment No. 16.**

On page 3, line 16, of the printed bill, strike out the comma, and insert in lieu thereof a period.

**Amendment No. 17.**

On page 3 of the printed bill, strike out lines 17 to 21, inclusive, and insert in lieu thereof the following: "The provisions of this and the preceding paragraphs shall not apply to contracts providing for the maintenance of reserves, which reserves have not been maintained by the insurer. Any endorsement pertinent to this section shall be deemed to be made upon the statements by the insured set forth in the application for insurance, or for the last reinstatement thereof prior to the date of the application for endorsement hereunder. The period of incontestability shall commence under such endorsed contract three years from the date of the application for insurance or for the last reinstatement thereof prior to the application for such endorsement."

**Amendment No. 18.**

On page 3, line 22, of the printed bill, strike out "Sec. 7.", and insert in lieu thereof the following: "Sec. 4."

**Amendment No. 19.**

On page 3, line 25, of the printed bill, strike out "10872", and insert in lieu thereof the following: "10871".

**Amendment No. 20.**

On page 3, line 29, of the printed bill, strike out "same age" and insert in lieu thereof the following: "then attained age of the member".

**Amendment No. 21.**

On page 3 of the printed bill, strike out lines 39 to 50, inclusive, and in line 51, strike out "SEC. 9.", and insert in lieu thereof the following: "SEC. 5."

**Amendment No. 22.**

On page 4 of the printed bill, strike out lines 8 to 10, inclusive, and insert in lieu thereof the following: "total business of the insurer."

**Amendment No. 23.**

On page 4, line 11, of the printed bill, strike out "SEC. 10.", and insert in lieu thereof the following: "SEC. 6."

**Amendment No. 24.**

On page 4, line 22, of the printed bill, strike out "shares", and insert in lieu thereof the following: "share".

**Amendment No. 25.**

On page 4 of the printed bill, strike out lines 24 to 32, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 1047—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 1047 was read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after "company", insert the following: ", operating under the provisions of Chapter VIII or Chapter IX of Division II of this code,".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10669.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 455 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after the comma following "10700", insert the following: "10701".

**Amendment No. 2.**

On page 2, line 31, of the printed bill, as amended, after "certificates", insert the following: "or as the statutory deposit or any installment thereof mentioned in sections 10739 and 10740, subject to provisions of said sections."

**Amendment No. 3.**

On page 6 of the printed bill, between lines 17 and 18, insert the following:  
"Sec. 9a. Section 10701 of the Insurance Code is hereby amended to read as follows:

10701. Those officers of such association who have the custody of its funds shall give bond with an admitted surety insurer, approved by the commissioner, as surety thereon. Such bond shall be in an amount at least equal to the sum of the benefit fund together with the trust fund as reported in the annual statement last filed with the commissioner, conditioned upon the accounting for the funds delivered into their custody. The form of every surety bond shall be approved by the commissioner before acceptance by him."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 456 was read and adopted:

**Amendment No. 1.**

On page 2, line 16, of the printed bill, as amended, strike out "and a lien against the assets of".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S4793 and HR12021, providing for the granting of and by the Federal Government to the several States for the support of public education.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Senate Joint Resolution No. 16 were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out the following: "S4793 and HR12021", and insert in lieu thereof the following: "S. 449 and H. R. 2288".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, strike out the following: "S4793 and HR12021", and insert in lieu thereof the following: "S. 449 and H. R. 2288".

Senate Joint Resolution No. 16 read, ordered to reprint, reengrossment, and on file for third reading.

Senate Bill No. 1117—An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1117 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out the words "Legislative Manual", and the comma following the word "Manual", and in lines 3 and 4 of the title, strike out "Roster or Register of California State Government" and the comma following the word "Government".

**Amendment No. 2.**

On page 1, lines 3 and 4, of the printed bill, strike out the words "Legislative Manual" and the comma following the word "Manual", and in line 4, strike out "Roster or Register of California", and strike out all of lines 5 and 6, and insert in lieu thereof the following: "Such Blue Book shall be compiled following the adjournment of the fifty-second session of the Legislature and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses."

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 7, 8, 9, 10, and 11, and insert in lieu thereof the following:

"SEC. 2. The volumes shall be distributed as follows: To each member of the Senate and to the Secretary thereof, 10 copies; to each member of the Assembly



and to the Chief Clerk thereof, 10 copies; to the Governor, 25 copies; to the Secretary of State, the Controller, the Attorney General and the Treasurer each 5 copies; to the director of each State department, 2 copies; to the State Library, 50 copies."

**Amendment No. 4.**

On page 1, lines 12 and 13, of the printed bill, strike out the words "provided for the State Librarian", and insert in lieu thereof the following: "the distribution of which is provided for by section 2 hereof".

**Amendment No. 5.**

On page 2 of the printed bill, strike out all of lines 8, 9, 10 and 11.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 344 were read and adopted:

**Amendment No. 1.**

On page 3, line 4, of the printed bill, as amended, after "and", insert the following: "the minimum terms specified in paragraphs (a) and (b)".

**Amendment No. 2.**

On page 3, line 36, of the printed bill, as amended, after the word "from", strike out the word "each"; and on page 3, line 37, strike out the words "year of".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 223—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 233 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 9 to 12, inclusive, and insert in lieu thereof the following: "guards, of which excess of over 1 per cent per bag shall be paid to the State treasury to the credit of a special fund to be used for the purchase of additional plant and equipment for the jute mill."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 735—An act to amend section 1576 of the Penal Code, relating to the State prisons.

Bill read second time, ordered to engrossment, and on file for third reading.

## Second Reading of Assembly Bills.

Assembly Bill No. 2415—An act to amend Section 735.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendment to Assembly Bill No. 2415 was read and adopted:

#### Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, after "Any", insert the following: "such".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2157—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1371—An act to add section 765 to the Vehicle Code, relating to violations thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1220—An act to add section 76 to, and to amend sections 425, 426 and 438 of, the Vehicle Code, relating to garages and repair shops and the rights thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1130—An act to add section 957a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2341—An act to amend section 583b of the Penal Code of the State of California, prohibiting the wearing by a person not entitled to do so of the badge, lapel button, rosette or other recognized and established insignia of any secret society, order or organization, fraternal or religious order or denomination, or of any sect, church or religious denomination.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 2341 was read and adopted:

#### Amendment No. 1.

In section 1 of new section 583b, line 8, beginning at the comma, add the following: "with intent to deceive."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1223—An act to amend sections 81, 504, 511, 525, 550, 576, 590 and 602 of, and to add sections 512 and 596.5 to, the Vehicle Code, relating to vehicles, the operation and equipment thereof, and certain crimes in relation thereto.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1223 was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, as amended, after "vehicle", insert the following: "or the contents thereof".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2789—An act to add section 4056 to the Political Code, relating to wild flower reserves.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Conservation, the following amendment to Assembly Bill No. 2789 was read and adopted:

**Amendment No. 1.**

On page 1, line 18, of the printed bill, after "desirable.", insert the following: "The provisions of this act shall not apply to any public grazing land within the scope of an act of Congress entitled "An act to stop injury to the public grazing lands by preventing over-grazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the live stock industry dependent upon the public range, and for other purposes," approved June 28, 1934, and the provisions of Chapter 640, Statutes of the State of California, 1935."

Bill read second time, ordered to reprint, and re-referred to Committee on Conservation.

Assembly Joint Resolution No. 19—Relative to memorializing Congress to enact legislation relating to disabled veterans.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Assembly Joint Resolution No. 19 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed measure, strike out the words "would be".

**Amendment No. 2.**

On page 1, line 5, of the printed measure, strike out the word "liable", and insert in lieu thereof "fears a liability".

**Amendment No. 3.**

On page 1, line 19, of the printed measure, strike out the words "and private".

Assembly Joint Resolution No. 19 read, ordered to print, and on file.

Assembly Bill No. 277—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Assembly Bill No. 277 were read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed bill, strike out the period after the word "Governor", and insert in lieu thereof a comma.

**Amendment No. 2.**

On page 1, line 15, of the printed bill, strike out the words "if in the opinion", and all of lines 16 to 26, inclusive, and insert in lieu thereof the following: "who shall transmit all papers and documents relied upon in support of and in opposition to the application to the Advisory Pardon Board. The Advisory Pardon Board, after investigation, shall transmit its written recommendation upon such application to the Governor, together with all papers filed in connection with the application."

No application which has not received a recommendation from the Advisory Pardon Board favorable to the applicant shall be transmitted to the Chief of the Supreme Court, unless the Governor certifying that the fact that the Advisory Pardon Board has failed to make a recommendation favorable to the applicant, especially refers an application to the Justice for their consideration, and in all cases where the Advisory Pardon Board has made a recommendation favorable to the applicant and in those cases referred by the Governor, certifying that an adverse recommendation, the application, together with the papers and documents relied upon in support of and in opposition to such application, together with records and recommendations of the Advisory Pardon Board shall be transmitted to the Clerk of the Supreme Court for consideration at the bar. If a majority of the justices recommend that clemency be granted, the Chief of the Supreme Court shall transmit the application, together with all papers and documents filed in the case, to the Governor; otherwise the documents shall remain in the files of the court."

Bill read second time, ordered to print, and on file for third reading.

### Third Reading of Assembly Bills.

Assembly Bill No. 406—An act to amend sections 3, 5, and 6 of the Alcoholic Beverage Control Act, relating to licenses, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

The manufacture of alcoholic beverages, particularly wine, and the raising of wine grapes are important and growing industries in this State, and are the means of livelihood of many thousands of citizens. It is necessary for the continued growth and prosperity of these industries that the market for their products in other States be free from discriminatory restrictions. Such restrictions have been imposed by the legislatures of several States and further restrictions are proposed by pending legislation in many of the States in which the industries are now in process. The enactment of such legislation will impose the heaviest and most onerous of this State, and result in unemployment. The legislation proposed by this act is part of a plan for the elimination of interstate restrictions upon the sale of alcoholic beverages. It is necessary that this act take immediate effect in order that the legislatures of other States may be dissuaded to refrain from enacting further discriminatory legislation and that they may be impelled to repeal existing discriminatory provisions in their laws.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 406 ordered transmitted to the Assembly.



Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, and providing for the enforcement of the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2794 passed by the following vote:

AYES—Senators Allen Biggar, Crittenden, Cunningham, DeLap, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Slater, Swing, Waggy, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2794 ordered transmitted to the Assembly.

### Notice of Motion to Reconsider.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 406 was passed.

### Communications.

The following communications were received, and ordered printed in the Journal.

(Western Union night letter)

LOS ANGELES, CALIFORNIA, April 5, 1937.

*California State Senate, Joseph Beek, Secretary.*

The undersigned lovers of justice gathered in meeting in Los Angeles respectfully urge the California Senate to support and vote favorably on the measure memorializing Governor Merriam to grant Tom Mooney a full and complete pardon. We request that this message be read to the Senate and entered in the Senate Journal.

S. M. WISMAN,  
DR. NADINE KAVINOKY,  
VETTERLI S. NESNANSKY.

And 218 others.

*Mr. Joseph A. Beek, Secretary of the Senate,  
State Capitol, California.*

We, the undersigned citizens of California and the United States, ask you to exert your interest in justice for Tom Mooney, for years held in San Quentin on what everybody by this time should be convinced was a frame-up charge. Let the world know that California legislators are through with considering Mooney as a terrible criminal by urging the Governor to issue an unconditional pardon for him at once.

(Signed)

SAMUEL L. BROWN,

And 52 others.

LOS ANGELES, CALIFORNIA, March 27, 1937.

*Mr. Joseph A. Beek, Secretary of the Senate,  
State Capitol, Sacramento, California.*

DEAR SIR: A concurrent resolution having been introduced in the State Assembly by Assemblyman Paul Richie, requesting the Governor to grant a full and complete pardon to Thomas J. Mooney, it is hereby requested that you adopt a letter or resolution and send it on your official stationery to each member of the Assembly or Senate urging him to vote favorably on this resolution.

Thank you for your cooperation.

Sincerely yours,

(Signed)

ROBERT BURNS,  
I. MALINSKY.

And 55 others.

SAN GABRIEL, CALIFORNIA, April 2, 1937

To Joseph A. Beck, Secretary of the Senate,  
Sacramento, California.

As a voter in the first third assembly district, and a defender of democracy, I hereby state that I believe in order to that State with conscience clean, you should support the passage of the Assembly Concurrent Resolution requesting the Governor to grant full and complete pardon to Thomas J. Mooney, that bill is to be presented to both legislative bodies.

I also believe that the testimonies and evidence presented in the record of the case prove the innocence of said Thomas J. Mooney. I expect you that no unnecessary delay hinder the passage of this bill.

(Signed)

J. E. TREMBLAY  
And 74 others.

### Reading of Communications.

The President of the Senate presented numerous communications advocating the adoption of Assembly Concurrent Resolution No. 33 requesting the Governor to pardon Thomas J. Mooney, which were read, and ordered filed in the records of the Senate.

### Consideration of Special Order.

The hour having arrived for the consideration of Assembly Concurrent Resolution No. 33, heretofore set as a special order for three o'clock and thirty minutes p.m., the same was taken up for consideration.

#### Assembly Concurrent Resolution No. 33.

Requesting the Governor to grant a full and complete pardon to Thomas J. Mooney.

WHEREAS, On February 9, 1917, in the superior court of the State of California in and for the City and County of San Francisco, Thomas J. Mooney was convicted of the crime of murder in connection with the bombing at the Agricultural Day Parade in the city of San Francisco on July 22, 1916, resulting in the death of several persons; and

WHEREAS, Thomas J. Mooney was thereafter sentenced to death, which sentence was later commuted by the Governor of the State of California to life imprisonment; and

WHEREAS, The said Thomas J. Mooney has since said conviction been imprisoned in the State Prison at San Quentin, where he is still confined as a life prisoner; and

WHEREAS, It has since been shown that the conviction of said Thomas J. Mooney was based upon false and perjured testimony, and it is now fully evident that said Thomas J. Mooney is innocent of the crime for which he was convicted, and should be granted immediately a full and complete pardon; and set at liberty; and, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all members elected to each having voted therefor and assented therein, That the Governor of this State is hereby requested to grant to said Thomas J. Mooney a full and complete pardon; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Governor of this State.

#### Resolution read.

The question being on the adoption of the resolution:

The roll was called, and Assembly Concurrent Resolution No. 33 refused adoption by the following vote:

AYES—Senators, Crittenden, Fletcher, Hollister, Jepsen, McGovern, Olson, Swing, and Westover—8.

NOES—Senators, Allen, Bigger, Cunningham, DeLap, Donel, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McBrine, McCormack, Mosier, Moxter, Nielsen, Parkman, Phillips, Pionovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Tickle, Waggy, Williams, and Young—30.

#### Explanation of Vote.

The following explanation of vote on Assembly Concurrent Resolution No. 33, by Senator Fletcher, was ordered printed in the Journal:

I am not appealing to the members of this Senate to vote for this resolution on the question of Mooney's guilt or innocence. None of us have legally been in a

position to hear the evidence and decide the question on its merits, but my conscience compels me to support this resolution and for the following reasons:

He has paid his debt to society, has been in prison for nearly 21 years, has been a model of good behavior, and as is customary, is entitled to nearly a year's credit for each year of good behavior.

I have had much experience in connection with the parole and pardon of men from San Quentin and Folsom Prisons. I do not claim to be any shining light, but I have had the privilege and pleasure of having paroled over 100 men, including murderers. A murderer in San Diego sentenced to life was paroled by me after 14 years—that man has made good and is one of our most respected citizens today. Only nine out of the 100 odd men that I have paroled failed to make good. I am proud of that record, also of our splendid parole system.

With the experience that I have had, I feel that I can speak more or less authoritatively when I say, guilty or not, Tom Mooney should be given the benefit of the doubt—he is entitled by all the rules of the game to a pardon—he could have had a parole several years ago but refused it, and after 21 years in the penitentiary, he has certainly fulfilled his obligation to society and is entitled to a pardon.

I beg of you, in the interest of fair play, irrespective of prejudice and without passing on the guilt or innocence of Mooney, vote "yes" on this resolution.

#### Explanation of Vote.

The following explanation of vote on Assembly Joint Resolution No. 33, by Senator McGovern, was ordered printed in the Journal:

Thomas J. Mooney's ideas on economics, religion and politics are so inconsistent with the views of most Californians that it has been difficult to obtain an impartial judgment of his case. Despite my personal disagreement with his views I can not agree that he should be kept in jail for his beliefs, erroneous as they are. A calm and deliberate study of the Mooney case leads to the inevitable conclusion that this man was found guilty on account of what he believed rather than for any acts proved. The case against him did not carry conviction of guilt in an unprejudiced mind to a moral certainty and beyond all reasonable doubt. His conviction was the result of emotion rather than of cool reasoning. Practically all the testimony against him has been so thoroughly discredited that his continued imprisonment is, in my opinion, a serious reflection on our administration of justice.

Our courts are our surest protection to life, liberty and property rights. They must be kept above suspicion. In these days when so much superficial criticism is directed at our judicial system we should be particularly jealous of its good reputation. Californians are a brave and manly people. They should not fear to face the facts. All the circumstances in the Mooney case justify his immediate pardon.

#### Consideration of Daily File—(Resumed).

##### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1343—An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1343 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixter, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1343 ordered transmitted to the Assembly.

Assembly Bill No. 2100—An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 2100 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2100 ordered transmitted to the Assembly.

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses, and declaring the urgency hereof.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 576, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 1, lines 2 and 3 of the title of the printed bill, strike out the comma and the words: "and declaring the urgency hereof".

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1210—An act to amend sections 215 and 216 of the Vehicle Code, and to add thereto section 217, relating to the registration of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1210 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deak, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Pierovich, Seawell, Slater, Waggy, Westover, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1210 ordered transmitted to the Assembly.

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 49, 66 and 67 thereof, and by adding thereto sections 32.5, 50 and 82.5, relating to definitions of words and phrases.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1211, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after the numerals "66", strike out "and 67", and insert in lieu thereof the following: "67 and 131".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, after the figures "82.5", insert the following: "describing the forms of required documents and".

**Amendment No. 3.**

On page 3 of the printed bill, following line 21, insert the following:

"131. Authority of Officers and Employees. Any Officers and employees of the department are for the purposes of this code authorized to administer oaths and acknowledge signatures, and shall do so without fee.

"(b) The director and such officers of the department as he may designate may, upon request, prepare under the seal of the department and deliver without charge a certified copy of any record of the department received or maintained under this code.



(c) Whenever the acknowledgement of any document is made necessary by the provisions of this code or under any regulation of the department, the signature of the applicant attested to in his presence by the signature of a subscribing witness will be accepted in lieu of such acknowledgement.

(d) Any person who knowingly makes a false statement or conceals a material fact in any document required to be filed with the department as herein provided shall be guilty of a misdemeanor."

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1212 An act to add section 130.1 to the Vehicle Code, relating to automobile registration service.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1212 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Wagly, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1212 ordered transmitted to the Assembly.

Assembly Bill No. 1213—An act to amend sections 140, 211, and 225 of the Vehicle Code, and to add thereto sections 143.5 and 164.5, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1213 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagly, Westover, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1213 ordered transmitted to the Assembly.

Assembly Bill No. 1215—An act to amend section 134 of the Vehicle Code, relating to motor vehicle publications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1215 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagly, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1215 ordered transmitted to the Assembly.

### Notice of Motion to Reconsider.

Senator McCormack gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 122 was passed.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Williams:

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 6.55 to the School Code, relating to automatic gas shut offs in school buildings.

Respectfully submitted

SENATOR WILLIAMS

Request referred to Committee on Rules

### Report of Standing Committee.

The following report of standing committee was received and read  
On Rules.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Williams to introduce a bill entitled:

An act to add section 6.55 to the School Code, relating to automatic gas shut offs in school buildings.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
KNOWLAND  
TUCKLE  
SLATER

The question being on the adoption of the report.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Williams moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garri-son, Hays, Keough, Knowland, Law, McCormack, Montgomery, Mixer, Osborn, Park-man, Phillips, Pirovich, Quinn, Rich, Scherky, Seawell, Slater, Wacey, Westcott, and Williams—27.

The Secretary announced the absentees.

Time, three o'clock and fifty-eight minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1216—An act to amend sections 146 and 146.5 of the Vehicle Code, and to repeal section 180.5 thereof, relating to the registration of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1216 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garri-son, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Law, McCormack,

McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.  
NOES—None.

Title read and approved.

Assembly Bill No. 1216 ordered transmitted to the Assembly.

Assembly Bill No. 1221—An act to amend sections 453, 541, 554, 633, and 671 of the Vehicle Code, to add thereto section 454, and to repeal section 517 thereof, relating to authorized emergency vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1221 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Jaspersen, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—31.  
NOES—None.

Title read and approved.

Assembly Bill No. 1221 ordered transmitted to the Assembly.

Assembly Bill No. 1208—An act to add section 607.7 to the Vehicle Code, relating to authorized emergency vehicles on vehicular crossings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1208 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Jaspersen, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.  
NOES—None.

Title read and approved.

Assembly Bill No. 1208 ordered transmitted to the Assembly.

Assembly Bill No. 1207—An act to amend section 647 of the Vehicle Code, relating to tests of lamps or devices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1207 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.  
NOES—None.

Title read and approved.

Assembly Bill No. 1207 ordered transmitted to the Assembly.

Assembly Bill No. 1222—An act to amend sections 471, 516, and 715 of the Vehicle Code, relating to highways, including bridges and structures, and the regulation and control of vehicles thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1222 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Jorgensen, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nilsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1222 ordered transmitted to the Assembly.

Assembly Bill No. 1729—An act to amend section 1203 of the Political Code, relating to polling places.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1729 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Jorgensen, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nilsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1729 ordered transmitted to the Assembly.

Assembly Bill No. 1726—An act to amend section 1151 of the Political Code, relating to election officers in cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1726 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Jorgensen, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nilsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1726 ordered transmitted to the Assembly.

Assembly Bill No. 964—An act to amend sections 1000, 1001 and 1010 of the Probate Code, relating to partial and ratable distribution of the estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 964 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Jorgensen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nilsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 964 ordered transmitted to the Assembly.



Assembly Bill No. 520—An act to add a new section, to be numbered 13b, to the Street Lighting Act of 1919 (Statutes of 1919, p. 612), relating to collection of municipal assessments by the county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 520 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 520 ordered transmitted to the Assembly.

Assembly Bill No. 521—An act to add a new section, to be numbered 8a, to the Street Lighting Act of 1931 (Statutes of 1931, p. 1324), relating to collection of municipal assessments by the county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 521 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 521 ordered transmitted to the Assembly.

Assembly Bill No. 522—An act to amend section 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to special assessment taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 522 ordered transmitted to the Assembly.

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3669 of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

**Amendments from the Floor**

During third reading of Assembly Bill No. 836, the following amendments, offered by Senator McCormack, were read and adopted:

**Amendment No. 1.**

On page 4, line 14, of the printed bill, as amended, strike out "whose officers" strike out all of line 15, and in line 16, strike out "forfeited, or the payment of said company".

**Amendment No. 2.**

On page 4, line 23, of the printed bill, as amended, strike out "premium" and insert in lieu thereof "premiums".

**Amendment No. 3.**

On page 4, line 40, of the printed bill, as amended, strike out "any" and insert in lieu thereof "any".

**Amendment No. 4.**

On page 4, line 41, of the printed bill, as amended, strike out "within" and insert in lieu thereof "may".

**Amendment No. 5.**

On page 4, line 42, of the printed bill, as amended, after "sell", strike out "after" and insert in lieu thereof "within".

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With**

At four o'clock and thirty five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Williams.

The names of the absentees were called, and, in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dond, Fletcher-Garrison, Hays, Hollister, J. Spensen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Law:

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 7a to the Unfair Practices Act, relating to public utilities.  
Respectfully submitted,

SENATOR LAW.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred a request by Senator Law to introduce a bill entitled:

An act to add section 7a to the Unfair Practices Act, relating to public utilities; has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

### **Introduction, First Reading and Reference of Bills.**

The following bills were introduced:

**Senate Bill No. 1128:** By Senator Law—An act to add section 7a to the Unfair Practices Act, relating to public utilities.

Senate Bill No. 1128 read first time, and referred to Committee on Public Utilities.

**Senate Bill No. 1129:** By Senator Williams—An act to add section 6.55 to the School Code, relating to automatic gas shut-offs in school buildings.

Senate Bill No. 1129 read first time and referred to Committee on Insurance.

### **Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### **On Public Utilities.**

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Public Utilities, to which was referred:

Senate Bill No. 812—An act to amend section 1 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved May 15, 1933, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

PARKMAN, Chairman.

#### **On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 372—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to the practice of pharmacy;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DELAP, Chairman.

#### **On Public Morals.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

**MR. PRESIDENT:** Your Committee on Public Morals, to which was referred:

Assembly Bill No. 2587—An act to repeal section 397c of the Penal Code, relating to the sale of intoxicating liquors and to enact a new section to be known as section 398 of the Penal Code, relating to the sale of alcoholic beverages, the act to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

FLETCHER, Chairman.

**On Corporations and Financial Institutions.**

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 196—An act to amend section 2 of the Corporate Securities Act, to exempt from the provisions of said act certificates of deposit for money approved by the California District Securities Commission for certification as legal investments for savings banks and trust companies;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLLISTER, Chairman.

**On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 809—An act to amend section 3819 of the Political Code, relating to an action to recover a tax paid under protest.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 43—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines and providing for the enforcement of this act and providing penalties for violating the provisions hereof;

Has had the same under consideration and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 598—An act to amend section 14 of an act entitled "The Motor Vehicle Transportation License Tax Act," relating to taxation.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1432—An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1935," relating to inheritance taxation.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1097—An act to add sections 2615, 3366.3 and 4041.14a to the Political Code, relating to exemption of community theaters from taxation.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.



## SENATE CHAMBER, SACRAMENTO, April 6, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

KNOWLAND, Chairman

## On Irrigation.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 543—An act authorizing and directing the Division of Water Resources of the Department of Public Works to make an investigation of the water resources of Solano County, California, and making an appropriation therefor: Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to the Committee on Finance.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

Senate Bill No. 543 ordered re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 1123—An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately: Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

## On Banking.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Assembly Bill No. 797—An act to amend section 1 of and to add section 1.1 to an act entitled "An act to define the liability of stockholders in California State banks and to provide for the enforcement and collection of that liability by the Superintendent of Banks of the State of California," approved April 24, 1931, relating to liability of stockholders: Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

DEUEL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Assembly Bill No. 795—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 48a, 49a and 57 and by repealing section 133.1 thereof and by adding a new section thereto to be numbered section 99.1, relating to the definition and regulation of the business of banking: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

DEUEL, Chairman.

**On Agriculture.**

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Agriculture, to which was referred:

Senate Bill No. 962—An act to amend section 893 of, and to add sections 897 to the Agricultural Code, relating to field crops.

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote—Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Agriculture, to which was referred:

Senate Bill No. 1101—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Senate Bill No. 1139—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be re-referred to this committee.

Committee membership—9; committee vote—Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Agriculture, to which was referred:

Senate Bill No. 440—An act to amend sections 1064, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Agriculture, to which was referred:

Senate Bill No. 11—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—5; nays—2; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent excessive waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof, providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof, and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

CRITTENDEN, Chairman.

**On Civil Service.**

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

**MR. PRESIDENT:** Your Committee on Civil Service, to which was referred:

Senate Bill No. 1121—An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties;

Senate Bill No. 1122—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appor-

priation therefor," approved June 9, 1931, relating to the State Employees' Retirement System;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—3.

YOUNG, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, April 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 460—An act to amend sections 10112, 10113, 10204, 10209, 10213, and 10511 of the Insurance Code, to repeal section 10241 thereof, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

#### Adjournment.

At four o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, April 8, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 8, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

#### Reading of the Journal.

During the reading of the Journal of Wednesday, April 7, 1937, the further reading was, on motion of Senator Swing, dispensed with.

#### Privilege of Floor of Senate Extended.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Loren Critser, teacher, and the following students of the Napa Union High School: Rosemary Prager, Miriam King, Elsie Butman, Monica LeCair, Drucilla Hudson, Ken Okamura, Gerry Saxon, Barbara Butman, Robert Carter, Margie Glos, Florence Buxton, Marcia Speak, Janey Dwyer, Homer Coolidge, Donald Ball, James Brown, David Maxwell, Martha



Christiansen, Betty Whelan, Will O'Brien, Ed Bradley, Richard Uhlandt, Betty Nye, George DeLong, Ruth Coward, G. W. Hayden, George Muscovite, James Nichols, Wayne Wilson, Charles Gifford, James Innis and Mr. Innis.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. F. Piter of Eureka.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene H. Agee of Oxnard.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Zumwalt and Lawrence Holzman, both of San Diego, and H. G. Laurick of Solano Beach.

On request of Lieut. Governor George J. Hatfield and Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Boyle, Grand President of the Native Daughters of the Golden West, and Mrs. Genevieve Dillion.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayne George R. Cadan and Ernest L. Finley, postmaster and publisher of Santa Rosa.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following eighth grade Social Studies class of the Stanford Junior High School, Sacramento: Elaine Allgeier, Gordon Ball, Melvin Bond, Beverly Brown, Florine Brown, Catherine Cochran, Frances Cucciarre, Victor Damiano, Emily Day, Dora Eggolf, Gladys Fitzpatrick, Gus Franzella, Carl Forsberg, Eugene Gessenda, Darrell Griffin, Alice Longir, Harold Lopez, Helen Martin, John Martin, Edith McMackin, George Miskulin, Marjorie Mosher, Alfred Montechelle, Paul Peck, Don Peterson, Frank Petzold, Kay Reese, Wallace Rhodes, Eva Dell Picknel, Buddy Schram, Betty Jane Schmidt, Audrey Thom, Bob Senner, Florence Snyder, Nancy Viotti, Lene Wilkins, Elsie Simpson, and Fred Wristen.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Tom Louttit, Sr., former Railroad Commissioner, of Stockton.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Clayton, teacher; Mrs. Ware, Mrs. Mooney, Mrs. Wanamaker, Mrs. Hart and Mr. Healy, parents, and the following sixth and seventh grade students of the Sylvan Grammar School: Shirley Dent, Lillian Elwell, Margaret Cherrill, Ollie May Fogle, Alice Freid, Mary Louise Fulkerson, Betty Hoshall, Alice McAdams, Mary McAdams, Joineye Monfield, Rose Muschetto, Mary Tiffreau, Joyce Wanamaker, Nick Champlin, Robert Dunksen, Leonard Filkill, Robert Findley, Mario Gusti, Dean Hart, Abraham Keller, Samuel Keller, Eugene Knight, Charles Lucas, Raymond Mooney, Lionel Pinola, Robert Root, Lester Smith, George Stoddard, Billy Strauch, Peggy Breuss, Jean Buckley, Louise Caldwell, Ruth Freid, Verle Ford, Dorothy Gibson, La Vonne Knutson, Loretta Pickett, Marie Randle, Betty Stanaland, Donald Boquist, Cecil Bowser.



Ralph Dever, Noah Keller, Sam Leedy, Bob Leurs, Leslie McIntyre, Bill Mooney, Clinton Odell, Martin Vincent and Wayne Ware.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William J. Clark, attorney and counselor at law, of Alhambra.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Florine B. Hatch of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Jack Whury of Modesto.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. Rosenberg president of the Tulare County Farm Bureau, of Exeter.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 166—An act to establish a California Labor Relations Board for the mediation and arbitration of labor disputes and for ancillary purposes, and to prescribe its powers and duties;

Senate Bill No. 369—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution; And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 51—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith;

Senate Bill No. 467—An act to amend sections 1041, 1046, 1047, 1033, 1037, and 1047 of, and to add section 1056.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers;

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1762, 1764, 1772, and 1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance;

Senate Bill No. 1037—An act to repeal and add Chapter 3, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 518—An act to add two new sections to the Political Code, to be numbered 3480e and 3480f, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 458—An act to amend sections 1390, 1391, 1392, and 1399 of the Insurance Code, relating to insurance;

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance;

Senate Bill No. 489—An act to add section 1703.5 to the Insurance Code, relating to agents for disability insurance;

Senate Bill No. 735—An act to amend section 1576 of the Penal Code, relating to the State prisons;

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game;

Senate Bill No. 165—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county mutual fire insurers;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, APRIL 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolling and Printing has examined:

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters, declaring the urgency of this act, to take effect immediately;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, APRIL 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolling and Printing has examined:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of mine, monuments and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith, declaring the urgency thereof, and providing that this act shall take effect immediately.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, April 8, 1937.

Hon. George J. Hatfield, President of the Senate,  
State Capitol, Sacramento, California.

Subject: SKELETON BILLS.  
Request No. 7756.

MR. PRESIDENT: This is in response to your request for our opinion concerning your power as President of the Senate to rule upon the question of whether, when the question is raised in regard to a bill which was introduced in its incomplete form in the Assembly and subsequently amended there into a complete bill and passed by that house.

Following such action, the due passage of the bill has been certified by the officers of that house and the bill, complete on its face, has been transmitted to the Senate, where it is under consideration, when a point of order is raised. The point of order alleges that the bill was a skeleton at the time it was introduced in the other house and that it does not now and never can constitute a bill at all. (See Opinion of the Attorney General, Senate Daily Journal for March 1, 1937, Re: Skeleton Bills.)

It is our opinion that the certification of the due passage of the bill by the officers of the Assembly precludes the consideration of the nature of the measure at the time of its introduction in that house and the changes which the questioner undertakes in the course of its passage there.

It is our thought that the declaration that the bill has passed the Assembly constitutes an official attestation by the officers of the Assembly that the bill has duly complied with the requirements of the Constitution so far as that house is concerned, and that the comity existing between each house of the Legislature and the presiding officers thereof, requires that the official acts of one house and its officers receive the acquiescence of the other without question in the same manner that the courts accept as conclusive, the attestation of both presiding officers that a bill has duly passed the Legislature.

This question in its larger aspect involves the right of the presiding officer to rule upon the constitutionality of a bill. As a general rule, his power to do this is denied. (Mason, Manual of Legislative Procedure, sec. 402.) However, the duty of attesting to the due passage of a bill is an essential act in the process of legislation. If the purpose of attestation were simply to identify the bill, it could as well have been placed upon a clerk or other subordinate legislative officer and would constitute a mere ministerial act.

But the Constitution has prescribed certain requirements with which a bill must comply in the course of its passage. The certification of such compliance with these requirements is vested in the presiding officer under the enrolled bill rule since the facts thereof are not apparent on the face of the bill. (Sherman vs. Sharp (1886), 30 Cal. 253.) In the exercise of this power, the presiding officer has no authority to attest by his signature any bill which has not been duly passed by the house over which he presides, but to concede this general principle does not determine the precise question here raised.

It remains to inquire as to the nature of the evidence upon which action may be had, when the issue was raised as to whether the constitutional requirements have been met. While the consideration of the measure in the Senate takes place under

your guidance, and the records and journals are compiled by your officers, and there is competent evidence to otherwise ascertain the facts concerning the passage of a measure, such is not the case in regard to the method by which the measure was considered in the Assembly.

There the certification of the bill by the officers constitutes an official attestation that the bill has duly passed the Assembly. It is the declaration of the Assembly, through its officers, that the bill thus attested has duly complied with the constitutional requirements, and following which the bill has been delivered to you for your attestation that, in its consideration by the Senate, compliance was had with the same constitutional requirements in the course of its passage.

Since it is felt that the scope of your attestation concerns no more than the certification of the action had in the Senate upon the bill, the nature of the process in the other house is immaterial, and in addition, the point of order which has been raised is without evidentiary support, so that it may be overruled.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, beginning April 8, 1937, and the Controller is hereby directed to pay the same:

	<i>Per day</i>
	<i>6 days per week</i>
Kathaleen Marlahan, Stenographer-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixter, Parkman, Phillips, Quinn, Seawell, Slater, Swing, Tickle, Wagy, and Westover—25.  
 NOES—None.

### Motion to Reconsider Waived.

Senator Swing waived reconsideration of Assembly Bill No. 406.

Assembly Bill No. 406 ordered transmitted to the Assembly.

### Motion to Reconsider.

Pursuant to notice given on a previous day, Senator McCormack moved to reconsider the vote whereby Assembly Bill No. 1212 was passed.

### Postponement of Consideration.

On motion of Senator McCormack, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1212 was passed was continued until the next legislative day.

### Special Order.

Senator Swing moved that Senate Bill No. 103 be made a special order for Friday, April 9, 1937, at eleven o'clock a.m.

Motion carried, and such was the order.

### Consideration of Daily File.

### Third Reading of Senate Bills.

Senate Bill No. 207—An act to amend section 137 of the Fish and Game Code, relating to game refuges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixer, Parkman, Piorovich, Rich, Schottky, Slater, Swing, Tickle, Wagz, Westover, and Williams—29.

**NOES**—Senators Deuel, and Young—2.

Title read and approved.

Senate Bill No. 207 ordered transmitted to the Assembly.

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 827 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nelson, Parkman, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 827 ordered transmitted to the Assembly.

Senate Bill No. 371—An act to add a new section to the Probate Code to be numbered 159b, relating to the solicitation of law business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 371 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nelson, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, and Williams—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 371 ordered transmitted to the Assembly.

Senate Bill No. 484—An act to amend section 10 of an act entitled "An act to provide for the incorporation and organization, and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to rules and regulations of said districts, the policing of the bridges and approaches thereto of such districts, the maintenance of directional signs in connection therewith, the maintenance of fire departments and towing and emergency service thereon, and the enforcement of liens by such districts.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 484 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 484 ordered transmitted to the Assembly.

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The following is a statement of the facts constituting such urgency:

The peace, safety and welfare of citizens of this State are dependent upon immediate relief from the payment of principal or installments thereof due upon such assessments, taxes, and bonds, by reason of the fact that the present economic crisis has made the owners of property upon which such lien falls unable to pay the principal due thereon. The property, as a result of the depression, has neither a reasonable existing sale value, nor does it at present furnish satisfactory realizable security for raising funds for the payment of these bonds. If this act does not take effect immediately, these persons may lose their homes as a result of proceedings arising out of the nonpayment of these sums, the burden of their support and maintenance will have to be assumed by the State or by local taxation, to the great injury of the State or local government of this State. When a moratorium is declared upon such payments, it would be grossly inequitable and would cause financial ruin to guarantors not to extend to them similar relief. It is therefore necessary that the temporary relief given by this act be immediately extended and this act should therefore take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixter, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 55 ordered transmitted to the Assembly.

Senate Bill No. 908.—An act to amend sections 1299.18, 1300, 1300.3 and 1300.4 of the Agricultural Code relating to processes of farm products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 908 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Niles, Parkman, Phillips, Pritchard, Quinn, Rich, Schottky, Sewell, Slater, Tickle, Wags, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 908 ordered transmitted to the Assembly.

Senate Bill No. 878.—An act to amend section 632 of the Agricultural Code, relating to samples.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 878 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Parkman, Phillips, Pritchard, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wags, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 878 ordered transmitted to the Assembly.

Senate Bill No. 913.—An act to add a new section to be numbered 32d to an act entitled "An act to establish a standard of weights and measures in the State of California, to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof, to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery, to prevent the sale of goods, wares and merchandise by false weights and measures, to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holahan, Keating, Knowland, Law, McBride, McColl,

McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Title read and approved.

Senate Bill No. 913 ordered transmitted to the Assembly.

Senate Bill No. 314—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hollister, Holohan, Keating, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 314 ordered transmitted to the Assembly.

### Recess.

At eleven o'clock and forty minutes a.m., the President of the Senate declared recess for the purpose of hearing from Mrs. Florence Danforth Boyle, Grand President of the Native Daughters of the Golden West.

### Address.

The following address was delivered to the Senate by Mrs. Florence Danforth Boyle:

Honorable Chairman:

Members of the Senate:

As Grand President of the Native Daughters of the Golden West, I bring you greetings from the Native Daughters of the Golden West.

May you ever continue to keep alive the ideals set down for us by our pioneer fathers and mothers.

No State in our great Union is filled with more of real romance and tragedy in its making than our own California.

We are organized on the same principals and with the same ideals as our brother order, the Native Sons of the Golden West.

We believe the perservation of the early history of our Golden State, with its romance, its tragedies, its sacrifices, is the sacred heritage left to the native born of California.

We believe that all historical spots should be marked so that the rising generation and those coming from other States and countries to enjoy the fruits of the labors of our pioneer fathers and mothers should love its history as we do.

We believe in preserving the names of every man, woman and child who came to California either by land or by sea, for truly each did their part in the building of our glorious State.

We are also a patriotic organization. Daily we renew our pledge to State and Nation and to our homes, for to be good American citizens we must be loyal to all three.

We endeavor to bring happiness and encouragement to those brave men and women who offered up their lives in sacrifice of Old Glory during the Great War. Twenty seven hundred of brother Native Sons entered the Service at that time.

We believe in high educational ideals. We find homes for homeless children, for truly this work was started in those early days when children left motherless or fatherless on that trying trip to California were always taken in by some other good family and brought to the new land.

As those good men and women came to this new land in search of adventure, in search of new homes and new fortunes, and looked upon California as their land of hope and golden promise, will you, as members of the Legislature of the State of California, endeavor to help us to make their dream a realization by keeping alive their ideals set down for us?

I thank you.

FLORENCE DANFORTH BOYLE,  
Grand President of the Native  
Daughters of the Golden West.

### Reconvened.

At eleven o'clock and forty five minutes a.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

### Special Order.

Senator Young moved that Senate Bill No. 309 be made a special order for Monday, April 12, 1937, for two o'clock and thirty minutes p.m.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 660—An act to amend section 43 of the Probate Code

#### Amendments from the Floor.

During third reading of Senate Bill No. 660, the following amendments, offered by Senator McGovern, were read and adopted:

#### Amendment No. 1.

On page 1, line 7, of the printed bill, after the word "sister", add a comma and the words "nephew, niece."

#### Amendment No. 2.

On page 1, line 10, of the printed bill, after the comma following the word "spouse", add the words "brother, sister, nephew, niece."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

#### Amendments from the Floor.

During third reading of Senate Bill No. 662, the following amendments, offered by Senator McGovern, were read and adopted:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, after the comma following the word "sister," add the words "nephew, niece,".



**Amendment No. 2.**

On page 1, line 13, of the printed bill, after the comma following the word "spouse", add the words "brother, sister, nephew, niece".

**Amendment No. 3.**

On page 1, line 19, of the printed bill, after the comma following the word "spouse", add the words "brother, sister, nephew, niece".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters.

Bill read third time.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State. A statement of the facts constituting such necessity is as follows:

The streams guarded against pollution by this act constitute an extensive recreation district and the preservation of the mining industry is vital to the State of California and in order that the health of visitors be protected and recreation facilities protected during the summer months of this year it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—Senator Seawell—1.

Title read and approved.

Senate Bill No. 310 ordered transmitted to the Assembly.

**Explanation of Vote.**

The following explanation of vote on Senate Bill No. 310, by Senator Allen, was ordered printed in the Journal:

In order that there might be no misunderstanding in regard to Senate Bill No. 310 by Senator Quinn, relative to the rolling of the waters of the Klamath River, I desire to state that this is a compromise measure reached by the representatives of the sporting interests and the miners after many hearings and conferences. The sportsmen appointed a representative committee and the miners did likewise, and those two committees met and the final outcome of many protracted meetings was this amended bill. In consenting to the bill both sides yielded some of the things they were contending for. The miners gave up the right to carry on hydraulic mining from July 1st to November 30th, and also gave up the right to carry on any other mining that might result in rolling the Klamath River at the mouth of the Salmon River beyond 50 parts per million of weight of suspended matter. They did this with the understanding that all other bills affecting the rolling of the waters of this river would be dropped, and that the matter would be definitely settled. The mining interests also agreed to cooperate as far as possible to see that this law is complied with, and having yielding these points, that the other bills affecting this matter, particularly the Burns Bill, now pending in the Senate, and the Dawson

Bill should be withdrawn or amended to conform with the provisions of the Quinn Bill. We believe that any attempt now to force these other bills through the Legislature would be a breach of faith with the mining interests, and I support this bill with the understanding and belief that the Legislature will discontinue any attempt to change the provisions of the bill by amendment or otherwise, and I ask the support of this bill on this condition and this alone.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 909—An act to amend section 2957 of the Civil Code, relating to mortgages of personal property and crops.

Assembly Bill No. 856—An act to amend section 672 of the Agricultural Code, relating to dairies and dairy products;

Assembly Bill No. 2441—An act to amend section 6904 of the Labor Code, relating to train crews;

Assembly Bill No. 2675—An act to protect the safety of passengers and travelers upon railroads by compelling common carriers by railroad absolutely to heat their gas, gas-electric, diesel, or diesel-electric cars and locomotives;

Assembly Bill No. 2378—An act to add section 219a to the Labor Code, relating to deductions from wages or salary of employees;

Assembly Bill No. 2617—An act to add former section 10 of Chapter I of Title IX of Part II of the Code of Civil Procedure, to be numbered 688a, 688b, 688c, and 688d, respectively, and relating to the levy on chancel mortgaged property, means, assets of attachment and execution, and to repeal sections 2608, 2609 and 2670 of the Civil Code, relating to the same subject;

Assembly Bill No. 2616—An act to amend section 2609 of the Civil Code, relating to the levy on chancel mortgaged property under writs of attachment and execution;

Assembly Bill No. 2614—An act to amend sections 1054a of the Code of Civil Procedure, relating to cash deposits in lieu of underwriting of bonds;

Assembly Bill No. 989—An act to amend the Labor Powers Law, approved June 16, 1913, as amended, by adding therein a new section to be designated section 22a, to authorize the board of supervisors, comprising a board of justice commission, to recount the voted ballots in precincts where the precinct judge may, a total of votes cast for all candidates for an office or a total of votes cast for and against any proposition, in excess of the number of votes cast in the precinct, and providing that the board or commission may, in its discretion, transmit a certified statement board for this purpose.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 909 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 856 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2441 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2675 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2378 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2617 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2616 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2614 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 989 read first time, and referred to Committee on Elections.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 810—An act to amend section 1142 of the Political Code, relating to elections;

Assembly Bill No. 2806—An act to amend the "Use Tax Act of 1935," approved June 25, 1935, by amending section 4 thereof, relating to exemptions, by adding "newsprint" to the tangible personal property exempt from the tax imposed by such act;

Assembly Bill No. 1800—An act to amend section 5.722 of the School Code, relating to leaves of absence;

Assembly Bill No. 2799—An act to limit the number of stores operated under the same management, supervision or ownership;

Assembly Bill No. 1880—An act to amend section 5.190 of the School Code, relating to health and development certificates.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 810 read first time, and referred to Committee on Elections.

Assembly Bill No. 2806 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1800 read first time, and referred to Committee on Education.

Assembly Bill No. 2799 read first time, and referred to Committee on County Government.

Assembly Bill No. 1880 read first time, and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1868—An act to add a new article to Chapter I of Part II of Division II of the School Code to be known as Article X, relating to the attendance to school trustees at state-wide educational meetings;

Assembly Bill No. 1594—An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts;

Assembly Bill No. 1595—An act to amend an act entitled "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof; and to provide a method of dissolving such districts," approved May 16, 1919, as amended, by amending sections 3 and 6 thereof, relating to qualifications of petitioners and electors in conservancy districts;

Assembly Bill No. 1593—An act to amend an act entitled "An act to be known as the 'Water Conservation Act of 1929' and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts," approved April 27, 1929, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts;

Assembly Bill No. 2420—An act amending section 4064 of the Civil Code, relating to service of process on foreign corporations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1868 read first time, and referred to Committee on Education.

Assembly Bill No. 1594 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1595 read first time, and referred to Committee on Conservation.

Assembly Bill No. 1593 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2420 read first time, and referred to Committee on Judiciary.

### Third Reading of Senate Bills (Resumed).

Senate Bill No. 476—An act to prohibit the use of a device known as the "Running W" or any other device used for the purpose of tripping or throwing a horse or other animal.

#### Amendments from the Floor

During third reading of Senate Bill No. 476, the following amendments, offered by Senator Williams, were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "or any other device".

##### Amendment No. 2.

On page 1, lines 10 and 11, of the printed bill, strike out "or to cause such animal to be thrown or tripped by any such device."

##### Amendment No. 3.

On page 1 of the printed bill, between lines 11 and 12, insert the following:

"Sec. 15. This act does not prohibit the use of a device used merely to control an unbroken horse or colt, if such device is used exclusively for the purpose of gentling a wild horse or colt in the regular course of ranch work."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Motion.

On motion of Senator Powers, Senate Bill No. 475 was ordered placed on the unfinished business file.

### Re-reference of Senate Bill No. 147.

Senator Schottky moved that Senate Bill No. 147 be re-referred to Committee on Irrigation.

Motion carried, and such was the order.

#### Recess.

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

#### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



**Consideration of Daily File—(Resumed).  
Second Reading of Senate Bills.**

Senate Bill No. 812—An act to amend section 1 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved May 15, 1933, as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 812 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, following the words "an act to", at the beginning of line 1, strike out all of the balance of line 1, and all of lines 2, 3, 4, 5 of the title, and insert in lieu thereof the following: "regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, following the period after the figure 1, strike out all of the balance of page 1, and all of page 2, and insert in lieu thereof the following:

*"Declaration of Public Policy.* The business of operating as a motor carrier of passengers for hire or compensation along the highways of this State is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic, and the fact that under existing law many motor vehicles for hire are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulation should be employed, to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that discrimination in rates charged may be eliminated; that discrimination between various forms of transportation may be eliminated; that congestion of traffic on the highways may be minimized; that the use of the highways for the transportation of persons for hire may be restricted to the extent required by the necessity of the general public; that the general public be protected from the hazards of irresponsible motor carriers of passengers and their agents; and that the various highways transportation agencies of the State may be adjusted and correlated so that public highways may serve the best interest of the general public. The State should foster a fair distribution of its traffic to the end that all necessary transportation facilities shall be maintained, and to the end that the public shall not be inconvenienced by inordinate use of its highways for purposes of gain.

SEC. 2. This act shall be known and cited as the "Pasenger Motor Carrier Act."

SEC. 3. Definitions. (a) The term "commission", when used in this act, means the Railroad Commission of the State of California.

(b) The term "commissioner", when used in this act, means one of the members of the commission.

(c) The term "board", when used in this act, means the State Board of Equalization of the State of California.

(d) The term "department", when used in this act, means the Department of Motor Vehicles of the State of California.

(e) The term "Vehicle Code", when used in this act, means the Vehicle Code of the State of California, and all amendments thereto.

(f) The term "corporation", when used in this act, includes a corporation, a company, an association, a club, and a joint stock association.

(g) The term "person", when used in this act, includes an individual, a firm, and a copartnership.

(h) The term "vehicle", when used in this act, includes every device in, upon, or by which any person is, or may be, transported or shipped upon a public highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

(i) The term "public highway", when used in this act, shall include every public street, avenue, road or highway in this State.

(j) The term "motor vehicle", when used in this act, shall include every vehicle as herein defined, which is self propelled.

(k) The term "motor carrier of passengers", when used in this act, means any person or corporation, their lessees or receivers or successors or trustees appointed by any court whatsoever, owning, controlling, managing, operating, or intending to be operated, any motor vehicle used in transporting persons for compensation or hire over any public highway in this State; provided, however, that the term "motor carriers of passengers", when used in this act, shall not include, and then act shall not apply to the operation of motor vehicles on public highways of this State, (a) when said motor vehicles are being operated by a passenger stage corporation; (b) while operated within the limits of any incorporated city or town or city and county and or to or from such city or town or city and county from or to ferry or destination points within 50 miles beyond the corporate limits of same; (c) while operated in the transportation of bona fide pupils attending an institution of learning between their homes and such institution of learning.

(l) The terms "for hire" and or "for compensation" shall include the transportation of persons whereby there is paid, by or on behalf of the person or persons transported or to be transported a portion of the expense incurred or to be incurred in the course of such transportation.

(m) When used in this act, "shall" is mandatory and "may" is permissive.

(n) The term "passenger stage corporation", when used in this act, means a person or corporation that is the legal owner or holder of a certificate of public convenience and necessity issued by the commission pursuant to section 509 of the Public Utilities Act of the State of California.

(o) The term "passenger stage", when used in this act, shall mean every motor vehicle owned or operated or owned and operated by a passenger stage corporation.

SEC. 4. No motor carrier of passengers shall operate any motor vehicle for the purpose of transporting persons for compensation or hire, over any public highway in this State, except in accordance with the provisions of this act.

SEC. 5. From and after the first day of January, 1938, it shall be unlawful for any motor carrier of passengers to operate or permit to be operated any motor vehicle for the purpose of transporting persons for compensation or hire, upon any public highway in this State, without first having secured a permit from the commission, as herein provided, and unless such permit is in full form and effect. Such permit or a copy thereof certified by an officer of said commission shall be carried on each motor vehicle covered thereby, and shall be subject to inspection by any peace officer or other public officer or person charged with the enforcement of this act.

SEC. 6. Every application for such permit shall be in writing, shall be verified and shall specify the public highway or highways over which and the points from to or between which applicant proposes to operate, shall contain the information required by section 9 of this act, and shall conform to such rules and regulations as may be adopted from time to time by said commission, and shall be accompanied by a filing fee of fifty dollars (\$50). All fees provided for by this act shall be deposited in the State treasury to the credit of the commission, and a portion thereof of the amount appropriated for the support of the commission and may be expended by the commission for the administration of this act.

SEC. 7. Before issuing any permit hereunder, the commission shall give such public notice of the application therefor as in its judgment shall be reasonable, and in addition to such public notice, shall forward by mail notice of the application to (1) the board of supervisors of each county, and city and county, and to the city council or other governing body of each municipality in, to, from, or through which, the applicant proposes to operate; (2) the Department of Motor Vehicles of the State of California; and (3) to the passenger stage corporations then operating passenger stages in, from, to or through any city, city and county, or municipality proposed to be served by applicant, and if protest be made by any such boards of supervisors or other governing bodies, or by such department, or by any person or corporation claiming to be affected, within twenty days after such mailing, then no action shall be taken upon such application, except after a public hearing, as hereinafter provided.

SEC. 8. The commission shall, subject to the provisions of this act, from time to time promulgate rules and regulations respecting the issuance of permits and for the conduct of investigations and hearings as provided herein.

SEC. 9. The commission shall not issue a permit, with or without hearing, unless and until the applicant for such permit shall produce, under oath (in the form of

affidavits if no hearing is required by section 7 of this act), good and sufficient evidence upon which the commission may find, and before issuing a permit the commission shall, in writing, find that the following, and each of them, are true, to wit:

(a) that the particular public highway or highways designated in the application are of such type or construction, or in such state of repair, or subject to such use, as to permit the use sought to be made thereof by applicant, without unnecessary or unreasonable inconvenience, congestion, interference, or hazard to or with the use of such highways by the general public for highway purpose; or unnecessary or unreasonable wear and tear thereof.

(b) that the proposed operation by applicant will not impair the efficient public service of any passenger stage corporation then serving to, from, or between any city, city and county, or municipality proposed to be served by applicant.

(c) that each and every city, city and county, or municipality to, from, or between which applicant proposes to serve is then being inadequately served by the passenger stage corporations then authorized by the commission to serve the same.

(d) that the operation, or method of operation, proposed by applicant is not, and will not be in violation of any State or Federal law, or any presumption of law, or any ordinance, or any rule or regulation of the commission.

(e) that the applicant is a fit and proper person to engage in the business of a motor carrier of passengers.

(f) that the motor vehicles of applicant have been inspected by the commission and the same comply with the safety rules and regulations of the commission.

(g) that the applicant has complied with the requirements of Chapter 339, Statutes of 1933, as amended.

(h) that applicant has complied with the requirements of section 17 of this act.

(i) that applicant has complied with the requirements of section 18 of this act.

(j) that applicant has complied with the requirements of section 19 of this act.

Every permit issued under the provisions of this act shall bear on its face a written condition, among such others as the commission may impose, that said permit shall not be effective until the applicant therefor has complied with section 13 of this act.

SEC. 10. If the commission shall determine, as a result of the investigations aforesaid, that a permit should be issued containing restrictions as to the type or types of service which only may be given thereunder, or any other restriction or restrictions consistent with the purposes of this act, then said commission may grant a permit containing such restrictions.

SEC. 11. The commission is hereby vested with power and authority, and it is hereby made its duty, to prescribe rules and regulations, covering the operation of motor carriers of passengers on public highways in this State; and the commission shall prescribe minimum rates and or charges to be collected by such motor carrier or carriers of passengers which shall not be less than the rates and or charges of a passenger stage corporation for substantially the same service, as the same may be published from time to time in lawful tariffs then or thereafter on file with the commission.

SEC. 12. Every permit issued under this act shall specify the termini, territory and routes to which it shall apply, the type of service which may be rendered thereunder, and a description of each vehicle covered thereby, and such other conditions as the commission may impose.

Every permit issued under the provisions of this act shall state the number of vehicles that the therein named motor carrier of passengers is permitted to operate under the authority of said permit. No motor carrier of persons shall own or operate more motor vehicles for the transportation of persons for hire or compensation than is stated in said permit; any motor carrier of passengers operating under a permit, as in this act provided, desiring to increase the number of motor vehicles to be operated by said motor carrier of passengers in the transportation of persons for hire shall file with the commission an amendatory or supplementary application so to do and said amendatory or supplementary application shall conform to, and be noticed, heard and passed on, in the same manner as an original application for a permit.

SEC. 13. After obtaining from the commission the permit provided for in section 9 of this act, and upon every renewal of said permit, the motor carrier of passengers named in said permit shall obtain from the department number plates or emblems for each motor vehicle operated, or to be operated, by said motor carrier of passengers indicating that the permit provided for in section 9 of this act has been obtained. The number plates or emblems herein provided for shall be separate from and in addition to the number plates or emblems required by the Vehicle Code, as amended, and Chapter 339, Statutes of 1933, as amended, and shall be of a distinctive color and design from those required by said Vehicle Code and said Chapter 339 and shall be 13 1/2 inches in length and 6 1/2 inches in width. Such number plates or emblems shall be attached to and conspicuously displayed upon each of the motor vehicles authorized to be operated by said permit in such manner as may be required and prescribed by the department.



No number plate or emblem obtained under the provisions of this act is, or shall be, transferable. Any and all number plates or emblems so obtained from said department shall remain the property of the State of California, upon the dissolution, revocation or other termination of the permit, under which said number plates or emblems are obtained, and number plates or emblems shall be instantly returned to said department. It is hereby expressly made the duty of all (1) officers and employees of the commission and (2) police officers of the State of California and of all counties, cities and counties and municipalities thereof and of all officers of this State, and of all counties, cities and counties and municipalities thereof, charged with the duty to enforce laws respecting the use and occupancy of motor vehicles upon the highways to forthwith seize any and all of said number plates and emblems upon a showing that the permit under which said number plates or emblems was obtained has been suspended, revoked or otherwise terminated. No transfer of the registered ownership of a vehicle bearing number plates or emblems obtained and placed, or required to be placed, thereon, pending the revocation of this permit shall be effective, or permitted or authorized by the department under any provision of the Vehicle Code, until the transferor has surrendered said number plates or emblems to the department. It shall be deemed for all intents, as defined in the Vehicle Code, or any person or corporation to whom, and in exchange any vehicle bearing the number plates or emblems provided for in this act until said number plates or emblems thereon have been so surrendered to the department.

Said department shall change and correct from provisions provided in these number plates or emblems under the provisions of this act, the provisions now in the State of the design, material, shape and distribution of said number plates or emblems.

It shall be unlawful from and after the effective date of this act for any person or corporation to operate any motor vehicle for the transportation of persons for hire or compensation upon the public highways of this State without first obtaining the permit provided for in section 9 of this act and having displayed upon said motor vehicle the number plates or emblems required to be displayed thereon by this act.

SEC. 14. No permit or any renewal thereof shall remain in effect beyond the end of the calendar year in which it is issued, but said commission may renew any permit at the end of each calendar year upon written request therefor, and upon the payment of a fee of ten dollars (\$10), but such renewal shall not affect the power of such commission to amend or revoke any such permit as hereinafter provided.

SEC. 15. No permit shall be issued to any one other than the registered owner of the vehicle or vehicles to which it applies. Except as otherwise provided herein, no permit may include any number of vehicles of two types, purposes or models. The commission shall have authority to amend any permit from time to time to apply to or cover the substitution of vehicles described and provided in said permit.

SEC. 16. Except as otherwise provided herein, any such permit may be amended from time to time by the commission, or the same may be revoked when the commission shall at any time after the issuance of such permit after investigation determine that the conditions have become such that the commission and such permit is no longer consistent with the provisions of section 9 of this act, and said commission may revoke any such permit for violation of any of the terms and conditions thereof, or because of any unlawful operation, operation in violation of any change of operation, or method of operation, thereon. No such permit shall be amended or revoked, however, without the consent of the holder thereof unless the commission first shall have given the holder thereof not less than ten days notice in writing of its intention to so amend or revoke such permit, and shall have stated in such written notice the ground or grounds for amendment or revocation of such permit, and the effective date of any such intended amendment or revocation.

If the holder of such permit shall, five days or more prior to such effective date, file a written demand with the commission for a permit bearing in the number of any such intended amendment or revocation, then any such amendment or revocation shall not be effective until said commission shall first have held a public hearing in respect thereto.

SEC. 17. No such permit shall be issued unless and until the applicant therefor shall file with said commission a good and sufficient policy of insurance issued by an insurance company authorized to issue public liability and property damage insurance in this State, guaranteeing payment to the public for any loss or damage proximately caused by the negligence or willful misconduct of such motor carrier of passengers, its servants or agents, of not less than the following amounts to wit: For each motor vehicle having seating capacity of not more than 12 passengers,...

... minimum of \$5,000 coverage for injury to any one person and \$15,000 for any one accident.



For each motor vehicle having seating capacity between 12 and 20 passengers . . . minimum of \$5,000 coverage for injury to any one person and \$25,000 for any one accident.

For each motor vehicle having seating capacity between 20 and 30 passengers . . . minimum of \$5,000 coverage for injury to any one person and \$40,000 for any one accident.

For each motor vehicle having seating capacity in excess of 30 passengers . . . minimum of \$5,000 coverage for any injury to any one person and \$50,000 for any one accident.

For each motor vehicle, to cover damage to property, including damage to passengers, but excluding other property carried by such vehicle . . . minimum of \$2,000 coverage.

All such policies of insurance shall provide guarantee of payment of all loss or damage caused as aforesaid by any such vehicle operated upon the highways of this State in the conduct of the business of a motor carrier of passengers therein, namely, whether or not such vehicle be specified in such policy, and shall be for the benefit of and subject to immediate suit or action thereon by any person who shall sustain actual injury or loss of property thereby, notwithstanding any provision in said policy to the contrary; in every such policy of insurance so given it shall, in any suit or action, be conclusively presumed to have been given in accordance with and retain all the provisions of this act. No such permit shall be valid and operative until such insurance policy herein named has been filed with and approved by the Railroad Commission, and no such insurance policy herein named so filed and approved, shall be canceled by the company issuing same except upon and after ten days notice in writing to said Railroad Commission. Upon such notice being given by the company issuing such insurance policy, the permit of the person giving such insurance policy shall be revoked unless a new insurance policy shall be filed with and approved by the Railroad Commission before the date upon which such cancellation became effective. All insurance policies executed and presented pursuant hereto, except those covering the operations of motor carriers of passengers holding seasonal certificates only, shall expire on the thirty-first day of December of each year and at no other time. Renewal of all such policies shall be filed with the Railroad Commission not later than ten days prior to such expiration date. Upon failure to file such renewal, or a new policy, the Railroad Commission shall forthwith suspend the permit of said defaulting carrier of passengers until such policy be filed.

SEC. 18. Every motor carrier of passengers at the time of filing application for permit shall also file with the commission a separate appointment in writing of each and every agent who is, or upon the granting of a permit to applicant is to be, authorized by applicant to sell, or offer for sale, or negotiate with passengers for the sale of or contract with passengers for the providing of transportation in or on the vehicles of applicant. Each such appointment shall specify the name and address of the agent therein appointed. Each such appointment, among such other things as may be required by the commission, shall expressly provide that applicant agrees that the acts, or verbal or written contracts for transportation of passengers, or any of them, that such agent does, or makes, while engaged in selling, or offering for sale, or negotiating with passengers for the sale of transportation, or contracting for the transportation of passengers, in or on the vehicles of applicant, shall be of the same lawful force and validity as if such acts, or verbal or written contracts for the transportation of passengers, or negotiations with passengers for the sale of transportation, or any of them, had been done or made by applicant. No partnership or corporation shall be appointed as agent; only natural persons shall be appointed as agents, as herein provided.

Each such appointment shall stipulate and agree that the appointment of the therein named agent, and each provision of such appointment, shall continue in force until the substitution of another agent therefor or other written revocation of such agency; provided, however, that such substitution or revocation, or any revocation or termination of such agency, shall not affect or terminate any liability incurred by applicant by reason of any acts, or verbal or written contracts for transportation of passengers, or any of them, done, or made by said agent during the existence of such agency.

Every agent acting as such for a motor carrier of passengers, as in this act provided, shall at all times keep, both on his person and in his place of business, a certified copy of his appointment as such agent, which said copies, and each and all of them, shall be certified by the commission as true and correct copies of the original appointment in the files of the commission; upon demand of any passenger, or any prospective passenger, said agent shall exhibit said appointment and failure or refusal to so exhibit shall constitute a violation of this act.

Suspension, termination, or revocation of any permit shall suspend, terminate, or revoke, as the case might be, all appointments of agents made thereunder; provided, however, that upon the suspension of any permit issued hereunder the motor carrier

of passengers to whom said permit was issued shall be responsible for any sale or transportation in or on the vehicle of said motor carrier of passengers when said sale is made by any agent of said motor carrier of passengers during the continuance of said suspension. Unless otherwise provided by law, no agent, agent of any permit shall also renew all appointments of agents then made and existing under said permit.

Each such appointment filed with an appeal shall be a permit, and each appointment filed after the granting of a permit shall be a certificate, and shall be accompanied by a filing fee of one dollar (\$1.00).

It shall be unlawful for any motor carrier of passengers to transport and transporter or passengers over the public highways of this State the day after the expiration unless the transportation of such passenger or passengers in or on the motor vehicle or motor vehicles of said motor carrier of passengers was said, as offered for sale or contracted for with such passenger or passengers either by said motor carrier of passengers or by an agent of said motor carrier of passengers, which said agent was duly authorized at the time of such sale, offer or contract to be made or such agent as in this section provided.

SEC. 19. Every motor carrier of passengers at the time of filing of appeal for permit shall also file with the Railroad Commission an appointment in writing of some agent resident within this State upon whom all orders of said commission and all process of suits brought against such carrier may be served. Such appointment shall specify the address of such agent, shall stipulate and agree that any action or process against such motor carrier of passengers shall be served on such agent and that he of the same lawful force and validity as if such action or process were served in person within this State, and that such authority shall continue in force until the substitution of another agent, by filing with said commission a similar appointment of substitute agent, or until all liability against such motor carrier of passengers carrying out the operations of business performed by it in this State has terminated. A copy of such appointment with original bearing the signature of the carrier shall be accepted as sufficient evidence thereof by all courts in this State. Service upon such agent of any order of the Railroad Commission, and of all lawful processes of any court, shall have the same force and effect as if such process had been made in person upon said motor carrier of passengers within this State.

The operation on any public highways of this State of any motor carrier of any motor carrier of passengers then engaged in the business subject to the provisions of this act, requires the appointment of an agent, as provided herein, and the failure of any such motor carrier of passengers to appoint in the manner herein provided a substitute of any agent theretofore appointed within ten days from and after the death, concealment in this State or removal from the State, of such previously appointed agent shall be deemed constituting an appointment of such motor carrier of passengers of the Secretary of State of the State of California, or successor in office, as the true and lawful address upon whom may be served all orders of said Railroad Commission and all lawful processes of any court in this State of any action or process against such motor carrier of passengers, due to any accident, collision or transaction in which such motor carrier of passengers shall be involved while so operating in this State. Service of such order or process upon the said Secretary of State, shall, under the conditions as set forth, have the same force and effect as if such carrier had been personally served with the same within this State, provided that said Secretary of State shall forthwith forward such order or process by registered mail to said motor carrier of passengers at the address specified in its latest designation, in accordance with the Railroad Commission, or to the last known address of such person that has been filed with said commission. The certificate of the Secretary of State of such mailing shall be attached to the return service of such process and shall be accepted as proof of personal service. The Secretary of State shall be paid a fee of \$5.00 for each process of court so served upon him, which shall be assessed as part of the cost of any action when such service is made. No fee shall be charged for such service of any order of said Railroad Commission.

SEC. 20. The commission is hereby vested with power and authority, to require all motor carriers of passengers to keep accounts in accordance with such classification of accounts and rules in respect thereto as may be established by the commission from time to time, and to the such reports and to furnish the commission with such data concerning their business and practices as the commission may from time to time prescribe. Such accounts shall be open to the inspection of the commission or its representatives at all time.

SEC. 21. Neither this act, nor any provision hereof, shall apply or be construed as a regulation of commerce with foreign nations or among the several States, except in so far as the same may be permitted under the provisions of the Constitution and the acts of Congress of the United States.

SEC. 22. Every motor carrier of passengers to which this act applies, and every person acting for himself or as the agent of any other person or corporation who violates, or procures, aids or abets in any violation of, any provision of this act, or

fails to comply with any order, decision, regulation or permit issued by the Railroad Commission, shall, upon

First conviction, if a person, be punished by a fine of not to exceed \$500.00, or by imprisonment in a county jail for a term not to exceed six months or by both such fine and imprisonment, at the discretion of the court; or, if a corporation, shall be punished by a fine not to exceed \$1,000.00; and for the second and subsequent offenses thereof shall, upon conviction therefor, if a person, be punished by a fine of not to exceed \$1,000.00 or by imprisonment in a county jail for a term not to exceed one year or by both such fine and imprisonment, at the discretion of the court; or, if a corporation, shall be punished by a fine not to exceed \$4,500.00. Each day's violation of this act, and each day's failure to comply with any order, decision, or regulation of the Railroad Commission shall constitute a separate offense for the purpose of this act.

One act of the nature herein set forth shall constitute the person, firm or corporation doing and committing such act, a motor carrier of passengers within the meaning of this act.

SEC. 23. When a complaint has been filed with the commission alleging that any vehicle is being operated in the service of a motor carrier of passengers without a permit as required by this act, or in violation of any permit issued pursuant to this act, or when the commission has reason to believe that this act is being violated, or that any permit issued pursuant to this act is being violated, it shall be the duty of the commission to investigate such operations; and the commission shall have power to make its order requiring the owner or operator of such vehicle to cease and desist from any operation in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in it under this act or by law.

It shall be the duty of the commission upon the issuance of any such order to cease and desist, or upon the suspension or revocation of any permit issued under this act, to forthwith give written notice thereof to the Department of Motor Vehicles and to the State Board of Equalization, and both of them. It shall be the duty of said board to forthwith suspend any license or licenses issued by said board to the persons, firms or corporations named in said cease and desist order or in said order suspending or revoking any permit issued under this act, and said board shall forthwith notify said department of such suspension. Said board and said department shall forthwith take such steps as are provided for under the provisions of Chapter 339, Statutes of California, 1933, as amended, upon suspension of a license issued thereunder; provided, however, that said board shall not reinstate the license of any person or corporation so named in such cease and desist order or such order suspending or revoking such permit unless the Railroad Commission shall first find, after hearing, that the operation of motor vehicles for hire under such proposed reinstated license will not be in violation of, or an evasion of, its said order, or in violation of this act. No person or corporation who has been ordered by the commission to cease and desist the violation of this act shall be issued a license by the said board under the provisions of said Chapter 339, as amended, or any similar law, unless the commission shall first find, after hearing, that the operation of motor vehicles for hire under such proposed license will not be in violation of, or evasion of, the commission's said order, or in violation of this act.

SEC. 24. (a) The commission is hereby authorized to employ such forces as it may require to aid in the enforcement of this act; and any representative of the commission shall have all lawful powers of peace officers to make arrests for any violation of this act. It shall further be the duty of (1) the commission and all officers and employees thereof, and (2) of all peace officers of State, county and/or municipalities and (3) of all officers of this State, and of all counties and municipalities, charged with the duty to enforce laws respecting the use or operation of vehicles upon highways, to enforce the provisions of this act. (b) All penalties and/or punishments accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any motor carrier of passengers, or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the Railroad Commission of its power to revoke, amend or annul permits or of its power to punish for contempt.

SEC. 25. In all respects in which the Railroad Commission has power and authority under the Constitution of this State or this act, applications and complaints may be made and filed with the Railroad Commission, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review or mandate filed with the Supreme Court of this State, considered and disposed of by said court, in regard to the matters provided for in this act, in the same manner, under the same conditions and subject to the same limitations and with the same effect specified in the Public Utilities Act, so far as applicable.

SEC. 26. Anything in this act to the contrary notwithstanding, if any motor carrier of passengers violates any provisions of this act, or any rule, regulation



requirement, or order thereunder, or any term or condition of any permit, any person or corporation may apply to the superior court of the State of California in and for any county where such motor carrier of passengers is or is operating, for the enforcement of such provision of this act, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a temporary restraining order, or temporary injunction, or permanent injunction, or by other process, injunctive or otherwise, restraining such motor carrier of passengers, his or its officers, agents, employees, and representatives from further violation of such provisions of this act, or of such rule, regulation, requirement, order, term, or condition and enforcing upon it or them obedience thereto; provided, however, that the jurisdiction granted in this section shall continue only until the commission has assumed jurisdiction of the facts and issues raised in the petition for such injunction and until such commission has made an order on such facts and issues, and any such restraining order, temporary injunction or permanent injunction so issued by said superior court shall, in its terms, terminate upon the effective date of an order of the commission based on the facts and issues raised in the petition for such injunction.

Except as otherwise provided in this section 24, all of the provisions of the Code of Civil Procedure, and of the Civil Code, applying to temporary restraining orders, temporary injunctions, and permanent injunctions shall apply to this section.

SEC. 27. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ, the Supreme Court in its discretion may stay or suspend in whole or in part, the operation of the commission's order or decision.

(b) No order so staying or suspending an order or decision of the commission shall be made by the Supreme Court otherwise than upon three days notice and after hearing, and if the order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a restraining writ shall first have been executed and filed with, and approved by the commission, the approval, on review, by the Supreme Court, payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission.

SEC. 28. All actions and proceedings under this act, and all motions or proceedings to which the commission or the people of the State of California may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred upon (1) notice and (2) causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of location on the calendar. The same preference shall be granted upon application, at the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

SEC. 29. If any section, subsection, clause, or phrase of this act shall for any reason be held to be void or unconstitutional, such decision shall not affect the validity of the remaining provisions of this act, it being the intention of the Legislature to adopt and pass this act and each section, subsection, clause or phrase thereof irrespective of the fact that one or more of the sections, subsections, clauses, sentences or phrases thereof may be declared void or unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 372—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to the practice of pharmacy.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 496—An act to amend section 2 of the Corporate Securities Act, to exempt from the provisions of said act certificates of deposit for securities approved by the California Districts Securities



Commission for certification as legal investments for savings banks and trust companies.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 43—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 43 were read and adopted:

##### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, after "machines", insert the following: "or other mechanical gambling devices."

##### Amendment No. 2.

On page 1, line 13, of the printed bill, after "device", insert the following: "the operation of which depends upon the insertion therein of a coin or other thing or representative of value and".

##### Amendment No. 3.

On page 2 of the printed bill, between lines 3 and 4, insert the following: "Each day's operation shall constitute a separate offense."

##### Amendment No. 4.

On page 2 of the printed bill, strike out line 5, and insert in lieu thereof the following: "this act shall be as follows:

Any machine in which may be deposited 5 cents or less, \$15 per year.

Any machine in which may be deposited more than 5 cents and not more than 10 cents, \$30 per year.

Any machine in which may be deposited more than 10 cents and not more than 25 cents, \$50 per year.

Any machine in which may be deposited more than 25 cents and not more than 50 cents, \$100 per year.

Any machine in which may be deposited more than 50 cents, \$150 per year.

This scale of license fees refers to a single deposit in a machine.

In the case of an establishment having more than five machines, the license fees of all machines in excess of five shall be double the amount hereinbefore prescribed. In determining the amount of such license fees when there is an excess of five, those machines for which the smallest license fee is required shall be counted in the first five."

##### Amendment No. 5.

On page 2 of the printed bill, strike out line 30, and insert in lieu thereof the following: "for a specified machine to be operated on specified premises owned by or under the control of the licensee. Such license shall be issued only to the owner of the machine and shall be nontransferable. No license shall be issued for the operation of a slot machine within two hundred feet of any church or school property."

##### Amendment No. 6.

On page 3 of the printed bill, between lines 5 and 6, insert the following:

"SEC. 14. All license fees, after the expense of administering this act has been deducted therefrom, shall be paid into the credit of the general fund and shall be allocated as follows:

Sixty per cent to be paid into the general fund and expended therefrom to carry out the provisions of the Old Age Security Act of the State of California;

Twenty per cent to the city in which the licensed machine is located; and

Twenty per cent to the county in which the licensed machine is located; and if the licensed machine is located within a county but not within a city, 40 per cent to such county.

SEC. 15. The Board of Equalization is hereby empowered to hire inspectors of gambling machines and devices. It shall be the duty of such inspectors to examine such machines for the purpose of ascertaining whether or not such machines pay at least 50 per cent of the amount wagered to the patrons thereof. Any machine which does not pay at least 50 per cent of the amount wagered, is hereby declared to be a public nuisance and may be summarily destroyed. All the money in any machine which is summarily destroyed is forfeited and shall be disposed of as are moneys

received for license fees pursuant to this act. Every person who tampers with any licensed machine in such manner as to cause it to return less than 50 per cent to the patrons thereof, is guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

#### Amendment No. 7.

On page 3, line 6, of the printed bill, strike out "14", and insert in lieu thereof the following: "16".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 598—An act to amend section 14 of an act entitled "The Motor Vehicle Transportation License Tax Act," relating to taxation.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Senate Bill No. 598 was read and adopted:

#### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, strike out "The Motor Vehicle Transportation License Tax Act," and insert in lieu thereof the following: "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1097—An act to add sections 3615, 3366.3 and 4041.14a to the Political Code, relating to exemption of community theaters from taxation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 1097 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to add section 4041.14a to the Political Code, relating to community theaters."

#### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 27 inclusive, and on page 2, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4041.14a is hereby added to the Political Code to read as follows:

4041.14a. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred the boards of supervisors, in their respective counties, shall have the jurisdiction and power to purchase, receive by donation, lease or otherwise acquire, in trust or otherwise, subject to any existing lease, real or personal property necessary for the use of the county for the development of art, elocution, public speaking, music, dancing, dramatics, theatricals or instruction in the construction of stage scenery, settings, designing or other arts, and to improve, preserve, take care of, manage and control the same and the income and increase thereof for such purposes, and to lease the same for the accomplishment of any or all of such purposes to a corporation organized under the provisions of Division I, Part IV, Title XII of the Civil Code of the State of California, upon such terms and conditions as the board of supervisors may provide."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transport-

tation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately." approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 953 were read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "farmer", insert ", resident of California,".

**Amendment No. 2.**

On page 1, line 15, of the printed bill, as amended, after "include", insert "any".

**Amendment No. 3.**

On page 1, line 16, of the printed bill, as amended, strike out the final "s", in "associations".

**Amendment No. 4.**

On page 1, line 16, of the printed bill, as amended, after "organized", insert "and acting within the scope of its powers".

**Amendment No. 5.**

On page 1, line 17, of the printed bill, as amended, strike out "XVI", and insert in lieu thereof "VI".

**Amendment No. 6.**

On page 1, line 17, of the printed bill, as amended, after "Code", insert "to the extent only that it may be engaged in".

**Amendment No. 7.**

On page 1, line 17, of the printed bill, as amended, after "transporting", insert "its own"; and after "property", strike out "for".

**Amendment No. 8.**

On page 2, line 1, of the printed bill, as amended, strike out "themselves or their members", and insert in lieu thereof "or the property of its members".

**Amendment No. 9.**

On page 2, lines 25 to 32, inclusive, of the printed bill, as amended, strike out the clause "and shall include all that portion of the compensation received by any person which is found by the board to have been paid to such person as compensation for the transportation of persons or property by motor vehicles, regardless of whether such compensation for transportation is separately stated in the contract or agreement between the operator and the person for whom the transportation services are performed".

**Amendment No. 10.**

On page 2, line 51, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof "five"; and after "dollars", strike out the semicolon and insert in lieu thereof a period; and strike out the remainder of said line; and on page 3, strike out all of lines 1 to 4, inclusive, and in line 5, strike out "under."

**Amendment No. 11.**

On page 3, lines 17, 18 and 19, of the printed bill, as amended, strike out "Licenses issued hereunder must be renewed annually upon application made to the board on such forms as it may prescribe."

**Amendment No. 12.**

On page 3, line 26, of the printed bill, as amended, strike out "ten", and insert in lieu thereof "five".

**Amendment No. 13.**

On page 3, line 27, of the printed bill, as amended, after "dollars", insert a period; strike out the remainder of said line, and all of line 28.

**Amendment No. 14.**

On page 7, line 3, of the printed bill, as amended, strike out "has" and insert in lieu thereof "and interest thereon together with all penalties thereon."

**Amendment No. 15.**

On page 13, line 3, of the printed bill, as amended, strike out "Courtship" and insert in lieu thereof "board."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1123—An act to add section 44 to an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for directors and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915 relating to irrigation districts, and declaring the existing act, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 962—An act to amend section 894 of and to add section 897 I to the Agricultural Code, relating to field crops.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 962 was read and adopted:

**Amendment No. 1.**

On page 1, line 26, of the printed bill, as amended, after the word "including," insert a period, and strike out the balance of the paragraph.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 942 were read and adopted:

**Amendment No. 1.**

On page 3, line 15, of the printed bill, strike out the word "such", and insert in lieu thereof the following: "an agricultural".

**Amendment No. 2.**

On page 3, line 17, of the printed bill, after the word "in", and before the word "processing", insert the words "the business of".

**Amendment No. 3.**

On page 3, line 19, of the printed bill, delete the word "business", and insert in lieu thereof the word "operation".

**Amendment No. 4.**

On page 3, line 19, of the printed bill, after the word "drying", and before the word "canning", insert the word "packing."

**Amendment No. 5.**

On page 3, line 33, of the printed bill, delete the word "business", and insert in lieu thereof the word "operation".



**Amendment No. 6.**

On page 3, line 34, of the printed bill, after the word "has", insert the words "produced, or".

**Amendment No. 7.**

On page 3, line 38, of the printed bill, delete the word "herein".

**Amendment No. 8.**

On page 4, line 22, of the printed bill, after the words "marketing orders", insert the word "hereunder".

**Amendment No. 9.**

On page 5, line 9, of the printed bill, after the word "commodity", and before the word "The", insert the following: "which said marketing agreement shall be binding upon the signatories thereto exclusively".

**Amendment No. 10.**

On page 5, line 15, of the printed bill, strike out the word "both".

**Amendment No. 11.**

On page 6, line 20, of the printed bill, after the word "such", insert the following: "commodity a purchasing power, with respect to the articles and".

**Amendment No. 12.**

On page 7, line 6, of the printed bill, delete lines 6 to 50, inclusive, and insert in lieu thereof the following:

"1300.15. (a) (1) Any marketing order issued pursuant to this chapter shall provide for the establishment of an Advisory Board to assist the director in the administration of any marketing order. The members of the board shall be appointed by the director and may hold office at the pleasure of the director. If the marketing order affects directly only producers of a particular commodity the members of the board shall be producers. If the marketing order affects directly only handlers of a particular commodity the members of the board shall be handlers. If the marketing order affects directly both producers and handlers of a particular commodity, such board shall be composed of both producers and handlers. The number of producers or handlers upon any such board shall be such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order.

(2) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The director may authorize such board to employ necessary personnel, including attorneys engaged in the private practice of the law, fix their compensation and terms of employment, and to incur such expenses, to be paid by the director from monies collected as herein provided, as the director may deem necessary and proper to enable such board properly to perform such of its duties as are authorized herein. The duties of any such board shall be administrative only and may include only the following:

a. Subject to the approval of the director to administer such marketing order.  
b. To recommend to the director administrative rules and regulations relating to the marketing order.  
c. To receive and report to the director complaints of violations of the marketing order.

d. To recommend to the director amendments to the marketing order.  
e. To assist the director in the assessment of members of the industry and in the collection of funds to cover expenses incurred by the director in the administration of the marketing order.

f. To assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

(b) Subject to the legislative restrictions and limitations set forth herein any marketing order issued by the director pursuant to this chapter may contain any or all of the following provisions for regulating the handling or any of the operations of processing or distributing of handlers of any agricultural commodity within this State but no others:—

**Amendment No. 13.**

On page 7, line 51, of the printed bill, delete "(2) (a)", and insert in lieu thereof the following: "(1)".

**Amendment No. 14.**

On page 8, line 16, of the printed bill, delete the "(b)", and insert in lieu thereof "(2)".

**Amendment No. 15.**

On page 8, line 26, of the printed bill, delete "(c)", and insert in lieu thereof "(3)".

**Amendment No. 16.**

On page 8, line 39, of the printed bill, delete "(d)", and insert in lieu thereof the following: "(4)".

**Amendment No. 17.**

On page 8, line 44, of the printed bill, after the word "insert", insert the following: "of the current season's crop".

**Amendment No. 18.**

On page 9, line 3, of the printed bill, delete "(a)" and insert in lieu thereof the following: "(5)".

**Amendment No. 19.**

On page 9, line 14, of the printed bill, delete "(f)" and insert in lieu thereof the following: "(6)".

**Amendment No. 20.**

On page 9, line 34, of the printed bill, delete "(g)" and insert in lieu thereof the following: "(7)".

**Amendment No. 21.**

On page 9 of the printed bill, delete the period at the end of line 36 and delete lines 37 to 42, inclusive, and insert in lieu thereof the following: "and the establishment of grading standards of quality, quantity, size or grade for any agricultural commodity, and the inspection and grading of such commodity in accordance with such grading standards, so established. Such grading standards are for such commodity shall not be established before any necessary standards are prescribed by law for such commodity".

**Amendment No. 22.**

On page 9, line 43, of the printed bill, delete "(4)" and insert in lieu thereof the following: "(8)".

**Amendment No. 23.**

On page 10 of the printed bill, delete lines 6 to 31, inclusive, and in lieu thereof insert the following:

"(10016) (a) (1) No marketing order or amendment thereto, directly affecting handlers, issued pursuant to this act, shall become a marketing order and such the director finds that such order has been assented to in writing by the handlers engaged in the operation covered by the marketing order who handle more than sixty-five per cent (65%) of the volume of the commodity covered thereby which is processed or distributed within the area defined in such order and by sixty-five per cent (65%) of the number of such handlers engaged in the operation covered by such order.

(2) No marketing order or amendments thereto, directly affecting producers, issued pursuant to this act, shall become a marketing order and the director finds that such order has been assented to in writing by as many producers as are (65%) of the producers who are engaged within the area specified in such order, in the production for market of the commodity specified therein as commercial quantities, and who produce for market in commercial quantities at least sixty per cent (65%) of the volume of such commodity produced within the area specified in such order.

(3) In finding whether such order is assented to in writing pursuant to the provisions of this act, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is produced by its members so to assent, as the approval of the producers who are members of the stockholders in, such nonprofit agricultural cooperative marketing association."

**Amendment No. 24.**

On page 10, line 32, of the printed bill, delete the following: "(10016) (2)", and insert in lieu thereof the following: "(b)".

**Amendment No. 25.**

On page 10 of the printed bill, delete all of lines 38 to 52, inclusive, and on page 11, delete all of lines 1 to 8, inclusive, and insert in lieu thereof the following:

"(c) The director shall suspend, amend or terminate any marketing order, or provision of any marketing order, whenever he finds such provision or order does not tend to effectuate the declared purposes of this act within the standards and subject to the limitations and restrictions herein imposed, provided that such suspension or termination shall not be effective until the expiration of the current marketing season. If the director finds that the termination of any marketing order is requested in writing by more than fifty per cent (50%) of the producers who are engaged within the State of California in the production for market of the commodity specified in such marketing order, and who produce for market more than fifty per cent (50%) of the volume of such commodity produced within the State of California for market, and finds that the termination of such marketing order is requested in writing by handlers engaged in the operation covered by such marketing order who handle more than fifty per cent (50%) of the volume of the commodity covered thereby which is produced or marketed within the area defined in such order and by more than fifty per cent (50%) of the number of such handlers engaged in the processing or distributing of the commodity covered thereby

which is processed or distributed within the area defined in such order, the director shall, if he finds such marketing order then obstructs or does not tend to carry out the declared policy of this act, terminate or suspend for a specified period, such marketing order or provision thereof, provided that such termination shall be effective only if announced on or before such date (prior to the end of the current marketing period) as may be specified in such order."

**Amendment No. 26.**

On page 11, line 9, of the printed bill, delete "(4)", and insert in lieu thereof the following: "(d)".

**Amendment No. 27.**

On page 11, line 37, of the printed bill, delete the words "processor or distributor", and insert in lieu thereof the following: "processor, handler or distributor".

**Amendment No. 28.**

On page 12, line 25, of the printed bill, delete the words "such producer, or", and insert in lieu thereof the words "producers of".

**Amendment No. 29.**

On page 13, line 19, of the printed bill, after the word "discretion", insert the following: "refer the matter to the Attorney General or any district attorney of this State for action pursuant to the provisions of this act, or".

**Amendment No. 30.**

On page 17, line 15, of the printed bill, delete the word "provision", and insert in lieu thereof the word "provisions".

**Amendment No. 31.**

On page 17, line 21, of the printed bill, strike out numeral "7", and insert in lieu thereof "1300.16".

**Amendment No. 32.**

On page 3, lines 8 and 9, of the printed bill, strike out the words "including live stock and live stock products, poultry and poultry products,".

**Amendment No. 33.**

On page 3, line 10, of the printed bill, strike out the period at the end of the line, and insert in lieu thereof a comma and the following: "live stock or live stock products, or poultry or poultry products."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1101—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 1101 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the figure "80", and insert in lieu thereof the figure "92".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out the figure "80", and insert in lieu thereof the figure "92".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 3 to 28, inclusive.

**Amendment No. 4.**

On page 2 of the printed bill, strike out all of lines 1 to 49, inclusive, and insert in lieu thereof the following:

"92. The Department of Finance shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural and live stock exhibits in each year. The money so apportioned shall be used for the purpose of paying premiums and, with the approval of the Department of Finance, for capital outlay, including purchase of land, construction, improvements, and equipment for such fair. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for

premiums by such fair held in that year. No allotment from the appropriation herein provided shall be made for more than one fair in any one year in any county or district; provided, however, that for the purpose of encouraging the production or advertising of a specific farm product grown within the area encompassed a county, such county may hold a second fair; provided, however, that the total amount apportioned to a county fair under the provisions of this chapter shall not exceed the sum of \$10,000.00. The fact that one county joins with another county, or with several others, or that one district contracts with a county, county fair association, or a district, to hold an agricultural fair shall not bar a fair from receiving a proper proportion of the moneys herein appropriated. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs.

The Department of Finance, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Finance."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 439.—An act to amend sections 782, 784.3 and 830 of the Agricultural Code, relating to fruits, nuts and vegetables.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture the following amendments to Senate Bill No. 439 were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, strike out all of lines 22 to 26, inclusive and insert in lieu thereof the following: "for grading, packing or communicating are exempt from the provisions of this chapter. The enforcing officer may place a warning tag or notice to such fruits, nuts or vegetables failing to meet the requirements of this chapter and they shall not be moved from the place where they may be after such a warning tag or notice has been placed thereon, without the written consent of the enforcing officer or under his specific direction. The enforcement of

##### Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 36 and 37, and insert in lieu thereof the following: "address of the person to whom such fruit, nut or vegetable is to be delivered."

##### Amendment No. 3.

On page 2 of the printed bill, strike out all of lines 44 and 45, and insert in lieu thereof the following: "a signed statement by the person receiving such fruits."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 440.—An act to amend sections 1064, 1066, 1071 and 1074 of the Agricultural Code, pertaining to economic poisons.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 11.—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1121.—An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 1121 were read and adopted:

##### Amendment No. 1.

On page 1, line 9, of the printed bill, strike out "It shall be permis-", and insert in lieu thereof the following: "Every civil service commission so appointed shall



consist of five members, each of whom shall hold office for a term of five years and until his successor is appointed and qualifies. One member shall be selected from the legislative body of the county or city and county; one member shall be selected from among the employees or appointive officers of the county or city and county; three members shall be selected from among the qualified electors of the county or city and county. Vacancies occurring in the commission shall be filled by appointment by the legislative body for the remainder of the unexpired term only. The term of office of the members of the first civil service commission in a county or city and county shall be for one, two, three, four, and five years, respectively. The members thereof shall determine by lot the relative order of the expiration of their terms.

**SEC. 2.** It shall be permis-".

**Amendment No. 2.**

On page 1, line 19, of the printed bill, strike out "2", and insert in lieu thereof the following: "3".

**Amendment No. 3.**

On page 2, line 3, of the printed bill, strike out "3", and insert in lieu thereof the following: "4".

**Amendment No. 4.**

On page 2, line 9, of the printed bill, strike out "4", and insert in lieu thereof the following "5".

**Amendment No. 5.**

On page 2, line 22, of the printed bill, strike out "two thirds", and insert in lieu thereof the following: "majority".

**Amendment No. 6.**

On page 2, line 24, of the printed bill, strike out "5", and insert in lieu thereof the following: "6".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1122—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 1122 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 23, insert the following:

"(c) If he be employed in the Division of Narcotic Enforcement and his principal duties consist of active law enforcement as a narcotic inspector and he attains the age of 65 years, it being the intention that this paragraph shall apply to persons whose principal duties are similar to the duties now attached to the positions in said division, under the classification of Narcotic Inspector, and shall not apply to persons whose principal duties consist of chemical or pharmaceutical analyses or other duties not clearly falling within the scope of active field service in law enforcement, or".

**Amendment No. 2.**

On page 1, line 24, of the printed bill, strike out "(c)", and insert in lieu thereof the following: "(d)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 460—An act to amend section 10112, 10113, 10204, 10209, 10213, and 10511 of the Insurance Code, to repeal section 10241 thereof, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 460 were read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended, after "1921," insert the following: "19241".

**Amendment No. 2.**

On page 1, line 5, of the title of the printed bill, as amended, strike out "repeat section 10241 thereof, to".

**Amendment No. 3.**

On page 2, line 7, of the printed bill, as amended, after the period, insert the following: "Such assumption of liability may be made a part of and included with any written consent of such person or guarantee recorded under other provisions of this section and it may be provided therein that such assumption shall extend only up to the anniversary date of the policy nearest to the mortality birthday at which he attains age twenty-one."

**Amendment No. 4.**

On page 2 of the printed bill, as amended, between lines 32 and 33, insert the following:

"SEC. 2a. Section 2 of this act shall take effect January 1, 1938."

**Amendment No. 5.**

On page 2, line 48, of the printed bill, as amended, strike out "fifteen", and insert in lieu thereof the following: "twenty-five".

**Amendment No. 6.**

On page 3 of the printed bill, as amended, strike out lines 49 to 52, inclusive, and insert in lieu thereof the following: "Amended to read as follows:

10241. Burial contracts of any lodge, society, order, association, or organization of a purely religious, charitable, or benevolent character, or of any benevolent benefit society, are not subject to the provisions of this code nor in other provisions of law relating to insurance; provided, however, that any religious society, order, association, or organization, in order to be entitled to the exemption herein provided shall confine the issuance of its burial contracts to members of the congregation or one sect, cult, or denomination.

This amendment shall not affect the validity of other burial contracts validly in force and not subject to the provisions of this code."

**Amendment No. 7.**

On page 4, of the printed bill, as amended, strike out lines 1 to 13, inclusive.

**Amendment No. 8.**

On page 4 of the printed bill, as amended, strike out lines 44 to 52, inclusive, also on page 5, strike out lines 1 to 26, inclusive, and insert in lieu thereof the following:

"10488. As used in this article life insurance includes, in addition to contracts of life insurance as provided in section 101, contracts of permanent, term, or limited term of the nature specified in section 10271, and claims and settlement agreements arising under such life insurance and contracts supplemental thereto or included therein.

10489. The provisions of this article shall not apply to or affect the rights of existing policyholders or their beneficiaries as the same existed on the effective date of this article.

10490. From and after the effective date of this article all insurers transacting the business of life insurance in this State shall maintain a separate account into which shall be deposited the reserve portion of all life insurance premiums hereafter collected or received by it on policies heretofore or hereafter effected in this State. The funds accumulated in said account shall be invested and reinvested by the insurer in assets of the type and character authorized in Articles 3 and 4 of Chapter 2, Part 2, Division 1 of this code or authorized by the laws of the State of its domicile. No withdrawals from said account shall be made which will reduce the amount therein below the required reserves that have accumulated subsequent to the effective date of this article on said life contracts."

**Amendment No. 9.**

On page 5, line 35, of the printed bill, as amended, strike out "in sec", also in line 36, strike out "tions 10488 and 10489, or in".

**Amendment No. 10.**

On page 5, of the printed bill, as amended, strike out lines 37 to 44, inclusive, and insert in lieu thereof the following:

"10492. Every life insurer shall show, in its records, that assets equal in value to the reserves specified in section 10490 are maintained and held as provided therein and the amount of such reserves. Such insurer shall also in its annual statement,

required by section 900, separately state the amount of the reserves specified in section 10490. Any insurer which maintains and dedicates assets equal in value to the reserves on all its life insurance business in the manner and to the purposes prescribed in this article with respect to life insurance effected in this State, need not separately show the amount of such reserves on contracts effected in this State, and need not make such segregation in respect to California business."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

### **Second Reading of Assembly Bills.**

Assembly Bill No. 2587—An act to repeal section 397c of the Penal Code, relating to the sale of intoxicating liquors and to enact a new section to be known as section 398 of the Penal Code, relating to the sale of alcoholic beverages, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 809—An act to amend section 3819 of the Political Code, relating to an action to recover a tax paid under protest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1432—An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1935," relating to inheritance taxation.

### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1432 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended in the Assembly on March 19, 1937, following the figure "8", strike out ", 18 and 20", and insert in lieu thereof "and 18".

#### **Amendment No. 2.**

On page 6 of the printed bill, as amended in the Assembly on March 19, 1937, strike out lines 26 to 52, inclusive, and all of page 7.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 797—An act to amend section 1 of and add section 1.1 to an act entitled "An act to define the liability of stockholders in California State banks and to provide for the enforcement and collection of that liability by the Superintendent of Banks of the State of California," approved April 24, 1931, relating to liability of stockholders.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 795—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections, 48a, 49a and 57, and by repealing section 133.1 thereof and by adding a new section thereto to be numbered section 99.1, relating to the definition and regulation of the business of banking.

### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Banking, the following amendment to Assembly Bill No. 795 was read and adopted:

#### **Amendment No. 1.**

On page 2 of the printed bill, as amended March 18, 1937, following line 30, strike out the balance of the page, and down to and including the word "Any" in line 7 on page 3, and insert in lieu thereof the following: "the lien of any tax,

assessment or bond levied or issued by this State or by any county, city and county, city, town, municipality, school district, consolidation district, irrigation district, or other public or municipal corporation, or any other political or governmental subdivision of this State, not including bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property, and the tax of an assessment levied to pay such bonds, and tax levied or assessed by any county to secure the payment for water furnished thereunder for the irrigation of such land, except or any part thereof, and any lease under which rents, issues, profits or royalties are reserved to the owner, shall not be deemed to be a prior encumbrance on then or such real property unless an installment call or payment of or under such tax assessment bond or contract shall be due and delinquent, and any.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Proration Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19 1, 22 and 22 1/2, all relating to the institution and enforcement of agricultural proration programs.

Bill read second time, and ordered on file for third reading.

### Introduction, First Reading and Reference of Bills.

The following resolution was introduced:

**Senate Joint Resolution No. 18:** By Senator Fletcher—Relative to memorializing the President and the Congress of the United States to take action to relieve producers of agricultural products which have been damaged by freezing.

Senate Joint Resolution No. 18 read first time, and referred to Committee on Federal Relations.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 196—An act to amend section 1151 of the Fish and Game Code, relating to use of lights.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 196 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Pierovich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 196 ordered transmitted to the Assembly.



Senate Bill No. 597—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 597 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

NOES—None.

Title read and approved.

#### Notice of Motion to Reconsider.

Senator Gordon gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 597 was passed.

#### Leaves of Absence.

Senator Allen was, on motion of Senator Schottky, granted leave of absence for the balance of this legislative day.

#### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 166, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Senate Bill No. 166—An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and ancillary purposes, and to prescribe its powers and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator McCormack moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—34.

The Secretary announced the absentees.

Time, three o'clock and three minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.  
Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 862—An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 862 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Miller, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagr, Westover, and Williams—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 862 ordered transmitted to the Assembly.

Senate Bill No. 110—An act to amend section 4029 of the Political Code, relating to supervisorial districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 refused passage by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McBride, McCall, McCormack, Metzger, Miller, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagr, Westover, Williams, and Young—38.

**Further Proceedings Under Call of the Senate Dispensed With.**

At three o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCormack.

The names of the absentees were called, and Senate Bill No. 166 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McBride, McCall, McCormack, McGovern, Metzger, Miller, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagr, Westover, and Young—38.

**NOES**—None.

Title read and approved.

Senate Bill No. 166 ordered transmitted to the Assembly.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly requests the return of Assembly Bill No. 743, and that the record be expunged and the action rescinded, as the bill has been interpreted as an indirect appropriation bill.

**JAMES G. SMYTH,** Chief Clerk of Assembly;  
**By C. W. BOOTH,** Assistant Clerk.

**Motion.**

Senator Rich moved that Assembly Bill No. 743 be removed from the file, and returned to the Assembly as requested.

Motion carried, and such was the order.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 1056—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in the service of any writ, order or paper, excepting a warrant of arrest.

**Amendment from the Floor.**

During third reading of Senate Bill No. 1056, the following amendment, offered by Senator Law, was read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "by adding", and strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "relating to fees."

**Consideration of Senate Bill No. 1056, as Amended.**

Senate Bill No. 1056—An act to amend section 4300d of the Political Code, relating to fees.

The question being on the passage of the bill as amended.

The roll was called, and Senate Bill No. 1056, as amended, passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Schottky, Seawell, Slater, Tickle, Wag, Westover, Williams, and Young—28.

**NOES**—Senators Biggar, Deuel, and Rich—3.

Title read and approved, as amended.

Senate Bill No. 1056 ordered transmitted to the Assembly.

Senate Bill No. 1106—An act to amend section 737n of the Political Code, relating to counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1106 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Schottky, Seawell, Slater, Tickle, Wag, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 1106 ordered transmitted to the Assembly.

Senate Bill No. 1113—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law,

McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Rich, Senwell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 1113 ordered transmitted to the Assembly.

Senate Bill No. 1114—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1114 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dand, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Rich, Senwell, Slater, Swing, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 1114 ordered transmitted to the Assembly.

Senate Bill No. 1119—An act to amend section 747q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1119 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Rich, Senwell, Slater, Swing, Tickle, Wagy, and Westover—29.

NOES—None.

Title read and approved.

Senate Bill No. 1119 ordered transmitted to the Assembly.

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer.

#### Amendments from the Floor.

During third reading of Senate Bill No. 839, the following amendments, offered by Senator Keough, were read and adopted:

##### Amendment No. 1.

On page 1, line 3, of the printed bill, before "In", insert the following: "1273."

##### Amendment No. 2.

On page 1, lines 4 and 5, of the printed bill, strike out "Districts 11 and", and insert in lieu thereof the following: "District 11 or".

##### Amendment No. 3.

On page 1, line 6, of the printed bill, strike out "each", and insert in lieu thereof the following: "either".



**Amendment No. 4.**

On page 1, line 10, of the printed bill, before "In", insert the following: "1274."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 691—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—28.

NOES—None.

Title read and approved.

Senate Bill No. 691 ordered transmitted to the Assembly.

Senate Bill No. 1037—An act to repeal and add Chapter 5, comprising sections 11910 to 12023, inclusive, of Part 3 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1037 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1037 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 458—An act to amend sections 1390, 1391, 1392, and 1399 of the Insurance Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 458 ordered transmitted to the Assembly.

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1762, 1764, 1772, and 1773

thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

**AYES.**—Senators Crittenden, Cunningham, DeLap, Dewel, Fletcher, Hays, Holister, Holohan, Jespersen, Keating, Knowland, McColl, McConnack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Sewell, Slater, Tickle, Wagy, Westover, and Young—28.

**NOES.**—None.

Title read and approved.

Senate Bill No. 464 ordered transmitted to the Assembly.

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance.

Bill read third time.

#### Urgency Clause.

**SEC. 12.** This act is hereby declared to be an urgency measure necessary to the preservation of the public peace, health and safety under the provisions of section 1 of Article IV of the Constitution of this State, and shall therefore take effect immediately. The following is a statement of the facts constituting such emergency:

The moneys in the insurance fund in the State treasury are almost exhausted. The expense of supervision and regulation of insurers doing business in this State and of compiling the report of taxable gross premiums thereof to paid out of this fund by means of statutory appropriations therefrom. Unless additional moneys are made available for the replenishment of this fund, such supervision, regulation and compilation will be hampered and a breakdown of this vital function of State administration is thereby threatened. This act, by increasing the non-taxable fund, such fund, will tend to avert such a threatened breakdown and will thereby enable the State to continue to efficiently supervise and regulate the insurance business therein. As a failure of such supervision and regulation to efficiently function might result in tremendous losses to the people of this State it is therefore necessary to the immediate preservation of the public peace, health and safety that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

**AYES.**—Senators Crittenden, Cunningham, DeLap, Dewel, Fletcher, Hays, Holister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McConnack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Sewell, Slater, Wagy, Westover, and Young—29.

The Secretary announced the absentees.

Time, four o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.**  
**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 470—An act to amend section 945, 970, 973, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 470 ordered transmitted to the Assembly.

Senate Bill No. 489—An act to add section 1703.5 to the Insurance Code, relating to agents for disability insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 489 ordered transmitted to the Assembly.

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 5. This act, being an appropriation for the usual current expenses of the State within the meaning of section 1, of Article IV of the Constitution, shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,

Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 456 ordered transmitted to the Assembly.

(NOTE: The action of the Senate, in passing this bill, was rescinded on April 12, 1937.—J. A. Reek, Secretary of Senate.)

#### Senate Joint Resolution No. 16.

Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S449 and HR2288, providing for the granting of aid by the Federal Government to the several States for the support of public education.

WHEREAS, a system of public education in each State of the United States is essential to the welfare of the people of the United States; and

WHEREAS, the adequate financing of public education is necessary to permit the people to enjoy the benefits of free public education; and

WHEREAS, it is imperative that the Federal Government assist in the support of public education to insure the continuance and extension of the benefits derived therefrom; and

WHEREAS, S449 and HR2288 now before the present Congress are similar and each provides for desirable aid by the Federal Government for public education; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California jointly:* That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to enact one of said measures, and be it further

*Resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and such Senators and members of the House of Representatives from California are respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams, and Young—35.

NOES—None.

Senate Joint Resolution No. 16 ordered transmitted to the Assembly.

Senate Bill No. 735—An act to amend section 1576 of the Penal Code, relating to the State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 735 ordered transmitted to the Assembly.

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code; to repeal



sections 5.782, 5.783 and 5.784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

**Amendment from the Floor.**

During third reading of Senate Bill No. 663, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 3, line 5, of the printed bill, as amended, after the comma insert the following "with the approval of the county auditor and county treasurer."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Third Reading of Assembly Bills.**

Assembly Bill No. 12—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817e5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 12, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, following "sections": insert the following: "3817,".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, preceding line 1, insert the following:

"SECTION 1. Section 3817 of the Political Code is hereby amended to read as follows:

3817. In all cases where real estate has been sold, or may hereafter be sold to the State for delinquent taxes and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, at any time after the same has been sold to the State and before the State shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties for delinquency, and costs due thereon at the time of such sale, and also all taxes that were a lien upon said real property at the time said taxes became delinquent; and also all unpaid taxes of every description which are a lien against the property, for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor; or, if not so assessed, then upon the value of the property as fixed by the assessor under section 3817m and also all costs and expenses of such redemption, and penalties as follows, to wit:

One per cent per month, if redeemed within five years from July first of the year of sale; if not redeemed within five years from July first of the year of sale, one per cent per month for a period of five years and at the rate of one-half of one per cent per month thereafter to the time of redemption.

The penalty shall be computed beginning July first of the year of sale upon the amount of taxes delinquent at the time of sale, and upon the amount of each year's taxes in like manner, beginning the first day of July of the year when the property would have been sold for the taxes of that year, if there had been no previous sale.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the State Controller.

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the

date thereof, and by whom redeemed, which certificate of sale, or deed, shall become null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

The county treasurer shall settle for the moneys received as for other State and county moneys.

The State Controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

This section shall also apply to State lands sold by the State when the full amount of the purchase price has not been paid to the State therefor, after the deed to the State, provided for in section 3785 has been filed with the Surveyor General, provided, however, that one of the receipts showing the redemption of such land shall be delivered to the Surveyor General who shall issue his receipt to the redemptioner, and provided further, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the Surveyor General that the land has not been disposed of by the State."

#### Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, strike out "1", and insert in lieu thereof the following: "1.5".

#### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 2 and 3, and insert in lieu thereof the following: "then upon the value of the property as fixed by the assessor under the provisions of section 3817m, with interest on the".

#### Amendment No. 5.

On page 2, line 26, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

#### Amendment No. 6.

On page 3 of the printed bill, as amended, strike out all of lines 48, 49, 50 and 51.

#### Amendment No. 7.

On page 4, line 13, of the printed bill, as amended, strike out "section 3897", and insert in lieu thereof the following: "sections 3897, 3897a and 3897b".

#### Amendment No. 8.

On page 4, line 20, of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections".

#### Amendment No. 9.

On page 4, line 21, of the printed bill, as amended, after "3897", insert the following: ", 3897a, and 3897b".

#### Amendment No. 10.

On page 4, line 27, of the printed bill, as amended, after "to", insert the following: "prohibit".

#### Amendment No. 11.

On page 4, line 30, of the printed bill, as amended, strike out "and until February 1, 1939,".

#### Amendment No. 12.

On page 4, line 34, of the printed bill, as amended, strike out "and until February 1, 1939,".

#### Amendment No. 13.

On page 5, line 23, of the printed bill, as amended, after the period, insert the following: "No such credit shall be allowed after five years from date of default of any installment payment."

#### Amendment No. 14.

On page 5, line 31, of the printed bill, as amended, strike out "the same or another", and insert in lieu thereof the following: "a".

#### Amendment No. 15.

On page 5 of the printed bill, as amended, strike out lines 39 to 43, inclusive, and insert in lieu thereof the following:

"3817h. All or any part of the money received in accordance with the provisions of any section providing for payment of delinquent taxes in installments may be held until redemption is completed, or may be distributed as the money is received. If distributed as received, the money shall be distributed to the same funds for which, and in the same proportions in which, the delinquent taxes were levied, starting with the year first delinquent and proceeding successively by years until the payments equal all the unpaid taxes. Money thereafter received shall be held until full redemption is made. On redemption, distribution of moneys not previously distributed is governed by section 3816."

**Amendment No. 16.**

On page 5, line 50, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

**Amendment No. 17.**

On page 6, line 10, of the printed bill, as amended, strike out "assessed", and insert in lieu thereof the following: "which are a lien".

**Amendment No. 18.**

On page 6 of the printed bill, as amended, strike out all of line 14, and insert in lieu thereof the following: "fixed by the assessor under the provisions of section 3817m."

**Amendment No. 19.**

On page 6, line 13, of the printed bill, as amended, strike out "so".

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At four o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

The names of the absentees were called, and the urgency clause to Senate Bill No. 466 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—35.

**NOES**—None.

**Amendment from the Floor.**

The following amendment to the title, to Senate Bill No. 466, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma and the following: "and declaring the urgency thereof, the act to take effect immediately."

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 466 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved, as amended.

Senate Bill No. 466 ordered transmitted to the Assembly.

(NOTE: The action of the Senate, in passing Senate Bill No. 466, was rescinded on May 4, 1937.—J. A. BEEK, Secretary of Senate.)

**Special Order.**

Senator Olson moved that Senate Bill No. 579 be made a special order for Friday, April 9, 1937, immediately after consideration of Senate Bill No. 103.

Motion carried, and such was the order.

**Motion.**

Senator Olson moved that when the Senate adjourns this day, it does so out of respect to the late Hon. Meredith P. Snyder, former mayor of Los Angeles.

Motion carried by a rising vote of the Senate.



## Reports of Standing Committees.

The following reports of standing committees were received and read:

### On Finance.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 46—An act to amend sections 451 and 452 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, peat, phosphate, oil, oil shale, gas and sodium on the public domain."

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 222—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a penitentiary fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 326—An act to regulate the distribution of money received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 600—An act to amend section 28a of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments.

Assembly Bill No. 1667—An act to amend section 1 of an act entitled "An act providing for the sale of street railroad and other franchises by counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1895, relating to the granting of franchises.

Assembly Bill No. 747—An act to amend sections 1 and 18a of the Street Opening Act of 1903, relating to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipal ties or within unincorporated territory and one or more municipalities to reassessment procedure and relief from special assessments.

Assembly Bill No. 620—An act to amend an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving said land," approved April 22, 1909, by adding thereto a new section to be numbered section 25a, relating to reassessments.

Assembly Bill No. 451—An act to amend section 3719 of the Political Code, relating to the temporary borrowing of money by counties, cities and school districts. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1057—An act to amend section 1 of an act entitled "An act to provide for the registration of bonds and interest coupons unpaid for want of



funds and the preference and payment thereof in the order of such registration, when funds are available," approved June 7, 1935, relating to city treasurers; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1836—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889;

Assembly Bill No. 1837—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of the annexed territory," approved March 2, 1890;

Assembly Bill No. 1838—An act to repeal an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 19, 1889;

Assembly Bill No. 1839—An act to repeal "An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof," approved May 31, 1929, relating to the annexation of territory to municipal corporations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 274—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 633—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions;

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

#### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1532—An act to amend section 381 of the Penal Code of the State of California by amending subdivisions 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers.  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3, absent—2.

LAW, Chairman.

### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred

Assembly Concurrent Resolution No. 35—Relative to requesting and directing the Division of Highways and the California Highway Commission to locate, or relocate, State highways so as to avoid congested areas, and requesting and directing boards of education to locate or establish any new school buildings or grounds so as to minimize traffic hazards to pupils;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—6, absent—3.

MCCORMACK, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred

Assembly Bill No. 501—An act to amend section 954 of the Streets and Highways Code of the State of California, relating to the abandonment of highways.

Assembly Bill No. 629—An act to add section 985 to the Streets and Highways Code, relating to cattle guards.

Assembly Bill No. 1722—An act to amend sections 1620, 1621, 1622, 1623 and 1624 of the Streets and Highways Code, relating to the use of road funds by counties and authorizing the acquisition of rights of way by purchase of condemnation.

Assembly Bill No. 2813—An act authorizing the removal of the monument or statue in memory of Chief Solano from its present location on the highway near Fairfield to the grounds of the court house at Fairfield in the county of Solano.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8, absent—1.

MCCORMACK, Chairman.

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 446—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony;

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 576—An act to amend section 2924 of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6, noes—2, absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred: Assembly Bill No. 1445—An act to amend section 4300f of the Political Code, relating to jurors' fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## On Constitutional Amendments.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the second paragraph of section 1 of Article IV of the Constitution of said State, relating to the time for submission of initiative measures to the electors;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

## On Fish and Game.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 715—An act to add section 50 to, and to amend section 535, 536.5, 536.6, and 536.9 of the Fish and Game Code, relating to fish screens;

Senate Bill No. 778—An act to add a new section to the Fish and Game Code to be numbered 536.4, relating to the installation of screens;

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof;

Senate Bill No. 331—An act to amend section 1271.5 and to add section 1271.6 to the Fish and Game Code, relating to deer, declaring the urgency of this act to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 9—An act to add section 742 to the Fish and Game Code, relating to marlin swordfish meat;

Assembly Bill No. 2279—An act to amend section 453 of the Fish and Game Code, relating to possession after season;

Assembly Bill No. 1720—An act to amend section 493.5 of the Fish and Game Code, relating to chumming in district 20;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish;

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license;

Senate Bill No. 800—An act to amend section 525 of the Fish and Game Code, relating to water flow through a dam;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 57—An act to add sections 86.5, 845.5, and 845.6 to the Fish and Game Code, relating to the use of nets;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Affirmative.

MARSHALL, Chairman.

### On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Public Utilities is again referred Senate Bill No. 1317—An act to amend sections 21 and 22 of the Public Utilities Act relating to increased transportation of public utilities. Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 7; committee vote: Affirmative.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Public Utilities is again referred Senate Bill No. 1008—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of, and to add sections 92, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110 to the City Carriers' Act. Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 7; committee vote: Affirmative.

PAHRMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 972—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, to add sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 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996, 997, 998, 999, 1000. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Affirmative.

PAHRMAN, Chairman.

### On Elections.

SENATE CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: Your Committee on Elections is again referred Senate Bill No. 5—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of the "Direct Primary Law" relating to elections. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 3; committee vote: Affirmative.

ALLEN, Chairman.

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 27—A resolution to amend the constitution of the State of California in accordance with the second paragraph of section 1 of Article IV of the Constitution of said State, relating to the time for submission of initiative propositions to the voters.

Senate Bill No. 11—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals.

Senate Bill No. 372—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to impose a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 28, 1935, relating to the practice of pharmacy.

Senate Bill No. 140—An act to amend sections 1064, 1065, 1071, and 1074 of the Agricultural Code, pertaining to economic insects.

Senate Bill No. 496—An act to amend section 2 of the Corporate Securities Act, to exempt from the provisions of said act certificates of deposit for securities approved by the California Prudential Securities Commission for certification as legal investments for savings banks and trust companies.

Senate Bill No. 1123—An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to



enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 20—Relative to the approval of amendments to the charter of the city of San Bernardino;

Senate Concurrent Resolution No. 21—Approving a certain amendment to the charter of the city of Bakersfield, county of Kern, State of California, relating to amending relief and pension fund for members of the fire department of the city of Bakersfield known as Proposition No. 1—"Relief and pension fund for members of the fire department of the city of Bakersfield," voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the twenty-third day of March, 1937;

Senate Concurrent Resolution No. 23—Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of April, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S419 and H.R.2288, providing for the granting of aid by the Federal Government to the several States for the support of public education;

Senate Bill No. 223—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags;

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately;

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance;

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1235.5 thereto, all relating to insurance;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Adjournment.

On motion of Senator Rich, at four o'clock and fifty minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Meredith P. Snyder, former mayor of Los Angeles, until ten o'clock a.m., Friday, April 9, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, April 9, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names.

Senators Biggar, Crittenden, Cunningham, DeLap, Denei, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Karcher.

### Reading of the Journal.

During the reading of the Journal of Thursday, April 8, 1937, the further reading was, on motion of Senator Parkman, dispensed with.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, April 8, 1937.

MY DEAR MR. HATHFIELD: Will you please make the following announcement? Thank you.

The Woman's Democratic Club of Sacramento County cordially invites the Democratic members of the Senate and their wives to attend a luncheon Monday, April 12th, at twelve noon at Hotel Sacramento.

Hon. Wm. Moseley Jones, Speaker of the Assembly, will be the guest speaker. Mrs. Mattison Jones of Glendale will also be a guest. Luncheon 75 cents. Please make reservations at the hotel.

Very sincerely,

MARY BRAINERD, Corresponding Secretary.

MRS. EMMA COLE, President.

### Leaves of Absence.

Senators Allen and McGovern were, on motion of Senator Schottky, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Everett C. McKeage, Attorney at Law, of San Francisco, prominent political and economic writer for Scribners, San Francisco News Letter and American Liberal.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Suzanne Smith, Miss Frances Glicksman, Miss Jacqueline Morris, Miss Clare Willow Morris, Richard Stockton, and Albert Altman, all of San Francisco.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to northern and southern officers of the California Assembly of Youth representing The Epworth Leagues of California, The Young Women's Christian Association; Organized Labor, through five Central Labor Councils and hundreds of local unions in all parts of the State; Christian Endeavor groups, Student Body Council of Stanford University, as well as many other student body organizations from colleges and schools all over the State; The Southwest Field Council of the Young Men's Christian Association; The California Federation of Colored Women's and Girls' Clubs;

Young Democratic and Republican Clubs from many parts of the State; Student Body of Whittier College; delegations from the University of California, San Francisco State and Junior Colleges, U. C. L. A., Sacramento Junior College and High School, San Jose State College; Junior Statesmen of America; Christian Youth Council; National Youth Administration; members of northern California: Chairman, Mrs. Claudia Williams, President Northern California Business Girls Conference, Y. W. C. A.; Executive Secretary A. N. McKaay, National Youth Administration, Youth Council, San Francisco; San Francisco Vice Chairman, Miss Grace Standbridge, National Council Representative Epworth Alliance; Oakland-Berkeley Chairman, Miss Marcella Ryan, Alameda County Central Labor Council, Palo Alto; Miss Jacqueline Brown, Executive Committee, Associated Students Stanford University; San Jose, Ralph Wilson, Fireside Club, First Congregational Church; Sacramento, Charles Bursch, Jr., Pacific Southwest Field Council, Y. M. C. A.; members of southern California: Clarence Vetterli, President Vanguard Youth of Pasadena, as Chairman; Vice Chairman, Bill Schmitt, Vice President Whittier College Student Body; Secretary, Miss Eva Olsen, President Southern California Conference Y. W. C. A. Business and Industrial Groups.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners; And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10701, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10669.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance;

Senate Bill No. 9—An act to add section 742 to the Fish and Game Code, relating to marlin swordfish meat;

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein;

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13.15, 13¾ and 19½ to the City Carriers' Act; And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1e to Article XIII thereof, relating to the San Francisco Bay Exposition;

Assembly Joint Resolution No. 17—Relative to memorializing Congress to enact legislation providing that patented inventions which are not commercially developed within two years after the issuance of the patents shall become the property of the United States Government;



Assembly Joint Resolution No. 18—Relative to authorizing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to agree to being the suppression of work State and the employees of the commerce, union and other political organizations within the provisions of such act relating to old age benefits.

Assembly Joint Resolution No. 26—Providing that those persons engaged in work relief projects have their wages raised to the extent of the savings income in the cost of living.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANFORS, Assistant Clerk.

Assembly Constitutional Amendment No. 8 read, and referred to Committee on Constitutional Amendments.

Assembly Joint Resolution No. 17 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 18 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 26 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 398—An act to amend section 1711 of the Penal Code, relating to the conduct of prisons, jails, and reformatories.

Assembly Bill No. 491—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1925, to read: "No person be entitled to receive medical or apothecary fees except in the following cases:

Assembly Bill No. 1944—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 11, 15, 18, 19, 20, 21, 23, 25, 26, 27, 28 and 34 of "The Political Code, Tax Act of 1926."

Assembly Bill No. 1215—An act to amend sections 1, 6, 8, 9, 10, 16, 17, 20, 24, 25, 27, 30, 31, 32 and 33 of, and to add a new section to be numbered 13(a) to the Bank and Corporation Taxation Tax Act, relating to taxes on banks and corporations.

Assembly Bill No. 1488—An act to amend section 1440 of the Probate Code, relating to the appointment of guardians.

Assembly Bill No. 1949—An act to amend section 9 of an act entitled "An act to provide for the formation, construction, maintenance, operation, extension and alteration of boundaries of sanitary districts in any city or city and county, for the construction of sewers, septic tanks and other sanitary purposes, the regulation of property thereby, the raising and collecting of levies in such districts, the assessment, levy, collection, apportionment and distribution of such levies, the issuing and disposal of the bonds thereof and the enforcement of these levies and making provisions for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards, in cities and counties, to levy, establish and impose penalties for violations thereof," approved May 17, 1926, relating to elections of members of board and its meetings.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANFORS, Assistant Clerk.

Assembly Bill No. 308 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 494 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1244 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1245 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1488 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1949 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 670—An act to amend sections 1278, 1280 and 1282 of the Political Code, relating to the canvass of the returns of elections and the declaration of the results thereof;



Assembly Bill No. 991—An act to amend the Political Code of the State of California by amending section 1281a and by adding thereto a new section to be designated 1281b, to authorize the board of supervisors, canvassing board or election commission to recount the voted ballots in precincts where the precinct returns show a total of votes cast for all candidates for an office, or a total of votes cast for and against any proposition, in excess of the number of votes cast in the precinct, and providing that the board or commission may in its discretion appoint a special recounting board for this purpose;

Assembly Bill No. 1757—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches;

Assembly Bill No. 2162—An act to add section 589.5 to the Agricultural Code, relating to labeling of dairy products;

Assembly Bill No. 2694—An act to add sections 221, 222, 223, 224, and 225 to the Labor Code, relating to wages and prescribing a penalty for violation thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 670 read first time, and referred to Committee on Elections.

Assembly Bill No. 991 read first time, and referred to Committee on Elections.

Assembly Bill No. 1757 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2162 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2694 read first time, and referred to Committee on Labor and Capital.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 687—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Bill No. 687 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2269—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929; to repeal School Code section 6470.3; to amend section 6474 of the School Code; and to add to Chapter VI of Part II of Division VI of the School Code a new article to be known as Article Ia, all relating to the purchase of supplies and equipment for school districts;

Assembly Bill No. 2427—An act to repeal the Yacht and Ship Brokers Act;

Assembly Bill No. 2472—An act to amend section 1431 of the Penal Code, relating to change of place of trial of criminal cases;

Assembly Bill No. 2611—An act to amend section 690.11 of the Code of Civil Procedure, relating to the exemption of the earnings of judgment debtors for their personal services from execution or attachment;

Assembly Bill No. 2791—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain;

Assembly Bill No. 2817—An act to amend section 737va of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Solano.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2269 read first time, and referred to Committee on Education.

Assembly Bill No. 2427 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2472 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2611 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2791 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2817 read first time, and referred to Committee on County Government.

### **Consideration of Daily File.**

#### **Second Reading of Senate Bills.**

Senate Bill No. 46—An act to amend sections 451 and 452 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain."

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 46 was read and adopted:

##### **Amendment No. 1.**

On page 2 of the printed bill, after line 9, add the following:  
"Sec. 3. This act shall take effect at midnight, June 30, 1937."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 222—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 222 was read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, strike out line 15, and insert in lieu thereof the following: "and unfinished products inventoried at cost, or both. Unless otherwise provided by law, any".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 326—An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 326 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 9, of the printed bill, strike out the word "proper"; and in line 10, strike out "United States officers", and insert in lieu thereof "Division of State Lands".

**Amendment No. 2.**

On page 1, line 22, of the printed bill add the following: "This act to apply to all moneys now and hereafter received from the United States Government under said act, and all moneys hereafter so received".

Bill read second time, ordered to reprint and re-referred to Committee on Finance.

Senate Bill No. 274. An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulating government procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of judges thereon," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 274 were read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, after "receive", insert the following: "five thousand".

**Amendment No. 2.**

On page 1, line 15, of the printed bill, before "dollars", insert the following: "two hundred fifty".

**Amendment No. 3.**

On page 1, line 17, of the printed bill, after "receive", insert the following: "two hundred".

**Amendment No. 4.**

On page 1, line 21, of the printed bill, before "dollars", insert the following: "one hundred seventy-five".

**Amendment No. 5.**

On page 1 of the printed bill, strike out line 21.

**Amendment No. 6.**

On page 2, line 1, of the printed bill, strike out "Four", and in lieu thereof insert the following: "Three".

**Amendment No. 7.**

On page 2, line 2, of the printed bill, before "dollars", insert the following: "one hundred seventy-five".

**Amendment No. 8.**

On page 2 of the printed bill, strike out line 3, and in lieu thereof insert the following:

"One deputy marshal who shall receive an annual salary of five dollars per month".

**Amendment No. 9.**

On page 2, line 5, of the printed bill, before "dollars", insert the following: "two hundred fifty".

**Amendment No. 10.**

On page 2 of the printed bill, strike out lines 7 to 16 inclusive, and in lieu thereof insert the following:

"(e) The marshal may appoint the following

One deputy marshal who shall receive an annual salary of five dollars per month.

Four deputy marshals who shall receive one hundred sixty-five dollars per month each.

(f) The marshal shall appoint one deputy marshal, receiving three per centum of the fees collected in such court, and shall appoint one deputy marshal, receiving two per centum of the fees collected in such court. Such deputy marshals shall furnish their own equipment and expenses.

(g) All fees collected in such municipal courts shall be paid into the county treasury, but the phonographic reporters shall be allowed to retain for their own use any money received by them for services in such court.

(h) Any appointive officer or employee of the municipal court in cities or cities and counties of the second and one-fourth class who becomes a candidate for

election by the people to any other public office or position shall automatically forfeit such office or employment.

(1) Where a municipal court is established in a city of the second and one-fourth class an agreement may be made between the city and the county for an equitable division of the costs of maintaining such court.

Sec. 2. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 634—An act to add section 198'd to the Political Code, relating to the publication of notice of intention to circulate petitions.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 634 were read and adopted:

##### Amendment No. 1.

On page 1, line 12, of the printed bill as amended April 2, 1937, after the period, following the word "petition", insert the following:

"The provisions of this act shall not apply to any State initiative measure, but shall apply only to the exercise of the initiative power by the people of a city, county, or city and county."

##### Amendment No. 2.

On page 1, line 25, of the printed bill, strike out the word "four", and insert in lieu thereof the word "ten".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 446—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 446 were read and adopted:

##### Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the words "Employment of experts by parties. Compensation."

##### Amendment No. 2.

On page 2 of the printed bill, after line 6, insert the following:

"Only the ordinary witness fee shall be taxed or allowed as costs incurred by a party who calls such expert witness.

This section does not apply to the employment of experts by the State or by any political subdivision, municipal corporation or other agency thereof."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 717 was read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 24 to 26, inclusive, and insert in lieu thereof the following:

"6. That it is against law;

7. Error in law, occurring at the trial and excepted to".



Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 576—An act to amend section 2924½ of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 576 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, strike out the numeral "9", and insert in lieu thereof the numeral "8".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, strike out the numerals "40", and insert in lieu thereof the numerals "39".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 715—An act to amend sections 535, 536.5, and 536.9 of the Fish and Game Code, relating to fish screens.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 715 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the word and figures "sections 535, 536.5", and strike out all of line 2 of the title, and insert in lieu thereof the following: "sections 535, 537, 538, 539, 540 and 541 of the Fish and Game Code, and to repeal sections 542, 543, 544, 545, 546 and 547 of the said code, all relating to the installation and maintenance of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 9 to 28, both inclusive, and insert in lieu thereof the following:

"535. The commission shall examine all conduits and order the owners to install and it is the duty of the owners of a conduit to install a screen on any conduit when, in the opinion of the commission, such a screen is necessary to prevent fish from passing into the conduit. Except as provided in sections 536.9, 537 and 538, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit, and one-half by the commission."

SEC. 2. Section 537 of said code is hereby amended to read as follows:

"537. When a screen has been installed, the owner thereof may, by written notice within ninety days after such installation, request the commission to inspect the screen for the purpose of accepting the same. Thereupon it is the duty of the commission to inspect the screen, and if the same has been installed in accordance with the order and plans and specifications agreed upon by the commission and the owner as provided in section 541 of this article or approved by the Chief of the Division of Water Resources of the State of California, the commission must accept and approve the same in writing. If, upon such inspection it appears that the screen has not been constructed and installed in accordance with such plans and specifications it is the duty of the commission, within 60 days after such inspection, to notify the owner of any deviation from the order. Thereupon such deviation may be remedied within 90 days, and a further inspection requested."

Sec. 3. Section 538 of said code is hereby amended to read as follows:

"538. After acceptance, should the screen fail to function as an efficient separator, no changes in conditions affecting its operation having occurred subsequent to the acceptance of the screen, then the owner shall not be required to install a new screen."

Sec. 4. Section 539 of said code is hereby amended to read as follows:

"539. It is unlawful for the owner of a conduit to refuse, fail, or neglect to install a screen in compliance with an order from the commission, or to permit said screen to be removed or taken out of place except for repairs or cleaning while water is running in said conduit."

Sec. 5. Section 540 of said code is hereby amended to read as follows:

"540. In lieu of the commission ordering the owner to install a screen as provided in sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537 and 538, the commission may, at its option, elect to construct and install the screen itself."

Sec. 6. Section 541 of said code is hereby amended to read as follows:

"541. Any screen installed under any of the provisions of this article shall be such as will not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is lawfully entitled to divert. The type, size, mesh and location of the screen and the time within which the screen shall be installed shall be mutually agreed upon by the commission and the owner of the conduit. In the event the commission and the owner of the conduit can not agree upon the type, size, mesh and location of the screen and the time within which the same shall be installed such matters shall be submitted to the Chief of the Division of Water Resources of the State of California whose decision thereon shall be final and conclusive. The commission shall maintain and keep the screen in repair and shall quarterly notify the owner in writing of the cost of such maintenance and repairs and the owner shall within 30 days remit to the commission one-half of the said cost. The owner of the conduit shall operate and keep free of debris any screen hereafter or hereafter installed and shall quarterly notify the commission in writing of the cost of such operation and keeping the screen free of debris and the commission shall within thirty days remit to the owner one-half of the said cost."

Sec. 7. Sections 542, 543, 544, 545, 546 and 547 of the said code are hereby repealed."

### Amendment No. 3.

Strike out all of page 2 of the printed bill.

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 778—An act to add a new section to the Fish and Game Code to be numbered 536.4, relating to the installation of screens.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 778 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "add a new section to", and insert in lieu thereof the following: "amend sections 535, 537, 538, 539, 540 and 541 of".

#### Amendment No. 2.

On page 1, line 1 of the title, of the printed bill, strike out the words "to be", and strike out all of line 2 of the title, and insert in lieu thereof the following: "and to repeal sections 542, 543, 544, 545, 546, and 547 of said code, all relating to the installation and maintenance of fish screens."

#### Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 1 to 17, both inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 535 of the Fish and Game Code is hereby amended to read as follows:

535. The commission shall examine all conduits and order the owners to install and it is the duty of the owners of a conduit to install a screen on any conduit when, in the opinion of the commission, such a screen is necessary to prevent fish from passing into the conduit. Except as provided in sections 536.9, 537 and 538, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit, and one-half by the commission.

Sec. 2. Section 537 of said code is hereby amended to read as follows:

537. When a screen has been installed, the owner thereof may, by written notice within ninety days after such installation, request the commission to inspect the screen for the purpose of accepting the same. Thereupon it is the duty of the commission to inspect the screen, and if the same has been installed in accordance

with the order and plans and specifications agreed upon by the commission and the owner as provided in section 541 of this article or approved by the Chief of the Division of Water Resources of the State of California, the commission must accept and approve the same in writing. If, upon such inspection, it appears that the screen has not been constructed and installed in accordance with such plans and specifications, it is the duty of the commission, within 60 days after such inspection, to notify the owner of any deviation from the order. Thereupon such deviation may be remedied within 90 days, and a further inspection requested.

**SEC. 3.** Section 538 of said code is hereby amended to read as follows:

538. After acceptance, should the screen fail to function in an efficient manner, no changes in conditions affecting its operation having occurred subsequent to the acceptance of the screen, then the owner shall not be required to install a new screen.

**SEC. 4.** Section 539 of said code is hereby amended to read as follows:

539. It is unlawful for the owner of a conduit to refuse, fail, or neglect to install a screen in compliance with an order from the commission, or to permit said screen to be removed or taken out of place except for repairs or cleaning while water is running in said conduit.

**SEC. 5.** Section 540 of said code is hereby amended to read as follows:

540. In lieu of the commission ordering the owner to install a screen as provided in sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537 and 538, the commission may at its option, elect to construct and install the screen itself.

**SEC. 6.** Section 541 of said code is hereby amended to read as follows:

541. Any screen installed under any of the provisions of this article shall be such as will not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is lawfully entitled to divert. The type, size, mesh and location of the screen and the time within which the screen shall be installed shall be mutually agreed upon by the commission and the owner of the conduit. In the event the commission and the owner of the conduit can not agree upon the type, size, mesh and location of the screen and the time within which the same shall be installed such matters shall be submitted to the Chief of the Division of Water Resources of the State of California whose decision thereon shall be final and conclusive. The commission shall maintain and keep the screen in repair and shall quarterly notify the owner in writing of the cost of such maintenance and repairs and the owner shall within 30 days remit to the commission one-half of the said cost. The owner of the conduit shall operate and keep free of debris any screen heretofore or hereafter installed and shall quarterly notify the commission in writing of the cost of such operation and keeping the screen free of debris and the commission shall within 30 days remit to the owner one-half of the said cost.

**SEC. 7.** Sections 542, 543, 544, 545, 546, and 547 of the said code are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 938 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 4 to 8, inclusive, and insert in lieu thereof the following:

"Game District 118: The ocean waters and tidelands lying within the following boundaries: Beginning at the point where the common boundary of Monterey and San Luis Obispo counties intersects the mean high water mark of the Pacific Ocean, thence west a distance of three miles, thence southerly along a line three miles from the mean high water mark to a point three miles west of the junction of the northern side of the Standard Oil Company's pier in Esterra Bay with the mean high water mark, thence east to the point of said last mentioned junction."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 331—An act to amend section 1271.5 and to add section 1271.6 to the Fish and Game Code, relating to deer, declaring the urgency of this act to take effect immediately.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 331 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill strike out "1271.5" and insert in lieu thereof "252"; and strike out "1271.6", and insert in lieu thereof "252.5".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill strike out "deer deerling the", and strike out all of line 3 of the title, and insert in lieu thereof the word "refuges".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "1271.5", and insert in lieu thereof "252".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 3 to 19, both inclusive, and insert in lieu thereof the following:

"252. Nothing in this code shall prohibit the possession of firearms by persons when traveling through any game refuges when such firearms are taken apart or encased and unloaded.

Sec. 2. A new section is added to the Fish and Game Code to be numbered 252.5 and to read as follows:

252.5. It is lawful for any person to transport any bird or mammal or part thereof, through a game refuge if lawfully taken outside the refuge and if such bird or mammal or part thereof is carried openly and during the time between one hour before sunrise and one hour after sunset."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 9—An act to add section 742 to the Fish and Game Code, relating to marlin swordfish meat.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 750 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after "County.", insert the following:

"Not more than 50 pounds of catfish in the month nor 25 pounds of crossed catfish may be possessed in Lake County, except that any person conducting a market or restaurant where catfish are sold to the public may possess any number of lawfully taken catfish."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 928 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, after "time," insert the following: "while hunting."

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 800—An act to amend section 525 of the Fish and Game Code, relating to water flow through a dam.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 800 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 4 to 7, inclusive, and insert in lieu thereof the following: "all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13.15, 13¾ and 19¼ to the City Carriers' Act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 11½, 13½, 13¾, 14½, 14¾, 20¼, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 972 were read and adopted:

**Amendment No. 1.**

On page 6, line 23, of the printed bill, after the word "effect", strike out the period, and insert in lieu thereof a semicolon; and after the semicolon, insert the following words: "provided, however, that the provisions of this section shall not apply to the transportation of perishable agricultural or horticultural products from the field and/or orchard to canneries."

**Amendment No. 2.**

On page 9, line 20, of the printed bill, after the word "who", insert the words "knowingly and wilfully".

**Amendment No. 3.**

On page 10, line 43, of the printed bill, after the word "who", insert the words "knowingly and wilfully".

**Amendment No. 4.**

On page 11, line 14, of the printed bill, after the word "carrier", strike out the word "or", at the end of the line; and on page 11, line 15, strike out the word "person".

**Amendment No. 5.**

On page 1 of the printed bill, strike out all of lines 23 to 26, inclusive, and on page 2, strike out all of lines 1 and 2, and insert in lieu thereof the following:

(1) Carriers operating exclusively within the limits of a single incorporated city or city and county;

(2) Persons or corporations rendering casual transportation services as an accommodation, not in the usual or ordinary course of business of such person, or persons whose compensation from such transportation service does not exceed the sum of \$400 in any one year;

(3) Persons or corporations hauling their own property;

(4) Any farmer operating a motor vehicle or vehicles used exclusively in the transportation of his live stock and agricultural commodities or in the transportation of supplies to his farm;

(5) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division VI of the Agricultural Code to the extent only that it may be engaged in transporting its own property or the property of its members."

**Amendment No. 6.**

On page 5, line 13, of the printed bill, after the word "commissioner", insert the following: "under the provisions of this act".

Bill read second time, ordered to print, engrossment, and on the for third reading.

Senate Bill No. 5—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of the "Direct Primary Law," relating to nonpartisan offices.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 5 were read and adopted:

**Amendment No. 1.**

On page 2, lines 16 and 17, of the printed bill, strike out "or delegate to a State convention from a hold over senatorial district".

**Amendment No. 2.**

On page 4 of the printed bill, strike out lines 22 and 23, and insert in lieu thereof the following: "State, and who is".

**Amendment No. 3.**

On page 7, lines 5 and 6, of the printed bill, strike out "number of such parallel columns shall be exactly divisible by two, and none".

**Amendment No. 4.**

On page 7, line 7, of the printed bill, strike out "equally".

**Amendment No. 5.**

On page 7, line 38, of the printed bill, strike out "but members of Assembly, and for election as", and strike out line 39, and in line 40, strike out "may", if any", and insert in lieu thereof the following: "and for members of Assembly".

**Amendment No. 6.**

On page 7 of the printed bill, strike out lines 46, 47 and 48, and insert in lieu thereof the following: "or school offices. The nonpartisan".

**Amendment No. 7.**

On page 9, line 27, of the printed bill, strike out "or", and strike out line 28, and in line 29, strike out "district,".

**Amendment No. 8.**

On page 10, line 11, of the printed bill, after "indentation", add a comma.

**Amendment No. 9.**

On page 12, line 2, of the printed bill, strike out "for", and strike out line 3 and in line 4, strike out "a hold over senatorial district,".

**Amendment No. 10.**

On page 12, line 20, of the printed bill, strike out "the second person, and", and delete, if", and strike out line 21, and insert in lieu thereof a semicolon.

**Amendment No. 11.**

On page 12, line 28, of the printed bill, strike out "whole", and strike out line 29, and in line 30, strike out "district,".

**Amendment No. 12.**

On page 13, line 47, of the printed bill, strike out "vote for \_\_\_\_\_", and insert in lieu thereof a colon and the following: "'vote for \_\_\_\_\_'".

**Amendment No. 13.**

On page 14, lines 30 and 31, of the printed bill, strike out the comma and "and delegates to the State convention from a hold over senatorial district".

**Amendment No. 14.**

On page 14, line 32, of the printed bill, strike out "candidate", and insert in lieu thereof the following: "candidates".

**Amendment No. 15.**

On page 14 of the printed bill, strike out lines 35 and 36, and in line 37, strike out "and county and", and insert in lieu thereof the following: "issued".

**Amendment No. 16.**

On page 14, line 51, of the printed bill, strike out "and to issue a certificate of elec-"; strike out line 52, and on page 15, strike out line 1; and on page 15, line 2, strike out "or city and county";

**Amendment No. 17.**

On page 15, line 40, of the printed bill, add the following: "(c) All members of the State Legislature."

**Amendment No. 18.**

On page 15, line 46, of the printed bill, following "named", add the following: "except a member of the State Legislature".

**Amendment No. 19.**

On page 16 of the printed bill, between lines 5 and 6, add the following: "(c) One delegate affiliated with such political party, appointed from each senatorial district and from each assembly district. In senatorial districts and assembly districts which lie wholly within one county or city and county, such delegates shall be appointed by the newly elected county central committees of such counties or city and counties. In senatorial districts and assembly districts which lie in two or more counties or cities and counties, such delegates shall be appointed by a majority vote of the chairmen of the county central committees in the counties or cities and counties in which any portion of such senatorial or assembly districts lie. If such majority vote in any case can not be obtained then the delegate from such senatorial or assembly district shall be chosen and appointed in the manner hereinafter provided in this section for filling vacancies in the State convention.

**Amendment No. 20.**

On page 16, line 6, of the printed bill, strike out "c", and insert in lieu thereof the following: "d".

**Amendment No. 21.**

On page 16, line 7, of the printed bill, after "named", add the following: "except members of the State Legislature".

**Amendment No. 22.**

On page 17, line 1, of the printed bill, strike out "delegates", and insert in lieu thereof the following: "delegate".

**Amendment No. 23.**

On page 17, line 3, of the printed bill, strike out "hold over delegate" or "nominee delegate", and insert in lieu thereof the following: "delegate".

**Amendment No. 24.**

On page 17, line 4, of the printed bill, following "party", add the following: "from such senatorial or assembly district".

**Amendment No. 25.**

On page 22, line 32, of the printed bill, add the following: "In each county and city and county the delegates to the State convention from the senatorial district and from the assembly district or districts, lying wholly or partly within such county or city and county, shall be ex officio members of the committee."

**Amendment No. 26.**

On page 24, line 19, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "thirty".

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Senate Bill No. 57—An act to amend section 86 of, and to add sections 86.5, 86.6, 86.7, 845.5, 845.6 and 845.7 to the Fish and Game Code, relating to the use of nets.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 57 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "86.5".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "845.6".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 15 to 20, inclusive.

**Amendment No. 4.**

On page 2, line 1, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "2".

**Amendment No. 5.**

On page 2, line 14, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "3".

**Amendment No. 6.**

On page 2, line 17, of the printed bill, as amended, strike out "area", and insert in lieu thereof the following: "ocean waters and tidalands to high water mark".

**Amendment No. 7.**

On page 2, line 20, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "4".

**Amendment No. 8.**

On page 2 of the printed bill, as amended, strike out lines 26 to 29, inclusive.

**Amendment No. 9.**

On page 2, line 30, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "5".

**Amendment No. 10.**

On page 2, line 32, of the printed bill, as amended, strike out "in district 18C" and insert in lieu thereof the following: "or seine in districts 18C or 18D."

**Amendment No. 11.**

On page 2, line 34, of the printed bill, as amended, strike out "boat or vessel", and insert in lieu thereof the following: "net or seine".

**Amendment No. 12.**

On page 2, line 35, of the printed bill, as amended, strike out "and such boat or vessel and the", and strike out lines 36 to 47, inclusive, and insert in lieu thereof a period.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 600—An act to amend section 25a of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1667—An act to amend section 1 of an act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1905, relating to the granting of franchises.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 747—An act to amend sections 1 and 18a of the Street Opening Act of 1903, relating to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities or within unincorporated territory and one or more municipalities to reassessment procedure and relief from special assessments.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 620—An act to amend an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving said land," approved April 22, 1909, by adding thereto a new section to be numbered section 25a, relating to reassessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 451—An act to amend section 3719 of the Political Code, relating to the temporary borrowing of money by counties, cities and school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1057—An act to amend section 1 of an act entitled "An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration, when funds are available," approved June 7, 1935, relating to city treasurers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1836—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1837—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of the annexed territory," approved March 2, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1838—An act to repeal an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 19, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1839—An act to repeal "An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof," approved May 31, 1929, relating to the annexation of territory to municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6, and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging and/or pressing establishments, or

agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations." approved May 28, 1931, as amended, relating to cleaning and dyeing

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2732 were read and adopted:

##### **Amendment No. 1.**

On page 2, line 36, of the printed bill, after the word "cleaning", and before the word "dyeing", insert the word "and".

##### **Amendment No. 2.**

On page 2, line 43, of the printed bill, after the word "public", strike out the comma and the words "but when", and insert in lieu thereof a period.

##### **Amendment No. 3.**

On page 2 of the printed bill, strike out all of lines 44 and 45

##### **Amendment No. 4.**

On page 2, line 51, of the printed bill, after the word "finishing", strike out balance of line, and insert a period in lieu of the comma.

##### **Amendment No. 5.**

On page 3 of the printed bill, strike out all of lines 1 and 2.

Bill read second time, ordered to print, and on file for third reading  
(NOTE: The action of the Senate in amending this bill was rescinded on April 27, 1937.—J. A. Beck, Secretary of Senate.)

Assembly Bill No. 1532—An act to amend section 384 of the Penal Code of the State of California by amending subdivision 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1532 was read and adopted.

##### **Amendment No. 1.**

On page 4 of the printed bill, after line 22, insert the following:

"(14) Nothing in this act shall be construed to authorize any county fire warden, fireman, or county officer to obligate the State of California for the payment of any moneys."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 501—An act to amend section 954 of the Streets and Highways Code of the State of California, relating to the abandonment of highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 629—An act to add section 985 to the Streets and Highways Code, relating to cattle guards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1722—An act to amend sections 1620, 1621, 1622, 1623, and 1624 of the Streets and Highways Code, relating to the use

of road funds by counties and authorizing the acquisition of rights of way by purchase or condemnation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2813—An act authorizing the removal of the monument or statue in memory of Chief Solano from its present location on the highway near Fairfield to the grounds of the court house at Fairfield in the county of Solano.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1445—An act to amend section 4300f of the Political Code, relating to jurors' fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2279—An act to amend section 453 of the Fish and Game Code, relating to possession after season.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1720—An act to amend section 493.5 of the Fish and Game Code, relating to chumming in District 20.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1342—An act to amend section 52 of the Public Utilities Act.

Bill read second time, and ordered on file for third reading.

### **Motion to Reconsider Waived.**

Senator Gordon waived reconsideration of Senate Bill No. 597.

Senate Bill No. 597 ordered transmitted to the Assembly.

### **Third Reading of Senate Bills.**

Senate Bill No. 799—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code to be known as Part V, all relating to the retirement by school districts of employees thereof.

Bill read third time.

### **Urgency Clause.**

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health, and safety that this law shall go into immediate effect, and therefore this act shall become effective immediately.

The following is a statement of the facts constituting such necessity: The School Code was amended by the Legislature at its 1935 session to permit governing boards of school districts to discharge teachers who have reached the age of sixty-five years, which amendment will become effective September 1, 1937. Many boards of education desire to take advantage of the provisions of said amendment, and to avoid hardships which will follow the discharge of many teachers aged sixty-five years or more and to avoid the possibility of placing such teachers and their families and dependents on relief rolls of their respective counties, such boards desire to establish district retirement plans for their employees, as authorized herein. This act requires that the establishment of such plan be submitted to the vote of the people of the school district, and many municipal and school district elections are to be held during the months of April and May, 1937, at which such propositions can be submitted to the voters of the respective districts, at a large saving to the taxpayers of the respective districts.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.



**Call of the Senate.**

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixter, Olson, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—31.

The Secretary announced the absentees.

Time, ten o'clock and fifty-three minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 103, heretofore set as a special order for eleven o'clock a.m., the motion setting the bill as a special order was vacated and Senate Bill No. 103 was, by unanimous consent, restored to the third reading file.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 579, heretofore set as a special order for eleven o'clock a.m., the motion setting the bill as a special order was vacated, and Senate Bill No. 579 was, by unanimous consent, restored to the third reading file.

**Motion.**

On motion of Senator Crittenden, Senate Bill No. 223, was ordered placed on the unfinished business file.

**Motion.**

Upon motion of Senator Parkman, Senate Bill No. 118 was ordered placed on the unfinished business file.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 165—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county mutual fire insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.  
NOES—None.

Title read and approved.

Senate Bill No. 165 ordered transmitted to the Assembly.

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance.



**Amendment from the Floor.**

During third reading of Senate Bill No. 468, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 2, line 24, of the printed bill, as amended, strike out the period, and insert a comma and the following: "except such as is incidental to a policy of title insurance on real property as defined in section 104."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Re-reference of Senate Bills Nos. 1074 and 1075.**

Senator Biggar moved that Senate Bills Nos. 1074 and 1075 be re-referred to Committee on County Government.

Motion carried, and such was the order.

**Further Proceedings Under Call of the Senate Dispensed With.**

At eleven o'clock and twenty-three minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and the urgency clause to Senate Bill No. 799 adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—31.

**NOES**—Senators Biggar, Gordon, Hays, Rich, Schottky, and Wagy—6.

Senate Bill No. 799 ordered placed on the unfinished business file.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 1123—An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

**SEC. 3.** The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that this act shall, under the provisions of section 1, Article IV of the Constitution of the State of California, take effect immediately.

The following is a statement of the facts constituting such necessity:

One irrigation district which is governed by the provisions of this act is in immediate need of funds to continue its work. Certain persons construe section 4c of this act to apply to contracts by which such funds are to be raised. If section 4c is so applied, there will be a delay resulting either from litigation to prove the true meaning of section 4c or due to time necessary under section 4c for publication and the possible election, which would result in the district not getting the necessary funds until it is too late to use such funds for the purposes necessary. This would result in the irrigation district being unable to carry on its necessary functions for this year, thus directly affecting the peace, health and safety of the inhabitants of the irrigation district.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLoe, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCall, McCormack, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1123 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLoe, DeLoe, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—21.

NOES—None.

Title read and approved.

Senate Bill No. 1123 ordered transmitted to the Assembly.

Senate Bill No. 440—An act to amend sections 1064, 1066, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 440 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLoe, DeLoe, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Law, McCormack, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 440 ordered transmitted to the Assembly.

### **Re-reference of Assembly Bill No. 18.**

Senator Rich moved that Assembly Bill No. 18 be re-referred to Committee on Rules.

Motion carried, and such was the order.

### **Motion to Reconsider Waived.**

Senator McCormack waived reconsideration of Assembly Bill No. 1212.

Assembly Bill No. 1212 ordered transmitted to the Assembly.

### **Leave of Absence.**

Senator Swing was, on motion of Senator Rich, granted leave of absence for the balance of this legislative day.

### **Third Reading of Assembly Bills.**

Assembly Bill No. 1925—An act to amend section 4264 of the Political Code, relating to salaries of county officers in counties of the thirty-fifth class.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1925, the following amendments, offered by Senator Schottky, were read and adopted:

#### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 9, 10 and 11, and insert in lieu thereof the following: "annum. Such deputies and employees as are allowed the auditor by the board of supervisors shall be appointed by the auditor".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, as amended, strike out "to", and insert in lieu thereof the following: "shall".

**Amendment No. 3.**

On page 1, line 18, of the printed bill, as amended, strike out the semicolon, strike out lines 19 to 22, inclusive, and insert in lieu thereof a period and the following: "Such deputies and employees as are allowed the district attorney by the board of supervisors shall be appointed by the district attorney and their salaries shall be paid in equal".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1787—An act to amend section 15 of the California Irrigation District Act, relating to the powers and duties of the board of directors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1787 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Wag, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1787 ordered transmitted to the Assembly.

Assembly Bill No. 2415—An act to amend section 735.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2415, the following amendment, offered by Senator Young, was read and adopted:

**Amendment No. 1.**

On page 2, line 9, of the printed bill, as amended, strike out "association or", and insert in lieu thereof the following: "an association of".

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 448—An act to amend section 1124 of the Probate Code of the State of California, and to add a new section thereto to be known as section 1125.1, relating to testamentary trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 448 passed by the following vote:

AYES—Senators Biggar, DeLap, Deuel, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, and Westover—26.

NOES—None.

Title read and approved.

Assembly Bill No. 448 ordered transmitted to the Assembly.

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3669 of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this

State, and providing that this act shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Fletcher, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schetty, Seawell, Slater, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 836 ordered transmitted to the Assembly.

Assembly Bill No. 449—An act to amend section 1593 of the Probate Code, relating to the discharge of guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 449 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 449 ordered transmitted to the Assembly.

Assembly Bill No. 562—An act to add section 948a to the Code of Civil Procedure, relating to bonds or undertakings required by law or order of court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 562 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 562 ordered transmitted to the Assembly.

Assembly Bill No. 563—An act to renumber section 1482 of the Probate Code, relating to additional bond required of guardians upon the sale or mortgaging of real property of the ward.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer,



Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 563 ordered transmitted to the Assembly.

Assembly Bill No. 2277—An act to amend section 1203.1 of the Penal Code, relating to probation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2277 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2277 ordered transmitted to the Assembly.

Assembly Bill No. 953—An act to add section 1626.5 to the Streets and Highways Code and to amend sections 1627 and 1628 thereof, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the counties for vehicle registration license fees, and authorizing the refunding, repayment and adjustment of direct assessments levied for the acquisition, construction, maintenance, improvement or repair of public highways, bridges or culverts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 953 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hollister, Keating, Keough, McBride, McColl, McFormack, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Tickle, Westover, Williams, and Young—26.

NOES—Senators Garrison, Hays, and Wagy—3.

Title read and approved.

Assembly Bill No. 953 ordered transmitted to the Assembly.

Assembly Bill No. 2223—An act to amend section 737ww of the Political Code, relating to the salary of judges of the county of Sonoma

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2223 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2223 ordered transmitted to the Assembly.

Assembly Bill No. 20—An act to amend section 324 of the Political Code, relating to resolutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Powers, Rich, Schottky, Seawell, Tickle, Wagy, Westover, and Williams—26.

**NOES**—None.

Title read and approved.

Assembly Bill No. 20 ordered transmitted to the Assembly.

Assembly Bill No. 24—An act to repeal section 267 of the Political Code, relating to the Speaker of the Assembly.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 24 ordered transmitted to the Assembly.

Assembly Bill No. 25—An act to amend section 247 of the Political Code, relating to officers and employees of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 25 ordered transmitted to the Assembly.

Assembly Bill No. 26—An act to amend section 256 of the Political Code, relating to the Journals of the respective houses of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 26 passed by the following vote:

**AYES**—Senators Crittenden, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 26 ordered transmitted to the Assembly.

Assembly Bill No. 27—An act to amend section 259 of the Political Code, relating to the Sergeant-at-Arms.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 passed by the following vote:

AYES—Senators Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Keating, Law, McBride, McColl, McCormack, Metzger, Mixter, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Tickle, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 27 ordered transmitted to the Assembly.

**Senator Powers in the Chair.**

At twelve o'clock and forty minutes p.m., Senator Powers of the first district was called to the chair.

Assembly Bill No. 28—An act to repeal sections 249 and 250 of the Political Code, relating to the Judiciary Committee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 passed by the following vote:

AYES—Senators Crittenden, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Powers, Quinn, Rich, Schottky, Seawell, Tickle, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 28 ordered transmitted to the Assembly.

Assembly Bill No. 33—An act to amend section 410 of the Political Code, relating to the laws, resolutions and Journals of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 passed by the following vote:

AYES—Senators Crittenden, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Rich, Seawell, Slater, Tickle, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 33 ordered transmitted to the Assembly.

Assembly Bill No. 38—An act to amend section 539 of the Political Code, relating to the printing of bills.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 passed by the following vote:

AYES—Senators Crittenden, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 38 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At twelve o'clock and forty-eight minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of Senate Attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of April 10, 1937:

Mildred Willard, Stenographer

*Per day*  
\$5.00

Resolution read, and on motion of Senator Tickle adopted.

**Rush Order to Printer.**

On motion of Senator Seawell, the Secretary was directed to issue a rush order for printing Senate Bill No. 425 when the amendments, recommended by the Committee on Governmental Efficiency, are adopted.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Concurrent Resolution No. 25:** By Senator Fletcher—Approving certain amendments to the charter of the city of San Diego, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-third day of March, 1937.

Senate Concurrent Resolution No. 25 read, and ordered held at the desk.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Oil Industries.**

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 907—An act to regulate the sale of fuel or burner oil.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 581—An act amending sections 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, and repealing sections 10, 17a, and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, Statutes 1921, as amended:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.



## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and to renumber 14a to be section 14½, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 1127—An act confirming and ratifying an agreement for easement No. 338, Huntington Beach, heretofore made by the Director of Finance on behalf of the State of California, with the Standard Oil Company and others; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

WAGY, Chairman.

## On Social Security.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Senate Bill No. 478—An act to add to the Political Code, new Article 11h of Chapter III of Title I of Part III thereof, creating a State Department of Social Welfare and Relief and transferring to it the property, powers, duties, and unexpended funds of the Department of Social Welfare and of the Relief Administrator and Relief Commission; and repealing sections 367 to 367g, inclusive, of the Political Code;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be re-referred to committee.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 320—An act to amend section 5 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind, this act to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

## On Judiciary.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 680—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—3.

HAYS, Chairman.

## On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2376—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes, and providing that this act become effective immediately.

Assembly Bill No. 1574—An act to amend section 3536 of the Political Code, relating to vacations for State officers and employees.

Assembly Bill No. 1607—An act to amend section 710 of the Political Code, relating to State buildings and grounds.

Assembly Bill No. 1568—An act to amend section 3506 of the Political Code, relating to the State burying ground.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1168—An act to amend sections 84, 5, 96, 10, 22, 120 and 18 of and to add two new sections to the California Real Estate Act to be numbered 10a and 10b, respectively, relating to the regulation and licensing of real estate brokers and salesmen, and to the illustration of money in the real estate fund.

Assembly Bill No. 1599—An act authorizing the Division of State Lands to grant, convey and sell by deed, or any other proper legal transaction, all the right, title and interest of the State of California in and to certain lake, riparian and submerged lands described herein.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 949—An act to add section 1810 to the Political Code, relating to payment of delinquent taxes before sale to the State.

Senate Bill No. 1107—An act empowering any State institution to, without to the Napa State Farm out of its surplus appropriation money, to occupy the most of meat to be delivered to it, after processing for sale.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 422—An act to amend section 6644 of the Political Code, relating to the payment of State officers and employees.

Senate Bill No. 1105—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations, and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 17, 19, 21, 22, 23, 24, 26, 27, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16a, 20a, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52a, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.5, relating to alcoholic beverages;

Senate Bill No. 863—An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Yolo, in said State;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 8, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the rights, remedies, powers, and duties, of employers and employees, and prescribing penalties for the violation of its provisions;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as to final disposition of the bill.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

## On County Government.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class;

Senate Bill No. 639—An act to amend sections 2322x28 and 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class;

Senate Bill No. 412—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class;

Senate Bill No. 826—An act to amend section 4307 of the Political Code, relating to county charges;

Senate Bill No. 168—An act to add sections 1.5 and 5.5 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts;

Senate Bill No. 572—An act to add a new section to be numbered 4041.29 to the Political Code, relating to powers of boards of supervisors;

Senate Bill No. 1120—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.



## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 737—An act to amend section 1004 of the Political Code relating to county assistance to special districts. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4, absent—1.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1072—An act to amend section 9 of the Political Code to authorize the counties of the State of California to establish programs for the retirement and pension of certain county and township officers and employees, namely, county police officers as defined in the act, and to provide means to provide for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—2, absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 8—An act to amend and renumber sections 9 and 7, to renumber section 8, and to add new sections numbered 9, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 to "An act authorized the establishment, maintenance and operation of recreation districts," approved June 19, 1917, relating to recreation districts, declaring the urgency thereof and providing that this act shall take effect immediately. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3, absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2024—An act to amend section 1007 of the Political Code of the State of California, relating to county chapters.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3, absent—2.

GORDON, Chairman.

## On Education.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1467—An act to amend sections 4962, 4963, 4964, 4966 and to add two new sections to be numbered 4967 and 4968, of the School Code relating to school district bonds;

Assembly Bill No. 1469—An act to repeal sections 2,1223 and 6,523 of the School Code, relating to reports of books purchased for each school district;

Assembly Bill No. 1676—An act to add two new sections to the School Code to be numbered 1,120a and 5,95, both relating to the testing of hearing and sight of pupils in the schools of the public school system;

Assembly Bill No. 1798—An act to amend section 5,721 of the School Code, relating to absence from duty;

Senate Bill No. 508—An act to amend sections 5,10, 5,42, 5,60 and 5,84 of the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith;

Senate Bill No. 571—An act to add a new article to Chapter I of Part III of Division V of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

TICKLE, Chairman.



SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School: Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; noes—1; absent—1.

TICKLE, Chairman.

### Adjournment.

At one o'clock p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, April 12, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, April 12, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—35.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Friday, April 9, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senators Schottky and Mixer were, on motion of Senator Swing, granted leave of absence for this day.

Senator Tickle was, on motion of Senator Cunningham, granted leave of absence for this day.

Senator Biggar was, on motion of Senator Holohan, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helen Brown, Miss Nancy Hamburger, Mr. J. P. Schuler, and Mr. Karl O. Bayless, teachers of the Lincoln Union Grammar School, Lincoln, and

the following eighth grade students: Mary Airo, Bob Allen, Crescencio Arredondo, Alma Beermann, Barbara Best, Thelma Bettencourt, Charles Bilderback, Edwin Boyden, Bonnie Bunn, Lloyd Breazeale, Marion Carnesecca, Kyle Clark, Dorothy Conness, Iola Crook, Bob Dawson, Luis DeAraoz, A. J. Dougherty, Violet Dulaney, Raymond Falconer, Emily Farinha, Alvin Flint, D. H. Flowers, Viola Freshales, Jack French, Raymond Gomez, Marianna Gonzales, Manuel Gonyea, Katsutochi Hada, Robert Hansen, Pearl Hellewell, Audrey Heney, Allen Hill, Kay Jansen, Robert Jimenez, Willis Kerff, Marilyn Klose, Lloyd Lambert, Lillian Lazzari, Betty Lee, Manuel Mendoza, Frederick Nelson, Dick Neville, Dorothy Nicholson, Bob Noyes, Class President, Mary Olivas, Bill Olivas, Murl Parseale, Aubrey Penman, Donald Peterson, Albert Price, Mervyn Ridinger, Ruth Ridinger, Lucy Ruiz, Gloria Santini, Ben Sasaki, Norma Jean Semran, Lucille Seriva, Edward Seriva, Alfred Shane, Alfred Sylvas, Eileen Sorenson, Grace Taylor, Verna Towle, Verlie Towle, Virginia Tyson, Joe Vargas, Edward Vorous, Annabelle Watts, Edwin Watts, Ima Wilson, Marjerle Wilson and Ruth Windes.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leslie Harris, of Harris and Co., San Bernardino.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Fred Bartlett of Stockton.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter Ames and Mr. Allen Wright, both of San Diego.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Teresa Toomey and Mrs. L. F. Douglass, Jr.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter "The Great" Mills, famous baseball pitcher of the Seals.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Frank C. Mighton of Banning.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1869.—An act to amend the School Code by amending section 2360, relating to the holding of trustees' meetings by the county superintendent of schools:

Assembly Bill No. 1907.—An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately:

Assembly Bill No. 2132.—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers:

Assembly Bill No. 2369.—An act to add section 3888b to the Political Code, relating to conveyance of land to a county in payment of taxes, penalties and interest due the county from the owner of the land:

Assembly Bill No. 2464—An act relating to the adoption of codes of fair competition for certain trades and industries within this State;

Assembly Bill No. 2576—An act to amend section 1a of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the definition of civil engineering;

Assembly Bill No. 2623—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code, to be known as Part V, all relating to the retirement by school districts of employees thereof declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1869 read first time, and referred to Committee on Education.

Assembly Bill No. 1907 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2132 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2369 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2464 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2576 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2623 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2733—An act to amend the title and sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, as amended, relating to clothes cleaning establishments;

Assembly Bill No. 2797—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 3886, relating to the validation of certain tax levies.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2733 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2797 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 695—An act to amend section 1513 of the School Code, relating to punishment for failure to report deaf children;

Assembly Bill No. 883—An act to amend section 5090 of the Insurance Code, relating to county mutual fire insurers;

Assembly Bill No. 1129—An act to add sections 6 and 7 to an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute bags;

Assembly Bill No. 1462—An act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued for public works projects and validating, ratifying, approving and confirming certain proceedings heretofore taken in connection with public works projects, by certain public bodies;

Assembly Bill No. 1765—An act to amend "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers,



providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that not shall take effect immediately," by adding a new section thereto relating to sales of tangible personal property for use upon vessels couring the high seas.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 695 read first time, and referred to Committee on Education.

Assembly Bill No. 833 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1129 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1462 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1765 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2684—An act relating to the relief of debtors and guarantors, permitting postponement of sales conducted by mortgagee, drafts of time, or contracts of purchase of real property, or contracts attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extension of periods for redemption, or extension of time to be paid on mortgages, postponing the appointment of receivers in certain cases, declaring the urgency hereof, and providing that it shall take effect immediately:

Assembly Bill No. 1306—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors:

Assembly Bill No. 1888—An act to amend section 1844 of the Penal Code of the State of California, relating to the classification of institutions districts:

Assembly Bill No. 2057—An act to amend sections 794, 828, and 829 of the Agricultural Code, relating to the standardization of measurement for produce:

Assembly Bill No. 249—An act to amend section 699.10 of the Political Code, relating to rights in and upon swamps, overflowed, marine time and submerged lands:

Assembly Bill No. 483—An act to amend sections 2, 8, and 9 of the Insurance Tax Act of 1935, relating to the lien of inheritance taxes:

Assembly Bill No. 988—An act to add a new section to the School Code to be known as section 2.992 relating to gifts, donations, bequests and devises to school districts:

Assembly Bill No. 2188—An act to amend section 731 of the Fish and Game Code, relating to taking barracuda:

Assembly Bill No. 2189—An act to amend section 733.5 of the Fish and Game Code, relating to taking of yellowtail.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2684 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1306 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 1888 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2057 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 249 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 483 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 988 read first time, and referred to Committee on Education.



Assembly Bill No. 2188 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2189 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2658—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment on benefited property, and to provide that a majority and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments;

Assembly Bill No. 2674—An act to add section 15.5 to, and to amend section 17 of, an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2658 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2674 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2518—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensation insurance;

Assembly Bill No. 2553—An act to add section 61.5 to the Alcoholic Beverage Control Act, relating to minors on premises where alcoholic beverages are sold or served;

Assembly Bill No. 2597—An act to amend section 2274 of the Civil Code, relating to compensation of trustees;

Assembly Bill No. 2625—An act to amend section 372 of the Vehicle Code, relating to registration fees.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 2518 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2553 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 2597 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2625 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1709—An act to amend section 255 of the Probate Code, relating to children born illegitimate;

Assembly Bill No. 2195—An act to amend sections 500, 501, 503, and 505 of the Vehicle Code, relating to felonies and other offenses;

Assembly Bill No. 2196—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations

of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 23 of said act; to renumber section 22 as section 23 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately;

Assembly Bill No. 2197—An act to amend sections 2, 3, 7, 9, 10, 11, 12, 17, 19, 22, 23 and 25 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the hearing, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1915; to repeal section 22 of said act; to renumber sections 23 and 24 as sections 22 and 23, respectively, of said act; relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1709 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2195 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2196 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2197 read first time and referred to Committee on Revenue and Taxation.

#### ASSEMBLY CHAMBER, SACRAMENTO, APRIL 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1410—An act to amend sections 2, 6 and 10 of an act entitled "An act to provide for the indicating of the net quantity of fireworks and pyrotechnics intended to be used or prepared for use as fuel for bonfire, bonnet, and bonnettes, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom and prevailing practice for the violation thereof," approved May 24, 1913, as amended, relating to net containers;

Assembly Bill No. 1411—An act to amend section 6 and to add a new section to be numbered section 7, to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and measures of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the submission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1912, as amended, relating to weights and measures;

Assembly Bill No. 1628—An act to amend section 4280 of the School Code, relating to the financial support of the public school system;

Assembly Bill No. 1412—An act to amend sections 1, 3, 4, 6, and 8 of an act entitled "An act defining public weighmaster, describing his duties, providing for rules and regulations governing the performance of his duties, prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, relating to public weighmasters.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1410 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1411 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1628 read first time, and referred to Committee on Education.

Assembly Bill No. 1412 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1406—An act to amend sections 1 and 2 of an act entitled "An act establishing and standardizing the weight of loaves of bread and regulating the sale thereof," approved June 2, 1921, relating to weights of bread;

Assembly Bill No. 1407—An act to add a new section to be numbered 32b to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Assembly Bill No. 1408—An act to amend section 16a of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 1406 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1407 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1408 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 69—An act to amend section 1307 of the Penal Code, relating to the forfeiture of bail;

Assembly Bill No. 287—An act to amend section 2349 of the Political Code, relating to navigable streams and public waterways;

Assembly Bill No. 278—An act to amend sections 125, 374, 375, 1881 and 1973 of, and to add section 241.5 to, the Code of Civil Procedure, relating to causes of action;

Assembly Bill No. 978—An act to amend sections 2.879 and 2.880 of the School Code, relating to elections for members of governing boards of school districts;

Assembly Bill No. 1086—An act to amend section 3716 of the Political Code, relating to the lien of taxes on real and personal property and providing that such lien shall cease to exist after 30 years;

Assembly Bill No. 1268—An act to amend sections 1, 2, 3, 6, and 8 of an act entitled "An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a



public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments." approved March 24, 1936.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBERG, Assistant Clerk.

Assembly Bill No. 69 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 287 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 278 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 978 read first time, and referred to Committee on Education.

Assembly Bill No. 1086 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1268 read first time and referred to Committee on Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2100—An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 836—An act to add a new section to the Political Code, to be numbered 3667a and to amend sections 3666a and 3666b of said code, all relating to the taxation of insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State and providing that laws not shall take effect immediately under the provisions of section 1 of Article IV of said Constitution.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

## Consideration of Daily File.

### Second Reading of Senate Bills.

Senate Bill No. 907—An act to regulate the sale of fuel or burner oil.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 907 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 3 and 4 of the title, and insert in lieu thereof the following:

"An act to prevent fraud or misrepresentation in the distribution and sale of Grade No. 1 fuel oil; regulating the distribution and sale of such product; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it; stating of buyers and measures, and their deputies, and other officers; defining Grade No. 1 fuel oil and prescribing specifications for products sold or offered for sale as Grade No. 1 fuel oil; prescribing penalties for the violation of provisions herein."

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 27, inclusive, and strike out all of pages 2 and 3, and insert in lieu thereof the following:

"SECTION 1. The word 'person' whenever used in this act, shall mean and include, but without limitation, any natural person, partner, firm, association, trustee, receiver, corporation, and any member, officer, agent or employee thereof, or assignee for the benefit of creditors."



SEC. 2. It is unlawful for any person to expose for sale, offer for sale or sell any burner oil, other than gasoline and grades of fuel-oil for various types of fuel-oil burning equipment designated as Grades No. 2, 3, 4, 5 and 6, A. S. T. M. designation D 396, made from petroleum which is adulterated or misbranded within the meaning of this act. Such volatile burner oil is adulterated or misbranded if it fails to meet the minimum specifications herein prescribed.

SEC. 3. The requirements enumerated in these specifications shall be determined in accordance with the following methods of testing of the American Society for Testing Materials as specified in A. S. T. M. designation D 396 for Grade No. 1 fuel oil, a distillate oil for use in burners requiring a volatile fuel.

(a) The flash point shall not be lower than 120 degrees Fahrenheit or higher than 150 degrees Fahrenheit when tested by means of the Pensky-Martens closed tester, A. S. T. M. designation D 93.

(b) The burner oil shall be free from water and suspended matter when tested by means of centrifuge, A. S. T. M. designation D 96.

(c) Distillation of Grade No. 1 fuel oil shall be determined in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products, A. S. T. M. designation D 86, and it shall distill within the following limits:

(1) When ten per cent has been recovered in the receiver the thermometer shall not read more than 420 degrees Fahrenheit.

(2) The end point shall not be higher than 600 degrees Fahrenheit.

SEC. 4. It is unlawful for any person to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale, or deliver or offer to deliver to any premises any product as or purporting to be a burner oil or Grade No. 1 fuel oil for use in burners requiring a volatile fuel unless the same shall conform to the foregoing specifications.

It is unlawful for any person to sell, offer for sale, or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer for delivery a petroleum product of any manufacturer, refiner, producer or importer, conforming to the above specifications, under his own trade mark, trade name or brand unless such person has first obtained the written authorization of the manufacturer, refiner, producer or importer so to sell such product, which written authorization shall specify the brand, trade mark or trade name and product under which such product is to be sold.

SEC. 5. The Division of Weights and Measures of the Department of Agriculture, and every person authorized by it, each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of California, and any person now or hereafter authorized or empowered by law to inspect the petroleum products in this act referred to, are hereby severally authorized and empowered to take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale within the State. It is unlawful for any person to refuse to permit any person authorized by this section to take such sample or samples, or to prevent or to attempt to prevent the taking of such sample or samples. If the owner or person in possession of such product shall at the time of said taking, demand payment for the commodity taken, then said person taking such sample shall pay therefor the reasonable market price thereof.

SEC. 6. Any person who violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$25 or not more than \$500, or by imprisonment in the county jail for a period of not more than six months, or by both.

SEC. 7. There is hereby appropriated to the Division of Weights and Measures of the Department of Agriculture, out of any money in the general fund of the State of California not otherwise appropriated, an annual appropriation of ten thousand dollars, or so much thereof as may be necessary, for the purpose of enforcing the provisions of this act.

SEC. 8. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 581—An act amending sections 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, and repealing sections 10, 17a, and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and

take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921. Statutes 1921, as amended.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 581 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "Sections", insert the following: "1,".

##### Amendment No. 2.

On page 1, line 14 of the title of the printed bill, as amended, strike out "Statutes 1921, as amended.", and insert in lieu thereof the following: "relating to minerals in State lands."

##### Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, strike out "2" and insert in lieu thereof the following: "1".

##### Amendment No. 4.

On page 1, between lines 2 and 3, of the printed bill, as amended, insert the following:

"SECTION 1. All coal, oil, oil shale, gas, phosphate, sodium, and other mineral deposits in lands belonging to the State, or which may become the property of the State, are hereby reserved to the State, provided, however, that nothing in this act shall apply to lands acquired by the State on a sale of delinquent taxes, except such land, the deed for which is required to be filed in the Surveyors' (Recorder's) office. Such deposits are reserved from sale except upon a rental and royalty basis, as herein provided for; and a purchaser of any lands belonging to the State, or which may become the property of the State, shall acquire no right, title or interest in, or to, such deposits; and the right of such purchaser shall be subject to the reservation of all coal, oil, oil shale, gas, phosphate, sodium, and other mineral deposits, and to the conditions and limitations prescribed by law providing for the State and persons authorized by it pursuant to this act or otherwise, to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of said lands as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom.

SEC. 2. Section 2 of the act cited in the title hereof is hereby amended to read as follows:—

##### Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "3".

##### Amendment No. 6.

On page 2, line 3, of the printed bill, as amended, strike out "Mineralogist", and insert in lieu thereof the following: "Mineralogist".

##### Amendment No. 7.

On page 2, line 18, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "4".

##### Amendment No. 8.

On page 4, line 45, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "5".

##### Amendment No. 9.

On page 5, line 1, of the printed bill, as amended, strike out "area", and insert in lieu thereof the following: "acres".

##### Amendment No. 10.

On page 5, line 30, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "6".

##### Amendment No. 11.

On page 5, line 48, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "7".

##### Amendment No. 12.

On page 6, line 43, of the printed bill, as amended, preceding the words "no person", insert the following: "Sec. 12."

**Amendment No. 13.**

On page 6, line 42, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "8".

**Amendment No. 14.**

On page 7, line 1, of the printed bill, as amended, strike out "embrased", and insert in lieu thereof the following: "embraced".

**Amendment No. 15.**

On page 9, line 7, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

**Amendment No. 16.**

On page 9, line 9, of the printed bill, as amended, preceding the words "Rights of way", insert the following: "Sec. 13."

**Amendment No. 17.**

On page 9, line 45, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "10".

**Amendment No. 18.**

On page 9, line 47, of the printed bill, as amended, preceding the words "Any person", insert the following: "Sec. 17."

**Amendment No. 19.**

On page 9 of the printed bill, as amended, strike out lines 48 and 49, and insert in lieu thereof the following: "wise".

**Amendment No. 20.**

On page 10, line 23, of the printed bill, as amended, strike out "10", and insert in lieu thereof the following: "11".

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and to renumber 14a to be section 14½, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of act inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 478—An act to add to the Political Code, new Article III of Chapter III of Title I of Part III thereof, creating a State Department of Social Welfare and Relief and transferring to it the property, powers, duties, and unexpended funds of the Department of Social Welfare and of the Relief Administrator and Relief Commission; and repealing sections 367 to 367g, inclusive, of the Political Code.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 478 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, between lines 44 and 45, insert the following:

"General policies for the guidance of the director shall be determined by a Board of Social Welfare and Relief, which is hereby created and which shall consist of



seven members, to be appointed by the Governor. Of the seven to be thus appointed, one member shall serve until December 31, 1938; three members shall serve until December 31, 1939; three members shall serve until December 31, 1940. Upon the expiration of the term of each member so appointed, the Governor shall appoint to fill the vacancy a member who shall serve for three years.

The board thus created shall meet at least once each month. Each member thereof shall receive actual necessary traveling expenses incurred in the discharge of his duties and \$10 per day while in attendance upon each meeting, but the total per diem allowance to each member shall not exceed \$240 in any year.

The Board of Social Welfare and Relief shall be an advisory and investigative body; it shall determine general policies relating to all forms of public assistance which are administered under the jurisdiction of the Department of Social Welfare and Relief, and shall make rules and regulations in respect thereof.

#### Amendment No. 2.

On page 3, line 13, of the printed bill, as amended, after "Relief", insert a comma, and the following: "except such as are matters of duty to be decided upon by the board hereby created".

#### Amendment No. 3.

On page 3, line 24, of the printed bill, as amended, after "Relief", insert a comma, and the following: "unless the reference is to matters which are being assigned to the board hereby created".

#### Amendment No. 4.

On page 4, lines 2 and 3, of the printed bill, as amended, delete the words "State Board of Control", and insert in lieu thereof the following: "Board of Social Welfare and Relief".

Bill read second time, ordered to reprint, and re-referred to Committee on Social Security.

Senate Bill No. 680—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 680 were read and adopted:

#### Amendment No. 1.

On page 1, line 2, of the printed bill, after the word "injured", insert the words "on any highway of interstate commerce".

#### Amendment No. 2.

On page 1, line 9, of the printed bill, strike out the words "two years", and insert in lieu thereof the words "six months".

#### Amendment No. 3.

On page 1, line 10, of the printed bill, after the word "or", insert the following: "one year in case of".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 195 was read and adopted:

#### Amendment No. 1.

On page 1, line 20, of the printed bill, as amended, strike out "twelve", and insert in lieu thereof the following: "fifteen".

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 639—An act to amend sections 2322x28 and 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 639 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend sections 2322x28 and", and insert in lieu thereof the following: "repeal section 2322x28 and to amend section".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 2 to 17, inclusive, and insert in lieu thereof the following: "repealed."

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 24 to 27, inclusive, strike out page 2, and on page 3, strike out lines 1 to 8, inclusive.

**Amendment No. 4.**

On page 3, line 9, of the printed bill, strike out "4." and insert in lieu thereof the following: "(a)".

**Amendment No. 5.**

On page 3, line 10, of the printed bill, strike out the semicolon and "and provided," and strike out lines 11 to 52, inclusive, and on page 4, strike out lines 1 to 38, inclusive, and insert in lieu thereof a period.

**Amendment No. 6.**

On page 4, line 39, of the printed bill, strike out "8.", and insert in lieu thereof the following: "(b)".

**Amendment No. 7.**

On page 4 of the printed bill, strike out lines 40 to 52, inclusive, and strike out page 5, and on page 6, strike out lines 1 to 33, inclusive, and insert in lieu thereof the following: "three thousand six hundred dollars per annum."

**Amendment No. 8.**

On page 6, line 34, of the printed bill, strike out "15.", and insert in lieu thereof the following: "(c)".

**Amendment No. 9.**

On page 7 of the printed bill, strike out lines 1 to 17, inclusive.

**Amendment No. 10.**

On page 7, line 18, of the printed bill, strike out "17.", and insert in lieu thereof the following: "(d)".

**Amendment No. 11.**

On page 7, line 27, of the printed bill, strike out "18", and insert in lieu thereof the following: "(e)".

**Amendment No. 12.**

On page 7 of the printed bill, strike out lines 34 to 45, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading:

Senate Bill No. 412—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 412 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 4261", and insert in lieu thereof the following: "sections 4262 and 4279".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "county and township".

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 3 of the title, and insert in lieu thereof the following: "of the thirty-third and fiftieth classes".

**Amendment No. 4.**

On page 1, line 1, of the printed bill, strike out "4261", and insert in lieu thereof the following: "4262".

**Amendment No. 5.**

On page 1 of the printed bill, strike out lines 3 to 27, inclusive, and strike out all of pages 2, 3 and 4, and insert in lieu thereof the following:

"4262. In counties of the thirty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

(a) The auditor, \$3,000 per annum.

(b) The district attorney, \$3,000 per annum, and his traveling expense and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters, in which the county is interested, incurred by him in the performance of his duties, and all expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.

(c) Each member of the board of supervisors shall receive a salary of \$1,500 per annum and the further sum of 10 cents per mile mileage in traveling to and from his residence to the county seat; and for services as road commissioner, he shall receive 20 cents per mile for all distances actually traveled by him in the performance of his duties within the county; provided, he shall not in any one year receive more than \$900 as such road commissioner.

(d) In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of \$8 for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of 20 cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justice courts and recorders' courts and coroner's juries, shall receive for each day's attendance, the sum of \$2, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of 10 cents per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorder's courts shall be paid by municipalities in which such court is or may be established.

SEC. 2. Section 4279 of the Political Code is hereby amended to read as follows:

4279. In counties of the fifth class, the following county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

(1) The county auditor of counties of the fifth class shall receive, and the salary is hereby fixed in the sum of \$2,220 per annum, in lieu of all fees and allowances.

(2) The district attorney of counties of the fifth class shall receive, and the salary is hereby fixed in the sum of \$2,000 per annum.

(3) Each member of the board of supervisors in counties of the fifth class shall receive, and the salary is hereby fixed in the sum of \$800 per annum, for his services as supervisor, and a further sum of 20 cents per mile mileage in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of \$600 per annum; and 10 cents per mile mileage for every mile actually traveled in the performance of his duty as road commissioner, provided that he shall not receive more than \$500 in any one year for such mileage as road commissioner nor more than \$300 in any one year for such mileage as supervisor.

(4) In counties of the fifth class for attending as grand jurors or as a trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 826—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 168—An act to add sections 1.5 and 5.5 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 572—An act to add a new section to be numbered 4041.29 to the Political Code, relating to powers of boards of supervisors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1120—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 508—An act to amend sections 5.10, 5.42, 5.60 and 5.84 of the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 571—An act to add a new article to Chapter I of Part III of Division V of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 949—An act to add section 3810 to the Political Code, relating to payment of delinquent taxes before sale to the State.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 949 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "delinquent taxes before sale to the State", and insert in lieu thereof the following: "taxes before deed or conveyance to the State or any political subdivision".

##### **Amendment No. 2.**

On page 1, line 3, of the printed bill, after "conveyance", insert the following: ", except deeds or conveyances for nonpayment of delinquent taxes,".

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following: "State or any political subdivision, any real property shall be appropriated by the State, by a political subdivision, or"

**Amendment No. 4.**

On page 1, line 5, of the printed bill, after "State", insert the following: "or of a political subdivision".

**Amendment No. 5.**

On page 1, line 7, of the printed bill, after "shall", insert the following: "for unless adequate provision is made for such payment. The acceptance of any deed or conveyance in violation of this section is void".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1107—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 1107 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 1 to 7, inclusive, and insert in lieu thereof the following:

"SECTION 1. Any State institution, person, or legal entity deriving from its receiving fund to the Napa State Farm, with the approval of the Department of Finance, money to cover the cost of cattle or meat to be purchased in the most manner or for the processing thereof for the use of such institution, person or some to which such meat is to be delivered after processing.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 422—An act to amend section 604a to the Political Code, relating to the payment of State officers and employees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1105—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the



rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 241 were read and adopted:

##### Amendment No. 1.

On page 8, line 46, of the bill, as amended, strike out "hereby", and insert in lieu thereof the following: "thereby".

##### Amendment No. 2.

On page 10, line 20, of the printed bill, as amended, following the period, insert the following: "Notice from employees to an employer shall be served personally upon the employer or other person in charge of the place of employment, or may be served by registered mail directed to the employer at the place of business where the dispute exists. Notice from employer to employees shall be served as provided in section 39 of this act."

##### Amendment No. 3.

On page 12, lines 40 to 42, of the printed bill, as amended, strike out "Such intervention shall be signified by written notice served upon the parties to the dispute, served personally or by registered mail.", and insert in lieu thereof the following: "Notice of intervention shall be given to the parties to the dispute in the manner and form as provided in section 39 of this act."

##### Amendment No. 4.

On page 12, line 47, of the printed bill, as amended, after "hearings", insert the following: "as provided in section 39 of this act".

##### Amendment No. 5.

On page 14, line 14, of the printed bill, as amended, insert the following paragraphs:

"Every employer shall maintain in a conspicuous place on his premises where persons are employed, readily accessible to all his employees, a bulletin board during all working hours for the posting and display of orders and notices required under this act.

All notices required to be given under this act shall be posted on said board. If it be notice of a meeting or hearing such notice shall be posted at least 48 hours prior to the hour fixed for such meeting or hearing. In addition, the commission may mail notices to the employer and to all employees if the names and addresses of such persons have been filed with the commission.

It shall be unlawful for any person other than a member of the commission or an authorized representative thereof to remove, deface or destroy any such posted notice."

##### Amendment No. 6.

On page 16, line 10, of the printed bill, as amended, strike out " , issue subpoenas for the attendance of witnesses", and strike out all of lines 11 to 19, inclusive, and insert in lieu thereof a period.

##### Amendment No. 7.

On page 16, line 36, of the printed bill, as amended, strike out "issue subpoenas,".

##### Amendment No. 8.

On page 17, line 1, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

##### Amendment No. 9.

On page 17, lines 12, 13 and 14, of the printed bill, as amended, strike out "and to carry into effect its rulings when requested by the commission".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 17, 19, 21, 22, 23, 24, 26, 27, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b,

31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 49 2, 49 4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52 1, 53 5, 55 5, 55 7, 59 5, 65a, 65b, 66 5, 67 5, relating to alcoholic beverages.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "27," insert "28,".

##### Amendment No. 2.

On page 1, line 9 of the title of the printed bill, as amended, after "38c," insert "48 1/2,".

##### Amendment No. 3.

On page 1, line 11 of the title of the printed bill, as amended, after "66 5," insert "67 1/2,".

##### Amendment No. 4.

On page 2, line 47, of the printed bill, as amended, after the word "license", add the word "sold".

##### Amendment No. 5.

On page 2, line 48, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "fifteen."

##### Amendment No. 6.

On page 2, line 52, of the printed bill, as amended, strike out the words "is made,"

##### Amendment No. 7.

On page 3, line 7, of the printed bill, as amended, after the period, insert the following:

"No drink, mixture, cocktail or concoction which does not derive its sole alcoholic content from wine as herein defined shall be called wine for any purpose under the provisions of this act."

##### Amendment No. 8.

On page 3 of the printed bill, as amended, strike out lines 48 to 50, inclusive, and insert in lieu thereof the following:

"(k1) "Exporter" means any person who sells, delivers or consigns alcoholic beverages located within this State for delivery or use without the State."

##### Amendment No. 9.

On page 4 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"(k2) "Private warehouse" means any place maintained by a licensee under this act, other than his licensed premises, for the storage but not for the sale of alcoholic or alcoholic beverages owned by such licensee."

##### Amendment No. 10.

On page 4, line 46, of the printed bill, as amended, strike out "broker,".

##### Amendment No. 11.

On page 5, line 20, of the printed bill, as amended, after "Case", insert "or "original case" ".

##### Amendment No. 12.

On page 5 of the printed bill, as amended, strike out lines 23 to 27, both inclusive.

##### Amendment No. 13.

On page 7 of the printed bill, after line 13, add the following paragraph:

"In fixing license fees for on-sale distilled spirits licenses, the board may place common carrier boats and trains in a separate classification or separate classifications, and fix therefor different or lesser license fees for boats or for trains than that fixed for other on-sale distilled spirits licenses, giving consideration to the limited number of possible customers on boats or on trains and the limited number of hours within which it is practicable to exercise such license on a boat or on a train."

##### Amendment No. 14.

On page 7, line 26, of the printed bill, as amended, after the word "beer", insert the following: "or wine."

##### Amendment No. 15.

On page 7, line 40, of the printed bill, as amended, after "license", insert "fee".

**Amendment No. 16.**

On page 8 of the printed bill, as amended, strike out lines 2 to 6, inclusive, and insert in lieu thereof the following: "export the same, and to sell only such alcoholic beverages as are packaged by or for him only to persons holding wholesaler's, manufacturer's or reefer's licenses authorizing the sale of such alcoholic beverages and to persons who take delivery of such alcoholic beverages within this State for delivery or use without the State, except that beer manufacturers may sell beer to any person holding a license authorizing the sale of beer and wine manufacturers may sell wine to any person holding a license authorizing the sale of wine;"

**Amendment No. 17.**

On page 8, line 18, of the printed bill, as amended, after "package," insert "label," and after "sell", insert "only".

**Amendment No. 18.**

On page 8, line 19, of the printed bill, as amended, after "products", insert "as are packaged by him".

**Amendment No. 19.**

On page 8, line 41, of the printed bill, as amended, after the word "beverages," insert the following: "A wholesaler's license shall not be issued to any "on-sale" licensee and no such license shall be issued to any other person who does not in good faith actually carry on or intend to carry on a bona fide wholesale business by sale to retail licensees, of the alcoholic beverage designated in such wholesale license, and the board may revoke any such wholesale license where such licensee fails for a period of 45 days to actively and in good faith engage in such wholesale business. Sale by a wholesale licensee to himself as a retail licensee shall not be held to be the transaction of a bona fide wholesale business."

**Amendment No. 20.**

On page 8, line 47, of the printed bill, as amended, strike out "(g) An", and insert in lieu thereof the following: "(g) A retail package".

**Amendment No. 21.**

On page 8, line 49, of the printed bill, as amended, after "less", strike out the comma, and after "per sale", insert a comma.

**Amendment No. 22.**

On page 8, line 50, of the printed bill, as amended, after "less", strike out the comma, and in line 51, after "sale", insert a comma.

**Amendment No. 23.**

On page 9, line 3, of the printed bill, as amended, strike out the word "or", and insert in lieu thereof the following: "and, after December 31, 1937, in packages containing".

**Amendment No. 24.**

On page 9, line 4, of the printed bill, as amended, strike out the period, and add the following: "except that this subdivision shall not be deemed to prevent the sale in packages of less than one-half pint, of bitters or other aromatic or flavoring or medicinal preparations, which are classed for taxing purposes as distilled spirits, by off-sale distilled spirits licensees."

**Amendment No. 25.**

On page 9 of the printed bill, as amended, strike out lines 27 and 28, and insert in lieu thereof the following: "bonded warehouse, a United States Internal Revenue bonded warehouse and a United States bonded storeroom, provided however that as provided in section 7 hereof no license shall be required for the storage of beer upon which the excise tax levied by this act has been paid."

**Amendment No. 26.**

On page 9, line 34, of the printed bill, as amended, after the word "warehouse", insert the following: "or United States bonded storerooms."

**Amendment No. 27.**

On page 10 of the printed bill, as amended, strike out lines 5 to 17, inclusive, and insert in lieu thereof the following:

"(p) A licensed wine manufacturer may in addition to selling wine at his licensed premises sell and deliver wine to other licensees from branch offices or warehouses or United States bonded storerooms, located away from his place of manufacture and exercise all his license privileges thereat and therefrom other than manufacture, and the board shall upon request issue such wine manufacturer a duplicate of his original license which shall authorize the maintenance and operation of each branch or warehouse or United States bonded storeroom declared and designated by said manufacturer upon the payment for each such duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license."

**Amendment No. 28.**

On page 10 of the printed bill, as amended, between lines 17 and 18, insert the following:

"(q) Any distilled spirits or broadly manufacturer's license and any combined license authorizes the sale, in conformity with Federal, State, Territorial, Hawaiian laws and regulations, of such distilled spirits, the sale of which is authorized by the license, in packages larger than one gallon for use in the distilling, processing or industries and not for beverage use."

**Amendment No. 29.**

On page 10 of the printed bill, as amended, between lines 27 and 28, insert the following:

"SEC. 8½. A new section to be numbered 6.6 is hereby added to such act to read as follows:

Sec. 6.6. No retail on or off sale license shall purchase alcoholic beverages for resale from any person except a duly licensed and authorized wholesaler or wholesaler's license issued under this act."

**Amendment No. 30.**

On page 10, line 49, of the printed bill, as amended, after (d) insert the following: ", and except that the holder of a public warehouse license authorizing or operating more than one public warehouse in this State shall be required to obtain but one license for all of his public warehouse establishments. A copy of the original public warehouse license issued to a public warehouseman authorizing or operating more than one public warehouse in this State shall be posted in each of his public warehouse establishments. A change of one dollar shall be made by the board for each copy of a public warehouse license issued to such public warehouseman."

**Amendment No. 31.**

On page 10, line 50, of the printed bill, as amended, after the word "shall", strike out the comma, and insert in lieu thereof the following: "and when."

**Amendment No. 32.**

On page 10 of the printed bill, as amended, after line 51 and 52, and line 1 on page 11, and insert in lieu thereof the following: "in the city, town or county in which may be stored by or for any licensee under this act in any warehouse or public warehouse or elsewhere in this State without the necessity of any license by the State furnishing or providing the storage space, or any amount of additional license being required by such licensee, provided however that not other than"

**Amendment No. 33.**

On page 11, line 9, of the printed bill, as amended, after the word "warehouseman", strike out the period, and insert in lieu thereof the following: "or United States bonded storeroom."

**Amendment No. 34.**

On page 11, line 20, of the printed bill, as amended, after the word "license", insert the following: "upon compliance with the provisions of this act relating to the issuance of an original license and".

**Amendment No. 35.**

On page 11, line 22, of the printed bill, as amended, after the word "is", insert the following: "in effect and is".

**Amendment No. 36.**

On page 11, line 29, of the printed bill, as amended, after "uses", insert the following: ", except that the board may issue special licenses for the sale of beer on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion at a fee of \$5 per day."

**Amendment No. 37.**

On page 12, line 41, of the printed bill, as amended, after the word "application", strike out the period, and insert the following: ", provided however that this section shall not apply where a revocation is the result only of the nonpayment of a license fee."

**Amendment No. 38.**

On page 12 of the printed bill, as amended, between line 41 and 42, insert the following:

"SEC. 14½. A new section to be numbered 14.5 is hereby added to such act to read as follows:

Sec. 14.5. Not more than one distilled spirits manufacturers license, not more than one rectifiers license, nor more than one distilled spirits wholesalers license shall be issued to any one person in any one city or city and county in the State."

**Amendment No. 39.**

On page 13, line 19, of the printed bill, as amended, following the word "person", strike out the word "to", and insert in lieu thereof the word "or".



**Amendment No. 40.**

On page 13, line 45, of the printed bill, as amended, strike out "sheriffs, chiefs," and insert in lieu thereof "sheriff, chief," and in line 46, strike out "attorneys", and insert in lieu thereof "attorney".

**Amendment No. 41.**

On page 14, line 21, of the printed bill, as amended, after "newspaper", insert "of general circulation".

**Amendment No. 42.**

On page 14, of the printed bill, as amended, strike out lines 27 to 32, both inclusive, and in lieu thereof insert the following:

"SEC. 22. Any applicant for an off-sale retail package distilled spirits license, shall, at the time of filing application for license, accompany such application with the minimum license fee required or such larger fee as the applicant shall elect. Off-sale retail package distilled spirits licensees shall report quarterly at such time and in such manner as the board may prescribe the amount of distilled spirits sold during the preceding quarter. If any such report shows that the total amount of distilled spirits sold during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall accompany such report with such additional license fee as may be unpaid in accordance with the schedule provided in section 5. If any such licensee shall for any reason quit business, he shall within 15 days after the date of quitting business make a final report and payment of any additional license fee disclosed by his report or by an investigation by the board to be unpaid."

**Amendment No. 43.**

On page 14, of the printed bill, as amended, strike out lines 35 to 42, both inclusive, and in lieu thereof insert the following:

"SEC. 22a. Any applicant for a wine manufacturer's license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine gallonage to be manufactured by such applicant. Persons holding wine manufacturers' licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year.

If the total amount of wine manufactured during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in section 5."

**Amendment No. 44.**

On page 14, line 52, of the printed bill, as amended, after the word "that", insert the following: "in the case of wine."

**Amendment No. 45.**

On page 14, line 52, of the printed bill, as amended, after the word "where", strike out the letter "a", and insert in lieu thereof the following: "the".

**Amendment No. 46.**

On page 15, line 3, of the printed bill, as amended, after the word "gallonage", strike out the words "of such alcoholic beverages".

**Amendment No. 47.**

On page 15, line 6, of the printed bill, as amended, strike out "22c", and insert in lieu thereof "22b", and in line 8, strike out "22c", and insert in lieu thereof "22b".

**Amendment No. 48.**

On page 15, line 14, of the printed bill, as amended, strike out "22d", and insert in lieu thereof "22c", and in line 16, strike out "22d", and insert in lieu thereof "22c".

**Amendment No. 49.**

On page 15, line 18, of the printed bill, as amended, strike out "issuance of", and insert in lieu thereof "issuing".

**Amendment No. 50.**

On page 15, line 20, of the printed bill, as amended, strike out "22c", and insert in lieu thereof "22d", and in line 22, strike out "22c", and insert in lieu thereof "22d".

**Amendment No. 51.**

On page 15, line 44, of the printed bill, as amended, after "wines", insert the following: "and on sparkling hard cider".

**Amendment No. 52.**

On page 15, line 46, of the printed bill, as amended, strike out "water", and insert in lieu thereof the following: "wine, except sparkling hard cider,".

**Amendment No. 53.**

On page 16, line 25, of the printed bill, as amended, after the word "sell", insert the following: "in this State".

**Amendment No. 54.**

On page 16, line 39, of the printed bill, as amended, after the word "board", strike out the word "or", and insert in lieu thereof the word "and".

**Amendment No. 55.**

On page 16 of the printed bill, as amended, strike out lines 48 and 49, and insert in lieu thereof the following: "no person may store or have deposited by a licensed manufacturer or importer from within this State or sell for a licensed manufacturer or importer for export from within this State,".

**Amendment No. 56.**

On page 17 of the printed bill, as amended, strike out line 4, and insert in lieu thereof the following: "filing the note provided for in subsection 1 or 7 of".

**Amendment No. 57.**

On page 17, line 34, of the printed bill, as amended, after the word "sell", insert the following: "in this State by such person, if fully resident, importer or a licensee".

**Amendment No. 58.**

On page 17, line 41, of the printed bill, as amended, strike out "this", and insert in lieu thereof "the".

**Amendment No. 59.**

On page 18, line 19, of the printed bill, as amended, strike out the words "in section 33", and insert in lieu thereof "elsewhere in this act."

**Amendment No. 60.**

On page 18, line 29, of the printed bill, as amended, strike out "this", and insert in lieu thereof "the".

**Amendment No. 61.**

On page 18, line 24, of the printed bill, as amended, striking "board", insert the following: "The provisions of this section shall have no application to the holder of a public warehouse license in whose public warehouse distilled spirits are stored for the account of another,".

**Amendment No. 62.**

On page 18, line 27, of the printed bill, as amended, after "Each", insert "person", and after "licensed", insert "as a", and strike out "importer."

**Amendment No. 63.**

On page 18, line 28, of the printed bill, as amended, strike out "wholesalers", and insert in lieu thereof "wholesaler".

**Amendment No. 64.**

On page 18, line 29, of the printed bill, as amended, after "dollars", insert the following: "and each person licensed as an importer of distilled spirits shall file with the board an additional bond in the penal sum of \$5,000."

**Amendment No. 65.**

On page 18, line 35, of the printed bill, as amended, after "act", insert the following: "Each manufacturer, rectifier or wholesaler of distilled spirits who is the holder of more than one distilled spirits manufacturer's, rectifier's or wholesaler's license shall, in addition to the bond in the penal sum of \$2,000 provided for herein, file with the board a similar bond or bonds in the penal sum of \$1,000 for each of the additional distilled spirits manufacturer's, rectifier's or wholesaler's licenses held by such manufacturer, rectifier or wholesaler."

**Amendment No. 66.**

On page 18, line 45, of the printed bill, as amended, strike out the period, after the word "require", and insert the following: "provided that in the case of wine such statement shall be filed in accordance with the provisions of section 23b of this act."

**Amendment No. 67.**

On page 19, line 18, of the printed bill, as amended, strike out "for the month".

**Amendment No. 68.**

On page 19, line 19, of the printed bill, as amended, strike out "ending July 31, 1935, and", and in line 20, strike out "thereafter".

**Amendment No. 69.**

On page 19, line 22, of the printed bill, as amended, strike out "thereafter", and insert in lieu thereof "following the month in which such excise tax accrued".

**Amendment No. 70.**

On page 19, line 24, of the printed bill, as amended, strike out "hereto", and insert in lieu thereof "thereto".

**Amendment No. 71.**

On page 20 of the printed bill, as amended, strike out lines 4 and 5, and insert in lieu thereof the following: "returned to such manufacturer or importer after sale or transfer of possession and which has become unsalable without".

**Amendment No. 72.**

On page 21 of the printed bill, as amended, between lines 10 and 11, insert the following:

"Sec. 37.2. Section 28 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 28. Any person refusing to permit the board or any of its representatives to make any inspection or examination for which provision is made in this act or failing to keep books of account as may be prescribed by the board or failing to preserve such books for the inspection of the board for such time as the board may deem necessary, and any person altering, canceling or obliterating entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

Any person who shall erase, remove, obliterate, destroy or render illegible in any manner, any serial numbers, stamps, marks, brands, legends or other information required by Federal or State law to be attached or placed upon any packages or original cases containing alcoholic beverages, before the contents of such packages or cases have been entirely removed shall be guilty of a misdemeanor."

**Amendment No. 73.**

On page 24, line 41, of the printed bill, as amended, strike out "and purchas-", and insert in lieu thereof ", or purchase"; and in line 42, strike out "ing".

**Amendment No. 74.**

On page 25, line 12, of the printed bill, as amended, before "number", insert "license".

**Amendment No. 75.**

On page 25, line 37, of the printed bill, as amended, after "stamps", insert "which are unaffixed to packages and".

**Amendment No. 76.**

On page 26, line 3, of the printed bill, as amended, strike out "unlicensed".

**Amendment No. 77.**

On page 26 of the printed bill, as amended, strike out all of that portion of line 4, following "possession," and strike out lines 5 to 9, both inclusive, and insert in lieu thereof the following: "any distilled spirits upon the containers of which stamps are required to be attached and canceled under this act unless the stamps so required are so attached and canceled as required by this act."

**Amendment No. 78.**

On page 26, line 35, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and, after December 31, 1937, in packages containing".

**Amendment No. 79.**

On page 26, line 45, of the printed bill, as amended, after "dealer's", insert ", distilled spirits manufacturer's, brandy manufacturer's or rectifiers."

**Amendment No. 80.**

On page 26, line 47, of the printed bill, as amended, after "dealer", insert ", distilled spirits manufacturer, brandy manufacturer or rectifier."

**Amendment No. 81.**

On page 26, line 52, of the printed bill, as amended, after "dealer", insert the following: ", distilled spirits manufacturer, brandy manufacturer or rectifiers."

**Amendment No. 82.**

On page 29, line 4, of the printed bill, as amended, strike out "5", and insert in lieu thereof "6".

**Amendment No. 83.**

On page 29, line 21, of the printed bill, as amended, strike out ", and for", and insert in lieu thereof the following: "and to that end shall prescribe all necessary rules and regulations to carry out such provisions. 'For'; and after 'duties', insert 'the board'".



**Amendment No. 84.**

On page 32, line 26, of the printed bill, as amended, after the word "State" insert the following: "a violation of section 38e or".

**Amendment No. 85.**

On page 32, line 31, of the printed bill, as amended, after the word "disclosing", insert the following: "a violation of section 38e or one or more".

**Amendment No. 86.**

On page 32, line 45, of the printed bill, as amended, strike out the word "and" and after the numeral "2.", insert the following: "Except as limited by section 38e hereof, the".

**Amendment No. 87.**

On page 33 of the printed bill, as amended, following line 4, and before line 5, insert the following:

"Sec. 67. A new section to be numbered 40.5 is hereby added to said act to read as follows: Complaints may be filed with the board by the legislative body of any city or city and county in which the premises in question are located, or if said premises are in unincorporated territory, then by the board of supervisors of said county requesting the suspension or revocation of any retail license. Upon the filing thereof, the board must provide for a public hearing thereon within the county in which said premises are located and determine whether or not such license should be suspended or suspended. Whenever the local legislative body shall certify that the public safety, health or welfare require an immediate hearing of such complaint, such public hearing shall be held within five (5) days after the filing of the complaint with the board."

**Amendment No. 88.**

On page 34 of the printed bill, as amended, following line 50, add the following:

"Sec. 70j. A new section to be numbered 48.5 is hereby added to said act to read as follows:

Sec. 48.5 The Chief of the Bureau of Food and Drug Inspection shall immediately notify the State Liquor Administrator of the suspension of any license under this act of any violation in connection with alcoholic beverages of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, misbranded or mislabeled foods and liquors and regulating the trade therein, providing penalties establishing a State Laboratory for Food, Drugs and Liquors and making an appropriation therefor," approved March 11, 1927, and shall cause a copy of such notice to be filed with the chief local control officer of the district in which the premises of the licensee are situated. The respective officers shall promptly cause an investigation to be made and shall report to the board their recommendations as to suspension or revocation of the license of such licensee."

**Amendment No. 89.**

On page 34 of the printed bill, as amended, after line 50, insert the following:

"Sec. 70k. A new section to be numbered 48.6 is hereby added to said act to read as follows:

Sec. 48.6 It shall be the duty of the board to notify all licensed manufacturers, manufacturers' agents, wholesalers and wholesalers of the premises and license numbers of all alcoholic beverage licensees whose licenses have been suspended or revoked by the board. Such notification may consist in the mailing of a list of such suspensions and revocations or it may be by the publication in two or more alcoholic beverage trade journals having a state-wide circulation among such licensees."

**Amendment No. 90.**

On page 35, line 9, of the printed bill, as amended, strike out "gallon", and insert in lieu thereof "quart".

**Amendment No. 91.**

On page 35, line 34, of the printed bill, as amended, after "California", insert the following: "If any alcoholic beverages seized under the preceding section or forfeited under this section are sold by or under the direction of the board the common carrier's unpaid freight and storage charges accruing on the shipments of such alcoholic beverages shall be satisfied out of the proceeds of any sale made by the State after deducting the cost of such sale and any excise taxes accruing thereon."

**Amendment No. 92.**

On page 36 of the printed bill, as amended, strike out all of line 17, and on line 18, strike out "importer's license under this act", and insert in lieu thereof the following: "a licensee holding licenses authorizing the sale of such distilled spirits."

**Amendment No. 93.**

On page 36 of the printed bill, as amended, strike out all of line 20, following "alcohol", and strike out lines 21 and 22, and insert in lieu thereof the following: "or distilled spirits in the possession of a person who has lawfully purchased the same for use in the trades, professions or industries and not for beverage use."



**Amendment No. 94.**

On page 37, line 10, of the printed bill, as amended, after "auction", insert the following: "to a licensee or licensees authorized to sell such alcoholic beverages".

**Amendment No. 95.**

On page 38, line 33, of the printed bill, as amended, after "property", insert the following: "under a lien, mortgage or conditional sales contract which is officially of record", and in line 33, strike out "right, title or interest", and insert in lieu thereof "lien, mortgage or conditional sales contract".

**Amendment No. 96.**

On page 38, line 40, of the printed bill, as amended, strike out "bona", and in line 41, strike out "fide or innocent owner".

**Amendment No. 97.**

On page 40, line 21, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon.

**Amendment No. 98.**

On page 40, line 29, of the printed bill, as amended, after the period following the word "wholesaler", strike out the rest of line 29, and all of lines 30 to 32, inclusive, and insert in lieu thereof the following:

"The provisions of this subdivision shall not apply for a period of two years after the effective date of this section to any ownership, control, stock ownership, mortgage or lien upon or direct or indirect interest in any off-sale distilled spirits license issued in the name of another person, by any distilled spirits manufacturer, rectifier, or wholesaler, when such ownership, control, stock ownership, mortgage or lien existed prior to May 1, 1937, and also provided that such ownership, control or interest shall be disclosed to the board, in accordance with regulations adopted in connection therewith, within a period of 60 days after the effective date of this section and provided further that nothing in this subdivision shall prohibit any holder of a distilled spirits manufacturer's, rectifier's or wholesaler's license or any officer, employee or representative of such manufacturer, rectifier or wholesaler from acting as a trustee for any off-sale distilled spirits licensee in any bankruptcy or other proceedings for the benefit of the creditors of such off-sale distilled spirits licensee."

**Amendment No. 99.**

On page 40, line 39, of the printed bill, as amended, strike out the colon, and insert in lieu thereof a semicolon.

**Amendment No. 100.**

On page 40 of the printed bill, as amended, following line 42, and before line 43, insert the following:

"(j) Wilfully and knowingly discriminate, either directly or indirectly, in the price of an alcoholic beverage of the same grade, quality and type sold to different retail licensees purchasing under like terms and conditions."

**Amendment No. 101.**

On page 41 of the printed bill, as amended, between lines 8 and 9, insert the following:

"SEC. 874. A new section to be numbered 545 is hereby added to said act to read as follows:

No on-sale licensee or any officer, director, employee or agent of such licensee shall hold any ownership or interest, directly or indirectly, in any manufacturer's, rectifier's, importer's, or wholesaler's license issued under this act or the business conducted under such license or the property used in such business."

**Amendment No. 102.**

On page 41, line 33, of the printed bill, as amended, after the word "public", strike out the period, and insert the following: "and at the place of any such sale and upon the goods sold and in any advertisement in connection therewith public notice is given of the character of such sale as a "close out sale"."

**Amendment No. 103.**

On page 41, line 36, of the printed bill, as amended, after the word "thereof", strike out the period, and insert the following: "at the place of any such sale and upon the goods sold and in any advertisement in connection therewith."

**Amendment No. 104.**

On page 42 of the printed bill, as amended, between lines 6 and 7, insert the following:

"SEC. 894. A new section to be numbered 55.8 is hereby added to said act to read as follows:

Sec. 55.8. No retail package off-sale licensee or on-sale licensee under this act shall make any purchase or receive any delivery of alcoholic beverages unless all

purchase or deliveries of alcoholic beverages made or received by such licensee more than one month prior thereto shall have been paid in full by cash payment.

#### Amendment No. 105.

On page 42 of the printed bill, as amended, between lines 6 and 7, insert the following:

"Sec. 89½. A new section to be numbered 57½ is hereby added to said act to read as follows:

Sec. 57½. No licensee shall serve or permit to be served to any person on the premises of any such licensee, for consumption thereon, any alcoholic beverage unless such woman is seated at a table; and no service counter at which alcoholic beverages are prepared or poured for service shall be considered a table under this section."

#### Amendment No. 106.

On page 42, line 9, of the printed bill, as amended, after "or", insert "agent or"

#### Amendment No. 107.

On page 42, line 27, of the printed bill, as amended, strike out "beer", and insert in lieu thereof "alcoholic beverage".

#### Amendment No. 108.

On page 42, line 49, of the printed bill, as amended, strike out "and", and insert in lieu thereof "or".

#### Amendment No. 109.

On page 44 of the printed bill, as amended, between lines 8 and 9, insert the following:

"Sec. 1004. A new section to be numbered 67½ is hereby added to said act to read as follows:

Sec. 67½. No tax under this act shall be imposed upon the sale of distilled or distilled spirits by distilled spirits manufacturers, wholesalers, or commercial alcohol dealers for use in the trades, professions, or industries, but not for beverage use. Complete information concerning sales of distilled spirits for use in the trades, professions or industries by persons holding industrial alcohol dealer licenses, distilled spirits manufacturers' licenses and bearing commercial licenses shall be reported to the board each month by such licensees or former proprietors by one board.

Any person who shall divert or who shall conspire with others to divert for beverage use any alcohol or other distilled spirits and tax free for use in the trades, professions or industries shall be guilty of a felony."

#### Amendment No. 110.

On page 44 of the printed bill, as amended, after line 54, insert the following:

"Sec. 102. This act, inasmuch as it provides for a tax levy for the great support expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately, provided, however, that the provisions hereof shall become operative on July 1, 1937."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 863—An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Yolo, in said State.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 863 were read and adopted:

#### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, strike out "land management of a tract of land", and insert in lieu thereof the following: "management, and jurisdiction over certain lands".

#### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "Yolo, in said State.", and insert in lieu thereof the following: "Humboldt."

#### Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 28, inclusive, and on page 2, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. The control of the property described below is hereby vested in the Division of State Lands with complete power to administer or dispose of such

property, including the power to use, regulate the use of, improve, rent, lease, contract with relation to the use of, sell, contract with relation to the sale of, transfer to the Department of Natural Resources, Division of Parks, for State park purposes, or otherwise dispose of said property:

All those certain lots, pieces or parcels of land, situate, lying and being in the county of Humboldt, State of California, and bounded and particularly described as follows, to wit:

All of that portion of Lot No. 9 in the town of Trinidad lying north of the north line of Lot No. 34 extended westerly to the Pacific Ocean.

Beginning at a point where the north line of the town of Trinidad crosses the meander line of the Pacific Ocean in Section 23, T. 8 N., R. 1 W., Humboldt Meridian; thence northerly following the meander line of the ocean to a point three rods north of the mouth of Mill Creek, being a point on the south line of the land formerly owned by Dennis Tighe; thence easterly following said south line of the Tighe land and parallel with Mill Creek and three rods distant therefrom to a point in the center of the old county road; thence northerly along the center of the old county road to the county road as same existed on November 1, 1911; thence southerly following the same to the north line of the town of Trinidad and thence westerly along the north line of said town to the point of beginning excepting therefrom a parcel of land sold to I. Willis by deed recorded in Humboldt County records in Book "C" of Deeds, page 126.

Excepting therefrom also all rights of way over above described lands reserved by Vance Redwood Lumber Company in a deed to Frank Langford recorded July 18, 1912, in Book 118 of Deeds, page 429.

SEC. 2. The Division of State Lands may execute any and all documents other than grants of the property, and may perform any and all acts on behalf of the State of California in aid of the administration, control or disposition of said property.

SEC. 3. All grants of the property shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1127—An act confirming and ratifying an agreement for Easement No. 338, Huntington Beach, heretofore made by the Director of Finance on behalf of the State of California, with the Standard Oil Company and others.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 1127 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out the title and insert in lieu thereof the following:

"An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof."

##### Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 31, inclusive, and insert in lieu thereof the following:

"SECTION 1. All agreements for easements made and entered into prior to the effective date of this act by any person or company with the State of California, acting by and through the Director of Finance and the Chief of the Division of State Lands, subject to and to become effective upon confirmation by the Legislature, authorizing the abstraction or draining of oil or other petroleum products from tide and submerged lands of the State, and the payment of a consideration to the State for such abstraction or draining, are hereby confirmed, ratified, legalized, validated and approved."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

#### Second Reading of Assembly Bills.

Assembly Bill No. 737—An act to amend section 4004 of the Political Code, relating to county assistance to special districts.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 1072—An act to amend section 9 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1072 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the following: "sections 4, 5, 6 and 7", and after the figure "9", insert the following: "and 11".

##### Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, commencing with the figure "9", strike out the remainder of said act, and insert in lines 2, 3, 4, 5, 6 and 7 and 8 and including "1931" in line 7 and insert in lieu thereof the following: "4 of the act cited in the title hereof".

##### Amendment No. 3.

On page 1 of the printed bill, as amended, between lines 8 and 9 insert the following:

"SEC. 4. For the purpose of providing and maintaining a fund to meet the payments of demands drawn by the payment of interest and the expenses of said retirement commission, a fund is hereby created to be known as the 'Peace officers retirement fund'. There shall be paid into said fund the following moneys, to wit:

(a) Salary. A portion of each month's salary of each peace officer who is included within the provisions of this act to be transferred from the pay roll of such peace officer's monthly salary. Any peace officer who shall deposit in said pension fund a sum equivalent to 2 per cent of such officer's monthly salary from date of entering the service to date of the expiration of this act or any board of supervisors of any county, city or county, shall be entitled to all the rights and benefits provided for in this act and have accumulated to him for the purposes of this act the service for which he shall have made such deposit.

(b) Credit for prior service. Upon election by any said person to come within the provisions of this act, such person shall automatically be excluded from any other retirement system as herein provided, and the sum due to him from such persons under such other system shall be transferred to this system, to the credit of such person, in accordance with the law made and provided for each case; it being the intention that the retirement system provided by this act shall be exclusive and that the persons, who having elected to come under the provisions of this act, shall not participate in any other system now or hereafter provided by law for county or township officers or employees; provided, however, that where said person elects to come within the provisions of this act and elects to secure credit for prior service as a county peace officer under this act and where the sum to the credit of said person so transferred from some other system to this system exceeds that necessary to entitle said person to credit for said prior service as a peace officer under this system, there shall be refunded to said person such portion of said sum so transferred to the credit of said person, as exceeds the amount necessary to entitle said person to the credit claimed for such prior service.

(c) County donation. An amount to be determined and appropriated each year by the board of supervisors, said amount to be set apart together with the contribution of peace officers to meet all of the demands, including interest, against said pension fund. The board shall monthly deposit all contributions received in the county treasury to the credit of said fund.

(d) Interest. All contributions and deposits shall bear simple interest at a rate to be fixed by the board of retirement with the approval of the board of supervisors, but said rate shall in no event be greater than 4 per cent per annum.

SEC. 2. Section 9 of said act is hereby amended to read as follows:".

##### Amendment No. 4.

On page 1, line 9, of the printed bill, as amended, strike out the following: "Definitions".



**Amendment No. 5.**

On page 2, line 8, of the printed bill, as amended, before the word "firemen", insert the word "forester—".

**Amendment No. 6.**

On page 2, line 9, of the printed bill, as amended, strike out the word "and".

**Amendment No. 7.**

On page 2, line 9, of the printed bill, as amended, after the word "observers", insert the following: "and foremen and observers assigned to fire suppression crews and all other personnel not specifically mentioned herein, and not specifically excluded, who are assigned to fire prevention and suppression."

**Amendment No. 8.**

On page 2, of the printed bill, as amended, after line 17, insert the following: "SEC. 3. Section 11 of said act is hereby amended, to read as follows:

Sec. 11. Any member shall be retired for disability regardless of age or amount of service, if incapacitated for the performance of duty as the result of an injury or disease occurring in and arising out of the course of his employment. Incapacity for performance of duty shall be determined by the board. Any member incapacitated for the performance of duty by reason of a cause not included in the immediately preceding sentence, shall be retired regardless of age but only after ten years of service as a county peace officer as defined under section 9 of this act.

Upon retirement of a member for disability, such member shall receive a retirement allowance, payable in monthly installments, equal to one-half of the amount of salary attached to the position or office which he may have occupied at the date of receiving such injury or disease; provided, that such pension shall in no case be more than \$150 nor less than \$100 per month.

Whenever any member shall be killed, or die, as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement on account of years of service, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, in the sum of \$75 per month. Said pension shall be paid to the widow during her lifetime or until she remarries, and thereafter a person shall be paid in equal monthly installments, in the sum of \$75 to the legally appointed guardian of the child or children of such deceased member until such child or children shall have attained the age of eighteen years, or to his child or children should there be no widow until such child or children shall have attained the age of eighteen years; provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least five years prior to the date of his retirement; and provided further, that no widow of a member eligible for retirement from such department, who dies from causes other than those arising out of or from the performance of his duties, shall be entitled to a pension unless she shall have been married to such deceased member for at least five years prior to the date of his death; and provided, further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease.

The provisions of this section shall be retroactive as to the past service of any member who shall be entitled to the benefits contained herein."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Assembly Bill No. 8—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2024—An act to amend section 4307 of the Political Code of the State of California, relating to county charges.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2024 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, to line 16, strike out the period and insert in lieu thereof "when a district attorney or authorized or designated state officer or employee or former officer or employee is such person."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, after the second of the end of line 30, insert the following: "public administrators."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1467—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add two new sections to be numbered 4.967 and 4.968, of the School Code, relating to school district bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1469—An act to repeal sections 2.1223, 6.523 and 6.561½ of the School Code, relating to reports of books purchased for any school district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1676—An act to add two new sections to the School Code to be numbered 1.120a and 5.95, both relating to the testing of hearing and sight of pupils in the schools of the public school system.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1798—An act to amend section 5.721 of the School Code, relating to absence from duty.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2376—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1574—An act to amend section 3396 of the Political Code, relating to vacations for State officers and employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1607—An act to amend section 716 of the Political Code, relating to State buildings and grounds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1568—An act to amend section 3596 of the Political Code, relating to the State burying ground.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 320—An act to amend section 5 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind. This act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1168—An act to amend sections 3k, 5, 9c, 10, 12, 12a, and 18 of and to add two new sections to the California Real Estate Act to be numbered 10a and 10b, respectively, relating to the regulation and licensing of real estate brokers and salesmen, and to the disposition of money in the real estate fund.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1168 were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, after the word "numbered", insert "9d," and strike out the word "respectively", in said line.

**Amendment No. 2.**

On page 1, line 5 of the title of the printed bill, as amended, after the first comma, insert the words "and cemetery salesmen,".

**Amendment No. 3.**

On page 7 of the printed bill, as amended, after line 14, insert the following:

"Sec. 12. A new section is hereby added to said act, to be numbered 9d as follows:

Sec. 9d. Wherever it shall appear from any application filed with the Real Estate Commissioner that the applicant desires to engage only in the business of selling rights of interest in a cemetery, mausoleum or columbarium, the Real Estate Commissioner shall examine said applicant as provided in section 16 of this act, omitting from said written examination and interrogatory concerning the principles of real estate conveyances, the general purposes and general legal effects of deeds, mortgages, land contracts of sale and leases, the principles of land encumbrances and easements, and the principles of real estate practice, and shall substitute in lieu thereof, interrogatories concerning the general principles of cemetery, mausoleum and columbarium operation and the sale of interment rights therein. The Real Estate Commissioner shall issue a special license to be known as a cemetery salesman's license to such applicants as he shall determine to be qualified therefor, which license shall authorize the holder thereof to engage in the business of selling rights of interment in cemeteries, mausoleums and columbaria in the State of California, but it shall not authorize any such holder to do or perform any of the other acts mentioned in section 2 of this act. No person shall hold a cemetery salesman's license except a duly licensed real estate broker, except as in this section 9d provided. All provisions of this act relating to real estate salesman and real estate salesman's licenses, shall apply to cemetery salesman and cemetery salesman's licenses. The Real Estate Commissioner shall issue, without examination to any person who otherwise qualifies under section 16 of this act, a temporary salesman's license good for a period of three months from the date of issuance, but the holder thereof shall not be entitled to further license without examination as herein provided. Every licensed real estate salesman engaged in the business of selling rights of interment on the effective date of this section may lawfully continue to sell the same for the duration of his license without obtaining a special license as in this section provided. At the time of the renewal of his real estate salesman's license, however, in lieu thereof, he shall obtain, without examination, a cemetery salesman's license."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1599. An act authorizing the Division of State Lands to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to certain tide, overflowed and submerged lands described herein.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1599 was read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, as amended, after the period, add the following: "Any such conveyance shall also be subject to the express reservation and condition that said lands or any portion thereof may, if required in the future, be used for any authorized public use without compensation to the purchaser, his successors or assigns, or any person claiming under him, except that in the event that improvements have been placed upon the property later so taken for public use, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest."

Bill read second time, ordered to print, and on file for third reading.



**Motion.**

Senator Hays moved that Senate Bill No. 456 be recalled from the Assembly.

Motion carried, and such was the order.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code relating to the sale of fish.

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code relating to deer tag license.

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

Senate Bill No. 97—An act to amend sections 804, 805, and 806 of the Fish and Game Code, relating to the sale of fish.

Senate Bill No. 274—An act to amend section 942—An act amending the establishment of municipal courts, prescribing their jurisdiction, organization, procedure and jurisdiction, also providing for the compensation and appointment of the judges, clerks and other attaches of such courts, their term of office, jurisdiction and compensation, and for the selection of judges thereof. Approved May 22, 1937, relating to municipal courts in cities or towns and counties of the second and third class.

Senate Bill No. 800—An act to amend section 511 of the Fish and Game Code relating to water flow through a dam.

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 11, 13, 13.1, 14, 14.1, 20, 20.1 and 21, and to amend section 2 of the Highway Charters Act, relative to the use of motor vehicles for commercial purposes by motor vehicles.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 962—An act to amend section 894, and to add section 897.1 to the Agricultural Code, relating to field crops.

Senate Bill No. 1121—An act relating to the formation of a permanent justice system or civil service system in counties and cities and counties.

Senate Bill No. 1122—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and placement of a retirement system of a retirement system for employees of the State of California, and BUREAU OF APPROPRIATION therefor," approved June 9, 1931, relating to the State employees retirement system.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 15, 16, and 17 of said act; to repeal sections 10 and 15 of said act, relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Senate Bill No. 576—An act to amend section 2924 of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Senate Bill No. 633—An act to add section 1983 to the Political Code, relating to the publication of notice of intention to circulate petitions.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 476—An act to prohibit the use of a device known as the "Running W" used for the purpose of tripping or throwing a horse or other animal.



Senate Bill No. 689—An act to amend section 12 of the Probate Code, relating to *exceptions from amended business decisions or judgments*.

Senate Bill No. 690—An act to amend section 41 of the Probate Code, relating to *deceased and bankrupts to exempt*.

Senate Bill No. 691—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code, to amend sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 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797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 692—An act to amend sections 1743 and 1744 of the Fish and Game Code, relating to *deer*.

Senate Bill No. 693—An act to amend section 106 of the Lumber Code, relating to *timberland*.

And reports that the same have been correctly re-expressed.

KEOUGH, Chairman.

### Consideration of Senate Concurrent Resolution No. 25

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 25, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 25—Approving certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-third day of March, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 25 adopted by the following vote:

Ayes: Senators Cunningham, Delap, Fletcher, Gordon, Hays, Hollister, Holman, Keating, Keough, Kneeland, Law, McColl, McGowan, Morgan, Nelson, Olson, Phillips, Powers, Quinn, Quinn, Rich, Slater, Wang, and Young—24.

Nays: None.

Senate Concurrent Resolution No. 25 ordered transmitted to the Assembly.

### Unfinished Business

Senate Bill No. 799—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code to be known as Part V, all relating to the retirement by school districts of employees thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 799 passed by the following vote:

Ayes: Senators Allen, Cunningham, Delap, Daniel, Fletcher, Hollister, Keough, Kneeland, McColl, McGowan, McGowan, Morgan, Nelson, Olson, Phillips, Powers, Powers, Quinn, Russell, Slater, Wang, Wang, Westcott, Williams, and Young—27.

Nays: Senators Gordon, Hays, Holman, Keating, Law, and Rich—6.

Title read and approved.

Senate Bill No. 799 ordered transmitted to the Assembly.

Senate Bill No. 849—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter.

**Amendment from the Floor.**

During third reading of Senate Bill No. 349, the following amendment, offered by Senator Allen, was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, at second column, strike out "cents", and insert in lieu thereof the following: "dollars".

Bill read, ordered to reprint, reengrossment, and on file for third reading.

**Third Reading of Senate Bills.**

Senate Bill No. 663—An act to amend the title of Article V of Chapter I of Part III of Division IV of the School Code; to amend sections 5782, 5783 and 5784 thereof and Articles VI and VIa of Chapter I of Part III of Division IV of the School Code; and to add to said Chapter I of Part III of Division IV of the School Code two new articles to be numbered VI and VIa, all relating to payments from school district funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holham, Keating, Keough, Knowland, Law, McBride, McColl, McCormick, McCormick, McGovern, Metzger, Olson, Parkman, Perovich, Powers, Quinn, Rich, Seawell, Slater, Swang, Westover, Williams, and Young—11.  
 NOES—None.

Title read and approved.

Senate Bill No. 663 ordered transmitted to the Assembly.

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 839 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holham, Keating, Keough, Knowland, Law, McBride, McColl, McCormick, McGovern, Metzger, Nielsen, Olsen, Parkman, Perovich, Powers, Rich, Seawell, Slater, Swang, Waga, Westover, and Williams—11.  
 NOES—None.

Title read and approved.

Senate Bill No. 839 ordered transmitted to the Assembly.

Senate Bill No. 660—An act to amend section 43 of the Probate Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olsen, Parkman, Perovich, Powers, Quinn, Rich, Seawell, Slater, Westover, Williams, and Young—29.  
 NOES—None.

Title read and approved.

Senate Bill No. 660 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 662 ordered transmitted to the Assembly.

Senate Bill No. 661—An act to amend section 42 of the Probate Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 661 ordered transmitted to the Assembly.

Senate Bill No. 476—An act to prohibit the use of a device known as the "Running W" used for the purpose of tripping or throwing a horse or other animal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Deuel, Garrison, Hays, Hollister, Keough, Knowland, Law, McGovern, Nielsen, Olson, Parkman, Phillips, Quinn, Slater, Swing, Wagy, Westover, Williams, and Young—22.

NOES—Senators Gordon, Holohan, McBride, McColl, Metzger, Pierovich, and Powers—7.

Title read and approved.

Senate Bill No. 476 ordered transmitted to the Assembly.

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 468 ordered transmitted to the Assembly.

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10695.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance.

**Amendment from the Floor.**

During third reading of Senate Bill No. 455, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended before "10696.6" insert the following "10696.5."

**Consideration of Senate Bill No. 455, as Amended.**

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10695.5, 10696.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 455 passed by the following vote:

**AYES.** Senators Allen, Cunningham, Cunningham, DeJoy, Deuel, Fletcher, Goshue, Hays, Hollister, Holchen, Keating, Keating, Lick, McHardy, McCaff, McGowan, Metzger, Nielsen, Olson, Packman, Phillips, Packman, Powers, Quinn, Rick, Senwell, Slater, Swing, Wagy, Westover, and Young—41.

**NOES.** None.

Title read and approved, as amended.

Senate Bill No. 455 ordered transmitted to the Assembly.

**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 687—An act making an appropriation to the emergency fund specified in item 185 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 14, 1935, for the purposes therein specified, and declaring the urgency thereof;

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of April, 1937, at eleven o'clock and thirty minutes a.m.

KEOUGH, Chairman.



## SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 168—An act to add sections 1.5 and 5.5 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts;

Senate Bill No. 422—An act to amend section 664a to the Political Code, relating to the payment of State officers and employees;

Senate Bill No. 508—An act to amend sections 5.10, 5.42, 5.60 and 5.84 of the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith;

Senate Bill No. 571—An act to add a new article to Chapter I of Part III of Division V of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts;

Senate Bill No. 572—An act to add a new section to be numbered 4041.29 to the Political Code, relating to powers of boards of supervisors;

Senate Bill No. 826—An act to amend section 4307 of the Political Code, relating to county charges;

Senate Bill No. 1120—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1105—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees;

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School;

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class;

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and to renumber 14a to be section 14, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1559—An act to repeal section 3897 of the Political Code and to add to said code a new section to be numbered 3897, relating to the sale of property deeded to the State for delinquent taxes;

Assembly Bill No. 3—An act to amend sections 1, 3, 5, 6, 11 and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 15, 16 and 17 thereto, all relating to unfair trade practices;

Assembly Bill No. 2198.—An act imposing a tax upon the rolling stock of car companies and car-leasing companies, providing that such tax shall be in lieu of other taxes according to value, and providing for the administration of such tax.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1559 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 3 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2198 read first time, and referred to Committee on Revenue and Taxation.

### Special Order.

Senator Seawell moved that Assembly Joint Resolution No. 31 be made a special order for Tuesday, April 13, 1937, at eleven o'clock and thirty minutes a.m.

### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills.

Assembly Bill No. 2415.—An act to amend section 735.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The statement of facts constituting such emergency is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and marketing ability are to continue and their morale and standard of living are not to be depressed. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

#### Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Denel, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBrine, McCall, McErmack, McGovern, Metzger, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

#### The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2415 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBrine, McCall, McErmack, McGovern, Metzger, Nielsen, Parkman, Phillips, Pirovich, Powers, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

#### Title read and approved.

Assembly Bill No. 2415 ordered transmitted to the Assembly.

Assembly Bill No. 12.—An act to amend sections 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment.

including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### **Urgency Clause.**

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls, and thereby add revenue for the operation and maintenance of government. It is also necessary in order to redeem much of this property which does not at the present time appear on the assessment rolls that it be assessed according to present day values. If this is not done immediately taxpayers whose property does not now appear on the assessment rolls will be unable to take advantage of the rights granted by this act.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

#### **Call of the Senate.**

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

SENATORS—Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Nielsen, Parkman, Pierovich, Powers, Rich, Seawell, Slater, Westover, and Young—26.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### **Proceedings Under Call of the Senate.**

##### **Motion.**

Senator McGovern moved that Senate Bill No. 372 be placed on the unfinished business file.

Motion carried, and such was the order.

#### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 496—An act to amend section 2 of the Corporate Securities Act, to exempt from the provisions of said act certificates of deposit for securities approved by the California Districts Securities Commission for certification as legal investments for savings banks and trust companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 496 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McCormack, McGovern,

Metzger, Nielsen, Olson, Parkman, Phillips, Petrovich, Powers, Seagull, Slater, Swing, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 496 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 12 adopted by the following vote:

AYES—Senators Crittenden, Cunningham, DeLay, Doss, Fletcher, Garrison, Gordon, Hays, Hollister, Holden, Keating, Kennard, Lamm, McCall, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Rich, Seagull, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLay, Doss, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Kennard, Lamm, McCall, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Seagull, Slater, Swing, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 12 ordered transmitted to the Assembly.

### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 309, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

Bill read third time.

### COMMITTEE OF THE WHOLE.

Senator Young moved that the Senate resolve itself into a Committee of the Whole in order to consider the division of power between the Personnel Board and the Executive Officer as set forth in Senate Bill No. 309 and present law.

#### Substitute Motion.

Senator Olson offered, as a substitute motion, that the Senate resolve itself into a Committee of the Whole in order to consider all aspects of Senate Bill No. 309.

Motion lost.

The question being on the adoption of Senator Young's motion.

Motion carried.

### SENATE MEETS AS COMMITTEE OF THE WHOLE.

At two o'clock and fifty minutes p.m., the Senate met as a Committee of the Whole.



**President Pro Tempore in the Chair.**

At two o'clock and fifty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**COMMITTEE OF THE WHOLE ARISES.**

At three o'clock and twenty-four minutes p.m., on motion of Senator Slater, the Committee of the Whole arose.

**IN SENATE.**

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Motion.**

Senator Slater moved that the Senate resolve itself into a Committee of the Whole in order to resume consideration of Senate Bill No. 309.

Motion lost.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

**Amendments from the Floor.**

During third reading of Senate Bill No. 309, the following amendments, offered by Senator Young, were read and adopted:

**Amendment No. 1.**

On page 9, line 16, of the printed bill, as amended, strike out "Any moneys paid to", and strike out lines 17 to 19, inclusive.

**Amendment No. 2.**

On page 4, lines 7 and 8, of the printed bill, as amended, strike out "not exceeding the sum of two thousand dollars per annum,".

**Amendment No. 3.**

On page 9, line 28, of the printed bill, as amended, after the word "special", insert the following: "counsel,".

Senate Bill No. 309 ordered placed on the unfinished business file.

**Section Digest and Analysis of Senate Bill No. 309.**

The following section digest and analysis of Senate Bill No. 309, as amended April 6, 1937, prepared by the Legislative Counsel Bureau, was presented by Senator Young, and on motion of Senator McGovern, ordered printed in the Journal:

In this digest the provisions of the bill have been considered (except as otherwise indicated) in relation to the provisions of the State Civil Service Act (Deering Act No. 1400 of Deering's General Laws, Edition of 1931). In so doing we have indicated in many instances that the text of Act No. 1400 uses the designation "commission" in defining functions and in vesting powers and duties.

It should be noted in this connection that during the period 1921-1925, and again from 1927 to date, there has been and is a clause in section 2 of Act No. 1400 declaring that as to certain matters the word "commission" as used in that act means the executive member of the commission. As expressed in the 1929 amendment to said section 2 this clause reads as follows:

"The names, "commission" and "commissioner" as used in the Civil Service Act shall be construed to mean and apply to the Executive Member in whom in all respects the duties, powers and functions now conferred upon the Civil Service Commission, commissioner or commissioners are vested and conferred except that the enactment of the rules and regulations of the commission, the creation and adjustment of classifications, and grades, exemptions of positions from under the Civil Service Act as permitted by law and dismissals, demotions, or other punitive actions placed in the control of the commission shall

be the duty of and be controlled by the members of the commission and the votes of two commissioners shall be required to make any action of the commission effective."

It should be noted also that section 686 added to the Political Code in 1929 created the position of Chief of the Division of Personnel and Organization in the Department of Finance and declared that:

"The Chief of the Division of Personnel and Organization shall perform the duties imposed upon the executive member of the commission as provided in the Civil Service Act . . . ."

This was followed in 1934 by the adoption of Article XXIV of the Constitution, subdivision (a) of section 3 of which reads as follows:

"Said board" (the State Personnel Board) shall administer and enforce, and is vested with all of the powers, duties, purposes, functions and jurisdiction which are now or hereafter may be vested in like other State clubs or agency, under Chapter 590 of the California Statutes of 1913 as amended or any and all other laws relating to the State civil service as said laws may now exist or may hereafter be enacted, amended or repealed by the Legislature."

Subdivision (c) of section 2 of said Article XXIV of the Constitution in turn creates the position of Executive Officer of the State Personnel Board and declares as follows:

"Said Executive Officer shall perform and discharge all of the powers, duties, purposes, functions and jurisdiction imposed on such Executive Officer by law may be vested in the board except that the creation of new and positions, the creation and adjustment of classifications and grades, and discipline, demotions, suspensions and other punitive action for or in the State civil service shall be and remain the duty of the board and a duty of responsibility of the members of said board shall be required to make any action with respect thereto effective."

#### Article 1. PURPOSES OF THE ACT.

SECTION 1 is merely a statement of the purposes of the act and conforms to substantive law.

#### Article 2. WORDS AND PHRASES DEFINED.

SECTIONS 2 to 25, inclusive, are definitions of words used in the act.

#### Article 3. GENERAL ORGANIZATION AND FUNCTIONS OF THE STATE PERSONNEL AGENCY.

SECTION 30. Retains the present rate of \$4000 per year for the compensation of board members, but limits such compensation to two thousand dollars per year per board member, and leaves the existing members to attend and necessary traveling expenses, whereas the present law (D. A. 1400, section 2, paragraph 2) contains no such limitation and makes no distinction between members and ex officio members receiving the stated \$15 per each day necessary engaged in the duties of the board.

SECTION 31. Provides for the appointment of an executive officer by the board. The present law (D. A. 1400, section 2, paragraph 3) provides for the designation by the Governor of one of the commission members to act as the executive member of the commission. However, by section 686 of the Political Code, there was created a Chief of the Division of Personnel and Organization, who is comparable to the executive officer. The change made by section 31 is in direct accordance with section 2 (c) of Article XXIV.

Section 31 also provides that the board may appoint and fix the compensation of a confidential secretary and other authorized representatives and referees necessary to conduct public hearings, etc., whereas, D. A. 1400, section 3, allows the board not only to appoint a secretary, but also to appoint a Chief Examiner and allows these two positions to be confidential, and to appoint other necessary employees.

SECTION 32. Gives the executive officer the power to appoint, subject to civil service, the necessary employees to carry out the provisions of the act. These appointments are by D. A. 1400, section 3, vested in the commission.

SECTION 33. Is in substance the same as D. A. 1400, section 3, with the exception that the latter limits the compensation of examination assistants other than specialists and experts, to \$5 per day.

SECTION 34. Provides for offices of the board and the executive officer. It is substantially the same as D. A. 1400, section 4, with the exception that the latter only authorizes the securing of offices in the city of Sacramento, whereas section 34 authorizes such to be secured in localities throughout the State wherever they are required, and places the headquarters in Sacramento.

SECTION 35. Provides that the board meet in Sacramento and other places as often as the needs of public service require, to hold public meetings and to hear

<sup>1</sup> (By the commission, not by the "commission and" other officer)

interested parties. D. A. 1400, section 5, paragraph 9, is substantially the same.

SECTION 36. Subsections (a), (b) and (c) enumerate the powers and duties of the board. The first three (rule making, adjusting classes, and punitive actions) are specifically placed in the board by Article XXIV. The same powers and duties are vested in the commission by D. A. 1400, section 5, as follows: rule making, third paragraph; adjusting classes, first paragraph; punitive actions, fifth paragraph.

Subsections (d) and (e) give the board power to make investigations and biennial reports. D. A. 1400, section 5, paragraphs 6 and 8, provided for these powers.

Subsection (f) is new and gives the board power to hear appeals from actions taken by the executive officer.

SECTION 37. Enumerates specifically the powers and duties of the executive officer. This section in addition requires him to attend meetings of the board and to act as its technical adviser.

Subsection (c) which requires the executive officer to maintain an official roster, is a power and duty given the commission under D. A. 1400, section 16.

SECTION 38. Is new, authorizing the courts to take judicial notice of the rules of the board.

SECTION 39. Is new, authorizing the board and executive officer to join associations of public personnel agencies.

SECTION 40. Provides for the prosecution of violations of the act and authorizes the Attorney General to appoint a special prosecutor upon request of the board or executive officer. D. A. 1400, section 6, provides substantially the same, but also gives the commission power to employ special counsel—latter superseded by § 473a, Political Code.

SECTIONS 41 to 50, inclusive. Deal with investigations and hearings by the board and are substantially the same as the provisions of D. A. 1400, section 5, paragraph 6.

SECTION 51. Provides that immunity from prosecution must be claimed by a witness before testifying if he wishes to be afforded that protection. D. A. 1400, section 5, seventh, paragraph 3, makes immunity from prosecution automatic, but see *In re Connolly*, 87 C. H. D. 129.

SECTION 52. Provides that persons committing perjury in testimony before board hearings and investigations are not to be exempted from prosecution or punishment for such perjury. The same provision is made in D. A. 1400, section 6, seventh, paragraph 3.

SECTION 53. Provides that nothing contained in the act to be construed as giving any person immunity of any kind other than that which is expressly provided in the act. D. A. 1400, section 6, seventh, paragraph 3, makes the same provision.

SECTION 54. Is new, and provides a statute of limitations of one year for any actions brought under or because of the civil service law or the administration thereunder, and also provides that no person shall be compensated for time subsequent to the date when the cause of action, etc., arises, unless such is filed within 90 days after that date. In other words, it places a limitation of 90 days in which to recover back pay. D. A. 1400 provides no general statute of limitations, but has a similar provision in lay-off cases.

SECTION 55. Is new, and provides the officers upon whom process may be served.

SECTION 56. Provides a duty of all State officers and employees to aid and assist in all proper ways in carrying out the provisions of the act. D. A. 1400, section 6, provides substantially the same.

SECTION 57. Is new, and authorizes the executive officer, with the approval of the board, to enter into agreements to make the services and facilities of the State Personnel Agency available, upon request, to the political subdivisions of the State and State agencies not in Civil Service. D. A. 1400, section 71, authorizes such agreements only as to fire protection districts.

SECTION 58. Is new, and authorizes the executive officer to enter into agreements with personnel agencies of other districts for exchange of service and effecting transfer of employees.

SECTION 59. Is new, and brings employees and officers directly appointed by the Attorney General into the State civil service system, except special agents and investigators.

#### Article 4. CLASSIFICATION.

SECTION 60. Places the duty upon the board to create and adjust classes of positions. This duty is set forth in D. A. 1400, section 5, first.

SECTION 61. Provides for the allocation by the executive officer of State Civil Service positions to appropriate classes in the classification plan, apparently in the commission under D. A. 1400, section 5, first.

SECTION 62. Provides the power of the board to alter, divide, abolish, etc., existing classes. This is provided by D. A. 1400, section 5, first.



SECTION 63. Provides on allocation or reallocation employee to assume classification title of his position.

SECTION 64. Is new, and provides that any employee whose position is reclassified or reallocated shall not be affected as to salary, unless his salary is higher than the maximum salary of the class to which his position is reclassified, in which case his salary should be reduced not lower than such maximum. It also provides that a person whose position is so reclassified or reallocated is eligible for a vacant position in the class to which his former position was allocated if the class is retained, or if not, to a vacant position in a comparable class, and if there is no such vacant position, then he is to be placed on the departmental and general reassignment list. D. A. 1400, section 5, provides persons holding positions under original classification, shall not be affected by such change.

SECTION 65. Provides that the appointing powers shall generally pursue their intention to establish new positions so that they can be eliminated and classified and to also report material changes in the duties of any position to their jurisdiction. This requirement is now provided by Rule 21 of the board of rules.

SECTION 66. Is new, and provides that the approved classification title is to be used in all personnel communications and budget and financial records.

#### Article 5. COMPENSATION

SECTION 70. Provides the duty of the board to establish and adjust salary ranges for each class. A somewhat similar power is provided for the commission in D. A. 1400, section 5, first. Section 70 provides that in establishing such consideration is to be given to the prevailing wages for comparable services in other public employment and private business, the cost of living and the State's financial condition.

Section 70 also provides for the fixing by the board of intermediate steps in the salary ranges which are to govern the salary adjustments that an employee may receive at any one time and provides that an employee after one year of service, is to automatically receive the salary adjustment that his service rating entitles him to, and that the employee shall continue to receive such adjustments each year until he reaches the maximum salary provided for each class. It provides that a right to such adjustments shall be cumulative for a period not to exceed two years and that an employee in event of an insufficiency of appropriation, shall not lose his right to the adjustments for the intermediate steps to which he may be entitled for each such period or periods. It provides that salary adjustment shall not be made in any given instance if the Director of Finance certifies to the board that there is not sufficient money available for that purpose in the appropriation from which such salaries must be paid. Salary adjustments are provided for in D. A. 1400, section 5, first, but it provides no such system as is provided in section 70 there being merely the provision that the commission shall prepare by rule for the advancement of salary within each grade on the basis of efficiency and length of service.

SECTION 71. Provides that the salary ranges for laborers, etc., need not be uniform throughout the State, but that the minimum salary ranges for such positions is not to be fixed below the prevailing wage of the locality for which such rate is established. D. A. 1400, section 15, gives the commission power to establish separate registration lists for different localities as relates to laborers; there is no limitation placed on the commission that such rates be not lower than the minimum paid in the locality for which the list is established.

#### Article 6. SELECTION AND PROMOTION

SECTION 80. Provides for appointments to vacancies to be made from eligible lists and as far as possible to be made by promotion of persons holding positions in lower classes. It also provides for the establishment by the executive officer of promotional eligible lists. Substantially the same is provided in D. A. 1400, sections 9 and 13.

SECTION 81. Provides for establishment of eligible lists. Substantially the same power is given to the commission by D. A. 1400, section 5, second.

SECTION 82. Provides the board may by rule limit the competition in promotional examinations to permanent status employees who have superior classifications and hold positions in classes designated by the executive officer as appropriate for promotional purposes. D. A. 1400, section 13, limits such examinations to persons holding positions in a lower grade of the department or office in which the vacancy exists.

SECTION 83. Provides for the type of examination. D. A. 1400, section 5, second, and section 10, provides substantially the same, though it does not go into as much detail.



- SECTION 84. Provides for the announcement or advertisement by the executive officer of scheduled examinations. D. A. 1400, section 10, is substantially the same in this respect.
- SECTION 85. Provides for filing of applications with the executive officer within a reasonable length of time before the examination date. D. A. 1400, section 10, is substantially the same in this respect.
- SECTION 86. Sets forth the matter which may be required by rule of board or the executive officer for purposes of determining fitness and qualification of applicants. D. A. 1400, section 10, is substantially the same in this respect.
- SECTION 87. Sets forth the causes for which the Executive Officer may refuse to examine applicants. D. A. 1400, section 10, is substantially the same in this respect.
- SECTION 88. Relates to notice by appointing power to Executive Officer when position to be filled involves a fiduciary responsibility and requires a bond or other security. D. A. 1400, section 10, is substantially the same in this respect.
- SECTION 89. Is new, and provides Executive Officer in accordance with rules of board may limit the number of candidates passing an examination to be placed on the eligible lists in the order that they pass the examination. Also provides for the procedure of placing successful candidates on an eligible list, i.e., according to the final and earned ratings of each candidate.
- SECTION 90. Provides that eligible and promotional lists are to remain in force for one year from the date of establishment thereof, and that thereafter until exhausted or replaced by a newer list. D. A. 1400, section 9, provides that a new eligible list may only be created when there is no appropriate list from which the appointments may be made.
- SECTION 91. Is new and permits the Executive Officer to divide the State into districts and establish district eligible lists.
- SECTION 92. Provides for the establishment of reemployment lists by the Executive Officer. D. A. 1400, section 14a, provides for the establishment of a reemployment list of employees laid off, but makes no provision for inclusion on such lists of employees who have resigned in good standing, as does section 92.
- SECTION 93. Provides for establishment by the Executive Officer of separate departmental reemployment lists. D. A. 1400, section 14a, provides for departmental lay-off lists.
- SECTION 94. Provides the order of names on reemployment lists to be determined by the combined scores of efficiency and seniority as provided in section 172. D. A. 1400, section 14a, provides that the order shall be determined by scores of seniority and efficiency.
- SECTION 95. Is new, and provides for the order of preference in certifying eligibles from employment lists.
- SECTION 96. Is new, and permits removal of names from reemployment lists after five consecutive years, unless extended by the board.
- Article 7. CERTIFICATION, APPOINTMENTS, PROBATIONARY PERIOD.
- SECTION 110. Is a statement that the appointing power shall fill positions by appointments in accordance with the act. D. A. 1400, section 7, is substantially to the same effect.
- SECTION 111. Provides that the appointing power shall submit certain information on positions to be filled, other than by transfer, demotion or reinstatement, to the Executive Officer, and request him to certify eligible persons for appointment to the position. D. A. 1400, section 9, provides substantially the same procedure.
- SECTION 112. Follows the provisions of D. A. 1400, section 9, as to certification of three eligibles to the appointing power, but in addition provides that where there are less than three names on the list, the appointing power may demand the certification of three names, and it is then the duty of the Executive Officer to conduct examinations to comply to the list.
- SECTION 113. Provides that if there is no list available, appointments are to be made from a list for a comparable class, having substantially similar duties. Substantially the same is provided in D. A. 1400, section 9.
- SECTION 114. Provides that no person is to be appointed under a class not appropriate to the duties to be performed, and that no person is to be assigned to perform duties of any other class than that to which his position is limited. D. A. 1400, section 9, provides substantially the same.
- SECTION 115. Provides for temporary appointments when there is no eligible list available, for a period until an eligible list is established, and in no case are such appointments to any one position to exceed six months. D. A. 1400 provides substantially the same, but allows successive temporary appointments to be made upon consent of the board.
- SECTION 116. Is new, and provides for appointment of limited term employees, and further provides that they will be subject to such conditions affecting status and tenure during and after employment as the board by rule may determine.
- SECTION 117. Provides for emergency appointments by the appointing power for fifteen consecutive working days. D. A. 1400, section 12, provides for such appointments, but does not limit them to 15 days.

SECTION 118. Provides that no appointments are to be permanent until the elapse of a probationary period to be fixed by the board for a period of not less than six months nor more than one year, within which time the board may fix different probationary periods for different classes of positions. D. A. 1400 provides for a probationary period, but places a maximum of six months on such periods.

SECTION 119. Is new, and provides that appointments from departmental or general reemployment lists who have satisfied a previous probationary period, are not to be required to serve a new probationary period.

SECTION 120. Is new, and provides for reports by the appointing power during employee's probation as to his work and efficiency, as frequently as the board rules provide.

SECTION 121. Is new, and provides for reports by the appointing power stating what after thorough investigation the probationer is found to be satisfactory or unsatisfactory. This must be made before the expiration of the probationary term, and the duty is placed on the Executive Officer to notify the appointing power ten days in advance of such expiration.

SECTION 122. Provides for dismissal of probationers during probationary term, upon notice of specific reasons therefor being filed with the Executive Officer by the appointing power. Amplifies provisions appearing in D. A. 1400, section 9.

SECTION 123. Provides that the Executive Officer may remove a probationer from an eligible list for certification to any position to which he is not eligible, the position from which he was removed. D. A. 1400, section 9, is substantially to the same effect, but requires the unanimous vote of the commission before a person can be so restored to an eligible list.

SECTION 124. Is new, and provides for the reinstatement of a permanent employee who vacated his position to accept a position in a higher class, when such employee is rejected on probation in the new position.

SECTION 125. Is new, and provides that every person holds his position subject to the right of reinstatement of an employee in accordance with section 124, but provides that no such person is to be deprived of his earned position on the eligible list from which he was certified.

SECTION 126. Provides for payment by the appointing power to a person who acts in good faith in accepting a position contrary to the provisions of the act. Substantially the same as provided in D. A. 1400, section 22.

#### Article 8. REGULATION OF EMPLOYEES IN STATE CIVIL SERVICE.

SECTION 140. Is new, and permits the establishing of employee training programs.

SECTION 141. Is new, and provides that the executive officer on recommendation made by the appointing powers and supporting chiefly that employee's standards of performance by which the appointing powers shall evaluate each employee's performance of duties.

Such evaluation is to be placed in a performance report which is to be filed with the executive officer, who has the power on his own initiative or on the appeal of an employee to investigate the reports. In case of a disagreement by an employee with the findings of the executive officer, he may appeal to the board for final decision. D. A. 1400, section 15, provides for reports by the appointing power, but does not make any provision for appeal by an employee for investigation of such reports.

SECTION 142. Provides for the filing of performance reports by the appointing power and provides that the board rules shall provide that employees be shown their performance reports and that such employees shall be privileged to discuss them with the appointing power before they are filed. The board is to prescribe to what extent the reports are to be open to the public. D. A. 1400, section 16, provides for such reports, but makes no provision that they be shown to the employee.

SECTION 143. Provides that the board may use performance reports in determining salary increases, lay-offs, demotions, etc., and may establish rules under which unsatisfactory service may lead to reduction in class and demotion and removal. D. A. 1400, section 5, fifth, is substantially to the same effect.

SECTION 144. Provides for the transfer of employees and provides that permanent employees are not to serve a new probationary term, and that probationers so transferred are to be credited with the time already served. Transfers are covered in D. A. 1400, section 13, but the provision is made that transfers must be authorized by the commission.

SECTION 145. Is new, and provides that employees desiring to be transferred may file with the executive officer a request to that effect, and that the appointing powers of agencies to which he wishes to be transferred, are to be notified of his request.

SECTION 146. Provides that transfers to a higher class are to be deemed promotions, to a lower class, demotions, and that they can only be accomplished in the same manner as can demotions and promotions. D. A. 1400, section 13, provides substantially the same.

SECTION 147. Is new, and provides for voluntary demotions to fill vacant positions on the request of the employee or on the request of an appointing power, with the concurrence of the employee.

- SECTION 148. Provides for demotions of employees by the appointing power, and that the procedure for such is to be substantially the same as provided for dismissal of an employee for cause. It also provides that the board is to approve or to disapprove such demotion, or to direct, through the Executive Officer, the transfer of the employees to a position under the jurisdiction of another appointing officer. D. A. 1400, section 14, provides for such punitive action.
- SECTION 149. Is new, and provides for the granting of leaves of absence not exceeding one year to employees by the appointing power under rules prescribed by the board. Leaves of absence are now governed by Rule 14 of the board rules.
- SECTION 150. Is new, and provides for vacations of fifteen days with pay for employees, and provides that boards may provide for vacations of employees employed less than a year but at least six months. There are no provisions for vacations in D. A. 1400, such being provided for in section 359c of the Political Code.
- SECTION 151. Is new, and provides that employees are entitled to twelve days sick leave per calendar year, or one day per calendar month of service. The board, by rule, may provide for additional sick leave without pay or with reduced pay. Sick leaves are not provided for in D. A. 1400, but are now provided for by Rule 14a of the board rules.
- SECTION 152. Is new, and provides that nothing in the act is to prohibit leaves of absence with or without pay for the purpose of jury duty, military service under the Military and Veterans Act, or under the laws of the United States.
- SECTION 153. Provides that resignations from civil service are to be subject to rules of the board and that such resignations are not to jeopardize the rights of employees except those rights pertaining to the position from which they resign. There is no corresponding provision in D. A. 1400, except the power of the commission to make rules and regulations in section 5, third.
- SECTION 154. Is new, and provides that the board may provide by rule for days, hours and conditions of work.
- SECTION 155. Provides that a resigned employee, within three years after resignation, if such were made without fault or delinquency on his part, and if within that time there is need for his services in a position in a class from which he resigned, or in another class of substantially the same nature, may be reinstated to such position by the Executive Officer on the request of an appointing power. D. A. 1400, section 13, provides that such person may be reinstated on authorization by the commission within one year after separation from the position.
- SECTION 156. Provides for report by appointing power of such information as is required by the Executive Officer or board as to appointments or separations from civil service. Substantially the same as provided by D. A. 1400, section 16.
- SECTION 157. Is new, and provides that preference shall be given to permanent civil service employees or employees operating machines for four years when the machine is replaced, supplemented, etc., and then if the person is able to operate it, he must be given the position of operating it, or if he is not able to operate it, he must then be given three months of instruction in which to learn to operate it. There is no examination required, but provides he may be dismissed for incompetency after hearing as provided for dismissal for cause.
- SECTION 158. Is new, and allows civil service employees to take civil service examinations without reduction in pay or other penalty on the giving of two days notice to their immediate superiors.

#### Article 9. SEPARATION FROM THE SERVICE.

- SECTION 170. Is a statement of tenure and times when employees may temporarily or permanently be laid off or separated from the service.
- SECTION 171. Provides the power of an appointing power to suspend an employee for disciplinary purposes for a period not exceeding 30 days in any one calendar year. Substantially the same as provided by D. A. 1400, section 14, third paragraph, which gives the employee the right to answer or explain the charges to the board, but not the right to appeal, as does section 171.
- SECTION 172. Provides for lay offs and the procedure to be followed. D. A. 1400, section 14a, provides substantially the same, the only substantial changes made by section 172 being that it allows two points for each complete year of service in the series of the classes related to the employee's present class in determining seniority, whereas section 14a is broader in allowing two points for each year of State civil service regardless of class. Section 172 also provides for appeals to the board by an employee within 30 days after his receiving notice of lay-off on the grounds that the procedure in regard to lay-off has not been followed, or that the lay-off has not been made in good faith. D. A. 1400 makes no provision for such an appeal.



**SECTION 173.** Provides for dismissal, demotions and suspensions of employees under procedure to be set up by the board. Laid on the table for lack of time; and provisions for the filing of charges and the hearings to be had on the request of the employee. Substantially the same as provided in D. A. 1400, section 14, but section 173 in addition to the provisions of section 14 of D. A. 1400 gives the appointing power and the employee the right to call to the board for a rehearing of its decisions within 30 days after receipt of notice of the board's decision.<sup>1</sup>

#### **Article 10. PROHIBITIONS, PENALTIES AND ENFORCEMENTS**

**SECTIONS 190 to 201, inclusive,** set forth substantially the same provisions as are set forth in sections 17, 18, 19, 20, 21, 22, 23, 24 and 25 of D. A. 1400 and add three new provisions, namely:

Section 201, which prohibits discrimination under the law against any person because of sex, race or marital status. Positions that require the services of a specific sex are excepted as to sex discrimination;

Section 202 provides said employees are to fulfill their positions to the best of their ability and to render courteous and impartial service to the public;

Section 203 prohibits said employees from engaging in activities inconsistent or in conflict with their duties as State employees.

#### **Article 11. VETERANS' PREFERENCE**

**SECTIONS 200 to 225, inclusive,** are substantially the same as sections 26, 26a, 27 and 28 of D. A. 1400, with the following exceptions:

Section 223 limits the credit given to journeymen, to those journeymen who served in time of war, whereas D. A. 1400, section 27, does not limit them; definitions of the term "veteran" are not contained in these sections, but are contained in sections 24 and 25 of Article 1 of the bill.

#### **Article 12. GENERAL PROVISIONS**

**SECTIONS 230 to 243** are provisions that are standard sections, short title for the act; rules of interpretation; severability clause; if any part held unconstitutional; repeal of former statute.

**Assistant Secretary Howard McIntire at the Desk.**

### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 274—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kough, Knowland, Law, McCall, McGovern, Metzger, Olson, Parkman, Phillips, Piosovich, Powers, Rich, Schuckey, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 274 ordered transmitted to the Assembly.

### **Notice of Motion to Reconsider.**

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 476 was passed.

<sup>1</sup> Adds, as cause for dismissal: fraud in securing appointment; physical or mental disability; addiction to use of narcotics or habit forming drugs; conviction of felony or misdemeanor involving moral turpitude.



### Withdrawal and Re-reference of Assembly Bill No. 2518.

Senator McGovern moved that Assembly Bill No. 2518 be withdrawn from Committee on Insurance and referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 425—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending section 12 thereof, relating to flood control bonds;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

GARRISON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 1913—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 134, relating to the conveyance and transfer to such district of drainage systems and works of drainage improvement districts and for the assumption of liability for the payment of bonds of drainage districts issued for the construction of the drainage systems and works so conveyed and transferred and for the maintenance of such drainage system and works;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

GARRISON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 1912—An act to authorize counties to convey and transfer to flood control districts within such counties drainage systems and works constructed in drainage improvement districts organized pursuant to an act entitled the Drainage District Improvement Act of 1919 prior to January 1, 1937, and prescribing the terms and conditions and the effect of such conveyance and transfer and fixing liabilities with respect to obligations of such drainage districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

GARRISON, Chairman.

#### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 394—An act to amend sections 6901, 6902 and 6903 of the Labor Code, relating to train crews;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and with no further recommendation.

Committee membership—5; committee vote—Ayes—4; absent—1.

OLSON, Chairman.

### Adjournment.

At four o'clock and twenty minutes p. m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a. m., Tuesday, April 13, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO, Tuesday, April 13, 1937.

At eleven o'clock a. m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Knight, Kneeland, Lane, McBride, McColl, McCormack, McGovern, Metzger, Nelson, Olson, Patterson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Shier, Spring, Tinkle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Monday, April 12, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Mixter was, on motion of Senator Schottky, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Hays, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Charlie, Mono Charlie, Jim Piller, and Albert Charlie, Mono Indians.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Earle R. Mills, Hon. Warren Shannon, president of the Board of Supervisors, and Hon. Fred W. Meyer.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Broek of Bakersfield, and Jack Hughes of Oakland.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George S. Skinner, principal; Elizabeth Prichard, teacher, and the following seventh and

eighth grade students of the Del Paso Heights School: John Bigelow, Jimmie Sibbio, Frank Williams, Fred Williams, Donald Mogan, Helen Broughton, Lillian Kester, Marjorie Moore, Margaret Casey, Ida Lamont, Barbara Murphy, Margaret Hixson, Betty Wood, Myrtle Wheeler, Forestine Duffy, Cecelia Gister, Mattie Baker, Dorothy Lamont, Herschel Hill, Phillip Freer, M. Wesley King, Norma Skinner, Albert Finkle, Bernice Harford, Rachel Sandidge, Winnie Goochey, Esther Morris, Mary Patchen, Carl West, Bird Lewis, Eric Wacker, Mary Revering, Emma Schaff, Bob Murphy, Billy Elms, Philip Swett, Richard Wilbro, Frances Jeanne Houk, Delcenia Wright, Clara Ruth Benbow, Vivian M. Moo, Pauline Moore, Bonnie Bishop, and Lorraine Calandri.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert S. Barkell, president of the California Republican Assembly, of Oakland.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the St. Ives Law Club of the University of San Francisco: Francis G. Rovere, George D. Murphy, Edward T. Heavey, Edward T. Moran, Robert Benson, Robert E. Moore, Robert Oakley, Edward Ewing, Robert Horner, John H. Riordan, Jr., Edward W. Dreier, Jr., Thomas F. Casey, Jr., Harry C. Ewing, Jr., William S. Hogan, Jr., William A. Landthorn, Harry Sloan, Harry Clifford, Thomas J. O'Toole, Noel J. Dyer, Edward Sweeney, George Cronin, A. Russel Berti, William Schaffer, Henry Wickstrom, John Leith, Thomas Mahoney, Robert Lanctot, president; Charles Scully, treasurer, and William Golden, recorder.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. J. Lighty, principal, and the following juniors and seniors of the Williams High School: Louis Allegrini, Leonard Bowen, Elinor Brainard, Norman Commons, Cleo Dunn, Robert Edwards, Fredia Egbert, Beth Forsythe, Jack Forsythe, Zora Fowler, Frank Gobel, Gene Gray, Helen Jauregui, Richard Keberlein, Joe Kintana, Elaine Manor, Elva Sites, Cecil Strickland, Dale Tucker, Floyd Wescoatt, Shirley Locke, Mr. Lighty, Glenn Scoles, Lorraine Beauchamp, June Davis, Bert Davis, Arlene Dutil, Ila Eakin, Pauline Gobel, Bradford Higgins, Beatrice Jauregui, Ruth Johnson, Jack Keberlein, Merle Landrus, Nora Locke, Grovone Mulford, Arthur Nason, Phyllis Nichols, Ellis Rogers, Mareille Wooddell, Raymond Worsley, Mildred Bedford, Norma Chatfield, Page Commons, Matt Jauregui, Glen Manor, Norma Rice, and Bill Thomas.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander Herbert Hartley, of Opelika, Alabama.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Isador Dockweiler of Los Angeles.

On request of Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin Grant, former Senator from San Francisco.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. M. Evelyn Perkins and Mrs. M. Hershalroth.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Adolph Wise of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur Marston of San Diego.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Stephen C. Thomas of Sutter City.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

RED BLUFF, CALIFORNIA, April 12, 1937.

*Senator D. J. Metzger, Senator Hotel.*

We wish to extend an invitation to the members and officers of your Honorable Body to be our guests at the Thirtieth Annual Red Bluff Round-Up on the 17th and 18th. Your President, His Excellency, George Harned, will be the guest of honor and we hope that your entire body will be able to be with us.

Cordially,

ROY OWENS, President,  
Red Bluff Round-Up Association.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 349—An act to amend section 134 of the Penal Code, relating to the penalty for the crime of manslaughter.

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 195—An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class.

Senate Bill No. 394—An act to amend sections 6801, 6802, and 6803 of the Labor Code, relating to train crews.

Senate Bill No. 639—An act to repeal section 20272S and to amend section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

Senate Bill No. 680—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence.

Senate Bill No. 949—An act to add section 4810 to the Political Code, relating to payment of taxes before deed or conveyance to the State or any political subdivision.

Senate Bill No. 1107—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 412—An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty-third and thirtieth classes.

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.



**Introduction, First Reading and Reference of Bills.**

The following bill was introduced :

**Senate Concurrent Resolution No. 26:** By Senator Quinn—Relative to reports of the Department Encampment of Grand Army of the Republic.

**Consideration of Senate Concurrent Resolution No. 26.**

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 26, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 26.**

Relative to reports of the Department Encampment of Grand Army of the Republic.

*Resolved by the Senate of the State of California, the Assembly concurring,* That there shall be printed as a public document 500 copies of the sessions of the Department Encampment of the Grand Army of the Republic for the years 1937-1938, together with illustrations, copies of General Orders of the Department and of the Official Rolls, 250 copies for the use of the Assembly and 250 copies for the use of the Senate, expense payable from legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 26 adopted by the following vote:

**AYES—**Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Jespersen, Law, McBride, McGovern, Olson, Phillips, Powers, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—23.

**NOES—**None.

Senate Concurrent Resolution No. 26 ordered transmitted to the Assembly.

**Motion to Reconsider.**

Pursuant to the notice given on a previous day, Senator Rich moved to reconsider the vote whereby Senate Bill No. 476 was passed.

**Postponement of Reconsideration.**

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 476 was passed, was continued until the next legislative day.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

**ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1937.**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 323—An act to amend chapter 34, Statutes of 1927, entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by adding a new section thereto to be known as 47a, forbidding any member of the State bar from practicing law in any other than his own name or jointly with other active members of the State bar; and repealing all laws and parts of acts and laws in conflict therewith, and providing penalty for the violation thereof:

Assembly Bill No. 1409—An act to add a new section to be numbered 11a to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false

weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, officers of weights and measures and their deputies; stating the powers and duties of such officers; and making any appropriation necessary to carry this act into effect." approved June 16, 1913, an amendment relating to qualifications of county sealer of weights and measures.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 323 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1409 read first time and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 962—An act to amend section 1192 of the Penal Code, relating to pronouncement of judgment.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 962 read first time and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 25—Relative to amending certain amendments to the charter of the city of San Diego, a prohibited corporation by the county of San Diego, State of California, issued for and confirmed by the operation of said city at a special municipal election held thereon on the fourteenth day of March, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Concurrent Resolution No. 25 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1207—An act to amend section 617 of the Vehicle Code, relating to tests of lamps or devices;

Assembly Bill No. 1222—An act to amend sections 471, 516 and 515 of the Vehicle Code, relating to highways, including bridges and structures, and the regulation and control of vehicles thereon;

Assembly Bill No. 964—An act to amend sections 1000, 1001 and 1010 of the Probate Code, relating to partial and equal distribution of the estates of decedents.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Herewith is returned, pursuant to your request:

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add section 12975 thereto, all relating to the insurance fund in the State treasury, and providing the same shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

### Motion to Rescind.

Senator Hays moved to rescind the action and expunge the record of the Senate in passing Senate Bill No. 456.

The question being upon the motion to rescind the action and expunge the record of the Senate in passing Senate Bill No. 456.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Hays, Hollister, Jespersen, Law, McBride, McGovern, Metzger, Olson, Phillips, Powers, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—23.

**NOES**—None.

Senate Bill No. 456 ordered placed on the unfinished business file.

### Message from the Assembly.

The following message from the Assembly was received and read:

**ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1937.**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 42—Relative to recommending gubernatorial proclamation of "California Vintage Weeks" for the period of August 29, 1937, to September 18, 1937.

**JAMES G. SMYTH**, Chief Clerk of Assembly.

By **JACK CARL GREENBURG**, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 42.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 42, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 42.

Relative to recommending gubernatorial proclamation of "California Vintage Weeks" for the period of August 29, 1937, to September 18, 1937.

**WHEREAS**, The grape and wine industries together comprise the second largest agricultural pursuit of California, providing a livelihood for upwards of 125,000 persons, including grape growers, winery workers and their dependents, and contributing economic benefits to many other lines of agriculture, industry and business within the State; and

**WHEREAS**, The grapes and wines of California are regaining their high reputation for quality throughout the Nation, to the extent that California is again becoming known as the Wineland of America; and

**WHEREAS**, One of the oldest customs of California is to celebrate the arrival of the vintage season by means of grape and wine festivals in the important grape-growing centers of the State, such festivals having been reestablished during the past three years as annual events in at least four of the principal grape-growing localities, namely, Escondido, Lodi, Pleasanton and St. Helena; and

**WHEREAS**, The celebration of these grape and wine festivals contributes one of the most colorful types of attractions drawing tourists to California and symbolizes the traditional warmth of California hospitality; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature of the State of California recommends to the Governor that annually the first three weeks of the vintage season in California, namely, the period beginning August 29, 1937, and ending September 18, 1937, be formally proclaimed and designated as "California Vintage Weeks"; and be it further

*Resolved*, That the Governor extend an invitation to the people of the Nation to visit the California grape and wine districts during this period; and be it further

*Resolved*, That the State of California be officially represented at each of the vintage festivals held within the State during the vintage period.

#### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 42 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Hays, Hollister, Jespersen, Law, McBride, McGovern, Metzger, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—25.

**NOES**—None.

Assembly Concurrent Resolution No. 42 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At ten o'clock and twenty minutes p.m. Hon. George J. Hatfield, President of the Senate, in the chair.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 394—An act to amend sections 6301, 6302, and 6303 of the Labor Code, relating to train crews.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 729 were read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, after the word "there" strike out the balance of said line 13, all of lines 14 and 15, and insert and including the word "more", in line 16.

**Amendment No. 2.**

On page 1, line 20, of the printed bill, as amended, after the word "more" strike out the balance of said line 20 and all of lines 21, 22 and 23.

**Amendment No. 3.**

On page 2, line 22, of the printed bill, as amended, after the word "shall" strike out the words "or more days of duty."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 425—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending section 12 thereof, relating to flood control bonds.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Assembly Bill No. 425 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 18 to 21, inclusive, and insert in lieu thereof the following language:

"This act is special and is intended to control over all other acts which authorize or otherwise provide for the investment of funds of the classes herein enumerated or which authorize the use of bonds as security for the performance of an act, and any act now existing or hereafter adopted which provides for the investment of funds of any of the classes herein mentioned in the bonds of more than one class, kind or type of public corporation (cities, counties and school districts shall be deemed different kinds and types of public corporations, and only districts organized under the same law for the same purposes shall be deemed to be of the same class or kind of public corporations) is to be deemed general for the purpose of construing this act in connection therewith."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1913—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 13½, relating to the conveyance and transfer to such district of drainage systems and works of drainage improvement districts and for the assumption of liability for the payment of bonds of drainage districts



issued for the construction of the drainage systems and works so conveyed and transferred and for the maintenance of such drainage system and works.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Assembly Bill No. 1913 was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out the following: "Improvement Dis-"; and on page 1, line 13, strike out the following: "trict Act of", and insert in lieu thereof the following: "District Improvement Act of".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1912.—An act to authorize counties to convey and transfer to flood control districts within such counties drainage systems and works constructed in drainage improvement districts organized pursuant to an act entitled the Drainage District Improvement Act of 1919 prior to January 1, 1937, and prescribing the terms and conditions and the effect of such conveyance and transfer and fixing liabilities with respect to obligations of such drainage districts.

Bill read second time, ordered to engrossment, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

**Third Reading of Senate Bills.**

**Senate Constitutional Amendment No. 25.**

A resolution to propose to the people of the State of California an amendment to the second paragraph of section 1 of Article IV of the Constitution of said State, relating to the time for submission of initiative measures to the electors.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that the second paragraph of section 1 of Article IV of the Constitution of said State be amended to read as follows:

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to 8 per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to 130 days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in 12-point black-face type the following: "Initiative measure to be submitted directly to the electors."

**Senate Constitutional Amendment No. 25 read.**

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 25 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Law, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Constitutional Amendment No. 25 ordered transmitted to the Assembly.

Senate Bill No. 63—An act to amend section 1177 and to repeal section 1201 of the Fish and Game Code, relating to mountain quail.

**Amendments from the Floor.**

During third reading of Senate Bill No. 63, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill strike out "third section 1177 and to repeal section 1201", and insert in lieu thereof the following: "third sections 1177 and section 1201".

**Amendment No. 2.**

On page 1 of the printed bill strike out lines 7 to 10, inclusive, and insert in lieu thereof the following: "also pheasants, and, while such imported quail (any variety), partridges, wild turkeys, and in Mendocino County, mountain quail."

SEC. 2. Section 1201 of the Fish and Game Code is hereby amended to read as follows:

1201. Mountain quail may be taken in District 14 between November 1 and December 31, and in all other districts between November 15 and December 31, except that in Mendocino County mountain quail may not be taken at any time. The bag limit is 10 per day, 20 per season. Not more than one daily bag limit of mountain quail may be possessed by any person during one day."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 566—An act to repeal sections 22134, 22135 and 4375 of the School Code, and to add thereto two new sections to be numbered 4368 and 4375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: This act is designed to simplify the financial structure of school districts and to bring into effect requirements relating to school district budgets, which, as a result, so far as is possible, economical and efficient expenditure of school district funds.

Further, the provisions of section 2 of this act establishing school district budgets as a control of school district expenditures will become effective during the school year 1937-1938, but unless this act is passed by the highest possible vote the provisions of section 3 of this act will not become effective until the school year 1938-1939.

In order, therefore, to secure the full measure of the benefits to be derived from the enactment of this legislation, it is essential that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Toske moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeJan, Duval, Fletcher, Garrison, Hays, Hollister, Jorgensen, Keating, Keough, Kneeland, Lacy, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schortky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—35.

The Secretary announced the absentees.

Time, eleven o'clock and ten minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.**

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13½, 13½ and 19½ to the City Carriers' Act.

**Amendments from the Floor.**

During third reading of Senate Bill No. 1068, the following amendments, offered by Senator Hays, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: ", relating to the regulation of the business of city carriers; providing for the filing of copies of insurance policies; prohibiting the transference of special license plates issued for vehicles operated by city carriers; providing for the filing with the Railroad Commission of rate schedules and investing the Railroad Commission with supervisory powers in relation thereto; prohibiting rates which are in excess of or less than the maximum or minimum rates established or approved by the railroad commission; providing for the filing of reports and the keeping of records; empowering the railroad commission to revoke or suspend licenses; and providing penalties and punishments for violations thereof."

**Amendment No. 2.**

On page 1, line 23, of the printed bill, strike out "such", and insert in lieu thereof the following: "an".

**Amendment No. 3.**

On page 3, lines 21 and 22, of the printed bill, strike out "Provided, however, that such", and insert in lieu thereof the following: "Such".

**Amendment No. 4.**

On page 4, line 36, of the printed bill, strike out "Sec. 11."

**Amendment No. 5.**

On page 7, line 14, of the printed bill, after "shall be", insert the following: "guilty of a misdemeanor, and, upon conviction thereof, shall be".

**Amendment No. 6.**

On page 1, line 1 of the title of the printed bill, strike out "8,".

**Amendment No. 7.**

On page 1, line 2 of the title of the printed bill, strike out "and 19½ to", and insert in lieu thereof the following: ", 19½, 19½, and 19½ to, and to repeal section 8 of".

**Amendment No. 8.**

On page 2 of the printed bill, strike out lines 32 to 43, inclusive.

**Amendment No. 9.**

On page 9 of the printed bill, after line 37, insert the following:

"SEC. 16. Section 19½ is hereby added to said act to read as follows:

SEC. 19½. No person shall be excused from attending and testifying or from producing any book, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner or examiner, or in obedience to the subpoena of the commission, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of any of the provisions of this act, when ordered to do so, upon the ground that the testimony or evidence, book, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence before said commission, or in obedience to its subpoena, or in any such cause or proceeding; but no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

SEC. 17. Section 19½ is hereby added to said act to read as follows:

SEC. 19½. Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of the examination

of the accounts, records, and memoranda of any carrier, except such as he may be directed to divulge by the commission or by a court of competent jurisdiction; or judge thereof, shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500 or imprisoned in the county jail for not more than three (3) months, or both."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish.

**Amendments from the Floor.**

During third reading of Senate Bill No. 750, the following amendments, offered by Senator Sewell, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 5 and 6, and insert in lieu thereof the following: "time in District 2."

**Amendment No. 2.**

On page 1, line 8, of the printed bill, as amended, strike out "Lake County" and insert in lieu thereof the following: "District 2".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1125 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cushingham, De Lee, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holden, Johnson, Keating, Knecht, Kuykendall, Law, McBride, McCormack, McGowan, McIntosh, Nelson, Olson, Peterson, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Sving, Tilden, Wage, Westover, and Young—37.

**NOES**—None.

Title read and approved.

Senate Bill No. 1125 ordered transmitted to the Assembly.

Senate Bill No. 57—An act to amend section 86 of, and to add sections 86.5, 86.6, 86.7, 845.5, 845.6 and 845.7 to the Fish and Game Code, relating to the use of nets.

**Amendments from the Floor.**

During third reading of Senate Bill No. 57, the following amendments, offered by Senator Hollister, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "845.5".

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out lines 18 to 21, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Third Reading of Assembly Bills.**

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 49, 66 and 67 thereof, and by adding



thereto sections 32.5, 50 and 82.5, relating to definitions of words and phrases.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1211, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 1 to 5, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend sections 34, 36, 37, 38, 49, 66, 67, and 131 of, and to add sections 32.5, 50, and 82.5 to, the Vehicle Code, relating to motor vehicles."

**Amendment No. 2.**

On page 3 of the printed bill, as amended, between lines 14 and 15, insert the following:

"SEC. 11. Section 131 of the Vehicle Code is hereby amended to read as follows:."

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At eleven o'clock and twenty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

The names of the absentees were called, and the urgency clause to Senate Bill No. 566 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—29.

NOES—Senators DeLap, Hays, Keating, Law, McColl, McCormack, Phillips, Rich, Schottky, and Wagye—10.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 566 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Parkman, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—30.

NOES—Senators Hays, McColl, Phillips, Rich, Schottky, and Wagye—6.

Title read and approved.

Senate Bill No. 566 ordered transmitted to the Assembly.

**Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 467—An act to amend sections 1011, 1016, 1017, 1033, 1037, and 1047 of, and to add section 1056.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, Nielsen, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagye, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 467 ordered transmitted to the Assembly.

### Consideration of Special Order.

The hour having arrived for the consideration of Assembly Joint Resolution No. 31, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

#### Assembly Joint Resolution No. 31.

Relative to memorializing Congress to enact legislation limiting the number of cars in any one train.

WHEREAS, There are a number of bills now pending in the Congress of the United States, which propose to limit the number of cars that may be used in any one train; and

WHEREAS, The need for legislation of this sort has long been recognized by passengers and by people familiar with the operation and management of trains; and

WHEREAS, Such legislation is vital to the safety of passengers, conductors and persons working on trains; and

WHEREAS, Many States have proposed to, and some have, enacted legislation limiting the number of cars which may be included in any one train; and

WHEREAS, The Federal courts have indicated that power to carry such legislation, designed for the safety and comfort of passengers, conductors and persons working on trains, is vested exclusively in the Congress of the United States, thereby giving force to the need for Federal action in this matter; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, THAT the President and the Congress of the United States are hereby respectfully urged to enact legislation limiting the number of cars which may be used in any one train; and be it further

Resolved, That the Secretary of State of the State of California is hereby requested to transmit copies of this resolution to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 31 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Pinesch, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—33.

NOES—None.

Assembly Joint Resolution No. 31 ordered transmitted to the Assembly.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 960 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Pinesch, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 960 ordered transmitted to the Assembly.

Senate Bill No. 633—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—Senators Garrison, and Olson—2.

Title read and approved.

Senate Bill No. 633 ordered transmitted to the Assembly.

Senate Bill No. 9—An act to add section 742 to the Fish and Game Code, relating to marlin swordfish meat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Metzger, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 9 ordered transmitted to the Assembly.

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 344 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Williams—35.

NOES—None.

Title read and approved.

Senate Bill No. 344 ordered transmitted to the Assembly.

Senate Bill No. 971—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and to renumber 14a to be section 14½, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of

acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 971 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holsham, Jorgensen, Keith, Knight, Kronlund, Law, McBride, McColl, McCormack, Metzger, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 971 ordered transmitted to the Assembly.

Senate Bill No. 826—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 826 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holsham, Jorgensen, Keith, Knight, Kronlund, Law, McBride, McColl, McCormack, Metzger, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 826 ordered transmitted to the Assembly.

Senate Bill No. 168—An act to add sections 1.5 and 5.5 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1924, relating to county fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 168 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holsham, Jorgensen, Keith, Knight, Kronlund, Law, McBride, McColl, McCormack, Metzger, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 168 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At twelve o'clock and twenty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.



Senate Bill No. 572—An act to add a new section to be numbered 4041.29 to the Political Code, relating to powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 572 ordered transmitted to the Assembly.

Senate Bill No. 1120—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 1120 ordered transmitted to the Assembly.

### Motion.

Senator Powers moved that Senate Bill No. 473 be recalled from the Assembly.

Motion carried, and such was the order.

### Recess.

At twelve o'clock and twenty-eight minutes p.m., on motion of Senator Schottky, the President pro tempore of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH.

LAW.

McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Duval, Fletcher, Gordon, Hays, Hollister, Jaspersen, Keough, Law, McCormack, McGovern, Metzger, Phillips, Purovich, Quinn, Rich, Slater, Swing, Tickle, Waggy, Westover, and Young—24.

NOES—None.

### Leave of Absence.

Senator Knowland was, on motion of Senator McCormack, granted leave of absence for the balance of this legislative day.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented by Senator Phillips:

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 2924 and section 2924½ of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

Respectfully submitted,

SENATOR PHILLIPS

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Phillips to introduce a bill entitled:

An act to amend section 2924 and section 2924½ of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

Has had the same under consideration, and respectfully reports the same back and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND  
TICKLE  
MCCLURE  
SLATER

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Duval, Fletcher, Gordon, Hays, Hollister, Holahan, Jaspersen, Keough, Keough, Law, McCormack, McGovern, Metzger, Olson, Parkman, Phillips, Purovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented by Senator Powers (By request):

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Respectfully submitted,

SENATOR POWERS.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Powers to introduce a bill entitled:

An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein:

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
McCOLL.  
SLATER.

The question being on the adoption of the report.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—20.

The Secretary announced the absentees.

Time, two o'clock and twenty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 508—An act to amend sections 5.10, 5.42, 5.60 and 5.84 of the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 508 ordered transmitted to the Assembly.

Senate Bill No. 571—An act to add a new article to Chapter 1 of Part III of Division V of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 571 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Parkman, Phillips, Pictorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 571 ordered transmitted to the Assembly.

Senate Bill No. 195—An act to amend section 4279 of the Political Code, relating to salaries of officers of the counties of the third-class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Olson, Parkman, Phillips, Pictorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, and Westover—31.

NOES—None.

Title read and approved.

Senate Bill No. 195 ordered transmitted to the Assembly.

Senate Bill No. 949—An act to add section 2810 to the Political Code, relating to payment of delinquent taxes before sale to the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 949 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Law, McCormack, McGovern, Metzger, Olson, Parkman, Phillips, Pictorovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 949 ordered transmitted to the Assembly.

Senate Bill No. 1107—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1107 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagv, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 1107 ordered transmitted to the Assembly.



Senate Bill No. 422—An act to amend section 664a to the Political Code, relating to the payment of State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 422 ordered transmitted to the Assembly.

### Motion.

On motion of Senator Hays, Senate Bill No. 1105 was ordered placed on the unfinished business file.

### Re-reference of Senate Bill No. 962.

Senator McCormack moved that Senate Bill No. 962 be re-referred to Committee on Agriculture.

Motion carried, and such was the order.

### Re-reference of Senate Bill No. 775.

Senator DeLap moved that Senate Bill No. 775 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

### Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1130:** By Senator Phillips—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

Senate Bill No. 1130 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1131:** By Senator Powers (By request)—An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Senate Bill No. 1131 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

**Senator Parkman in the Chair.**

At three o'clock and three minutes p.m., Senator Parkman of the twenty-first district was called to the chair.

**Third Reading of Assembly Bills.**

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Olson, Powers, Quinn, Rich, Seawell, Slater, Tinkle, Wag, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 576 ordered transmitted to the Assembly.

Assembly Bill No. 1219—An act to amend sections 375 and 383 of the Vehicle Code, relating to fees for special plates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1219 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Wag, Westover, Williams, and Young—32.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1219 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At three o'clock and fifteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Assembly Bill No. 1502—An act to amend section 3 of "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor and the winding up of the affairs of the district when dissolved," approved May 18, 1919, relating to irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1502 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Parkman, Priorovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wag, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1502 ordered transmitted to the Assembly.

Assembly Bill No. 1789—An act to amend section 47 of the California Irrigation District Act, relating to redemption of property sold for delinquent assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1789 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Nielsen, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1789 ordered transmitted to the Assembly.

Assembly Bill No. 296—An act to add section 650.6 to the Fish and Game Code, relating to the manner of taking salmon in districts 1½, 5, and the Klamath river district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Nielsen, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 296 ordered transmitted to the Assembly.

Assembly Bill No. 2752—An act to amend section 800 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2752 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2752 ordered transmitted to the Assembly.

Assembly Bill No. 1742—An act to add section 786.5 to the Fish and Game Code, relating to the sale of cooked lobsters and shellfish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1742 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl,

McCormack, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1742 ordered transmitted to the Assembly.

Assembly Bill No. 1138—An act to amend sections 4 and 6 of the Optometry Law, relating to the practice of optometry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1138 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCall, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1138 ordered transmitted to the Assembly.

Assembly Bill No. 320—An act to amend section 5 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind. This act to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately.

The following is a statement of facts constituting such necessity:

The Federal Government is now participating in financial aid to the needy blind in this State. Continued participation is dependent upon the continuation of the California act providing for aid to needy blind persons with a Federal regulation made under the Federal Social Security Act, which requires that the physical examination of applicants for such aid be made by practicing physicians skilled in diseases of the eye. It is the purpose of this act to amend the California act relating to aid to needy blind persons to make it conform with this particular Federal regulation and it is necessary that this act take effect immediately if such Federal financial aid is to continue.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCall, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 320 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride,



McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
NOES—None.

Title read and approved.

Assembly Bill No. 320 ordered transmitted to the Assembly.

Assembly Bill No. 196—An act to amend section 396a of the Code of Civil Procedure, relating to place of trial of civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 196 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 196 ordered transmitted to the Assembly.

Assembly Bill No. 23—An act to amend sections 301 and 302 of the Political Code, relating to witnesses before the Legislature and committees thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 23 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

Assembly Bill No. 650—An act to add section 136½ to the Penal Code, relating to bribing or offering to bribe witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 650 ordered transmitted to the Assembly.

Assembly Bill No. 1025—An act to amend section 1368 of the Penal Code, relating to the sanity of the defendant in a criminal prosecution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1025 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Donel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Law, McBride, McColl, McCormick, McGovern, Metzger, Nielsen, Olson, Parkman, Powers, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1025 ordered transmitted to the Assembly.

Assembly Bill No. 1786—An act to amend section 170 of the Code of Civil Procedure, relating to disqualification of judges in actions or proceedings by or against the Reclamation Board of the State of California or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency or trustee, officer, or employee thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1786 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McCormick, McGovern, Metzger, Olson, Parkman, Powers, Rich, Schottky, Sewall, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1786 ordered transmitted to the Assembly.

Assembly Bill No. 1860—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2, 5, 6, 7, 8, all relating to the composition, powers, government, and management of metropolitan water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1860 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Donel, Fletcher, Hollister, Holohan, Jepsen, Keating, Keough, Law, McBride, McCormick, McGovern, Metzger, Olson, Parkman, Powers, Quinn, Schottky, Sewall, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1860 ordered transmitted to the Assembly.

Assembly Bill No. 892—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the

levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 892 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Olson, Parkman, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 892 ordered transmitted to the Assembly.

Assembly Bill No. 893—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 893 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Williams—29.

NOES—None.

Title read and approved.

Assembly Bill No. 893 ordered transmitted to the Assembly.

Assembly Bill No. 894—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 894 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, Olson, Parkman, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 894 ordered transmitted to the Assembly.

Assembly Bill No. 895—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 895 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McGill, McGovern, Olson, Parkman, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 895 ordered transmitted to the Assembly.

Assembly Bill No. 896—An act to validate the organization and existence of municipal improvement districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 896 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McGill, McGovern, Metzger, Olson, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 896 ordered transmitted to the Assembly.

Assembly Bill No. 897—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 897 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Law, McGill, McGovern, Metzger, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 897 ordered transmitted to the Assembly.

Assembly Bill No. 898—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 898 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Law, McGill, Metzger, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 898 ordered transmitted to the Assembly.



Assembly Bill No. 899—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 899 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Metzger, Olson, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 899 ordered transmitted to the Assembly.

Assembly Bill No. 900—An act to validate the organization and existence of public utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 900 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Metzger, Olson, Parkman, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 900 ordered transmitted to the Assembly.

Assembly Bill No. 901—An act to legalize bonds heretofore issued and sold or to be issued and sold by public utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 901 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Metzger, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 901 ordered transmitted to the Assembly.

Assembly Bill No. 902—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 902 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Metzger, Parkman, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 902 ordered transmitted to the Assembly.

Assembly Bill No. 903—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 903 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Law, McColl, McGovern, Metzger, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Tinkle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 903 ordered transmitted to the Assembly.

Assembly Bill No. 904—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jorgensen, Keating, Keough, Law, McColl, McGovern, Metzger, Olson, Parkman, Rich, Schottky, Seawell, Slater, Tinkle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 904 ordered transmitted to the Assembly.

Assembly Bill No. 905—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 905 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Law, McColl, McCormack, McGovern, Olson, Parkman, Rich, Schottky, Seawell, Slater, Tinkle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 905 ordered transmitted to the Assembly.

Assembly Bill No. 908—An act confirming and validating the formation or organization and existence of sanitary districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 908 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Law, McBride, McColl,

McGovern, Metzger, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 908 ordered transmitted to the Assembly.

Assembly Bill No. 910—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 910 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Law, McBride, McGovern, Metzger, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 910 ordered transmitted to the Assembly.

Assembly Bill No. 911—An act to confirm and validate the boundaries of municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 911 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Law, McBride, McGovern, Metzger, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 911 ordered transmitted to the Assembly.

Assembly Bill No. 912—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal utility district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 912 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Law, McGovern, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 912 ordered transmitted to the Assembly.

Assembly Bill No. 913—An act confirming and validating the formation or organization and existence of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Law, McGovern, Olson, Parkman, Powers, Quinn, Rich, Schottky, Sewell, Slater, Tackie, Waggy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 913 ordered transmitted to the Assembly.

Assembly Bill No. 914—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 914 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Law, McGovern, Olson, Parkman, Powers, Rich, Schottky, Sewell, Slater, Tackie, Waggy, Westover, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 914 ordered transmitted to the Assembly.

Assembly Bill No. 915—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jorgensen, Law, McGovern, McGowan, Mettzer, Nelson, Olson, Parkman, Powers, Rich, Schottky, Sewell, Slater, Tackie, Waggy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 915 ordered transmitted to the Assembly.

Assembly Bill No. 916—An act to legalize bonds heretofore issued and sold or to be issued and sold by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Law, McBride, McGovern, Mettzer,



Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 916 ordered transmitted to the Assembly.

Assembly Bill No. 917—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 917 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McGovern, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 917 ordered transmitted to the Assembly.

Assembly Bill No. 918—An act to validate the organization and existence of water conservation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 918 ordered transmitted to the Assembly.

Assembly Bill No. 919—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McGovern, Metzger, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 919 ordered transmitted to the Assembly.

Assembly Bill No. 920—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 920 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jorgensen, Keough, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Powers, Rich, Schottky, Sewall, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 920 ordered transmitted to the Assembly.

Assembly Bill No. 921—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keough, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Sewall, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 921 ordered transmitted to the Assembly.

Assembly Bill No. 922—An act to validate the organization and existence of county water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keough, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Rich, Schottky, Sewall, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 922 ordered transmitted to the Assembly.

Assembly Bill No. 923—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keough, Law, McBride, McGovern, Metzger,

Nielsen, Olson, Parkman, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 923 ordered transmitted to the Assembly.

Assembly Bill No. 924—An act to validate the organization and existence of municipal water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Parkman, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 924 ordered transmitted to the Assembly.

### Unfinished Business.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

#### Amendment from the Floor.

During third reading of Senate Bill No. 309, the following amendment, offered by Senator Crittenden, was read and adopted:

##### Amendment No. 1.

On page 9, line 28, of the printed bill, as amended, after "except", insert the following: "four deputies and a confidential secretary to be designated by the Attorney General, and".

#### Further Amendments from the Floor.

During third reading of Senate Bill No. 309, the following amendments, offered by Senator Swing, were read and adopted:

##### Amendment No. 1.

On page 13, line 1, of the printed bill, as amended, strike out "deemed necessary", and insert in lieu thereof the following: "determined by the board."

##### Amendment No. 2.

On page 13, line 39, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

##### Amendment No. 3.

On page 14 of the printed bill, as amended, immediately following line 19, insert "SEC. 97. It shall be the duty of the State Personnel Agency and each officer of this State and each other and employee having charge of any department of State Government, to encourage economy and efficiency in and devotion to State service by encouraging promotional advancement of employees showing willingness and ability to efficiently perform services assigned them, and each and every person in State service shall without restriction or limitation of any kind be permitted to advance according to his merits and ability as in the act provided, and no officer or head of any department or other person in State service shall discourage or in any manner hinder or prevent any employee from taking any examination or any other action which such employee deems beneficial to himself. Any employee who shall feel aggrieved at any action taken by any superior or fellow employee may appeal to the board in writing and any such appeal or communications in connection therewith shall be deemed confidential and shall not be disclosed without the consent of the employee taking such appeal. Immediately after receiving such appeal the board shall investigate the same and shall take such action in connection therewith as such board shall deem necessary."

Bill read, ordered to reprint, re-engrossment and on file for third reading.

### Third Reading of Senate Bills--(Resumed).

Senate Bill No. 680--An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence.

#### Amendments from the Floor.

During third reading of Senate Bill No. 680, the following amendments, offered by Senator Allen, were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 10 and 11, and in line 12, strike out "and", and insert in lieu thereof the following: "shall be electing within six months from the date of injury or death, and from the date of death, and in any event within two years from the date of injury or death."

#### Amendment No. 2.

On page 1, line 13, of the printed bill, as amended, strike out "the Workmen's Compensation, Insurance and", and strike out line 14, and insert in lieu thereof the following: "Division IV of the Labor Code".

#### Amendment No. 3.

On page 1, lines 19 and 20, of the printed bill, as amended, strike out "Workmen's Compensation, Insurance and Safety Act", and insert in lieu thereof the following: "Division IV of the Labor Code".

#### Amendment No. 4.

On page 1, line 21, of the printed bill, as amended, strike out "act", and insert in lieu thereof the following: "Division IV of the Labor Code".

#### Amendment No. 5.

On page 2, line 4, of the printed bill, as amended, after "and", insert the following: "within ten days after receipt thereof".

#### Amendment No. 6.

On page 2, line 10, of the printed bill, as amended, after the line "and", insert the following: ", and any payment of compensation awarded by the Industrial Accident Commission therefore paid shall be credited upon any amount recovered under the provisions of this act".

#### Amendment No. 7.

On page 2, lines 13 and 14, of the printed bill, as amended, strike out "the Workmen's Compensation, Insurance and Safety Act", and insert in lieu thereof the following: "Division IV of the Labor Code".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Use of Senate Chamber.

On motion of Senator Crittenden, the Senate Committee on Agriculture was granted the use of the Senate Chamber for this evening, Tuesday, April 13, 1937.

### Notice of Motion to Reconsider.

Senator McGovern gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill 1138 was passed.



### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1084—An act to amend section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments relating to real property by a name other than that by which they acquired title;

Assembly Bill No. 1688—An act to add a new section of the Code of Civil Procedure, to be numbered 1166a, relating to unlawful detainer;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 184—An act to amend section 224 of the Civil Code, relating to adoption;

Assembly Bill No. 200—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest;

Assembly Bill No. 203—An act to amend section 630 of the Probate Code, relating to summary probate proceedings;

Assembly Bill No. 347—An act to amend section 663 of the Probate Code, relating to vesting of homestead;

Assembly Bill No. 352—An act to add a new section to the Civil Code, to be numbered 137.5, relating to attorney's fees granted in actions for divorce or separate maintenance;

Assembly Bill No. 464—An act to amend section 1200 of the Probate Code, relating to mode of giving notice in certain instances, and where not otherwise prescribed;

Assembly Bill No. 909—An act to amend section 2957 of the Civil Code, relating to mortgages of personal property and crops;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1301—An act to amend section 688 of the Code of Civil Procedure, relating to the levy of execution on interests in estates;

Assembly Bill No. 1466—An act to amend section 1973 of the Code of Civil Procedure, and section 1624 of the Civil Code, relating to agreements required to be in writing and to be subscribed by the party to be charged;

Assembly Bill No. 2420—An act amending section 406a of the Civil Code, relating to service of process on foreign corporations;

Assembly Bill No. 2791—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Concurrent Resolution No. 15—Relative to the celebration of Admission Day as a legal holiday;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 30—An act to amend section 404 of the Civil Code, relating to dissolution of corporations;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2596—An act to add a new section to the Code of Civil Procedure to be numbered section 844, relating to actions against escrowers of public offices and franchises;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9

HAYS, Chairman.

## On Finance.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937

MR. PRESIDENT: Your Committee on Finance to which was referred:

Assembly Joint Resolution No. 37—Relative to the United States Maritime Commission;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—9

SWING, Chairman.

## On Revision of Criminal Law and Procedure.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1760—An act to amend section 627 of the Penal Code, relating to trespass on real property;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 69—An act to amend section 1307 of the Penal Code, relating to forfeiture of bail;

Assembly Bill No. 124—An act to amend section 1329 of the Penal Code, relating to the fees of witnesses in criminal cases;

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2

LAW, Chairman.

## On Labor and Capital.

## SENATE CHAMBER, SACRAMENTO, April 9, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 879—An act to add section 6802a to the Labor Code, relating to train crews;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1

OLSON, Chairman.

## On Motor Vehicles.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1200—An act to amend sections 112, 116, 121, and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof, relating to the California Highway Patrol;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2

SLATER, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1730—An act to amend sections 220 and 222 of the Vehicle Code, relating to reports of stolen vehicles;

Assembly Bill No. 1217—An act to amend sections 158, 371.5, 374, 379 and 384 of, and to add section 162 to the Vehicle Code, relating to the registration of vehicles and fees therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 493—An act to amend section 588 of the Vehicle Code of the State of California, relating to parking;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Roads and Highways.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 38—Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria River Flood Control and the Santa Ana River Flood Control Projects in the National Program of Work Relief;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 29—Relative to awarding distinguished service crosses to Tony Siminoff, Oliver F. Reminger, and Robert E. Beck, Veterans of the Philippine Insurrection;

Assembly Joint Resolution No. 6—Relative to memorializing the President and Congress to enact legislation furnishing aid in the construction of check dams in the Salinas River Valley;

Assembly Joint Resolution No. 9—Relative to memorializing the President and Congress pertaining to the Central Valley Project, and to enact necessary legislation therefor;

Assembly Joint Resolution No. 18—Relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities and other political subdivisions within the provisions of such act relating to old age benefits;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—3; committee vote: Ayes—3.

PHILLIPS, Chairman.

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 646—An act authorizing the survey, location, and establishment of the high water mark, bordering upon tide water of the Pacific Ocean, between the northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 1111—An act making an appropriation for the dredging of certain portions of San Diego Bay;

Committee member Lip 3 (committee on Ave 2) (1997-1998)

NIELSEN

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

Journal of Management Education 32(10):1109-1120

http://www.elsevier.com/locate/jmb

Assembly Bill No. 1968.—An act to amend section 1 of an act entitled "An act granting to the city of North San Francisco, the sum of twenty-five thousand dollars," approved March 22, 1907.

Has had the same under our old laws, and requests respectfully the same body you recommends that it do pass.

Committee membership: 3; committee vote: 2; yeas: 2; absent: 1.

NINETEEN

SINAITI, CLAUDE R. / *SAINT AUGUSTINE* / April 1977 / 107

Assembly Bill No. 2233.—An act to amend sections 1 and 2 of "An act amending the Governor General of the State of Illinois."

county of San Diego, relating to a lawsuit filed in the county of San Diego. Has had the same under control within and consistently reports the same facts, circumstances, and occasionally that the lawsuit is being argued, and that it is now 98, amended.

Committee membership = 3, committee vote: Agree = 2, Dissent = 1

N I I I N I I I

SENIOR LECTURER, FAO

SEN OF CHAMBER SALES OFFICE April 11, 1967

Assembly Bill No. 1230—An act to amend section 508 of the Agricultural Code relating to cheese standards.

Assembly Bill No. 2162.—An act to add section 589.5 to the Agricultural Code, relating to labeling of dairy products;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be agreed, and the bill be passed as amended.

Committee membership: 9, committee vote: Ayes: 7, Absent: 2

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, APRIL 1, 1957

Assembly Bill No. 857—An act to amend section 480 of the Agricultural Code, relating to market milk;

Assembly Bill No. 864.—An act to amend section 673 of the Agricultural Code, relating to dairy equipment;

Assembly Bill No. 865. An act to repeal section 1084 of the Agricultural Code relating to commercial feeding stuffs:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership 9, committee votes: Ayes 7, absent 2

POWERS, Chairman.

## STATE CHAMBERS

SENATE CHAMBER, SACRAMENTO, April 12, 1937.

MR. PRESIDENT: Your Committee on Insurrection, to which was referred

Senate Bill No. 452. An act to amend sections 733, 1151, 11678, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance;

*Senate Bill No. 1129. An act to add section 6.55 to the School Code relating to automatic gas shut-offs in school buildings;*

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.



**On Prisons and Reformatories.**

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 343—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor" (Statutes 1935, Chapter 497), relating to the California Institution for Women; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

HOLOHAN, Chairman.

**Adjournment.**

At four o'clock and forty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, April 14, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE.**

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 14, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—40.

Quorum present.

**Prayer.**

The following prayer was offered by Gerrit Verkuyl, Ph.D., of Santa Rosa:

"Eternal God, Thou guidest in Thy mercy the affairs of nations and of men, and overrulest the inventions of those who set themselves against Thee. We worship Thee in humble adoration and pray Thee for Thy righteous Spirit to control us so that our deliberations may be fair. We invoke Thy benign wisdom, O God, so that our decisions may prove beneficial. And may there be within us, we beseech Thee, that freedom of thought, breadth of sympathy and farness of vision that springs from full agreement with Thy gracious purposes. Now unto Him, who is able to keep us from falling and to present us faultless in the presence of His glory with exceeding joy, to the only wise God our Savior, be honor and majesty, dominion and power, both now and forevermore. Amen."

**Reading of the Journal.**

During the reading of the Journal of Tuesday, April 13, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of the Floor of Senate Extended.**

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gerrit Verkeyn, Ph.D., of Santa Rosa.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. N. R. Chalenor, teacher of American Government, and the following students of the Oakland High School: Katherine Starkey, Amy Wada, Janet Knight, Betty Lusk, Betty Nielsen, Lois Smith, Dolores Hanson, Patricia Stearns, Carl Thom, Dorothy Guerin, Helen Andrews, Katherine Ellinger, Thelma Hume, Bill Wells, Bob Conn, John Runderbach, Wynna Grimm, Douglas Cossitt, Beth Stahl, Peggy Withington, Margaret Gilfoyle, Jessie Goodman, Julie Moud, Jim Cartleton, Helen Gardner, Lyell Caldwell, Maria Plantas, Patricia Brower, Phyllis Merritt, Barbara Brugge, Dorothy Lundberg, Shirley Slack, Barbara Walker, Stanley Nightengale, Sybil Weintraub, Dorothea Hook, Patricia Joyce, Webster Wilson, Dorothy Strong, Florence Offerman, Bob Jensen, and Ellen Jang.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. T. Jackson of Exeter.

On request of Senators Slater and Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. C. Nelson, former Senator of Humboldt County.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Martha Hanley, teacher, and the following students of the Suisun District School: Jane Figari, Roy Mason, Barbara May, Donald Reichenauer, Patsy Roberts, Elsie Reams, Ima Wilbanks, Edna Fone, James DeTar, Alice Fone, Frank Inn, and Maybelle Wong.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth B. Graham of Berkeley, Mrs. H. W. Shreve of Alameda, and Bernard J. Cahill, also of Alameda.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jacobs and Mrs. Behrman, teachers, and the following seventh and eighth grade students of the Dixon Grammar School: Curtis Maylew, Dean Jacobs, Jean Marie Eggert, Darlene Hissey, Douglas Goodlin, Vivian Powell, Jack Clark, Marjorie Hughes, Orval Sievers, Anna Marie Johns, Margaret Ellis, Stuart Averill, Bill Hooper, Joe Avila, Lillian McVeigh, Helen Warfield, Russell Merritt, Carol Castner, Royce Lucas, Margaret Goncealves, Joyce Alm, Bernice Anderson, Jean Bates, Helen Bello, Annabelle Brown, Alma Bruhn, Anita Cagle, Aileen Callaghan, Elma Dodini, Lucy Goncealves, Clara Lye, Alice Warfield, Albert Bartok, Irvin Boles, Robert Holly, Bill Lyon, Joe Lopez, Jay Lewis, Robert Larson, Carven McGrew, Charles McGimsey, Jerome Potter, Walter Rayn, John Riis, William Seyman, J. P. Thomsen, Frank Williams, and Robert Webb.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred McCargar of Salinas.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. P. Honaker of Shreveport, Louisiana.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Davida Wright, District Child Welfare Chairman; Ethel B. Bernier, principal; Mrs. S. Lundgren, Mrs. V. Howe, teachers; and the following students of the Vine Hill School: Rudolph Korth, Orvis McKinley, Elsie Molta, Howard Ray, Joseph Silva, Marian Sodaro, Salvatore Cola, Henry De Corte, Ethel Giannini, Earl Gibbs, Clysses Merrill, Eugenia Moglia, Annie Querin, Winnifred Ray, Josephine Rose, and Elmer Lundgren.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. D. Flaherty.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harvey McCammon, principal; David Condit, teacher; and the following seventh and eighth grade students of the Dunbar Union School: Robert Trogni, Fred Ayres, Paul Bryson, Lena Barsi, Osburn Schultz, Betty Hall, Maxine West, Martin Eassenrath, Lillian McCamist, Maudie Daddi, Luev Bettiga, Betty Bowlshy, Alan Baker, LaRuth Martschinsky, Emile Blanc, Lloyd Miller, Dorothy Cussins, Mary Rathbone, Elizabeth Schultz, Ted Hamilton, A. B. Frank, Walter Quackenbush, Richard Close, Marian Berger, Frank Dollar, Caroline Johnson, Jacklyn Moad, Betty Strong, Norma Ratto, Lucile Whipple, and Margaret Shepard.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lora F. Moore, teacher; and the following students of the Granite Grammar School, Folsom: Marilyn Chaffin, Norma Duggin, Gladys Egloff, Florence Gillander, Anna Mae Karl, Claire Kipp, Mary McDonald, Lucile Teeceira, Marie Vincent, Kathilene Vincent, Jean Wisnier, Kenneth Casten, Guy Clarke, Donald Green, Douglas Givin, Earl Hannaford, Gordon Henry, Arnold Iekes, Don Isamingei, Jack Keefe, J. B. Keller, Frank Marvin, Elmer McBeath, Harland Pennock, Bob Smith, Clarence Smith, James Swingle, Richard Thurman, Orville Vawter, and Billy Wolcott.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. M. Ogden, and Mr. J. O. Reavis, both of Bakersfield.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carlin C. Coppin, principal; Mrs. Lucille Bray, teacher; and the following students of the Pleasant Grove Union School: Lorraine Baker, Lawrence Vastal, Elaine James, Marjorie Kelley, Marjorie Poston, Dorothy Poston, Mabel Pritchard, Donald Fisher, Annis Marshall, Ray Slight, Dorothy Christy, John Davis, Eugene Morgan, Phillip Gray, Marvin Christy, Harry Compton, Marie Phillips, Louise Morgan, Billie McWilliams, Donald James, Tommy James, Dean Van Dyke, Margaret Murdock, Charles Van Dyke, Leroy Coppin, Mervin Algeo, Jimmie Sills, and Gordon Ziegler.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Veraa Stadler and Harmon Johnson, teachers, and the following students of North Sacramento School: Alleen Brillhart, Virginia Myers, Betty Jean Paul, Elaine Runyan, Ida Houston, Doris Webb, Mildred Boucher, Elvora Oehsner, Shizuko Okino, Dorothy Roberts, Mary Marysville, Lorna Lyons, Eva Wagner, Madeline Valencia, Phyllis Valencia, Barbara Isham, Julia Vasques, Mary Adams, Louise Davis, Vera Haines, Anita Soto, Virginia Tillinghast, Mary Lee Hooper, Veraa Tuck, Anne Hill, Evangeline Stokley, John Baine, Frances Brownson, Robert Baker, John Mullick, Stanley Harris, Warren Johnson, John Sanchez, Jack Runyan, Gene Gunning, Kenneth Miller, Fred Rosenbaum, Milton Puleifer, Earl Walton, Kenneth Alexander, Allison Scott, Robert Edwards, John Couberly, Harold Hoeyer, Jean Camille and Royal English.

On request of Senator Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Carlton, superior judge of San Mateo County.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Knox and the following seventh and eighth normal students of the Walnut Grove School: Luceen Chan, Daisy Yen, Edna Jang, Francis Lee, Betsie Inaba, Ruth Jeanette Chan, Amelia Chan, Hilda Chan, Ethel Lee, Mary Muroka, Fumiko Nagatani, Emiko Yagi, Hiroshi Inada, Emile Mizutani, Sumi Kawamura, Yoshiko Otto, Takiko Watanabe, Lessie Ogasawara, Thomas Watanabe, Kaupo Ogawa, Dai Aoi, Haruka Kuramoto, Hisayo Sasaki, Richard Otto, Herbert Hirotsu, Louise Takeda, Fred Watanabe, John Tsuruta, Shizuko Yasuda, Harumi Chan, and Mabel Yen.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helene Drenman Hardin, of San Francisco.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. W. Amos of San Francisco.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2415—An act to amend section 735.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately;



Assembly Bill No. 12—An act to amend sections 3817, 3817d, 3817f, 3817g, 3817h, 3817j, 3817l, and 3817m of the Political Code, to repeal section 3817k thereof, and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State repealing section 22 of Article XX thereof, relating to the rate of interest;

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relating to the legal rate of interest.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Constitutional Amendment No. 11 read, and referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 12 read, and referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 963—An act to amend section 1227 of the Penal Code, relating to a judgment of death remaining in force unexecuted;

Assembly Bill No. 71—An act to limit the number of cars in a train, and prescribing penalties for violation thereof;

Assembly Bill No. 2575—An act to amend sections 1 and 8 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 963 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 71 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2575 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly returns herewith, pursuant to your request:

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59 of the Agricultural Code, relating to live stock marks and brands.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Motion to Rescind.

Senator Powers moved to rescind the action of the Senate in passing Senate Bill No. 473.

The question being on the motion to rescind.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, Metzger, Mixer, Olson, Parkman, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Williams—28.

NOES—None.

Senate Bill No. 473 ordered placed on the unfinished business file.

**Motion.**

Senator Jespersen moved that Senate Bills Nos. 637 and 638 be recalled from the Assembly.

Motion carried, and such was the order.

**Motion.**

On motion of Senator Tickle, Assembly Bill No. 1168 was ordered placed on the unfinished business file.

**Withdrawal and Re-reference of Assembly Bill No 1595.**

Senator Mixer moved that Assembly Bill No. 1595 be withdrawn from Committee on Conservation, and referred to Committee on Irrigation.

Motion carried, and such was the order.

**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 30—An act to amend section 404 of the Civil Code, relating to dissolution of corporations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 879—An act to add section 6902a to the Labor Code, relating to train crews.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 879 were read and adopted:

**Amendment No. 1.**

On page 2, line 8, of the printed bill, as amended, after "a", insert the following "freight".

**Amendment No. 2.**

On page 2, line 9, of the printed bill, as amended, after the period, insert the following: "For the purpose of this section, 'switching' is defined as the switching of cars at any station en route, but does not include either or both of the following operations: (a) The removal from the train and coupling out of a car or cars, where other cars are not moved; (b) The 'padding-in' and adding to the train of an additional car or cars, where other cars are not moved."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 493—An act to amend section 588 of the Vehicle Code of the State of California, relating to parking.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 493 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the word "vehicle", and insert in lieu thereof the words "Streets and Highways".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out the word "vehicle", and insert in lieu thereof the words "Streets and Highways".

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 646—An act authorizing the survey, location, and establishment of the high water mark, bordering upon tidewater of the Pacific Ocean, between the northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 646 were read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the printed bill, strike out "authorized and", and in line 3, strike out "directed to survey, locate, and establish", and insert in lieu thereof "granted the authority, upon the following terms and conditions, to establish".

**Amendment No. 2.**

On page 1, line 7, of the printed bill, add the following: "Said Division of State Lands is authorized to establish said ordinary high water mark by either of the following methods: 1. Agreement between the littoral land owners and the State of California relative to the line; 2. By submitting the boundary line to a board of arbitration; 3. By a suit or suits in the superior court to quiet title."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1129—An act to add section 6.55 to the School Code, relating to automatic gas shut-offs in school buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 343—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death: to provide for its maintenance, conduct and government, and to make an appropriation therefor" (Statutes 1935, Chapter 47), relating to the California Institution for Women.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 343 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out the words "confinement, care and reformation", and insert in lieu thereof the following: "punishment, treatment, supervision, custody and care".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, strike out the word "women", and insert in lieu thereof the word "females".

**Amendment No. 3.**

On page 1, line 4, of the printed bill, strike out the words "a felony", and insert in lieu thereof the word "felonies".

**Amendment No. 4.**

On page 1, lines 4 and 5, of the printed bill, strike out the words "maintenance, conduct and government", and insert in lieu thereof the following: "government, charge and superintendence".

**Amendment No. 5.**

On page 1, line 9, of the printed bill, strike out the words "segregate, punish, care and reformation", and insert in lieu thereof the following: "punish, treatment, supervision, custody and care".

**Amendment No. 6.**

On page 1, line 10, of the printed bill, strike out the word "female", and insert in lieu thereof the word "females".

**Amendment No. 7.**

On page 1, line 10, strike out the words "a female" and insert in lieu thereof the word "feloness".

**Amendment No. 8.**

On page 1, lines 13 to 18, insert or strike out the following: "With such force as a constitutional amendment is necessary for the better penitentiary treatment of females convicted of felonies in an institution other than a State prison, this institution shall continue to be the female department of the State Prison at San Quentin. Upon the adoption of such a constitutional amendment."

**Amendment No. 9.**

On page 1, line 18, of the printed bill, strike out the word "she", and insert in lieu thereof the word "The".

**Amendment No. 10.**

On page 1, lines 19, 20 and 21, of the printed bill, strike out the words: "full jurisdiction and control over all females convicted of felonies and shall exercise the same powers and jurisdiction over such female", and insert in lieu thereof the following: "such powers, perform such duties and exercise such jurisdiction respecting such females convicted of felonies."

**Amendment No. 11.**

On page 1, line 23, of the printed bill, strike out the period after the word "prisoners", and insert in lieu thereof the following: ", and the superintendent shall, subject to the control of the board, have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies as the wardens now exercise over other prisoners, except the execution of judgments of death rendered against females, which must be executed upon the writ of execution of the State prisons designated by the court for such judgments to be executed, in the manner now provided by law, by the warden of the State prison where the execution is to take place, who must appear in person after the writ is granted by the court by which the judgment was rendered, showing the time, place and manner in which it was executed. When judgment of death is rendered against a female, a commitment signed by the judge and attested by the clerk under the seal of the court, must be drawn and delivered to the sheriff, and a certified copy thereof forthwith forwarded to the warden of the prison so designated by the court. It must state the conviction and judgment and must direct the sheriff to deliver the defendant within ten days from the time of judgment to the superintendent to be held pending decision upon her appeal. It must direct the superintendent to deliver the defendant to the warden so designated, at the institution, not earlier than three days before the day appointed upon which the judgment shall be executed."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Unfinished Business.****Senate Concurrent Resolution No. 24.**

Relative to honoring Captain Charles M. Weber, pioneer.

WHEREAS, Captain Charles M. Weber was a pioneer of 1841 and a member of the Bartleson party, the first immigrants to open the northern trail into California, and

WHEREAS, Captain Weber while successfully engaged in commercial pursuits at the Pueblo de San Jose under the Mexican regime, contrived to enter and guide the movement toward American rule, and

WHEREAS, His devotion to the American cause was exemplified by organizing and equipping a mounted company of U. S. volunteers which he led with the rank of captain during the California rebellion against Mexico, and

WHEREAS, By his efforts Captain Weber provided and procured for the forces of Captain John Fremont for the conquest of southern California, and

WHEREAS, He was captured, imprisoned, his life threatened by the retreating Mexican forces who carried him into the desert where he was liberated to find his way back to the land of his adoption, and



WHEREAS, Captain Weber elaborately planned and founded the city of Stockton upon his Mexican land grant "El Rancho del Campo de los Franceses," and in order to promulgate the plan he dedicated to public use the land for streets, waterfront, parks, public buildings, State hospitals, churches, cemeteries and other land necessary to the public welfare, and thereafter continued his gifts so as to provide for the orderly growth of the city, and

WHEREAS, In the year 1842 as Captain Sutter's overseer at Sutter's Fort, he planted the first seeds of European flowers and instructed the Indians for their proper care, and thereafter during his life by his example and importations he sought to encourage the arts of horticulture and viticulture that the agricultural resources of the land might be developed, and

WHEREAS, During the year 1848, Captain Weber led in the development of the southern placer mines from the American River to the Tuolumne River, and

WHEREAS, By his extensive gifts to the public and to individuals Captain Weber sought to encourage the settlement of the land and by his sacrifice of his wealth spread civilization in the State, and

WHEREAS, The State of California has honored the memory of two other illustrious pioneers of the north, Captain John Sutter and John Bidwell by displaying portraits of them on the walls of the Capitol; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That a portrait of Captain Charles M. Weber be placed on the wall of the Senate Chamber or of the Assembly Chamber or in the corridors of the Senate and Assembly Chambers, with an appropriate ceremony; and be it further

*Resolved,* That a committee of four members be appointed, two members to be appointed by the President of the Senate and two members to be appointed by the Speaker of the Assembly, to select and purchase such portrait and to arrange such ceremony; and be it further

*Resolved,* That the sum of \$500 be and the same is hereby made available for the purchase of such portrait and for the purpose of defraying the expenses of such committee; said sum to be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him by the said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Slater, Tickle, Waggy, Westover, Williams, and Young—30.

NOES—None.

Senate Concurrent Resolution No. 24 ordered transmitted to the Assembly.

Senate Bill No. 349—An act to amend section 193 of the Penal Code, relating to the penalty for the crime of manslaughter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 passed by the following vote:

AYES—Senators Allen, Biggar, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 349 ordered transmitted to the Assembly.

### Consideration of Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Rich moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 476 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 476 reconsidered by the following vote:

**AYES**—Senators Allen, Biggar, DeLap, Fletcher, Gordon, Hays, Hollister, Holloman, Keough, Knowland, Law, McCall, McCormack, Metzger, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Bill No. 476 ordered placed on the unfinished business file.

### Motion to Reconsider.

Pursuant to notice given on a previous day, Senator McGovern moved to reconsider the vote whereby Assembly Bill No. 1118 was passed.

#### Postponement of Reconsideration.

On motion of Senator McGovern, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1118 was passed was continued until the next legislative day.

### Third Reading of Senate Bills.

Senate Bill No. 931. An act to amend section 1270, and to repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to deer.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The presence of deer hunters in large areas within the State during the latter portion of the summer months creates a serious fire hazard which should be eliminated by changing the season, as provided in this bill. In order to eliminate such a fire hazard for the deer hunting season of 1937 it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holloman, Jaspersen, Keating, Keough, Law, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 931 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holloman, Jaspersen, Keating, Keough, Law, McCall, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—31.

**NOES**—Senators Allen, Hollister, and McBride—3.

Title read and approved.

Senate Bill No. 931 ordered transmitted to the Assembly.

Senate Bill No. 573—An act to add two new sections to be numbered 2953 and 2954 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

**Amendment from the Floor.**

During third reading of Senate Bill No. 573, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the first line of the title, and insert in lieu thereof the following: "An act to add a new section numbered 2593".

**Consideration of Senate Bill No. 573, as Amended.**

Senate Bill No. 573—An act to add a new section to be numbered 2593 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 573, as amended, passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Packman, Phillips, Piersovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tastle, Waga, Westover, and Young 43.

**NOES**—None.

Title read and approved, as amended.

Senate Bill No. 573 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 285—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Bill read third time.

**Urgency Clause.**

SEC. 23. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall go into effect immediately.

The following is a statement of the facts constituting such necessity: Unemployment has produced an alarming economic condition in the State of California. The adoption of a series of acts, of which this is one, for the promotion of rural electrification and the furnishing of energy at low cost will enable the construction of extensive works, plants and systems throughout the State for the acquisition, generation, transmission and distribution of energy to be readily and easily financed, which otherwise can not be financed at this time. The development and construction of such works, plants and system will furnish employment to many persons now idle, make them self-supporting, and bring about a greater utilization of the resources of the State. It is advisable in the interests of the public welfare that the program contemplated by these acts be initiated forthwith.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Christensen, Christensen, DeLay, Farnum, Gordon, Hollister, Holoburn, Jespersen, Keating, Keating, Lane, McBeth, McColl, McGovern, Metzger, Myler, Nelson, Quinn, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Bigger, Christensen, Christensen, DeLay, Farnum, Gordon, Hollister, Holoburn, Jespersen, Keating, Keating, Lane, McBeth, McColl, McGovern, Metzger, Myler, Nelson, Quinn, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 285 ordered transmitted to the Assembly.

Senate Bill No. 54—An act to add section 4300 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Allen, Bigger, Christensen, Christensen, DeLay, DeLay, Farnum, Gordon, Hays, Hollister, Holoburn, Jespersen, Keating, Keating, Lane, McBeth, McColl, McCormack, McGovern, Metzger, Myler, Nelson, Quinn, Phillips, Powers, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 54 ordered transmitted to the Assembly.

### Motion.

Senator McGovern moved that the communication from Fred B. Wood, concerning Senate Bill No. 54, be printed in the Journal.

Motion carried, and such was the order.

#### MEMORANDUM FOR HONORABLE THE CLERK.

##### IN RE SENATE BILL NO. 54.

This bill is designed to repeal 219 statutes enacted between the years 1852 and 1870, which statutes are now obsolete or have been superseded by later enactments.

These statutes relate to various courts of justice, which have been rendered obsolete by the adoption of the 1879 Constitution, under which we are now operating, such courts being the former county courts, district courts, sessions courts, and probate courts.

These statutes were recommended for repeal by the Code Commissioners of 1872, but on the last day of the 1871-2 legislative session, the repeal bill failed of passage in the Assembly because an objection was made to taking the bill up out of order.

These statutes have been carefully checked by the office of the Legislative Counsel, and it is the belief of that office that these 219 statutes and each of them is now obsolete. That office has on file a brief synopsis of each of these acts, together with a reference to the statutory or constitutional provision which supersedes each.

It should be noted that all of these statutes were enacted prior to the adoption of the 1879 Constitution and prior to the extensive code amendments made in 1880 to take care of the revised court structure set up by the 1879 Constitution.

FRED B. WOOD.  
By C. H. LANGSTAFF.



Senate Bill No. 576—An act to amend section 2924½ of the Civil Code and section 580b of the Code of Civil Procedure, relating to deficiency judgments.

**Amendments from the Floor.**

During third reading of Senate Bill No. 576, the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended in the Senate April 9th, strike out the words "and section".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out the following: "580b of the Code of Civil Procedure,".

**Consideration of Senate Bill No. 576, as Amended.**

Senate Bill No. 576—An act to amend section 2924½ of the Civil Code, relating to deficiency judgments.

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 576, as amended, passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Wagy, Westover, and Williams—31.

NOES—None.

Title read and approved, as amended.

Senate Bill No. 576 ordered transmitted to the Assembly.

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 928 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, and Williams—32.

NOES—None.

Title read and approved.

Senate Bill No. 928 ordered transmitted to the Assembly.

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read third time.

**Special Order.**

Senator Biggar moved that Senate Bill No. 241 be made a special order for Thursday, April 15, 1937, for eleven o'clock a.m.

Motion carried.

**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate in the chair.

Secretary Joseph A. Beck at the desk.

**Leave of Absence.**

Senator McCormack was, on motion of Senator Slater, granted leave of absence for the balance of this legislative day.

**Consideration of Daily File—(Resumed).****Second Reading of Assembly Bills.**

Assembly Bill No. 1084. An act to amend section 731a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments relating to real property by a name other than that by which they acquired title.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1084 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, after the word "being" the word "and" is said line, insert the word "has".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, after the word "owner", insert the following: "or where the estate of a decedent has been probated under a name different from the name in which real property of such decedent stands of record, and the decree of final distribution has been entered in such estate".

**Amendment No. 3.**

On page 1, line 11, of the printed bill, after the word "person", insert the following: "or the identity of such distributee had the person in whose estate the decedent stands of record".

**Amendment No. 4.**

On page 1, line 12, of the printed bill, after the word "owner", insert the following: "or of any distributee of the estate of such decedent".

**Amendment No. 5.**

On page 1, line 15, of the printed bill, strike out the following: "Joinder of parties."

**Amendment No. 6.**

On page 1, line 18, of the printed bill, strike out the following: "Final judgment."

**Amendment No. 7.**

On page 1, line 22, of the printed bill, strike out the following: "Term of hearing."

**Amendment No. 8.**

On page 2, line 2, of the printed bill, after the word "owner", insert the following: "or distributee of such decedent or successor in interest of such distributee".

**Amendment No. 9.**

On page 2, line 8, of the printed bill, after the word "conveyance", insert the following: "or where an estate has been probated, setting out the name under which the estate of a decedent has been probated and the name in which real property of such decedent stands of record".

**Amendment No. 10.**

On page 2, line 9, of the printed bill, after the word "conveyance", insert the following: "or such final decrees of distribution".

**Amendment No. 11.**

On page 2, line 12, of the printed bill, strike out the following: "Notice of hearing."

**Amendment No. 12.**

On page 2, line 19, of the printed bill, strike out the following: "Form."

**Amendment No. 13.**

On page 2, line 26, of the printed bill, after the words "lands", insert the following: "or in final decrees of distribution of said lands in probate".

**Amendment No. 14.**

On page 2, line 36, of the printed bill, strike out the following: "Answer."

**Amendment No. 15.**

On page 2, line 39, of the printed bill, strike out the following: "Hearing and decree."

**Amendment No. 16.**

On page 2, line 45, of the printed bill, strike out the following: "Appeal."

**Amendment No. 17.**

On page 2, line 47, of the printed bill, strike out the following: "Effect of decree."

**Amendment No. 18.**

On page 3, line 3, of the printed bill, after the word "recorder", insert the following: "of every county".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1688—An act to add a new section to the Code of Civil Procedure, to be numbered 1166a, relating to unlawful detainer.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1688 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, strike out "not".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 184—An act to amend section 224 of the Civil Code, relating to consent to adoption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 200—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 203—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 347—An act to amend section 663 of the Probate Code, relating to vesting of homestead.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 352—An act to add a new section to the Civil Code, to be numbered 137.5, relating to attorney's fees granted in actions for divorce or separate maintenance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 464—An act to amend section 1200 of the Probate Code, relating to mode of giving notice in certain instances, and where not otherwise prescribed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 909—An act to amend section 2957 of the Civil Code, relating to mortgages of personal property and crops.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1301—An act to amend Section 688 of the Code of Civil Procedure, relating to the levy of execution on interests in estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1466—An act to amend section 1974 of the Code of Civil Procedure, and Section 1624 of the Civil Code, relating to agreements required to be in writing and to be subscribed by the party to be charged.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2420—An act amending section 1066 of the Civil Code, relating to service of process on foreign corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2791—An act to amend section 1218 of the Code of Civil Procedure, relating to the expense of the right of eminent domain.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1760—An act to amend sections 627 of the Penal Code, relating to trespass on real property.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1760 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 to 24, inclusive, and insert in lieu thereof the following:

"627. Every person who for the purpose of hunting, pursuing, taking, killing or destroying any animal or bird, enters upon any lands under cultivation or enclosed by a fence, or enters upon any other lands or upon the canal banks or rights of way of any irrigation district where signs are displayed not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, canal banks or rights of way forbidding such trespassing, without the written permission of the owner of such lands, or irrigation district or the agent of the person in lawful possession thereof, or who maliciously tears down, mutilates, or destroys any sign, sign-board or other notice forbidding hunting on such lands, canal banks or rights of way is guilty of a misdemeanor. Nothing in this section shall be construed as making the entering or use of any road or trail on such lands, canal banks or rights of way unlawful when entered or used for the purpose of communicating with the owner of such lands or his agent or the person in lawful possession of such lands. The provisions of this section shall not apply to any person employed by any county, the State or by the United States to destroy predatory animals or birds or pests as defined in section 100 of the Agricultural Code when acting in the course of his employment."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 69—An act to amend section 1307 of the Penal Code, relating to forfeiture of bail.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 424—An act to amend section 1329 of the Penal Code, relating to the fees of witnesses in criminal cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1200—An act to amend sections 112, 116, 121, and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof, relating to the California Highway Patrol.



**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1200 was read and adopted:

**Amendment No. 1.**

On page 2, line 21, of the printed bill, after the word "emergencies", insert the following: "not to exceed six months".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1730—An act to amend sections 220 and 222 of the Vehicle Code, relating to reports of stolen vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1217—An act to amend sections 158, 371.5, 374, 379 and 384 of, and to add section 162 to the Vehicle Code, relating to the registration of vehicles and fees therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1938—An act to amend section 1 of an act entitled "An act granting to the city of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of South San Francisco and regulating the management, use and control thereof," approved April 10, 1925.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2233—An act to amend sections 1 and 2 of "An act authorizing the Surveyor General of the State of California to lease certain lands in the county of San Diego," relating to a lease of tidelands in the county of San Diego.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Assembly Bill No. 2233 was read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, after the comma and the quotation marks following the word "San Diego", insert the following: "approved May 31, 1927,".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1230—An act to amend section 508 of the Agricultural Code, relating to cheese standards.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Assembly Bill No. 1230 were read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, strike out the words "in forms", and the comma.

**Amendment No. 2.**

On page 2, line 8, of the printed bill, strike out the words "fifty-two", and insert in lieu thereof the words "fifty-six".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2162—An act to add section 589.5 to the Agricultural Code, relating to labeling of dairy products.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendment to Assembly Bill No. 2162 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, following the quotation mark, strike out the words "These products produced", and capitalize the first letter in the word "from".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 857—An act to amend section 480 of the Agricultural Code, relating to market milk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 864—An act to amend section 673 of the Agricultural Code, relating to dairy equipment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 865—An act to repeal section 1084 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time, and ordered on file for third reading.

Assembly Joint Resolution No. 38—Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria River Flood Control and the Santa Ana River Flood Control projects in the National Program of Work Relief.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Federal Relations, the following amendment to Assembly Joint Resolution No. 38 was read and adopted:

**Amendment No. 1.**

On page 1, line 21, of the printed measure insert a comma after the word "control", and insert the words "the Mono River flood control."

Bill read, ordered to print, and on file.

Assembly Bill No. 2596—An act to add a new section to the Code of Civil Procedure to be numbered section 811, relating to actions against usurpers of public offices and franchises.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2596 were read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, as amended on March 17, 1937, after the word "county", insert the words: "or city and county".

**Amendment No. 2.**

On page 1, line 7, of the printed bill, after the word "county", insert a comma and add the following words: "city and county", the same to precede the word "or", as it now appears in said line.

**Amendment No. 3.**

On page 1, line 12, of the printed bill, after the word "county", insert a comma and add the following words: "city and county", the same to precede the word "or", as it now appears in said line.

Bill read second time, ordered to print, and on file for third reading.

**Third Reading of Assembly Bills.**

Assembly Bill No. 1574—An act to amend section 359c of the Political Code, relating to vacations for State officers and employees.  
Bill read third time.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, DeLap, Deuel, Garrison, Gordon, Hays, Knowland, Law, Metzger, Mixter, Nielsen, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—21.

The Secretary announced the absentees

Time, two o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Third Reading of Assembly Bills—(Resumed).**

Assembly Bill No. 1130—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1130, the following amendment, offered by Senator Law, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, between lines 11 and 12, insert the following: "In assigning counsel the court shall select, in alphabetical order, the name of such counsel from a list containing the names of attorneys at law, licensed to practice law in all the courts of the State of California, who are practicing law in the county in which the assignment is made."

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-three minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and Assembly Bill No. 1574 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1574 ordered transmitted to the Assembly.

### Committee from the Assembly.

Assemblymen Maloney, Pelletier and Moran appeared at the bar of the Senate, and invited the Senate to join with the Assembly at three o'clock p.m., April 14, 1937, to hear a discussion of the "\$25 Every Monday Morning" plan.

### Motion.

On motion of Senator Rich, the invitation of the Assembly was unanimously accepted.

### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 10—An act to amend sections 1262a and 1262b of the Civil Code, relating to the sale, mortgage or exchange of a homestead by the husband or wife of an insane or incompetent person.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 10 passed by the following vote:

AYES—Senators Allen, Biggar, Crotenden, Cunningham, DeLap, Donald, Fletcher, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Kowalski, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 10 ordered transmitted to the Assembly.

Assembly Bill No. 1211—An act to amend the Vehicle Code by amending sections 34, 36, 37, 38, 49, 66 and 67 thereof, and by adding thereto sections 32.5, 50 and 82.5, relating to definitions of words and phrases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1211 passed by the following vote:

AYES—Senators Allen, Biggar, Crotenden, Cunningham, DeLap, Donald, Fletcher, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Kowalski, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 1211 ordered transmitted to the Assembly.

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911.

### Amendment from the Floor.

During third reading of Assembly Bill No. 1440, the following amendment, offered by Senator DeLap, was read and adopted:

#### Amendment No. 1.

On page 2, line 39, of the printed bill, after the period following the word "misdemeanor", insert the words:

"Any officer of a county or municipality who fails, neglects or refuses to make and file such report within twenty (20) days after receipt of a notice in writing from the



Controller that such officer has failed to file such report within the 90 day period required by law for the filing thereof, shall forfeit to the State one thousand dollars (\$1,000) to be recovered in an action at law which upon the request of the Controller, it shall be the duty of the Attorney General to prosecute in the name of the people of the State of California."

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1140—An act to amend section 11 of the Optometry Law, relating to the suspension and revocation of certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1140 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1140 ordered transmitted to the Assembly.

Assembly Bill No. 197—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 197, the following amendments, offered by Senator Garrison, were read and adopted:

##### Amendment No. 1.

On page 1, line 19, of the printed bill, as amended, strike out "or it may be made by mail", and insert in lieu thereof the following: "and if his residence is not known, or is not in the same county with his office, or being in the same county it is not open, or there is not found thereat any person of not less than 18 years of age, then".

##### Amendment No. 2.

On page 1, line 24, of the printed bill, as amended, strike out the semicolon and insert in lieu thereof a period and the following: "Service upon an attorney may also be made by mail by putting the same, inclosed in a sealed envelope, into the post office directed to such attorney at his office, in any case where the office of the attorney making such service is situated in the same county but in a city other than that in which the attorney to be served maintains his office."

Bill read, ordered to print, and on file for third reading.

#### Recess.

At three o'clock p.m., on motion of Senator Rich, the President of the Senate declared recess for the purpose of a joint meeting with the Assembly to hear discussion of the "\$25 Every Monday Morning" plan.

#### Reconvened.

At three o'clock and fifty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

#### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1861—An act for the relief of certain assessment districts and for that purpose empowering municipal corporations to render financial aid to such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1861 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Deuel, Garrison, Gordon, Hollister, Holohan, Keating, Knecht, Law, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Parnoyak, Penson, Quinn, Reed, Seawell, Seawell, Slater, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1861 ordered transmitted to the Assembly.

Assembly Bill No. 1391—An act to add a new article to Chapter I Part III, Division IV of the School Code to be known as Article IVa, relating to the cancellation of school district warrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1391 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Deuel, Garrison, Gordon, Hollister, Hordern, Jorgensen, Knecht, Knecht, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Seawell, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1391 ordered transmitted to the Assembly.

**Senator McColl in the Chair.**

At three o'clock and fifty five minutes p.m., Senator McColl of the fifth district was called to the chair.

Assembly Bill No. 2270—An act to amend section 4.250 of the School Code, relating to the appointment of supervisors of attendance by county superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2270 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Deuel, Garrison, Hollister, Holohan, Jorgensen, Keating, Knecht, Knecht, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Parnoyak, Quinn, Seawell, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2270 ordered transmitted to the Assembly.

Assembly Bill No. 1915—An act to add section 6.53 to the School Code, relating to provision of a place for children to eat lunches brought from home.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1915 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Deuel, Garrison, Hollister, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Schottky, Slater, Tickle, Westover, and Young—22.

NOES—Senators DeLap, Holohan, Keating, Keough, Law, McBride, Quinn, and Waggy—8.

Title read and approved.

Assembly Bill No. 1915 ordered transmitted to the Assembly.

Assembly Bill No. 305—An act to repeal section 2.2140 of the School Code and to amend sections 2.2143 and 2.2145 thereof, all relating to instruction in unified school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such necessity are as follows:

The Unified School District Law enacted in 1935 (Chapter 773, Statutes 1935, adding School Code sections 2.2000-2.2160) provided that in unified school districts having an average daily attendance of fifteen hundred or less in the elementary schools of the district, funds apportioned by the State to such unified school districts for the supervision of instruction in such districts should be apportioned to the county elementary school supervision fund. This provision, in effect, prevented such districts from maintaining their own elementary school supervision program by depriving the districts of funds therefor. The provisions of this act have the effect of providing that all funds apportioned to any unified school by the State for supervision of instruction in the elementary schools of unified school districts shall be apportioned directly to the district, thus enabling such districts to maintain their own elementary school supervision programs. This act is deemed desirable by all unified school districts affected. It does not in any way affect the amount of State funds apportioned.

Inasmuch as this act to be effective during the school year commencing July 1, 1937, must take effect prior to the apportionment of State funds for school support during that school year, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 305 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 305 ordered transmitted to the Assembly.

Assembly Bill No. 1276—An act to amend section 2.801 of the School Code, relating to liability in damages of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1276 passed by the following vote:

AYES—Senators Allen, Bigger, Critchfield, Cunningham, Darling, Evans, Flanagan, Hollister, Holahan, Jorgensen, Keating, Knecht, Kunkel, Linn, McBrink, McCall, Mixer, Olson, Parkman, Phillips, Perovich, Quinn, Schottky, Seawell, Suter, Tickle, Wagy, Westcott, and Young—29.

NAES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 1276 ordered transmitted to the Assembly.

Assembly Bill No. 1925—An act to amend section 4264 of the Political Code, relating to salaries of county officers in counties of the thirty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1925 passed by the following vote:

AYES—Senators Allen, Bigger, Critchfield, Cunningham, Darling, Evans, Flanagan, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Knecht, Kunkel, Linn, McBrink, McCall, McGovern, Morgan, Myers, Nelson, Olson, Parkman, Phillips, Perovich, Quinn, Schottky, Seawell, Suter, Tickle, Wagy, and Young—30.

NAES—None.

Title read and approved.

Assembly Bill No. 1925 ordered transmitted to the Assembly.

Assembly Bill No. 2444—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and associations thereof, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2444 passed by the following vote:

AYES—Senators Allen, Bigger, Critchfield, Cunningham, Darling, Evans, Flanagan, Hollister, Holahan, Jorgensen, Keating, Knecht, Kunkel, Linn, McBrink, McCall, McCormack, McGovern, Morgan, Myers, Nelson, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Shurt, Swain, Tickle, Wagy, and Young—30.

NAES—None.

Title read and approved.

Assembly Bill No. 2444 ordered transmitted to the Assembly.

Assembly Bill No. 2446—An act to add section 21 to "An act to allow and provide for the organization, incorporation and maintenance of fire districts to be governed by board of fire commissioners; to provide for the equipment and maintenance of fire departments and the acquisition of all property necessary therefor," approved March 4, 1881, relating to the application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 2446 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2446 ordered transmitted to the Assembly.

Assembly Bill No. 2445—An act to add section 13 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to application of the "District Investigation Act of 1933" to such districts formed or proposed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2445 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2445 ordered transmitted to the Assembly.

Assembly Bill No. 132—An act to add section 4307.5 to the Political Code, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 132 ordered transmitted to the Assembly.

Assembly Bill No. 1063—An act authorizing the removal of the Stephen M. White statue from the city of Los Angeles to the city of San Pedro.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1063 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law,

McBride, McColl, McCormick, McGovern, Metzger, Nielsen, Olson, Parkerson, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

Nays—None.

Title read and approved.

Assembly Bill No. 1063 ordered transmitted to the Assembly.

Assembly Bill No. 211—An act to amend section 4412 of the Political Code, relating to the place of offices of certain county officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 211 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Donel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Lick, McBride, McColl, McCormick, McGovern, Metzger, Nielsen, Olson, Parkerson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

Nays—None.

Title read and approved.

Assembly Bill No. 211 ordered transmitted to the Assembly.

Assembly Bill No. 1705—An act to amend section 4251 of the Political Code, relating to the compensation of county and township officers in counties of the twenty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1705 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Donel, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Lick, McBride, McColl, McCormick, McGovern, Metzger, Nielsen, Olson, Parkerson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

Nays—None.

Title read and approved.

Assembly Bill No. 1705 ordered transmitted to the Assembly.

Assembly Bill No. 1706—An act to amend sections 7371 of the Political Code, relating to salaries of the judges of Humboldt County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1706 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Donel, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Lick, McBride, McCormick, McGovern, Metzger, Nielsen, Olson, Parkerson, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

Nays—None.

Title read and approved.

Assembly Bill No. 1706 ordered transmitted to the Assembly.

Assembly Bill No. 2356—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all

proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2356 passed by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES.** None.

Title read and approved.

Assembly Bill No. 2356 ordered transmitted to the Assembly.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

#### Amendments from the Floor.

During third reading of Senate Bill No. 942, the following amendments, offered by Senator Jespersen, were read and adopted:

##### Amendment No. 1.

On page 7, line 27, of the printed bill, as amended, after "State", insert a comma.

##### Amendment No. 2.

On page 7, line 37, of the printed bill, as amended, strike out "intrastate", and insert in lieu thereof the following: "intrastate".

##### Amendment No. 3.

On page 11, line 34, of the printed bill, as amended, after "persons", insert a comma.

##### Amendment No. 4.

On page 11, line 35, of the printed bill, as amended, after "termination", insert a comma.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

#### Amendment from the Floor.

During third reading of Senate Bill No. 930, the following amendment, offered by Senator McCormack, was read and adopted:

##### Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the word "fish".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Military Affairs.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 500—An act to amend section 3612 of the Political Code, relating to exemptions under section 14 of Article XIII of the Constitution;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred,

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to ex-emptions of property on account of military service;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3

QUINN, Chairman.

## On Public Health and Quarantine.

## SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1406—An act to amend sections 1 and 2 of an act entitled "An act establishing and standardizing the weight of halves of bread and regulating the sale thereof," approved June 2, 1921, relating to weights of bread;

Assembly Bill No. 1410—An act to amend sections 2, 6 and 10 of an act entitled "An act to provide for the indicating of the net quantity of foodstuffs and articles intended to be used or prepared for use as food for poultry, hogs, and swine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, as amended, relating to net quantities;

Assembly Bill No. 2132—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalming Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers;

Assembly Bill No. 2733—An act to amend sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing wages and hours for enforcement and providing penalties for violations," approved June 3, 1927, as amended, relating to clothes cleaning establishments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5

DELAP, Chairman.

## On Fish and Game.

## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets;

Assembly Bill No. 216—An act to amend section 1103 of the Fish and Game Code, relating to the registration of vessels;

Senate Bill No. 938—An act to add sections 118 and 7945 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof;

Senate Bill No. 203—An act to amend section 6516 of the Fish and Game Code, relating to salmon;

Assembly Bill No. 1530—An act to amend section 161 of the Fish and Game Code, relating to game refuge 4B;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

MCCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 802—An act to add section 929 to the Fish and Game Code, relating to and regulating the subject of fishing within the jurisdiction of the State of California;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

MCCOLL, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer into a closed district;



Senate Bill No. 178—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

McCOLL, Chairman.

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 806—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District and to provide for the carrying on of the functions of the consolidated district; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

#### On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 242—An act to amend section 341 of, and to add section 341a to, the Civil Code, relating to advancing of money to a corporation by a director or shareholder of the corporation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLLISTER, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1097—An act to add section 4041.14a to the Political Code, relating to community theaters;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2198—An act providing for the assessment of, and imposing a tax upon, private cars and property incidental to their operation, defining the terms used in this act, providing that the tax hereby imposed shall be in lieu of all other taxes according to value and providing for the administration hereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1069—An act to add section 3658b to the Political Code, relating to county maps for tax purposes;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes: 8, absent: 1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 13, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1907—An act imposing an excise tax on the use in this State of fuel as defined herein, providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions herein and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes: 8, absent: 1.

KNOWLAND, Chairman.

#### On Civil Service.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Assembly Bill No. 773—An act to amend sections 26 and 26 1/2 of the State Civil Service Act, relating to proof of status by veterans.

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership: 3; committee vote: Ayes: 3.

YOUNG, Chairman.

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees;

Senate Bill No. 1129—An act to add section 655 to the School Code, relating to automatic gas shut-offs in school buildings;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 57—An act to amend section 86 of, and to add sections 86.6, 86.7, and 845.7 to the Fish and Game Code, relating to the use of nets;

Senate Bill No. 63—An act to amend sections 1177 and 1201 of the Fish and Game Code, relating to mountain quail;

Senate Bill No. 680—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence;

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 452—An act to amend sections 723, 1151, 1197.8, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 25—Approving certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified

electors of said city at a special municipal election held therein on the twenty-third day of March, 1937.

And reports that the same has been correctly enrolled and presented to the Governor on the fourteenth day of April, 1937, at four o'clock p.m.

KEOUGH, Chairman.

### Adjournment.

At four o'clock and forty seven minutes p.m., on motion of Senator Rich, the acting president of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, April 15, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 15, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young 40.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Wednesday, April 14, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Colusa County Boys' Senate: Harold Yates, Laurence Yates, Virgil Lee, George Harbison, James Harbison, John Bisho, Bob Caldwell, Ed. Gillis, Laurence Prindle, George Hansen, Robert McNary, David McNary, George Anthony and Franklin Braithwaite, accompanied by Mrs. Edward Gillis.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert Fisher, of Carlotta, former Assemblyman from Humboldt County.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Johnson, teacher, and the following members of the Stanford Junior High School: Herbert Pepper, Howard Thompson, Clifford Norris, Harold Strode, Shinichi Suyada, Donald Birrell, Henry Wristen, Jacquelyn Knox, Elaine Forsberg, Donna Payne, Nadine Barnes, Marjorie Shorten, Beverly Nielson, George Lentz, Theodore Jordan, Richard Brady, Lenora Gebbett, Betty Anderson, Ethelyn Patton, Dolly Smith,

Harry Straine, Elsie Parada, Dorothy Sharpe, Florence Venton, Patricia Downard, Juanita Pedraza, Esther Andersen, Helen Lolling, Leone Barber, Bonnie Larwick, Phyllis Deemer, Donald Edwards, Charlotte Guthrie, Harold Bayley, and Virginia Grigsby.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ida Korman, MGM; Miss Edie Adams, MGM; Mr. Cliff Edwards, MGM; Miss Ann Miller, RKO; Mrs. Miller, Mr. Dick Fagan, Warners; Mr. Herman Bing, Columbia; Mr. Eddie Becker, MGM; Mr. Milton Becker, MGM; and Mr. and Mrs. Bill Robinson, Fox-20th Century.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roger R. Walch, district attorney of Kings County.

On request of Senator DeLay, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. George Thornton, Thomas Carlsen, Al P. Hill, T. H. DeLay, C. S. Abbott, Andy Nelson, Way Noelle, and Les Stacey, and Messrs. Iva Vaughn, city treasurer, Richmond; Les Stacey, and George Thornton, and Miss Catherine Davis.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Luther P. Loftis, sheriff of Kings County.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Robert M. Clarke of Los Angeles, and P. C. Van Dusen of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Charles Menzie, president of the Stockton Chamber of Commerce.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George W. Salisbury of Berkeley, and the following members of the Civic Cooperation Committee of the Berkeley Women's City Club: Conchita Carrie L. Hoyt, chairman; Mrs. Edward N. Ament, Mrs. Malai Jensen, Mrs. J. C. Green, Mrs. Matthew Morton, Jr., Mrs. Hollis R. Thompson, Estelle Nace, Mrs. M. Kromb, Mrs. W. H. Cochran, Mrs. E. M. Cameron, Mrs. Salisbury, Mrs. Frank H. Stackpole, Mrs. Fannie McIntosh, Mrs. Inez Rice, Mrs. C. Morgan Smith, Mrs. F. H. Raybourne, Mrs. Wherlie, Mrs. M. Egan, Mrs. V. Conall, Mrs. S. J. Jeffries, Mrs. W. Parney, Mrs. J. Johnston, and Miss Louise Gager; and Mr. Frank H. Stackpole.

### Communication.

The following communication was received, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, April 10, 1937

*Honorable George J. Hatfield, President of the Senate,  
State Capitol, Sacramento, California.*

Subject: THE ENGROSSED BILL AND THE JOINT RULES.

MR. PRESIDENT: This supersedes our opinion of April 8, 1937, in relation to the conclusive effect, in one house of the Legislature, of an engrossed bill of the other house duly certified by the appropriate officers of the latter.

We were therein discussing a matter not embraced within the Joint Rules of the Senate and Assembly.



As to a point of order made in the Senate or Assembly, based upon an asserted violation of a Joint Rule in the other house, it is our opinion that the engrossed bill would not bar inquiry into the matter.

We rest this opinion upon Joint Rule No. 35 of this 1937 session, which rule in part declares as follows:

"If either house shall violate a Joint Rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Free Conference Committee. The presiding officers of each house shall appoint committees in like manner and with like power of Free Conference Committees."

This we believe is in effect an agreement by each house that the other house may inquire into and consider what action the other house took when the issue is an asserted violation of one of the Joint Rules, and that in doing so it will not be precluded therefrom by the fact that the bill of the house of origin has been engrossed and duly certified as engrossed.

A precedent is furnished by the action taken in 1933 in relation to Assembly Bill No. 289, then pending. It had been amended in the Assembly in a manner not germane to the bill as introduced.

When the bill was before the Senate for consideration a point of order was raised, predicated upon violation, in the Assembly, of Joint Rule No. 9, the rule requiring amendments to be germane.

Upon inquiry it was determined that the Assembly amendment to the bill was not germane, that Joint Rule No. 9 had been violated, and the President of the Senate so ruled, the Journal entry reading as follows:

"The President of the Senate ruled that Assembly Bill No. 289 could not be considered further, because the bill was in conflict with Joint Rule No. 9.

The Secretary was directed to inform the Assembly that Assembly Bill No. 289 would not be considered further." (Senate Journal, 1933, page 3065.)

That action was taken pursuant to Rule No. 46 of the Joint Rules of 1933, which read as follows:

"\* \* \* If either house shall violate a Joint Rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, without further action.  
\* \* \*

That, in our opinion, furnishes a precedent for interpretation and application of 1937 Joint Rule No. 35, the only difference being the change in the action to be taken, or procedure to be followed, after decision that a joint rule has been violated.

Very truly yours,

FRED B. WOOD, Legislative Council.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution;

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13½, 13½, 19½ and 19½ to, and to repeal section 8 of the City Carriers' Act, relating to the regulation of the business of city carriers; providing for the filing of copies of insurance policies; prohibiting the transference of special license plates issued for vehicles operated by city carriers; providing for the filing with the Railroad Commission of rate schedules and investing the Railroad Commission with supervisory powers in relation thereto; prohibiting rates which are in excess of or less than the maximum or minimum rates established or approved by the Railroad Commission; providing for the filing of reports and the keeping of records; empowering the Railroad Commission to revoke or suspend licenses; and providing penalties and punishments for violations thereof; And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amend-

ing section 14 of Article XIII, relating to exemptions of property on account of military service;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolled and Printing has examined:

Senate Bill No. 203—An act to amend section 651.6 of the Fish and Game Code relating to salmon;

Senate Bill No. 509—An act to amend section 2612 of the Political Code, relating to exemptions under section 14 of Article XIII of the Constitution;

Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets;

Senate Bill No. 343—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of persons convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor" (Statutes 1935, Chapter 497), relating to the California Institution for Women;

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof;

Senate Bill No. 1097—An act to add section 4041.14a to the Political Code, relating to community theaters;

Senate Bill No. 879—An act to add section 6902a to the Labor Code, relating to train crews;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolled and Printing has examined:

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code relating to prizes for game;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

### **Consideration of Daily File.**

#### **Second Reading of Senate Bills.**

Senate Bill No. 509—An act to amend section 2612 of the Political Code, relating to exemptions under section 14 of Article XIII of the Constitution.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 203—An act to amend section 651.6 of the Fish and Game Code, relating to salmon.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 178—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 178 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after "maintain", insert a comma and the following: "or cooperate to such extent as it considers desirable in the maintenance of."

**Amendment No. 2.**

On page 1, line 7, of the printed bill, after "places", insert the following: "and in the manner".

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 806—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District and to provide for the carrying on of the functions of the consolidated district.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 806 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of line 1 of the title after "for", and all of lines 2, 3 and 4, of the title, and insert in lieu thereof the following: "the merger of Coachella Valley Storm Water District of Riverside County into Coachella Valley County Water District, for the validation of such merger and for the carrying on of the functions of the districts so merged."

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of line 1 after "Section 1.", and all of lines 2 to 26, inclusive; and all of lines 1 to 33, inclusive, on page 2, and insert in lieu thereof the following:

"The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and property owners within what is known as the "Coachella Valley" and adjacent lands, in Riverside County, California, the greatest possible use and conservation of, and protection from, the waters naturally flowing into said valley from the surrounding mountainous watershed and the greatest possible use of other waters available to said area, thereby assuring that the greatest productivity of the largest possible area may be accomplished and safely carried on within reasonable limits of economy.

Investigation having shown that conditions in the Coachella Valley are peculiar to that valley, it is hereby declared that a general law can not be made applicable thereto and that the enactment of this special law is therefore necessary for the proper distribution, use and control of the waters available for the valley and the protection of the valley from storm waters by the means herein provided and for elimination of duplication of governmental authority and securing greater economy of administration.

It is hereby found and determined that Coachella Valley County Water District is organized primarily for irrigation purposes and that Coachella Valley Storm Water District is organized for reclamation and protection purposes and the Legislature in enacting this act declares that it is proceeding in part under the authority expressly granted in section 13, Article XI of the Constitution of the State of California.

SEC. 2. Subject to the approval of the electors, as provided in sections 4, 5 and 6 of this act, Coachella Valley Storm Water District of Riverside County is hereby merged into Coachella Valley County Water District. The name of the surviving district shall be Coachella Valley County Water District. Except as in this act expressly provided, said surviving district shall be in all respects operated, managed and governed and its directors and officers shall be elected or appointed and its revenues shall be raised and expended as now or hereafter provided in the County Water District Act, approved June 10, 1913, as amended, and acts amendatory thereof and supplementary thereto. Said surviving district shall be deemed a public agency of the State.

SEC. 3. Said surviving district shall comprise all lands now included within said county water district. Lands may be added to said surviving district or excluded therefrom in any manner, and with the same effect, as now or hereafter



provided in said County Water District Act as amended, or acts amendatory thereof or supplementary thereto.

SEC. 4. The board of directors of said county water district and the board of trustees of said storm water district shall, not later than 60 days before the next takes effect, adopt like resolutions providing for giving a joint notice of an election to be held in said districts for the purpose of determining whether said districts shall be merged. Such notice shall state the purposes for which the election is to be held, describe the voting precincts, state the location of the polling place for each precinct, the name and position of each person appointed as election officer, the hours during which the polls will be open and the date on which the election will be held, which shall not be less than 30, nor more than 60 days following the first publication of such notice. Such notice shall be published in at least one newspaper of general circulation, published in each county water district, by three weekly publications preceding the election. Such notice shall also be posted in at least six public places in each county water district. Copies of such notice shall be in said storm water district, not less than 20 days preceding the election. Affidavits of publication and posting of such notice shall be filed with the secretary of the board of directors of said county water district and shall be open to the view of the performance of the acts therein stated.

SEC. 5. The board of directors of said county water district shall provide a ballot to be used at said election upon which the proposition to be voted on shall be submitted in substantially the following form:

Shall Conchella Valley Storm Water District of Riverside County be merged into Conchella Valley County Water District, as provided in the Act of the Legislature of California, known as the Conchella District Merger Act?

Opposite said proposition shall be the words, "Yes" and "No" with a voting square opposite each.

Except as in this act expressly provided, the board of directors and officers of said county water district shall perform all necessary duties in connection with the holding of said election and determination of the result thereof. Said election shall be held, as nearly as may be, except as in this act otherwise provided, in accordance with the provisions of the County Water District Act, as amended, for the holding of special elections. No sample ballots shall be required to be issued to electors. All elections resulting within said county water district, shall be entitled to vote. The polls shall be kept open from seven o'clock a.m. to six o'clock p.m. All expenses of said election shall be borne by said county water district. No informality or irregularity in the conduct of said election, nor any proceeding relating thereto, not substantially and adversely affecting the legal results of any voting, shall be held to invalidate the merger of said districts. This act shall be given a liberal construction, for the purpose of sustaining any and all proceedings taken hereunder.

SEC. 6. At the close of the polls each board of election shall at once canvass the votes and declare the result and shall forward to the secretary of the board of directors of said county water district all ballots, official election returns and a certificate showing the number of votes cast for and against the proposition. At ten o'clock a.m. on the Saturday next following said election the board of directors of said county water district and the board of trustees of said storm water district shall meet in joint session at the office of said county water district and shall jointly canvass the election returns as shown by said certificates. If upon such canvass it shall appear that a majority of the votes cast in each of said districts is in favor of the merger of said districts, then a certificate shall be made and signed by the president and secretary of the board of directors of said county water district and by the president and clerk of the board of trustees of said storm water district, stating that the proposition to merge said districts was approved by the electors. Said certificate shall be filed with the Secretary of State and thereupon said storm water district shall be deemed merged into said county water district. A certified copy of said certificate shall be recorded in the office of the county recorder of Riverside County and shall impart notice to all interested persons as to the result of said election and the merger of said districts. Said certificate shall be final and conclusive evidence, in the absence of actual fraud, that all steps necessary for the merger of said districts have been duly performed and that said districts have been duly merged.

If the proposition to merge said districts shall not be approved by a majority of the votes cast in each of said districts, said officers of said districts shall so certify and the certificate shall be filed in the office of the Secretary of State. A second election, called and held as herein provided, may be held not less than six months after the date of the first election, with like effect as such first election.

SEC. 7. The board of directors of said county water district may, at any time after the filing with the Secretary of State of the certificate provided for in section 6 of this act, bring an action in the superior court of Riverside County to determine the validity of the merger of said districts. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons in three weekly issues of a newspaper of general circulation furnished in said county water district, such paper to be designated by said superior



court. Jurisdiction shall be complete 15 days after the third publication of such summons as herein provided. Anyone interested may at any time before the expiration of said 15 days appear and by answer contest the validity of such merger. Such action shall be speedily tried and judgment rendered declaring such merger either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within 60 days from the time the record on appeal is filed in said Supreme Court. The proceedings as to both trial and appeal shall conform substantially to the rules governing civil actions except as herein expressly provided. If no such proceedings shall have been brought by said board of directors, then at any time within 30 days after the filing with the Secretary of State of said certificate anyone interested may bring an action in said superior court to determine the validity of such merger. The directors of said county water district and the trustees of said storm water district in office at the time of the merger shall be made parties defendant and service of summons shall be made on said directors and trustees personally. Any number of such actions pending at the same time shall be consolidated and tried together. Such action shall be speedily tried with the right of appeal to either party within the time herein provided in the case of actions brought by said board of directors, and such appeal shall be heard and determined in like manner. No contest of the validity of such merger shall be commenced or prosecuted other than within the time and manner herein specified. In any action provided for in this section all findings of fact of said board of directors or of said board of directors and board of trustees shall be conclusive in the absence of actual fraud.

SEC. 8. From and after the merger of said districts the directors and officers of said county water district then in office shall constitute the directors and officers of said surviving district.

SEC. 9. Said surviving district shall, in addition to the powers in this act conferred, have and exercise all powers, duties and functions of a county water district as now or hereafter provided in the County Water District Act, as amended, and acts amendatory thereof and supplementary thereto, and in addition shall have and exercise all powers, duties and functions of a storm water district as now or hereafter provided in the Storm Water District Act of 1909, as amended. The board of directors and officers of said surviving district shall, in addition to the powers in this act conferred, perform all functions authorized or permitted to boards of directors and officers of county water districts and to boards of trustees and corresponding officers of storm water districts. In the case of conflict between said acts, the provisions of said County Water District Act, as amended, shall prevail.

SEC. 10. Said surviving district shall, by virtue of this act, immediately upon the merger of said districts, succeed to all properties, rights and contracts of each of said two districts. Immediately upon said merger of the said districts, said storm water district shall be deemed to be merged into said county water district and said storm water district shall for all purposes cease to exist, and the offices of its trustees and officers shall thereupon terminate.

SEC. 11. Nothing in this act contained shall be deemed to impair or adversely affect any right of any bondholder or creditor of said storm water district or said county water district. All outstanding bonded and other indebtedness of said storm water district and of said county water district at the time of such merger shall be deemed assumed by the surviving district and all such bondholders and creditors are authorized to enforce their rights as against the surviving district in like manner as might have been done against said storm water district or said county water district if this act had not been adopted.

The board of directors and officers of the surviving district shall perform all duties and functions of the board of trustees and corresponding officers of said storm water district relating to the assessment, levy and collection of taxes for the payment of all outstanding bonds and other indebtedness of said storm water district, in the same manner and at the same times as is provided in said Storm Water District Act of 1909, as amended, and all county officers and boards of supervisors shall likewise perform their functions and duties with relation to assessment, levy and collection of taxes for the payment of such bonds and other indebtedness as provided in said Storm Water District Act of 1909, as amended.

SEC. 12. Notwithstanding anything herein contained, said surviving district may provide for and carry on the construction, operation and maintenance of works, improvements and functions authorized by the Storm Water District Act of 1909, as amended, either in any mode or by any proceedings authorized in said act, or, as nearly as may be, in any mode or by any proceedings authorized for construction, operation and maintenance of any works, improvements or functions in the County Water District Act, as amended, and may raise funds for said purposes in any mode or manner authorized or permitted by either of said acts.

SEC. 13. The present area of said storm water district shall be, and is constituted, an improvement district of said surviving district, designated "Storm water unit", and shall solely be and remain taxable or assessable for bonds, indebtedness, works, improvements and functions authorized by the Storm Water District Act of 1909, as amended. Lands may be added to or excluded from said storm water

unit in any such manner, as nearly as may be, as lands are authorized to be added to or excluded from county water districts or new or increased districts in the County Water District Act, as amended, and not in the manner provided in the Storm Water District Act of 1909, as amended.

SEC. 14. All actions and proceedings pending for or against said storm water district at the time of such merger may be prosecuted or tried in court for or against said storm water district, or the surviving district may be prosecuted for or against said storm water district or its trustees or officers. All actions and proceedings commenced after such merger, either on account of affairs of said storm water district or affairs of said county water district, shall be prosecuted by or against said surviving district.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have adopted this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act may be deemed unconstitutional or invalid.

SEC. 16. This act shall be known and may be cited and referred to as any action, proceeding or legislative enactment as "Columbia District Merger Act."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 242—An act to amend section 341 of, and to add section 341a to, the Civil Code, relating to advancing of money to a corporation by a director or shareholder of the corporation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 242 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to add section 3440.5 to the."

##### Amendment No. 2.

On page 1, line 1, of the printed bill, after "SECTION 1." insert the following: "Sec. 3440.5 is hereby added to the Civil Code to read as follows:

3440.5. Every claim for, or thing in action based upon, money or other things of value advanced by a director, shareholder or trustee of a mining corporation or mining copartnership to, or on the account of, such corporation or copartnership is conclusively presumed to be fraudulent and therefore void against the existing creditors of such corporation or copartnership, unless at least seven days before the consummation of such advance or execution of such thing in action there shall be recorded in the office of the county recorder in the county or counties where such corporation or copartnership has its principal place of business and in the county or counties where such corporation or copartnership conducts its principal operations, a notice of said intended advance or intended execution of a thing in action, stating the name and address of the individual parties thereto and a general statement of the character of the transaction, and the date when and place where the same or any part thereof is to be consummated."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 1097—An act to add section 4041.14a to the Political Code, relating to community theaters.

Bill read second time, ordered to engrossment, and on file for third reading.

#### Second Reading of Assembly Bills.

Assembly Bill No. 1406—An act to amend sections 1 and 2 of an act entitled "An act establishing and standardizing the weight of loaves of bread and regulating the sale thereof," approved June 2, 1921, relating to weights of bread.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1410—An act to amend sections 2, 6 and 10 of an act entitled "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicines, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, as amended, relating to net containers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2132—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2733—An act to amend the title and sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, as amended, relating to clothes cleaning establishments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 216—An act to amend section 1103 of the Fish and Game Code, relating to the registration of vessels.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1530—An act to amend section 161 of the Fish and Game Code, relating to Game Refuge 4B.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 802—An act to add section 929 to the Fish and Game Code, relating to and regulating the subject of fishing within the jurisdiction of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer into a closed district.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 1176 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "into a closed district".

##### **Amendment No. 2.**

On page 1, line 3, of the printed bill, strike out "may", and strike out all of lines 4 and 5, and insert in lieu thereof the following: "shall have the license tag countersigned by a fish".

##### **Amendment No. 3.**

On page 1, line 10, after "oaths", strike out the period, and insert in lieu thereof a comma and the following: "before transporting such deer except for the purpose of taking it to the nearest officer authorized to countersign the license tag."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.



Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 746 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert in lieu thereof the following:

"683. On and after January 1, 1938, no person shall sell any new motor vehicle, nor shall any person operate any motor vehicle sold as a new motor vehicle in this State after January 1, 1938, which is equipped with a radiator cap or radiator ornament upon the top thereof which extends or protrudes to the front of the face of the radiator grill of such motor vehicle."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2198—An act providing for the assessment of, and imposing a tax upon, private cars and property incidental to their operation, defining the terms used in this act, providing that the tax hereby imposed shall be in lieu of all other taxes according to value and providing for the administration hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1069—An act to add section 3658 to the Political Code, relating to county maps for tax purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1907—An act imposing an excise tax on the use in this State of fuel as defined herein, providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1907 were read and adopted:

**Amendment No. 1.**

On page 2, line 51, of the printed bill, as amended, strike out "said return is not filed or".

**Amendment No. 2.**

On page 5, line 11, of the printed bill, as amended, strike out "general" and insert in lieu thereof "motor vehicle fuel"; after "fuel", insert "and such motor fuel shall be retained in a special account in said fuel used transportation after the effective date of this act".

**Amendment No. 3.**

On page 5 of the printed bill, as amended, strike out all of lines 22 to 26, inclusive.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 773—An act to amend sections 20 and 26 of the State Civil Service Act, relating to proof of status by veterans.

Bill read second time, and ordered on file for third reading.

**Third Reading of Senate Bills.**

Senate Bill No. 750—An act to amend section 722 of the Fish and Game Code, relating to the sale of fish.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 750 passed by the following vote:

**AYES**—Senators Allen, Biggar, DeLap, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Mixter, Phillips, Quinn, Rich, Slater, Swing, Tickle, Wagy, and Young—22.

**NOES**—None.

Title read and approved.

Senate Bill No. 750 ordered transmitted to the Assembly.

Senate Bill No. 57—An act to amend section 86 of, and to add sections 86.5, 86.6, 86.7, 845.5, 845.6 and 845.7 to the Fish and Game Code, relating to the use of nets.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 57, the following amendments, offered by Senator Metzger, were read:

##### **Amendment No. 1.**

On page 1, line 1, of the title of the printed bill, as amended, strike out “, 86.7.”

##### **Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 17 to 27, inclusive, and insert in lieu thereof the following: “water mark, not included in other districts, lying within the following boundaries: Beginning at the mouth of Carmel River, thence west one mile, thence southerly, and following a line one mile out from high water mark to a point one mile south of the junction of the common boundary of Santa Barbara and Ventura counties and high water mark, and thence north to said last mentioned junction, and excluding all rivers, streams, sloughs and lagoons.”

##### **Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 1 to 8, inclusive.

##### **Amendment No. 4.**

On page 2, line 9, of the printed bill, as amended, strike out “Sec. 4”, and insert in lieu thereof the following: “Sec. 3”.

##### **Amendment No. 5.**

On page 2, lines 11 and 12, of the printed bill, as amended, strike out “in Districts 18C or 18D”, and insert in lieu thereof the following: “or to take fish for profit in District 18A or 18C”.

##### **Amendment No. 6.**

On page 2, line 13, of the printed bill, as amended, after “seine”, insert the following: “or who takes fish for profit”.

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Hollister, Crittenden and Young, on the adoption of Senator Metzger's amendments to Senate Bill No. 57.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators DeLap, Gordon, Keating, Keough, McColl, McCormack, Metzger, Nielsen, Parkman, Pierovich, Rich, Seawell, Slater, Tickle, and Williams—15.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Hollister, Holohan, Knowland, Law, McBride, Mixter, Olson, Phillips, Schottky, Swing, Wagy, Westover, and Young—18.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Mixter, Nielsen, Olson,

Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, and Young—27.

NOES—Senators Bigger, Keough, Metzger, Seawell, and Tickle—5.

Title read and approved.

Senate Bill No. 57 ordered transmitted to the Assembly.

### **Re-reference of Senate Bill No. 63.**

Senator Seawell moved that Senate Bill No. 63 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

### **Introduction, First Reading and Reference of Bills.**

The following resolution was introduced:

**Senate Concurrent Resolution No. 27:** By Senator Mixer—Relative to approving certain amendments to the charter of the city of Porterville, a municipal corporation in the county of Tulare, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of April, 1937.

### **Consideration of Senate Concurrent Resolution No. 27.**

Senator Mixer asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 27, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 27—Relative to approving certain amendments to the charter of the city of Porterville, a municipal corporation in the county of Tulare, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 27 adopted by the following vote:

AYES—Senators Bigger, Catterton, Cunningham, Deard, Fletcher, Gordon, Hays, Hollister, Holahan, Keating, Keough, Law, McRide, McCreary, Metzger, Miller, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Swing, Tack, Waggy, Westover, and Young—29.

NOES—None.

Senate Concurrent Resolution No. 27 ordered transmitted to the Assembly.

### **Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 241, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read third time.

### **Recess.**

At twelve o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Resolution.**

The following resolution was offered:

By Senator Seawell:

WHEREAS, The snows of winter have departed from our majestic mountains, and

WHEREAS, The rivers and streams flow, bubble, gurgle merrily on their way toward the blue waters of the Pacific, and

WHEREAS, The leaves are blossoming upon the trees and bushes in our State Capitol Park, and

WHEREAS, The birds, bees, and other things clearly indicate the change of seasons, and

WHEREAS, One Senator, JOHN B. MCCORM, of Redding, has blossomed forth in the regal splendor of Spring and placed his other habiliments into moth balls; now, therefore, be it

*Resolved*, That the Senate of the State of California recognize that "SPRING HAS COME."

Resolution read, and on motion of Senator Garrison, ordered referred to Committee on Public Morals.

**Introduction, First Reading and Reference of Bills.**

The following resolution was introduced:

**Senate Concurrent Resolution No. 28:** By Senator McCormack—Relative to approving certain amendment to the charter of the city of Vallejo in the county of Solano, State of California, as voted for and ratified by the electors of the city at an election held therein on the sixth day of April, 1937.

**Consideration of Senate Concurrent Resolution No. 28.**

Senator McCormack asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 28, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 28—Relative to approving certain amendment to the charter of the city of Vallejo in the county of Solano, State of California, as voted for and ratified by the electors of the city at an election held therein on the sixth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator McCormack moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators—Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Knowland, Law, McCormack, Metzger, Rich, Slater, and Westover—18.

The Secretary announced the absentees.

Time, two o'clock and seventeen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Second Reading of Senate Bill No. 425—(Out of Order).

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16, 20, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 34a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52, 53.5, 55.5, 55.7, 59.5, 63a, 63b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, place "10" (insert "11").

##### Amendment No. 2.

On page 2, line 46, of the printed bill, as amended, after the meaning (after the word "wine"), insert the following: "as made".

##### Amendment No. 3.

On page 4, line 16, of the printed bill, as amended, strike out "another", and insert in lieu thereof the words "other licensee".

##### Amendment No. 4.

On page 4, line 18, of the printed bill, as amended, strike out the period, and add the following: "when such bonded warehouses are used for storage of alcoholic beverages for the account of another licensee."

##### Amendment No. 5.

On page 5 of the printed bill, as amended, strike out lines 25 to 28, inclusive.

##### Amendment No. 6.

On page 5, line 29, of the printed bill, as amended, strike out "or 1", and insert in lieu thereof "(z)".

##### Amendment No. 7.

On page 5, line 32, of the printed bill, as amended, insert the following:

"(Z1) "Licensee" means any person holding a license issued by the board."

##### Amendment No. 8.

On page 5, line 34, of the printed bill, as amended, insert the following:

"(Z2) "Salesman" means any individual who solicits or receives an order for alcoholic beverages from any licensee."

##### Amendment No. 9.

On page 8, line 18, of the printed bill, as amended, after the word "may", insert the word "also".

##### Amendment No. 10.

On page 8, line 19, of the printed bill, as amended, after the word "may", insert the word "also".

##### Amendment No. 11.

On page 8, line 21, of the printed bill, as amended, after the word "provided", insert the word "further".

##### Amendment No. 12.

On page 8, line 29, of the printed bill, as amended, insert the semicolon after the word "spirits".





**Amendment No. 25.**

On page 13 of the printed bill, as amended, after line 52, insert the following: "Sec. 13½. Section 11 of and act is hereby amended to read as follows:

Sec. 11. Upon receipt of an application for a license and the license fee the board shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license. The board must deny an application for a license if either the applicant or the premises for which a license is applied do not qualify for a license under this act.

If an application is denied, three-fourths of the license fee paid, or an amount equal to the license fee paid less ten dollars, whichever is greater, shall be credited on any taxes then due from the applicant under (this act, the Retail Sales Tax Act of 1933, as amended, or the Use Tax Act of 1935, as amended); the remaining portion of such amount shall be returned to the applicant and the balance of the license fee shall be deposited in the alcoholic beverage control fund hereinafter created."

**Amendment No. 26.**

On page 14 of the printed bill, as amended, strike out lines 5 and 6, and insert in lieu thereof the following: "Issued thereafter, such portion of the license fee as is not required in the quarter when issued shall be credited on any taxes then due from the applicant under this act, the Retail Sales Tax Act of 1933, as amended, or the Use Tax Act of 1935, as amended, and the balance shall be returned to the applicant."

**Amendment No. 27.**

On page 14, line 48, of the printed bill, as amended, following the word "license", insert "of any kind".

**Amendment No. 28.**

On page 14, line 49, of the printed bill, as amended, following the word "agents", strike out "manufacturers agents license", and insert in lieu thereof the following: "manufacturer's or a distilled spirits manufacturer's agent's license".

**Amendment No. 29.**

On page 14, line 51, of the printed bill, as amended, following the word "spirits", insert "within or".

**Amendment No. 30.**

On page 14, line 52, of the printed bill, as amended, following the word "license", insert "of any kind".

**Amendment No. 31.**

On page 15, line 1, of the printed bill, as amended, following the word "spirits", strike out "manufacturers", and insert in lieu thereof "manufacturer's or a distilled spirits manufacturer's".

**Amendment No. 32.**

On page 15, line 6, of the printed bill, as amended, following the word "located", insert "within or".

**Amendment No. 33.**

On page 15, line 8, of the printed bill, as amended, strike out "act", and insert in lieu thereof the word "section".

**Amendment No. 34.**

On page 15, line 14, of the printed bill, as amended, strike out the period, and insert a semicolon, and add the following:

"Provided further, that the provisions of this section shall not apply to any person who, at the time of the effective date of this act, owns or operates a business which for the five years immediately preceding said effective date has been engaged in bona fide jobbing and distributing of goods, wares and merchandise to retail dealers."

**Amendment No. 35.**

On page 15, line 24, of the printed bill, as amended, after "chief", strike out the comma.

**Amendment No. 36.**

On page 17 of the printed bill, as amended, strike out lines 1 to 15, both inclusive.

**Amendment No. 37.**

On page 17, line 48, of the printed bill, as amended, after the word "wines", strike out the words "and on sparkling hard cider."

**Amendment No. 38.**

On page 17 of the printed bill, as amended, strike out lines 50 and 51, and insert in lieu thereof the following: "try: (d) On champagne, sparkling wine, or sparkling hard cider, whether naturally or artificially carbonated."

**Amendment No. 39.**

On page 18, line 7, of the printed bill, as amended, strike out "tax", and insert in lieu thereof the following: "the excise tax mentioned in section 23 hereof".

**Amendment No. 40.**

On page 18, lines 18 and 19, of the printed bill, as amended, strike out the words "or importer".

**Amendment No. 41.**

On page 18 of the printed bill, as amended, strike out lines 33 to 43, inclusive, and insert in lieu thereof the following: "No excise tax mentioned in section 23 hereof shall be or is imposed by this act upon any wine or beer exported by a licensed manufacturer or importer from within this State or sold by a licensed manufacturer or importer for export from within this State, or upon any wine or beer specifically mentioned in any subdivision (1) to (7) of this section, and no excise tax mentioned in section 23 hereof shall be or is imposed by this act upon any transaction whereby any wine or beer is sold by a licensed manufacturer to another licensed manufacturer."

**Amendment No. 42.**

On page 19, line 2, of the printed bill, as amended, after the word "facts", strike out the period, and insert in lieu thereof the following: "; if such report has been accepted by the United States Government."

**Amendment No. 43.**

On page 19 of the printed bill, as amended, strike out lines 6 and 7, and insert in lieu thereof the following: "spirits sold in this State by rectifiers or wholesalers thereof, at the following rates:".

**Amendment No. 44.**

On page 19, line 26, of the printed bill, as amended, following the word "any", strike out "distilled spirits manufacturer." and following the word "rectifier", strike out the comma.

**Amendment No. 45.**

On page 19, line 27, of the printed bill, as amended, strike out "importer or", and insert in lieu thereof the words "or distilled spirits".

**Amendment No. 46.**

On page 19, line 28, of the printed bill, as amended, strike out "manufacturer," and following the word "rectifier", strike out the comma and the word "importer".

**Amendment No. 47.**

On page 19, line 34, of the printed bill, as amended, following the word "State", insert the following: "or sold for export".

**Amendment No. 48.**

On page 19, line 40, of the printed bill, as amended, strike out "are", and insert in lieu thereof the following: "have been consumed as samples on the licensed premises; or (7) that such distilled spirits are".

**Amendment No. 49.**

On page 20, line 13, of the printed bill, as amended, after the word "facturer", insert the following: "distilled spirits manufacturer's agent".

**Amendment No. 50.**

On page 20 of the printed bill, as amended, strike out lines 22 and 23, and insert in lieu thereof the following: "any distilled spirits stored for the account of any licensee, other than a retail licensee, at the licensed public warehouse of the holder of a public warehouse license."

**Amendment No. 51.**

On page 20, line 26, of the printed bill, as amended, following the words "as a", strike out "manufacturer," and the comma following the word "rectifier".

**Amendment No. 52.**

On page 20, line 27, of the printed bill, as amended, strike out "and", and insert in lieu thereof the word "or".

**Amendment No. 53.**

On page 20, line 28, of the printed bill, as amended, following the word "of", strike out "two", and insert in lieu thereof the word "five".

**Amendment No. 54.**

On page 20, line 37, of the printed bill, as amended, following the word "each", strike out "manufacturer,".

**Amendment No. 55.**

On page 20, line 38, of the printed bill as amended, following the word "one", strike out "distilled spirits manufac-"; and in line 39, strike out "turer's,".

**Amendment No. 56.**

On page 20, line 39, of the printed bill, as amended, following the word "or", insert the words "distilled spirits".

**Amendment No. 57.**

On page 20, line 40, of the printed bill, as amended, following the word "off", strike out "two", and insert in lieu thereof the word "five".

**Amendment No. 58.**

On page 20, line 43, of the printed bill, as amended, strike out "distilled spirits manufacturer's," and following the word "or", insert the words "distilled spirits".

**Amendment No. 59.**

On page 20, line 44, of the printed bill, as amended, following the word "such", strike out "manufacturer,".

**Amendment No. 60.**

On page 20, line 50, of the printed bill, as amended, following the word "the", strike out "tenth", and insert in lieu thereof the word "twentieth".

**Amendment No. 61.**

On page 21, line 19, of the printed bill, as amended, after the word "the", strike out "twenty-second", and insert in lieu thereof the word "last".

**Amendment No. 62.**

On page 21, line 32, of the printed bill, as amended, after the word "the", strike out "tenth", and insert in lieu thereof the word "twentieth".

**Amendment No. 63.**

On page 21, line 50, of the printed bill, as amended, after the word "within", strike out "fifteen", and insert in lieu thereof the word "thirty".

**Amendment No. 64.**

On page 22, line 25, of the printed bill, as amended, following the word "any", strike out "distilled spirits manufacturer" and following the word "rectifier", strike out ", importer".

**Amendment No. 65.**

On page 22, line 28, of the printed bill, as amended, following the word "such", strike out "manufacturer," and following the word "rectifier" strike out ", importer".

**Amendment No. 66.**

On page 22, line 30, of the printed bill as amended, following the word "such", strike out "manufacturer," and following the word "rectifier" strike out ", importer".

**Amendment No. 67.**

On page 22, line 41, of the printed bill as amended, following the word "any", strike out "manufacturer," and following the word "wholesaler", strike out the comma, and insert the word "or", and following the word "rectifier", strike out ", or".

**Amendment No. 68.**

On page 22, line 42, of the printed bill, as amended, strike out "importer".

**Amendment No. 69.**

On page 23, line 14, of the printed bill as amended, following the word "the", strike out "manufacturer," and following the word "wholesaler", strike out the comma, and insert the word "or"; and following the word "rectifier", strike out "or importer".

**Amendment No. 70.**

On page 23, line 20, of the printed bill, as amended, following the word "the", strike out "manufacturer," and following the word "wholesaler" strike out the comma, and insert the word "or"; and following the word "rectifier", strike out "or importer".

**Amendment No. 71.**

On page 23, line 46, of the printed bill, as amended, strike out "been", and insert in lieu thereof "been".

**Amendment No. 72.**

On page 27, line 2, of the printed bill, as amended, strike out the period, and insert the following: ", but the correctness of such assessment or the fact as to whether or not such excise taxes are or are not due shall be reviewed and determined by the court in any such action."

**Amendment No. 73.**

On page 27, line 7, of the printed bill, as amended, strike out "urers," and following the word "rectifiers", strike out ", importers".

**Amendment No. 74.**

On page 27, line 6, of the printed bill, as amended, following the word "from", strike out "manufac,".



**Amendment No. 75.**

On page 27, line 9, of the printed bill, as amended, following the word "such", strike out "manufacturers," and following the word "rectifiers", strike out ", importers".

**Amendment No. 76.**

On page 27, line 12, of the printed bill, as amended, following the word "no", strike out "manufacturer,".

**Amendment No. 77.**

On page 27, line 27, of the printed bill, as amended, after "securing", strike out "and", and insert in lieu thereof a comma.

**Amendment No. 78.**

On page 27, line 32, of the printed bill, as amended, following the word "any", strike out "manufac-".

**Amendment No. 79.**

On page 27, line 33, of the printed bill, as amended, strike out "turer," and following the word "rectifier", strike out ", importer".

**Amendment No. 80.**

On page 27, line 37, of the printed bill, as amended, following the word "every", strike out "manufac-".

**Amendment No. 81.**

On page 27, line 38, of the printed bill, as amended, strike out "turer," and following the word "rectifier", strike out ", importer".

**Amendment No. 82.**

On page 27, line 45, of the printed bill, as amended, following the word "original", strike out "cases", and insert in lieu thereof the word "case".

**Amendment No. 83.**

On page 27, line 47, of the printed bill, as amended, following the word "the", strike out "manufacturer," and following the word "rectifier", strike out ", importer".

**Amendment No. 84.**

On page 28, line 13, of the printed bill, as amended, following the word "the", strike out "manufacturer,".

**Amendment No. 85.**

On page 28, line 16, of the printed bill, as amended, following the word "the", strike out "manufacturer,".

**Amendment No. 86.**

On page 29, line 18, of the printed bill, as amended, following the word "any", strike out "manufacturer," and following the word "rectifier" strike out the comma.

**Amendment No. 87.**

On page 29, line 19, of the printed bill, as amended, strike out "importer".

**Amendment No. 88.**

On page 29, line 27, of the printed bill, as amended, following the word "railroad", insert the words "or steamship".

**Amendment No. 89.**

On page 29, line 28, of the printed bill, as amended, strike out the period, and add the words "or boats."

**Amendment No. 90.**

On page 29, line 44, of the printed bill, as amended, strike out "rectifiers", and insert in lieu thereof the word "rectifier".

**Amendment No. 91.**

On page 30, line 7, of the printed bill, as amended, following the word "is", strike out the remainder of line 7, and all of line 8, and insert in lieu thereof the following: "elsewhere permitted in this act."

**Amendment No. 92.**

On page 30, line 14, of the printed bill, as amended, strike out the period, and insert the following: "except as elsewhere permitted in this act."

**Amendment No. 93.**

On page 30, line 23, of the printed bill, as amended, strike out "sections 35 or 35a", and insert in lieu thereof the words "this act".

**Amendment No. 94.**

On page 30, line 29, of the printed bill, as amended, strike out "container", and insert in lieu thereof the word "package".

**Amendment No. 95.**

On page 30, line 38, of the printed bill, as amended, strike out "On sale", and insert in lieu thereof the words "Locally on sale".

**Amendment No. 96.**

On page 30, line 42, of the printed bill, as amended, after "destroy", insert "the".

**Amendment No. 97.**

On page 33, of the printed bill, as amended, between lines 3 and 4, insert the following:

"Any motor vehicle as the board shall determine, which is owned by the State and used by the board in enforcing the provisions of this act, shall be equipped with a siren and a red light visible from in front of such vehicle. Such siren and red light shall not be used except when such vehicle is operated in the immediate pursuit of an actual or suspected violator of this act."

**Amendment No. 98.**

On page 33 of the printed bill, as amended, strike out lines 11 to 36, inclusive, and insert in lieu thereof the following:

(Sec. 38e) "Each manufacturer, importer and wholesaler of beer shall forthwith file and thereafter maintain on file with the board in triplicate, and in such form as the board may provide, a written schedule of selling prices charged by such licensee for beer sold and distributed by such licensee within the State of California for delivery and use therein, provided, however, that such schedule of prices as filed may be changed or modified from time to time by the licensee filing the same, by filing with the board a new and complete schedule of such prices of any amendment, increase of changed or modified prices as the licensee may by resolution require. The first schedule of prices filed by a licensee shall be deemed to constitute a price list for all distribution schedule or amendments to a prior filed schedule shall not become effective until ten (10) days after the".

**Amendment No. 99.**

On page 33, line 41, of the printed bill, as amended, after the word "and", insert the words "or amendments".

**Amendment No. 100.**

On page 34, line 5, of the printed bill, as amended, after the word "manufacturer", add the following: "or violation of this section".

**Amendment No. 101.**

On page 34, line 7, of the printed bill, as amended, after the word "offense", insert the following: "or violation of this section".

**Amendment No. 102.**

On page 34, line 11, of the printed bill, as amended, after the word "price", insert the following: "or any rule or regulation of the board passed to carry out the provisions of this section".

**Amendment No. 103.**

On page 34 of the printed bill, as amended, after line 12 and before line 13, insert the following:

"The board may adopt such other rules and regulations as will foster and encourage the orderly wholesale marketing and wholesale distribution of beer, provided that no such action shall be taken by the board except after public hearing and ten (10) days notice to all licensed manufacturers of beer in California on the time and place of such hearing and of the character of the action intended to be taken by the board.

No manufacturer, importer or wholesaler mentioned in this section shall be prohibited the right of choice of customers, nor shall any such licensee be prohibited from dividing his customers into functional classes and establish different prices for the same article for such different functional classes, such different functional classes being based upon the manner in which such classes sell beer, as wholesaler or retailer."

**Amendment No. 104.**

On page 34 of the printed bill, as amended, strike out lines 46 to 52, inclusive, and insert in lieu thereof the following: "have committed, within a period of one year, at least three separate violations of the provisions of this section or of any rule or regulation adopted by the board pursuant thereto and such violations shall have been proven by all or any of the following methods, to wit: (1) a conviction for misdemeanor or (2) a judgment in a civil suit for injunction as herein provided or (3) by a finding of the board if hearing held in accordance with sections 40 to 48 inclusive herein, in which event the board may suspend or revoke the license of such licensee."

**Amendment No. 105.**

On page 35, line 40, of the printed bill, as amended, following the word "complaints", insert the following: "against any on-sale or off-sale licensee".

**Amendment No. 106.**

On page 37 of the printed bill, as amended, between lines 40 and 41, insert the following:

"SEC. 691. Section 46 of said act is hereby repealed. A new section to be numbered 46 is hereby added to said act to read as follows:

Sec. 46. The person affected by any ruling, order or decision of the board in the making of an arbitrary assessment of taxes or an additional assessment of taxes, or on any ruling, order or decision on a petition for a license, a protest, complaint or on any other matter, or on suspension or revocation of a license may, after exhausting the remedies such person may have with the board, and within thirty days after final action by the board, file an action in the superior court of California in and for the county of Sacramento. Said action shall be for a review of the ruling, order, decision or other official act of the board. Said court shall review all records on file with the board which pertain to said ruling, order, decision or other official act, and if furnished by the board, a transcript of evidence taken by the board, and said court shall take such additional relevant and competent evidence as said court may require or as may be submitted by the board or the person filing such petition for review and shall then render, according to the weight of evidence adduced before said court, judgment affirming, reversing or modifying the action of the board."

**Amendment No. 107.**

On page 38, line 30, of the printed bill, as amended, strike out "; provided, however, that alcoholic bev-", and insert in lieu thereof a period.

**Amendment No. 108.**

On page 38 of the printed bill, as amended, strike out lines 31 to 33, inclusive.

**Amendment No. 109.**

On page 38, line 34, of the printed bill, as amended, strike out "person being a licensed importer."

**Amendment No. 110.**

On page 38, line 45, of the printed bill, as amended, following the word "importer", insert the following: ", distilled spirits manufacturer or distilled spirits manufacturer's agent".

**Amendment No. 111.**

On page 38, line 47, of the printed bill, as amended, strike out "importer's".

**Amendment No. 112.**

On page 38, line 49, of the printed bill, as amended, following the word "importer", insert "distilled spirits manufacturer or distilled spirits manufacturer's agent".

**Amendment No. 113.**

On page 38, line 51, of the printed bill, as amended, strike out "importer's".

**Amendment No. 114.**

On page 43 of the printed bill, as amended, after line 23, and before line 24, add a new section 53.6 to read as follows:

"SEC. 864. A new section to be numbered 53.6 is hereby added to said act to read as follows:

Sec. 53.6. All beer in bottles or glass containers sold in this State shall be contained in bottles or glass containers of 11, 12, 16, 22, 24 and 32 ounce capacity and no manufacturer, importer or wholesaler of beer shall deliver to the premises of any on- or off-sale licensee and no on- or off-sale licensee shall sell or have in his possession or at the licensed premises beer in bottles or glass containers of any size other than those mentioned in this section. The word beer as used in this section shall not include ale, porter, brown or stout. Wine shall not be packaged or bottled in any flask containers of less than one-half gallon which are of the same or similar type used for the packaging or bottling of distilled spirits."

**Amendment No. 115.**

On page 43 of the printed bill, as amended, after line 23, and before line 24, insert the following:

"Every manufacturer of beer in California or elsewhere whose beer is sold within the State of California shall file with the board the brand name or names under which such manufacturer sells or labels his draught beer sold in California, and each such manufacturer shall be and is allowed three brand names which shall be or constitute his so-called main or principal brands of draught beer, and any other brand name or names under which such manufacturer sells or labels or packages his draught beer shall be known as secondary labels. Whenever a draught beer is sold by an "on-sale" licensee under such secondary brand name or label the tap-sign required by section 55 of this act to be displayed shall also contain the name and address of the manufacturer of the draught beer so sold by such "on-sale" licensee, which name and address must be displayed in the same manner and with the same effect and purpose as the brand name. No retailer shall dispense any draught beer upon which the proper tap-sign is not displayed or the manufacturer of which has not complied with the terms of this section."

**Amendment No. 116.**

On page 43, line 26, of the printed bill, as amended, after the word "manufacture," insert the following: "Manufacturer's agent."

**Amendment No. 117.**

On page 44, line 17, of the printed bill, as amended, following the word "vesselship", strike out the comma, and insert in lieu thereof the word "or" and strike out "or lien".

**Amendment No. 118.**

On page 44, line 25, of the printed bill, as amended, strike out "two years", and insert in lieu thereof "one year".

**Amendment No. 119.**

On page 44, line 26, of the printed bill, as amended, following the word "vesselship", strike out the comma, and insert in lieu thereof the word "or", and strike out "or lien", and insert a comma following the word "upon".

**Amendment No. 120.**

On page 44, line 30, of the printed bill, as amended, strike out the comma following the word "ownership", and insert in lieu thereof the word "or", and strike out "or lien".

**Amendment No. 121.**

On page 44 of the printed bill, as amended, following line 51, add the following: "(1) Give secret rebates or make any secret concession to any licensee or the employees or agents of said licensee and to licensees which consist of knowingly except from another licensee secret rebates or secret concessions."

**Amendment No. 122.**

On page 45 of the printed bill, as amended, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"(1) Willfully or knowingly discriminate, in the same trading area, either directly or indirectly in the price of any brand of distilled spirits sold to different retail licensees purchasing under like terms and conditions."

**Amendment No. 123.**

On page 45 of the printed bill, as amended, between lines 4 and 5, insert the following:

"(k) Pay, credit, or compensate a retailer or retailer for advertising, display or distribution service in connection with the advertising and sale of distilled spirits".

**Amendment No. 124.**

On page 45, line 20, of the printed bill, as amended before No. 1, insert "Sec. 54.5."

**Amendment No. 125.**

On page 45 of the printed bill, as amended, between lines 25 and 26, insert the following:

"Sec. 57 1/2. A new section to be numbered 55.2 is hereby added to said act to read as follows:

Sec. 55.2. No advertisement of any distilled spirits shall contain a picture, drawing, photograph or other representation of any woman or of any child or of any youthful person and the use in any advertisement of distilled spirits of any subject matter, language or slogan addressed to and intended to encourage minors or immature persons to drink any such distilled spirits is hereby prohibited.

The use of any electric, neon, or illuminated sign, conspicuous or covert for the advertisement of any distilled spirits is hereby prohibited, except that such signs may be used in connection with licensed retail premises as provided in section 55 of this act."

**Amendment No. 126.**

On page 46 of the printed bill, as amended, strike out lines 30 and 31, and insert in lieu thereof the following: "during any one month have been paid in full by cash payment either by the fifteenth of the following month or not later than 30 days from the date of receipt of said alcoholic beverages by said licensee, provided, however, that any on-sale or off-sale licensee who on July 1, 1937, may be indebted to another licensee for the purchase of alcoholic beverages shall pay such indebtedness in full within three months from that date at the rate of not less than one third the amount of said indebtedness for each month."

**Amendment No. 127.**

On page 47, line 14, of the printed bill, as amended, strike out "such".

**Amendment No. 128.**

On page 47, line 20, of the printed bill, as amended, following the word "time", insert the following: "Nothing herein contained shall be construed to prohibit the



transportation or the carriage and delivery in transit at any time of beer or wine between the premises of a manufacturer, wholesaler, distiller, importer or any of them."

**Amendment No. 129.**

On page 47, lines 31 and 32, of the printed bill, as amended, strike out "at a place other than the premises of a licensee".

**Amendment No. 130.**

On page 47, line 35, of the printed bill, as amended, after "premises", insert a comma and the following: "except as permitted by subdivision (a) of this section,".

**Amendment No. 131.**

On page 47, line 44, of the printed bill, as amended, strike out "of a misdemeanor"

**Amendment No. 132.**

On page 47, line 45, of the printed bill, as amended, following the word "another", insert the words "penalty or".

**Amendment No. 133.**

On page 47, line 19, of the printed bill, as amended, strike out "alcoholic beverages", and insert in lieu thereof "beer and wine".

**Amendment No. 134.**

On page 47, line 46, of the printed bill, as amended, following the words "shall be", insert the following: "guilty of a misdemeanor and shall be".

**Amendment No. 135.**

On page 50, line 4, of the printed bill, as amended, after "however," insert the following: "that the provisions of the Alcoholic Beverage Control Act as they existed on January 1, 1937, are hereby continued in force until July 1, 1937, and".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 3—Relative to hours of employment of persons on interstate carriers;

Assembly Joint Resolution No. 39—Relative to memorializing the Congress of the United States to enact certain legislation concerning aviation.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 3 ordered to enrollment.

Assembly Joint Resolution No. 39 read, and referred to Committee on Aviation and Aircraft.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Herewith is returned, pursuant to your request:

Senate Bill No. 637—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees;

Senate Bill No. 638—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 637 and 638 ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 63—An act to prescribe and fix the maximum legal rate of interest and other compensation on loans and forbearances of any money, goods or things in action, or on accounts after demand or judgment, and to provide penalties for the violation hereof;

Assembly Bill No. 78—An act to amend section 479 of the Agricultural Code, relating to market milk;

Assembly Bill No. 343—An act, to be known as the Usury Law, relating to the rate of interest and other compensation which may be charged for the loan or forbearance of money, goods or things in action, or on accounts after demand, or on judgments, and providing penalties for the violation of the provisions hereof;

Assembly Bill No. 1139—An act to amend section 103 of the Optometry Law, relating to the unlawful practice of optometry.

**JAMES G. SMYTH, Chief Clerk of Assembly.**  
By **H. ARTHUR DANIELS, Assistant Clerk.**

Assembly Bill No. 63 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 78 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 343 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1139 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1624—An act to amend sections 3 122 and 3 174 of the School Code and to repeal section 3 172 thereof, relating to admission of persons into the public schools;

Assembly Bill No. 1647—An act to amend section 1353 of an act entitled "An act to define and regulate the business of brokering," approved March 3, 1906, as amended;

Assembly Bill No. 1794—An act to add Chapter 8, comprising sections 1830 to 1830.42, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing fire and hail bonds in criminal actions, and providing penalties for the violation thereof;

Assembly Bill No. 1936—An act to transfer the duties, powers, functions, responsibilities, unexpended moneys, and jurisdiction of the Relief Commission and Relief Administrator to the Department of Social Welfare and detaching the officers thereof to take effect immediately.

Assembly Bill No. 2232—An act to amend section 1 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, on whose admission fee is charged, and hunting such boxing contests to twofold purposes: (1) to create a State Athletic Commission empowered to license such contests and the participants therein, to prescribe conditions under which licenses shall be issued and contests held, to the effect that amateur boxing contests conducted under section 442 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to the State Athletic Commission.

**JAMES G. SMYTH, Chief Clerk of Assembly.**  
By **H. ARTHUR DANIELS, Assistant Clerk.**

Assembly Bill No. 1624 read first time, and referred to Committee on Education.

Assembly Bill No. 1647 read first time, and referred to Committee on Banking.

Assembly Bill No. 1794 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1936 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2232 read first time, and referred to Committee on Military Affairs.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2673—An act to amend section 16 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1920, relating to exemptions from the provisions of the act;

Assembly Bill No. 2730—An act to amend section 104 of the Bank Act, relating to participation certificates;

Assembly Bill No. 2826—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately;

Assembly Bill No. 2840—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately;

Assembly Bill No. 1339—An act to amend section 26½ of the "Retail Sales Tax Act of 1933," relating to the preference of claims for personal services over claims for sales tax.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2673 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2730 read first time, and referred to Committee on Banking.

Assembly Bill No. 2826 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2840 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1339 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 799—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code, to be known as Part V, containing sections 5.1100, 5.1101, 5.1102, 5.1103, 5.1104, 5.1105, 5.1106, 5.1107, 5.1108, 5.1109, 5.1110, and 5.1111, all relating to the retirement by school districts of employees, and declaring the urgency hereof, declaring the urgency thereof, and providing that this act shall take effect immediately; And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 799 ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 1860—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 2, 5, 6, 7, 8, all relating to the composition, powers, government, and management of metropolitan water districts;

Assembly Bill No. 576—An act to amend sections 304 and 307 of the Vehicle Code, relating to operator's and chauffeur's licenses.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCormack.

The names of the absentees were called, and Senate Concurrent Resolution No. 28 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law,

McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—23.  
 NOES—None.

Senate Concurrent Resolution No. 28 ordered transmitted to the Assembly.

### Motion to Rescind.

Senator Jespersen moved to rescind the action of the Senate in passing Senate Bill No. 637.

The question being on the adoption of the motion to rescind.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Allen, Bigger, Christensen, Christensen, DeLong, DeLong, Garrison, Gordon, Hays, Hollister, Hollister, Kestling, Kestling, Kestling, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, and Young—31.  
 NOES—None.

Senate Bill No. 637 ordered placed on the unfinished business file.

### Motion to Rescind.

Senator Jespersen moved to rescind the action of the Senate in passing Senate Bill No. 638.

The question being on the motion to rescind.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Allen, Bigger, Christensen, Christensen, DeLong, DeLong, Garrison, Gordon, Hays, Hollister, Hollister, Kestling, Kestling, Kestling, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, and Young—31.  
 NOES—None.

Senate Bill No. 638 ordered placed on the unfinished business file.

### Consideration of Senate Bill No. 799.

Senate Bill No. 799—An act to repeal an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act," approved June 19, 1929, and to add a new part to Division V of the School Code, to be known as Part V, containing sections 5.1100, 5.1101, 5.1102, 5.1103, 5.1104, 5.1105, 5.1106, 5.1107, 5.1108, 5.1109, 5.1110, and 5.1111, all relating to the retirement by school districts of employees, and declaring the urgency hereof.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 799.

#### Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, strike out the period following the word "thereof", and insert in lieu thereof the following: ", declaring the urgency thereof, and providing that this act shall take effect immediately."

#### Amendment No. 2.

On page 4, line 3, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifteen".

#### Amendment No. 3.

On page 4, line 25, of the printed bill, strike out the word "requirements", and insert in lieu thereof the word "provisions".

#### Amendment No. 4.

On page 4, line 25, of the printed bill, after the word "section", insert the following: "requiring such plan to be in accordance with sound business practices and recognized actuarial methods".



**Amendment No. 5.**

On page 4, lines 38 and 39, of the printed bill, strike out the following: "including all years so served prior to July 1, 1937,".

**Amendment No. 6.**

On page 4, line 50, of the printed bill, strike out the following: "to interrupt the years of continuous"; and insert in lieu thereof the following: "as a break in the continuity of".

**Amendment No. 7.**

On page 5, line 1, of the printed bill, after the word "hereof", insert the following: "; but such period of leave shall not be counted as time served towards retirement unless such period is so counted under the State Teachers Retirement Law".

**Amendment No. 8.**

On page 5, line 20, of the printed bill, strike out the word "All", and insert in lieu thereof the following: "When any district shall establish such a district retirement plan there shall be created in the treasury of the county in which such district is located, and opened upon the books of the auditor and treasurer of such county, a trust fund account to be known and designated as the "District retirement fund" and all moneys, whether from contributions by teachers or other employees, or by the district, or from any source, properly belonging to said district retirement fund, shall be placed therein. Upon approval of the district retirement board, herein provided for, all".

**Amendment No. 9.**

On page 5, lines 22 and 23, of the printed bill, strike out the following: "at the same time".

**Amendment No. 10.**

On page 5, line 24, of the printed bill, strike out the following: "; but the members of the said"; and insert in lieu thereof the following: ". Members of".

**Amendment No. 11.**

On page 5, line 37, of the printed bill, after the word "proportion", insert the following: ", as nearly as may be practicable,".

**Amendment No. 12.**

On page 5, line 40, of the printed bill, after the period, insert the following: "The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board."

**Amendment No. 13.**

On page 5, line 42, of the printed bill, after the period, insert the following: "Such district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district."

**Amendment No. 14.**

On page 5 of the printed bill, strike out lines 43 to 52, inclusive, and on page 6, strike out lines 1 and 2, and insert in lieu thereof the following:

"5.1109. Such district retirement board shall have charge and control of the district retirement fund of the district and of the payment of all retirement salaries and annuities payable therefrom. Said district retirement board shall have power, and it shall be its duty, to invest such funds in securities which are legal for the investment of funds of savings banks in this State and to sell such securities and reinvest the proceeds in securities legal for investment of funds of savings banks when in the judgment of such district retirement board such sale and reinvestment is advisable; provided, that no investment in or sale of securities shall be made except upon authorization of said district retirement board at a meeting thereof.

Said board also shall have power, and it shall be its duty, to collect the income from such securities and pay the same into said district retirement fund, and may sue in its own name when necessary to carry out the powers and duties hereby conferred upon it. The attorney for the governing board of the district shall act as attorney for said district retirement board without additional compensation.

All securities purchased by the district retirement board shall be deposited with the county treasurer for safe keeping.

All payments from the district retirement fund shall be made in the same manner as payments from school district funds but shall be subject to approval of the district retirement board and warrants drawn on such fund shall be signed by at least one member of the district retirement board who shall be designated by such board.

The duties herein imposed upon the county treasurer shall be deemed a part of his official duties, for the faithful performance of which he shall be liable upon his official bond.

It shall be the duty of the county auditor to audit the accounts of the district retirement board at least once every 12 months and report upon the financial condition thereof to the governing board of the district."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 799?

The roll was called, and Assembly amendments to Senate Bill No. 799 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dovel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer, Nichols, Quinn, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Toole, Wiley, and Young—54.

NOES—None.

Senate Bill No. 799 ordered to enrollment.

### Resolution.

The following resolution was offered:

By Senator Rich:

WHEREAS, The State Printer has, in carrying out the provisions of subsection 9 of section 526 of the Political Code, duly authorized a Legislative Job Bill, and made certain expenditures to install new type and composition machines, some of which he is

Resolved by the Senate, That expenditures for plant and equipment amounting to \$6,549.50 be approved by the Senate as being proper charges on the one-half share in expense incurred for the Senate during the biennium term of the Legislature, and that the same shall be deducted from the sum of \$6,601.80, which was reported in an account entered in the Senate Daily Journal on March 30, 1937, through the State Printer for amounts transmitted by the Secretary of Documents.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dovel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McBride, McCall, McCormack, Metzger, Mixer, Nichols, Quinn, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Sawall, Slater, Swing, Toole, Wiley, Westover, and Young—37.

NOES—None.

### Withdrawal and Re-reference of Assembly Bill No. 1268.

Senator Crittenden moved that Assembly Bill No. 1268 be withdrawn from Committee on Agriculture, and referred to Committee on County Government.

Motion carried, and such was the order.

### Leave of Absence.

Senator Williams was, on motion of Senator Hays, granted leave of absence for the balance of this legislative day.

### Consideration of Special Order—(Resumed).

Senate Bill No. 241—An act creating a Labor Relations Commission, for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Holohan, Jepsen, Keough, Knowland, McCall, Metzger, Mixer,

Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

NOES—Senators Deuel, Hays, Keating, Law, McBride, McCormack, Olson, Rich, and Tickle—9.

Title read and approved.

Senate Bill No. 241 ordered transmitted to the Assembly.

### **Third Reading of Senate Bills—(Resumed).**

**Senator Hays in the Chair.**

At four o'clock and five minutes p.m., Senator Hays of the thirtieth district was called to the chair.

Senate Bill No. 680—An act relating to the liability of common carriers by railroad for injury or death sustained by their employees by reason of a violation of any statute or commission order, State or Federal, enacted for the safety of railroad employees, and in such actions abolishing the defenses of the fellow servant doctrine, assumption of risk and contributory negligence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 refused passage by the following vote:

AYES—Senators Allen, DeLap, Garrison, Jespersen, Keating, Nielsen, Olson, Powers, Quinn, and Seawell—10.

NOES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—26.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 953, the following amendment, offered by Senator Powers, was read and adopted:

#### **Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "include", insert "any person having a fixed and established place of business who makes no specific charge or receives no differential in price for the delivery of his property but absorbs the cost of such transportation in the general overhead expenses of his business nor".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### **Notice of Motion to Reconsider.**

Senator Biggar gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 680 was refused passage.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this adopted:

Senate Concurrent Resolution No. 27—Relative to approving certain amendments to the charter of the city of Eureka, a municipal corporation in the county of Tulare, State of California, voted for and ratified by the qualified voters of said city at the regular municipal election held therein on 1st and 2nd days of April, 1937.

Senate Concurrent Resolution No. 28—Relative to approving certain amendments to the charter of the city of Vallejo in the county of Solano, State of California, as voted for and ratified by the electors of the city at an election held therein on the sixth day of April, 1937.

JAMES G. SMYTH, *Clerk of the Assembly.*

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution Nos. 27 and 28 ordered to enrollment.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

#### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 2 of Article IV of the Constitution, relating to the introduction of legislative bills;

Has had the same under consideration and respectfully reports the same back with its recommendation.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council;

Has had the same under consideration and respectfully reports the same back and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1c to Article XIII thereof, relating to the San Francisco Bay Expedition;

Has had the same under consideration and respectfully reports the same back and recommends that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

#### On Elections.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 525—An act to amend section 1197a of the Political Code, relating to initiative measures;

Senate Bill No. 526—An act to amend section 1197a of the Political Code, relating to initiative measures;

Senate Bill No. 650—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.



## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 541—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election;

Assembly Bill No. 810—An act to amend section 1142 of the Political Code, relating to elections;

Assembly Bill No. 1194—An act to amend section 1097 of the Political Code, relating to registration of electors;

Assembly Bill No. 444—An act to amend the Political Code of the State of California by amending section 1142 thereof; by adding a new section to be designated section 1142b to provide for the publication of the designated polling places in a newspaper of general circulation or in one or more newspapers of general circulation at various places in the county, and by amending section 4058 to provide for publication of the notice of election in the same manner;

Assembly Bill No. 669—An act to amend section 22 of the Direct Primary Law, relating to the canvass of the returns of primary elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 989—An act to add section 22a to the Direct Primary Law, relating to the recounting of ballots;

Assembly Bill No. 991—An act to amend the Political Code of the State of California by amending section 1281a and by adding thereto a new section to be designated 1281b, to authorize the board of supervisors, canvassing board or election commission to recount the voted ballots in precincts where the precinct returns show a total of votes cast for all candidates for an office, or a total of votes cast for and against any proposition, in excess of the number of votes cast in the precinct, and providing that the board or commission may in its discretion appoint a special recounting board for this purpose;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

## On Public Utilities.

## SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act;

Senate Bill No. 1116—An act to add sections 51.7 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

PARKMAN, Chairman.

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 664—An act to establish an expert commission on intergovernmental cooperation;

Senate Bill No. 863—An act providing for the uniform management, and jurisdiction over certain lands owned by the State of California and situated in the county of Humboldt;

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—7; committee vote, Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 253—An act to add sections 111, 112, 113, 157, and 158 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction;

Senate Bill No. 254—An act to amend sections 177, 177 1/2, and 177 2/3 of the Penal Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote, Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, all interests in purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State;

Assembly Bill No. 2398—An act authorizing the State of California, cities, counties, cities and counties and other political subdivisions to sell any interests dispose of real property reported on 1933 tax and to exempt themselves from subsequent taxes and other levies upon any sale by any other political subdivisions and providing for the division of receipts from such sales;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—7; committee vote, Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 39, 41, 43, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to amend section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 65, 67, 87, 111, 161, 201, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 242, 243, 244, 245, 247, 260, 260 1/2, 271, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 31h, 31i, 31j, 31k, 31l, 31m, 31n, 31o, 31p, 31q, 31r, 31s, 31t, 31u, 31v, 31w, 31x, 31y, 31z, 32a, 32b, 32c, 32d, 32e, 32f, 32g, 32h, 32i, 32j, 32k, 32l, 32m, 32n, 32o, 32p, 32q, 32r, 32s, 32t, 32u, 32v, 32w, 32x, 32y, 32z, 33a, 33b, 33c, 33d, 33e, 33f, 33g, 33h, 33i, 33j, 33k, 33l, 33m, 33n, 33o, 33p, 33q, 33r, 33s, 33t, 33u, 33v, 33w, 33x, 33y, 33z, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i, 34j, 34k, 34l, 34m, 34n, 34o, 34p, 34q, 34r, 34s, 34t, 34u, 34v, 34w, 34x, 34y, 34z, 35a, 35b, 35c, 35d, 35e, 35f, 35g, 35h, 35i, 35j, 35k, 35l, 35m, 35n, 35o, 35p, 35q, 35r, 35s, 35t, 35u, 35v, 35w, 35x, 35y, 35z, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, 36k, 36l, 36m, 36n, 36o, 36p, 36q, 36r, 36s, 36t, 36u, 36v, 36w, 36x, 36y, 36z, 37a, 37b, 37c, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37l, 37m, 37n, 37o, 37p, 37q, 37r, 37s, 37t, 37u, 37v, 37w, 37x, 37y, 37z, 38a, 38b, 38c, 38d, 38e, 38f, 38g, 38h, 38i, 38j, 38k, 38l, 38m, 38n, 38o, 38p, 38q, 38r, 38s, 38t, 38u, 38v, 38w, 38x, 38y, 38z, 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i, 39j, 39k, 39l, 39m, 39n, 39o, 39p, 39q, 39r, 39s, 39t, 39u, 39v, 39w, 39x, 39y, 39z, 40a, 40b, 40c, 40d, 40e, 40f, 40g, 40h, 40i, 40j, 40k, 40l, 40m, 40n, 40o, 40p, 40q, 40r, 40s, 40t, 40u, 40v, 40w, 40x, 40y, 40z, 41a, 41b, 41c, 41d, 41e, 41f, 41g, 41h, 41i, 41j, 41k, 41l, 41m, 41n, 41o, 41p, 41q, 41r, 41s, 41t, 41u, 41v, 41w, 41x, 41y, 41z, 42a, 42b, 42c, 42d, 42e, 42f, 42g, 42h, 42i, 42j, 42k, 42l, 42m, 42n, 42o, 42p, 42q, 42r, 42s, 42t, 42u, 42v, 42w, 42x, 42y, 42z, 43a, 43b, 43c, 43d, 43e, 43f, 43g, 43h, 43i, 43j, 43k, 43l, 43m, 43n, 43o, 43p, 43q, 43r, 43s, 43t, 43u, 43v, 43w, 43x, 43y, 43z, 44a, 44b, 44c, 44d, 44e, 44f, 44g, 44h, 44i, 44j, 44k, 44l, 44m, 44n, 44o, 44p, 44q, 44r, 44s, 44t, 44u, 44v, 44w, 44x, 44y, 44z, 45a, 45b, 45c, 45d, 45e, 45f, 45g, 45h, 45i, 45j, 45k, 45l, 45m, 45n, 45o, 45p, 45q, 45r, 45s, 45t, 45u, 45v, 45w, 45x, 45y, 45z, 46a, 46b, 46c, 46d, 46e, 46f, 46g, 46h, 46i, 46j, 46k, 46l, 46m, 46n, 46o, 46p, 46q, 46r, 46s, 46t, 46u, 46v, 46w, 46x, 46y, 46z, 47a, 47b, 47c, 47d, 47e, 47f, 47g, 47h, 47i, 47j, 47k, 47l, 47m, 47n, 47o, 47p, 47q, 47r, 47s, 47t, 47u, 47v, 47w, 47x, 47y, 47z, 48a, 48b, 48c, 48d, 48e, 48f, 48g, 48h, 48i, 48j, 48k, 48l, 48m, 48n, 48o, 48p, 48q, 48r, 48s, 48t, 48u, 48v, 48w, 48x, 48y, 48z, 49a, 49b, 49c, 49d, 49e, 49f, 49g, 49h, 49i, 49j, 49k, 49l, 49m, 49n, 49o, 49p, 49q, 49r, 49s, 49t, 49u, 49v, 49w, 49x, 49y, 49z, 50a, 50b, 50c, 50d, 50e, 50f, 50g, 50h, 50i, 50j, 50k, 50l, 50m, 50n, 50o, 50p, 50q, 50r, 50s, 50t, 50u, 50v, 50w, 50x, 50y, 50z, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 51h, 51i, 51j, 51k, 51l, 51m, 51n, 51o, 51p, 51q, 51r, 51s, 51t, 51u, 51v, 51w, 51x, 51y, 51z, 52a, 52b, 52c, 52d, 52e, 52f, 52g, 52h, 52i, 52j, 52k, 52l, 52m, 52n, 52o, 52p, 52q, 52r, 52s, 52t, 52u, 52v, 52w, 52x, 52y, 52z, 53a, 53b, 53c, 53d, 53e, 53f, 53g, 53h, 53i, 53j, 53k, 53l, 53m, 53n, 53o, 53p, 53q, 53r, 53s, 53t, 53u, 53v, 53w, 53x, 53y, 53z, 54a, 54b, 54c, 54d, 54e, 54f, 54g, 54h, 54i, 54j, 54k, 54l, 54m, 54n, 54o, 54p, 54q, 54r, 54s, 54t, 54u, 54v, 54w, 54x, 54y, 54z, 55a, 55b, 55c, 55d, 55e, 55f, 55g, 55h, 55i, 55j, 55k, 55l, 55m, 55n, 55o, 55p, 55q, 55r, 55s, 55t, 55u, 55v, 55w, 55x, 55y, 55z, 56a, 56b, 56c, 56d, 56e, 56f, 56g, 56h, 56i, 56j, 56k, 56l, 56m, 56n, 56o, 56p, 56q, 56r, 56s, 56t, 56u, 56v, 56w, 56x, 56y, 56z, 57a, 57b, 57c, 57d, 57e, 57f, 57g, 57h, 57i, 57j, 57k, 57l, 57m, 57n, 57o, 57p, 57q, 57r, 57s, 57t, 57u, 57v, 57w, 57x, 57y, 57z, 58a, 58b, 58c, 58d, 58e, 58f, 58g, 58h, 58i, 58j, 58k, 58l, 58m, 58n, 58o, 58p, 58q, 58r, 58s, 58t, 58u, 58v, 58w, 58x, 58y, 58z, 59a, 59b, 59c, 59d, 59e, 59f, 59g, 59h, 59i, 59j, 59k, 59l, 59m, 59n, 59o, 59p, 59q, 59r, 59s, 59t, 59u, 59v, 59w, 59x, 59y, 59z, 60a, 60b, 60c, 60d, 60e, 60f, 60g, 60h, 60i, 60j, 60k, 60l, 60m, 60n, 60o, 60p, 60q, 60r, 60s, 60t, 60u, 60v, 60w, 60x, 60y, 60z, 61a, 61b, 61c, 61d, 61e, 61f, 61g, 61h, 61i, 61j, 61k, 61l, 61m, 61n, 61o, 61p, 61q, 61r, 61s, 61t, 61u, 61v, 61w, 61x, 61y, 61z, 62a, 62b, 62c, 62d, 62e, 62f, 62g, 62h, 62i, 62j, 62k, 62l, 62m, 62n, 62o, 62p, 62q, 62r, 62s, 62t, 62u, 62v, 62w, 62x, 62y, 62z, 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 63x, 63y, 63z, 64a, 64b, 64c, 64d, 64e, 64f, 64g, 64h, 64i, 64j, 64k, 64l, 64m, 64n, 64o, 64p, 64q, 64r, 64s, 64t, 64u, 64v, 64w, 64x, 64y, 64z, 65a, 65b, 65c, 65d, 65e, 65f, 65g, 65h, 65i, 65j, 65k, 65l, 65m, 65n, 65o, 65p, 65q, 65r, 65s, 65t, 65u, 65v, 65w, 65x, 65y, 65z, 66a, 66b, 66c, 66d, 66e, 66f, 66g, 66h, 66i, 66j, 66k, 66l, 66m, 66n, 66o, 66p, 66q, 66r, 66s, 66t, 66u, 66v, 66w, 66x, 66y, 66z, 67a, 67b, 67c, 67d, 67e, 67f, 67g, 67h, 67i, 67j, 67k, 67l, 67m, 67n, 67o, 67p, 67q, 67r, 67s, 67t, 67u, 67v, 67w, 67x, 67y, 67z, 68a, 68b, 68c, 68d, 68e, 68f, 68g, 68h, 68i, 68j, 68k, 68l, 68m, 68n, 68o, 68p, 68q, 68r, 68s, 68t, 68u, 68v, 68w, 68x, 68y, 68z, 69a, 69b, 69c, 69d, 69e, 69f, 69g, 69h, 69i, 69j, 69k, 69l, 69m, 69n, 69o, 69p, 69q, 69r, 69s, 69t, 69u, 69v, 69w, 69x, 69y, 69z, 70a, 70b, 70c, 70d, 70e, 70f, 70g, 70h, 70i, 70j, 70k, 70l, 70m, 70n, 70o, 70p, 70q, 70r, 70s, 70t, 70u, 70v, 70w, 70x, 70y, 70z, 71a, 71b, 71c, 71d, 71e, 71f, 71g, 71h, 71i, 71j, 71k, 71l, 71m, 71n, 71o, 71p, 71q, 71r, 71s, 71t, 71u, 71v, 71w, 71x, 71y, 71z, 72a, 72b, 72c, 72d, 72e, 72f, 72g, 72h, 72i, 72j, 72k, 72l, 72m, 72n, 72o, 72p, 72q, 72r, 72s, 72t, 72u, 72v, 72w, 72x, 72y, 72z, 73a, 73b, 73c, 73d, 73e, 73f, 73g, 73h, 73i, 73j, 73k, 73l, 73m, 73n, 73o, 73p, 73q, 73r, 73s, 73t, 73u, 73v, 73w, 73x, 73y, 73z, 74a, 74b, 74c, 74d, 74e, 74f, 74g, 74h, 74i, 74j, 74k, 74l, 74m, 74n, 74o, 74p, 74q, 74r, 74s, 74t, 74u, 74v, 74w, 74x, 74y, 74z, 75a, 75b, 75c, 75d, 75e, 75f, 75g, 75h, 75i, 75j, 75k, 75l, 75m, 75n, 75o, 75p, 75q, 75r, 75s, 75t, 75u, 75v, 75w, 75x, 75y, 75z, 76a, 76b, 76c, 76d, 76e, 76f, 76g, 76h, 76i, 76j, 76k, 76l, 76m, 76n, 76o, 76p, 76q, 76r, 76s, 76t, 76u, 76v, 76w, 76x, 76y, 76z, 77a, 77b, 77c, 77d, 77e, 77f, 77g, 77h, 77i, 77j, 77k, 77l, 77m, 77n, 77o, 77p, 77q, 77r, 77s, 77t, 77u, 77v, 77w, 77x, 77y, 77z, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, 78p, 78q, 78r, 78s, 78t, 78u, 78v, 78w, 78x, 78y, 78z, 79a, 79b, 79c, 79d, 79e, 79f, 79g, 79h, 79i, 79j, 79k, 79l, 79m, 79n, 79o, 79p, 79q, 79r, 79s, 79t, 79u, 79v, 79w, 79x, 79y, 79z, 80a, 80b, 80c, 80d, 80e, 80f, 80g, 80h, 80i, 80j, 80k, 80l, 80m, 80n, 80o, 80p, 80q, 80r, 80s, 80t, 80u, 80v, 80w, 80x, 80y, 80z, 81a, 81b, 81c, 81d, 81e, 81f, 81g, 81h, 81i, 81j, 81k, 81l, 81m, 81n, 81o, 81p, 81q, 81r, 81s, 81t, 81u, 81v, 81w, 81x, 81y, 81z, 82a, 82b, 82c, 82d, 82e, 82f, 82g, 82h, 82i, 82j, 82k, 82l, 82m, 82n, 82o, 82p, 82q, 82r, 82s, 82t, 82u, 82v, 82w, 82x, 82y, 82z, 83a, 83b, 83c, 83d, 83e, 83f, 83g, 83h, 83i, 83j, 83k, 83l, 83m, 83n, 83o, 83p, 83q, 83r, 83s, 83t, 83u, 83v, 83w, 83x, 83y, 83z, 84a, 84b, 84c, 84d, 84e, 84f, 84g, 84h, 84i, 84j, 84k, 84l, 84m, 84n, 84o, 84p, 84q, 84r, 84s, 84t, 84u, 84v, 84w, 84x, 84y, 84z, 85a, 85b, 85c, 85d, 85e, 85f, 85g, 85h, 85i, 85j, 85k, 85l, 85m, 85n, 85o, 85p, 85q, 85r, 85s, 85t, 85u, 85v, 85w, 85x, 85y, 85z, 86a, 86b, 86c, 86d, 86e, 86f, 86g, 86h, 86i, 86j, 86k, 86l, 86m, 86n, 86o, 86p, 86q, 86r, 86s, 86t, 86u, 86v, 86w, 86x, 86y, 86z, 87a, 87b, 87c, 87d, 87e, 87f, 87g, 87h, 87i, 87j, 87k, 87l, 87m, 87n, 87o, 87p, 87q, 87r, 87s, 87t, 87u, 87v, 87w, 87x, 87y, 87z, 88a, 88b, 88c, 88d, 88e, 88f, 88g, 88h, 88i, 88j, 88k, 88l, 88m, 88n, 88o, 88p, 88q, 88r, 88s, 88t, 88u, 88v, 88w, 88x, 88y, 88z, 89a, 89b, 89c, 89d, 89e, 89f, 89g, 89h, 89i, 89j, 89k, 89l, 89m, 89n, 89o, 89p, 89q, 89r, 89s, 89t, 89u, 89v, 89w, 89x, 89y, 89z, 90a, 90b, 90c, 90d, 90e, 90f, 90g, 90h, 90i, 90j, 90k, 90l, 90m, 90n, 90o, 90p, 90q, 90r, 90s, 90t, 90u, 90v, 90w, 90x, 90y, 90z, 91a, 91b, 91c, 91d, 91e, 91f, 91g, 91h, 91i, 91j, 91k, 91l, 91m, 91n, 91o, 91p, 91q, 91r, 91s, 91t, 91u, 91v, 91w, 91x, 91y, 91z, 92a, 92b, 92c, 92d, 92e, 92f, 92g, 92h, 92i, 92j, 92k, 92l, 92m, 92n, 92o, 92p, 92q, 92r, 92s, 92t, 92u, 92v, 92w, 92x, 92y, 92z, 93a, 93b, 93c, 93d, 93e, 93f, 93g, 93h, 93i, 93j, 93k, 93l, 93m, 93n, 93o, 93p, 93q, 93r, 93s, 93t, 93u, 93v, 93w, 93x, 93y, 93z, 94a, 94b, 94c, 94d, 94e, 94f, 94g, 94h, 94i, 94j, 94k, 94l, 94m, 94n, 94o, 94p, 94q, 94r, 94s, 94t, 94u, 94v, 94w, 94x, 94y, 94z, 95a, 95b, 95c, 95d, 95e, 95f, 95g, 95h, 95i, 95j, 95k, 95l, 95m, 95n, 95o, 95p, 95q, 95r, 95s, 95t, 95u, 95v, 95w, 95x, 95y, 95z, 96a, 96b, 96c, 96d, 96e, 96f, 96g, 96h, 96i, 96j, 96k, 96l, 96m, 96n, 96o, 96p, 96q, 96r, 96s, 96t, 96u, 96v, 96w, 96x, 96y, 96z, 97a, 97b, 97c, 97d, 97e, 97f, 97g, 97h, 97i, 97j, 97k, 97l, 97m, 97n, 97o, 97p, 97q, 97r, 97s, 97t, 97u, 97v, 97w, 97x, 97y, 97z, 98a, 98b, 98c, 98d, 98e, 98f, 98g, 98h, 98i, 98j, 98k, 98l, 98m, 98n, 98o, 98p, 98q, 98r, 98s, 98t, 98u, 98v, 98w, 98x, 98y, 98z, 99a, 99b, 99c, 99d, 99e, 99f, 99g, 99h, 99i, 99j, 99k, 99l, 99m, 99n, 99o, 99p, 99q, 99r, 99s, 99t, 99u, 99v, 99w, 99x, 99y, 99z, 100a, 100b, 100c, 100d, 100e, 100f, 100g, 100h, 100i, 100j, 100k, 100l, 100m, 100n, 100o, 100p, 100q, 100r, 100s, 100t, 100u, 100v, 100w, 100x, 100y, 100z.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—7; committee vote, Ayes—7.

SEAWELL, Chairman.

**On Agriculture.**

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 876—An act to amend section 137 of the Agricultural Code, relating to liens for county charges in the abatement of losses;

Senate Bill No. 430—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables;

Senate Bill No. 1101—An act to amend section 92 of the Agricultural Code, relating to agricultural districts;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2057—An act to amend sections 794, 828 and 829 of the Agricultural Code, relating to the standardization of containers for cherries;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1084—An act to amend section 1 of an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to sales of farm products;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 912—An act to add a new section, to be numbered 32c to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Senate Bill No. 438—An act to amend section 4 of an act entitled, "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to species illegally entered or kept;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 719—An act to add section 1324 to the Fish and Game Code, relating to muskrats;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1077—An act to add section 1300.4a to the Agricultural Code, relating to processors of farm products;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1277—An act to amend the title of an act entitled, "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and subject to be due to the negligence or omission of such officers, providing the duties of such officers in such cases, and authorizing the State and such cities or counties and public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931, and approved as amended June 19, 1931, relating to liability of, and damages against, school districts:

Assembly Bill No. 2658—An act to amend section 10 of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931," relating to limitations on assessments:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 1109—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation:

Assembly Bill No. 2518—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensating insurance:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2607—An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees, providing for the creation of a Retirement Board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for board contribution to said fund by officers and employees and the city, and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act.

Senate Bill No. 1070—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and improvement of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1835—An act to amend section 2 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such



annexed territory," approved June 11, 1913, relating to the annexation of territory to municipal corporations;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent 1.

McGOVERN, Chairman.

#### On Aviation and Aircraft.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Aviation and Aircraft, to which was referred:

Assembly Bill No. 672—An act to amend section 7 of the California Air Navigation Act, relating to rules and regulations and their enforcement;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

CUNNINGHAM, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 185—An act to amend section 953a of the Code of Civil Procedure, relating to appeals from any court of record;

Assembly Bill No. 469—An act to amend section 719 of the Code of Civil Procedure, relating to execution of judgments due from a judgment debtor to a judgment debtor;

Assembly Bill No. 1188—An act to amend section 2941a of the Civil Code to authorize making the State a party to certain actions relating to real estate;

Assembly Bill No. 2578—An act to amend sections 771, 772, 1530, 1531 and 1524 of the Probate Code, relating to sales of estate property;

Assembly Bill No. 2688—An act to amend section 1946 of the Civil Code, relating to notices of intention to terminate hiring of real property;

Assembly Bill No. 2689—An act to amend section 1862 of the Civil Code, relating to the sale of unimproved real property or other personal property in the possession of the keeper of any hotel, inn, boarding or lodging house, furnished apartment house or furnished bungalow court;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2690—An act to amend section 827 of the Civil Code, relating to notice of change in terms of leases;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1120—An act to amend section 2924 and section 2924a of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 916—An act amending section 1714 of the Civil Code, relating to negligence;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be referred to this committee.

Committee membership—9; committee vote—Ayes—8, absent—1.

HAYS, Chairman.

### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 14, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways to which was referred Senate Bill No. 1908—An act to add section 640 to the Streets and Highways Code relating to State highways.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be referred to this committee.

Committee membership—9; committee vote—Ayes—8, absent—1.

MCCORMACK, Chairman.

### Adjournment.

At four o'clock and fifty-eight minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until ten o'clock a.m., Friday, April 16, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE

SENATE CHAMBER.

SACRAMENTO, Friday, April 16, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Riggan, Crittenden, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Knudsen, Lamm, McBride, McColl, McCormack, Metzger, Meyer, Nelson, Olson, Peterson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Sving, Telle, Wagon, Wasserman, Williams, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, April 15, 1937, the further reading was, on motion of Senator Law, dispensed with.

### Leaves of Absence.

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

Senator Keating was, on motion of Senator Holohan, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Scott and Mrs. Fiches of the San Jose Parent-Teacher Association, and the following representatives of the Willow Glen Junior High School of San Jose: Robert Kennedy, Lawrence Hill, and Helen Shake.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James Hull of Stockton.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Buchanan, Mr. and Mrs. Bobs and Mrs. Codina, teachers and parents, and the following eighth grade grammar school students of Fair Oaks: Misses Wilma Johns, Betty Himmingsen, Shirley Castle, Jean Ries, Thelma Burgess, Natalia Hammett, Ruth Blunk, Beatrice Lopez, Norma Fetter, Alpha Beers, Myra Anderson, Frances Brown and Edith Osborne; Messrs. Robert Ward, Ben Scott, Tom Bivens, Lloyd Bobo, Emmette McGraph, David Williamson, Harry J. Johnson, Elmer Kanoff, Pedro Codina, Robert Davidson, Lynn Reark, Myrle Lenville, George Roediger, Glenn Cochran, Neal Andrews and Bert Kasjaka.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Anita Gamma and Emily Schwartz, teachers; Charles H. Kanen, principal of Bonita School, Crows Landing, and the following seventh and eighth grade students: Garth Kanen, Frank Peichoto, Ethel Soares, Alvira Faria, Arthur Flowers, Louie Carlos, Thomas Garrett, Walter Want, Tony Avila, Evelyn Bettencourt, Tony Peters, Eddie Faria, Helen Bettencourt, Ralph Gordon, Margaret Smith, Muriel Isom, Joe Ramos, Dorothy Peichoto, Billy Isom, Leland Gordon, Helen Bettencourt, Manuel Cardoza, Howard Hanshew, Alvan Mattos, Frank Silva, Lucille Enos, Virgil Bettencourt, Georgina Simas, Sadie Phillips, George Brazil, John Wallis, Lena Wallis, Manuel Pacheco, Anthony Bertao, Hazel Nunes, Alerd Caton, Alex Silveria, Glenn Neman, Robert Har- rity, Teresa Rocha, William Silva, Lucille Oliveria, Clarice Payton, Beatrice Durao, Georgina Melo, Manuel Cardoza, Jr., Elvina Cardoza, John Barcelles, Marvin Morganti, Raymond Caseri, and Alvan Rocha.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marjorie Beaver and Inspector **James A. Morrison**.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. C. Meekel, of Junction City, Trinity County.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jean Hansen, Miriam Schottky, Andrew Montgomery, and Orval Deotsch, members of the senior class of Merced Union High School, and Robert Hansen, and Kathleen Schottky, members of freshman class, Merced Union High School, and Mrs. C. C. Hansen, of Merced.

On request of Senators Olson and Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ann Gartan of Modesto.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jean Samish, Mrs. Arthur Samish and Miss Isabelle Beveridge.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Dean of Stockton.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, amended, and on this day passed as amended.

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the City of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands, declaring the urgency thereof; and providing that said act shall take effect immediately.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 636 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed.

Assembly Bill No. 387—An act to amend section 737½ of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Contra Costa.

Assembly Bill No. 628—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles;

Assembly Bill No. 1052—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainable amount of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officers, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and payment of the prevailing rate therefor.

Assembly Bill No. 1094—An act to amend section 487 of the Penal Code, relating to grand theft;

Assembly Bill No. 2825—An act to amend section 787a of the Political Code, relating to salaries of judges of the superior court in and for the county of Alameda.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 387 read first time, and referred to Committee on County Government.

Assembly Bill No. 628 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1052 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1094 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2825 read first time, and referred to Committee on County Government.



**Consideration of Daily File.  
Second Reading of Senate Bills.**

Senate Bill No. 525—An act to amend section 1197b of the Political Code, relating to initiative measures.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 526—An act to amend section 1197a of the Political Code, relating to initiative measures.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 650—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discrimination between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1116—An act to add sections 51.7 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 664—An act to establish an unpaid commission on intergovernmental cooperation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 863—An act providing for the control, management, and jurisdiction over certain lands owned by the State of California and situated in the county of Humboldt.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 876—An act to amend section 137 of the Agricultural Code, relating to liens for county charges in the abatement of pests.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 439—An act to amend sections 782, 784 1/2 and 810 of the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1101—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1109—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1130—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 253—An act to add sections 111, 112, 113, 157, and 158 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 253 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 3, of the printed bill, after the word "board", insert the following: "in division number two".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 254—An act to amend sections 377h, 377i, and 377j of the Political Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 254 was read and adopted:

**Amendment No. 1.**

On page 2, line 1, of the printed bill, after the word "Board", insert the following: "in division number two".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1070—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 1070 were read and adopted:

**Amendment No. 1.**

On page 1, line 19, of the printed bill, strike out "thereto," and insert in lieu thereof the following: "if said district does not possess facilities for supplying utility service to said territory."

**Amendment No. 2.**

On page 3, line 16, of the printed bill, strike out "sixty", and insert in lieu thereof the following: "ninety".

**Amendment No. 3.**

On page 2, line 1, of the printed bill, strike out "fifteen", and insert in lieu thereof the following: "twenty-five".

**Amendment No. 4.**

On page 2, line 4, of the printed bill, strike out "representing at least twenty-five".

**Amendment No. 5.**

On page 2, line 5, of the printed bill, strike out "percent of the territory proposed to be annexed".

**Amendment No. 6.**

On page 2, line 3, of the printed bill, after the word "annexed", insert a comma.

**Amendment No. 7.**

On page 4, line 32, of the printed bill, strike out the word "two", and insert in lieu thereof the following: "one".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1084—An act to amend section 1 of an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to sales of farm products.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 1084 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the words "section 1 of" and insert in lieu thereof the following: "sections 1 and 2 of, and to add sections 3 and 4 to,".

**Amendment No. 2.**

On page 1 of the printed bill, between the enacting clause and line 1 insert the following:

"SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out the word "grain"; and insert in lieu thereof the following: "blackeye beans, peas".

**Amendment No. 4.**

On page 1 of the printed bill, strike out all of lines 5 to 16, inclusive.

**Amendment No. 5.**

On page 1, line 17, of the printed bill, strike out the word "act", and insert in lieu thereof the following: "section".

**Amendment No. 6.**

On page 1 of the printed bill, following line 18, insert the following:

"SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. It is unlawful when purchasing grain in its original condition and in burlap bags to deduct a tare on account of the container. The tare must be paid at a like price for the grain and cannot be based upon the total weight of bag. The word "grain" includes wheat, barley, oats, rye, and grain mixtures.

Sec. 3. Section 3 is hereby added to said act to read as follows:

Sec. 3. The provisions of this act shall survive all of the provisions of Chapter 597, Statutes of 1913, and of any other act, as they may relate or apply to the sale of grain in burlap bags.

Sec. 4. Section 4 is hereby added to said act to read as follows:

Sec. 4. The violation of any of the provisions of this act is a misdemeanor."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 912—An act to add a new section to be numbered 32e to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighting of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 912 were read and adopted:

**Amendment No. 1.**

On page 2, line 4, of the printed bill, as amended, after "measure", insert the following: "except in cases of food products constituting a related line when packed



in uniform packages with quantities varying among the different items in the line and which are packed for the production of a uniform measure of finished food for ultimate consumption and the packages are so labeled or".

**Amendment No. 2.**

On page 2, line 8, of the printed bill, as amended, strike out "are", and insert in lieu thereof the following: "is".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 438—An act to amend sections 2 and 4 of an act entitled "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to permits and to species illegally entered or kept.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 46 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out "the species".

**Amendment No. 2.**

On page 2, line 13, of the printed bill, as amended, strike out "under a permit issued under the provisions of".

**Amendment No. 3.**

On page 2, line 14, of the printed bill, as amended, strike out "this act".

**Amendment No. 4.**

On page 2, line 21, of the printed bill, as amended, immediately preceding the first comma, insert the following: "or not accompanied by permit".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 719—An act to add section 1324 to the Fish and Game Code, relating to muskrats.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 719 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 100 and".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 100 is hereby added to the Fish and Game Code to read as follows:

100. District 100. The following shall constitute the fish and game district 100: All of the inland lakes lying within Tehama County and not having an outlet into any stream and all streams flowing into any such inland lakes.

SEC. 2. Section 1324 is hereby added to said code to read as follows:

1324. Nothing in this code prohibits the raising of muskrats in the waters in district 100. Muskrats so raised may be transported in a live state only under permit from the commission."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1008—An act to add section 640 to the Streets and Highways Code, relating to State highways.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 1008 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out all of line 2, and insert in lieu thereof "repealing section 612 of the Streets and Highways Code."

**Amendment No. 2.**

On page 1, line 3, of the printed bill, strike out the word "there" and the balance of said line 3, and all of lines 4 and 5, and insert in lieu thereof "Section 612 of the Streets and Highways Code is hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 916—An act amending section 1714 of the Civil Code, relating to negligence.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 916 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, strike out the word "negligence", and insert in lieu thereof "Failure to exercise ordinary care".

**Amendment No. 2.**

On page 1, line 8, of the printed bill, following the word "contributory", insert the word "negligence".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1077—An act to add section 13004a to the Agricultural Code, relating to processors of farm products.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Senate Bill No. 1077 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert in lieu thereof the following:

"13004a. Before any license is issued to any processor, the applicant shall execute and deliver to the director a surety bond in the sum of \$2,500 accepted by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be used as a fund guaranteed by the director, and shall be conditioned upon the payment in the manner provided by this chapter of all amounts due to producers for farm products brought or taken to processor, or of by such licensee or applicant from said producers during the license year. Said bond shall be to the State in favor of every producer of farm products. In case of failure by a processor to pay any producer for farm products in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such processor, together with the amounts due and owing to them and owed by them by such processor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Thereupon the director shall make demand upon the bond on behalf of said producer-creditors, and if said demand is refused, shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery from any action upon such bond, such processor shall file a new bond, and upon failure to file same within ten days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such processor. In the event the recovery upon the bond is not sufficient to pay all of the claims as finally determined, any such amount recovered shall be divided pro rata among the producer-creditors.

Requests by the director for filing of verified statements shall be addressed to every producer-creditor at his last known address. If a producer-creditor so

addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within 90 days from the date of such request, the director shall thereupon be relieved of further duty or action on behalf of said producer-creditor. The director, upon making demand upon the bond on behalf of those claimants whose statements have been filed, shall have the power to compromise and settle with the surety company on the bond, and is empowered to execute and deliver a release of the bond involved."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

### **Second Reading of Assembly Bills.**

Assembly Bill No. 541—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 810—An act to amend section 1142 of the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1194—An act to amend section 1097 of the Political Code, relating to registration of electors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 444—An act to amend the Political Code of the State of California by amending section 1142 thereof; by adding a new section to be designated section 1142b to provide for the publication of the designated polling places in a newspaper of general circulation or in one or more newspapers of general circulation at various places in the county, and by amending section 4058 to provide for publication of the notice of election in the same manner.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 669—An act to amend section 22 of the Direct Primary Law, relating to the canvass of the returns of primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 989—An act to add section 22a to the Direct Primary Law, relating to the recounting of ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 991—An act to amend the Political Code of the State of California by amending section 1281a and by adding thereto a new section to be designated 1281b, to authorize the board of supervisors, canvassing board or election commission to recount the voted ballots in precincts where the precinct returns show a total of votes cast for all candidates for an office, or a total of votes cast for and against any proposition, in excess of the number of votes cast in the precinct, and providing that the board or commission may in its discretion appoint a special recounting board for this purpose.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1277—An act to amend the title of an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the

defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out any pay for insurance to protect their officers against such liability," approved June 12, 1931, and approved as amended June 10, 1933, relating to liability of, and damages against, school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2958—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment on benefited property, and to provide that a majority and assessments of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2518—An act to amend section 16 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensation insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 632—An act to amend section 7 of the California Air Navigation Act, relating to rules and regulations and their enforcement.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 185—An act to amend section 954 of the Code of Civil Procedure, relating to appeals from any court of record.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 469—An act to amend section 710 of the Code of Civil Procedure, relating to execution on moneys due from a governmental agency to a judgment debtor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1188—An act to amend section 2231a of the Civil Code to authorize making the State a party to certain actions relating to real estate.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2598—An act to amend sections 771, 772, 1530, 1531 and 1534 of the Probate Code, relating to sales of estate property.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 2688—An act to amend section 1946 of the Civil Code, relating to notices of intention to terminate hiring of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2689—An act to amend section 1862 of the Civil Code, relating to the sale of unclaimed baggage or other personal property in the possession of the keeper of any hotel, inn, boarding or lodging house, furnished apartment house or furnished bungalow court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2690—An act to amend section 827 of the Civil Code, relating to notice of change in terms of leases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2607—An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contribution to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2607 were read and adopted:

##### **Amendment No. 1.**

On page 9 of the printed bill, as amended, strike out lines 19 to 26, inclusive.

##### **Amendment No. 2.**

On page 9, line 27, of the printed bill, as amended, strike out "S", and insert in lieu thereof the following: "7".

##### **Amendment No. 3.**

On page 9, line 37, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following "8".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1835—An act to amend section 2 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, relating to the annexation of territory to municipal corporations.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 1835 was read and adopted:

##### **Amendment No. 1.**

On page 2, line 43, of the printed bill, as amended, after the word "situated", insert a semicolon and the following: "provided, however, if the territory proposed to be annexed to a city is entirely surrounded by incorporated territory of such

city, then and in that event, a petition shall be sufficient if signed by not less than one-fourth of the number of the qualified electors residing within such territory proposed to be annexed".

Bill read second time, ordered to print, and on file for third reading

Assembly Bill No. 2057—An act to amend sections 794, 828, and 829 of the Agricultural Code, relating to the standardization of containers for cherries.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 2057 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "794" insert the following: "804, 823, 827".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, strike out "cherries", and insert in lieu thereof the following: "fruit".

**Amendment No. 3.**

On page 2 of the printed bill, between lines 14 and 15, insert the following:

"Sec. 2. Section 804 of the Agricultural Code is hereby amended to read as follows:

804. Fresh pears shall be mature and average free from rotting, moth injury, mold, decay, black end, insected cuts, and skin bruises, and free from serious damage, due to hail, scab or other diseases, mild and brown spots, frost, codlin moth larvae or other insects.

Damage to any one part is not serious when it is caused by:

(a) Scab, unless the spots cover an aggregate area of more than one-fourth of an inch in diameter;

(b) Hail damage, unless it affects an aggregate area of more than one-fourth of an inch in diameter or is more than one-fourth of an inch in depth;

(c) Codlin moth larvae, unless it causes noticeable damage or holes between superficial, well healed codlin moth stings, are not present;

(d) Thrip mark, blister mite or other superficial blemishes caused by insects, unless more than ten per cent of the surface of the fruit is affected or there occurs a depression of more than one-fourth of an inch in depth;

(e) Other diseases, limb rubs, frost, bruises, or hard end, unless such defects cause a waste of more than ten per cent, by weight, of the individual fruit.

Not more than ten per cent of the pears in any one container or bulk lot may be below these requirements, but not to exceed one-half the container shall be allowed for any one cause. Pears will fail to meet these requirements only because of serious damage caused by hail, scab or insecting or conforming with this standard, if the container in which they are packed or packed or packed or packed marked, on the outside of one end thereof, in letters not less than one-half inch in height, with the words "hail marked."

Packed pears in any container shall be uniform in size which means in the case of pears which are two and three-fourths inches in diameter or larger, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross-section, between the pears in any one container; and in the case of pears which are smaller than two and three-fourths inches in diameter, a variation of not more than three eighths of one inch when so measured.

Bartlett pears shall not be considered mature unless at the time of passing the average pressure test of not less than ten representative pears of the lot does not exceed twenty three pounds. However, pears which at the time of passing show a yellowish green color, as indicated by the color chart prepared by the department, shall be considered mature regardless of the pressure test. The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch, after the skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross-section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

All containers of pears shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the pears, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name

of the variety, if known, and when not known the words "unknown variety"; the size description when the pears are packed in the four basket crate or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four pears more or less than the number stated shall be allowed.

Pears, when packed, shall be in standard containers numbers 1A, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 26, 27 or 29A. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC. 3. Section 823 of the Agricultural Code is hereby amended to read as follows:

823. All wrapped apples shall be in one of the following containers: Standard wooden apple box, depth inside, ten and one-half inches; width inside, eleven and one-half inches; length inside, eighteen inches. Standard fibreboard apple box, depth inside, eleven and three-eighths inches; width inside, eleven and one-half inches; length inside, eighteen inches, with a tolerance of one-fourth inch in all dimensions. Half wooden apple box, depth inside, five and one fourth inches; width inside, eleven and one-half inches; length inside, eighteen inches. Half fibreboard apple box, depth inside, five and eleven-sixteenth inches; width inside, eleven and one-half inches; length inside, eighteen inches, with a tolerance of one-fourth inch in all dimensions. Packed or loose unwrapped apples may be in other size containers, and wrapped apples may be in containers smaller than the half apple box, if these are conspicuously marked, in letters not less than one-half inch in height, "irregular container." Such marking is not required on open containers of apples which are not packed.

SEC. 4. Section 827 of the Agricultural Code is hereby amended to read as follows:

827. As used with reference to apples in this chapter:

(a) "Hand packed" means apples which do not show evidence of having been on the ground.

(b) "Clean" means free from dust or dirt and free from visible spray residue.

(c) "Well packed" means packed in regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lifted, the top and bottom of the standard wooden box, when filled, having a bulge of not less than one half inch, and, where wrappers are used, all of the apples in the box being properly wrapped, with the exception of the bottom layer, which may be flagged.

(d) "Flagged" means incompletely covered by the use of wrappers which are not closed.

(e) "Uniform in size" means in boxes containing one hundred twenty-five apples, or less, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross section between the fruits in any one container; in boxes containing one hundred thirty-eight apples, or more, a variation of not more than three-eighths of one inch when so measured.

(f) "Cross section" means that section of the apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

(g) "Properly matured" means that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process. Apples of the varieties Alexander, Red Astrachan, White Astrachan, Benighheimer, White Winter Pearmain, Greening, and Fall Pippin need not be properly matured in order to meet the requirements of any grade except extra fancy. Apples of the Gravenstein variety, which are of a size that will not pass through a ring two and three-fourths inches in diameter, need not be properly matured to meet the requirements of C grade loose. Apples of the Gravenstein variety shall be properly matured to meet the requirements of the C grade loose when in the combination fancy and C grade loose grade.

(h) "Insect pests" include San Jose scale, codlin moth and other insects or the larvae, nymphs or pupae thereof, and any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial, well healed codlin moth stings."

#### Amendment No. 4.

On page 2, line 15, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the following: "Sec. 5".

#### Amendment No. 5.

On page 3 of the printed bill, between lines 38 and 39, insert the following sentence:

"29A Special lug box..... 6A 13A 20-5 8".



**Amendment No. 6.**

On page 5, line 5, of the printed bill, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 6"

**Amendment No. 7.**

On page 5, line 35, of the printed bill, strike out "26 or 27" and insert in lieu thereof the following: "26, 27 or 29A."

Bill read second time, ordered to print, and on file for third reading

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 2215 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, following "Sec. 2" strike out "that certain real property," and insert in lieu thereof the following: "those certain parcels of real property."

**Amendment No. 2.**

Add a new paragraph to section 1 of the printed bill, to read as follows:

"The south 20 feet of Lot 1, Block J K 23."

**Amendment No. 3.**

Strike out all of section 2 of the printed bill, and insert in lieu thereof the following:

"Sec. 2 Upon acquisition of the heretofore described real properties or either of them, the Department of Finance is authorized and empowered to make said real properties or either of them available to agencies of the State upon such terms and conditions as may be in the interest of the State. To the extent that the heretofore described real properties or either of them is loaned under contract to purchase, any and all moneys remaining after payment of interest, construction, repairs, alterations and other necessary expenditures, shall be paid or credited to the balance due upon the respective purchase price."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency

Assembly Bill No. 2398—An act authorizing the State of California, cities, counties, cities and counties and other political subdivisions to sell and otherwise dispose of real property acquired on tax sale and to cancel assessments for delinquent taxes and other levies upon any sale by any other political subdivision and providing for the division of receipts from such sales.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 2398 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following:

"An act to amend the title of, and to add sections 22, 23, 24, 25, and 4 to, an act entitled "An act authorizing any city, city and county, county, town, municipality or political subdivision to acquire certain liens on property offered for sale for the nonpayment of certain assessments," approved June 4, 1915, relating to authorizing cities, counties,"

**Amendment No. 2.**

On page 1 of the title of the printed bill, strike out lines 4, 5, 6 and 7, and insert in lieu thereof the following: "sales."



**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 20, inclusive, and on page 2, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. The title of the act cited in the title is hereby amended to read as follows:

An act authorizing any city, city and county, county, or other political subdivision to acquire and dispose of certain liens on property offered for sale for the nonpayment of certain assessments.

SEC. 2. Section 2.2 is hereby added to said act to read as follows:

SEC. 2.2. If the legislative body of any political subdivision mentioned in this act, finds and determines, by resolution adopted by a four-fifths vote of the body, that such property can not be sold for a sum of money equal to not less than the amount paid therefor, all accrued penalties and delinquencies, and necessary expenses incurred, such political subdivision may sell the property or lien for less than such sum.

SEC. 3. Section 2.3 is hereby added to said act to read as follows:

SEC. 2.3. The legislative body shall determine the fair value of the property or lien and such value shall be the minimum price receivable on such sale.

SEC. 4. Section 2.4 is hereby added to said act to read as follows:

SEC. 2.4. The legislative body of any such political subdivision may provide by resolution or ordinance the notice and the procedure of sale by which any such lien or property may be sold, and whether such sale shall be for cash or on terms.

SEC. 5. Section 2.5 is hereby added to said act to read as follows:

SEC. 2.5. On the execution of the deed, in the case of a sale for cash, or on the execution of an agreement for sale in the case of a sale on terms, all rights to redeem such property from such delinquency are terminated.

SEC. 6. Section 4 is hereby added to said act to read as follows:

SEC. 4. This act is known and may be cited as the "Delinquent Assessment Acquisition and Sale Act of 1915".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Assembly Constitutional Amendment No. 8 -A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1e to Article XIII thereof, relating to the San Francisco Bay Exposition.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Assembly Constitutional Amendment No. 8 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, strike out "1c", and insert in lieu thereof "1.6".

Assembly Constitutional Amendment No. 8 read, ordered to reprint, and on file.

**President of the Senate in the Chair.**

At ten o'clock and fifteen minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Westover:

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Respectfully submitted.

SENATOR WESTOVER.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Westover to introduce a bill entitled:

An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
TICKLE  
SLATTER  
KNOWLAND  
MCCOLL

The question being on the adoption of the report.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLoe, Garrison, Gordon, Hays, Holbrook, Johnson, Jorgensen, Knowland, Lew, McBride, Manger, Maytor, Nelson, Phillips, Rich, Schottky, Swing, Waggy, and Westover. 21.

The Secretary announced the absentees.

Time, ten o'clock and seventeen minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills.

Assembly Bill No. 1432. An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1933," relating to inheritance taxation.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1432, the following amendments, offered by Senator Rich, were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and 18", and insert in lieu thereof ", 18 and 20".

#### Amendment No. 2.

On page 6 of the printed bill, as amended, between lines 25 and 26, add the following:

"SEC. 4. Section 20 of said act is hereby amended to read as follows:

Sec. 20. The treasurer of each county shall be allowed to retain on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum of the first one hundred thousand dollars so paid and accounted for by him, one and one-half per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him; provided, that no county treasurer of a county of the first class, or a county of the second class, or a county of the third class shall be entitled to retain to his own use more than the sum of five hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by or resulting from the death of any one decedent; provided, that the county treasurer of a county of all other classes shall not be entitled to

retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by or resulting from the death of any one decedent; provided, that no portion of the moneys paid on account of inheritance taxes in any one case in excess of the sum entitling the treasurer of a county of the first class, of a county of the second class and a county of the third class to retain five hundred dollars and entitling the treasurer of a county of all other classes to retain two hundred dollars for his own use shall be considered in computing his commissions in succeeding cases; and provided, further, that in counties of the first class the treasurer shall be entitled to retain as commissions not exceeding sixteen thousand dollars out of the total inheritance taxes accounted for by him in any one year; that in counties of the second class the treasurer shall be entitled to retain as commissions not exceeding fourteen thousand dollars out of the total inheritance taxes accounted for by him in any one year; that in counties of the third class the treasurer shall be entitled to retain as commissions not exceeding ten thousand dollars out of the total inheritance taxes accounted for by him in any one year; and that in counties of all other classes the treasurer shall be entitled to retain as commissions not exceeding five thousand dollars out of the total inheritance taxes accounted for by him in any one year."

Bill read, ordered to reprint, and on file for third reading.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and forty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1132:** By Senator Westover—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Senate Bill No. 1132 read first time, and referred to Committee on Irrigation.

### **Special Order.**

Senator Swing moved that Senate Bill No. 103 be made a special order for Monday, April 19, 1937, at eleven o'clock and thirty minutes a.m.

Motion carried and such was the order.

### **Special Order.**

Senator Olson moved that Senate Bill No. 579 be made a special order for Monday, April 19, 1937, immediately after consideration of Senate Bill No. 103.

Motion carried and such was the order.

**Assistant Secretary Howard McIntire at the Desk.**

### **Third Reading of Senate Bills.**

**Senate Bill No. 579**—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith.

## Amendments from the Floor.

During third reading of Senate Bill No. 579, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, in the title of the printed bill, as amended, strike out the comma after the word "therewith", and strike out the words "declaring the urgency thereof, and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 5, line 30, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof "twenty (20)".

**Amendment No. 3.**

On page 5, line 35, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof "twenty (20)".

**Amendment No. 4.**

On page 6, line 22, of the printed bill, as amended, strike out the word and figure "six (6)", and insert in lieu thereof "twenty (20)".

**Amendment No. 5.**

On page 7, line 20, of the printed bill, as amended, after the word "restriction", and the period, insert the following: "A copy of the list so prepared by the Director of Finance shall be sent by him to all persons who have qualified as holders hereunder."

**Amendment No. 6.**

On page 7, line 29, of the printed bill, as amended, strike out the words "and all", and strike the letter "s", from the word "wells".

**Amendment No. 7.**

On page 7, line 30, of the printed bill, as amended, strike out the period after the word "thereunder", and insert in lieu thereof a comma and the following: "when the average daily production thereof exceeds 200 barrels of oil."

**Amendment No. 8.**

On page 7, line 44, of the printed bill, as amended, strike out the words "At least two", and strike out all of line 45.

**Amendment No. 9.**

On page 8, line 47, of the printed bill, as amended, after the word "workmen", and the semicolon, insert the following: "production of any valid existing rights or easement in the premises";

**Amendment No. 10.**

On page 11 of the printed bill, as amended, strike out all of lines 50, 51 and 52, and strike out all of page 12.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 343—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death: to provide for its maintenance, conduct and government, and to make an appropriation therefor" (Statutes 1935, Chapter 497), relating to the California Institution for Women.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 343 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Law, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Westover, and Young—25.

**NOES**—None.

Title read and approved.

Senate Bill No. 343 ordered transmitted to the Assembly.



Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1126 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Pierovich, Quinn, Schottky, Seawell, Slater, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 1126 ordered transmitted to the Assembly.

### **Consideration of Senate Bill No. 636.**

Senate Bill No. 636—An act to amend section 1 of an act entitled "An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved May 1, 1911, relating to the use and transfer of such lands; declaring the urgency thereof; and providing this act shall take effect immediately.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 636.

##### **Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, after the word "may", insert the following: "give or".

##### **Amendment No. 2.**

On page 1, line 11, of the printed bill, as amended, strike out the words "the right", and insert in lieu thereof the following: "such part of the tide lands and submerged lands described herein, whether filled or unfilled, as shall be required".

##### **Amendment No. 3.**

On page 1, line 12, of the printed bill, as amended, strike out the words "and highways upon, and structures", and insert in lieu thereof the following: ", highways, and transportation facilities thereof or thereto upon, and structures and facilities,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 636?

The roll was called, and Assembly amendments to Senate Bill No. 636 concurred in by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Swing, Tickle, Westover, and Young—27.

NOES—None.

Senate Bill No. 636 ordered to enrollment.

### **Unfinished Business.**

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 309, the following amendments, offered by Senator Young, were read and refused adoption:

**Amendment No. 1.**

On page 29 of the printed bill, as amended, between lines 12 and 13, insert the following:

"Sec. 243. In declaring herein that the State Personnel Board shall administer, enforce, perform and discharge various powers, duties, purposes and responsibilities, it is not the purpose or intent of the Legislature (1) to add to or take from the Personnel Board or its executive officer any power, duty, purpose or responsibility vested in or allocated to either thereof by the provisions of subdivision (c) of section 2 of Article XXIV of the State Constitution, nor (2) to place any construction upon or to undertake to make any interpretation of the provisions of and subdivision (c) in respect to allocation of powers, duties, purposes and responsibilities as between the Personnel Board and its executive officer. It is the belief of the Legislature that such are judicial questions to be determined by the judicial department, not by the legislative department, of the government of the State of Oklahoma."

**Amendment No. 2.**

On page 29, line 13, of the printed bill, as amended, strike out "243", and insert in lieu thereof the following: "244".

Senate Bill No. 309 ordered held on unfinished business file.

**Resolution.**

The following resolution was offered:

By Senator GARRISON.

WHEREAS, On the evening of April 15th the members and attaches of the Legislature enjoyed the biennial Legislative Ball and

WHEREAS, At the Legislative Ball entertainment of the highest order was furnished through the courtesy of Mr. Louis B. Mayer, of Motion Picture Studios; Mr. Jack Warner, of Warner Brothers Studios; Mr. Daryl Zanuck, of 20th Century-Fox; Mr. Harry Cohn, of Columbia Pictures; Mr. Sam Briskin, of the RKO Studios; and the Motion Picture Producers Association, and

WHEREAS, The following artists entertained the members of the Legislature, the attaches and their friends:

Bill Robinson  
Dick Foran  
Chiff Edwards  
Ann Miller

Radio Adams  
Herman Bing  
Foster Brown  
Morton Reicher

therefore, be it

*Resolved*, That the Senate express its appreciation to the motion picture studios and to the artists who furnished such delightful entertainment, and be it further

*Resolved*, That the Secretary of the Senate be directed to forward copies of this resolution to each of the above named artists and to Mr. Louis B. Mayer, Mr. Jack Warner, Mr. Daryl Zanuck, Mr. Harry Cohn, Mr. Sam Briskin and the Motion Picture Producers Association.

Resolution read, and on motion of Senator Garrison, adopted.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Biggar moved to reconsider the vote whereby Senate Bill No. 680 was refused passage.

**Postponement of Reconsideration.**

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 680 was refused passage was continued until the next legislative day.

**Third Reading of Assembly Bills—(Resumed).**

Assembly Bill No. 197—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride,

McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Westover, Williams, and Young—30.  
 NOES—None.

Title read and approved.

Assembly Bill No. 197 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 5.

Relative to memorializing the President and Congress to enact legislation providing for mediation and voluntary arbitration of labor disputes affecting the public interest.

WHEREAS, Lock-outs and strikes are of the gravest concern and of vast financial and economic importance, affecting the well being and seriously menacing the morals and the health of all our people, as well as those who are directly engaged in these economic conflicts; and

WHEREAS, It has been demonstrated by the enactment of railway labor legislation that such disputes can be settled peaceably and in harmony with true democratic government; and

WHEREAS, We believe that all such matters should be settled by mediation and voluntary arbitration rather than by civil commercial war; and

WHEREAS, These matters are beyond the scope of State legislation; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the Legislature of the State of California does hereby respectfully urge the President and the Congress of the United States to enact such legislation as will provide for mediation and voluntary arbitration of all labor disputes that might arise in all transportation by land or water, in storage or warehouse facilities, in all harvesting or processing of crops produced for food or clothing, and in all other industries or manufacturing that may be of major importance to the people, except where already provided for by Federal enactment; and be it further

*Resolved.* That a copy of this resolution be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each Senator and member of the House of Representatives from California in the Congress of the United States, and that the Senators and members from California are respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 5 ordered transmitted to the Assembly.

#### Senator Tickle in the Chair.

At eleven o'clock and fifty minutes a.m., Senator Tickle of the twenty-fifth district was called to the chair.

Assembly Bill No. 1130—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1130 refused passage by the following vote:

AYES—Senators Crittenden, Law, Olson, Pierovich, Seawell, Swing, and Williams—7.

NOES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keough, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, and Young—27.

Assembly Bill No. 2587—An act to repeal section 397½ of the Penal Code, relating to the sale of intoxicating liquors and to enact a new section to be known as section 398 of the Penal Code, relating to the sale of alcoholic beverages, the act to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity:

Certain courts of justice in the State of California have sustained section 397½ of the Penal Code to have been repealed by the adoption of the Eighteenth Amendment to the Constitution of the United States, and by the enactment of the "Wet-Legs Act" of the State of California by initiative on November 8, 1932. The objects to be served by the continued use of section 397½ of the Penal Code are thereby rendered unattainable, and public peace and safety are thereby endangered. The immediate restoration into the law of the State of California of a measure is therefore designed to effectuate the purposes of section 1 of Article IV of the Penal Code, as amended and necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fustner, Garrison, Gordon, Hays, Hollister, Hobbs, Jorgensen, Keene, McCall, McCall, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rice, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—52.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2587 passed to the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fustner, Garrison, Gordon, Hays, Hollister, Hobbs, Jorgensen, Keene, McCall, McCall, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rice, Seawell, Slater, Swing, Tickle, Wag, Westover, and Young—52.

NOES—None.

Title read and approved.

Assembly Bill No. 2587 ordered transmitted to the Assembly.

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Private Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission, prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of protraction programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10,



13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1824 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Law, McBride, McColl, McCormack, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1824 ordered transmitted to the Assembly.

Assembly Bill No. 600—An act to amend section 28a of the Improvement Act of 1911, relating to reassessment procedure and relief from special assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 600 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holahan, Jespersen, Law, McBride, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 600 ordered transmitted to the Assembly.

Assembly Bill No. 620—An act to amend an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving said land," approved April 22, 1909, by adding thereto a new section to be numbered section 25a, relating to reassessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 62 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 620 ordered transmitted to the Assembly.

Assembly Bill No. 1057—An act to amend section 1 of an act entitled "An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration, when funds are available," approved June 7, 1935, relating to city treasurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1057 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keough, Law, McBride, McClall, McCormick, Metzger, Mixter, Nielsen, Phillips, Piermont, Quinn, Ross, Schwartz, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1057 ordered transmitted to the Assembly.

#### President of the Senate in the Chair.

At twelve o'clock and fifty-six minutes p. m.: Hon. George J. Hatfield, President of the Senate, in the chair.

Assembly Bill No. 1532—An act to amend section 784 of the Penal Code of the State of California by amending subdivision 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1532 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keough, Law, McBride, McClall, McCormick, Mixter, Nielsen, Olson, Parkhurst, Phillips, Piermont, Quinn, Ross, Schwartz, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1532 ordered transmitted to the Assembly.

Assembly Bill No. 8—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 15.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

In Sonoma County and in other portions of the State many persons are eager to form recreation districts under the act amended by this bill but under the act as at present are unable to undertake any work thereunder because of lack of authority to issue bonds. If this act is passed and takes immediate effect then work will start upon the various structures authorized by this act immediately thus relieving in part the unemployment which despite improved economic conditions still exists.

If this act does not take effect until ninety days after the adjournment of the session it will not be possible to construct swimming pools or other structures in time for the summer season of 1937 and the work may be delayed for over a year to the great detriment both to the people in the proposed recreation districts themselves and to the economic well being of the State of California as a whole.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 8 ordered transmitted to the Assembly.

### Motion.

On motion of Senator Swing, Senate Bill No. 425 was ordered to engrossment, and re-referred to Committee on Governmental Efficiency.

### Withdrawal from Committee of Senate Bill No. 692.

Senator Crittenden moved that Senate Bill No. 692 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried, and such was the order.

### Second Reading of Senate Bill No. 692—(Out of Order).

Senate Bill No. 692—An act to amend sections 821, 822, 827 and 1011 of, and to add sections 1012.4 and 1012.6 to, the Agricultural Code, relating to fruits and vegetables.

#### Amendments from the Floor.

During second reading of Senate Bill No. 692, the following amendments, offered by Senator Crittenden, were read and adopted:

#### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "827 and 1011 of, and to add sections 1012.4 and 1012.6 to," and insert in lieu thereof the following: "and 827 of".

#### Amendment No. 2.

On page 3 of the printed bill, as amended, strike out line 48, and insert in lieu thereof the following: "visible spray residue."

#### Amendment No. 3.

On page 4 of the printed bill, as amended, strike out lines 39 to 51, and strike out all of pages 5 and 6.

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

### Notice of Motion to Reconsider.

Senator Phillips gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1824 was passed.

### Adjournment.

At one o'clock and three minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 19, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

## SENATE CHAMBER.

SACRAMENTO, Monday, April 19, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Critchfield, Cushing, DeLoach, Dool, Farnsworth, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kennel, Kennard, Law, McBride, McCall, McCormack, McConville, Morgan, Miller, Nelson, Olson, Parkman, Phillips, Proctor, Powers, Quinn, Rich, Seawell, Seaton, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Friday, April 16, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Huang Chao-Chin, Consul General of the Republic of China, of San Francisco.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles M. Johnson, attorney at law, of Los Angeles, legal adviser, California Indian Rights Association; Julia D. Gardner, Puute Indian; Robert St. Marie, Mission Indian; Serrano Tube; and Mr. Norman Sedgwick Storry, attorney at law of Los Angeles.

On request of Senator Seawell and Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John O'Neil and Edmund G. Kuyon, both of Grass Valley.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter S. Hunsaker and Mr. and Mrs. D. O. Kinne, of Visalia.

On request of Senator Holahan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor C. H. Baker and Mrs. Baker of Watsonville.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ethel Irvine and Miss Shirley Irvine, both of Berkeley.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following low eighth grade students of the Social Studies Class of the Stanford Junior High School, Sacramento: Donald Affeldt, Edith Argente, Vincent Asta, Marvin Calloway, Tia Juana Carr, Wayne Curtis, Sarah Ann Eichler, Ella Mae Faulkner,



Gayle Fisher, Reba Forsyth, Donald Gorgen, Betty Harris, Kenneth Lind, Josephine Lish, John Lish, Norma Markham, Winifred Mase, Gertrude Mitchell, Eugene McDonald, Lilian Powell, Clyde Ralph, Billie Jean Roland, Henry Scharosch, Dorothy Schmidt, Billy Sellier, Phyllis Stabenaw, Marjorie Taniel, Patricia Zensli, Pauline Covitch, Betty Bleucher and Robert Wood.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leo C. Hammett, supervisor of Stanislaus County, Modesto; Frank B. Collier, former Assemblyman and assistant district attorney, Modesto; and Chief Wm. Fuller, Me Wuk Tribe, Soulsbyville.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. W. Vibery of Sacramento, and Paul Eiman of Paso Robles.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. T. Eick of Roseville.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John M. Burnett and Marshall S. Hall, both of San Jose.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. F. Reynolds of Chico.

### **Message from the Governor.**

Assistant Secretary Howard McIntire reported that after the adjournment of the Senate on Friday, April 16, 1937, the following message from the Governor was at six o'clock p.m., received in the Senate Chambers; and in the absence of the President, President pro tempore, and Secretary of the Senate from the Senate Chambers he accepted same.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, April 16, 1937.

*To the Honorable Members of the Senate,  
Sacramento, California.*

I am returning herewith, without my approval, Senate Bill No. 993, being "An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State."

This bill was introduced by Senator Fletcher at the request of the Department of Finance, and is vetoed with the approval of the department. The necessary provisions of this measure will undoubtedly be included in another bill to come before the Legislature at this session.

For the above reasons and the fact that the present law provides the authority necessary for the transaction of the business in the Controller's office with safety, promptness and dispatch, I am withholding approval.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 993 ordered placed on the unfinished business file.

**Assistant Secretary Howard McIntire at the Desk.**

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1861—An act for the relief of certain assessment districts and for that purpose empowering municipal corporations to render financial aid to such districts;

Assembly Bill No. 1211—An act to amend sections 34, 36, 37, 38, 49, 66, 67 and 131 of, and to add sections 325, 50 and 825 to, the Vehicle Code, relating to motor vehicles;

Assembly Bill No. 1915—An act to add section 654 to the School Code, relating to provision of a place for children to eat lunch brought from home;

Assembly Bill No. 1925—An act to amend section 1264 of the Political Code relating to salaries of county officers in connection of the thirty-mile cases.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 65—An act to add section 36 to the "Retail Sales Tax Act of 1933," relating to exemptions and providing that this act shall go into effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 65 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 285—An act to amend sections 92 and 127 of, and to add section 108 to, the Civil Code, relating to grounds of divorce and judgment thereon;

Assembly Bill No. 861—An act to amend section 543 of the Appointed Code, relating to imitation cream;

Assembly Bill No. 939—An act to amend sections 76 and 96 of, and to add sections 96 and 96 to, the "Workmen's Compensation Insurance and Salary Act of 1917," relating to workmen's compensation;

Assembly Bill No. 1079—An act to amend section 21204 of the School Code relating to the powers and duty of the county superintendents of the schools of California;

Assembly Bill No. 1081—An act to amend section 10 of the State Civil Service Act, relating to examinations;

Assembly Bill No. 1285—An act to add a new section to the School Code to be numbered 41014 and to add a new article to Chapter I of Part V of Division IV of the School Code to be known as Article X, relating to being posted by school districts;

Assembly Bill No. 1319—An act to amend section 1 of an act entitled "An act to provide against the selling, purchase, barter or bartering, the altering or the use of any fraudulent degrees, certificates or transcripts to be used in obtaining a license or certificate to practice as the State of California, and to provide a penalty for the making of false affidavits and the introduction of applicants on examination required under the Medical Practice Act, the Osteopathic Licensure Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, relating to the unlawful use of degrees, certificates or transcripts necessary for the practice of a healing art.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 285 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 861 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 939 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1079 read first time, and referred to Committee on Education.

Assembly Bill No. 1081 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1285 read first time, and referred to Committee on Education.

Assembly Bill No. 1319 read first time, and referred to Committee on Public Health and Quarantine.

## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1698.—An act to amend section 737kk of the Political Code, relating to the salary of judges of the superior court, in and for the county of San Diego;

Assembly Bill No. 1766—An act to amend sections 535, 537, 538, 539, 540 and 541 of the Fish and Game Code, and to repeal sections 542, 543, 544, 545, 546 and 547 of the said code, all relating to the installation and maintenance of fish screens;

Assembly Bill No. 1918—An act to amend section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages;

Assembly Bill No. 1921—An act to amend section 780a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced;

Assembly Bill No. 2204—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices;

Assembly Bill No. 2456—An act to amend section 3 of the City Carriers' Act, relating to the issuance of permits thereunder by the Railroad Commission.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1698 read first time, and referred to Committee on County Government.

Assembly Bill No. 1766 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1918 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1921 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2204 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2456 read first time, and referred to Committee on Public Utilities.

## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2457—An act to amend section 70½ of the Public Utilities Act, relating to the granting of certificates of public convenience and necessity;

Assembly Bill No. 2505—An act to amend section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations of members of fire departments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2457 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2505 read first time, and referred to Committee on Municipal Corporations.

## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1573—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other



improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the same to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the next year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities, and to declare an emergency.

Assembly Bill No. 1678—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments, in either case certain payments in lieu of such taxes and assessments, and to provide that this act shall take effect immediately.

Assembly Bill No. 1817—An act relating to the State Civil Service and modifying the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 2594—An act to add to the School Code sections 2,310, 2,600, 2,1021, 2,1058, 2,1061, 2,1095, 2,1111 and 2,1321, and to amend certain acts and parts of acts specified herein, all relating to the public school system.

Assembly Bill No. 2662—An act to amend sections 8, and 88a of the Fish and Game Code, relating to fishing in districts 15 and 16.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1573 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1678 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1817 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 2594 read first time, and referred to Committee on Education.

Assembly Bill No. 2662 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 390—An act to amend section 1261 of the Agricultural Code, relating to produce dealers;

Assembly Bill No. 508—An act to add to the Labor Code sections 860, 861, 862 and 863, to be known as Chapter 7 of Part 2 of Division 11 thereof, relating to hours of labor of persons employed as personal or domestic workers and providing penalties;

Assembly Bill No. 786—An act to add a new section to the School Code to be numbered 2,75, relating to the bonded indebtedness of high school districts;

Assembly Bill No. 1097—An act to repeal section 488a of the Penal Code, relating to theft of avocados, citrus or deciduous fruit;

Assembly Bill No. 1152—An act to amend section 3747a of the Political Code, relating to segregation of valuation of property on the assessment roll;

Assembly Bill No. 1370—An act to add a new section to the Agricultural Code, to be numbered 8406, relating to the standardization of domestic sprays;

Assembly Bill No. 1558—An act to amend section 3846 of the Political Code, relating to distribution of moneys received or account of redemption or purchase of lands sold to the State for nonpayment of taxes;

Assembly Bill No. 1610—An act to add sections 5 and 6 and to amend the title of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities, the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission or municipalities within this State, and prohibiting certain political activities and providing penalties for the violation of said provision," approved April 11, 1935, relating to civil service for cities and counties;

Assembly Bill No. 1613—An act to amend section 1 and section 14 of an act entitled, "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbers, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to admission to practice.



Assembly Bill No. 1626—An act to amend section 5124 of the School Code, relating to the teaching force of the public schools.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 399 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 508 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 786 read first time, and referred to Committee on Education.

Assembly Bill No. 1097 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1152 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1370 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1558 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1610 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1613 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1626 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2801—An act to add section 59a to, and to amend sections 62, 63 and 64 of, the Improvement Act of 1911, relating to bonds and assessments;

Assembly Bill No. 1060—An act to amend sections 1295, 1297, 1298, 1300 and 1301 of the Penal Code, all relating to bail;

Assembly Bill No. 1273—An act to add section 20.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to termination of liability;

Assembly Bill No. 1274—An act to add section 5803.5 to the Labor Code, relating to termination of liability for workmen's compensation benefits;

Assembly Bill No. 862—An act to amend sections 488, 490 and 587 and to repeal section 489, Agricultural Code, relating to milk;

Assembly Bill No. 1154—An act to amend sections 3738, 3821 and 3831 of the Political Code and to add to said code a new section to be numbered 3832, relating to the collection of unsecured taxes;

Assembly Bill No. 1318—An act to amend section 814 of the Agricultural Code, relating to the standardization of lettuce.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2801 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1060 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1273 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1274 read first time, and referred to Committee on Insurance.

Assembly Bill No. 862 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1154 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1318 read first time, and referred to Committee on Agriculture.

## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1762—An act to amend section 2818 of the Political Code, relating to segregation of property on the assessment rolls;

Assembly Bill No. 2016—An act to amend section 120 of the Agricultural Code, relating to nurserymen licenses;

Assembly Bill No. 2055—An act relating to the making of real estate subdivisions and the making and recording of maps, and empowering cities, towns and counties, and counties in connection therewith, making certain acts unnecessary, prescribing penalties therefor, and repealing all acts or portions of acts in conflict herewith;

Assembly Bill No. 2092—An act to amend sections 2 and 3 of an act entitled, "An act defining henceforth the exterior boundaries of Reclamation District No. 108, situated partly in the counties of Colusa and Yuba and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as increased by this act, be subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, provided that all moneys of the said district shall be paid and disbursed by the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters pertaining and that said act be amended also for the management, control and administration of the affairs of said district, also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable adjustment with the owner of such land so incorporated as to the sum of any money heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 established by this act to be the governing in interest of Reclamation District No. 108, defined in that statute act approved May 26, 1917, also that certain Reclamation District No. 108, defined by that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment as described in this act, in the event that said assessment is not heard before this act shall take effect." Approved May 7, 1919;

Assembly Bill No. 2682—An act to amend section 702 of the Code of Civil Procedure, relating to redemption of property;

Assembly Bill No. 2810—An act to amend section 186 of the Civil Code relating to regulations of trains, and penalties.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1762 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2016 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2055 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2092 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2682 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2810 read first time, and referred to Committee on Public Utilities.

## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 808—An act to amend sections 105 and 107 of the Civil Code, relating to divorce;

Assembly Bill No. 841—An act to amend section 5 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts

and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, providing for the adoption of the present system by the governing boards of such districts:

Assembly Bill No. 890.—An act to amend the title and sections 1, 3, 4, and 4a of, and to add sections 6 and 7 to, an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency thereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds, violating the commencement and prosecution of proceedings heretofore taken, and declaring the urgency of this act, to take effect immediately:

Assembly Bill No. 1151.—An act to amend section 76 of the Improvement Act of 1911, relating to the Treasurer's list of bonds upon which payments have not been made and to notice of delinquency:

Assembly Bill No. 1161.—An act to amend sections 4, 4d, 6, 15, 17b, and 20 of the Juvenile Court Law, relating to the provisions of said statute and providing for minor persons, through or under the supervision of the juvenile court.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 808 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 841 read first time, and referred to Committee on County Government.

Assembly Bill No. 890 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1151 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1191 read first time, and referred to Committee on Public Morals.

#### ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed:

Assembly Bill No. 1364.—An act to amend section 8a of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1935 (Statutes 1935 p. 219), relating to manner of making redemption of property sold to cities for nonpayment of taxes:

Assembly Bill No. 1468.—An act to amend section 1058 of the Code of Civil Procedure, relating to bonds when State is a party:

Assembly Bill No. 1818.—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles:

Assembly Bill No. 1905.—An act to amend section 146 of the Civil Code by adding a section thereto to be numbered 5, relating to homesteads on property held in joint tenancy:

Assembly Bill No. 1966.—An act to amend section 1238 of the Civil Code, relating to homesteads:

Assembly Bill No. 1959.—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the county of San Mateo, State of California:

Assembly Bill No. 2200.—An act to amend section 2972 of the School Code, relating to compensation for members of city boards of education in school districts situated wholly or partly within cities of the first and one-half class.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1364 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1468 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1818 read first time, and referred to Committee on Public Morals.



Assembly Bill No. 1905 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1906 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1939 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2200 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2387—An act authorizing the filing of claims with and the institution of suits or actions against the people of the State of California on behalf of depositors of building and loan associations for the recovery of money lost by such depositors by reason of theft of building and loan association funds caused or contributed to by the negligence of any State officer or employee, limiting recovery thereunder, providing for the allowance out of such treasury of reasonable counsel fees, waiving the defense of the statute of limitations, and providing for service of process;

Assembly Bill No. 2426—An act to add a new section to be numbered section 120 to an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities and for the laying out, opening, extending, widening, strengthening or acquiring in whole or in part of public streets, squares, lanes, alleys, highways, courts and places within municipalities to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, relating to assessment procedure and raised from special assessments;

Assembly Bill No. 2659—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes. To provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments, to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessments on benefited property, and to provide that a majority protest shall be a bar to any proceeding";

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2387 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2426 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2659 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 35—An act to amend section 2265a of the Political Code, relating to reports and publications furnished to the State Library;

Assembly Bill No. 258—An act to add section 12 (a) to the Personal Property Brokers Act, relating to regulation of the contracts of personal property brokers;

Assembly Bill No. 329—An act to add section 653, to the Penal Code, relating to installation of dictographs;

Assembly Bill No. 378—An act to amend section 400 of the Vehicle Code, relating to negligence, upon the part of officers, agents, and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law, and political subdivisions of the State, and authorizing suits relative thereto and providing the place of trial of such actions and prescribing the period of time within which such actions may be commenced;



Assembly Bill No. 390—An act to amend section 689b of the Code of Civil Procedure, relating to selling personal property under execution;

Assembly Bill No. 428—An act to add a new section to the School Code to be numbered 4.192, relating to the insuring of employees of county superintendents of schools against liabilities imposed by law;

Assembly Bill No. 429—An act to amend sections 5.210 and 5.212 of the School Code, relating to examinations by county boards of education of applicants for elementary teaching certificates;

Assembly Bill No. 516—An act to add section 869 to the Fish and Game Code, relating to tuna.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 35 read first time, and referred to Committee on Rules.

Assembly Bill No. 258 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 329 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 378 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 390 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 428 read first time, and referred to Committee on Education.

Assembly Bill No. 429 read first time, and referred to Committee on Education.

Assembly Bill No. 516 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 21—A resolution proposing to the people of the State of California an amendment to the Constitution of said State by amending section 31 of Article VI thereof, relating to gifts to municipal corporations and the apportionment of funds out of the State treasury for county, city and county, city or other municipal purposes.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 21 read, and referred to Committee on Constitutional Amendments.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products:

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately;

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests

therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 439—An act to amend sections 782, 783 and 830 of the Agricultural Code, relating to fruits, nuts and vegetables.

Senate Bill No. 525—An act to amend section 1197b of the Political Code, relating to initiative measures;

Senate Bill No. 526—An act to amend section 1197c of the Political Code, relating to initiative measures;

Senate Bill No. 650—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, so as to add a new section therein to be numbered section 1197d thereof, relating to printed arguments, the use of printed proposed constitutional amendments, initiative petitions and referendum petitions.

Senate Bill No. 664—An act to establish an official commission for intergovernmental cooperation.

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial.

Senate Bill No. 863—An act providing for the removal, condemnation and jurisdiction over certain lands owned by the State of California and situated in the county of Humboldt;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating license for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto, to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation, including private as the Department of Motor Vehicles with respect to the issuance of license plates to owners of motor carriers of passengers, to foster a free distribution of public business, the intercity highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved and providing penalties for violation of this act.

Senate Bill No. 874—An act to amend section 147 of the Agricultural Code, relating to liens for county charges in the abatement of pests;

Senate Bill No. 1104—An act to amend section 92 of the Agricultural Code, relating to agricultural districts;

Senate Bill No. 1109—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1146—An act to add sections 517 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1931, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to levy taxes on individuals for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for supplying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the discontinuation of such districts and the winding up of the affairs of such incorporated districts.

Senate Bill No. 1130—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

Senate Bill No. 253—An act to add sections 111, 112, 113, 157, and 158 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction;

Senate Bill No. 254—An act to amend sections 377b, 377i, and 377j of the Political Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction;

Senate Bill No. 719—An act to add sections 100 and 1324 to the Fish and Game Code, relating to muskrats;  
And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 912—An act to add a new section to be numbered 32c to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Senate Bill No. 806—An act to provide for the merger of Coachella Valley Storm Water District of Riverside County into Coachella Valley County Water District, for the validation of such merger and for the carrying on of the functions of the districts so merged;

Senate Bill No. 1008—An act to add section 640 to the Streets and Highways Code, repealing section 612 of the Streets and Highways Code;

Senate Bill No. 1070—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1084—An act to amend sections 1 and 2 of, and to add sections 3 and 4 to, an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to sales of farm products;

Senate Bill No. 438—An act to amend sections 2 and 4 of an act entitled, "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to permits and to species illegally entered or kept;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Joint Resolution No. 19:** By Senator Olson—Relating to memorializing the President and Congress to enact legislation proposed by H. R. 5243 and S. 1779, providing for the appropriation of moneys for the purpose of paying the claims of California Indians pursuant to treaty arrangement.

### Consideration of Senate Joint Resolution No. 19.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 19, without reference to committee for purpose of adoption.



**Senate Joint Resolution No. 19.**

Relating to memorializing the President and Congress to enact legislation proposed by H. R. 5243 and S. 1779, providing for the appropriation of funds for the purpose of paying the claims of California Indians pursuant to treaty arrangement.

WHEREAS, The Indian people of California have by various treaties ceded their tribal lands to the Federal Government, and have been promised an adequate compensation therefor; and

WHEREAS, There have been introduced in Congress two bills known as H. R. 5243 and S. 1779, both of which provide for the appropriation of an adequate compensation and for a fair and equitable method of distributing the same; and

WHEREAS, The prospective recipients of such considerations have expressed their approbation of the provisions of H. R. 5243 and S. 1779; and

WHEREAS, The enactment of such bills will be a forward step towards the economic rehabilitation of Indians residing in California; and

WHEREAS, Such legislation would redound to the benefit of society in general, now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly:* That the Legislature of the State of California do hereby respectfully urge the President and the Congress of the United States to enact the legislation proposed by H. R. 5243 and S. 1779 as speedily as possible, and be it further:

*Resolved,* That a copy of this resolution be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States; and that each Senator and member from California are respectfully urged to support such legislation.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Allen, Biggar, Chaffin, Cunningham, DeLong, Dool, Fawcett, Gordon, Haas, Hollister, Hollister, Johnson, Keating, Kneale, Kneeland, Low, McBride, McCall, McGovern, Meyer, Olson, Plummer, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tucke, Wagy, Westover, and Young; all.

NOES—None.

Senate Joint Resolution No. 19 ordered transmitted to the Assembly.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bills Nos. 103 and 579, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same were taken up for consideration.

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State; providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

Bill read third time.



**Senator Metzger in the Chair.**

At twelve o'clock and twenty minutes p.m., Senator Metzger of the eighth district was called to the chair.

**Recess.**

At twelve o'clock and forty-five minutes p.m., on motion of Senator Rich, the acting President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Concurrent Resolution No. 29:** By Senator Rich—Relative to the amendment of Rule No. 10 of the Joint Rules of the Senate and Assembly.

Senate Concurrent Resolution No. 29 read, and ordered held at the desk.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Law, McCormack, Mixer, Olson, Pierovich, Rich, Slater, Swing, Wagy, Westover, and Williams—20.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Senator Allen in the Chair.**

At two o'clock and twenty-one minutes p.m., Senator Allen of the second district was called to the chair.

**Assistant Secretary Howard McIntire at the Desk.**

**Consideration of Special Order—(Resumed).**

Senate Bill No. 103—An act relating to State lands, providing for the leasing of certain lands for the production of oil, gas and other hydrocarbons therefrom, authorizing the acquisition by condemnation of easements and right of ways for drilling sites and drilling purposes on and through littoral lands and lands adjacent thereto, and authorizing the Director of Finance, on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocar-

bons from State lands, providing for competitive bidding for said contracts, and authorizing the production, sale and disposition of oil, gas and other hydrocarbons from such State lands by the State, providing for the exercise of the powers of eminent domain in relation to such State lands and littoral and adjacent lands thereto and relating to the production of oil, gas and other hydrocarbons from State lands other than those specifically described in the act, and providing for the protection of the State's interests in and to all oil, gas and other hydrocarbons in State lands.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 refused passage by the following vote:

**AYES.** Senators DeLap, Deuel, Fletcher, Hays, McGovern, Murray, Parkman, Phillips, Powers, Riel, Schottky, Seawell, Slater, and Young—14.

**NOTES.** Senators Allen, Biggar, Crittenden, Cunningham, Garrison, Gordon, Hollister, Holohan, Jorgensen, Keating, Kowal, Kowland, McBride, McColl, McCormack, Metzger, Nielsen, Olson, Patterson, Quinn, Sater, Wagner, Westover, and Young—24.

#### President of the Senate in the Chair.

At four o'clock and thirty minutes p.m. Hon. George J. Hatfield, President of the Senate, in the chair.

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Kowal, Kowland, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Parovich, Powers, Quinn, Riel, Schottky, Seawell, Slater, Swing Tickle, Wagy, Westover, Williams, and Young—39.

The Secretary announced the absentee.

Time, five o'clock and thirty-nine minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the name of the absentee was directed to bring him to the bar of the Senate.

#### Proceedings Under Call of the Senate.

##### Motion to Reconsider Waived.

Senator Biggar waived reconsideration of Senate Bill No. 680.

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Phillips moved to reconsider the vote whereby Assembly Bill No. 1824 was passed.

### Postponement of Reconsideration.

On motion of Senator Phillips, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1824 was passed was continued until the next legislative day.

### Consideration of Daily File.

### Third Reading of Senate Bills.

Senate Bill No. 394—An act to amend sections 6901, 6902, and 6903 of the Labor Code, relating to train crews.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 394 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 394 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and fifty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The name of the absentee was called, and Senate Bill No. 579 passed by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, McColl, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Seawell, Slater, Westover, and Williams—22.

NOES—Senators Allen, Cunningham, DeLap, Deuel, Hays, Knowland, Law, McBride, McCormack, Mixer, Parkman, Phillips, Rich, Schottky, Swing, Tickle, Wagy, and Young—18.

Title read and approved.

Senate Bill No. 579 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

Assembly Bill No. 528—An act to add section 862b to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to fire protection in cities of the sixth class.

### Amendments from the Floor.

During third reading of Assembly Bill No. 528, the following amendments, offered by Senator Jespersen, were read and adopted:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, following "furnishing of", insert the following: "supplementary".

#### Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, strike out "in such manner and", and strike out lines 12 and 13, and insert in lieu thereof a period.

Bill read, ordered to print, and on file for third reading.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Joint Resolution No. 20:** By Senator McGovern—Relative to memorializing Congress to pass the McClellan Bill (S. 741) or its companion bill, the Connery Bill (H. R. 3682).

Senate Joint Resolution No. 20 read, and ordered held at the desk.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 636—An act to add section 15 to an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof," approved March 4, 1911, relating to the use and transfer of such lands, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 799—An act to amend an act entitled "An act to permit governing boards of school districts to provide for the payment of retirement salaries to teachers and other employees thereof in the manner provided for by this act," approved June 19, 1929, and to add a new part to Division A of the Senate Code, to be known as Part V, containing sections 51100, 51101, 51102, 51103, 51104, 51105, 51106, 51107, 51108, 51109, 51110, and 51111, all relating to the retirement of school districts of employees, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Joint Resolution No. 3—Relative to hours of employment of persons on interstate carriers.

Senate Concurrent Resolution No. 27—Approving certain amendments to the charter of the city of Porterville, a municipal corporation in the county of Fresno, State of California, voted for and carried by the qualified electors at said city at the regular municipal election held therein on the sixth day of April, 1937.

Senate Concurrent Resolution No. 28—Relative to amending a certain amendment to the charter of the city of Vallejo in the county of Solano, State of California, as voted for and ratified by the electors of the city at an election held therein on the sixth day of April, 1937.

And reports that the same have been correctly enrolled and presented to the Governor on the nineteenth day of April, 1937, at two o'clock and thirty minutes past.

KEOUGH, Chairman.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Public Morals.**

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 1306—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

FLETCHER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Senate Bill No. 585—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3906 of Title 290, pp. 2674-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

FLETCHER, Chairman.



## On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 15, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 963—An act to amend section 1 of the Fair Trade Act, relating to fair trade practices;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

## On County Government.

SENATE CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 694—An act to amend section 737hh of the Political Code, relating to compensation of the judges of the superior court in and for the county of Sacramento;

Assembly Bill No. 467—An act to provide for the maintenance of storm drain improvements, and of other water courses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof;

Assembly Bill No. 2799—An act to amend section 737s, as amended, of the Political Code of the State of California to provide an annual salary for each of the judges of the superior court in and for the county of Los Angeles of \$10,000;

Assembly Bill No. 602—An act to amend the Political Code by adding thereto a new section to be numbered 4049.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes;

Assembly Bill No. 2817—An act to amend section 737vv of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Solano;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 298—An act to amend section 4277 of the Political Code, relating to the compensation of county and township officers and jurors in counties of the forty-eighth class;

Senate Bill No. 474—An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 16, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 906—An act to amend section 23 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection and county fire protection districts from the operation of said act;

Assembly Bill No. 1072—An act to amend sections 4 and 11 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

**On Drainage, Swamp and Overflowed Lands.**

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands to which was referred:

Senate Bill No. 548—An act to amend subdivisions 5 and 7, and to add a new subsection to be numbered 9 to section 69010 of the Political Code.

Has had the same under consideration, and recommends, reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 3; committee vote: Ayes—2; absent—1.

GARRISON, Chairman.

**Adjournment.**

At six o'clock p. m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a. m., Tuesday, April 20, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE**

SENATE CHAMBER

SACRAMENTO, Tuesday, April 20, 1937.

At ten o'clock and thirty minutes a. m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Baggart, Crittenden, Cunningham, DeLoach, Donald, Fletcher, Garrison, Gordon, Hays, Holister, Hoffman, Jasper, Keene, Keith, Keithland, Lyle, McBride, McColl, McCormick, McQuinn, Meyer, Miller, Nantz, Olson, Parriman, Phillips, Pirovich, Powers, Quinn, Rich, Scammon, Seaton, Sutter, Strong, Tickle, Wagy, Westover, Williams, and Young, 40.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kiebler.

**Reading of the Journal.**

During the reading of the Journal of Monday, April 19, 1937, the further reading was, on motion of Senator Sutter, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge John L. Childs of Crescent City; Rev. John Raine of Los Angeles; Miss Fark Bounty of Sacramento; Christina Tappan of San Diego; Frances C. Brown of San Pedro, and Mrs. Charles H. Dodge of Ingleside.

On request of Senator Swing and Lieutenant Governor George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John D. Howe of Ireland, representing the Executive Committee of the National Committee of the American Legion on Law and Order.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William C. Board and Robert Board, all of Los Gatos.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry K. Wolff, attorney at law; and Norman Sanford Wolff, deputy city attorney, both of San Francisco.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ward Daniels of Fillmore; Mrs. Scheidle, and Mrs. Dill, both of San Diego, and Mrs. James B. Utt of Santa Ana.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. L. Galbraith of Richmond; Mrs. Catherine Soares, publisher of Concord Transcript, and Mrs. Rex. McCurdy, both of Concord.

### Reports of Standing Committee.

The following reports of standing committee were received, read, and ordered printed in the Journal:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 20—Relative to memorializing Congress to pass the McCarran Bill (S. 741) or its companion bill, the Connery Bill (H. R. 3682);

Senate Concurrent Resolution No. 29—Relative to the amendment of Rule No. 10 of the Joint Rules of the Senate and Assembly;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48½, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 19—Relative to memorializing the President and Congress to enact legislation proposed by H. R. 5243 and S. 1779, providing for the appropriation of moneys for the purpose of paying the claims of California Indians pursuant to treaty arrangement.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 19 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 4 read, and referred to Committee on Governmental Efficiency.

## ASSEMBLY CHAMBER, SACRAMENTO, APRIL 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1501—An act to amend section 1228 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain and to provide that this act shall take effect immediately.

Assembly Bill No. 1533—An act to amend the Political Code of the State of California by adding thereto a new section to be designated section 1616, to authorize county fire wardens, county officers charged with the duty of preventing or combating forest, brush or grass fires, or any officers of a county fire protection district, to summon any able-bodied person within the county, or within the fire protection district, to assist in combating a forest, brush or grass fire.

Assembly Bill No. 1754—An act to create a Board of Examiners for Certification of Real Estate Appraisers and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified appraisers, with the suspension of certified public real estate valuations, and to prescribe the grade of penalty for violations of the provisions hereof.

Assembly Bill No. 2025—An act to amend section 3819a of the Political Code and to add a new section 3819a thereto relating to redemption of property from tax sales.

Assembly Bill No. 1940—An act to amend section 61 of the Political Code, to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to issue bonds and to make contracts for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon, approved May 23, 1934, and relating to existing utilities therein.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1501 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1533 read first time, and referred to Committee on Conservation.

Assembly Bill No. 1754 read first time and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2025 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1940 read first time and referred to Committee on Municipal Corporations.

## ASSEMBLY CHAMBER, SACRAMENTO, APRIL 16, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 103—An act to add section 297.5 to the Labor Code, relating to the payment of wages.

Assembly Bill No. 259—An act to add four new sections to the Civil Code to be numbered 2981, 2982, 2983 and 2984, relating to conditional sale or lease contracts.

Assembly Bill No. 1271—An act to add two new sections to the Insurance Code to be numbered 11665 and 11666, relating to requirement that all licensed employers be insured for workmen's compensation.

Assembly Bill No. 1404—An act to add section 524 to the Public Utilities Act, relating to the sale of stocks and other securities to employees.

Assembly Bill No. 1500—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake, construct and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligors of housing authorities; and to declare an emergency.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 103 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 259 read first time, and referred to Committee on Judiciary.



Assembly Bill No. 1271 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1401 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 1500 read first time, and referred to Committee on Social Security.

### Communication.

A communication was received from the South Gate Townsend Club No. 1 of South Gate, urging the Senate to memorialize Congress to pass the General Welfare Act of 1937 (H. R. 4199).

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$537.84 to pay the bills and for the purposes set forth below, and the Treasurer is hereby directed to pay the same:

State Department of Finance—

Making racks for Senate files in cloak room, installing new drawer locks.....	\$13 74
Pro rata cost of Capitol Building telephone service.....	48 16
George N. Hammond Typewriter Co.	
Cleaning and adjusting typewriter.....	7 08
H. S. Crocker Co., Inc.—	
Canary manifold sheets.....	2 31
Harold Shay—	
Wreath for former Senator Frank J. Powers.....	25 75
Postage.....	300 00
Pacific Telephone and Telegraph.....	115 80
Claude G. Putnam—	
Illuminating memorial resolutions.....	25 00

\$537 84

RICH, Chairman.  
LAW.  
McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Law, McGovern, Metzger, Mixer, Phillips, Rich, Shortky, Sewell, Slater, Swing, Tickle, and Westover—22.

NOES—None.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Bill No. 963—An act to amend section 1 of the Fair Trade Act, relating to fair trade practices.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 963 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, following the word "to", where it appears the first time in said line, strike out the words "amend section 1 of", and insert in lieu thereof the following: "add section 6 to".

##### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, following the word "practices", strike out the period, and insert in lieu thereof the following: "; and providing for the separability of said section 6."

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 1 to 27, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered section 6 and to read as follows:

SEC. 6. For all purposes of this act and without in any way restricting the natural meaning of the word "label", the label of a commodity shall be deemed to bear the trade mark, brand or name of the producer or owner of such commodity if such trade mark, brand or name is affixed to the vending equipment through which such commodity is sold.

SEC. 2. It is hereby declared to be the intent of the Legislature in adding section 6 to the Fair Trade Act that, if said section should be held to be unconstitutional, the remainder of the act shall be unaffected thereby and shall continue in full force and effect."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 585—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 2966 of Title 299, pages 2074-5, Volume Two, General Laws of 1931 and known as the "Juvenile Court Law."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Morals, the following amendments to Senate Bill No. 585 were read and adopted:

**Amendment No. 1.**

On page 2, line 9, of the printed bill, as amended, insert a comma after the word "Who", and strike out the comma after the word "without."

**Amendment No. 2.**

On page 2 of the printed bill as amended, at the end of line 15, strike out the comma and insert in lieu thereof a semicolon and the word "and" and strike out all of lines 16, 17 and 18.

**Amendment No. 3.**

On page 2, lines 19 and 20, of the printed bill, as amended, strike out the words "or habitually smokes cigarettes."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 298—An act to amend section 4277 of the Political Code, relating to the compensation of county and township officers and jurors in counties of the forty-eighth class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 298 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 4277", and insert in lieu thereof the following: "sections 4277 and 4278".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, strike out "in counties of the forty-eighth class".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, immediately before "county", insert the following: "following".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 7 to 28, inclusive, and on page 2 strike out lines 1 to 10, inclusive.

**Amendment No. 5.**

On page 2 of the printed bill, strike out lines 13 to 24, inclusive.

**Amendment No. 6.**

On page 2, line 25, of the printed bill, strike out "one hundred".

**Amendment No. 7.**

On page 2, line 26, of the printed bill, strike out the semicolon and the following: "provided, that in counties of this class, the", and strike out all of lines 27 to 52, inclusive; and on page 3, strike out lines 1 to 11, inclusive, and in line 12, strike out "month.", and insert in lieu thereof a period.

**Amendment No. 8.**

On page 3 of the printed bill, strike out lines 17 to 39, inclusive.

**Amendment No. 9.**

On page 3, line 45, of the printed bill, strike out "two", and insert in lieu thereof the following: "three".

**Amendment No. 10.**

On page 4 of the printed bill, strike out lines 6 and 7.

**Amendment No. 11.**

On page 4 of the printed bill, strike out lines 15 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 2. Section 4278 of the Political Code is hereby amended to read as follows:

4278. In counties of the forty-ninth class, the following county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The auditor, four hundred dollars per annum.

2. The district attorney, two thousand dollars per annum.

3. The county surveyor shall be given all work for the county in which the county employs one surveyor or civil engineer; provided, however, the board of supervisors may, and they are hereby authorized, in their discretion, to employ a highway engineer, other than the county surveyor, for the purpose of laying out, maintaining and constructing highways and other structures incidental thereto in said county, the period of service and compensation of such highway engineer to be fixed by said board of supervisors and payment for such services to be out of such fund or funds as may be designated by said board. The county surveyor shall also receive all actual expenses when at work in the field.

4. Each supervisor, twelve hundred dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

5. In counties of this class, the official reporter of the superior court shall receive a salary of sixty-seven and 50/100ths dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of nine dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

6. Grand and trial jurors. Three dollars per day, and such mileage fees as may be allowed by law.

7. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 474—An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 474 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 737ff", and insert in lieu thereof the following: "sections 737f, 737k, 737r, 737ff, and 737zz".

**Amendment No. 2.**

On page 1, lines 2 and 3 of the title of the printed bill strike out "the judge of the superior court, Plumas County", and insert in lieu thereof the following: "judges of the superior court."

**Amendment No. 3.**

On page 1, line 1, of the printed bill, after "Section 1", insert the following: "Section 737f of the Political Code is hereby amended to read as follows:

737f. The annual salary of the judge of the superior court in and for the county of Colusa is six thousand dollars.

SEC. 2. Section 737k of the Political Code is hereby amended to read as follows: 737k. The annual salary of the judge of the superior court in and for the county of Glenn is six thousand dollars.

SEC. 3. Section 737i of the Political Code is hereby amended to read as follows: 737i. The annual salary of the judge of the superior court in and for the county of Lassen is six thousand dollars.

SEC. 4."

**Amendment No. 4.**

On page 1, lines 4 and 5, of the printed bill strike out "ten thousand five hundred", and insert in lieu thereof the following: "six thousand".

**Amendment No. 5.**

On page 1 of the printed bill, after line 5, insert the following:

"SEC. 5. Section 737n of the Political Code is hereby amended to read as follows: 737n. The annual salary of the judge of the superior court in and for the county of Tehama is six thousand dollars."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 548—An act to amend subsections 3 and 7, and to add a new subsection to be numbered 9 to section 69010 of the Political Code.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Senate Bill No. 548 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "Subsections 3 and 7, and to add a new subsection to be numbered 9 to", and on line 3 insert a comma in lieu of the period, and add the following: "relating to rights in and to, and structures on, or partly on, swamp, overflowed, marsh, tide or submerged lands."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "Subsection 3 of said act", and insert in lieu thereof, the word "Section".

**Amendment No. 3.**

On page 1 of the printed bill, immediately following line 2 add the following:

"69010. (1) The Department of Finance, through the Chief of the Division of State Lands, is hereby authorized, upon written application of the littoral owner, to grant authority to any owner of the littoral lands, to construct, alter or maintain, groins, jetties, sea walls, breakwaters, piling bulkheads, piers, piers or over any of the swamp, overflowed, marsh, tide or submerged lands of this State bordering upon such littoral lands if at the time of construction or alteration the same do not unreasonably interfere with the uses and purposes reserved to the people of the State and is hereby authorized, empowered and directed to make and establish reasonable rules and regulations with reference to such applications and the location, type, character, design, size and manner under which said structures may be constructed, altered or maintained, and to take suitable measures to enforce such rules and regulations and to fix and collect reasonable fees not exceeding the actual cost thereof for the filing and examination of each application therefor, and for the performance of such other duties as may be required under the provisions of this act. Said department shall also in a similar manner, have power to remove, require to be removed, repaired or altered and to regulate the type, character, design, size, and maintenance of structures mentioned herein and existing at the time this section goes into effect, and to make reasonable rules and regulations in reference thereto. Should any accretions be caused or occasioned by any such structure authorized hereunder no fence, building or other structure of any kind other than the structure herein authorized and appliances for the protec-



tion of life shall be permitted or suffered to be erected or maintained either by the State, any political subdivision thereof or municipality or by any one claiming under or through them upon any such accretions, belonging to others than the littoral owner to the end that all such accretions shall at all times be and remain an unobstructed and open beach, except as provided in subsection 4. If by reason of any grant to any municipality, political subdivision or district, or by reason of any charter of any city, county, or county, any of the powers and duties which are granted to or imposed upon the Department of Finance in relation to lands described in this section, can not be exercised by said department within any municipality, political subdivision or district, or any portion thereof, then such powers and duties are to that extent granted to and imposed upon such municipality, political subdivision or district, to be exercised and performed by, or under the authority of, the legislative or other governing body of such municipality, political subdivision or district; but where any such lands have been granted to any municipality or other governmental agency in trust or for limited purposes or upon conditions, nothing herein contained shall be deemed to affect such trusts or purposes or to extend such trusts or purposes or to modify or affect such conditions. The authority to be granted under this section shall not obviate the necessity of the obtaining by the applicant of permission from the War Department of the Government of the United States of America to construct, alter or maintain the structures herein authorized.

(2) Nothing in this section shall be construed as abridging any right of the State to erect, maintain or remove the protective structures herein mentioned, upon, across or over any of the swamp, overflowed, marsh, tide or submerged lands of this State."

#### Amendment No. 4.

On page 1, line 3, of the printed bill, strike out "Highwater Mark."

#### Amendment No. 5.

On page 1 of the printed bill, strike out all of lines 9 and 10.

#### Amendment No. 6.

On page 1 of the printed bill, immediately following line 8, add the following:

"(4) In any case where, after the establishment of such high water mark, it is found that any structures other than those mentioned in subsections 1, 2 and 3 are on or partly on such lands owned by the State, and such structures have been erected prior to August 14, 1934, the person who has erected such structure or structures or his successor in interest may, within one year of such determination, apply to the Chief of the Division of State Lands of the Department of Finance for a lease of so much of such lands as is necessary to the purpose of such structure or structures. During such year, and thereafter during the pendency of such application, no proceedings shall be commenced or carried on for the purpose of removing any such structure or structures or interfering with the use thereof.

(5) Such application shall be in writing and verified by the applicant, or if it be a corporation, by an officer thereof, and shall set forth the name and address of the applicant and shall contain a description of the land which the applicant desires to lease, accompanied by a plat of survey thereof, and a statement of the term for which a lease is desired by the applicant. Said application must be accompanied by a filing fee of \$10. If, upon an examination of the description of the land sought to be leased, or the plat of survey thereof accompanying said application, it shall appear to the Chief of the Division of State Lands that said description or plat of survey is insufficient, he shall forthwith, at the expense of the applicant, survey or cause to be surveyed the land so sought to be leased. Within 30 days after the filing of any such application, or within 30 days after the completion of a survey made pursuant to this section, the Chief of the Division of State Lands shall forthwith appraise said land and determine and establish a reasonable annual rental for such land as unimproved, and in the determination of which rental the Chief of the Division of State Lands shall be controlled and guided by the values or rentals of lands of like character and similarly situated. The Chief of the Division of State Lands shall then prepare, in duplicate, a lease of such land from the State of California to the applicant. Such lease shall be granted for a period not to exceed five years from and after the date of such application and shall contain such other terms and conditions as in the opinion of the Chief of the Division of State Lands are for the best interests of the State. Such lease when so prepared shall be forthwith signed in duplicate in the name and on the behalf of the State of California by the Director of Finance and when the same shall have been so signed the Chief of the Division of State Lands shall give notice by registered mail to the applicant at his, or its, address as stated in the application, that such lease is ready in the office of the Division of State Lands for execution by and delivery to the applicant. Within 30 days after the mailing of such notice the applicant shall sign such lease, in duplicate, as lessee, and pay to the State of California the installment of rental which by the terms of such lease is to be paid on or before its delivery, and the Chief of the Division of State Lands shall deliver one of such executed copies to the applicant and file the other thereof in the Division of State Lands. If

the applicant shall fail to sign such lease, in duplicate, and make such annual payment of rental within 30 days after the mailing to the applicant of his notice herein provided for that such lease is ready for signature he and his successors in the applicant, the applicant shall be deemed to have waived the privilege to obtain a lease under the provisions of this act, and the Chief of the Division of State Lands shall forthwith report all the facts in connection with the applicant's occupation, as well as the occupation by other persons in such cases, of such lands to the Attorney General who is authorized to commence an action at law or a writ of mandamus to restrain the county wherein such lands or any portion thereof are located to grant the applicant, or applicant's assignee or successor, or such other persons, from so using.

(6) The Department of Finance through the Chief of the Division of State Lands, may grant the privilege of depositing material from the Division of State Lands, may grant the privilege of depositing material from such lands owned by the State, upon such terms and conditions and for such consideration which, in the opinion of the Director of Finance and in for the best interests of the State."

#### Amendment No. 7.

On page 1 of the printed bill, amendatory following (page 21) add the following: "(8) The Department of Finance through the Chief of the Division of State Lands is hereby authorized to cooperate with the Public Finance Board of the United States Government, and out of any appropriation for the purposes of this section to expend such moneys as are necessary for cooperative work with such board."

#### Amendment No. 8.

On page 1, line 22, of the printed bill strike out "it" and insert in lieu thereof "and".

Bill read second time, ordered to print, engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

Assembly Bill No. 1306—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 694—An act to amend section 7.76h of the Political Code, relating to compensation of the judges of the superior court in and for the county of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 467—An act to provide for the maintenance of storm drain improvements, and of other water courses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2799—An act to amend section 737s, as amended, of the Political Code of the State of California to provide an annual salary for each of the judges of the superior court in and for the county of Los Angeles of \$10,000.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 602—An act to amend the Political Code by adding thereto a new section to be numbered 40495, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2817—An act to amend section 737vv of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Solano.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 906—An act to amend section 23 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection and county fire protection districts from the operation of said act.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 906 was read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 16.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1072—An act to amend sections 4 and 11 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1072 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out the figure "4", and insert in lieu thereof the figure "9".

##### **Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, strike out the figure "4", and insert in lieu thereof the figure "9".

##### **Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out all of lines 9 to 17, both inclusive.

##### **Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out all of lines 1 to 43, both inclusive.

##### **Amendment No. 5.**

On page 3, line 24, of the printed bill, as amended, strike out the figure "3", and insert in lieu thereof the figure "2".

Bill read second time, ordered to print, and on file for third reading.

#### **Postponement of Reconsideration.**

On motion of Senator Phillips, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1824 was passed was continued until the next legislative day.

#### **Unfinished Business.**

Senate Bill No. 993—An act to amend section 440 of the Political Code, relating to the issuance of warrants by the State Controller, and payment of claims against the State.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 993, read previously.

The question being: Shall Senate Bill No. 993 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Cunningham, DeLong, Dodd, Fletcher, Gordon, Hays, Hollister, Holahan, Keating, Keough, Law, McCannick, Metzger, Phillips, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tickle, Wagz, and Westover—25.

**Re-reference of Senate Constitutional Amendment No. 18.**

Senator Powers moved that Senate Constitutional Amendment No. 18 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Third Reading of Senate Bills.**

Senate Bill No. 800—An act to amend section 525 of the Fish and Game Code, relating to water flow through a dam.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 800 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLong, Dodd, Fletcher, Gordon, Gordon, Hays, Keating, Keough, Law, McCannick, Metzger, Phillips, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagz, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 800 ordered transmitted to the Assembly.

Senate Bill No. 452—An act to amend sections 733, 1151, 1158, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 7045, 7063, 9025, 12903, 12904, 12919, 12923, 12928.5, 12956, and 12957 thereto, all relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hays, Keating, Keough, Knowlton, Law, McCannick, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagz, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 452 ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 9.**

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to exemptions of property on account of military service.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two



houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 14 of Article XIII of the Constitution of this State be amended to read as follows:

Sec. 14. The property to the amount of one thousand dollars of every resident of this State who has served in the Army, Navy, Marine Corps or Revenue Marine Service of the United States in time of war, and received an honorable discharge therefrom, or who after such service of the United States in time of war has continued in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of \$1,000 of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of \$1,000 of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy or Marine Corps or Revenue Marine Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of \$5,000 or more, or where the wife of such soldier or sailor owns property of the value of \$5,000 or more.

The person claiming this exemption may apply any part or all of it to the actual value of his motor vehicle in determining the actual value for the purpose of fixing any license fee on the motor vehicle, the amount of which is a percentage of the actual value of the motor vehicle. No exemption shall be made under the provisions of this act of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

Senate Constitutional Amendment No. 9 read.

The question being on the adoption of the amendment.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

The Secretary announced the absentees.

Time, eleven o'clock and ten minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills.

Assembly Bill No. 629—An act to add section 985 to the Streets and Highways Code, relating to cattle guards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Knowland, Law, McCormack, McGovern, Metzger,

Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 629 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 6.

Relative to memorializing the President and Congress to enact legislation furnishing aid in the construction of check dams in the Salinas River Valley.

WHEREAS, The water level of the Salinas Valley is rapidly declining; and

WHEREAS, The salt water is beginning to encroach inwardly from the ocean; and

WHEREAS, The cost of power is making it almost prohibitive for agricultural pursuits in the Salinas Valley due to the low water level; and

WHEREAS, Erosion is taking place and the soils are rapidly being put in danger because of the lack of proper soil and water protection; and

WHEREAS, The people of Salinas Valley are aware of this and are desirous of having the Federal Government remedy these defects and to name the Salinas Valley for future generations to conduct agricultural pursuits and to continue to increase the habitation of the Salinas Valley; and

WHEREAS, The water for domestic use may soon be jeopardized if populations increase; therefore, be it

*Resolved by the Assembly and the Senate of the State of California jointly:* That the President and the Congress of the United States are hereby respectfully urged to enact as quickly as possible such suitable legislation as will provide for a survey and plan for the construction of check dams and a soil erosion prevention project; and be it further

*Resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives then Congressed in the Congress of the United States, and that such Senators and Representatives from California are hereby respectfully urged to support such legislation.

Resolution read

The question being on the adoption of the resolution:

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swag, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

#### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Quinn.

The names of the absentees were called, and Senate Constitutional Amendment No. 9 adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Douel, Fletcher, Garrison, Holohan, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swag, Tickle, Westover, Williams, and Young—30.

NOES—Senators Allen, Cunningham, Gordon, Hays, Knowland, Mixer, Schottky, and Wagy—8.

Senate Constitutional Amendment No. 9 ordered transmitted to the Assembly.

#### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 509—An act to amend section 3612 of the Political Code, relating to exemptions under section 1½ of Article XIII of the Constitution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 509 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hollister, Holohan, Keating, Keough, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—26.

NOES—Senators Allen, Cunningham, Gordon, Hays, Knowland, and Schottky—6.

Title read and approved.

Senate Bill No. 509 ordered transmitted to the Assembly.

Senate Bill No. 203—An act to amend section 651.6 of the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 203 passed by the following vote:

AYES—Senators Allen, DeLap, Deuel, Fletcher, Hays, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Powers, Quinn, Rich, Seawell, Slater, Swing, and Young—22.

NOES—Senators Biggar, Cunningham, Garrison, Gordon, Hollister, Holohan, Olson, Parkman, Phillips, Schottky, Tickle, Wagy, Westover, and Williams—14.

Title read and approved.

Senate Bill No. 203 ordered transmitted to the Assembly.

Senate Bill No. 806—An act to provide for the consolidation of Coachella Valley County Water District and Coachella Valley Storm Water District and to provide for the carrying on of the functions of the consolidated district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 806 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 806 ordered transmitted to the Assembly.

Senate Bill No. 525—An act to amend section 1197b of the Political Code, relating to initiative measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 525 ordered transmitted to the Assembly.

Senate Bill No. 526—An act to amend section 1197a of the Political Code, relating to initiative measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 526 passed by the following vote:

**AYES**—Senators Allen, DeLap, Fletcher, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 526 ordered transmitted to the Assembly.

Senate Bill No. 650—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions.

#### Amendments from the Floor.

During third reading of Senate Bill No. 650 the following amendments, offered by Senator McGovern, were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, between the existing clause and line 1, insert the following:

"Section 1. Part 3, Title 2, Chapter 8 of the Political Code is hereby amended by adding thereto a new section, to be numbered 1195c, to read as follows:".

#### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Section".

Bill read, ordered to reprint, reengrossment, and on file for third reading.

Senate Bill No. 1116—An act to add sections 517 and 518 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1116 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 1116 ordered transmitted to the Assembly.



Senate Bill No. 664.—An act to establish an unpaid commission on intergovernmental cooperation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

**NOES**—Senators Hays, and Rich—2.

Title read and approved.

Senate Bill No. 664 ordered transmitted to the Assembly.

Senate Bill No. 863.—An act providing for the control, management, and jurisdiction over certain lands owned by the State of California and situated in the county of Humboldt.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 863 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 863 ordered transmitted to the Assembly.

#### **President Pro Tempore in the Chair.**

At twelve o'clock and twenty-eight minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

#### **Unfinished Business—(Resumed).**

Senate Bill No. 309.—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 309, the following amendments, offered by Senator Swing, were read and adopted:

##### **Amendment No. 1.**

On page 4, lines 4 and 5, of the printed bill, as amended, strike out “, other than ex officio members,”.

##### **Amendment No. 2.**

On page 4, line 11, of the printed bill, as amended, beginning with the word “In”, strike out line 11 and lines 12 to 18, inclusive, and insert in lieu thereof the following:

“The board may appoint and fix the compensation of a secretary and such other officers, examiners, assistant examiners, referees and other employees as may be necessary to carry out and perform the powers, duties, purposes, functions and jurisdiction now or that may hereafter be vested by law in the State Personnel Agency or necessary to carry out the purposes of this act.

Sec. 32. The executive officer shall do and perform each and all of the things and duties that may be required of him by rules and regulations prescribed and established by the board, and such other powers, duties, purposes, functions and jurisdiction as are now or that may hereafter be vested in him by law.”

**Amendment No. 3.**

On page 4, line 28, of the printed bill, as amended, strike out "and executive officer".

**Amendment No. 4.**

On page 4 of the printed bill, as amended, strike out line 48.

**Amendment No. 5.**

On page 5, line 1, of the printed bill, as amended, after "published", insert the following: "in such manner as the board shall determine".

**Amendment No. 6.**

On page 5 of the printed bill, as amended, between lines 22 and 23, insert the following:

"(g) To do such other things, exercise such other powers, perform such other duties, purposes, functions and jurisdiction as are now or that may hereafter be vested in said board by law."

**Amendment No. 7.**

On page 5, line 25, of the printed bill, as amended, strike out "appointed subject to the provisions of this act."

**Amendment No. 8.**

On page 5, line 27, of the printed bill, as amended, after "except", strike out the balance of line 27 and all of line 28, and insert in lieu thereof the following: "the secretary of the board".

**Amendment No. 9.**

On page 6 of the printed bill, as amended, strike out lines 1 to 5, inclusive.

**Amendment No. 10.**

On page 10, line 37, of the printed bill, as amended, after "board", strike out the balance of line 37, and strike out "of the executive officer" in line 38.

**Amendment No. 11.**

On page 11, line 13, of the printed bill, as amended, after "if" strike out the balance of line 13, and strike out "that", in line 14.

**Amendment No. 12.**

On page 11, line 15, of the printed bill, as amended, after "and", and before the period, insert the following: "and the Director of Finance shall so certify".

**Amendment No. 13.**

On page 12, line 25, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 14.**

On page 12, line 27, of the printed bill, as amended, strike out "as in his estimation", and in line 28, strike out "the need requires and".

**Amendment No. 15.**

On page 12, line 43, of the printed bill, as amended, after "board", strike out the balance of line 43, and all of lines 44 and 45, change to and including "appointments", in line 45, and insert in lieu thereof the following: "shall establish minimum qualifications for determining the fitness and qualifications of candidates for each class of positions and for temporary appointments and for appointments for examinations, and for such purpose may require".

**Amendment No. 16.**

On page 13, line 3, of the printed bill, as amended, strike out "is found to lack any of the essential requirements", and insert in lieu thereof the following: "lacks any of the minimum qualifications established by the board".

**Amendment No. 17.**

On page 15, line 39, of the printed bill, as amended, strike out "the executive", and in line 40, strike out "officer determines".

**Amendment No. 18.**

On page 17, line 37, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board by rule".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Use of Senate Chamber.**

On motion of Senator Olson, the use of the Senate Chamber for this evening, April 20, 1937, was granted to the Senate Committee on Labor and Capital.

**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Allen:

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Respectfully submitted,

SENATOR ALLEN.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Allen to introduce a bill entitled:

An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds; Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
MCCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, Deuel, Gordon, Hollister, Keating, McColl, Phillips, Quinn, Rich, Schottky, Slater, Waggy, Westover, Williams, and Young - 15.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Senate Bills.

Senate Bill No. 1097—An act to add section 4041 14a to the Political Code, relating to community theaters.

##### Amendments from the Floor.

During third reading of Senate Bill No. 1097, the following amendments, offered by Senator Hollister, were read and adopted:

##### Amendment No. 1.

On page 2, line 22, of the printed bill, as amended, strike out "per," and strike out line 23, and insert in lieu thereof the following: "respective by donation in trust."

##### Amendment No. 2.

On page 2 of the printed bill, as amended, following line 35, insert the following:

"No moneys received by a county under the power of taxation shall ever be used for the care, maintenance, or improvement of any property acquired by the county under this section."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 11—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals.

##### Amendments from the Floor.

During third reading of Senate Bill No. 11, the following amendments, offered by Senator Garrison, were read and adopted:

##### Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "430," and insert in lieu thereof the following: "427".

##### Amendment No. 2.

On page 1 of the printed bill, strike out line 10, and insert in lieu thereof the following:

"427.1. Any person in lawful possession of any land under cultivation or enclosed by a good and substantial fence and upon"

##### Amendment No. 3.

On page 1, line 19, of the printed bill, strike out "432", and insert in lieu thereof the following: "427.2".

##### Amendment No. 4.

On page 1, line 25, of the printed bill, strike out "433", and insert in lieu thereof the following: "427.3".

##### Amendment No. 5.

On page 1, line 29, of the printed bill, strike out "434", and insert in lieu thereof the following: "427.4".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Unfinished Business—(Resumed).

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes of 1935.



**Amendments from the Floor.**

During third reading of Senate Bill No. 118, the following amendments, offered by Senator Parkman, were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of the words in lines 3 to 14, both inclusive, and insert in lieu thereof the following: "organized and operated for the practical application of one or more of the fundamental sciences by the use of specialized apparatus, equipment and methods for the purpose of obtaining scientific data which may be used as an aid to ascertain the presence, progress and source of disease."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out all of the words in lines 19 to 34, both inclusive, and insert in lieu thereof the following:

"It shall be the duty of the State Board of Public Health to issue a certificate of licensure as clinical laboratory technologist to each person who holds a degree in one or more of the fundamental sciences issued by a recognized institution and is found by it to be properly qualified as such by written, oral and practical examination conducted under such rules and regulations as it shall from time to time promulgate.

Any resident of this State who for a period of more than five years prior to the effective date of this act shall have been engaged actively in the work and direction of a clinical laboratory, doing work in the fundamental sciences of bacteriology, biochemistry, serology, parasitology and other allied subjects relating to clinical laboratory procedure, one year of which, immediately preceding the effective date of this act shall have been spent directing such clinical laboratory in the State of California, shall be granted a certificate of licensure as clinical laboratory technologist without examination, by making application to the State Board of Public Health on or before January 1, 1938, and paying the required fee."

**Amendment No. 3.**

On page 5 of the printed bill, as amended, strike out all of line 2, and insert in lieu thereof the following: "The State Medical Practice Act, or any provision of the Business and Professions Code, relating to the practice of medicine."

**Amendment No. 4.**

On page 3 of the printed bill, as amended, strike out all of lines 39 to 46, both inclusive, and insert in lieu thereof the following:

"SEC. 6. None of the provisions of this act shall apply to a clinical laboratory now operated or hereafter to be operated by nonprofit hospitals, by nonprofit hospital associations, or by any nonprofit hospital department which is chiefly maintained by dues or contributions from employees of a common employer or of a group of affiliated employers, the services of which are principally confined to such employees, their dependents and members of their families and persons disabled in or by reason of the operations of the employer or group of employers, or by the State of California or the United States of America or any department, official or agency thereof, or to nonprofit foundations engaged in research work."

**Amendment No. 5.**

On page 3, line 21, of the printed bill, as amended, after the word "Health", and before the period, insert the following: "; provided, however, that it shall be unlawful for an apprentice to work or be employed in a clinical laboratory unless there are on the active laboratory staff one or more licensed clinical laboratory technicians and it shall be unlawful for more than two apprentices to work or be employed at the same time in the same clinical laboratory."

**Amendment No. 6.**

On page 5 of the printed bill, as amended, strike out all of lines 15 to 24, both inclusive, and insert in lieu thereof the following:

"The State Board of Public Health shall make and promulgate such reasonable regulations to require that all clinical laboratories be conducted, maintained and operated without injury to the public health and for the enforcement of this act as may be reasonably necessary and proper and its agents shall have the right of inspection and inquiry into the methods and equipment used by clinical laboratories operating under this act, and shall, when such methods or equipment are in its judgment a menace to public health, make recommendations for change to the director in charge."

**Amendment No. 7.**

On page 4 of the printed bill, as amended, strike out all of lines 43 to 47, both inclusive, and insert in lieu thereof the following:

"SEC. 9. Any person, firm, association or corporation who shall violate any provision of this act shall be guilty of a misdemeanor."

**Amendment No. 8.**

On page 2, line 37, of the printed bill, as amended, after the word "person", insert the following: "other than a physician and surgeon."

Bill read, ordered to reprint, re-engrossment, and on file.

**Communication.**

The following communication was received and, on motion of Senator Gordon, ordered printed in the Journal:

WHEREAS, The California State Legislature at the years 1927, 1929, 1931, 1933 and 1935, had before them consideration of State ownership of the Carquinez Bridge; and

WHEREAS, The only action taken by the State Legislature throughout those years were recommendations for further study and consideration; and

WHEREAS, The State Legislature now is before the Senate a report of a report submitted by the California Toll Bridge Authority concerning the feasibility of the acquisition by the State of the Carquinez Bridge; and

WHEREAS, This report and particularly the summary report presented by the Lieutenant Governor with the report and summary, strongly recommend positively that acquisition by the State of the Carquinez Bridge is feasible and would result in a drastic reduction of tolls, therefore, be it

*Resolved*, That Solvado Grange does hereby respectfully petition the State Legislature now in session to take appropriate action, suggested in Appendix and direct the California Toll Bridge Authority to acquire the Carquinez Bridge; and in the name of the people of the State of California.

I hereby certify that the above is a correct copy of a resolution passed by Solvado Grange of Calistoga, April 17, 1937.

[SEAL]

MAGGIE F. TURNER, Secretary Pro Tem.

**Consideration of Senate Concurrent Resolution No. 29.**

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 29, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 29.**

Relative to the amendment of Rule No. 10 of the Joint Rules of the Senate and Assembly.

*Resolved by the Senate of the State of California, The Assembly thereunto concurring*, That Rule No. 10 of the Joint Rules of the Senate and Assembly of 1937 of Concurrent and Joint Resolutions and Constitutional Amendments of 1937 be and is hereby amended to read as follows:

10. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in canceled or "strike-out" type.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 29 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLeon, Donohue, Emerson, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Lusk, McBride, McCall, McCormick, McGovern, Nielson, Parkinson, Phillips, Quinn, Rich, Scherby, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Senate Concurrent Resolution No. 29 ordered transmitted to the Assembly.

**Third Reading of Assembly Bills—(Resumed).**

Assembly Bill No. 1833—An act to amend section 786 of the Fish and Game Code, relating to lobsters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1833 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1833 ordered transmitted to the Assembly.

Assembly Bill No. 1444—An act to amend sections 147 and 150 of the Code of Civil Procedure, relating to court seals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1444 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1444 ordered transmitted to the Assembly.

#### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

#### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1133:** By Senator Allen—An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Senate Bill No. 1133 read first time, and referred to Committee on Municipal Corporations.

#### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 439—An act to amend sections 782, 784.3 and 830 of the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 439 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, Lary, McColl, McGovern, Mixter, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swain, Westover, Williams, and Young—27.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 439 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

Senate Bill No. 1130—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale.

**Bill read third time.**

**The question being on the passage of the bill.**

The roll was called, and Senate Bill No. 1130 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Mixter, Phillips, Quinn, Schottky, Seawell, Slater, Swain, Westover, Williams, and Young—27.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 1130 ordered transmitted to the Assembly.

#### **Senate Constitutional Amendment No. 20.**

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by inserting section 2 of Article IV of the Constitution, relating to the introduction of legislative bills.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its fifty-second regular session, commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by inserting section 2 of Article IV to read as follows:

**Sec. 2.** The session of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock m., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding 90 days thereafter, whereupon a recess of both houses must be taken for not less than 30 days.

Each member of the Legislature may introduce 20 bills, not more than two of which may be introduced upon the reassembling of the Legislature after the recess provided herein.

**Bill read.**

**The question being on the adoption of the bill.**

The roll was called, and Senate Constitutional Amendment No. 20 refused adoption by the following vote:

**AYES**—Senators Allen, Gordon, Hays, Hollister, Keating, McCrackin, Mixter, Powers, Quinn, Rich, Seawell, Slater, Swain, Tickle, Westover, and Williams—16.

**NOES**—Senators Biggar, Cunningham, DeLap, Deuel, Flower, Garrison, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Nielson, Olson, Parkman, Phillips, Pierovich, Schottky, Waggy, and Young—22.

Senate Bill No. 1070—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and prop-



erty, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1070 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, McColl, McCormack, McGovern, Phillips, Quinn, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 1070 ordered transmitted to the Assembly.

Senate Bill No. 1084—An act to amend section 1 of an act entitled "An act relating to tare allowances on fruit, grain, and wool sold in bags," approved May 27, 1935, relating to sales of farm products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1084 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, McBride, McColl, McCormack, McGovern, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 1084 ordered transmitted to the Assembly.

Senate Bill No. 912—An act to add a new section to be numbered 32c to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1914, as amended, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 912 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, McBride, McColl, McCormack,

McGovern, Mixer, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Slater, Tickle, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 912 ordered transmitted to the Assembly.

Senate Bill No. 438—An act to amend sections 2 and 4 of an act entitled "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to permits and to species illegally entered or kept.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 438 passed by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Doss, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, McBrade, McCall, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Quinn, Schottky, Slater, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 438 ordered transmitted to the Assembly.

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 930 passed by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, McBrade, McCall, McCormack, McGovern, Mixer, Phillips, Powers, Quinn, Schottky, Slater, Swing, Westover, Williams, and Young—24.

NOES—Senators Keough, and Nielsen—2.

Title read and approved.

Senate Bill No. 930 ordered transmitted to the Assembly.

### **Motion to Withdraw Assembly Bill No. 546 from Committee.**

Senator Garrison moved that Assembly Bill No. 546 be withdrawn from Committee on Governmental Efficiency, and placed on second reading file.

The question being on the motion to withdraw Assembly Bill No. 546 from Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

AYES—Senators Garrison, Hays, Jespersen, and Young—4.

NOES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBrade, McCall, McCormack, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—20.

### **Senator Wagy in the Chair.**

At three o'clock and twenty-five minutes p.m., Senator Wagy of the thirty-fourth district was called to the chair.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Concurrent Resolution No. 30:** By Senators Crittenden and Rich—Relative to the appointment of a Mediation Commission for the settlement of labor disputes now existing in the city of Stockton and county of San Joaquin.

**Consideration of Senate Concurrent Resolution No. 30.**

Senator Crittenden asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 30, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 30.**

Relative to the appointment of a Mediation Commission for the settlement of labor disputes now existing in the city of Stockton and county of San Joaquin.

**WHEREAS,** An emergency exists growing out of labor disputes in the city of Stockton and county of San Joaquin; and

**WHEREAS,** The situation is critical; and

**WHEREAS,** The Governor of the State of California has been this day working on a plan for the appointment of a commission to mediate and settle these disputes in the interest of harmony, the protection of property and lives; and

**WHEREAS,** He has expressed eagerness that the Legislature cooperate with him and approve of his appointment of such Mediation Commission; now, therefore, be it *Resolved by the Senate of the State of California, the Assembly thereat concurring,* That the Legislature does hereby approve of the Governor's intention to appoint a Mediation Commission to assist in the settlement of all labor disputes in the city of Stockton and county of San Joaquin; and be it further

*Resolved,* That the personnel and number of the commission are entirely left to the discretion of the Governor without recommendation on the part of the Legislature.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 30 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Senate Concurrent Resolution No. 30 ordered transmitted to the Assembly.

**Withdrawal and Re-reference of Assembly Bill No. 3.**

Senator Parkman moved that Assembly Bill No. 3 be withdrawn from Committee on Public Utilities, and referred to Committee on Judiciary.

Motion carried, and such was the order.

**Resolution.**

The following resolution was offered:

By Senators Quinn and Slater:

**WHEREAS,** The Supreme Power has seen fit to remove from his earthly activities the Honorable James Norris Gillett in the seventy-seventh year of his life; and

**WHEREAS,** During his long, valuable and honorable career in the service of the people of this State as city attorney for Eureka, State Senator, Congressman, and Governor of this State, and his active service of and interest in the affairs of this State continuing up to the time of his decease, he has endeared himself to the hearts of the members by his sterling character and qualities; and

**WHEREAS,** While Governor of this State he maintained an enviable record for economical operation of the State, and was the father of the California State highway system; and

WHEREAS, The members of the Senate have learned with profound regret and the deepest sorrow of the passing of this esteemed public servant, Honorable James Norris Gillett, now, therefore, be it

*Resolved by the Senate of the State at Charleston:* That when the Senate adjourns this day, it do so out of respect to the memory of the late Honorable James Norris Gillett, and be it further

*Resolved,* That the Secretary of the Senate be and he is hereby instructed to have prepared a suitable memorial resolution properly engrossed and sent to the family of the deceased.

Resolution read, and on motion of Senator Slater, unanimously adopted by a rising vote of the Senate.

### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1440 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deard, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowlton, Law, McCall, McGowan, McGovern, Mixer, Olson, Phillips, Pierovich, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1440 ordered transmitted to the Assembly.

Assembly Bill No. 1620—An act to amend section 449 of the Political Code, relating to employees in the Controller's office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1620 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deard, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowlton, Law, McCall, McGowan, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1620 ordered transmitted to the Assembly.

Assembly Bill No. 2157—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2157 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deard, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowlton, Law, McGowan, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2157 ordered transmitted to the Assembly.



Assembly Bill No. 1371—An act to add section 765 to the Vehicle Code, relating to violations thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1371 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1371 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Williams:

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 985 of the Political Code, relating to official bonds.

Respectfully submitted.

SENATOR WILLIAMS.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Williams to introduce a bill entitled:

An act to amend section 985 of the Political Code, relating to official bonds:

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
MCCOLL.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 1134:** By Senator Williams—An act to amend section 985 of the Political Code, relating to official bonds.

Senate Bill No. 1134 read first time, and referred to Committee on Judiciary.

### Notice of Motion to Reconsider.

Senator Keough gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 930 was passed.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 962—An act to amend section 1193 of the Penal Code, relating to pronouncement of judgment.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 2557—An act to amend section 1431 of the Penal Code, relating to change of venue;

Assembly Bill No. 963—An act to amend section 1227 of the Penal Code, relating to a judgment of death remaining on file—recommended.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

#### On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Assembly Bill No. 1129—An act to add sections 6 and 7 to an act entitled "An act fixing the price, terms and conditions of sale of such state goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of state goods.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; noes—1.

HOLAHAN, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 260—An act to amend section 4309g of the Political Code, relating to witness fees;

Assembly Bill No. 808—An act to amend sections 105 and 107 of the Civil Code, relating to divorce;

Assembly Bill No. 1462—An act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued for public works projects and validating, ratifying, approving and confirming certain proceedings heretofore taken in connection with public works projects, by certain public bodies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HAYS, Chairman.

#### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 646—An act authorizing the survey, location, and establishment of the high water mark, bordering upon tidewater of the Pacific Ocean, between the

northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee votes: Ayes—3.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 2788—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of the said city;

Assembly Bill No. 217—An act to amend sections 2 and 3 of an act entitled "An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 526—An act to add a new section to be numbered section 2 to Chapter 621 of the Statutes of 1931 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1931, relating to the grant of lands to said city;

Assembly Bill No. 1078—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

#### On Aviation and Aircraft.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Aviation and Aircraft, to which was referred:

Assembly Joint Resolution No. 39—Relative to memorializing the Congress of the United States to enact certain legislation concerning aviation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

CUNNINGHAM, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 411—An act to amend section 588 of the Vehicle Code, relating to parking;

Assembly Bill No. 2195—An act to amend sections 500, 501, 503, and 505 of the Vehicle Code, relating to felonies and other offenses;

Assembly Bill No. 2625—An act to amend section 372 of the Vehicle Code, relating to registration fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1225—An act to add section 53 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles;

Assembly Bill No. 1218—An act to amend sections 372, 702, 703, 704 and 705 of the Vehicle Code, relating to fees and weights of vehicles;

Senate Bill No. 690—An act to create a commission to promote traffic safety upon the streets and highways of this State;

Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585.5, relating to stolen and altered vehicles and motors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership: 9; committee vote: Ayes: 9

SLATER, Chairman.

### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 861—An act to amend section 523 of the Agricultural Code relating to imitation cream;

Assembly Bill No. 856—An act to amend section 672 of the Agricultural Code relating to dairies and dairy products;

Assembly Bill No. 858—An act to amend section 504 of the Agricultural Code relating to cheese;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 5; absent: 4

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 410—An act to add a new section to the Agricultural Code, to be numbered 394.5, relating to estray animals;

Assembly Bill No. 862—An act to amend sections 488, 490 and 587 and to repeal section 489, Agricultural Code, relating to milk;

Assembly Bill No. 78—An act to amend section 479 of the Agricultural Code relating to market milk

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership: 9; committee vote: Ayes: 5; absent: 4

POWERS, Chairman.

### Adjournment.

On motion of Senator Rich, at four o'clock and twenty-two minutes p.m., the Acting President of the Senate declared the Senate adjourned out of respect to the memory of the late James Norris Collett, former Governor of California, until ten o'clock and thirty minutes a.m., Wednesday, April 21, 1937.

ELLSWORTH W. SHAMMON, Minute Clerk.

### IN SENATE

SENATE CHAMBER,

SACRAMENTO, Wednesday, April 21, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, president of the Senate, in the chair.

Assistant Secretary Howard McIntyre at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deneb, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Minton, Olson, Parkinson, Phillips, Pionovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swang, Tinkle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kireher.



### Reading of the Journal.

During the reading of the Journal of Tuesday, April 20, 1937, the further reading was, on motion of Senator McCormack, dispensed with.

#### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. R. Bennet of Palm City.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. E. Morgan of Santa Clara, and Judge Charles A. Thompson, City Attorney, of Santa Clara.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph D. Cox, Howard Knight, E. J. Guidotti, and J. Frank Churchill, members of the Board of Supervisors, of Sonoma; Dr. E. H. Crawford, Marshall Wallace, and V. M. Moir, all of Santa Rosa; and Captain E. E. Lane of Monte Rio.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. O. L. Commons of Williams; Joe Michell, principal, Esther Guy, teacher, and the following students of the Williams Union Grammar School: Marilyn Boyd, Aura May Chatfield, Gail Commons, Lewis Doop, Kenneth Egbert, Alice Ora Fowler, Alice Lee Griffin, Ada May Hunt, Frances Leever, Louolive Leever, Frances Mancus, Charles Manning, Zane Marshall, Earl Landrus, Raymond Foutch, Nona Mary Thomas, Frank Kemp, Warren Rathbun, Josephine Wilcoxson, Ellawaise Holt, Patricia Allen, Allan Abel, Kathryn Apperson, Harold Beauchamp, Eldon Capps, Betty Jane Casey, Bethine Clothier, Robert Forrest, Russell Forrest, Hugh Hardeastle, Marvin Hamilton, Georgia Hall, Keith Jensen, Jannette Hildreth, Dorothy Kintana, Frank Kintana, Ruby Lock, Betty Rae McMullen, Louise Neyer, Gerald Rice, Ellie Strickland, Patsy Keith, Glynn Keegan, Joene Lewis, Joe Doop, and Bettie Lee Hudson.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank E. Holcham of Modesto, Mark Odell of Waterford, Mrs. Patrine Bolswick, Mr. Olos Bolswick, Mrs. Marie Berg, Mr. E. A. Carlson, Mrs. E. A. Carlson, Mrs. Rebecca Calderon, Mr. E. F. Lofquist, Mrs. E. F. Lofquist, Mrs. Olgo Martin, Mrs. Ida Olson, Mrs. Paroosie Torosian, Mrs. James Yates, Chairman of American Legion Auxiliary; and Mrs. Daisy Brockway, teacher of Citizenship, Turlock Union High School, all of Turlock.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge and Mrs. Charles J. O'Connor of San Bernardino, and Mr. and Mrs. A. E. Mahood of Pasadena.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. J. Meade, teacher and principal, and the following eighth grade members of the Winters Grammar School: Dorothy Hopkins, Betty Jean Forden, Martha Pezzati, Claire Peterson, Maralea Frank, Reva Bruhn.

Alfred Roseberry, George Matsushita, Teddy Mermod, LeRoy Harrington, Mariano Lopez, Robert Lewis, Joe Salido, John Callado, Orville Baker, Delia O'Leary, Marie Carbahal, Tomiko Seta, Edythmae Ruggles, Barbara Jean Rice, Betty Miller, Virginia Birmingham, Edna Welty, Billy Ish, Herbert Covell, Charles E. Graf, Manuel Martin, Betty Anne Barkman, Mary Martin, Tony Martin, Dolores Garcia, Dorothy Anderson, Bettymae Niemann, Mary Lee Herron, and Ermyl Baker.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. L. Carty and Mrs. E. C. Maxwell of Oxnard.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rex Crabtree of Inverness, Scotland, Mrs. R. J. Sykes, Topeka, Kansas, Mrs. F. R. Blume of Denver, Colorado, Mrs. C. M. Nunn of Boise, Idaho, and Mrs. Bert Snyder of Sacramento.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas N. Conway and H. W. Melveny, both of Los Angeles.

On request of Senator Tackie, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. C. F. Wisland of Berkeley.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Bill No. 646—An act authorizing the survey, location, and establishment of the high water mark, bordering upon tidewater of the Pacific Ocean, between the northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 410—An act to add a new section to the Agricultural Code, to be numbered 391.5, relating to stray animals.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 410 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out line 4 and in line 5 strike out "Section 4" and insert in lieu thereof the following: "within the atom incinerator described."

##### Amendment No. 2.

On page 1, line 11, of the printed bill, after "fence", insert the following: "Said portions are described as follows: All of Kern County east of the line commencing at the northwest corner of Township 25 South, Range 14 East, Meridian Base and Meridian, thence south to the northwest corner of Section 33, Township 12 North, Range 14 West, San Bernardino Base and Meridian, thence west to the northwest corner of Section 31, Township 12 North, Range 14 West, San Bernardino Base and Meridian, and thence south to the southwest corner of Section 31, Township 9, Range 14 West, San Bernardino Base and Meridian."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 690—An act to create a Commission to Promote Traffic Safety upon the streets and highways of this State.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 690 were read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out "The members of this commission shall".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 12, 13 and 14.

**Amendment No. 3.**

On page 1, line 19, of the printed bill, strike out "public", and insert in lieu thereof the following: "traffic".

**Amendment No. 4.**

On page 1, line 6, of the printed bill, strike out the words "commissions and associations", and insert in lieu thereof "and commissions".

**Amendment No. 5.**

On page 1, line 9, of the printed bill, strike out the words "the League of Cali"; also strike out all of line 10, and the words "State of California," in line 11, and insert in lieu thereof the following: "and one representative who shall be a duly qualified and acting city official of an incorporated city in the State and one representative who shall be a duly qualified and acting county official of a county of the State, which last two named representatives shall be appointed by the Governor of the State of California."

**Amendment No. 6.**

On page 2, line 36, of the printed bill, strike out "The Legislature".

**Amendment No. 7.**

On page 2 of the printed bill, strike out all of lines 37 to 39, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585.5, relating to stolen and altered vehicles and motors.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 667 were read and adopted:

**Amendment No. 1.**

On page 2, line 23, of the printed bill, as amended, strike out "or to the address of the owner"; and in line 24, strike out "whichever is nearest", and insert in lieu thereof the following: "or other place of safety".

**Amendment No. 2.**

On page 2, line 45, of the printed bill, as amended, strike out the comma; and in line 46, strike out "or from any place adjacent to a highway,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 962—An act to amend section 1193 of the Penal Code, relating to pronouncement of judgment.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Assembly Bill No. 962 were read and adopted:

**Amendment No. 1.**

On page 1, line 23, of the printed bill, strike out "thirty", and insert in lieu thereof the following: "sixty".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, strike out "forty five", and insert in lieu thereof the following: "ninety".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2557—An act to amend section 1431 of the Penal Code, relating to change of venue.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 963—An act to amend section 1227 of the Penal Code, relating to a judgment of death remaining in force unexecuted.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1129—An act to add sections 6 and 7 to an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute bags.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 260—An act to amend section 4300g of the Political Code, relating to witness fees.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 808—An act to amend sections 105 and 107 of the Civil Code, relating to divorce.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1462—An act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued for public works projects and validating, ratifying, approving and confirming certain proceedings heretofore taken in connection with public works projects by certain public bodies.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 411—An act to amend section 588 of the Vehicle Code, relating to parking.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2195—An act to amend sections 500, 501, 503, and 505 of the Vehicle Code, relating to felonies and other offenses.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2625—An act to amend section 372 of the Vehicle Code, relating to registration fees.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 861—An act to amend section 533 of the Agricultural Code, relating to imitation cream.**

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 856—An act to amend sections 671 and 672 of the Agricultural Code, relating to containers and equipment for milk and dairy products.**

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 858—An act to amend section 504 of the Agricultural Code, relating to cheese.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 862—An act to amend sections 488, 490 and 587 and to repeal section 489, Agricultural Code, relating to milk.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Assembly Bill No. 862 were read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, as amended, after the word "cows", insert the words "and goats".

**Amendment No. 2.**

On page 1, line 21, of the printed bill, as amended, after the word "cows", insert the words "or goats".

**Amendment No. 3.**

On page 2, line 13, of the printed bill, as amended, after the word "Cows", insert the words "or goats".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 78—An act to amend section 479 of the Agricultural Code, relating to market milk.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Assembly Bill No. 78 were read and adopted:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after the word "cows", insert the words "or goats".

**Amendment No. 2.**

On page 1, line 26, of the printed bill, as amended, after the word "ducing", insert the words "and marketing".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2788—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of the said city.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 2788 were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, after "boundaries," insert the following: "except such of said lands that are now being used by the State for highway purposes,".

**Amendment No. 2.**

On page 2 of the printed bill, as amended, between lines 29 and 30, insert the following:

"SEC. 2. The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for State highway purposes, including the protection of State highways, without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for public use, compensation shall be made to the person or agency entitled thereto for the value of his or its interest in the improvements and/or the damages to such interest."

**Amendment No. 3.**

On page 2, line 30, of the printed bill, as amended, strike out the figure "2", and insert in lieu thereof the following "3".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 217—An act to amend sections 2 and 3 of an act entitled "An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 217 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended after "of", insert the following: ", and to add section 10 to,".

**Amendment No. 2.**

On page 2 of the printed bill, as amended, following line 13, insert the following "Sec. 3. Section 10 is hereby added to and not to read as follows:

Sec. 10. (A) This act does not apply to any vessel using, or capable of using, any navigable waters connected with the Pacific Ocean or any vessels documented or numbered under Federal laws or regulations."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 526—An act to add a new section to be numbered section 2 to Chapter 621 of the Statutes of 1931 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1931, relating to the grant of lands to said city.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Assembly Bill No. 526 was read and adopted:

**Amendment No. 1.**

On page 1, line 23, of the printed bill, strike out the period, and insert in lieu thereof the following: "; and to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled therein for the value of his interest in the improvements taken or the damages to such interest."

Bill read second time, ordered to reprint, and re referred to Committee on Commerce and Navigation.

Assembly Bill No. 1078—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 1078 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, after line 30, add the following:

"(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any

portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest."

#### **Amendment No. 2.**

On page 1, line 11, of the printed bill, after the words "of the", strike out "eastern line of Harrison", and insert in lieu thereof "western line of Alice".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Assembly Bill No. 1225—An act to add section 53 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1225 was read and adopted:

#### **Amendment No. 1.**

On page 2, line 46, of the printed bill, as amended on March 21, 1937, after the period insert the following: "Any vehicle designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, when not equipped wholly with pneumatic tires shall pay fees for registration amounting to twice the fees imposed upon other vehicles having corresponding weights as specified in subdivision (e) hereof."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1218—An act to amend sections 372, 702, 703, 704, and 705 of the Vehicle Code, relating to fees and weights of vehicles.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1218 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 15, of the printed bill, strike out the figures "\$50.00", and insert in lieu thereof the figures "\$28.25".

#### **Amendment No. 2.**

On page 1, line 17, of the printed bill, strike out the figures "\$70.00", and insert in lieu thereof the figures "\$50.00".

#### **Amendment No. 3.**

On page 1, line 18, of the printed bill, strike out the figures "\$90.00", and insert in lieu thereof the figures "\$80.00".

Bill read second time, ordered to print, and on file for third reading.

#### **Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1824 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 1824 reconsidered by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Fletcher, Gordon, Hays, Hollister, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32.

**NOES**—None.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 30—Relative to the appointment of a Mediation Commission for the settlement of labor disputes now existing in the city of Stockton and county of San Joaquin.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 30 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 615—An act to amend sections 1241, 1245, 1246, 1248, 1249, 1254 and 1255 of the Code of Civil Procedure, and to add new sections to be numbered 1241.1, 1245.2, 1246.1, 1248.1, 1248.2, 1254.1, 1254.2 and 1254.3 to the Code of Civil Procedure, relating to enforcement of judgments.

Assembly Bill No. 1759—An act amending section 111 of the Penal Code, relating to expense of trial of convicts;

Assembly Bill No. 2078—An act to amend section 739 of the Fish and Game Code, relating to abalones.

Assembly Bill No. 2281—An act to amend section 410 of the Vehicle Code, relating to suspension of license and registration when payment is withheld, and until giving of proof of ability to respond in damages.

Assembly Bill No. 2340—An act to add a new chapter to the School Code to be known as Chapter X of Part II, Division VI, comprising sections 6736, 6737, 6738, 6739, and 6739.1, repealing the State Board of Education, in conformity with rules and regulations to be adopted by it, to supply books, apparatus, and attendance in elementary schools in the State, other than public schools, free of cost or any charge whatever, to such pupils; all textbooks furnished for use in the day and evening elementary schools of the State, in accordance with the provisions of section 7 of Article IX of the Constitution, and all other textbooks that it may adopt for use in such schools, repeating the governing boards of all such school districts of the State, in accordance with rules and regulations to be adopted by the State Board of Education, to purchase and furnish textbooks to pupils in attendance in high schools in the State, other than public high schools, repeating the governing boards of elementary school districts of the State to furnish to pupils attending private elementary schools in such districts, free of cost or other charge to such pupils, all books adopted for supplementary use in the day or postgraduate courses in the public elementary schools in such districts, and requiring the State Board of Education to furnish to pupils attending in private institutions, in this State, who are receiving instruction in elementary courses in such institutions, free of cost or charge to such pupils, all textbooks (including supplementary textbooks and books for use in postgraduate courses) which are furnished to pupils attending public elementary schools of the State.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 615 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1759 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2078 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2281 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2340 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 1532—An act to amend section 384 of the Penal Code of the State of California amending subdivision 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers;



Assembly Bill No. 197.—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: The Assembly respectfully requests the return of the following:

Assembly Bill No. 744.—An act to amend sections 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

Assembly Bill No. 1824.—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs;

Assembly Bill No. 2197.—An act to amend sections 2, 3, 7, 11, 12 and 22 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal section 32 of said act; to renumber sections 33 and 34 of said act; relating to the taxation of the storage, use or other consumption of tangible personal property;  
For further action by the Assembly.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Motion.

On motion of Senator Rich, Assembly Bills Nos. 744, 1824, and 2197, pursuant to request, were ordered returned to the Assembly.

### Motion to Reconsider Waived.

Senator Keough waived reconsideration of Senate Bill No. 930.

Senate Bill No. 930 ordered transmitted to the Assembly.

### Consideration of Senate Joint Resolution No. 20.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 20, without reference to committee for purpose of adoption.

#### Senate Joint Resolution No. 20.

Relative to memorializing Congress to pass the McCarran Bill (S. 741) or its companion bill, the Connery Bill (H. R. 3682).

WHEREAS, There is now pending before the Senate of the United States, the McCarran Bill (S. 741); and

WHEREAS, There is now pending before the House of Representatives of the United States, the Connery Bill (H. R. 3682); and

WHEREAS, These bills amend the act which provides for the classification of civilian positions within the District of Columbia and within the field services, in order to provide a more effective means of regulating and controlling the compensation of employees of the National Government; and

WHEREAS, Such regulation and control is both beneficial and necessary; and

WHEREAS, These bills establish a minimum compensation of \$1,500 per year for all adult full time employees; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly.* That the Congress of the United States is hereby memorialized to enact one of these bills at the present session; and be it further

*Resolved*, That copies of this resolution be transmitted to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 20 adopted by the following vote:

AYES—Senators Allen, Bigger, Crippenden, Cunningham, DeLoe, Fletcher, Gordon, Hollister, Jespersen, Keating, Kewagh, Knowland, Lyle, McBrade, McGowan, Metzger, Mixer, Olson, Parkman, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Senate Joint Resolution No. 20 ordered transmitted to the Assembly.

### Third Reading of Senate Bills.

Senate Bill No. 876—An act to amend section 137 of the Agricultural Code, relating to liens for county charges in the abatement of pests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 876 passed by the following vote:

AYES—Senators Allen, Bigger, Crippenden, Cunningham, DeLoe, Fletcher, Gordon, Hollister, Jespersen, Keating, Kewagh, Knowland, Lyle, McBrade, McGowan, Metzger, Mixer, Olson, Parkman, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 876 ordered transmitted to the Assembly.

Senate Bill No. 1109—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1109 passed by the following vote:

AYES—Senators Allen, Bigger, Crippenden, Cunningham, DeLoe, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Kewagh, Knowland, McBrade, McGowan, Metzger, Mixer, Olson, Parkman, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1109 ordered transmitted to the Assembly.

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13½, 13½ and 19½ to the City Carriers' Act.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1068, the following amendments, offered by Senator Hays, were read and adopted:

#### Amendment No. 1.

On page 3, line 33, of the printed bill, between the words "the commission" and "covering", insert the following: "under the provisions of this act".

**Amendment No. 2.**

On page 4, line 22, of the printed bill, strike out the word "thereof", and insert in lieu thereof the word "thereon".

**Amendment No. 3.**

On page 5, line 50, of the printed bill, strike out the figures "13.15", and insert in lieu thereof the figures "12½".

**Amendment No. 4.**

On page 6, line 1, of the printed bill, strike out the figures "13.15", and insert in lieu thereof the figures "12½".

**Amendment No. 5.**

On page 6, line 35, of the printed bill, between the words "the time" and "and", insert the following: "after the making of such interim, interlocutory or other order".

**Amendment No. 6.**

On page 6, line 44, of the printed bill, between the words "certified to" and "the Supreme Court", insert the following: "and considered by".

**Amendment No. 7.**

On page 7, line 11, of the printed bill, strike out the words "who, either individually," and insert in lieu thereof "other than a carrier, who knowingly and wilfully, either individually,".

**Amendment No. 8.**

On page 7, line 36, of the printed bill, between the words "carrier." and "After", insert the following: "After the cancellation or revocation of said permit, or during the period of its suspension, it shall be unlawful for such carrier to conduct any operations as said carrier."

**Amendment No. 9.**

On page 8, line 19, of the printed bill, strike out the words "who, either individually," and insert in lieu thereof the following: "other than a carrier, who knowingly and wilfully, either individually,".

**Amendment No. 10.**

On page 8, line 42, of the printed bill, strike out the words "or person".

**Amendment No. 11.**

On page 10, line 2, of the printed bill, after the words "may be", insert the following: "authorized or".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals.

**Amendments from the Floor.**

During third reading of Senate Bill No. 943, the following amendments, offered by Senator Metzger, were read:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "hare, or rabbit," and insert in lieu thereof the following: "dog".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, strike out "dog or dogs", and insert in lieu thereof the following: "rabbit or rabbits".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out "dogs", and insert in lieu thereof the following: "rabbits".

**Amendment No. 4.**

On page 1, line 8, of the printed bill, strike out "hares, or rabbits," and insert in lieu thereof the following: "dogs".

**Amendment No. 5.**

On page 1, line 9, of the printed bill, strike out "hares, or rabbits," and insert in lieu thereof the following: "dogs".

**Amendment No. 6.**

On page 1, line 11, of the printed bill, strike out "dog or dogs", and insert in lieu thereof the following: "rabbit or rabbits".

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Metzger, Jespersen and Gordon on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Cunningham, Hays, Metzger, Pierovich, Powers, Sondell, and Young—8.

**NOES**—Senators Allen, Crittenden, DeLap, Donald, Gordon, Hoffmeyer, Hunsaty, Jespersen, Keating, Keough, Kneeland, Lane, McReale, McGill, Moxter, Phillips, Quinn, Rich, Slater, Swing, Tackie, Wagz, and Westover—23.

**Further Amendments from the Floor.**

During third reading of Senate Bill No. 943, the following amendments, offered by Senator Schottky, were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after "flee", insert the following: "fame."

**Amendment No. 2.**

On page 1, line 4, of the printed bill, before "rabbit" insert the following: "fame."

**Amendment No. 3.**

On page 1, line 4, of the printed bill, after the second following "rabbit", strike out "or other animal".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 6 to 11, inclusive, and insert in lieu thereof the following: "killed by a dog or dogs."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 972—An act to amend sections 1, 2, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 11½, 13½, 14½, 14½, 20½, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

**Amendment from the Floor.**

During third reading of Senate Bill No. 972, the following amendment offered by Senator Gordon, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 5 to 9, inclusive, and insert in lieu thereof the following:

"(2) Any farmer who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration."

**Further Amendment from the Floor.**

During third reading of Senate Bill No. 972, the following amendment, offered by Senator Tackie, was read and adopted:

**Amendment No. 1.**

On page 6, line 34, of the printed bill, after the word "cameras", strike out the period, insert a comma, and add the following: "or to the transportation of live stock or to the transportation of feed for live stock."

**Further Amendments from the Floor.**

During third reading of Senate Bill No. 972, the following amendments, offered by Senator Hays, were read and adopted:

**Amendment No. 1.**

On page 3, line 38, of the printed bill, strike out the word "such", appearing between "copy of" and "insurance policy", and insert in lieu thereof the word "an".

**Amendment No. 2.**

On page 5, line 17, of the printed bill, strike out "Provided, however, that such", and insert in lieu thereof the word "Such".



**Amendment No. 3.**

On page 6, line 11, of the printed bill, strike out the word "thereof", and insert in lieu thereof the word "thereon".

**Amendment No. 4.**

On page 6, line 32, of the printed bill, strike out the word "however", and insert in lieu thereof the word "further".

**Amendment No. 5.**

On page 8, line 32, of the printed bill, between the words "the time" and "and for", insert the following: "after the making of such interim, interlocutory or other order".

**Amendment No. 6.**

On page 8, line 40, of the printed bill, between the words "certified to", and "the Supreme Court", insert the following: "and considered by".

**Amendment No. 7.**

On page 8, line 48, of the printed bill, before the words "highway carrier", insert the word "such".

**Amendment No. 8.**

On page 9, line 4, of the printed bill, as amended, after "shall be", insert the following: "guilty of a misdemeanor, and upon conviction thereof, be".

**Amendment No. 9.**

On page 9, line 36, of the printed bill, between the words "carrier." and "After", insert the following: "After the cancellation or revocation of said permit, or during the period of its suspension, it shall be unlawful for such carrier to conduct any operations as said carrier."

**Amendment No. 10.**

On page 12, line 7, of the printed bill, between the words "may be" and "directed", insert the following: "authorized or".

**Further Amendment from the Floor.**

During third reading of Senate Bill No. 972, the following amendment, offered by Senator Jespersen, was read:

**Amendment No. 1.**

On page 5 of the printed bill, commencing in line 8, strike out all of the printed bill to and including line 34 on page 6.

Further consideration of Senate Bill No. 972 deferred.

**Motion.**

On motion of Senator Jespersen, Senate Bill No. 942 was ordered placed on the unfinished business file.

**Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Concurrent Resolution No. 31:** By Senator Quinn—Relative to the 1938 Convention of the American Legion.

**Consideration of Senate Concurrent Resolution No. 31.**

Senator Quinn asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 31, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 31.**

Relative to the 1938 Convention of the American Legion.

WHEREAS, The American Legion, an organization composed of men who served honorably in the military forces of the Nation during its participation in the "World War," holds annual conventions in various parts of the Nation; and

WHEREAS, Posts of the American Legion in California possess enviable reputations in all respects, and particularly for hospitality; and

WHEREAS, The people of the State of California, like their Legionnaires, would rejoice in the privilege of being host to the American Legionnaires in the year of 1938; and

WHEREAS, It is understood that the American Legion will be invited to meet in Los Angeles in September, 1938, the invitation to be extended by the American Legion Posts of the State; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Senate of California give hearty aid by every means in its power to the American Legion, assuring its members that the people of the Golden State and particularly those of the southern metropolis, desire to be their host at Los Angeles during the time of their 1938 annual convention, and that nothing will be left undone to show the legionnaires the beauty, natural wealth, and spontaneous hospitality of this Commonwealth; its cluster of mountain valleys and desert, its commanding position in agriculture and industry, its maritime importance, the virility of its people and the splendor of its youth—the Great Pacific Empire; and be it further

*Resolved,* That an engrossed copy of this resolution, signed by the President of the Senate and the Speaker of the Assembly, be transmitted by the Secretary of the Senate to the National Commander of the American Legion.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ruggar, Donel, Garrison, Gordon Hays, Hollister, Holman, Jaspersen, Keating, McBride, McConnell, Metzger, Petrovich, Quinn, Rich, Schmitky, Westover, Williams, and Young—49.

The Secretary announced the absentees.

Time, two oclock and fifteen minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Approval of Journals.**

The Senate Journals of Monday, March 29, 1937; Tuesday, March 30, 1937; Wednesday, March 31, 1937; Thursday, April 1, 1937; Friday, April 2, 1937; Monday, April 5, 1937; Tuesday, April 6, 1937; Wednesday, April 7, 1937; Thursday, April 8, 1937; Friday, April 9, 1937; Monday, April 12, 1937; Tuesday, April 13, 1937; Wednesday, April 14, 1937; Thursday, April 15, 1937; and Friday, April 16, 1937, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 386—An act to amend section 224 of the Civil Code, relating to the adoption of children.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 386 read first time, and referred to Committee on Judiciary.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and eighteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and Senate Concurrent Resolution No. 31 adopted by the following vote:

AYES—Senators Biggar, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, McBride, McCormack, McGovern, Mixter, Phillips, Pierovich, Quinn, Rich, Schottky, Swing, Waggy, Westover, Williams, and Young—26.

NOES—None.

Senate Concurrent Resolution No. 31 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 972—(Resumed).**

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 11½, 13½, 13¾, 14½, 14¾, 20¼, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

**Consideration of Amendments from the Floor—(Resumed).**

The following amendments, offered by Senator Jespersen, were read previously.

The question being on the adoption of the amendments.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Garrison, Gordon and Westover on the adoption of the amendments.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keough, McBride, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—26.

NOES—Senators Allen, Cunningham, Hays, Keating, Knowland, Law, McGovern, Mixter, Rich, Schottky, and Swing—11.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**President Pro Tempore in the Chair.**

At three o'clock p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Third Reading of Assembly Bills.**

Assembly Bill No. 1220—An act to add section 76 to, and to amend sections 425, 426 and 438 of, the Vehicle Code, relating to garages and repair shops and the rights thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1220 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride,

McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pionovich, Powers, Quinn, Rich, Swing, Tickle, Wagy, Westover, and Williams—31.

NOES—None.

**Title read and approved.**

Assembly Bill No. 1220 ordered transmitted to the Assembly.

Assembly Bill No. 809—An act to amend section 3819 of the Political Code, relating to an action to recover a tax paid under protest.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLoe, Deuel, Fletcher, Hays, Holahan, Jorgensen, Keating, Kough, Kornland, Larr, McBeck, McCormack, McGovern, Olson, Parkman, Phillips, Pionovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, and Williams—41.

NOES—None.

**Title read and approved.**

Assembly Bill No. 809 ordered transmitted to the Assembly.

Assembly Bill No. 451—An act to amend section 3719 of the Political Code, relating to the temporary borrowing of money by counties, cities and school districts.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 451, the following amendments, offered by Senator Knowland, were read and adopted:

##### Amendment No. 1.

On page 1, line 2, of the title of the printed bill, insert a comma followed by the words "regional park districts".

##### Amendment No. 2.

On page 1, line 4, of the printed bill, after "city", insert a comma followed by the words "any regional park district".

##### Amendment No. 3.

On page 1, line 8, of the printed bill, after "county" insert a comma followed by the words "or the board of supervisors of the county having the largest area within the regional park district, as the case may be".

##### Amendment No. 4.

On page 1, line 11, of the printed bill, after "county" insert the following words: "or such regional park district on the request of four-fifths of the members of its board of directors, approved by the auditor and treasurer of the county having the largest area within the district,".

##### Amendment No. 5.

On page 1, line 14, of the printed bill, after "city", insert a comma followed by the words "regional park district".

##### Amendment No. 6.

On page 1, line 17, of the printed bill, after "city", insert a comma followed by the words "regional park district".

##### Amendment No. 7.

On page 1, line 21, of the printed bill, after "borrowing", insert a comma followed by the words "where such borrowing is on behalf of a county, city or regional park district, and in an amount not to exceed 50 per cent of the estimated income and revenue provided for such current fiscal year, or of that portion thereof remaining uncollected at the time of such borrowing, where such borrowing is on behalf of a school district."

##### Amendment No. 8.

On page 2, line 1, of the printed bill, after "county", insert a comma followed by the words "for such regional park district".

##### Amendment No. 9.

On page 2, line 1, of the printed bill, after "city", insert the following words: "for such current fiscal year,".



**Amendment No. 10.**

On page 2, line 1, of the printed bill, after "or", insert a comma followed by the words: "In the case of a school district, setting forth the necessity for such borrowing and stating the amount of income and revenue provided".

**Amendment No. 11.**

On page 2, line 7, of the printed bill, after "county," insert the following words: "or within the county having the largest area within such regional park district."

**Amendment No. 12.**

On page 2, line 11, of the printed bill, after "city", insert a comma followed by the words "regional park district".

**Amendment No. 13.**

On page 2, line 15, of the printed bill, after "county", insert a comma followed by the words "regional park district".

**Amendment No. 14.**

On page 2, line 17, of the printed bill, after "county," insert the following words: "or of the county having the largest area within such regional park district, as the case may be,".

**Amendment No. 15.**

On page 2, line 19, of the printed bill, after "borrowed", insert the following words: "by any county, city or regional park district".

**Amendment No. 16.**

On page 2, line 23, of the printed bill, after "received", insert the following words: "by such county, city or regional park district".

**Amendment No. 17.**

On page 2, line 24, of the printed bill, after "taxes.", insert the following sentence: "The repayment of any sum so borrowed by any school district pursuant to the authority of this section shall constitute a first lien and charge against the taxes, revenue and other income collected during the fiscal year in which said money was borrowed and shall be repaid from the first moneys received by such school district from said taxes, revenue and income."

**Amendment No. 18.**

On page 2, line 35, of the printed bill, after "income and", insert a comma followed by the words "in the case of a county, a city or a regional park district."

**Amendment No. 19.**

On page 2, line 37, of the printed bill, after "made", insert a comma followed by the words "and, in the case of a school district, shall be made solely upon the credit of income and revenue provided for the fiscal year in which said loans are made."

**Amendment No. 20.**

On page 2, line 38, of the printed bill, after "city," insert the following words: "the board of directors of each regional park district".

**Amendment No. 21.**

On page 2, line 40, of the printed bill, after "city", insert a comma followed by the words "regional park district".

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 2813—An act authorizing the removal of the monument or statue in memory of Chief Solano from its present location on the highway near Fairfield to the grounds of the court house at Fairfield in the county of Solano.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2813 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Holohan, Jespersen, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2813 ordered transmitted to the Assembly.

Assembly Bill No. 1445—An act to amend section 4300f of the Political Code, relating to jurors' fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1445 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Holohan, Jepsen, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1445 ordered transmitted to the Assembly.

Assembly Bill No. 1676—An act to add two new sections to the School Code to be numbered 1120a and 5.05, both relating to the testing of hearing and sight of pupils in the schools of the public school system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1676 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—Senators Gordon, McCormack, and Phillips—3.

Title read and approved.

Assembly Bill No. 1676 ordered transmitted to the Assembly.

Assembly Bill No. 1798—An act to amend section 5.721 of the School Code, relating to absence from duty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1798 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1798 ordered transmitted to the Assembly.

Assembly Bill No. 1607—An act to amend section 716 of the Political Code, relating to State buildings and grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1607 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1607 ordered transmitted to the Assembly.

Assembly Bill No. 1568—An act to amend section 3596 of the Political Code, relating to the State burying ground.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1568 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1568 ordered transmitted to the Assembly.

Assembly Bill No. 1599—An act authorizing the Division of State Lands to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to certain tide, overflowed and submerged lands described herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1599 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1599 ordered transmitted to the Assembly.

Assembly Bill No. 425—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending section 12 thereof, relating to flood control bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 425 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wag, and Westover—31.

NOES—None.

Title read and approved.

Assembly Bill No. 425 ordered transmitted to the Assembly.

#### Assembly Concurrent Resolution No. 15.

Relative to the celebration of Admission Day as a legal holiday.

WHEREAS, Admission Day is a day of great historic significance to the citizens of the State of California; and

WHEREAS, Admission Day is the only holiday the people of this State observe which is not generally observed throughout the United States; and

WHEREAS, It is fitting that the recurring anniversary of the admission of this State to the Union be commemorated by means of a suitable and proper celebration; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That a joint committee, consisting of three members of the Assembly, to be appointed by the Speaker of the Assembly, and three members of the Senate,

to be appointed by the President of the Senate, he appointed to select a suitable place and make the necessary plans for holding a public celebration of Admission Day in the years 1937 and 1938, and be it further—

*Resolved*, That the sum of \$5,000 or so much thereof as may be necessary is hereby appropriated, one-half to be paid from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, for the purpose of paying the expenses of the committee and its members and for covering the expense of such celebration, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary. Payment to be made by warrants of the State Controller drawn against the contingent fund of each House upon written order of the chairman of the committee, and the State Treasurer shall pay the same.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 15 adopted by the following vote:

**AYES**—Senators Allen, Bagshaw, Cunningham, DeLap, Daniel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Williams—24.  
**NOES**—None.

Assembly Concurrent Resolution No. 15 ordered transmitted to the Assembly.

### Assembly Joint Resolution No. 29.

Relative to awarding distinguished service crosses to Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, members of the Philippine Insurrection.

**WHEREAS**, Tony Siminoff was a member of Company K of the Eighteenth Regiment of the United States Infantry during the Philippine Insurrection; and

**WHEREAS**, Oliver F. Rominger was a member of the band of the Eighteenth Regiment of the United States Infantry during the Philippine Insurrection; and

**WHEREAS**, Robert E. Beck was a member of Company A of the Eighteenth Regiment of the United States Infantry during the Philippine Insurrection; and

**WHEREAS**, Said three men, on February 12, 1899, during action near Jaro, Philippine Islands, rendered first aid to Lieutenant F. C. Brown, Commandant of Company F, Eighteenth Regiment United States Infantry, and carried him from the field of battle; and

**WHEREAS**, The conduct of said three men, on that occasion was sufficient to entitle them to be awarded distinguished service crosses for meritorious conduct under fire; and

**WHEREAS**, The Honorable John F. Dockweiler, Representative in Congress from the sixteenth district, on January 8, 1937, introduced House Joint Resolution No. 100 in the House of Representatives of the Congress of the United States, awarding distinguished service crosses to said Tony Siminoff, Oliver F. Rominger, and Robert E. Beck; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California*, namely: That the Senators and Representatives in Congress be urged to use their utmost endeavors to secure the passage of said House Joint Resolution No. 100, and be it further—

*Resolved*, That the Governor of the State of California be requested to transmit copies of this resolution to the President of the United States, the Secretary of War, the members of the California delegation in Congress, to the presiding officers of the Senate, and the House of Representatives, and to the Chairman of the Committee on Military Affairs of the House of Representatives.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 29 adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—32.  
**NOES**—None.

Assembly Joint Resolution No. 20 ordered transmitted to the Assembly.



**Assembly Joint Resolution No. 9.**

Relative to memorializing the President and Congress pertaining to the Central Valley Project, and to enact necessary legislation therefor.

WHEREAS, The Central Valley Project is one of the major public works within our Nation; and

WHEREAS, Its construction embraces navigation, flood control, water and soil conservation, irrigation, water for domestic purposes, the conservation of wild life, and hydro-electric power development; and

WHEREAS, Its construction and operation by the Federal Government would be of vast importance not only to the Federal Government but also to the State of California and to its political subdivisions; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California respectfully urges, requests, and memorializes the President of the United States and the Congress to complete the construction of the Central Valley Project as quickly as possible, to acquire proper lands and watering places for migratory wild fowl, and to administer the distribution of the water and electric power therefrom, and to enact the necessary legislation therefor; and be it further

*Resolved.* That the Clerk of the Assembly be and is hereby directed to immediately forward copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each and every Senator and Representative of California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Waggy, Westover, and Williams—31.

NOES—None.

Assembly Joint Resolution No. 9 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

Assembly Bill No. 747—An act to amend sections 1 and 18a of the Street Opening Act of 1903, relating to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities or within unincorporated territory and one or more municipalities to reassessment procedure and relief from special assessments.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 747, the following amendment, offered by Senator DeLap, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, in the first line of the title, after the word "amend", insert the following: "the title and".

**Consideration of Assembly Bill No. 747, as Amended.**

Assembly Bill No. 747—An act to amend the title and sections 1 and 18a of the Street Opening Act of 1903, relating to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities or within unincorporated territory and one or more municipalities to reassessment procedure and relief from special assessments.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 747, as amended, passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McReels, McGovern, McGovern, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 747 ordered transmitted to the Assembly.

Assembly Bill No. 1688—An act to add a new section to the Code of Civil Procedure, to be numbered 1166a, relating to unlawful detainer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1688 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McReels, McGovern, McGovern, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—29.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1688 ordered transmitted to the Assembly.

Assembly Bill No. 2420—An act amending section 406a of the Civil Code, relating to service of process on foreign corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2420 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Hollister, Holahan, Jespersen, Keating, Knowland, Law, McReels, McGovern, McGovern, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2420 ordered transmitted to the Assembly.

Assembly Bill No. 2791—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2791 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Hollister, Holahan, Jespersen, Keating, Knowland, Law, McReels, McGovern, McGovern, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2791 ordered transmitted to the Assembly.

Assembly Bill No. 69—An act to amend section 1307 of the Penal Code, relating to forfeiture of bail.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, and Wagy—30.

NOES—None.

Title read and approved.

Assembly Bill No. 69 ordered transmitted to the Assembly.

Assembly Bill No. 424—An act to amend section 1329 of the Penal Code, relating to the fees of witnesses in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 424 passed by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 424 ordered transmitted to the Assembly.

Assembly Bill No. 1200—An act to amend sections 112, 116, 121, and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof, relating to the California Highway Patrol.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1200, the following amendment, offered by Senator Seawell, was read:

#### Amendment No. 1.

On page 2, lines 15 and 16, of the printed bill, as amended, strike out "not to exceed six months".

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Jepsen, Keating, Knowland, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Westover—26.

NOES—Senators DeLap, Garrison, Mixer, Slater, and Young—5.

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 2057—An act to amend sections 794, 828, and 829 of the Agricultural Code, relating to the standardization of containers for cherries.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2057, the following amendments, offered by Senator Crittenden, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, at the end of the line, after the word "of", insert a comma and the following: "and to add section 20.5 to".

**Amendment No. 2.**

On page 9 of the printed bill, as amended, following line 26, insert the following: "Sec. 7. Section 829.5 is hereby added to the Agricultural Code to read as follows:

829.5. Nothing in this chapter prohibits the preparation, packing, shipment or sale of fruits, nuts or vegetables in any experimental type of containers not conforming to the standards prescribed in this chapter. If:

(a) Each such container is conspicuously marked, in letters not less than one half inch in height, "Experimental Containers"; and

(b) Notice of intention to use such containers, stating the quantities intended to be shipped, is given to the director by the person intending to use the same at least fifteen days before shipment; and

(c) The quantity of any particular fruit, nut or vegetable shipped in any such experimental type of container in any one calendar year does not exceed one per cent of the total net lot quantity of such fruit, nut or vegetable shipped in any type of containers in the preceding calendar year.

Any type of container which is permitted or permitted as provided in paragraph (b) of this section and which is not used for shipping fruits, nuts and vegetables in excess of the quantities permitted by paragraph (c) of this section shall be deemed an experimental type of container within the meaning of this section.

Bill read, ordered to print, and on file for third reading.

Assembly Joint Resolution No. 38—Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria River Flood Control and the Santa Ana River Flood Control projects in the national program of work relief.

**Amendments from the Floor.**

During third reading of Assembly Joint Resolution No. 38, the following amendment, offered by Senator Hollister, was read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed measure, as amended after "Control", insert a comma and the following: "The Mojave River Flood Control."

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 2132—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2132, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 5, line 32, of the printed bill, after the word "fee", insert the following: "Any person having graduated from an embalming college of the Class A type prior to January 1, 1937, and who was registered as an apprentice embalmer prior to said date, and who lacks only the qualification set forth in said section 'c' of this section, may be permitted to take any regular examination given by the board."

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1306—An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1306 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Holister, Holohan, Knowland, Law, McBride, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—25.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1306 ordered transmitted to the Assembly.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 30—Relative to the appointment of a Mediation Commission for the settlement of labor disputes now existing in the city of Stockton and county of San Joaquin;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 11—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals;

Senate Bill No. 650—An act to amend Part III, Title II, Chapter VIII of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions;

Senate Bill No. 1097—An act to add section 4041.14a to the Political Code, relating to community theaters;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 548—An act to amend section 690.10 of the Political Code, relating to rights in and to, and structures on, or partly on, swamp, overflowed, marsh, tide or submerged lands;

Senate Bill No. 646—An act authorizing the survey, location, and establishment of the high water mark, bordering upon tidewater of the Pacific Ocean, between the northerly boundary line of the city of Santa Barbara and the southerly boundary line of the State of California;

Senate Bill No. 585—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years," etc., approved June 5, 1915, Statutes of 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law";

Senate Bill No. 963—An act to add section 6 to the Fair Trade Act, relating to fair trade practices, and providing for the separability of said section 6;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 19—Relating to memorializing the President and Congress to enact legislation proposed by H. R. 5243 and S. 1779, providing for the appropriation of moneys for the purpose of paying the claims of California Indians pursuant to treaty arrangement;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1937, at three o'clock p.m.

KEOUGH, Chairman.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation, to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits therefor, to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents, to prevent discriminations between various forms of transportation, to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers, to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

#### Amendments from the Floor.

During third reading of Senate Bill No. 812, the following amendments, offered by Senator Parkman, were read and adopted:

##### Amendment No. 1.

On page 1, line 23 of the title of the printed bill, after the word "amount", strike out the following: "high", and in line 24, before the word "transportation", strike out "way".

##### Amendment No. 2.

On page 2 of the printed bill, in line 41, after the word "Public" strike out the balance of the section down to and including the word "and" on page 3, line 12, and insert in lieu thereof the following:

"The business of operating as a motor carrier of passengers for hire or compensation along the highways of this State is declared to be a business of general concern to the public interest. The fact that under existing law motor motor vehicles for hire are not effectively regulated has increased the dangers, hazards and waste and loss on public highways and makes it imperative that more stringent regulation should be employed, to the end that the highways may be protected better for the use of the general public; that discrimination in rates charged may be eliminated; that discrimination between various forms of transportation may be discontinued; that the use of the highways for the transportation of persons for hire may be restricted to the extent required by the convenience and necessity of the general public; that the general public be protected from the hazards of unregulated motor carriers of passengers and their agents; and that the various transportation agencies of the State may be adjusted and coordinated so that public highways may remain the best interest of the general public. The State should foster a fair distribution of its traffic to the end that all necessary transportation facilities shall be maintained."

##### Amendment No. 3.

On page 4, line 8, of the printed bill, after the word "between", strike out the period and insert the following: "; and (d) to those engaged actively in the carriage or transportation to and from work, of employees engaged in farm work on any farm in the State of California."

##### Amendment No. 4.

On page 4, line 20, of the printed bill, after the word "California," strike out the period and insert the following: ", or a person or corporation lawfully operating in interstate commerce pursuant to the provisions of the act of Congress approved August 9, 1935, known as Motor Carrier Act, 1935."

##### Amendment No. 5.

On page 5, line 9, of the printed bill, after the word "to" strike out "the passenger stage corporations then operating passenger stages in, from, to and through", and insert in lieu thereof the following: "all common carriers of passengers serving".

##### Amendment No. 6.

On page 5, line 38, of the printed bill, after the word "any", strike out "passenger stage corporation", and insert in lieu thereof the following: "common carrier of passengers".

##### Amendment No. 7.

On page 5, line 43, of the printed bill, after the word "the", strike out "passenger stage corporations", and insert in lieu thereof "common carriers of passengers".

**Amendment No. 8.**

On page 6, line 29, of the printed bill, after the word "of", strike out "a passenger stage corporation", and insert in lieu thereof the following: "any common carrier of passengers whose tariffs are on file with the commission".

**Amendment No. 9.**

On page 8, line 2, of the printed bill, after the word "any", strike out "person or corporation", and insert in lieu thereof the following: "motor carrier of passengers".

**Amendment No. 10.**

On page 9, line 48, of the printed bill, after the period, strike out "Upon", and insert in lieu thereof "Notwithstanding anything in this act to the contrary upon".

**Amendment No. 11.**

On page 10, line 8, of the printed bill, after the word "date.", strike out "Upon", and insert in lieu thereof "Notwithstanding anything in this act to the contrary upon".

**Amendment No. 12.**

On page 13, line 51, of the printed bill, after the word "act", strike out the period and insert ", or in violation of Chapter 91, Statutes of 1915, as amended."

**Amendment No. 13.**

On page 14, line 7, of the printed bill, after the word "act", strike out the period, and insert ", or in violation of Chapter 91, Statutes of 1915, as amended."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 879—An act to add section 6902a to the Labor Code, relating to train crews.

**Amendment from the Floor.**

During third reading of Senate Bill No. 879, the following amendment, offered by Senator Crittenden, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, after line 23, add the following: "Nothing in this section shall apply to a common carrier by railroad operating less than three hundred miles of main line track."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Constitutional Amendment No. 26:** By Senator Nielsen—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 14.5 to Article XIII thereof, relating to exemption from taxation of certain nonprofit corporations and associations.

Senate Constitutional Amendment No. 26 read, and referred to Committee on Revenue and Taxation.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Corporations and Financial Institutions.**

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 757—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the



violation thereof; and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLLISTER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Assembly Bill No. 2615—An act to amend section 1957 of the Code of Civil Procedure, relating to the requisites of and corporation securities on undertakings and bonds authorized or required by law.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLLISTER, Chairman.

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 581—An act amending sections 1, 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, and repealing sections 10, 17a, and 18a of: An act to reserve oil resources on State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such resource to provide for the same and royalties to be paid, and granting certain petroleum rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act, approved May 25, 1921, relating to minerals in State lands;

Has had the same under consideration, and respectfully reports the same back, without further recommendation as to final disposition of the bill.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of: An act to protect the natural resources of petroleum and gas from waste and destruction, relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction, providing for the appointment of a State Oil and Gas Supervisor, prescribing his duties and powers, fixing his compensation; providing for the appointment of deputies and employees, providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act, approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill do pass, as amended.

Committee membership—7; committee vote: Ayes—4; noes—2; not voting—1.  
WAGY, Chairman.

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:  
Senate Bill No. 1132—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes 5; absent—2.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:  
Senate Bill No. 754—An act to amend section 25 of the California Irrigation District Act, relating to the method of declaring the result of the election of officers in an irrigation district, and to the method of filling vacancies which may occur in any of said offices;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes 5; absent 2.

MIXTER, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:  
Assembly Bill No. 1766—An act to amend sections 536.5 and 536.8 of the Fish and Game Code, relating to the installation of fish screens;

Assembly Bill No. 1699—An act to amend section 404 of the Fish and Game Code, relating to licenses;

Assembly Bill No. 1700—An act to amend section 700 of the Fish and Game Code, relating to black bass;

Assembly Bill No. 2762—An act to amend section 698 of the Fish and Game Code, relating to black bass;

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer into a closed district;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes 9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:  
Senate Bill No. 1030—An act to add section 660.3 to the Fish and Game Code, relating to salmon;

Senate Bill No. 331—An act to amend section 1271.5 and to add section 1271.6 to the Fish and Game Code, relating to deer, declaring the urgency of this act to take effect immediately;

Assembly Bill No. 2547—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn;

Senate Bill No. 840—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants;

Assembly Bill No. 1172—An act to amend sections 702 and 708 of the Fish and Game Code, relating to seasons on calico bass and crappie;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes 9.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:  
Senate Bill No. 182—An act to add section 21.2 to the Fish and Game Code, relating to fish and game wardens;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes 9.

McCOLL, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital has now reported to the Assembly Bill No. 1205. An act to repeal an act entitled "An act to amend section 1 of 'An act regulating the hours of labor of the operators of certain motor vehicles,'" approved July 5, 1935.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership = 5; committee vote = Ayes = 3, Absent = 2

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1917.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred

Assembly Bill No. 2326. An act to amend section 1 of act no. 267, passed 1913, to regulate advertisements and solicitations by employers during strikes, lockouts, and other labor troubles," approved June 7, 1914, as amended, and to add thereto a new section to be known as section 1b, relating to advertisements or solicitations by employees while negotiations to establish working conditions or to settle labor disputes are pending, and rendering a case of such advertisement and a method of identifying the employer concerned to be filed with the Labor Commissioner, where such identity does not appear in such advertisement or solicitation.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership	5	committee vote	Ayes	4	noes	1
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OLSON, Chairman.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, APRIL 20, 1907.

Mr. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

[illegible]

Assembly Bill No. 12144. An act to amend section 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32 and 34 of The Personal Income Tax Act of 1965.

Assembly Bill No. 1245. And act to amend sections 4, 6, 8, 9, 12, 13, 14, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 12, and to the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

Senate Bill No. 262—An act to add section 145 to our constitution "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways of the State of California by motor vehicle and providing that such fee shall take effect immediately," approved May 15, 1923, relating to exonerations.

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted and the bills be re-referred to this committee.

Committee membership 59, committee vote: Ayes 7, Absent 2

KNOWLAND, Chairman.

### On Agriculture.

SENATE CHAMBER, SACRAMENTO, April 21, 1907

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 859. An act to amend section 782 of the Agricultural Code, relating to labels.

Assembly Bill No. 863—An act to amend section 1152 of the Agricultural Code, pertaining to marketing.

Assembly Bill No. 170.—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation, and dissolution of pest abatement districts, for the assessment, levy, collection, and disbursement of taxes thereon, to declare the urgency hereof, and to provide that this act take effect immediately," approved February 2, 1935, relating to the definition of "pests," and to provide that this act shall take effect immediately:

Assembly Bill No. 2331—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 4041.20, relating to agricultural research by counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1496—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act Number 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act, to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 692—An act to amend sections 821, 822, 827 and 1011 of, and to add sections 1012.4 and 1012.6 to, the Agricultural Code, relating to fruits and vegetables: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 755—An act entitled "An act to add section 290 to the Agricultural Code of the State of California.": Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

### Adjournment.

At four o'clock and fifty-nine minutes p.m., on motion of Senator Seawell, the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock and thirty minutes a.m., Thursday, April 22, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Thursday, April 22, 1937.

At ten o'clock and thirty minutes a. m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, president of the Senate, in the chair  
Secretary Joseph A. Beck at the desk.

## Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Baggett, Critchfield, Cunningham, DeLap, Dodd, Fletcher, Garrison, Gordon, Hays, Holmster, Hunsaker, Japuntich, Keefe, Keough, Krammond, Law, McBride, McCormick, McGowan, Mister, Nelson, Quinn, Powers, Powers, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tackle, Wazy, Westover, Williams, and Young. 38.

Quorum present.

## Prayer.

Prayer was offered by the Chaplain, Rev. Charles A. Kirtland.

## Reading of the Journal.

During the reading of the Journal of Wednesday, April 21, 1937, the further reading was, on motion of Senator Parmelee, dispensed with.

## Leave of Absence.

Senator Metzger was, on motion of Senator Keough, granted leave of absence for this day.

## Privilege of Floor of Senate Extended.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lydia Raffetto, and Robert Frates.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Miriam Joseph, Sister Julia Stanislaus, Sister Agnes Cecilia, Sister Winifred Marie, Sister Marie Eucharista, and the following students of the Notre Dame High School, San Jose: Anna Rose Balistreri, Eleanor Berge, Elizabeth Bievar, Katherine Brady, Mercedes Bravhear, Betty Byrne, Lucy Carbone, Betty Cary, Dorothy Cary, Rita Cerrutti, Marie Circarello, Eleanor Crighano, Maxine Clanton, Marie Cortea, Bernice Crowley, Lavona Davidson, Mildred De Mattei, Helen De Smet, Clara Floeking, Mimi Fowler, Edna Frutter, Mary Louise Hannon, Berle Hansen, Carol Hansen, Maxine Hubbard, Katherine Kelly, Mary Labas, Lucille Locicero, Betty Maseovich, Beth McCormick, Dorothy Nelli, Viola Owen, Mildred Perry, Mildred Roberts, Jeanne Roll, Lillian Rose, Blanche Schmitz, Genevieve Serpa, Georgia Smoot, Gabrielle Van Perre, Elsie Sabatte, Mary Ann Aureooschea, Marjorie Baker, Fanny Baldassar, Marguerite Bayless, Ruth Berryessa, Catherine Bouret, Yolande Cangiamila, Helen Centolucati, Marcelle Chabre, Frances Christopherson, Jeanne Columbo, Teresa Di Salvo, Suzanne Downing, Thelma Dutre, Mary Ellen Egense, Elaine Fox, Charlotte Gilham, Eileen Holmes, Bernice Johnson, Betty King, Dorothy Lannin, Florence MacDonald, Roberta Nelson, Helen Peters, Margaret Richter,



Katherine Ryan, Jane Sandahl, Helen Schirle, June Schottenhamer, Anna Martha Speicale, Sunny Vrana, and Mary Frances Hill.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Adelia A. Jones, principal, Miss Claire Hall, primary teacher, and the following students of the Fairacres Grammar School: Raymond Silva, Joe Pimentel, Edward Pereira, Grace Maciel, Carol Storer, Lloyd Furtade, Bernice Carlson, Bertram Prouty, and Mary Pimentel.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. E. Henderson of Roseville.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter S. Found, Secretary of Thirty-fifth Agricultural District Fair Association, Merced; and J. E. McNamara, County Assessor of Merced County, Merced.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Winfield Sheehan of Hidden Valley, Ventura County, and Herman Spetzel of Los Angeles.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ray W. Hays, Sally Ann Hays, Ethel Lea Hays, and Robert Ray Hays.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Cora Fry of Flint, Michigan; D. W. Douglas of San Diego, and Mrs. G. L. Jensen of San Diego.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. G. Lansing Hurd of Santa Rosa.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor and Mrs. George R. Cadan of Santa Rosa.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. O. Wagner, of San Francisco; Mrs. Carl E. Wagner of Sacramento; Ralph Titus, Typographical Union; Jess W. Southwick, Moving Picture Projector; Shirley Burger, Typographical Union.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Theodore L. Sharp, Director of Personnel, San Diego County Civil Service Commission.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Robert R. Moody, Mr. William S. Tevis, and Mr. E. N. Hawkins, all of San Mateo County.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. I. A. Frazer and Mrs. Edward Moody, all of San Jose.

# Communication.

A communication was received from the Delano Auxiliary of the American Legion advocating legislation to provide for the construction of dams and other improvements which will insure an adequate supply of water for the Veterans' Home and the other State institutions in Napa County.

## Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers.

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments and security for private purposes, and providing that this act become effective immediately.

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list.

Senate Bill No. 148—An act to add section 486 to "The California Irrigated District Act," relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and taxes on irrigated property.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 901, 968, 1099, and 148 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 149—An act to amend section 11 of the California District Securities Commission Act, relating to the levy of annual assessments by irrigated districts, providing that said section shall remain in effect until November 1, 1940, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds.

Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game birds.

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation district for delinquent assessments.

Senate Bill No. 217—An act to amend section 799 of the Fish and Game Code, relating to abalones.

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and giving measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, authorizing, carrying and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

Senate Bill No. 259—An act relating to out-of-state parolee supervision and authorizing and directing the Governor to enter into compacts therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 149, 181, 193, 217, 218, and 259 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 323—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and endorsing of warrants issued therefor.

Senate Bill No. 338—An act to amend section 122.8 of the Penal Code, relating to capital punishment.

Senate Bill No. 362—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims.

Senate Bill No. 431—An act to repeal sections 2,123, 3,610, 3,611 and 3,612 of the School Code and to add thereto two new sections to be numbered 4,192 and 4,193, all relating to the furnishing of facilities and supplies by the county superintendent of schools for the education of children residing in the county;

Senate Bill No. 432—An act to amend sections 2,2010 and 2,2011 of the School Code, relating to unified school districts;

Senate Bill No. 450—An act to amend section 304 of the Streets and Highways Code, relating to State Highway Route 4;

Senate Bill No. 459—An act to amend sections 11690, 11691 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 323, 338, 362, 379, 431, 432, 450, and 459 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 517—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74;

Senate Bill No. 550—An act to amend sections 4 and 11 of, and to add section 6.1 to, the State Contract Act, relating to State contracts, and to the notice required thereon, the qualifications of bidders thereon, the rights and remedies of bidders thereon in case of mistake;

Senate Bill No. 614—An act to add section 461 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer;

Senate Bill No. 632—An act to amend section 1603 of the Penal Code, relating to the confinement of prisoners;

Senate Bill No. 669—An act to add section 663e to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control;

Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance;

Senate Bill No. 679—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees;

Senate Bill No. 755—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 517, 550, 614, 632, 669, 670, 679, and 753 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 854—An act to repeal certain sections of the Political Code herein specified, relating to cities and towns;

Senate Bill No. 98—An act to amend section 1 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement;

Senate Bill No. 274—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class;

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State money, to declare the urgency hereof, and to provide that this act shall take effect immediately;



Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 471, relating to persons contracting land deeded to irrigation districts for delinquent irrigation district taxes or assessments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 854, 58, 274, 116, and 140 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 8—Relative to the control of white pine blight first by the United States Government.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 8 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance:

Senate Bill No. 524—An act to amend sections 2, 4, 10, 11, 15, 28, 29, 30, 32, 42, 46, 52, 55, 56, 61, 62 and 63 of the State Housing Act, relating to houses designed for human habitation.

Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer.

Senate Bill No. 34—An act to add section 34 to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

Senate Bill No. 35—An act to add section 35 to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 36—An act to add section 60 to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act.

Senate Bill No. 187—An act to add Chapter 111, comprising sections 1334 to 1334 G, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses from within or without the State in criminal proceedings.

Senate Bill No. 214—An act relating to the city of Philaburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted:

Senate Bill No. 215—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions:

Senate Bill No. 448—An act to add section 5125 to the Vehicle Code, relating to speed limits in the vicinity of State institutions.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 808—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer:



Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State;

Senate Bill No. 897—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection;

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1263—An act to amend section 61 of the "Bank Act," relating to legal investments for savings banks.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1263 read first time, and referred to Committee on Banking.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 118—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes 1935;

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 879—An act to add section 6902a to the Labor Code, relating to train crews;

Senate Bill No. 1068—An act to amend sections 5, 6, 7, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13.15, 13½, 19½, 19½ and 19½ to, and to repeal section 8 of the City Carriers' Act, relating to the regulation of the business of city carriers; providing for the filing of copies of insurance policies; prohibiting the transference of special license plates issued for vehicles operated by city carriers; providing for the filing with the Railroad Commission of rate schedules and investing the Railroad Commission with supervisory powers in relation thereto; prohibiting rates which are in excess of or less than the maximum or minimum rates established or approved by the Railroad Commission; providing for the filing of reports and the keeping of records; empowering the Railroad Commission to revoke or suspend licenses; and providing penalties and punishments for violations thereof;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas

wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collecting thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

Senate Bill No. 1132—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Senate Bill No. 410—An act to add a new section to the Agricultural Code to be numbered 391.5, relating to stray animals.

Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585.5, relating to stolen and altered vehicles and motors.

Senate Bill No. 690—An act to create a commission to promote traffic safety upon the streets and highways of this State.

And reports that the same have been properly engrossed.

KEOTGH, Chairman.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

Senate Bill No. 581—An act amending sections 1, 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, and repealing sections 10, 17a, and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid; and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to minerals in State lands.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creating of a division in the Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1030—An act to add section 660.3 to the Fish and Game Code, relating to salmon.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 1030 was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, strike out "salmon may be taken with", and strike out all of lines 9 and 10, and insert in lieu thereof the following: "not more".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 840—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 840 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out "Pheasants", and insert in lieu thereof the following: "Male pheasants".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, strike out "fifteenth and November twentieth", and insert in lieu thereof the following: "15 and November 30".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, after "limit of", insert the following: "male".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 331—An act to amend section 252 and to add section 252.5 to the Fish and Game Code, relating to refuges.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 331 were read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, as amended, after the word "unloaded", strike out the period, and insert a semicolon.

**Amendment No. 2.**

On page 1 of the printed bill, as amended, between lines 22 and 23, insert the following: "provided that notice shall have been given to the Fish and Game Commission at least twenty-four (24) hours before traveling through any game refuge with any such firearms, which notice shall give the name or names and address or addresses of the person or persons intending to travel through such game refuge, the name of the refuge, the approximate route and the approximate time when such person or persons intend to travel through such refuge."

**Amendment No. 3.**

On page 1, line 25, of the printed bill, as amended, after the word "person", insert the words "who shall have given the notice provided for in section 252 hereof."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 754—An act to amend section 25 of the California Irrigation District Act, relating to the method of declaring the result



of the election of officers in an irrigation district, and to the method of filling vacancies which may occur in any of said offices.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 754 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "25", and insert in lieu thereof the following "22".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 2 to 5, inclusive, of the title and insert in lieu thereof the following: "Trust Act, relating to elections."

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "25", and insert in lieu thereof the following "22".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 3 to 25, inclusive, and strike out all of page 2, and insert in lieu thereof the following:

"Sec. 22. The inspector is chairman of the board of election and may administer all oaths required in the process of an election, and cannot judge and clerk. If during the progress of the election, any judge or clerk ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath so faithfully to perform the duties imposed upon them by law. Any member of the board may administer and certify such oath. The polls must be opened at six a.m. on the morning of the election, and be kept open until seven p.m., when the same must be closed; provided, however, the board of directors may to the extent of elections by resolution to extend 21 of this act fix different hours for the opening and closing of the polls, provided that the polls shall be open not less than six consecutive hours between the hours of six a.m. and seven p.m., at which times the polls shall be opened and closed respectively."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 1132—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 757—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 757 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, following the word "amend", strike out "sections 2 and", and insert in lieu thereof the word "section".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1 to 18, inclusive.



**Amendment No. 3.**

On page 2 of the printed bill, strike out all of lines 1 to 52, inclusive.

**Amendment No. 4.**

On page 3 of the printed bill, strike out all of lines 1 to 52, inclusive.

**Amendment No. 5.**

On page 4 of the printed bill, strike out all of lines 1 to 52, inclusive.

**Amendment No. 6.**

On page 5 of the printed bill, strike out all of lines 1 and 2.

**Amendment No. 7.**

On page 5, line 9, of the printed bill, after the words "this section 26", insert the following: " "; and except any application filed pursuant to paragraph 12 of this section 26".

**Amendment No. 8.**

On page 7 of the printed bill, between lines 8 and 9, insert the following:

"12. For filing any application for a permit or for an amendment to a permit not fully exercised, to issues of securities evidencing changed preferences, rights, privileges, or restrictions granted to or imposed upon outstanding securities in exchange for said outstanding securities theretofore issued by the applicant company, after any change in the stock or share structure of any company by an amendment to the articles, certificate of incorporation or other agreement authorizing the issuance of stock or shares, which amendment has the effect of changing the number of, or the preferences, rights, privileges, or restrictions granted to or imposed upon said securities, or changing or eliminating the par value of said securities, or changing said securities from a no-par to a par value (except where such amendment only increases or decreases the number of shares authorized but unissued pursuant to the articles, certificate or other agreement authorizing the issuance of stock or shares, in which case no permit shall be required by reason of such amendment), twenty-five dollars."

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 271—An act to amend sections 3817, 3817a, 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l, and 3817m of the Political Code and to add sections 3817b5 and 3817c5 thereto, relating to taxation and assessment, including tax delinquencies, tax penalties and costs, tax redemption from tax sales and declaring the urgency thereof, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 271 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "amend sections 3817, 3817a, 3817d, 3817f, 3817g, 3817h, 3817j, 3817k, 3817l and 3817m of", and insert in lieu thereof the following: "add section 3817d2 to".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "and to add sections 3817b5 and 3817c5 thereto".

**Amendment No. 3.**

On page 1, lines 4 and 5 of the title of the printed bill, as amended, strike out ", tax penalties and costs, tax redemption from", and insert in lieu thereof the following: "and".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, strike out lines 1 to 24, inclusive, and strike out all of pages 2, 3, 4, 5, 6, 7, 8, 9 and 10, and insert in lieu thereof the following: "SECTION 1. Section 3817d2 is hereby added to the Political Code, to read as follows:

3817d2. Notwithstanding the provisions of section 3817d, sales of any property which has been deeded to the State under section 3785 may be made under section 3897, in the following manner:

The holder of the fee title immediately prior to the deed to the State, or his successor in interest, shall file with the county clerk and shall also record with the county recorder a signed, written declaration that he desires that his property, described in the declaration, shall not be subject to section 3817d.



such operator on all business passing through, into or out of this State, or partly within and partly without this State. The term "gross receipts from operation" shall not include any receipts derived exclusively by any operator from the carriage of mail or parcel post pursuant to a contract with the United States Government.

**SEC. 2.** Section 145 is hereby added to the act cited".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 5 to 8, inclusive.

**Amendment No. 5.**

On page 1, line 9, of the printed bill, strike out "(b)".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 692—An act to amend sections 821, 822, and 827 of, the Agricultural Code, relating to fruits and vegetables.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 692 were read and adopted:

**Amendment No. 1.**

On page 2, line 45, of the printed bill, as amended, strike out "Jonathan spot, scald,".

**Amendment No. 2.**

On page 4, line 2, of the printed bill, as amended, before the word "box", insert the following: "standard wooden".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 755—An act entitled "An act to add section 290 to the Agricultural Code of the State of California."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 755 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "entitled "An act to add section 290 to the Agricultural", and strike out all of line 2 of the title, and insert in lieu thereof the following: "to add Article 1a to Chapter 1 of Division III of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the canine or feline species."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 13, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new article to be numbered 1a, is hereby added to Chapter 1 of Division III of the Agricultural Code, to read as follows:

**Article 1a. Animal Feed Inspection.**

319. As used in this article:

(a) "Establishment" means all premises where horses or other animals are slaughtered or otherwise prepared for animal feed, factories and canneries preparing or manufacturing animal feed, and similar places.

(b) "Animals" mean all domesticated and wild animals.

(c) "Slaughter" means kill and prepare for animal feed.

(d) "Animal feed" means carcasses and parts of horses and other animals and meat food products prepared or manufactured for feed for animals of the canine or feline species.

(e) "Federal inspection" means inspection maintained by the Bureau of Animal Industry of the United States Department of Agriculture.

(f) "State inspection" means inspection maintained by the department.

319.1. No establishment may be operated in the State for the purpose of slaughtering animals, preparing meat or processing, or manufacturing meat food products for animal feed unless such establishment is operated under Federal inspection or State inspection. No dressed carcasses of animals or parts thereof intended for animal feed that do not bear the inspected and passed stamp of an



establishment operating under Federal, State, or approved municipal inspection as provided by section 3065 shall be used in the preparation of animal feed, unless cans, casks, and parts are marked or stamped pursuant to section 31916 to designate that such cans and parts were inspected and passed only to be used for the preparation or manufacture of animal feed.

31912. When any animal feed that has been inspected and stamped as provided by this article is placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment operating under State inspection, the person preparing said animal feed shall cause a label to be attached to said receptacle or covering under the supervision of an inspector, which label shall state that the contents thereof have been "Inspected and passed only for animal feed" and no inspection of animal feed deposited or enclosed in such receptacle or covering in any establishment shall be deemed complete until such animal feed has been sealed or inclosed in said receptacle or covering under supervision of an inspector, and no such animal feed shall be sold or put on hand in the State of California unless said label shall bear in printed letters and figures of writing, and the phrase "Cal. Inspected and Passed Only for Animal Feed by Department of Agriculture," and the number of the establishment in which the animal feed was prepared or manufactured. The establishment number may be omitted from the labels applied to metal containers in which such number is engrained. Said label may also bear any other statement not false or misleading, which has been approved by the director. Labels within the meaning of this article shall include printed, lithographed, or embossed labels, stickers, seals, stamps, and receptacles. Labels or similar devices shall not be used in an establishment, nor shall they bear the inspection legend or any abbreviation or representation thereof unless previously approved by the director. Provided, that nothing in this article shall restrict the preparation and sale of animal feed prepared and manufactured by an establishment operating under the inspection of the Bureau of Animal Industry, of the United States Department of Agriculture.

31913. The director may provide inspection in all establishments in which animals are slaughtered or animal feed is prepared or manufactured under this article. All parts of such slaughtered animals shall be retained in such a manner as to preserve their identity until after the post-mortem examination has been completed. Cans, casks and parts found to be fit for animal feed shall be marked with the phrase "Cal. Inspected and Passed Only for Animal Feed by Department of Agriculture," and the number of the establishment where they were slaughtered. Cans and parts found unfit for animal feed shall be marked conspicuously with the phrase "Cal. Inspected and Condemned," and such condemned cans and parts shall be rendered unfit for animal feed.

31914. For the purpose of this article the director may employ persons who have passed a civil service exam or passed inspectors examination and who are skilled in the inspection of meat and animal feed, and necessary additional employees, and he may utilize in the enforcement of this article any employee, agent, or equipment of the department.

31915. No animal shall be slaughtered or animal feed prepared or manufactured in any establishment operating under the provisions of this article except during the presence of the inspector, and slaughter of animals and preparation or manufacture of animal feed in any such establishment is forbidden on Sundays and legal holidays, unless under special permit issued by the director.

31916. It shall be unlawful to offer for sale for human consumption the meat or animal feed derived from any animal slaughtered, prepared, manufactured, or otherwise handled in an establishment operating under the provisions of this article, and the director is hereby directed and empowered to issue and disseminate to such meat or animal feed when found being offered for sale for human consumption.

31917. Any person desiring to engage in the slaughtering of animals or preparing meat for animal feed in conformity with this article shall apply to the director for the inauguration of an inspection service in the establishment where said animals are to be slaughtered or animal feed prepared or manufactured. Such application shall be made in writing on a form supplied by the director, and the applicant shall agree to comply with the provisions of this article and the regulations promulgated by the director. Upon the receipt of such application the director shall make an inspection of said establishment, and if found in a proper sanitary condition and properly constructed and equipped to carry on its business in accordance with the provisions of this article, and the regulations of the director he shall inaugurate an inspection service therein and give to each such establishment an official number to be used to make the animal feed prepared or manufactured therein. Such establishment shall thereafter be known as "official animal feed establishment No. \_\_\_\_\_" and payment of a fee for such inspection service shall be made by the applicant in an amount designated by the director. Such fee shall be credited to the Department of Agriculture fund, and shall be sufficient to cover the said salaries, traveling expenses and premiums on account of workmen's compensation insurance of all inspectors in such establishment, and the establishment's pro rata share of the



salaries and expenses of the traveling supervising inspectors. Such fee shall be paid every three months in advance on the first day of January, April, July, and October of each year. The director may suspend inspection in an establishment for nonpayment of fee when due.

319.8. The director shall make regulations necessary for the execution of this article, and shall promulgate regulations governing the standards of quality for animal feed for animals of the canine or feline species.

319.9. Every establishment where animals are slaughtered or meat prepared or manufactured for animal feed shall be maintained and operated in a sanitary manner and inspection conducted in accordance with the provisions of this article and the regulations of the director, and in the event that an establishment is not so maintained and operated the director may suspend inspection therein. Nothing in this article shall apply to rendering establishments where animals are slaughtered, meat food products or meat feed products are processed or prepared for animal feed for animals other than those of the canine or feline species."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture.

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Oil Industries, the following amendment to Senate Bill No. 1127 was read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 15 and 16, and insert in lieu thereof the following: "of State lands, authorizing the abstraction or".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 182—An act to add section 21.2 to the Fish and Game Code, relating to fish and game wardens.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 182 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "wardens", and insert in lieu thereof the following: "enforcement officers".

##### Amendment No. 2.

On page 1, line 4, of the printed bill, strike out "\$125.00", and insert in lieu thereof the following: "\$175.00".

##### Amendment No. 3.

On page 1 of the printed bill, strike out line 6, and in line 7, strike out "established pursuant to law", and insert in lieu thereof the following: "consecutive year of service until the maximum salary of \$200.00 per month".

##### Amendment No. 4.

On page 1, line 8, of the printed bill, strike out "\$160.00", and insert in lieu thereof the following: "\$205.00".

##### Amendment No. 5.

On page 1 of the printed bill, strike out line 10, and insert in lieu thereof the following: "month for each consecutive year of service until the maximum salary of \$230.00 per month has been".

##### Amendment No. 6.

On page 1 of the printed bill, after line 11, insert the following: "The minimum salary of the captains in the Fish and Game service shall be \$235.00 per month, and shall be increased at the rate of \$5.00 per month for each consecutive year of service until the maximum salary of \$260.00 per month has been reached. The minimum salary of inspectors in the Fish and Game service shall be \$265.00 per

month, and shall be increased at the rate of \$7.00 per month for each consecutive year of service until the maximum salary of \$3,000.00 per month has been reached.

Each person in the fish and game service holding any of the above positions for a period of five consecutive years shall receive the maximum salary as provided in this section for that position."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

### **Second Reading of Assembly Bills.**

Assembly Bill No. 1766—An act to amend sections 535, 537, 538, 539, 540 and 541 of the Fish and Game Code, and to repeal sections 542, 543, 544, 545, 546 and 547 of the said code, all relating to the installation and maintenance of fish screens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1699—An act to amend section 404 of the Fish and Game Code, relating to licenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1700—An act to amend section 700 of the Fish and Game Code, relating to black bass.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2762—An act to amend section 698 of the Fish and Game Code, relating to black bass.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1205—An act to repeal an act entitled "An act to amend section 1 of 'An act regulating the hours of labor of the operators of certain motor vehicles,' approved June 10, 1933, relating to operators of vehicles," approved July 5, 1935.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2547—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn.

### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2547 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, strike out "fresh."

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1172—An act to amend sections 702 and 708 of the Fish and Game Code, relating to seasons on calico bass and crappie.

### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 1172 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "November 30", and insert in lieu thereof "October 31".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, strike out "November 30", and insert in lieu thereof "October 31".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2615—An act to amend section 1057 of the Code of Civil Procedure, relating to the requisites of and corporation sureties on undertakings and bonds authorized or required by law.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1244—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32 and 34 of "The Personal Income Tax Act of 1935."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1244 were read and adopted:

**Amendment No. 1.**

On page 2, line 25, of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: ". The presumption may be overcome by satisfactory evidence that such person is in the State for a temporary or transitory purpose."

**Amendment No. 2.**

On page 7, line 27, of the printed bill, as amended, after the word "Constitution", and before the period, insert the following: "of the United States".

**Amendment No. 3.**

On page 13, line 42, of the printed bill, as amended, after the word "wife," insert the following: "or in case of a person contributing to the support of a former husband or wife, by order of a court of competent jurisdiction,".

**Amendment No. 4.**

On page 14, line 17, of the printed bill, as amended, strike out the words "this subsection", and insert in lieu thereof the following: "such apportionment".

**Amendment No. 5.**

On page 14, line 23, of the printed bill, as amended, strike out the word "tax", and insert in lieu thereof the word "taxes".

**Amendment No. 6.**

On page 14, line 28, of the printed bill, as amended, strike out the word "person", and insert in lieu thereof the word "persons".

**Amendment No. 7.**

On page 16, line 2, of the printed bill, as amended, after the word "not.", and before the word "Any", insert the following: "For the purpose of this paragraph amounts currently distributable to beneficiaries are distributable out of income of the estate or trust for the taxable year if there is income of the estate or trust for the taxable year out of which such distributions may be made and if, under the terms of the will or trust instrument the distributions may be made out of such income, regardless of the fact that the will or trust instrument provides that the distributions may be made out of the corpus of the estate or trust."

**Amendment No. 8.**

On page 17, line 20, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "if the grantor is a resident. If the grantor is a nonresident, such income shall be included in computing his income only to the extent derived from sources within this State; the balance of such income shall be taxable either to the trust or to the beneficiaries in accordance with the provisions of subsections (c) and (d) of this section."

**Amendment No. 9.**

On page 17, line 32, of the printed bill, as amended, after the word "then", insert a comma.

**Amendment No. 10.**

On page 22, line 4, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period; and strike out the remainder of the line, and insert in lieu thereof the following:

"If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, the

commissioner shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board, the same shall be credited in any future return from the taxpayer under this act and the balance shall be returned to the taxpayer.

No such credit or refund.

#### Amendment No. 11.

On page 22, line 18, of the printed bill, as amended, after the word "claim," insert the following: "or in case the commissioner fails to act upon any refund claim within six months after the claim was made, then within thirty days after the expiration of said six months."

#### Amendment No. 12.

On page 22, line 24, of the printed bill, as amended, after the word "before," and before the period, insert the following: "provided, however, that the six months period for acting on refund claims may be extended with the consent of the taxpayer in which event the three day period for acting on the State claim shall commence running when the claim was returned or made upon or when the extension expires if no action has been taken upon the claim."

#### Amendment No. 13.

On page 24, line 31, of the printed bill, as amended, after the word "claim," and before the word "paid", insert the following: "amounting to \$1,000 or over."

#### Amendment No. 14.

On page 24, line 38, of the printed bill, as amended, after the words "refunds," insert the following: "(2) in the case of dividends paid by corporations."

#### Amendment No. 15.

On page 24, line 39, of the printed bill, as amended, after the word "national "(2)", and insert in lieu thereof the numeral "(3)".

#### Amendment No. 16.

On page 25, line 18, of the printed bill, as amended, strike out the words "by Resident", and insert in lieu thereof the following: "or Countries."

#### Amendment No. 17.

On page 25, of the printed bill, as amended, strike out lines 19 to 24, both inclusive, and insert in lieu thereof the following:

"(a) Subject to the following conditions, residents of this State shall be allowed a credit against the taxes imposed by this act for net income taxes imposed by and paid to another State or country on income taxable under this act.

(1) The credit shall be allowed only for taxes paid to such other State or country on income derived from sources within such State or country which is taxable under the laws of such State or country, irrespective of the residence or domicile of the recipient;

(2) The credit shall not be allowed if such other State or country allows residents of this State a credit against the taxes imposed by such State or country for taxes paid or payable under this act;

(3) The credit".

#### Amendment No. 18.

On page 25 of the printed bill, as amended, between lines 28 and 29, insert the following:

"(b) Subject to the following conditions, nonresidents of this State shall be allowed a credit against the taxes imposed by this act for net income taxes imposed by and paid to the State or country of residence on income taxable under this act.

(1) The credit shall be allowed only if the State or country of residence either does not tax income of residents of this State derived from sources within such State or country or allows residents of this State a credit against the taxes imposed by such State or country on such income for taxes paid or payable thereon under this act;

(2) The credit shall not be allowed for taxes paid to a State or country which allows its residents a credit against the taxes imposed by such State or country for income taxes paid or payable under this act, irrespective of whether its residents are allowed a credit against the taxes imposed by this act for income taxes paid to such State or country;

(3) Credit shall be allowed only for such proportion of the taxes paid to the State or country of residence as the income taxable under this act and also subject to tax in the State or country of residence bears to the entire income upon which the taxes paid to the State or country of residence are imposed;

(4) The credit shall not exceed such proportion of the tax payable under this act as the income subject to tax in the State or country of residence and also taxable under this act bears to the entire income taxable under this act."

#### Amendment No. 19.

On page 25, line 29, of the printed bill, as amended, before the word "If", insert the following: "(c)".



**Amendment No. 20.**

On page 25, line 36, of the printed bill, as amended, strike out the number "6", and insert in lieu thereof the following: "six".

**Amendment No. 21.**

On page 25, line 38, of the printed bill, as amended, after the period, add the following: "If such tax and the interest thereon is not paid within ten days from the date of notice and demand, there shall be collected as a part of the tax interest upon the unpaid amount at the rate of 6 per cent per annum from the date of such notice and demand until it is paid."

**Amendment No. 22.**

On page 26, line 4, of the printed bill, as amended, after the word "taxes", and before the word "which", insert the following: "due and unpaid at the time the certificate is issued or".

**Amendment No. 23.**

On page 26, line 9, of the printed bill, as amended, after the word "taxes," and before the word "against", insert the following: "expenses of administration, funeral expenses, expenses of last illness, and family allowance,".

**Amendment No. 24.**

On page 26, line 13, of the printed bill, as amended, after the word "penalties", and before the word "imposed", insert the following: ", except penalties due from a decedent,".

**Amendment No. 25.**

On page 27 of the printed bill, as amended, strike out lines 6 to 19, both inclusive, and insert in lieu thereof the following:

"(a) Whenever property, real or personal, is held in the joint names of two or more persons, or is deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, and one of such persons dies, the taxes imposed by this act upon the income of such decedent which are unpaid at the date of death shall constitute a lien attaching immediately prior to death upon all such property; provided, however, that the lien shall not be construed to give the State priority over any recorded lien which attached prior to the date when the tax became a lien, nor shall it give the State priority over any mortgage lien subsequently attaching if the mortgagee did not have actual notice of the State's lien. The lien shall continue until the taxes are paid or until the property subject to the lien is sold to a purchaser for value without actual notice of the lien or until the lien is released or extinguished as hereinafter provided. In case the property is sold to a purchaser for value or is mortgaged, the lien shall attach to the proceeds from such sale or mortgage. The lien shall be released or extinguished upon payment of the taxes imposed upon the income of the decedent which were unpaid at the date of death or upon payment by the surviving joint tenant or joint tenants of an amount equal to the value, at the date of death of the decedent, of the property subject to the lien, excepting therefrom such part thereof as may be proved by the surviving joint tenant or joint tenants to have originally belonged to him or them and never to have belonged to the decedent. The surviving joint tenant or joint tenants shall be personally liable for the taxes imposed by this act on the income of the decedent which are unpaid at the date of death to the extent that he or they are required to pay such taxes in order to extinguish the lien on said property."

**Amendment No. 26.**

On page 28, line 48, of the printed bill, as amended, after the numeral "12," add the following: "and upon giving notice of such recording to the fiduciary of the trust or in case there is more than one fiduciary to any one of such fiduciaries,".

**Amendment No. 27.**

On page 29, line 2, of the printed bill, as amended, after "lien.", add the following: "The notice herein required to be given may be served upon the fiduciary personally, or by mail; if by mail, service shall be made in the manner prescribed by section 1013 of the Code of Civil Procedure and addressed to the fiduciary at his address as the same appears in the records of the commissioner."

**Amendment No. 28.**

On page 30 of the printed bill, as amended, strike out lines 17 to 19, both inclusive, and insert in lieu thereof the following:

"SEC. 20. The provisions of this act effecting changes in the computation of taxes imposed by the Personal Income Tax Act of 1935 shall be applied only in the computation of the taxes for taxable years ending on or after December 31, 1937. The remaining provisions of this act shall become effective on the effective date of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 1245—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 27, 30, 31, 32 and 33 of and to add a new section to be numbered 13 (a) to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 1245 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the numeral "25," insert the numeral "26," and after the numeral "27" insert the numeral "29."

##### Amendment No. 2.

On page 1, lines 14 and 15 of the printed bill, as amended, strike out "paid upon its personal property", and insert in lieu thereof the following: "on income other than taxes upon its real property and other taxes imposed by this act paid to this State or"

##### Amendment No. 3.

On page 3 of the printed bill, as amended, strike out all of line 43 following the word "dividends"; strike out all of line 44 and strike out all of line 45 preceding the word "which"; and insert in lieu thereof the following: "which are dividends deductible under the provisions of subsection (c) of this section and other dividends from corporations, 50 per cent or more of the outstanding stock of which is owned by the taxpayer)".

##### Amendment No. 4.

On page 4, line 43, of the printed bill, as amended, strike out "or", and insert in lieu thereof the word "or"

##### Amendment No. 5.

On page 6, line 40, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "thereof".

##### Amendment No. 6.

On page 6, line 45, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "thereof".

##### Amendment No. 7.

On page 9, line 14, of the printed bill, as amended, after the word "thereof", insert the following: "in".

##### Amendment No. 8.

On page 21, line 36, of the printed bill, as amended, after the word "Where", insert a comma.

##### Amendment No. 9.

On page 22 of the printed bill, as amended, between lines 30 and 31, insert the following:

"Sec. 12. Section 26 of said act is hereby amended to read as follows:

Sec. 26. At the time of payment of the first installment of tax under the provisions of section 23 of this act, each taxpayer claiming an offset against the tax, pursuant to section 4 hereof, shall submit to the commissioner a statement in such form as he shall prescribe in support of such claims.

If a financial corporation in paying the tax provided for in this act desires to claim an offset in the computation of its tax, the same provision in section 4 hereof for financial corporations shall be applied to such offset and the amount so computed shall be added to and included in the tax at such computation.

If taxes are at any time refunded to any bank or corporation taxable under this act and said bank or corporation has been allowed an offset for such taxes against any tax imposed under this act, said bank or corporation shall pay a tax not subject to offset in an amount equivalent to any offset which has been allowed against any tax at any time imposed under this act on account of such refunded taxes. Such bank or corporation shall report such taxes in its return for the income year in which the same are refunded. The tax hereby provided for shall be due and payable in one amount on or before the date, date, or the date date as extended by the commissioner, for filing the return. The provisions of this act relating to delinquent first installment taxes shall be applicable to such tax if it is not paid on or before its due date."

##### Amendment No. 10.

On page 22, line 31, of the printed bill, as amended, strike out the numeral "12", and insert in lieu thereof the numeral "13".

**Amendment No. 11.**

On page 23, line 11, of the printed bill, as amended, before the word "commissioner's", insert the word "the".

**Amendment No. 12.**

On page 24 of the printed bill, as amended, between lines 2 and 3, insert the following:

"Sec. 14. Section 29 of said act is hereby amended to read as follows:

Sec. 29. The taxes imposed by this act shall constitute a lien upon the real property of the taxpayer, which lien shall have the same force, effect and priority as a judgment lien and shall attach on the first day of the "taxable year," except that in the case of a bank or corporation incorporated under the laws of this State or a foreign bank or corporation qualified to do business within the limits of this State, after the effective date of this amendment, the lien of taxes for the first taxable year of such a bank or corporation shall attach at the time of such incorporation or qualification. The lien provided for in this section shall remain until the taxes are paid or the property subject to the lien is sold for the payment thereof, or until the lien is released or otherwise extinguished. The commissioner may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such taxes. A certificate by the commissioner to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate. No decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the Secretary of State file any such decree, or file any other document by which the term of existence of any taxpayer shall be reduced or terminated, nor shall the Secretary of State file any certificate of the surrender by a foreign corporation of its right to do intrastate business in this State until the tax, penalties, and interest shall have been paid."

**Amendment No. 13.**

On page 24, line 3, of the printed bill, as amended, strike out the numeral "13", and insert in lieu thereof the numeral "15".

**Amendment No. 14.**

On page 25, line 15, of the printed bill, as amended, strike out the numeral "14", and insert in lieu thereof the numeral "16".

**Amendment No. 15.**

On page 25, line 41, of the printed bill, as amended, following the word "any", insert the following: "personal".

**Amendment No. 16.**

On page 25, line 41, of the printed bill, as amended, strike out the following: ", real or personal,".

**Amendment No. 17.**

On page 26 of the printed bill, as amended, commencing in line 24, strike out "for the personal property, and a deed for any real property so sold," and insert in lieu thereof the following: "for the property so sold".

**Amendment No. 18.**

On page 26, line 25, of the printed bill, as amended, strike out the following: "or deed".

**Amendment No. 19.**

On page 26, line 50, of the printed bill, as amended, strike out the numeral "15", and insert in lieu thereof the numeral "17".

**Amendment No. 20.**

On page 27, line 51, of the printed bill, as amended, strike out the numeral "16", and insert in lieu thereof the numeral "18".

**Amendment No. 21.**

On page 28 of the printed bill, as amended, between lines 44 and 45, insert the following:

"The possession and control of all records, books, papers, equipment and supplies held by the State Controller for use in performing the duties which pursuant to this section are to be performed by the commissioner shall be transferred to the commissioner. All funds available for expenditure by the Controller in performing such duties shall be available for expenditure by the commissioner in performance of such duties and shall be transferred upon executive order of the Director of Finance to the support appropriation for the commissioner."



**Amendment No. 22.**

On page 28, line 45, of the printed bill, as amended, strike out the numeral "17", and insert in lieu thereof the numeral "19".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 2326—An act to amend section 1 of an act entitled "An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles," approved June 7, 1913, as amended, and to add thereto a new section to be known as section 11, relating to advertisements or solicitation for employees while negotiations to establish working conditions or to settle labor disputes are pending, and requiring a copy of said advertisement and a statement identifying the employer concerned to be filed with the Labor Commissioner where such identity does not appear in such advertisement or solicitation.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revenue and Taxation the following amendment to Assembly Bill No. 2326 was read and adopted:

**Amendment No. 1.**

On page 2, line 4, of the printed bill, as amended, strike out the word "may".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 859—An act to amend section 582 of the Agricultural Code, relating to labels.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 866—An act to amend section 1152 of the Agricultural Code, pertaining to marketing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 970—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation, and dissolution of pest abatement districts, for the assessment, levy, collection, and disbursement of taxes therein, to declare the urgency hereof, and to provide that this act take effect immediately," approved February 2, 1935, relating to the definition of "pests," and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2331—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 4041.29, relating to agricultural research by counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1496—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being



Public Act No. 10, of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all anti-trust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately." approved June 11, 1935, by amending each section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Assembly Bill No. 1496 was read and adopted:

#### **Amendment No. 1.**

On page 6, line 39, of the printed bill, as amended, strike out "Such powers", and insert in lieu thereof the following: "The exercise of such powers and duties shall be subject to veto by the director and".

Bill read second time, ordered to print, and on file for third reading.

#### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Concurrent Resolution No. 32:** By Senator Gordon—Relating to acquisition by the State of the Carquinez Bridge.

Senate Concurrent Resolution No. 32 read, and ordered held at the desk.

#### **Senate Bill No. 581 Stricken from the File.**

By order of the President, Senate Bill No. 581 was stricken from the file, because it was ruled to be a skeleton bill.

#### **Special Order.**

Senator Rich moved that Senate Bill No. 309 be made a special order for Monday, April 26, 1937, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

#### **Third Reading of Senate Bills.**

Senate Bill No. 1035—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "Highway Carriers' Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California.

**Amendments from the Floor.**

During third reading of Senate Bill No. 1035 the following amendments, offered by Senator Nielson, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "The 'Unfair Prac-'", strike out all of line 4, and in line 5, strike out "Act," and "

**Amendment No. 2.**

On page 1, line 3, of the printed bill, as amended, strike out "the" where it last occurs, strike out all of line 4, and in line 5, strike out "Carriers' Act" and "

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 884—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Mixter, Nielson, Olson, Phillips, Porevich, Powers, Quinn, Rich, Sater, Slater, Tinkle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 884 ordered transmitted to the Assembly.

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1110 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Nielson, Olson, Phillips, Porevich, Powers, Quinn, Rich, Sater, Tinkle, Wagy, Westover, Williams, and Young—30.

NOES—Senator Hays—1.

Title read and approved.

Senate Bill No. 1110 ordered transmitted to the Assembly.

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 938 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law,

McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—32.  
 NOES—None.

Title read and approved.

Senate Bill No. 938 ordered transmitted to the Assembly.

Senate Bill No. 1129—An act to add section 6.55 to the School Code, relating to automatic gas shut-offs in school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1139 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Senate Bill No. 1139 ordered transmitted to the Assembly.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Concurrent Resolution No. 33:** By Senator Powers—Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California.

#### **Consideration of Senate Concurrent Resolution No. 33.**

Senator Powers asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 33, without reference to committee for purpose of adoption.

#### **Senate Concurrent Resolution No. 33.**

Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That leave of absence from the State of California for the period from April 22, 1937, to May 1, 1937, inclusive, is hereby granted to the Honorable John B. McColl, member of the Senate, during the fifty-second session of the Legislature for said period.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 33 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Williams—32.  
 NOES—None.

Senate Concurrent Resolution No. 33 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

# **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Nielsen:

SENATE CHAMBER, SACRAMENTO, APRIL 21, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 433.6 to the Political Code, to authorize the State Comptroller to make pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance.

Respectfully submitted.

SENATOR NIELSEN

Request referred to Committee on Rules.

## **Report of Standing Committee.**

The following report of standing committee was received and read:

### **On Rules.**

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Nielsen to introduce a bill entitled:

An act to add section 433.6 to the Political Code, to authorize the State Comptroller to make pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND  
STATLER  
TICKLE

The question being on the adoption of the report.

The roll was called.

## **Call of the Senate.**

Pending the announcement of the vote, Senator Slater moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dond, Garrison, Hays, Hollister, Holchen, Jaspersen, Keating, Kossuth, Knowland, McBride, McVell, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Packard, Phillips, Parnovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Westover—34.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished the names of the absentees, was directed to bring them to the bar of the Senate.



**Proceedings Under Call of the Senate.  
Consideration of Daily File—(Resumed).  
Third Reading of Senate Bills.**

Senate Bill No. 548.—An act to amend subsections 3 and 7, and to add a new subsection to be numbered 9 to section 690.10 of the Political Code.

**Amendments from the Floor.**

During third reading of Senate Bill No. 548, the following amendments, offered by Senator McBride, were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the word "State," insert the following: "which have not heretofore been granted to municipalities,".

**Amendment No. 2.**

On page 1, line 26, of the printed bill, after the words "lands," insert the following: "which have not heretofore been granted to municipalities,".

**Amendment No. 3.**

On page 4 of the printed bill, strike out lines 38 to 40, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

(NOTE.—The action of the Senate in amending Senate Bill No. 548 was rescinded on April 23, 1937. J. A. Beck, Secretary of the Senate.)

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Williams.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Keating, Knowland, Law, McBride, McCormack, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 52 and 54 of the Civil Code, relating to denial of civil rights.

Respectfully submitted.

SENATOR CUNNINGHAM.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, April 22, 1937

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Cunningham to introduce a bill entitled:

An act to amend section 52 and 54 of the Civil Code, relating to denial of civil rights;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER  
TICKLE  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Keating, Knowland, Law, McBride, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tamm, Wagy, Westover, Williams, and Young—29.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof, and providing for the appointment of one reporter secretary.

Respectfully submitted

SENATOR SWING.

Request referred to Committee on Rules.

### Report of Standing Committee

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Swing to introduce a bill entitled:

An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof, and providing for the appointment of one reporter secretary;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER  
TICKLE  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Keating, Knowland, Law, McBride, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—29.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bills were introduced:

**Senate Bill No. 1135:** By Senator Nielsen—An act to add section 433.6 to the Political Code, to authorize the State Controller to make pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insur-

ance issued to such State employees insured under an insurance plan approved by the Director of Finance.

Senate Bill No. 1135 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1136:** By Senator Cunningham—An act to amend sections 52 and 54 of the Civil Code, relating to denial of civil rights.

Senate Bill No. 1136 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1137:** By Senator Swing—An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof, and providing for the appointment of one reporter secretary.

Senate Bill No. 1137 read first time, and referred to Committee on County Government.

### **Motion.**

On motion of Senator Gordon, Senate Bill No. 304 was ordered placed on the unfinished business file.

**Assistant Secretary Howard McIntire at the Desk.**

### **Third Reading of Senate Bills—(Resumed).**

Senate Bill No. 11—An act to add Article 5 to Chapter 2 of Division III of the Agricultural Code, relating to trespassing animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 refused passage by the following vote:

**AYES**—Senators Fletcher, Garrison, McCormack, Mixer, Quinn, Slater, and Young—7.

**NOES**—Senators Allen, Cunningham, DeLap, Denel, Gordon, Hays, Holohan, Keough, Knowland, Law, Nielsen, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Westover—22.

### **Senator Knowland in the Chair.**

At three o'clock and three minutes p.m., Senator Knowland of the sixteenth district was called to the chair.

Senate Bill No. 963—An act to amend section 1 of the Fair Trade Act, relating to fair trade practices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 963 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Holohan, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Wagy, Westover, and Young—26.

**NOES**—Senators McGovern, and Olson—2.

Title read and approved.

Senate Bill No. 963 ordered transmitted to the Assembly.

Senate Bill No. 253—An act to add sections 111, 112, 113, 157, and 158 to the Business and Professions Code, relating to the Department

of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

**AYES**—Senators Allen, Bigger, Channingham, DeLape, Deuel, Halahan, Keough, Keough, Knowland, Law, McBride, McCornack, McGovern, Meyer, Nydman, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Senwed, Slater, Wagg, Westover, and Young—26.

**NOES**—Senator Garrison—1.

Title read and approved.

Senate Bill No. 253 ordered transmitted to the Assembly.

Senate Bill No. 254—An act to amend sections 377½, 377½, and 377½ of the Political Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

**Amendments from the Floor.**

During third reading of Senate Bill No. 254, the following amendments, offered by Senator Neilsen, were read and adopted:

**Amendment No. 1.**

On page 2, line 31, of the printed bill, after the word "inspectors", strike out the comma and insert in lieu thereof the word "and"; and after the word "dentists", strike out the words "and attorneys."

**Amendment No. 2.**

On page 2, line 36, of the printed bill, after the word "inspectors", strike out the comma and insert in lieu thereof the word "and".

**Amendment No. 3.**

On page 2, line 37, of the printed bill, strike out the words "and attorneys."

Bill read, ordered to reprint and re-engrossment, and on file for third reading.

Senate Bill No. 1122—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and making an appropriation therefor," approved June 9, 1931, relating to the State employees' retirement system.

**Amendments from the Floor.**

During third reading of Senate Bill No. 1122, the following amendments, offered by Senator Allen, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 8 to 23, inclusive.

**Amendment No. 2.**

On page 1, line 24, of the printed bill, as amended, strike out the first "c", and insert in lieu thereof the following: "b".

**Amendment No. 3.**

On page 2, line 9, of the printed bill, as amended, strike out "d", and insert in lieu thereof the following: "c".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.



Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, and to add thereto section 585.5, relating to stolen and altered vehicles and motors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 667 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 667 ordered transmitted to the Assembly.

Senate Bill No. 650—An act to amend Part III, Title II, Chapter VIII of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 650 ordered transmitted to the Assembly.

Senate Bill No. 410—An act to add a new section to the Agricultural Code, to be numbered 391.5, relating to estray animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 410 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Keating, Keough, Knowland, McCormack, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—27.

NOES—Senators Garrison, and Olson—2.

Title read and approved.

Senate Bill No. 410 ordered transmitted to the Assembly.

### **Committee from the Assembly.**

Assemblymen Williamson, Sawallisch, and Burns, Michael J., appeared at the bar of the Senate and invited the Senate to meet with the Assembly Friday, April 23, 1937, at two o'clock p.m., in order to hear from M. Amine Youssef, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, the King of Egypt.

### **Motion.**

Senator McGovern moved that the Senate accept the invitation of the Assembly to hear from M. Amine Youssef, Envoy Extraordinary and

Minister Plenipotentiary of His Majesty, the King of Egypt, Washington, D. C.

Motion carried.

### **Appointment of Special Committee.**

The President announced, in accordance with the above motion, the appointment of Senators McGovern, Keating, and Buggar to notify the Assembly that the Senate had accepted the invitation.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Concurrent Resolution No. 34:** By Senator Garrison—Relative to approving a certain amendment to the charter of the city of Modesto, county of Stanislaus, State of California, voted for and ratified by the electors of the said city of Modesto, at a general municipal election held therein on the thirteenth day of April, 1937.

### **Consideration of Senate Concurrent Resolution No. 34**

Senator Garrison asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 34, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 34—Relative to approving a certain amendment to the charter of the city of Modesto, county of Stanislaus, State of California, voted for and ratified by the electors of the said city of Modesto, at a general municipal election held therein on the thirteenth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 34 adopted by the following vote:

**AYES**—Senators Buggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hayes, Holahan, Keating, Krough, Knowland, Low, McArthur, Myers, Nelson, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Schott, Sorell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—30.

**NOES**—None.

Senate Concurrent Resolution No. 34 ordered transmitted to the Assembly.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Concurrent Resolution No. 35:** By Senator Parkman—Relative to approving four amendments to the charter of the city of San Mateo, a municipal corporation in the county of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1937.

### **Consideration of Senate Concurrent Resolution No. 35.**

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 35, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 35—Relative to approving four amendments to the charter of the city of San Mateo, a municipal corporation in the county of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 35 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—29.

NOES—None.

Senate Concurrent Resolution No. 35 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

Assembly Bill No. 737—An act to amend section 4004 of the Political Code, relating to county assistance to special districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 737 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Hays, Holohan, Keough, Knowland, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, and Westover—23.

NOES—Senators Fletcher, Garrison, Law, Tickle, Wagy, and Williams—6.

Title read and approved.

Assembly Bill No. 737 ordered transmitted to the Assembly.

Assembly Bill No. 1467—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add two new sections to be numbered 4.967 and 4.968, of the School Code, relating to school district bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1467 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1467 ordered transmitted to the Assembly.

Assembly Bill No. 1469—An act to repeal sections 2.1223, 6.523 and 6.561½ of the School Code, relating to reports of books purchased for any school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1469 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen,

Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30

NOES—None.

Title read and approved.

Assembly Bill No. 1469 ordered transmitted to the Assembly.

Assembly Bill No. 1895—An act to add section 663.5 to the Political Code, relating to the powers of the State Board of Control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1895 passed by the following vote:

AYES—Senators Bizzar, Cunningham, DeLap, Desol, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schatzky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29

NOES—None.

Title read and approved.

Assembly Bill No. 1895 ordered transmitted to the Assembly.

Assembly Bill No. 184—An act to amend section 224 of the Civil Code, relating to consent to adoption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 passed by the following vote:

AYES—Senators Bizzar, Cunningham, DeLap, Desol, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31

NOES—None.

Title read and approved.

Assembly Bill No. 184 ordered transmitted to the Assembly.

Assembly Bill No. 200—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 passed by the following vote:

AYES—Senators Allen, Bizzar, Cunningham, DeLap, Desol, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31

NOES—None.

Title read and approved.

Assembly Bill No. 200 ordered transmitted to the Assembly.

Assembly Bill No. 203—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 203 passed by the following vote:

AYES—Senators Allen, Bizzar, Cunningham, DeLap, Desol, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern,



Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagly, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 203 ordered transmitted to the Assembly.

Assembly Bill No. 347—An act to amend section 663 of the Probate Code, relating to vesting of homestead.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagly, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 347 ordered transmitted to the Assembly.

Assembly Bill No. 352—An act to add a new section to the Civil Code, to be numbered 137.5, relating to attorney's fees granted in actions for divorce or separate maintenance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Wagly, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 352 ordered transmitted to the Assembly.

Assembly Bill No. 1301—An act to amend section 688 of the Code of Civil Procedure, relating to the levy of execution on interests in estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1301 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Wagly, Westover, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1301 ordered transmitted to the Assembly.

Assembly Bill No. 1217—An act to amend sections 158, 371.5, 374, 379 and 384 of, and to add section 162 to the Vehicle Code, relating to the registration of vehicles and fees therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1217 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29

NOES—None.

Title read and approved.

Assembly Bill No. 1217 ordered transmitted to the Assembly.

Assembly Bill No. 2233—An act to amend sections 1 and 2 of "An act authorizing the Surveyor General of the State of California to lease certain lands in the county of San Diego," relating to a lease of tide-lands in the county of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2233 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29

NOES—None.

Title read and approved.

Assembly Bill No. 2233 ordered transmitted to the Assembly.

Assembly Bill No. 1230—An act to amend section 208 of the Agricultural Code, relating to cheese standards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1230 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30

NOES—None.

Title read and approved.

Assembly Bill No. 1230 ordered transmitted to the Assembly.

Assembly Bill No. 2162—An act to add section 589.5 to the Agricultural Code, relating to labeling of dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2162 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettky, Slater, Tickle, Wagy, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2162 ordered transmitted to the Assembly.

Assembly Bill No. 857—An act to amend section 480 of the Agricultural Code, relating to market milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 857 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Tickle, Waggy, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 857 ordered transmitted to the Assembly.

Assembly Bill No. 864—An act to amend section 673 of the Agricultural Code, relating to dairy equipment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 864 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, McGovern, Mixter, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 864 ordered transmitted to the Assembly.

Assembly Bill No. 865—An act to repeal section 1084 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 865 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keough, Knowland, Law, McCormack, McGovern, Mixter, Olson, Parkman, Phillips, Pierovich, Schottky, Seawell, Slater, Tickle, Waggy, and Westover—26.

NOES—None.

Title read and approved.

Assembly Bill No. 865 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 38.

Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria River Flood Control and the Santa Ana River Flood Control projects in the National Program of Work Relief.

WHEREAS, California has one of the gravest unemployment problems in the United States, due to the fact that the State has become the haven of unemployed from every section of the country; and

WHEREAS, One of the most constructive methods of coping with the unemployment problem is the building of useful and necessary public works which will confer permanent and lasting benefits as well as afford immediate work relief; and

WHEREAS, California is in urgent need of the development, conservation and stabilization of its water resources to prevent the abandonment of thousands of farms and homes, and to avert tremendous financial losses; and

WHEREAS, The State of California has prepared a comprehensive coordinated plan for the progressive economic development of the water resources of the State, carefully formulated over a period of 14 years, which provides for the control of floods and salinity encroachment, the improvement of navigation, the conservation

and stabilization of water supplies for municipal, irrigation, industrial and mining uses, and for the generation of electric power; and

WHEREAS, The Santa Maria River Flood Control, the Mojave River Flood Control and the Santa Ana River Flood Control projects are most essential to the State of California; and

WHEREAS, These projects are ready for immediate construction when funds are made available for such purpose; and

WHEREAS, The construction of these projects will enable many thousands of people to sustain themselves by their present means of livelihood; and

WHEREAS, A greater degree of flood protection in these two river basins is highly desirable; and

WHEREAS, The construction of these projects will give employment to thousands of workers now unemployed, not only in California but throughout the Nation, thereby relieving unemployment in many branches of industry, particularly in the heavy manufacturing industries in the East and Middle West; and

WHEREAS, The public interest, welfare, convenience and necessity require immediate provision for adequate financing of these two projects; *now, therefore, be it*

*Resolved by the Assembly and Senate of the State of California, be it* That the State of California through its Legislature recommends the Santa Maria River Flood Control, the Mojave River Flood Control and the Santa Ana River Flood Control projects to the President and to the Congress of the United States as of first and prime importance to the State of California, and respectfully requests that adequate funds be made available for immediate construction of the projects thereby conferring lasting benefits upon the people of the State of California, and affording substantial unemployment relief, all in a manner conforming admirably with the splendid program initiated by the President of the United States to speed national recovery; and be it further

*Resolved*, That the Governor is requested to transmit copies of this resolution to the President and to the Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in the Congress.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Assembly Joint Resolution No. 38 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon Hays, Holohan, Keating, Keough, Knowland, Law, McCosmick, McGovern, Mixer, Olson, Parkman, Phillips, Powers, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Assembly Joint Resolution No. 38 ordered transmitted to the Assembly.

Assembly Bill No. 1406—An act to amend sections 1 and 2 of an act entitled "An act establishing and standardizing the weight of loaves of bread and regulating the sale thereof," approved June 2, 1921, relating to weights of bread.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1406 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCosmick, McGovern, Mixer, Olson, Parkman, Phillips, Piarovich, Powers, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1406 ordered transmitted to the Assembly.

Assembly Bill No. 1410—An act to amend sections 2, 6 and 10 of an act entitled "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use



as food for human beings, and medicines, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, as amended, relating to net containers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1410 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Keough, Knowland, Law, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1410 ordered transmitted to the Assembly.

Assembly Bill No. 2132—An act to amend section 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2132 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Keating, Keough, Knowland, Law, McCormack, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—28.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 2132 ordered transmitted to the Assembly.

Assembly Bill No. 216—An act to amend section 1103 of the Fish and Game Code, relating to the registration of vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 216 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wag, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 216 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

Assembly Bill No. 1530—An act to amend section 161 of the Fish and Game Code, relating to Game Refuge 4B.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1530 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McGoey, Olson, Parkman, Phillips, Pierovich, Quinn, Seawell, Slater, Tickle, Wagy, Westover, and Young—24.  
NOES—None.

Title read and approved.

Assembly Bill No. 1530 ordered transmitted to the Assembly.

Assembly Bill No. 1069—An act to add section 3658b to the Political Code, relating to county maps for tax purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1069 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Keough, Knowland, Law, McGoey, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—24.  
NOES—None.

Title read and approved.

Assembly Bill No. 1069 ordered transmitted to the Assembly.

Assembly Bill No. 1442—An act to repeal an act entitled "An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State," approved by the Governor July 11, 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1442 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keough, Knowland, Nelson, Olson, Parkman, Phillips, Pierovich, Quinn, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—24.  
NOES—None.

Title read and approved.

Assembly Bill No. 1442 ordered transmitted to the Assembly.

### Call of the Senate.

Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keough, Knowland, Law, McGoey, Mixer, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

The Secretary announced the absentees.

Time, four o'clock and fifty-nine minutes p.m.

The Acting President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.  
Third Reading of Assembly Bills—(Resumed).**

Assembly Bill No. 528—An act to add section 862b to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to fire protection in cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keough, Knowland, Law, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 528 ordered transmitted to the Assembly.

Assembly Bill No. 989—An act to add section 22a to the Direct Primary Law, relating to the recounting of ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keough, Knowland, Law, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 989 ordered transmitted to the Assembly.

Assembly Bill No. 991—An act to amend the Political Code of the State of California by amending section 1281a and by adding thereto a new section to be designated 1281b, to authorize the board of supervisors, canvassing board or election commission to recount the voted ballots in precincts where the precinct returns show a total of votes cast for all candidates for an office, or a total of votes cast for and against any proposition, in excess of the number of votes cast in the precinct, and providing that the board or commission may in its discretion appoint a special recounting board for this purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 991 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keough, Knowland, Law, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 991 ordered transmitted to the Assembly.

Assembly Bill No. 2658—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improve-

ments and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment on benefited property, and to provide that a majority and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2658 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Donald, Garrison, Holahan, Keough, Knowland, Law, Nolsen, Olson, Pierovich, Phillips, Piorovich, Powers, Quinn, Schettyk, Slater, Tinkle, Wagv, Westover, and Young—23.

NOES—Senators Fletcher, and Hays—2.

Title read and approved.

Assembly Bill No. 2658 ordered transmitted to the Assembly.

Assembly Bill No. 185—An act to amend section 253a of the Code of Civil Procedure, relating to appeals from any court of record.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Holahan, Keating, Keough, Knowland, Law, Mixer, Nolsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettyk, Seawell, Slater, Tinkle, Wagv, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 185 ordered transmitted to the Assembly.

Assembly Bill No. 469—An act to amend section 710 of the Code of Civil Procedure, relating to execution on moneys due from a governmental agency to a judgment debtor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 469 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Holahan, Keating, Keough, Knowland, Law, Mixer, Nolsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schettyk, Seawell, Slater, Tinkle, Wagv, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 469 ordered transmitted to the Assembly.



Assembly Bill No. 694—An act to amend section 737hh of the Political Code, relating to compensation of the judges of the superior court in and for the county of Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 694 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 694 ordered transmitted to the Assembly.

Assembly Bill No. 602—An act to amend the Political Code by adding thereto a new section to be numbered 4049.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 602, the following amendment, offered by Senator DeLap, was read and adopted:

##### **Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, strike out "4049b", and insert in lieu thereof the following:  
"4049.5".

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1072—An act to amend sections 4 and 11 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1072, the following amendments, offered by Senator Olson, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 4 and", and insert in lieu thereof the word "section".

##### **Amendment No. 2.**

On page 1, line 8 of the title of the printed bill, as amended, after "1931.", strike out the remainder of said line, and all of lines 9, 10 and 11, and insert in lieu thereof the following: "relating to retirement on account of disability."

##### **Amendment No. 3.**

On page 1, line 7, of the printed bill, as amended, strike out "4", and insert in lieu thereof the figure "11".

##### **Amendment No. 4.**

On page 1 of the printed bill, as amended, strike out all of lines 9 to 17, both inclusive.

**Amendment No. 5.**

On page 2 of the printed bill, as amended, strike out all of lines 1 to 52, both inclusive.

**Amendment No. 6.**

On page 3 of the printed bill, as amended, strike out all of lines 1 to 25, both inclusive.

Bill read, ordered to print, and on file for third reading.

(NOTE. The action of the Senate in amending Assembly Bill No. 1072 was rescinded April 26, 1937. J. A. Beck, Secretary of the Senate.)

**Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2132 was passed.

**Motion.**

On motion of Senator DeLap, Assembly Bill No. 2607 was ordered placed on the unfinished business file.

**Further Proceedings Under Call of the Senate Dispensed With.**

At five o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 172—An act to validate the existence of water conservation districts;

Senate Bill No. 979—An act to amend section 20 of the California Real Estate Act, relating to subdivisions;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 285—An act to amend sections 92 and 122 of and to add section 108 to, the Civil Code, relating to grounds of divorce and domestic violence;

Assembly Bill No. 2474—An act to amend section 537 of the Code of Civil Procedure, relating to attachments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; noes—1; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 4918—An act to amend section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages;

Assembly Bill No. 1921—An act to amend section 580h of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced;

Assembly Bill No. 2826—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 20, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 279—An act to amend section 978a of the Code of Civil Procedure, relating to undertakings on appeal;

Assembly Bill No. 436—An act to add a new section to the Civil Code, to be numbered 3052a, relating to jewelers' liens;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2840—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; noes—2; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2684—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 3—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1487—An act to add section 3366a to the Political Code, relating to license taxes;

Has had the same under consideration, and respectfully reports the same back with-out recommendation.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1446—An act to amend section 882 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class;

Assembly Bill No. 1616—An act to authorize cities, counties, or county fire protection districts to perform services for each other in extinguishing fires and providing for the payment therefor;

Assembly Bill No. 1364—An act to amend section 8a of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895 (Statutes 1895, p. 219), relating to manner of making redemption of property sold to cities for nonpayment of taxes;

Assembly Bill No. 890—An act to amend the title and sections 1, 3, 4, and 4c of, and to add sections 6 and 7 to, an act entitled "An act to relate to and regulate the commencement and continuation of proceedings to declare or terminate the urgency hereof, and providing that it shall take effect immediately," approved the 14th of special assessment bonds issued for public improvements and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, as amended, relating to the issuance of special assessment bonds, validating the commencement and prosecution of proceedings to declare or terminate the urgency of this act to take effect immediately.

Assembly Bill No. 1151—An act to amend section 76 of the Homestead Act of 1911, relating to the Treasurer's list of bonds upon which payments have not been made and to notice of delinquency.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—5; committee vote—Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 328—An act to provide for the refunding, improvement, and adjustment from public funds, for street and highway purposes, of bonds issued and loans which have become a lien upon real property and which were used to pay the cost of street or highway improvements which are of great benefit to such property, but benefit.

Senate Bill No. 1123—An act to legalize bonds hereafter issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or for the redemption thereon or for street work or other public improvements, to the extent where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipality voting upon the question of issuing such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—5; committee vote—Ayes—4; absent—1.

McGOVERN, Chairman.

### On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 2456—An act to amend sections 1 and 2 of the Civil Code, relating to the issuance of permits thereunder by the Railroad Commission.

Assembly Bill No. 2457—An act to amend section 209 of the Public Utilities Act, relating to the granting of certificates of public convenience and necessity.

Assembly Bill No. 2464—An act relating to the adoption of rules of litigation for certain trades and industries within this State.

Assembly Bill No. 2810—An act to amend section 486 of the Civil Code, relating to regulation of trains, and penalties.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote—Ayes—4; absent—3.

PARKMAN, Chairman.

### On Elections.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 5—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of the "Direct Primary Law," relating to nomination papers.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote—Ayes—3.

ALLEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 21, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 584—An act to amend section 1197 of, and to add section 1188.5 to, the Political Code, relating to election ballots and the nomination of presidential electors;

Assembly Bill No. 579—An act to amend sections 4, 5, 6, and 12 of the Direct Primary Law, relating to primary elections;

Assembly Bill No. 1864—An act to amend sections 1205, 1357, and 1359 of the Political Code, relating to absentee voters and marking of ballots;



Assembly Bill No. 2808—An act to add section 1098 to the Political Code, relating to elections;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

#### On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred:

Assembly Bill No. 1834—An act to amend section 2167b of the Political Code, relating to persons mentally disordered and bordering on insanity but not dangerously insane;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

SCHOTTKY, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1407—An act to add a new section to be numbered 32b to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Assembly Bill No. 1408—An act to amend section 16a of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1411—An act to amend section 6 and to add a new section to be numbered section 7, to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers, and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Assembly Bill No. 1936—An act to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the Relief Commission and Relief Administrator to the Department of Social Welfare and declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 2398—An act to amend the title of, and to add sections 2, 2, 2, 2, 4, 2, 5 and 4 to, an act entitled "An act authorizing any city, city and county, county, town, municipality or political subdivision to acquire certain land on property offered for sale for the improvement of certain improvements," approved June 4, 1915, relating to authorizing cities, counties, cities and counties and other political subdivisions to sell and otherwise dispose of real property acquired on tax sales.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66 and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 14, 20, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 32, 33, 34, 35, 36, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, 36k, 36l, 36m, 36n, 36o, 36p, 36q, 36r, 36s, 36t, 36u, 36v, 36w, 36x, 36y, 36z, 37a, 37b, 37c, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37l, 37m, 37n, 37o, 37p, 37q, 37r, 37s, 37t, 37u, 37v, 37w, 37x, 37y, 37z, 38a, 38b, 38c, 38d, 38e, 38f, 38g, 38h, 38i, 38j, 38k, 38l, 38m, 38n, 38o, 38p, 38q, 38r, 38s, 38t, 38u, 38v, 38w, 38x, 38y, 38z, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 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876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 987—An act to amend section 112 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in connection therewith, and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1177—An act to amend the title of and sections 1 and 10 of, and to add sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act.

Assembly Bill No. 1412—An act to amend sections 1, 3, 4, 6, and 8 of an act entitled "An act defining public weighmaster, describing his duties, providing for rules and regulations governing the performance of his duties, prescribing a bond and fixing the amount thereof, and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, relating to public weighmasters.

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 144—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State

lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 907—An act to prevent fraud or misrepresentation in the distribution and sale of Grade No. 1 fuel oil; regulating the distribution and sale of such product; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining Grade No. 1 fuel oil and prescribing specifications for products sold or offered for sale as Grade No. 1 fuel oil; prescribing penalties for the violation of provisions hereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

#### Adjournment.

At five o'clock and thirty-five minutes p.m., on motion of Senator Hays, the acting President of the Senate, declared the Senate adjourned, until ten o'clock a.m., Friday, April 23, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, April 23, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

#### Reading of the Journal.

During the reading of the Journal of Thursday, April 22, 1937, the further reading was, on motion of Senator Slater, dispensed with.

#### Leaves of Absence.

Senator Fletcher was, on motion of Senator Wagy, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for this day.

Senator Metzger was, on motion of Senator Nielsen, granted leave of absence for this day.



### Privilege of Floor of Senate Extended.

On request of Senators McCormack, Scawell, Rich and Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to **L. M. Rossi**.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. L. G. Johnson, principal, and the following students of the Ardenhale Grammar School: Henrietta Hassler, Virginia Jackson, Jean McEllessell, Colleen Moore, Marilyn Myers, Betty Stockford, Kathryn Struckmeyer, Mary Wallis, Audrey Athearn, Jack Marshall, Kenneth Remington, Douglas Olin, Jim Byers, Russell Tracer, Gordon Patton, Joe Fontzen, Betty Bailey, Doris Babby, Lorraine Pierce, Dorothy Blanchard, Melva McDonald, Geraldine Myers, Joan Sachreuter, Nadine Heale, Harold Dawley, Stuart Smith, Robert Athearn, and Lloyd Richards.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Maureen O'Conner, Radio Baby Star of 1937, and the following members of the Singing Straps: Miss Ames, Miss Gregg, Miss Harvey, Miss Hirsh, Miss Turnbon, and Miss Harriet Wilson.

On request of Senator Nelson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. Eugene Foster, District Superintendent of Schools, Alcyon R. Amerman, teacher, and the following seventh and eighth grade students of the Isleton Union Grammar School: Francis Schmitzer, Charles Ayers, Florence Londermilk, Seraphie Hachadourian, Willie Gonzales, Jean Hastings, Violet Cobough, Guido Campi, Clara Ohanesian, Jakoppe Ohanesian, Richard Devine, Jack Vietra, Howard Slomp, Gina Asarian, Matilda Gonsalves, Lorraine Hardy, Frances Brown, Gilbert Perry, Edna Borba, Lucy Schlager, Rosie Carvalho, Winnie Holmes, Praplan Hachadourian, Shirley Shields, Earl Schillings, Lester Silva, Mary Louise Borba, Joe McNurt, Irene Correia, Elsie Micholi, Martha Porter and Eugene Gonzales.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lape Clark of Los Angeles.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Lyons and daughter Beverly Mel Lyons of Los Angeles.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Erwin K. Finney of Modesto, chairman; Frank Ramos of Westley, and A. J. Barnes of Riverbank, all members of the Stanislaus County Board of Supervisors.

### Report of Standing Committee.

The following report of standing committee was received and read.

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 113, 131, 134, 141, 142, 204, 206 and 214, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles:



Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals;

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act; And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### **Consideration of Daily File.**

#### **Second Reading of Senate Bills.**

Senate Bill No. 172—An act to validate the existence of water conservation districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 979—An act to amend section 20j of the California Real Estate Act, relating to subdivisions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 328—An act to provide for the refunding, repayment, and adjustment from public funds, for street and highway purposes, of assessments and bonds which have become a lien upon real property and which were levied to pay the cost of street or highway improvements which are or may become of more than local benefit.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1133—An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 5—An act to amend sections 1, 10, 12, 21, 23, 24 and 25 of the "Direct Primary Law," relating to nonpartisan offices.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b,

24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48 $\frac{1}{2}$ , 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52 $\frac{1}{2}$ , 53.5, 55.5, 55.7, 59.5, 63a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 425 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "and", insert the following: "The title and".

##### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, after "45," insert the following: "46,".

##### Amendment No. 3.

On page 1, line 5 of the title of the printed bill, as amended, strike out "6.7, 8.5, 11a," and insert in lieu thereof the following: "6.6, 6.7, 6.8, 11a, 14.5,".

##### Amendment No. 4.

On page 1, line 6 of the title of the printed bill, as amended, strike out "22c,".

##### Amendment No. 5.

On page 1, line 9 of the title of the printed bill, as amended, strike out "48 $\frac{1}{2}$ ," and insert in lieu thereof the following: "40.5, 48.5, 48.6,".

##### Amendment No. 6.

On page 1, line 10 of the title of the printed bill, as amended, strike out "55.5, 55.7," and insert in lieu thereof the following: "53.9, 54.5, 55.2, 55.3, 55.7, 55.8, 57.5,".

##### Amendment No. 7.

On page 4 of the printed bill, as amended, strike out lines 26 to 28 inclusive, and insert in lieu thereof the following:

"(m) Public bar, or "public saloon" or "public barroom" is hereby expressly prohibited and means any room to which the public has access in which there is a bar, counter or other structure over which beverages of any alcoholic content in excess of 4 per cent by weight are sold or served by the drink to the public for consumption on the premises; provided, however, that counters or other structures used for the sale, service and consumption of meals and not as a substitute for a public bar, shall not be deemed to be a public bar within the meaning of this act."

##### Amendment No. 8.

On page 5, line 20, of the printed bill, as amended, strike out the period and insert in lieu thereof the following: "to alcoholic beverages."

##### Amendment No. 9.

On page 8, line 2, of the printed bill, as amended, following the word "manufacturer", insert the words "and importer".

##### Amendment No. 10.

On page 8, line 4, of the printed bill, as amended, following the word "package", insert "rectify,".

##### Amendment No. 11.

On page 8, line 21, of the printed bill, as amended, following the word "blend," insert "rectify,".

##### Amendment No. 12.

On page 8, line 12, of the printed bill, as amended, after the word "beer", insert a comma.

##### Amendment No. 13.

On page 8, line 48, of the printed bill, as amended, after "to", insert "such".

##### Amendment No. 14.

On page 9, line 18, of the printed bill, as amended, strike out "except as otherwise," and in line 19, strike out "wise provided,".

##### Amendment No. 15.

On page 9, line 36, of the printed bill, as amended, after the word "license", strike out the period, and insert the following: " ; provided, however, that none of the licensees mentioned in this sentence shall have the right by reason of any such

license in this sentence mentioned, to label bottle or package or refill any package with any alcoholic beverage".

**Amendment No. 16.**

On page 11, line 13, of the printed bill, as amended, after "United", insert "States".

**Amendment No. 17.**

On page 11, line 29, of the printed bill, as amended, following "a", insert "beer or wine"; and following "manufacture," insert "a"; and following "or", insert "a".

**Amendment No. 18.**

On page 12, line 34, of the printed bill, as amended, strike out "or beverages", and in line 35, strike out "containing distilled spirits" and "prepared or".

**Amendment No. 19.**

On page 13, line 18, of the printed bill, as amended, strike out "or wine".

**Amendment No. 20.**

On page 13, line 25, of the printed bill, as amended, strike out "continue", and in lieu thereof insert "be renewable unless such license has been revoked, provided that renewal application is made and".

**Amendment No. 21.**

On page 13 of the printed bill, as amended, strike out line 26.

**Amendment No. 22.**

On page 15 of the printed bill, as amended, strike out lines 10 to 13, inclusive, and insert in lieu thereof the following: "when issued to the holder of a rectifier's or distilled spirits wholesaler's license shall be issued only for the same premises for which such rectifier's or distilled spirits wholesaler's license is issued."

**Amendment No. 23.**

On page 16, line 1, of the printed bill, as amended, strike out "apply", and insert in lieu thereof the following: "be deemed to prevent the issuance of a distilled spirits wholesale license".

**Amendment No. 24.**

On page 16, line 3, of the printed bill, as amended, strike out "been", and insert in lieu thereof the following: "maintained and operated in this State a".

**Amendment No. 25.**

On page 16, line 4, of the printed bill, as amended, strike out "engaged in", and following the word "distributing", insert in lieu thereof the following: "establishment for the sale to retail dealers".

**Amendment No. 26.**

On page 16, line 5, of the printed bill, as amended, April 15, strike out "to retail dealers.", and insert in lieu thereof the following: "the major portion of which business at a time five years preceding the effective date of this act was goods, wares and merchandise other than alcoholic beverages."

**Amendment No. 27.**

On page 18, line 33, of the printed bill, as amended, after "thereof," insert the following: "three cents per pint or fraction thereof greater than one-half pint."

**Amendment No. 28.**

On page 18, line 34, of the printed bill, as amended, strike out "half".

**Amendment No. 29.**

On page 19 of the printed bill, as amended, strike out all that portion of line 9 following "board", and strike out lines 10 and 11; and in line 12, strike out "America".

**Amendment No. 30.**

On page 19, line 27, of the printed bill, as amended, after "State", insert "and actually exported from this State within thirty days from the date of such sale".

**Amendment No. 31.**

On page 19, line 33, of the printed bill, as amended, strike out "claimed".

**Amendment No. 32.**

On page 19, line 34, of the printed bill, as amended, after "board", insert "in such manner as the board shall prescribe."

**Amendment No. 33.**

On page 19, line 35, of the printed bill, as amended, after "accrued", strike out the comma, and in lieu thereof insert a period and strike out "and in estab."; and strike out lines 36 to 42, both inclusive.

**Amendment No. 34.**

On page 21, line 4, of the printed bill, as amended, after "target", insert a comma; and after "agent," insert "brandy manufacturer."

**Amendment No. 35.**

On page 21, line 21, of the printed bill, as amended, after "a", insert "manufacturer."

**Amendment No. 36.**

On page 21, line 34, of the printed bill, as amended, after "shall" strike out the comma; and strike out line 35, and on line 36, strike out "dollars provided for herein," and strike out "similar".

**Amendment No. 37.**

On page 21, line 37, of the printed bill, as amended, after "he", insert "additional".

**Amendment No. 38.**

On page 21, line 51, of the printed bill, as amended, after "require" strike out the semicolon, and insert in lieu thereof a period; and strike out "provided, that in the case of wine such statement", and on page 22 strike out lines 1 and 2.

**Amendment No. 39.**

On page 23 of the printed bill, as amended, between lines 16 and 17, insert the following:

"If the board determines that any tax or penalty has been paid more than once or has been erroneously or illegally collected or computed, and if such mispayment, collection or computation for any reason can not be adjusted or corrected in subsequent assessments as provided in this section, the board shall notify the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board the same shall be credited on any taxes then due from the manufacturer or importer, after this act, and the balance shall be returned to the manufacturer or importer, but no new credit or refund shall be allowed after three years from the date of overpayment."

**Amendment No. 40.**

On page 35, line 38, of the printed bill, as amended, strike out the word "is," and insert in lieu thereof the word "be".

**Amendment No. 41.**

On page 39 of the printed bill, as amended, strike out all of line 29 following the word "is", and insert in lieu thereof "amended".

**Amendment No. 42.**

On page 39 of the printed bill, as amended, strike out all of line 30.

**Amendment No. 43.**

On page 45, line 41, of the printed bill, as amended, strike out the words "The word beer as used in this Sec.", and strike out all of lines 42 to 45, inclusive.

**Amendment No. 44.**

On page 45, line 46, of the printed bill, as amended, after the word "manufacturer", insert the words "or bottler".

**Amendment No. 45.**

On page 45, line 49, of the printed bill, as amended, after the word "factorer", insert the words "or bottler".

**Amendment No. 46.**

On page 45 of the printed bill, as amended, strike out lines 50 and 51, inclusive, and insert in lieu thereof "such such manufacturer or bottler shall be and is allowed two brand names which such manufacturer or bottler shall designate as his name or print".

**Amendment No. 47.**

On page 46, line 1, of the printed bill, as amended, after the word "manufacturer", insert the words "or bottler".

**Amendment No. 48.**

On page 46 of the printed bill, as amended, strike out lines 3 to 7, inclusive, and insert in lieu thereof the following: "whenever a draft beer is given, sold or dispensed by an "on-sale" licensee under any such secondary brand name or label the tap sign or draft beer signs required by section 55 of this act to be displayed shall also contain the name and address of the manufacturer or bottler of the draft beer so given, sold or dispensed by such "on-sale" licensee, which name".

**Amendment No. 49.**

On page 46 of the printed bill, as amended, strike out lines 11 and 12, inclusive, and insert in lieu thereof the following: "sign or draft beer sign is not displayed or



the manufacturer or bottler of which has not complied with the terms of this section. No draft beer shall be given, sold or dispensed under a name or brand other than a name or brand filed with the board pursuant to this section and under which such draft beer is sold, labeled or packaged by a manufacturer or bottler".

**Amendment No. 50.**

On page 47, line 12, of the printed bill, as amended, after the word "gage", strike out the following words: ", upon upon".

**Amendment No. 51.**

On page 47, line 14, of the printed bill, as amended, after the word "person", strike out comma, and insert in lieu thereof the following: "or the premises covered by said license".

**Amendment No. 52.**

On page 47, line 15, of the printed bill, as amended, after the word "ownership", insert the word "interest".

**Amendment No. 53.**

On page 47, line 15, of the printed bill, as amended, after the word "or", strike out comma.

**Amendment No. 54.**

On page 47, line 22, of the printed bill, as amended, after "manufacturer's", insert "manufacturer's agent's".

**Amendment No. 55.**

On page 48 of the printed bill, as amended, strike out lines 24 to 26, inclusive, and in line 27, strike out "and the", and insert in lieu thereof the following: "Sec. 55.2. The".

**Amendment No. 56.**

On page 48 of the printed bill, as amended, strike out lines 31 to 35, inclusive.

**Amendment No. 57.**

On page 50 of the printed bill, as amended, strike out lines 1 to 8, inclusive.

**Amendment No. 58.**

On page 50, line 33, of the printed bill, as amended, after the word "any", strike out the word "such".

**Amendment No. 59.**

On page 50, line 50, of the printed bill, as amended, after the word "misdemeanor", strike out the semicolon, and insert a period; and strike out the balance of said line 50, and all of lines 51 and 52, and lines 1 and 2 on page 51.

**Amendment No. 60.**

On page 51, line 5, of the printed bill, as amended, strike out the comma after the word "premises", and strike out the balance of said line 5; and in line 6, strike out the word "section", and the comma following the same.

**Amendment No. 61.**

On page 53, line 2, of the printed bill, as amended, strike out "certified", and insert in lieu thereof the word "verified".

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 144—An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 144 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, of the title; and in line 4, strike out "amended," and insert in lieu thereof the following: "An act".

**Amendment No. 2.**

On page 1, line 4 of the title of the printed bill, strike out "and declaring the urgency", and strike out line 5 of the title, and insert in lieu thereof the following:

"permitting the holders of certificates of purchase of certain State lands to complete purchases thereunder, notwithstanding any just forfeiture of such lands to the State for default in interest payments or taxes."

#### Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and strike out all of pages 2 and 3, and insert in lieu thereof the following:

"SECTION 1. The holder of any certificate of purchase for any portion of the sixteenth or thirty-sixth sections of school lands, the quarter portions of the 500,000 acres granted to the State for school purposes, the quarter portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant land, with in two years after the date when this act becomes effective, pay to the State in full for such lands and receive a patent therefor, notwithstanding any forfeiture for failure to pay interest as provided in such certificate or failure to pay taxes upon the lands covered by such certificate, provided that no rights under the State have vested in third persons prior to such payment and that the State may now complete such sale."

Upon lands forfeited to the State under the provisions of section 3543 of the Political Code the penalty thereon provided for shall be satisfied by the payment. Upon lands which have reverted to the State for taxes under the provisions of section 3788 of the Political Code, such taxes shall first be paid and evidence of such payment submitted at the time payment for the lands is made under this act."

SEC. 2. If at any time within said two years an application is made to the State to purchase any of said lands under the provisions of any law in the State providing for the sale thereof, the holder of the certificate of purchase covering the lands so applied for shall have a preferred right of redemption under the act for thirty days after the publication of notice of said application is made."

SEC. 3. The holder and claimant under the existing certificate of purchase of any lands less than all of the lands described in such certificate shall have the benefit of this act as to the lands so claimed and need be true to complying with the provisions of this act otherwise applicable.

SEC. 4. Payment under this act shall be made to the Department of Finance and shall be accompanied by the certificate of purchase upon which the payment is made, or the duplicate thereof. Payment in full shall include the fees provided by law for the issuance of a patent. Upon such payment being made, the patent shall issue to the original locator named in the certificate of purchase and shall be transmitted to the payer. The title conveyed by such patent shall inure to the benefit of the transferee or successor in interest of such patentee.

SEC. 5. Any patent issued as provided in this act shall be subject to all rights of way granted to the United States under the provisions of Chapter 174, Statutes of 1921, relating to irrigation and reclamation, and shall also be subject to a reservation to the State of California of one sixteenth of all coal, oil, gas, and other mineral deposits contained in said lands.

SEC. 6. The provisions of this act shall not apply to any State lands which have been offered, or reserved for the purpose of being offered, to the United States as bases for lien land selection."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 907—An act to prevent fraud or misrepresentation in the distribution and sale of Grade No. 1 fuel oil; regulating the distribution and sale of such product; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining Grade No. 1 fuel oil and prescribing specifications for products sold or offered for sale as Grade No. 1 fuel oil; prescribing penalties for the violation of provisions hereof.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 907 were read and adopted:

#### Amendment No. 1.

On page 3, line 22 of the printed bill, after the comma following the numeral "6", strike out the capital letters "A.S.T.M.", and insert in lieu thereof the words "American Society for Testing Materials".

**Amendment No. 2.**

On page 3, line 23, of the printed bill, after the numeral "396", strike out the comma, and insert the following: "34T, as published in "American Society for Testing Materials Standards," 1936,".

**Amendment No. 3.**

On page 3, line 30, of the printed bill, after the numeral "396", insert the following: "34T, as published in "American Society for Testing Materials Standards," 1936".

**Amendment No. 4.**

On page 3, line 35, of the printed bill, after the comma following the word "Tester", strike out the following: "A.S.T.M. designation D 93", and insert the following: "American Society for Testing Materials, Standard D 93-36, as published in "American Society for Testing Materials Standards," 1936."

**Amendment No. 5.**

On page 3, line 37, of the printed bill, after the comma following the word "centrifuge", strike out the letters "A.S.T.M.", and insert the words "American Society for Testing Materials".

**Amendment No. 6.**

On page 3, line 38, of the printed bill, after the numerals "96", strike out the period, and insert the following: "-35, as published in "American Society for Testing Materials Standards," 1936."

**Amendment No. 7.**

On page 3, line 42, of the printed bill, after the comma following the word "Products", strike out the following letters, words and numerals: "A.S.T.M. designation D 86", and insert the following: "American Society for Testing Materials, Standard D 86-35, as published in "American Society for Testing Materials Standards," 1936,".

**Amendment No. 8.**

On page 3, line 48, of the printed bill, after the period following the word "Fahrenheit", insert a new paragraph as follows: "(d) The pour point shall not be higher than five degrees Fahrenheit (5) when tested in accordance with American Society for Testing Materials, Standard Designation D 97-34, as published in "American Society for Testing Materials Standards," 1936."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 987—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 987 was read and adopted:

**Amendment No. 1.**

On page 2, line 43, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "ten".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

Assembly Bill No. 1487—An act to add section 3366a to the Political Code, relating to license taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1446—An act to amend section 882 of an act entitled "An act to provide for the organization, incorporation, and



government of municipal corporations," approved March 13, 1881, relating to cities and towns of the sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1616—An act to authorize cities, counties, or county fire protection districts to perform services for each other in extinguishing fires and providing for the payment therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1364—An act to amend section 8a of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1893 (Statutes 1895, p. 219), relating to manner of making redemption of property sold to cities for nonpayment of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 890—An act to amend the title and sections 1, 3, 4 and 4a of, and to add section 6 and 7 to, an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency thereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds, validating the commencement and prosecution of proceedings heretofore taken, and declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1151—An act to amend section 76 of the Improvement Act of 1911, relating to the treasurer's list of bonds upon which payments have not been made and to notice of delinquency.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2456—An act to amend section 3 of the City Carriers' Act, relating to the issuance of permits thereunder by the Railroad Commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2457—An act to amend section 50½ of the Public Utilities Act, relating to the granting of certificates of public convenience and necessity.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2464—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2810—An act to amend section 486 of the Civil Code relating to regulation of trains, and penalties.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 285—An act to amend sections 92 and 122 of, and to add section 108 to, the Civil Code, relating to grounds of divorce and defenses thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2474—An act to amend section 537 of the Code of Civil Procedure, relating to attachments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1918—An act to amend section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1921—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2826—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 279—An act to amend section 978a of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 436—An act to add a new section to the Civil Code, to be numbered 3052a, relating to jewelers' liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2840—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2684—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 3—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 3 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 15 to 17, inclusive, and insert in lieu thereof the following: "or any portion thereof, then or thereafter. Provided that nothing herein contained shall prevent differentials which make allowances for differences, if any, in the grade, quality, quantity."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out lines 6 to 9, inclusive, and insert in lieu thereof the following: "meeting in good faith of a competitive price or to prevent a selection of customers or a reasonable functional classification of any group of customers as brokers, jobbers, wholesalers or retailers. The"

**Amendment No. 3.**

On page 2, line 10, of the printed bill, as amended, strike out "hereof" and insert in lieu thereof the words "of this act."

**Amendment No. 4.**

On page 2, line 24, of the printed bill, as amended, after the word "and", insert the words "as used in this act."

**Amendment No. 5.**

On page 2, line 27, of the printed bill, as amended, after the word "the", insert the word "last".

**Amendment No. 6.**

On page 2, line 30, of the printed bill, as amended, after the word "expense", insert the words "as used in this act."

**Amendment No. 7.**

On page 2, line 34, of the printed bill, as amended, after the word "whereas", insert the following: "and where persons are employed or performing services with, out compensation for any person charged with a violation of this act such services shall be charged as an expense of the business in which rendered and at the rate of the wage for the service rendered prevailing at the time of the service in the community where rendered".

**Amendment No. 8.**

On page 2 of the printed bill, as amended, strike out lines 38 to 45, inclusive, and insert in lieu thereof the following:

"The prohibitions of this act shall be deemed among the other purposes and objects of the act to also prohibit the practice of using any article or product as a "loss leader" to induce, promote, or encourage, the purchase of other merchandise, the sale of which merchandise is used to recoup the loss sustained on the "loss leader" article or product so sold with the tendency or capacity to induce or induce purchasers or prospective purchasers, or which unfairly diverts trade from or otherwise injures competitors."

**Amendment No. 9.**

On page 2, line 49, of the printed bill, as amended, strike out "this section", and insert in lieu thereof the words "any of the provisions of this act."

**Amendment No. 10.**

On page 3 of the printed bill, as amended, strike out lines 49 to 52, inclusive, and insert the following:

"Sec. 5.5. It shall be an unfair trade practice for any persons engaged in the production, manufacture, distribution or sale of any article or product of general use or consumption, (1) to discriminate between different sections, communities or cities or portions thereof, or between different locations in such sections, communities, cities or portions thereof in this State, by selling or furnishing such article or product, at a lower price in one section, community or city, or any portion thereof, or in one location in such section, community, or city or any portion thereof, than in another; provided that nothing herein contained shall prevent differentials which make allowances for differences, if any, in the grade, quality, quantity and in the actual cost of transportation from the point of production, if a raw product or commodity, or from the point of manufacture, if a manufactured product or commodity, or from the point of shipment to the point of destination if sold by a distributor who does not sell to the ultimate consumer, or (2) to sell any article or product, at less than the cost thereof to such person, or give away any article or product, or (3) give, make, furnish or offer, directly or indirectly to any customer or vendee, any special services or privileges, or any secret payment or allowances of rebates, refunds, commissions or unearned discounts, whether in the form of money or otherwise, which are not given, made, furnished or offered to all customers or vendees purchasing upon like terms and conditions, where the effect of any such act or acts may lessen, injure, destroy, prevent, hinder or suppress the competition of any regular established dealer in such commodity, product or service, or where the effect of such discrimination is to lessen, injure, destroy, prevent, hinder or suppress the competition of any person, who, or which in good faith intends and

attempts to become such dealer, or where the effect of such discrimination tends to create a monopoly, or restraint of trade in any line of commerce. Nothing in this section shall be construed to prohibit the meeting in good faith of a competitive price."

**Amendment No. 11.**

On page 4 of the printed bill, as amended, strike out lines 1 and 2.

**Amendment No. 12.**

On page 4, line 5, of the printed bill, strike out the words "and 5", and insert in lieu thereof the words ", 5 and 5.5".

**Amendment No. 13.**

On page 4, line 29, of the printed bill, after the words "violation of", insert the words "any of the provisions of."

**Amendment No. 14.**

On page 5, line 11, of the printed bill, as amended, before the word "invoice", insert the word "last".

**Amendment No. 15.**

On page 5, line 14, of the printed bill, strike out the word "under", and strike out line 15, and insert in lieu thereof, the following: "brought under this act and involving the violation of any provisions of section 3 and 5.5 of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Assembly Bill No. 584—An act to amend section 1197 of, and to add section 1188.5 to, the Political Code, relating to election ballots and the nomination of presidential electors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 579—An act to amend sections 4, 5, 6 and 12 of the Direct Primary Law, relating to primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1864—An act to amend sections 1205, 1357, and 1359 of the Political Code, relating to absentee voters and marking of ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2808—An act to add section 1098 to the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1834—An act to amend section 2167b of the Political Code, relating to persons mentally disordered and bordering on insanity but not dangerously insane.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1407—An act to add a new section to be numbered 32b to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect



the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1408—An act to amend section 16a of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1411—An act to amend section 6 and to add a new section to be numbered section 7, to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1936—An act to transfer the duties, powers, purposes, responsibilities, and jurisdiction of the relief commission and relief administrator to the Department of Social Welfare.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 2398—An act to amend the title of, and to add sections 2.2, 2.3, 2.4, 2.5 and 4 to, an act entitled "An act authorizing any city, city and county, county, town, municipality or political subdivision to acquire certain liens on property offered for sale for the non-payment of certain assessments," approved June 4, 1915, relating to authorizing cities, counties, cities and counties and other political subdivisions to sell and otherwise dispose of real property acquired on tax sales.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1412—An act to amend sections 1, 3, 4, 6, and 8 of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, relating to public weighmasters.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1412 were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of line 3 following the period, and all of lines 4 and 5, and insert in lieu thereof the following: "Any person, firm, corporation, copartnership, or individual engaged in the business of public weighing for hire who shall weigh or".

##### **Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 15, and insert in lieu thereof the following: "for the locality of the place of principal business of such person, firm, corporation, copartnership, or individual and an additional license fee of two dollars and fifty cents for each additional locality where service as a public weighmaster is".

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 2215 was read and adopted:

##### **Amendment No. 1.**

On page 2, line 1, of the printed bill, as amended, after the word "agencies", strike out the word "to", and insert in lieu thereof the word "of".

Bill read second time, ordered to print, and on file for third reading.

#### **Motion.**

On motion of Senator Swing, Assembly Bill No. 1177 was ordered placed on the unfinished business file.

#### **Motion to Rescind.**

Senator McBride moved to rescind the action of the Senate in adopting certain amendments to Senate Bill No. 548.

Motion carried.

**Unfinished Business.**

Senate Bill No. 215—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 215.

**Amendment No. 1.**

On page 1, line 12, of the printed bill, strike out "(or)".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 215?

The roll was called, and Assembly amendment to Senate Bill No. 215 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, DeLap, Gordon, Hollister, Holahan, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixer, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—26.

**NOES**—None.

Senate Bill No. 215 ordered to enrollment.

Senate Bill No. 524—An act to amend sections 2, 4, 10, 11, 15, 28, 29, 30, 32, 42, 46, 52, 55, 56, 58, 61, 62, 63 and 65 of, and to add section 58a to, the State Housing Act, relating to buildings designed for human habitation.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 524.

**Amendment No. 1.**

On page 21, line 22, of the printed bill, as amended, after the word "or added" add the following: "windows."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 524?

The roll was called, and Assembly amendment to Senate Bill No. 524 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Gordon, Hollister, Holahan, Keating, Knowland, Law, McCormack, McGovern, Mixer, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—26.

**NOES**—None.

Senate Bill No. 524 ordered to enrollment.

Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 146.

**Amendment No. 1.**

On page 1, line 13, of the printed bill, after the word "having", insert the words "not more than", and in the same line strike out the words "at least one", and insert in lieu thereof the word "either".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 146?

The roll was called, and Assembly amendment to Senate Bill No. 146 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixer, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Senate Bill No. 146 ordered to enrollment.

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt, marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 214.

##### Amendment No. 1.

On page 3 of the printed bill, between lines 7 and 8, insert the following:

"SEC. 6. The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for any authorized public use without compensation to the city, its successors or assigns, or any person, firm or public or private corporation, claiming under it, except that in the event improvements have been placed upon the property taken by the State for public use, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest."

##### Amendment No. 2.

On page 3, line 8, of the printed bill, strike out the figure "6", and insert in lieu thereof "7".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 214?

The roll was called, and Assembly amendments to Senate Bill No. 214 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Hollister, Holohan, Keating, Knowland, Law, McGovern, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—25.

NOES—None.

Senate Bill No. 214 ordered to enrollment.

Senate Bill No. 187—An act to add Chapter IIIa, comprising sections 1334 to 1334.6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses from within or without the State in criminal proceedings.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 187.

##### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, after the word "witnesses", insert the following: "from within or".

##### Amendment No. 2.

On page 2, line 10, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

##### Amendment No. 3.

On page 2, line 14, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 4.**

On page 2, line 24, of the printed bill, strike out "or summons".

**Amendment No. 5.**

On page 2, line 27, of the printed bill, strike out "summoned", and insert in lieu thereof the following: "subpenaed".

**Amendment No. 6.**

On page 2, line 32, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpenaed".

**Amendment No. 7.**

On page 2, line 33, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 8.**

On page 3, line 5, of the printed bill, strike out "summoned", and insert in lieu thereof the following: "subpenaed".

**Amendment No. 9.**

On page 3, line 9, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 10.**

On page 3, line 13, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 11.**

On page 3, line 15, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 12.**

On page 3, line 18, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 13.**

On page 3, line 19, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 14.**

On page 3, line 22, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 15.**

On page 3, line 24, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

**Amendment No. 16.**

On page 3, line 29, of the printed bill, strike out "summons", and insert in lieu thereof the following: "subpena".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 187?

The roll was called, and Assembly amendments to Senate Bill No. 187 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hollister, Holohan, Kowland, McBride, McGovern, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—24.

**NOES**—None.

Senate Bill No. 187 ordered to enrollment.

Senate Bill No. 448—An act to add section 512.5 to the Vehicle Code, relating to speed limits in the vicinity of State institutions.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 449.

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after "512.", insert the following: "Speed Limit When Passing State Hospital or Veterans' Home."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 448?



The roll was called, and Assembly amendment to Senate Bill No. 448 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, and Westover—28.

**NOES**—None.

Senate Bill No. 448 ordered to enrollment.

Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 895.

**Amendment No. 1.**

On page 3, line 6, of the printed bill, strike out the period, and insert the following: “, or consolidated Federal Home Loan Bank bonds or debentures issued by the Federal Home Loan Bank Board in accordance with the provisions of the Federal Home Loan Bank Act.”

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 895?

The roll was called, and Assembly amendment to Senate Bill No. 895 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Keating, Knowland, Law, McGovern, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—26.

**NOES**—None.

Senate Bill No. 895 ordered to enrollment.

Senate Bill No. 897—An act to add section 663b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes, the amount of which does not justify the cost of their collection.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 897.

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the word “the”, insert the following: “State”.

**Amendment No. 2.**

On page 1, line 16, of the printed bill, after the second word “the”, insert the following: “State”.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 897?

The roll was called, and Assembly amendments to Senate Bill No. 897 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hollister, Holohan, Keating, Knowland, McBride, McCormack, McGovern, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—27.

**NOES**—None.

Senate Bill No. 897 ordered to enrollment.

**Third Reading of Senate Bills.**

Senate Bill No. 412—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 412 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Hollister, Hubban, Knowland, Law, McBride, McCormack, McGovern, Mixter, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Sewell, Slater, Swope, Wagz, Westover, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 412 ordered transmitted to the Assembly.

Senate Bill No. 1101—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

**Amendment from the Floor.**

During third reading of Senate Bill No. 1101, the following amendment, offered by Senator Gordon, was read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, as amended, strike out line 17, and insert in lieu thereof the following: "county may hold one or more farms, provided however, that the".

Bill read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 13, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act, relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 953 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hollister, Keating, Law, McBride, McCormack, McGovern, Mixter, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Sewell, Slater, Wagz, Westover, and Young—24.

NOES—None.

Title read and approved.

Senate Bill No. 953 ordered transmitted to the Assembly.

Senate Bill No. 986—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creating of a division in the

Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act." approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 986 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hays, Hollister, Law, McBride, Mixter, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—23.

NOES—None.

Title read and approved.

Senate Bill No. 986 ordered transmitted to the Assembly.

Senate Bill No. 548—An act to amend subsections 3 and 7, and to add a new subsection to be numbered 9 to section 690.10 of the Political Code.

#### Amendments from the Floor.

During third reading of Senate Bill No. 548, the following amendments, offered by Senator McBride, were read and adopted:

##### Amendment No. 1.

On page 2, line 43, of the printed bill, after the word "State," insert the following: "which have not heretofore been granted to municipalities,".

##### Amendment No. 2.

On page 4, line 43, of the printed bill, after the word "lands," insert the following: "which have not heretofore been granted to municipalities,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Senator Keough in the Chair.

At eleven o'clock and five minutes a.m., Senator Keough of the twenty-eighth district was called to the chair.

#### Assistant Secretary Howard McIntire at the Desk.

#### Third Reading of Assembly Bills.

Assembly Bill No. 1194—An act to amend section 1097 of the Political Code, relating to registration of electors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1194 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBrink, McCormack, Miller, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1194 ordered transmitted to the Assembly.

Assembly Bill No. 541—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McCormack, Miller, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 541 ordered transmitted to the Assembly.

Assembly Bill No. 2598—An act to amend sections 771, 772, 1530, 1531 and 1534 of the Probate Code, relating to sales of estate property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2598 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Hays, Hollister, Holahan, Keating, Knowland, Law, McBrink, McCormack, Miller, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2598 ordered transmitted to the Assembly.

Assembly Bill No. 1836—An act to repeal an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities and for the incorporation of such annexed territory in, and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1836 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Gordon, Hays, Hollister, Holahan, Keating, McCormack, Miller, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1836 ordered transmitted to the Assembly.



Assembly Bill No. 1837—An act to repeal an act entitled “An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of the annexed territory.” approved March 2, 1899.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1837 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Holister, Holohan, Keating, Knowland, McCormack, Mixter, Olson, Phillips, Pierovich, Rich, Slater, Swing, Tickle, Wagy, Westover, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1837 ordered transmitted to the Assembly.

Assembly Bill No. 1838—An act to repeal an act entitled “An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.” approved March 19, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1838 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Holister, Holohan, Keating, Knowland, McCormack, Mixter, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1838 ordered transmitted to the Assembly.

Assembly Bill No. 1839—An act to repeal “An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof,” approved May 31, 1929, relating to the annexation of territory to municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1839 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Holister, Holohan, Keating, McCormack, Mixter, Olson, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1839 ordered transmitted to the Assembly.

Assembly Bill No. 2817—An act to amend section 737vv of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Solano.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2817 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Gordon, Hays, Hollister, Holohan, McCormack, Mixer, Olson, Phillips, Pirovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—23.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2817 ordered transmitted to the Assembly.

Assembly Bill No. 906—An act to amend section 23 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection and county fire protection districts from the operation of said act.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 906 the following amendments, offered by Senator Wagy, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, before "and", insert the following: ", local health, garbage disposal"

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 13

Bill read, ordered to print, and on file for third reading

Assembly Bill No. 1220—An act to add section 76 to and to amend sections 425, 426 and 438 of, the Vehicle Code, relating to garages and repair shops and the rights thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1220 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Gordon, Hays, Hollister, Holohan, Keating, McReade, McCormack, Mixer, Olson, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1220 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At eleven o'clock and forty-five minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Assembly Bill No. 1223—An act to amend sections 81, 504, 511, 525, 550, 576, 590 and 602 of, and to add sections 512 and 596.5 to, the Vehicle Code, relating to vehicles, the operation and equipment thereof, and certain crimes in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1223 passed by the following vote:

AYES—Senators, Allen, Biggar, Cunningham, DeLap, Donel, Gordon, Hays, Hollister, Holohan, Keating, Keough, McBride, McCormack, Mixer, Olson, Phillips,

Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1223 ordered transmitted to the Assembly.

Assembly Bill No. 861—An act to amend section 533 of the Agricultural Code, relating to imitation cream.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 861 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McCormack, Mixer, Olson, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 861 ordered transmitted to the Assembly.

Assembly Bill No. 856—An act to amend sections 671 and 672 of the Agricultural Code, relating to containers and equipment for milk and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 856 passed by the following vote:

AYES—Senators Allen, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 856 ordered transmitted to the Assembly.

Assembly Bill No. 858—An act to amend section 504 of the Agricultural Code, relating to cheese.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 858 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 858 ordered transmitted to the Assembly.

Assembly Bill No. 1913—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 13½, relating to the conveyance and transfer to such district of drainage systems and works of drainage improvement districts and for the assumption of liability for the payment of bonds of drainage districts issued for the construction of the drainage systems and works so con-

veyed and transferred and for the maintenance of such drainage system and works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1913 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Denel, Garrison, Gordon, Hollister, Keating, Keough, Knowland, Law, McBride, McCormack, McGowan, Mixer, Nelsen, Parkman, Powers, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—25.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 1913 ordered transmitted to the Assembly.

Assembly Bill No. 1912—An act to authorize counties to convey and transfer to flood control districts within such counties drainage systems and works constructed in drainage improvement districts organized pursuant to an act entitled the Drainage District Improvement Act of 1919 prior to January 1, 1937, and prescribing the terms and conditions and the effect of such conveyance and transfer and fixing liabilities with respect to obligations of such drainage districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1912 passed by the following vote:

AYES—Senators Allen, Cunningham, Denel, Garrison, Gordon, Hollister, Keating, Keough, Knowland, McBride, McCormack, McGowan, Mixer, Parkman, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—23.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 1912 ordered transmitted to the Assembly.

Assembly Bill No. 1434—An act to amend section 1024 of the Probate Code, relating to the payment of inheritance and personal property taxes before distribution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1434 passed by the following vote:

AYES—Senators Allen, Cunningham, Denel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, McBride, McCormack, Mixer, Parkman, Phillips, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1434 ordered transmitted to the Assembly.

Assembly Bill No. 260—An act to amend section 4300g of the Political Code, relating to witness fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 260 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Denel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McCormack, Mixer, Park-



man, Phillips, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 260 ordered transmitted to the Assembly.

Assembly Bill No. 1205—An act to repeal an act entitled "An act to amend section 1 of 'An act regulating the hours of labor of the operators of certain motor vehicles,' approved June 10, 1933, relating to operators of vehicles," approved July 5, 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1205 passed by the following vote:

AYES—Senators Allen, Cunningham, Deuel, Gordon, Hays, Hollister, Kenting, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1205 ordered transmitted to the Assembly.

Assembly Bill No. 859—An act to amend section 582 of the Agricultural Code, relating to labels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 859 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Garrison, Hollister, Kenting, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 859 ordered transmitted to the Assembly.

Assembly Bill No. 866—An act to amend section 1152 of the Agricultural Code, pertaining to marketing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 866 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hollister, Kenting, Keough, Knowland, Law, McBride, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 866 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 39.

Relative to memorializing the Congress of the United States to enact certain legislation concerning aviation.

WHEREAS, Commercial aviation should be regulated in such manner as to preserve the inherent advantages thereof and foster sound economic conditions therein; and

WHEREAS, The regulation of commercial aviation should be centered in one administrative branch of the Government of the United States; and

WHEREAS, There are now pending before the Congress of the United States two bills, designated as S. 2 and H. R. 5234, providing for the regulation of commercial aviation by the Interstate Commerce Commission; and

WHEREAS, The enactment of such legislation is desirable; now, therefore, be it  
*Resolved by the Assembly and Senate of the State of California, jointly:* That the Legislature of the State of California respectfully urges and petitions the Congress of the United States to enact either of the bills now pending before it to establish the "Air Carrier Act, 1937," said bills being designated as S. 2 and H. R. 5234, respectively, and be it further

*Resolved,* That the chief clerk of the Assembly be, and he is hereby directed to transmit copies of this resolution to the President of the United States, the Vice President, and to the Senators and Representatives of the State of California in the Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 32 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Dene, Garrison, Hallister, Keating, Keough, Knowland, Law, McBride, Mixer, Nielson, Phillips, Porovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Wag, Westover, and Young—25

NOES—None.

Assembly Joint Resolution No. 32 ordered transmitted to the Assembly.

Assembly Bill No. 1218—An act to amend sections 372, 702, 703, 704, and 705 of the Vehicle Code, relating to fees and weights of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1218 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Dene, Garrison, Hays, Hallister, Keating, Keough, Knowland, Law, McBride, Mixer, Nielson, Phillips, Porovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Wag, Westover, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1218 ordered transmitted to the Assembly.

Assembly Bill No. 909—An act to amend section 2957 of the Civil Code, relating to mortgages of personal property and crops.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 909 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Dene, Hays, Hallister, Keating, Keough, Knowland, Law, McBride, Mixer, Nielson, Phillips, Porovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Wag, Westover, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 909 ordered transmitted to the Assembly.

Assembly Bill No. 632—An act to amend section 7 of the California Air Navigation Act, relating to rules and regulations and their enforcement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 632 passed by the following vote:

**AYES**—Senators, Allen, Crittenden, Cunningham, Deuel, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—25.

**NOES**—None.

Title read and approved.

Assembly Bill No. 632 ordered transmitted to the Assembly.

Assembly Bill No. 1342—An act to amend section 52 of the Public Utilities Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1342 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Deuel, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—24.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1342 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 139—An act to add a new section to The California Irrigation District Act to be numbered section 48.1, relating to time in which action may be commenced;

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

And respectfully requests your honorable body to concur in said amendments.

**JAMES G. SMYTH**, Chief Clerk of Assembly.

By **H. ARTHUR DANIELS**, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.

**MR. PRESIDENT:** The Assembly respectfully requests the return of:

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6, and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing;

Assembly Bill No. 2733—An act to amend the title and sections 1, 2, 3, 4, 5, and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," and to add a new section numbered 7, approved June 3, 1927, as amended, relating to clothes cleaning establishments;

For further action by the Assembly.

**JAMES G. SMYTH**, Chief Clerk of the Assembly.

By **C. W. BOOTH**, Assistant Clerk.

**Motion.**

On motion of Senator Rich, Assembly Bills Nos. 2732 and 2733 were ordered returned to the Assembly as requested.

**ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1171—An act to add section 2409 to the Business and Professions Code, relating to unprofessional conduct in the practice of chiropractic.

Assembly Bill No. 1173—An act to add section 143 to the State Medical Practice Act, relating to unprofessional conduct in the practice of chiropractic.

Assembly Bill No. 1436—An act to amend sections 422 and 423 of the Fish and Game Code, relating to the distribution of licenses.

Assembly Bill No. 2028—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, by amending section 1 thereof by adding a new section thereto to be numbered section 2a, relating to the deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Assembly Bill No. 2286—An act to add a new section to be numbered 1033 to the Code of Civil Procedure, relating to costs in judgments by default.

Assembly Bill No. 2831—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1171 read first time and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1173 read first time and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1436 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2028 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2286 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2831 read first time, and referred to Committee on County Government.

**ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 31—Relative to the 1938 Convention of the American Legion.

Senate Concurrent Resolution No. 33—Relative to granting leave of absence to the Honorable John B. McGill, member of the Senate of the fifty-second session of the Legislature of the State of California.

Senate Concurrent Resolution No. 34—Relative to approving a certain amendment to the charter of the city of Modesto, county of Stanislaus, State of California, voted for and ratified by the electors of the said city of Modesto at a general municipal election held therein on the thirteenth day of April, 1937.

Senate Concurrent Resolution No. 35—Relative to approving four amendments to the charter of the city of San Mateo, a municipal corporation in the county of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 31, 33, 34, and 35 ordered to enrollment.



ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 197—An act to amend section 1011 of the Code of Civil Procedure, relating to service of notices and papers in civil actions;

Assembly Bill No. 1552—An act to amend section 384 of the Penal Code of the State of California by amending subdivision 11 thereof, relating to the refusal of a person summoned to render assistance in combating forest, brush, or grass fires when ordered so to do by certain county officers.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 23—Relative to memorializing the President and Congress to enact legislation providing for relief to overburdened and distressed special assessment districts;

Assembly Concurrent Resolution No. 43—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at certain special elections held therein on the sixth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 23 read first time, and referred to Committee on Federal Relations.

### **Consideration of Assembly Concurrent Resolution No. 43.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 43, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 43—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at certain special elections held therein on the sixth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 43 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Keating, McBride, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schotky, Seawell, Slater, Tickle, and Westover—26.

NOES—None.

Assembly Concurrent Resolution No. 43 ordered transmitted to the Assembly.

### **Leave of Absence.**

Senator Holohan was, on motion of Senator Keating, granted leave of absence for the balance of this legislative day.

### **Re-reference of Assembly Bill No. 1835.**

Senator DeLap moved that Assembly Bill No. 1835 be re-referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

### **Reference of Senate Concurrent Resolution No. 32.**

Senator Gordon moved that Senate Concurrent Resolution No. 32 be referred to Committee on Roads and Highways.

Motion carried, and such was the order.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 2132 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2132 was passed was continued until the next legislative day.

**Re-reference of Assembly Bill No. 2195.**

Senator Swing moved that Assembly Bill No. 2195 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 1225.**

Senator Seawell moved that Assembly Bill No. 1225 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

**Withdrawal from Committee of Senate Bill No. 802.**

Senator Seawell moved that Senate Bill No. 802 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried, and such was the order.

**Second Reading of Senate Bill No. 802—(Out of Order).**

Senate Bill No. 802—An act to amend section 373g of the Political Code, relating to the development of natural resources.

**Amendments from the Floor.**

During second reading of Senate Bill No. 802, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "of", insert the following: "and to add sections 373g1 and 373g2 to".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "responsibilities and jurisdiction of the State Forester, State Board of".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 4 to 25, inclusive, and insert in lieu thereof the following: "tinued in force."

**Amendment No. 4.**

On page 2 of the printed bill, as amended, following line 40, add the following: Sec. 2. Section 373g1 is hereby added to the Political Code to read as follows: 373g1. All duties, powers, purposes, responsibilities and jurisdiction which were vested in the State Mining Bureau and the State Mineralogist prior to the enactment of section 373g of this code, and all duties, powers, purposes, responsibilities and jurisdiction relating to mines, mining, minerals, and the mineral resources of the State, which may be vested in the Department of Natural Resources, except those expressly vested in the Director of Natural Resources, are hereby vested in the Chief of the Division of Mines in the Department of Natural Resources, who is known as the State Mineralogist. Whenever by the provisions of any statute a duty or jurisdiction is imposed or authority conferred upon the State Mining Bureau, State Mineralogist, or Department of Natural Resources, in respect to the subject above set forth, the enforcement of which is hereby transferred to the Chief of the Division of Mines, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Chief of the Division of Mines (State Mineralogist) and to the appropriate employees of the Division of Mines with the same force and effect as though the title of said Chief of the Division of Mines had been specifically set forth and named therein in lieu of the name of any such bureau, department, office, officer, deputy or employee.

Sec. 3. Section 373g2 is hereby added to the Political Code to read as follows:  
 373g2. All duties, powers, purposes, responsibilities and jurisdiction which were vested in the Department of Petroleum and Gas and the State Oil and Gas Supervisor prior to the enactment of section 373g of this code, and all duties, powers, purposes, responsibilities and jurisdiction relating to oil and gas which are vested in the Department of Natural Resources, except those expressly vested in the Director of Natural Resources, are hereby vested in the Chief of the Division of Oil and Gas in the Department of Natural Resources. The division of oil and Gas and the office of Chief of the Division of Oil and Gas, also known as the State Oil and Gas Supervisor, as they existed on January 1, 1937, are hereby continued in existence in the Department of Natural Resources, henceforth to be known by said designations respectively. Whenever by any provision of any statute a duty or jurisdiction is imposed or authority conferred upon the Department of Petroleum and Gas, State Oil and Gas Supervisor, or upon the Department of Natural Resources in respect to oil and gas, the enforcement of which is by this section transferred to the Chief of the Division of Oil and Gas, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Chief of the Division of Oil and Gas, (State Oil and Gas Supervisor) and to the appropriate employees of the Division of Oil and Gas with the same force and effect as though the Chief of the Division of Oil and Gas had been specifically set forth and named therein in lieu of the name of any such body, department, office, officer, deputy or employee."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

### Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

#### On Building and Construction.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Senate Bill No. 240—An act to amend sections 2, 3, 34, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

GORDON, Vice Chairman.

### Adjournment.

At one o'clock and five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 26, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE.

SENATE CHAMBER,  
 SACRAMENTO, Monday, April 26, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deed, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jempson, Keating, Knecht, Kneeland, Lee, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Quinn, Parsons, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swine, Telle, Wags, Westover, Williams, and Young—39.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kinsler.

**Reading of the Journal.**

During the reading of the Journal of Friday, April 23, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Charles O. See, Methodist missionary for Round Valley Indian Reservation of Covelo, and Percy H. Milberry, Postmaster of Lakeport.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George G. Olney of Eureka.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Dnane Bittenbender of Willits.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leonard H. Dupuy of Stockton, C. C. Nunnally of Modesto, and Mayor Fisher of Patterson.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 2341—An act to amend section 2635 of the Penal Code of the State of California, prohibiting the wearing by a person not entitled to display of any badge, lapel button, rosette, or other insignia, and emblem, such insignia of any society, order or organization, fraternal or religious order or denomination, or of any sect, church or religious denomination;

Assembly Bill No. 425—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending section 12 thereof, relating to flood control bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 104—An act to add a new section to the School Code, to be numbered 5.751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 104 placed on the unfinished business file.



## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 204—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage;

Assembly Bill No. 396—An act to add section 3308 to the Civil Code, relating to the measure of damages on the termination of a lease;

Assembly Bill No. 479—An act to amend sections 1281a, 1305, and 1310 of the Penal Code and to add a new section to that code to be numbered 1280c, all relating to the powers and duties of a court, judge, or magistrate regarding bail;

Assembly Bill No. 503—An act to amend sections 4242.1 and 4242.2 of the Political Code, relating to the compensation of county officers in counties of the thirteenth class;

Assembly Bill No. 536—An act to amend section 166 of the Penal Code, relating to contempt of court;

Assembly Bill No. 550—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 204 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 396 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 479 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 503 read first time, and referred to Committee on County Government.

Assembly Bill No. 536 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 550 read first time, and referred to Committee on County Government.

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 578—An act to add section 16½ to, and to amend sections 9, 12, 19, 20, 30, 65 and 67 of, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to compensation and insurance of workmen;

Assembly Bill No. 777—An act to amend section 3a of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts and in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to the formation of such districts;

Assembly Bill No. 778—An act to amend sections 5 and 6 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to officers of such districts;

Assembly Bill No. 928—An act to amend section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges;

Assembly Bill No. 932—An act to add a new section to the Labor Code, to be numbered 3862, relating to employer's writ of execution as lien claimant;

Assembly Bill No. 1014—An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making

an appropriation therefor," approved March 11, 1907, as amended, to delete the provision declaring artificially colored canned tomatoes or tomato products adulterated, this act to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 578 read first time, and referred to Committee on Insurance.

Assembly Bill No. 777 read first time, and referred to Committee on County Government.

Assembly Bill No. 778 read first time, and referred to Committee on County Government.

Assembly Bill No. 928 read first time and referred to Committee on Judiciary.

Assembly Bill No. 933 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 1014 read first time and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1021—An act to add section 264 to the Alcoholic Beverage Control Act, relating to mixing of alcoholic beverages by farmers.

Assembly Bill No. 1025—An act to add a new section to be numbered 601 to the Civil Code, relating to the liability of members of unincorporated unincorporated associations:

Assembly Bill No. 1024—An act to add section 171b to the Civil Code relating to the separate property of the wife.

Assembly Bill No. 1080—An act to amend sections 2314 and 2315 of the Civil Code, relating to agency.

Assembly Bill No. 1085—An act to amend section 7 of the District Primary Law, relating to filing fees of candidates at primary elections.

Assembly Bill No. 1122—An act to amend sections 3339, 3341, 3342, 3344, 3335, 3336, 3337 and 3338 of the School Code, relating to high school students residing in this State and attending high school in an adjoining State.

Assembly Bill No. 1242—An act to provide for the levy and imposition of a tax upon the income of corporations and to provide for the distribution of revenues therefrom:

Assembly Bill No. 1334—An act to amend sections 2, 4 and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods, and liquors and regulating the trade therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs, and making an appropriation therefor," approved March 11, 1907 as amended, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health in relation thereto.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1021 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 1023 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1024 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1080 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1085 read first time, and referred to Committee on Elections.

Assembly Bill No. 1123 read first time, and referred to Committee on Education.

Assembly Bill No. 1243 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1334 read first time, and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1346—An act to amend sections 690.22 and 690.23 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Assembly Bill No. 1425—An act to amend section 4295 of the Political Code, relating to official service without fee;

Assembly Bill No. 1433—An act to amend section 15 of the Bank Act, relating to the escheat of bank deposits unclaimed for more than twenty years and requiring the deposit thereof and the increase and proceeds thereof with the State Treasurer and providing for an action or proceeding to enforce such deposit; providing a penalty for failure to make such deposit and for an action to enforce the same; providing for certain reports and for nonliability of banks in case of suits by depositors and the defense of such suits;

Assembly Bill No. 1486—An act to add section 536a to the Civil Code of the State of California, relative to the use of streets and highways for pole lines by public utilities and liabilities of public utilities, officers and employees thereof, governmental agencies and public officers and employees by reason thereof;

Assembly Bill No. 1499—An act to amend section 73 of the Vehicle Code, and to add thereto section 73.3, relating to definitions;

Assembly Bill No. 1569—An act to permit the State, counties, cities and counties, and cities to do work and expend funds to protect the beaches from erosion or the effects of erosion and to permit cooperation with other governmental agencies.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1346 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1425 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1433 read first time, and referred to Committee on Banking.

Assembly Bill No. 1486 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 1499 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1569 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1761—An act to amend section 3817a of, and to add sections 3817.3 and 3817.4 to, the Political Code, relating to redemption;

Assembly Bill No. 1830—An act to amend section 12490 of the Insurance Code, relating to mortgage insurers, to take effect immediately;

Assembly Bill No. 1831—An act to amend sections 12422, 12489 and 12629 of the Insurance Code, all relating to mortgage insurers;

Assembly Bill No. 1871—An act to amend section 4282 of the Political Code, relating to the compensation of county and township officers in counties of the fifty-third class;

Assembly Bill No. 1904—An act to amend section 6.2a of the School Code, relating to insurance on school property;

Assembly Bill No. 2014—An act to add a new section to the School Code, to be numbered 5.597, relating to employees in positions requiring certification qualifications;

Assembly Bill No. 2197—An act to amend sections 2, 3, 7, 9, 10, 11, 12, 17, 19, 22, 23 and 25 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal section 32 of said act; to renumber sections 33 and 34 as sections 32 and 33, respectively, of said



net; relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1761 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1830 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1831 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1871 read first time, and referred to Committee on County Government.

Assembly Bill No. 1904 read first time and referred to Committee on Education.

Assembly Bill No. 2014 read first time and referred to Committee on Education.

Assembly Bill No. 2197 read first time and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorables here that the Assembly on this day passed:

Assembly Bill No. 2219—An act to amend sections 2, 3, 5, and 6 of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class.

Assembly Bill No. 2280—An act to add a new section to the Penal Code, relating to destruction of records in municipal courts, business courts and police courts.

Assembly Bill No. 2284—An act to amend section 189 of the Code of Civil Procedure, relating to destruction of records in municipal courts and business courts.

Assembly Bill No. 2285—An act to amend section 586 of the Code of Civil Procedure, relating to judgment by default.

Assembly Bill No. 2316—An act relating to taxation, to add section 54 to the Retail Sales Tax Act of 1933 and section 43 to the 1st Tax Act of 1935, providing for exemptions.

Assembly Bill No. 2338—An act validating all proceedings taken for the formation of harbor districts of every kind and class, and validating and validating the formation and existence of harbor districts of every kind and class.

Assembly Bill No. 2385—An act to repeal Articles 1, 2, and 3 and to amend Article 4 of Chapter 8, Division V of the Agricultural Code, and to add a new article to be numbered 1 to Chapter 8, Division V of the Agricultural Code, all relating to eggs and egg products.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2219 read first time, and referred to Committee on Elections.

Assembly Bill No. 2280 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2284 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2285 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2316 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2338 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 2385 read first time, and referred to Committee on Agriculture.



## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2581—An act to amend sections 1 and 3 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions;

Assembly Bill No. 2723—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors;

Assembly Bill No. 2815—An act to amend section 603 of the Vehicle Code, relating to vehicles and animals on certain property;

Assembly Bill No. 2821—An act to amend sections 4160 and 4161 of the Political Code, and to add a new section thereto, to be numbered 4174a, relating to the liability and duties of sheriffs.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2581 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 2723 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2815 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2821 read first time, and referred to Committee on County Government.

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2828—An act to amend section 58 of the Warehouse Receipts Act, relating to definition of terms;

Assembly Bill No. 2829—An act to add section 8a to the California Water District Act, relating to assessments for the redemption of bonds;

Assembly Bill No. 2834—An act to amend sections 11, 12, 20, 21 and 22 of the "General Cemetery Act" and adding section 21a thereto, relating to cemeteries and powers of cemetery corporations;

Assembly Bill No. 2836—An act to add section 1280.5 to the Insurance Code, relating to reciprocal or interinsurance exchanges;

Assembly Bill No. 2846—An act to amend section 4266 of the Political Code, relating to the compensation of county officers and jurors in counties of the thirty-seventh class;

Assembly Bill No. 455—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2828 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2829 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2834 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2836 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2846 read first time, and referred to Committee on County Government.

Assembly Bill No. 455 read first time, and referred to Committee on Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed

Senate Bill No. 419—An act to amend section 698 of the Fish and Game Code, relating to black bass.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANGLE, Assistant Clerk.

Senate Bill No. 419 ordered to enrollment.

### Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 240—An act to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," approved June 13, 1933, relating to the business of contracting and the registration and licensing of contractors.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Construction, the following amendments to Senate Bill No. 240 were read and adopted:

##### Amendment No. 1.

On page 2, line 39, of the printed bill, as introduced January 18, 1937, after the word "bid", insert a comma.

##### Amendment No. 2.

On page 2, line 45, of the printed bill, after the semicolon following the word "with", insert the following: "including the contracting of or the processing against infestation by pests structurally marious to buildings or structures."

##### Amendment No. 3.

On page 3, line 19, of the printed bill, strike out the word "section", and insert in lieu thereof the word "act".

##### Amendment No. 4.

On page 3, line 35, of the printed bill, strike out the word "section", and insert in lieu thereof the word "act".

##### Amendment No. 5.

On page 3, line 52, of the printed bill, strike out the word "section", and insert in lieu thereof the word "act".

##### Amendment No. 6.

On page 4, line 7, of the printed bill, after the word "The", insert the following: "registrar with the approval of the".

##### Amendment No. 7.

On page 4, line 34, of the printed bill, strike out the words "The Contractors'", and strike out all of lines 35 to 40, inclusive.

##### Amendment No. 8.

On page 4, line 43, of the printed bill, strike out the word "Bureau", and insert in lieu thereof the word "Board".

##### Amendment No. 9.

On page 4, line 44, of the printed bill, strike out the word "bureau's", and insert in lieu thereof the word "board's".

**Amendment No. 10.**

On page 6, line 26, of the printed bill, after the word "board", and before the comma which follows it, insert the following: "and the Director of the Department of Professional and Vocational Standards".

**Amendment No. 11.**

On page 6, line 32, of the printed bill, after the word "registrar", insert a period, and strike out all of the balance of said line 32, and all of lines 33 and 34.

**Amendment No. 12.**

On page 6 of the printed bill, strike out "(h)", at the beginning of line 35.

**Amendment No. 13.**

On page 7, line 27, of the printed bill, after the word "to", insert the word "investigate".

**Amendment No. 14.**

On page 7, commencing in line 27, and continuing into line 28, of the printed bill, strike out the following: "in accordance with the provisions of section of this act".

**Amendment No. 15.**

On page 7, line 31, of the printed bill, strike out the word "registrar", and insert in lieu thereof the word "board".

**Amendment No. 16.**

On page 7, commencing in line 32, and including all of line 33 and part of line 34, of the printed bill, strike out the following phrase: "not less than four years actively engaged in the construction industry, or its equivalent in training or experience".

**Amendment No. 17.**

On page 7, line 37, of the printed bill, strike out the word "registrar", and insert in lieu thereof the word "board".

**Amendment No. 18.**

On page 7, line 47, of the printed bill, after the comma following the word "issued", strike out the words "the license of such licensee", and insert in lieu thereof the following: "the licensee shall so notify the registrar in writing within ten (10) days from such cessation. If such notice is given the license shall remain in force for a reasonable length of time to be determined by rules of the board; provided, however, that if such licensee fails to so notify the registrar within such ten (10) days, at the end of such ten (10) days his or its license".

**Amendment No. 19.**

On page 8, line 32, of the printed bill, strike out the word "registrar", and insert in lieu thereof the word "board".

**Amendment No. 20.**

On page 8, line 45, of the printed bill, after the comma following the word "officers", insert the following: "or responsible managing employee".

**Amendment No. 21.**

On page 8, line 48, of the printed bill, after the numeral "3", insert the numeral "1/2".

**Amendment No. 22.**

On page 8, commencing in line 49 of the printed bill, after the word "the", and including all of line 50, strike out the following: "registrar may further subdivide the specialty contracting division", and insert in lieu thereof the following: "specialty contracting division may be further subdivided".

**Amendment No. 23.**

On page 9, line 37, of the printed bill, after the word "examination", insert the following: "and investigation".

**Amendment No. 24.**

At the bottom of page 11, after line 51 of the printed bill, insert the following paragraph:

"Whenever funds are available for that purpose, the registrar may publish and disseminate such information with relation to the administration and enforcement of this act to licentiates of the board, and such other public officials or bodies, associations, groups, bodies and individuals interested in or allied with the building and construction industry, as he may deem necessary to carry out the purposes of this act."

**Amendment No. 25.**

On page 12, line 33, of the printed bill, after the phrase "Labor Laws", insert the following phrase: "or Compensation Insurance Laws".

**Amendment No. 26.**

On page 16, commencing in line 37, and including lines 38 and 39, and the first portion of line 40, of the printed bill, strike out the following phrases: "and any person who knowingly accepts or makes use of a bid or services of, or enters into a contract with, a contractor as herein defined while such contractor is not licensed as in this act provided,".

**Amendment No. 27.**

On page 1, line 18, of the printed bill, after the word "construction", insert the following: ", maintenance and development".

**Amendment No. 28.**

On page 2 of the printed bill, following line 29, insert the following verbatim: "(1) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this act."

**Amendment No. 29.**

On page 2, line 21, of the printed bill, strike out the word "fifty", and insert in lieu thereof the words "one hundred."

**Amendment No. 30.**

On page 2, line 28, of the printed bill, strike out the word "fifty", and insert in lieu thereof the words "one hundred."

Bill read second time, ordered to reprint, and re-referred to Committee on Building and Construction.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 5—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of the "Direct Primary Law," relating to nonpartisan offices.

Senate Bill No. 172—An act to calculate the existence of water conserving districts;

Senate Bill No. 328—An act to provide for the reflecting, repayment, and adjustment from public funds, for street and highway purposes, of assessments and taxes which have become a lien upon real property and which were levied to pay the cost of street or highway improvements which are or may become of some other kind and benefit;

Senate Bill No. 331—An act to amend section 252 and to add section 252.5 to the Fish and Game Code, relating to refugees;

Senate Bill No. 754—An act to amend section 22 of the California Irrigation District Act, relating to elections;

Senate Bill No. 840—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants;

Senate Bill No. 979—An act to amend section 205 of the California Real Estate Act, relating to subdivisions;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 254—An act to amend sections 377b, 377c, and 377, of the Penal Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction;

Senate Bill No. 1035—An act to exempt the State of California from the provisions of all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California;

Senate Bill No. 1122—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State employees' retirement system;

Senate Bill No. 1101—An act to amend section 92 of the Agricultural Code, relating to agricultural districts;



Senate Bill No. 548—An act to amend section 690.10 of the Political Code, relating to rights in and to, and structures on, or partly on, swamp, overflowed, marsh, tide or submerged lands;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1030—An act to add section 660.3 to the Fish and Game Code, relating to salmon;

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof;

Senate Bill No. 1133—An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Senate Bill No. 692—An act to amend sections 821, 822 and 827 of, the Agricultural Code, relating to fruits and vegetables;

Senate Bill No. 757—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 987—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Constitutional Amendment No. 27:** By Senator Deuel—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

Senate Constitutional Amendment No. 27 read, and referred to Committee on Constitutional Amendments.

### Unfinished Business.

Senate Bill No. 744—An act to amend section 2 of the State Contract Act, relating to the State Department of Finance.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 744.

#### Amendment No. 1.

On page 2 of the printed bill, as amended, following line 9, add the following paragraph:

"Contracts for the purchase of supplies or materials, which are purchased through the Bureau of Purchases of the Department of Finance, are not subject to this

act, or even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies.

**Amendment No. 2.**

On page 2, line 9, of the printed bill, as amended, strike out "or"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 744?

The roll was called, and Assembly amendments to Senate Bill No. 744 concurred in by the following vote:

**AYES**—Senators Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCannock, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—28.

**NOES**—None.

Senate Bill No. 744 ordered to enrollment.

Senate Bill No. 34—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 34.

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out the word "five", and substitute in lieu thereof the word "six".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 34?

The roll was called, and Assembly amendment to Senate Bill No. 34 concurred in by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McCannock, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Senate Bill No. 34 ordered to enrollment.

Senate Bill No. 35—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 35.

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out the word "five", and substitute in lieu thereof the word "six".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 35?

The roll was called, and Assembly amendment to Senate Bill No. 35 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law,

Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—29.  
NOES—None.

Senate Bill No. 35 ordered to enrollment.

Senate Bill No. 36—An act to add section 60a to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 36.

**Amendment No. 1.**

On page 1, line 6, of the printed bill, strike out the word "five", and substitute in lieu thereof the word "six".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 36?

The roll was called, and Assembly amendment to Senate Bill No. 36 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—34.

NOES—None.

Senate Bill No. 36 ordered to enrollment.

Senate Bill No. 808—An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 808.

**Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 3.**

On page 1, line 25, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 4.**

On page 2, line 2, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 5.**

On page 2, line 3, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 6.**

On page 2, line 8, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

**Amendment No. 7.**

On page 2, line 15, of the printed bill, strike out the word "Treasurer", and insert in lieu thereof the word "Controller".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 808?

The roll was called, and Assembly amendments to Senate Bill No. 808 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLay, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Phillips, Pomeroy, Powers, Quinn, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Senate Bill No. 808 ordered to enrollment.

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 929.

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out the words: "birds, fish, mollusks and crustaceans".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 929?

The roll was called, and Assembly amendment to Senate Bill No. 929 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLay, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Keough, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Bill No. 929 ordered to enrollment.

Senate Bill No. 139—An act to add sections 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 139:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "a new section", and insert in lieu thereof the following: "sections 48.1 and 48.2".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "to be numbered section 48.1".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, following line 26, insert the following: "Sec. 2. Section 48.2 is hereby added to the California Irrigation District Act to read as follows:

Sec. 48.2. The provisions of sections 47.1 and 48.1 do not apply in the following cases:

(a) Where the assessments or taxes for which the land was sold or the certificate issued were paid before the sale.

(b) Where the land was redeemed after the sale.

(c) Where the land was not subject to assessment or taxation at the time it was assessed.

(d) Where no taxes or assessments were due on the land at the time of sale.

(e) Where fraud is established.

(f) Where the deed is void on its face.

(g) Where the owner of the land is, at the time of the sale, a minor or insane person, in which case the statute of limitations begins to run when such disability is removed.



(h) In any other case where there is a total lack of jurisdiction to make the sale or the deed."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 139?

The roll was called, and Assembly amendments to Senate Bill No. 139 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—None.

Senate Bill No. 139 ordered to enrollment.

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts, declaring the urgency of this act, to take effect immediately.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 308:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after "districts", insert a comma and the following: "declaring the urgency of this act, to take effect immediately".

##### Amendment No. 2.

On page 2 of the printed bill, after line 46, insert the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of California. A statement of the facts constituting such necessity is as follows:

The creation of a new agricultural district as provided in this act necessitates the immediate construction of facilities for the conduct of a fair in such district in order that safe and adequate facilities may be provided prior to the holding of such fair. If this act does not go into effect until 90 days after the close of the session of the Legislature, it will not be possible to provide such safe and adequate facilities and to make the preparations which are necessary in order that a fair may be held in said agricultural district during the year 1937."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 308?

The roll was called, and Assembly amendments to Senate Bill No. 308 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—None.

Senate Bill No. 308 ordered to enrollment.

#### Second Reading of Assembly Bill No. 1177—(Out of Order).

Assembly Bill No. 1177—An act to amend the title of and sections 1, 2, 3, 4, 7, 9 and 10 and to add sections 7A, 7B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to

the counties and cities and counties charged with the duty of providing aid and relief under said act.

Bill read second time.

### **Special Order.**

Senator Swing moved that Assembly Bill No. 1177 and the committee amendments be made a special order for Wednesday, April 28, 1937, at eleven o'clock a.m.

Motion carried, and such was the order.

### **Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 309, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution and providing for reports in regard to personnel by other officers and employees of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 309 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crattenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hollister, Hobbs, Jaspersen, Keating, Knowland, McHugh, McCormack, Nielsen, Olson, Parkman, Phillips, Persovich, Quinn, Seawell, Slater, Swing, Westover, and Young—27.

**NOES.** Senators Hays, Keough, Law, Metzger, Mixer, Powers, Rich, Schottky, Waggy, and Williams—10.

Title read and approved.

Senate Bill No. 309 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and forty-two minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator McBride:

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

**MR. PRESIDENT:** In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof.

Respectfully submitted.

SENATOR McBRIDE.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McBride to introduce a bill entitled:

An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator McCormack moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Hays, McCormack, Rich, Schottky, Westover, and Young—8.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### President of the Senate in the Chair.

At two o'clock and six minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

#### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCormack.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Law, McBride, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

#### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 1138:** By Senator McBride—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof.

Senate Bill No. 1138 read first time, and referred to Committee on Governmental Efficiency.

Assistant Secretary Howard McIntire at the Desk.

### Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2132 was passed, was continued until the next legislative day.

### Motion to Rescind.

Senator Olson moved to rescind the action of the Senate in amending Assembly Bill No. 1072 on April 22, 1937.

The question being on the motion to rescind the action of the Senate in amending Assembly Bill No. 1072.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Cunningham, DeJong, Donald, Fjorstad, Gorman, Hays, Hollister, Holahan, Jaspersen, Keene, Law, McHugh, McQuinn, Munroe, Quinn, Parkman, Petrovich, Quinn, Rich, Schottky, Slater, Swing, Wager, Westcott, Williams, and Young. 27.

NOES—None.

### Consideration of Daily File—(Resumed).

#### Third Reading of Senate Bills.

Senate Bill No. 313—An act to repeal "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1935 (Chapter 128, Statutes of California, 1935).

#### Amendments from the Floor.

During third reading of Senate Bill No. 313, the following amendments offered by Senator Metzger, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal", and insert in lieu thereof the following: "add section 1.5 to".

##### Amendment No. 2.

On page 1 of the printed bill, strike out line 4 of the title and insert in lieu thereof a comma and the following: "relating to the granting to the United States of certain State lands."

##### Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 1.5 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 1.5. In addition to the lands described in section 1 of this act, the following described lands now owned by the State of California are hereby granted to the United States upon the condition that they shall be incorporated into and made part of a national park and subject also to the conditions set forth in section 2 of this act:

That certain piece or parcel of land situated in Lassen County and more particularly described as follows:

The northeast quarter of the northeast quarter of Section 27, Township 30 North, Range 5 East, M. D. R. & M."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 296—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation.



Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 296 ordered transmitted to the Assembly.

Senate Bill No. 74—An act to amend section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

**Amendments from the Floor.**

During third reading of Senate Bill No. 74, the following amendments, offered by Senator Westover, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 241", and insert in lieu thereof the following: "sections 241 and 242".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 7, and insert in lieu thereof the following: "jury, shall not be less than twenty nor more than twenty-five."

**Amendment No. 3.**

On page 1, line 9, of the printed bill, as amended, after the period, strike out "the names of such", and insert the following: "The grand jury so drawn in each year shall include seven persons who were members of the grand jury during the preceding year, and only during such preceding year. The names of the seven who shall so serve for the second year shall be the first seven drawn by the clerk from a box containing only the names of the grand jury who served during the preceding year; provided, however, that no person shall serve as grand juror for more than two years. The names of the other".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, after line 14, insert the following: "Sec. 2. Section 242 of the Code of Civil Procedure is hereby amended to read as follows:

242. When, of the persons newly summoned as grand jurors and not excused, twelve are present, they, together with the seven chosen from the preceding grand jury, shall constitute the grand jury. If more than twelve of such persons are present, the clerk shall write their names on separate ballots, which he must fold so that the names can not be seen, place them in a box, and draw out twelve of them, and the persons whose names are on the ballots so drawn, together with the seven persons chosen from the preceding grand jury, shall constitute the grand jury. If less than twelve of such persons are present, the panel may be filled as provided in section 225 of this code. And whenever, of the persons summoned to complete a grand jury, more shall attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused on ballots, deposing them in a box, and drawing as above provided."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 331—An act to amend section 252 and to add section 252.5 to the Fish and Game Code, relating to refugees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 331 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Holahan, Jorgensen, Keating, Keough, Lutz, M. Brink, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Potters, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

### Title read and approved.

Senate Bill No. 331 ordered transmitted to the Assembly.

Senate Bill No. 754—An act to amend Section 25 of the California Irrigation District Act, relating to the method of declaring the result of the election of officers in an irrigation district, and to the method of filling vacancies which may occur in any of said officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Holahan, Jorgensen, Keating, Keough, Knottland, Lutz, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pomeroy, Potters, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

### Title read and approved.

Senate Bill No. 754 ordered transmitted to the Assembly.

Senate Bill No. 1132—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1132, the following amendments, offered by Senator Westover, were read and adopted:

##### Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "county"; and insert in lieu thereof the following: "district".

##### Amendment No. 2.

On page 12 of the printed bill, strike out line 13, and insert in lieu thereof the following: "are described at the date of enactment hereof, and said extreme boundaries of said district are described as follows:

Beginning at the intersection of the easterly boundary line of the City of San Bern as said boundary line exists on the date of the enactment hereof, with the high-tide line of the Pacific Ocean, said point being in the north and south one-quarter section line of section twenty-four (24), township five (5) south, range twelve (12) west, San Bernardino base and meridian; thence easterly thence northerly along the said easterly boundary line of the city of San Bern, to the southeast corner of said city boundary, said corner being the center of section twelve (12), township five (5) south, range twelve (12) west, San Bernardino base and meridian; thence continuing northerly one and one-half mile to the north one-quarter section corner of section one (1), township five (5) south, range twelve (12) west, San Bernardino base and meridian; thence easterly along township line to the southwest corner of section thirty-one (31), township four (4) south, range eleven (11) west, San Bernardino base and meridian; thence northerly one mile to northwest corner of said section thirty-one (31); thence easterly one-half mile to the south one-quarter section corner of section thirty (30) said township four (4) south, range eleven (11) west; thence northerly one mile to the north one-quarter section corner of said section thirty (30); thence easterly one-half mile to the southwest corner of section twenty (20) of said township four (4) south, range eleven (11) west; thence northerly one and one-half mile to the west one-quarter section corner of section seventeen (17) of said township four (4) south, range eleven (11) west; thence easterly one-half mile to center of said section seventeen (17); thence northerly one mile to the center of section eight (8), said township four (4) south, range eleven (11) west; thence easterly one mile to the center of

section nine (9), said township four (4) south, range eleven (11) west; thence northerly one-half mile to the north one-quarter section corner of said section nine (9); thence easterly one-half mile to the southwest corner of fractional section three (3), said township four (4) south, range eleven (11) west; thence northerly to the northwest corner of said fractional section three (3); thence easterly three miles along township line to the southwest corner of section thirty one (31), township three (3) south, range ten (10) west, San Bernardino base and meridian; thence northerly to the most southwesterly corner of the boundary of the city of Fullerton, as said boundary line exists on the date of the enactment hereof; thence easterly along the southerly line of said boundary to the most southeasterly corner thereof; thence northerly along the easterly line of said boundary, to the center of section twenty-four (24), township three (3) south, range ten (10) west, San Bernardino base and meridian; thence north one-eighth of a mile to the northwest corner of the south one-half of the southwest one-quarter of the northeast one-quarter of said section twenty-four (24); thence east one eighth mile to the southwest corner of the northeast one-quarter, of the southwest one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence north three-eighths mile to the northwest corner of the east one-half of the northwest one-quarter of the northeast one-quarter, of said section twenty-four (24); thence east one-eighth mile to the northeast corner of the northwest one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence south one-quarter mile to the northwest corner of the southeast one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence east one-quarter mile to the southwest corner of lot five (5) Tuffree's Subdivision, as recorded in book 3, pages 1 and 2 of miscellaneous maps, records of Orange County, California; thence north one-quarter mile to the northwest corner of lot four (4) of said Tuffree's Subdivision; thence east one-quarter mile to the northwest corner of lot three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as parcel 2 in deed recorded in book 180, page 97 of deeds, records of Orange County, California, to a point in the north line of said lot three (3); lot lines of Tuffree's Subdivision being considered as in the center line of adjacent streets; thence east to the northeast corner of said lot three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of section eighteen (18), township three (3) south, range nine (9) west, San Bernardino base and meridian; thence east one-quarter mile to the northeast corner of said southwest one-quarter of the southeast one-quarter of said section eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter, of the southeast one-quarter, of said section eighteen (18); thence north one-quarter mile to the northwest corner of said east one-half; thence east one-eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half, of the south one-half of the south one-half of fractional section seventeen (17), township three (3) south, range nine (9) west, San Bernardino base and meridian; thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional section seventeen (17) to the west line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said west rancho line to the northwest corner of block one (1) of Yorba Linda tract as per map recorded in book 5, pages 17 and 18 of miscellaneous maps, records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda tract to the northeast corner of lot one (1) in block (2) of said tract; thence southerly to the southeast corner of said lot one (1) in block two (2); thence westerly to the southwest corner of said lot one (1) in block two (2); thence southerly to the southeast corner of lot two (2) in block two (2) of said Yorba Linda tract; thence westerly to the southwest corner of said lot two (2) in block two (2); thence southerly to the northwest corner of lot three (3) of said block two (2); thence easterly to the northeast corner of said lot three (3) in block two (2); thence southerly along lot lines to the northwest corner of lot five (5) of said block two (2); thence easterly along the north line of said lot five (5) to the center line of Fifth Street, as shown on the map of Carlton recorded in book 29, pages 9 and 10 of miscellaneous records of Los Angeles County, California; thence south along said center line of Fifth Street to the center line of Pacific Avenue as shown on said map of Carlton; thence east along said center line of Pacific Avenue to the center line of Fourth Street as shown on said map of Carlton; thence north along the said center line of Fourth Street to the center line of Orange Street as shown on said map of Carlton; thence east along the said center line of Orange Street to the west line of Second Street as shown on said map of Carlton; thence north along the said west line of Second Street to the center line of Walnut Street as shown on said map of Carlton; thence west along the said center line of Walnut Street to the center line of Third Street as shown on said map of Carlton; thence north along the said center line of Third Street to the center line of Chicago Avenue as shown on said map of Carlton; thence east along the said center line of Chicago Avenue to the center line of said Second Street;



thence south along the said center line of Second Street to the said center line of Pacific Avenue, thence east along the said center line of Pacific Avenue to the west line of block six (6) of said Yorba Linda tract, thence northerly, easterly, southerly, easterly, southerly, easterly, southerly, westerly, and southerly, along the exterior boundary lines of said Yorba Linda tract to the southeast corner of lot three (3) in block twenty-four (24) of said Yorba Linda tract, thence west along the south line of said lot three (3) to the southwest corner of said lot three (3), thence southerly along the westerly line of lot four (4) of said block twenty-four (24) and its southwesterly extension to the northerly corner of lot five (5) in block thirty-four (34) of said Yorba Linda tract, thence southerly along the westerly line of said lot five (5) to its intersection with the center line of the Anaheim ditch, of the Anaheim Union Water Company, thence easterly along center line of said ditch to corner number three of allotment of first class land to W. M. McKee and Henry Wartenberg in partition of Rancho Canon de Santa Ana being the southwest corner of that certain 1.26 acre parcel as described in deed recorded in book 357, page 102 of deeds, records of Orange County, California, thence following the westerly, northerly and easterly line of said 1.26 acre parcel to a point on the north line of said allotment of first class land to McKee and Wartenberg in partition of Rancho Canon de Santa Ana, thence following said northerly line of said allotment to its intersection with southerly line of right of way of Atchison, Topeka, and Santa Fe Railway Company, thence following said southerly right of way line to its intersection with west line of the allotment in second class land to V. Yorba in partition of said Rancho Canon de Santa Ana, thence northerly, westerly and northerly along said allotment line to the center line of Anaheim Union Water Company's canon canal; thence easterly following center line of said canon canal to the east line of said allotment to V. Yorba; thence southerly along said east line of allotment to V. Yorba, to a point 2800 feet easterly measured along said east line from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track, thence southerly to a point in the east line of the allotment of second class land to W. M. McKee in partition of said Rancho Canon de Santa Ana, said point being 2500 feet easterly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track, thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal southerly to its intersection by the northerly extension of the east line of said 117 acre map recorded in book 11, page 15 of miscellaneous maps, records of Orange County, California, thence southerly 660 feet measured along the said center line to a point, thence southwesterly in a direct line to a point on the west line of lot twenty-two (22) of said tract 117, said point being 500 feet southwesterly measured along said west line from the intersection of said west line of lot twenty-two (22) with the center line of the Santa Ana Valley Irrigation Company's main canal; thence northwesterly along said southwesterly line of lot twenty-two (22) to the center line of the Santa Ana Valley Irrigation Company's main canal, thence westerly along said center line of canal to its intersection with the center line of the State highway known as the Santa Ana Canon Road, thence southwesterly along center line of said highway to its intersection with the north line of lot twenty (20) of said tract 117, thence along the northerly and easterly lines of lots twenty (20) and nineteen (19) of said tract 117, to the southeast corner of said lot nineteen (19); thence in a direct line to a point on the south line of said tract 117, said point being 600 feet westerly measured along said south line from the southeast corner of said tract 117 and also being on the north line of section six (6), township four (4) south, range eight (8) west, 8th. Reclamation, third and meridian, thence westerly along section line to the northwest corner of said section six (6); thence southerly along the west line of said section six (6), 1446.14 feet, thence southwesterly in a direct line to the most easterly corner of that certain 2.50 acre parcel as described in deed recorded in book 262, page 73 of deeds, records of Orange County, California, thence southwesterly and northwesterly following the boundary line of said 2.50 acre parcel to the most westerly corner thereof, thence north to the center line of the Santa Ana Valley Irrigation Company's main canal, thence westerly along said center line of canal to the northeast corner of that 22.78 acre parcel described in deed recorded in book 220, page 220 of deeds, records of Orange County, California; thence southerly along the easterly line of said 22.78 acre parcel to the northeast corner of that certain 5.75 acre parcel described in deed recorded in book 261, page 208 of deeds, records of Orange County, California, thence southerly to the north corner of that certain 1.298 acre parcel described in deed recorded in book 486, page 205 of deeds, records of Orange County, California; thence southerly and westerly along the easterly and southerly boundaries of said 1.298 acre parcel to the southeast corner of said 5.75 acre parcel, thence westerly to the southeast corner of that certain 12.12 acre parcel as described in deed recorded in book 261, page 206 of deeds, records of Orange County, California; thence westerly along the south line of said 12.12 acre parcel to the southeast



corner of Domingues estate as shown on map filed in records of survey book 2, page 15, records of Orange County, California; thence westerly along the south line of said Domingues estate and south line of tract 936 as per map recorded in book 30, pages 1 and 2, miscellaneous maps, records of Orange County, California, to the most southwesterly corner of lot seven (7) of said tract 936; thence northerly and westerly along the westerly and southerly boundaries of said lot seven (7) to the most northerly corner of lot six (6) of said tract 936; thence following the boundary of said lot six (6) southerly 113.94 feet, southwestwesterly 45.90 feet, southwestwesterly 242.05 feet to a corner in the easterly boundary of lot five (5) of said tract 936; thence northwesterly in a direct line to a corner in the westerly boundary of said lot five (5), said corner being the northern terminus of a course in said westerly boundary of lot five (5) whose length is 1623.87 feet; thence following the said westerly boundary of lot five (5), northwesterly 158.18 feet and northerly 494.72 feet to the northwest corner of said lot five (5); thence north to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly following the center line of said Santa Ana Valley Irrigation Company's main canal to its intersection with the northerly extension of the most northerly course on the easterly boundary of tract 59 as per map recorded in book 10, page 18 of miscellaneous maps, records of Orange County, California; thence southerly following the said northerly extension of said easterly boundary and the easterly and southerly boundary lines of said tract 59 to the most southwestwesterly corner thereof; thence along the southerly boundary of tract 58 as per map recorded in book 10, page 6 of miscellaneous maps, records of Orange County, California, to the most easterly corner of that certain 1.19 acre parcel as described in deed recorded in book 311, page 213 of deeds, records of Orange County, California; thence following the southerly and westerly boundaries of said 1.19 acre parcel to the most northwesterly corner thereof; thence following the southerly boundary of said tract 58 to the most westerly corner of said tract 58, said corner being considered in the center line of the State highway known as the Santa Ana Canyon Road; thence following the center line of said State highway to its intersection with the northerly line of Olive Heights as per map thereof recorded in book 19, page 18 of miscellaneous records of Los Angeles County, California; thence easterly along the northerly boundary of said Olive Heights to its intersection with the center line of the Santa Ana Valley Irrigation Company's main canal; thence following the said center line of main canal to the most northwesterly corner of that certain district described in that certain agreement by Villa Park Mutual Water Company as recorded in book 359, page 473 of official records of Orange County, California; thence easterly following the northerly boundary of said district to the westerly line of lot two (2) of tract 166 as per map recorded in book 12, pages 9, 10 and 11 of miscellaneous maps, records of Orange County, California; thence following the westerly, northerly, and easterly boundary lines of said tract 166 to station 52 as described in deed recorded in book 355, page 98 of deeds, records of Orange County, California, said station being in the northerly boundary line of Serrano Irrigation District as described in book 76, page 60 of official records of Orange County, California; thence in a general easterly direction following the boundary of said Serrano Irrigation District to its most easterly corner, being a common corner with the most northerly corner of the Carpenter Irrigation District as described in book 74, page 223 of official records of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of tract 944 as per map recorded in book 29, page 41 of miscellaneous maps, records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said tract 944, to the northeast corner of tract 918 as per map recorded in book 28, pages 41, 42 and 43 of miscellaneous maps, records of Orange County, California; thence southerly, westerly, northerly and easterly following the boundary of said tract 918 to the northwest corner of tract 931 as per map recorded in book 29, page 27 of miscellaneous maps, records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and southerly boundary of said tract 931, to the southwest corner of lot eleven (11) of said tract 931; thence southerly parallel to the east line of said tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park Road to the said east line of said tract 918; thence southerly, southwestwesterly, northwesterly, northerly, westerly, northwesterly, northeasterly, and northwestwesterly, following the exterior boundary of said tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of lot seventy (70) of said tract 918; thence following the exterior boundary of said Carpenter Irrigation District southwestwesterly and southerly, to the west corner of lot one (1) of El Modena Citrus Lands, as per map thereof recorded in book 6, page 32 of miscellaneous maps, records of Orange County, California, said point being northeast corner of lot two (2) of said El Modena Citrus Lands; thence along the east line of said lot two (2) and lots four (4) and five (5), the center line of adjacent road being considered

as lot line, to the most northerly corner of lot six (6) of said ELM; then easterly  
lands; thence southeasterly along the northeasterly line of lots six (6), seven (7),  
eight (8) and nine (9) of said El Modena Citrus Lands, to the most westerly corner  
of that certain 2.75 acres parcel as described in deed accepted by June 20, 1909, page 184  
of official records of Orange County, California; thence northwesterly and south-  
easterly along the boundary of said 2.75 acre parcel to the most easterly corner of  
said parcel; thence northeasterly along the north-easterly line of lot eleven (11)  
of said El Modena Citrus Lands, to the most northerly corner of said lot eleven  
(11); thence southeasterly along the northeasterly line of one acre (11) and  
twelve (12) of said El Modena Citrus Lands, to the most easterly corner of said  
lot twelve (12); thence northwesterly along the northwestern boundary of Irvine's  
Subdivision of Ranchos San Joaquin and Los Angeles de Santiago and Juan and Blasco  
allotment in Rancho Santiago de Santa Ana, as per map recorded in book 1, page  
88 of miscellaneous maps, records of Orange County, State of California, to a  
point on said boundary line and located northwesterly a distance of one and one-half  
miles from the westerly corner of that certain (20) of said Irvine's Sub-  
division; thence within said Irvine's Subdivision northwesterly to the northerly  
corner of the northerly one-quarter of the westerly one-quarter of black sixteen (16)  
of said Irvine's Subdivision; thence southeasterly along the southeasterly line of  
said northerly one-quarter of the westerly one-quarter of said black sixteen (16)  
to the most southerly corner thereof; thence southwesterly along the southwestern  
line of the southwesterly one-half of the northerly one-half of said black sixteen  
(16) to the southeasterly line of said block; thence southeasterly along the south-  
southerly corner of said block sixteen (16); thence southeasterly along the south-  
easterly line of block forty-one (41) a distance of one-quarter mile to the south-  
westerly one and one-half miles to the southerly corner of the southwesterly one-half  
of the northerly one-quarter of block forty-two (42); thence southwesterly one-half  
mile to the westerly corner of the southerly one-quarter of the southerly one-half  
of said block forty-two (42); thence northwesterly one-quarter mile to the south-  
southerly corner of said southerly one-quarter of the easterly one-half of said block  
two; thence southeasterly three-fourths of a mile to the southerly corner of the  
southwesterly one-half of the northerly one-quarter of block sixty-six (66); thence  
southwesterly one-half mile to the northwestern corner of the southwesterly one-half  
of the southerly one-quarter of said block sixty-six (66); thence southwesterly one-  
quarter mile to the easterly corner of said block sixty-six (66); thence southwesterly two miles  
to the easterly corner of block one hundred six (100); thence southwesterly one-half  
mile to the southerly corner of the easterly one-quarter of said block one hundred  
six (106); thence southeasterly one and one-quarter mile to the southerly corner  
of southeasterly one-half of the northerly one-quarter of block one hundred forty-two  
(142); thence northwesterly three-fourths mile to the northwestern corner of the north-  
erly one-quarter of the westerly one-quarter of block one hundred thirty-three (133);  
thence southeasterly one quarter mile to the easterly corner of the southerly one-  
quarter of the westerly one-quarter of block one hundred thirty-three (133); thence  
southwesterly one-quarter mile to the southerly corner of and southeasterly one-quarter  
of the westerly one-quarter of block one hundred forty-three (143); thence north-  
easterly one-quarter mile to the easterly corner of the southeasterly one-half of  
the easterly one-quarter of said block one hundred forty-two (142); thence south-  
westerly one-half mile to the southerly corner of said northwesterly one-half of the  
easterly one-quarter of block one hundred forty-two (142); thence southwesterly  
one-quarter mile to the easterly corner of the southerly one-quarter of said block  
one hundred forty-two (142); thence southwesterly one mile to the southerly  
corner of the easterly one-quarter of block one hundred forty-one (141); thence  
southeasterly one-half mile to the center of block one hundred fifty-four (154);  
thence southwesterly three miles to the center of block one hundred fifty-seven  
(157); thence northwesterly one-half mile to the westerly corner of the northerly  
one-quarter of said block one hundred fifty-seven (157); thence northwesterly one-  
quarter mile to the southerly corner of the easterly one-quarter of the easterly  
one-quarter of block one hundred thirty-eight (138); thence northwesterly one-  
quarter mile to the westerly corner of said easterly one-quarter of the easterly  
one-quarter of block one hundred thirty-eight (138); thence southwesterly one-half  
mile to the southerly corner of the northerly one-quarter of the southerly one-quarter  
of said block one hundred thirty-eight (138); thence northwesterly one-half mile to  
the westerly corner of the easterly one-quarter of the westerly one-quarter of said  
block one hundred thirty-eight (138); thence northwesterly one-quarter mile to the  
southerly corner of the northeasterly one-half of the northwestern one-quarter of the  
westerly one-quarter of said block one hundred thirty-eight (138); thence north-  
westerly one-half mile to the westerly corner of the southwesterly one-half of the  
easterly one-quarter of the southerly one-quarter of block one hundred twenty-four  
(124); thence southwesterly three-eighths mile to the southerly corner of the  
northwesterly one-half of the said southerly one-quarter of block one hundred  
twenty four (124); thence northwesterly one and one-quarter mile to the westerly

corner of the southerly one-quarter of block one hundred two (102); thence southwesterly three-fourths mile to the southerly corner of the northeasterly one-half of the westerly one-quarter of block one hundred one (101); thence northwesterly one-half mile to the westerly corner of said northeasterly one-half of the westerly one-quarter of block one hundred one (101); thence southwesterly one-quarter mile to the southerly corner of block eighty-eight (88); thence northwesterly one-quarter mile to the easterly corner of the northerly one-quarter of the easterly one-quarter of block eighty-nine (89); thence southwesterly one-quarter mile to the southerly corner of the said northerly one-quarter of the easterly one-quarter of block eighty-nine (89); thence northwesterly one mile to the center of the easterly one-quarter of block fifty-nine (59); thence northeasterly one-quarter mile to the northerly corner of the easterly one-quarter of said easterly one-quarter of block fifty-nine (59); thence northwesterly one mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of block forty-nine (49); thence southwesterly one mile to the southerly corner of the northwesterly one-half of the southerly one-quarter of said block forty-nine (49); thence northwesterly one and three-fourths miles to the westerly corner of block seven (7) on the northwesterly boundary of said Irvine's Subdivision; thence southwesterly along said northwesterly boundary to a point 1259.6 feet northeasterly from the westerly corner of block six (6) of said Irvine's Subdivision; thence southeasterly to the most northerly corner of tract 456 as shown on a map recorded in book 17, page 9 of miscellaneous maps, records of Orange County, California; thence following the courses by distances and bearings along the easterly exterior boundary of said tract 456 to an intersection with the center line of Santa Ana Avenue as shown on said map; thence northeasterly to the westerly corner of the southerly one-quarter of said block six (6); thence three-fourths mile southeasterly to the easterly corner of the northwesterly one-half of the northerly one-quarter of block fifty one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly one-half of said block fifty-one (51) to an intersection with the mean high-tide line as established by decree of the superior court of Orange County in Case No. 20436 as recorded in book of judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of block four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of blocks four (4), three (3) and two (2) of said Irvine's Subdivision to the southerly corner of the easterly one-quarter of said block two (2); thence southeasterly one-half mile along the southwesterly line of lot one hundred sixty-six (166) in block fifty-four (54) of said Irvine's Subdivision; thence northeasterly five-eighths mile to a point on the southeasterly line of lot one hundred sixty-four (164) in block fifty-three (53) of said Irvine's Subdivision, which point is northeasterly one-eighth mile from the southerly corner of said lot one hundred sixty-four (164) in block fifty-three (53); thence southeasterly three miles along a line drawn parallel to and one-eighth mile northeasterly from the southwesterly boundary line of blocks fifty-three (53), fifty-five (55), ninety-three (93) and ninety-six (96) of said Irvine's Subdivision to a point in the southeasterly boundary line of the westerly one-quarter of said block ninety-six (96); thence southwesterly three-eighths mile along the southeasterly boundary line of the said westerly one-quarter of block ninety-six (96) and its southwesterly extension; thence southeasterly four miles parallel to and one-quarter mile southwesterly from the northeasterly boundary lines of blocks ninety-five (95), one hundred thirty-one (131) and one hundred sixty-four (164) of said Irvine's Subdivision to an intersection with the most northwesterly boundary line of the Laguna Beach County Water District, as described in an order of the board of supervisors of Orange County, California, recorded in book 26, page 129 of miscellaneous records of Orange County, California; thence northeasterly, and easterly following the northwesterly and northeasterly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to the westerly corner of the southerly quarter of the southerly quarter of block 165 of said Irvine's Subdivision, thence northeasterly to the northerly corner of said southerly quarter of the southerly quarter of said block 165; thence southeasterly along the northeasterly line of said southerly quarter of the southerly quarter of said block 165 and the extension thereof to a point on the exterior boundary of said Laguna Beach County Water District; thence southeasterly, northeasterly, southeasterly and easterly along the northerly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to intersection with the center line of Laguna Canyon Road, as said road exists on the date of enactment hereof; thence northeasterly along the said center line of Laguna Canyon Road to a point on the westerly extension of the northerly line of the south one-half of the northwest one-quarter of section eighteen (18), township seven (7) south, range eight (8) west, San Bernardino base and meridian; thence easterly along said westerly extension of and along the northerly line of the south one-half of the northwest one-quarter of said section eighteen (18) to the center line of said section eighteen (18), thence south along



said center line of section eighteen (18) and along the center line of section nineteen (19), said township and range, to the southwest corner of the northeast quarter of the northeast one-quarter of said section nineteen (19), thence westerly along the south line of the said northwest one-quarter of the said northeast quarter of section nineteen (19) to the west boundary of Rancho Naguel, thence southerly along said boundary of Rancho Naguel to the south line of section thirty (30), said township and range, thence westerly along the said south line of section thirty (30) to the center line of section thirty one (31), said township and range, thence south along said center line of section thirty one (31) and its north half extension to a point in the high tide line of the Pacific Ocean, thence northeasterly along the high tide line of said Pacific Ocean to the point of junction of the said high tide line with the high tide line of Newport Bay on the southwesterly side of the entrance to said Newport Bay, thence northeasterly across said entrance to the point of junction of the said high tide lines of Newport Bay and the Pacific Ocean on the northwesterly side of said entrance, thence northeasterly along the said high tide line of the Pacific Ocean to the point of beginning."

### Amendment No. 3.

On page 14, line 17, of the printed bill, after "place," insert the following: "within the county of Orange, but does not have to be established or maintained."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 30—An act to amend section 404 of the Civil Code relating to dissolution of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 refused passage by the following vote:

AYES—Senators Biggar, Fletcher, Keough, Law, McGovern, Olson, Parkman, Swing, and Williams—9.

NOES—Senators Allen, Crittenden, Cunningham, DeLay, Donel, Hays, Holohan, Keating, Knowland, McBride, Metzger, Nielsen, Powers, Pritchett, Quinn, Rich, Seawell, Slater, Tickle, Waggy, and Westover—21.

Senate Bill No. 639—An act to amend sections 2322x28 and 4267 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 639 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLay, Donel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Pritchett, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—33.

NOES—None.

Title read and approved.

Senate Bill No. 639 ordered transmitted to the Assembly.

Senate Bill No. 719—An act to add section 1324 to the Fish and Game Code, relating to muskrats.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Crittenden, DeLay, Fletcher, Gordon, Hollister, Jorgensen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Powers, Quinn, Schottky, Swing, Westover, and Young—21.

NOES—Senators Allen, Biggar, Cunningham, Donel, Hays, Holohan, Mixer, Parkman, Rich, Seawell, Slater, Tickle, and Waggy—13.



Title read and approved.

Senate Bill No. 719 ordered transmitted to the Assembly.

Senate Bill No. 172—An act to validate the existence of water conservation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 172 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 172 ordered transmitted to the Assembly.

Senate Bill No. 328—An act to provide for the refunding, repayment, and adjustment from public funds, for street and highway purposes, of assessments and bonds which have become a lien upon real property and which were levied to pay the cost of street or highway improvements which are or may become of more than local benefit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—Senators Hays and Quinn—2.

Title read and approved.

Senate Bill No. 328 ordered transmitted to the Assembly.

Senate Bill No. 1133—An act to legalize bonds heretofore issued, sold or exchanged or to be issued, sold or exchanged by municipalities for the purpose of acquiring other general obligation bonds of such municipalities or by or for districts therein or for street work or other public improvements, in instances where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1133 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 1133 ordered transmitted to the Assembly.

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1127, the following amendments, offered by Senator DeLap, were read and adopted:

##### Amendment No. 1.

Amend the title by inserting the word "contain", after the word "to" in the second line of the title.

##### Amendment No. 2.

On page 1, line 9, of the amended bill, after the comma following the word "State", where it first appears in said line, insert the following: "hereinafter described".

##### Amendment No. 3.

On page 1 of the amended bill, after line 11, add the following:

"The lands hereinabove mentioned are those certain tide or submerged lands belonging to the State in the county of Oranges, at its four Huntington Beach, to the area described as follows, to wit:

Beginning at a point in the ordinary high water mark of the Pacific Ocean where the north-south quarter section line of Section 4, T. 6 S., R. 11 W., S. B. B. M., projected in a straight line southerly intersects said ordinary high water mark; thence southeasterly along said ordinary high water mark a distance of three (3) miles to a point in said ordinary high water mark; thence westerly at right angles with said ordinary high water mark and in a straight line three (3) miles from said ordinary high water mark to a point in the Pacific Ocean; thence northwesterly along a line which is parallel to said ordinary high water mark a distance of three (3) miles to a point in the Pacific Ocean; thence northeasterly in a straight line to the point of beginning.

Sec. 2. Except as hereafter expressly authorized by law, neither the Director of Finance nor the Chief of Division of State Lands shall permit the drilling of any new well in any portion of the lands hereinabove described subsequent to the twentieth day of April, 1937."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 548—An act to amend subsections 4 and 7, and to add a new subsection to be numbered 9 to section 630.10 of the Political Code.

#### Amendment from the Floor.

During third reading of Senate Bill No. 548, the following amendment, offered by Senator McBride, was read and adopted:

##### Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 34 and 35.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal

section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 11a, 14.5, 16, 20, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 26a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 40.5, 48.5, 48.6, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52, 53.5, 53.6, 54.5, 55.2, 55.5, 55.7, 55.8, 57.5, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages; And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 8—Relative to the control of white pine blister rust by the United States Government;

Senate Bill No. 116—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending sections 1, 2, 3 and 5 thereof, relating to deposits of State money, to declare the urgency hereof, and to provide that this act shall take effect immediately;

Senate Bill No. 753—An act to amend section 32a of the California Irrigation District Act, relating to the issuance of funding and refunding bonds and the approval of plans and modifications of plans for refunding of indebtedness of irrigation districts, and declaring the urgency thereof;

Senate Bill No. 968—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately;

Senate Bill No. 271—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 323—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and endorsing of warrants issued therefor;

Senate Bill No. 338—An act to amend section 1228 of the Penal Code, relating to capital punishment;

Senate Bill No. 146—An act to amend sections 1250 and 1251 of the Fish and Game Code, relating to deer;

Senate Bill No. 448—An act to add section 512.5 to the Vehicle Code, relating to speed limits in the vicinity of State institutions;

Senate Concurrent Resolution No. 31—Relative to the 1938 convention of the American Legion;

Senate Concurrent Resolution No. 33—Relative to granting leave of absence to the Honorable John B. McColl, member of the Senate of the fifty-second session of the Legislature of the State of California;

Senate Concurrent Resolution No. 34—Approving a certain amendment to the charter of the city of Modesto, county of Stanislaus, State of California, voted for and ratified by the electors of said city of Modesto, at a general municipal election held therein on the thirteenth day of April, 1937;

Senate Concurrent Resolution No. 35—Approving four amendments to the charter of the city of San Mateo, a municipal corporation in the county of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1937; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1937, at three o'clock and thirty minutes p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 450—An act to amend section 304 of the Streets and Highways Code, relating to State Highway Route 4;

Senate Bill No. 140—An act to add a new section to the California Irrigation District Act to be numbered section 47.1, relating to actions concerning land devoted to irrigation districts for delinquent irrigation district taxes or assessments.

Senate Bill No. 679—An act to add section 3324 to the Political Code, relating to salaries or wages of State officers and employees.

Senate Bill No. 259—An act relating to out-of-state police supervision and authorizing and directing the Governor to enter into contracts thereto.

Senate Bill No. 632—An act to amend section 1906 of the Penal Code, relating to the confinement of prisoners;

Senate Bill No. 181—An act to amend section 1177 of the Fish and Game Code, relating to game birds;

Senate Bill No. 362—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance;

Senate Bill No. 217—An act to amend section 799 of the Fish and Game Code, relating to abalones;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1937, at three o'clock and thirty minutes p.m.

KEOGH, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 538—An act to diminish the causes of labor disputes injuriously affecting the welfare of the people of this State; to encourage the existence of collective bargaining between employers and representative employee groups; to insure to employees the right of self-organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide for the establishment of a California Labor Relations Board, including provisions defining its duties and powers, for administration and assistance therein, and for enforcement and review of its findings and orders, and to provide for enforcement of this act and penalties for its violation; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—5, committee vote—AYES—5

OLSON, Chairman.

### Motion to Suspend the Rules.

Senator Olson moved to suspend the Rules in order to read Assembly Bill No. 538 for the second time, at this time.

The question being on the adoption of the motion to suspend the Rules.

The roll was called, and the Rules suspended by the following vote:

AYES—Senators Allen, Bugar, Crittenden, Cunningham, DeLay, Donohue, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Law, McCann, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rife, Scherby, Seawell, Slater, Tickle, Wagv, Westover, Williams, and Young—32

NOES—Senators Keogh, and Knowland—2

### Second Reading of Assembly Bill No. 538—(Out of Order).

Assembly Bill No. 538—An act to diminish the causes of labor disputes injuriously affecting the welfare of the people of this State; to encourage the practice of collective bargaining between employers and representative employee groups; to insure to employees the right of self organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide for the establishment of a California Labor Relations Board, including provisions defining its duties and powers, for administration and assistance therein, and for enforcement and review of its findings and orders, and to provide for enforcement of this act and penalties for its violation.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 538 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 28 to 51, inclusive.

**Amendment No. 2.**

On page 3 of the printed bill, as amended, strike out lines 1 to 51, inclusive, and insert in lieu thereof the following:

"SEC. 2. When used in this act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act or National Labor Relations Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include an employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or an employee engaged in interstate commerce, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "unfair labor practice" means any unfair labor practice listed in section 50.

(7) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

**Amendment No. 3.**

On page 4, line 31, of the printed bill, as amended, strike out "function", and insert in lieu thereof the following: "vocation".

**Amendment No. 4.**

On page 5, line 33, of the printed bill, as amended, following the period after the word "investigation", insert the following: "Any member of the board, or any agent or agency designated by the board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence."

**Amendment No. 5.**

On page 5 of the printed bill, as amended, strike out lines 34 to 51, inclusive, and on page 6, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SEC. 28. Complaints, orders, and other process and papers of the board, its member, agent or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses subpoenaed before the board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of record in this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of record in this State."

**Amendment No. 7.**

On page 6, line 26, of the printed bill, as amended, after the period following the word "act", add the following: "Such rules and regulations shall be effective upon publication in the manner which the board shall prescribe."

**Amendment No. 8.**

On page 6 of the printed bill, as amended, strike out lines 27 to 29 inclusive.

**Amendment No. 9.**

On page 6, line 31, of the printed bill, be amended, strike out "organization", and insert in lieu thereof the following: "organizations".

**Amendment No. 10.**

On page 6 of the printed bill, as amended, strike out lines 35 to 52 inclusive.

**Amendment No. 11.**

On page 7 of the printed bill, be amended, strike out lines 1 to 16 inclusive, and insert in lieu thereof the following:

"Sec. 50. It shall be an unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section 40.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it; provided that subject to rules and regulations made and published by the board pursuant to section 61, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labor organization. Nothing in this act or in any statute of the State of California shall preclude an employer from making an agreement with a labor organization (not established, maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees. As provided in section 60 in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 60.

**Amendment No. 12.**

On page 8, line 18, of the printed bill, as amended, after "representatives", strike out the comma, and insert in lieu thereof a period.

**Amendment No. 13.**

On page 8, line 18, of the printed bill, as amended, strike out the following "either before".

**Amendment No. 14.**

On page 8 of the printed bill, as amended, strike out lines 19 to 51, inclusive.

**Amendment No. 15.**

On page 9 of the printed bill, as amended, strike out lines 1 to 9 inclusive, and insert in lieu thereof the following:

"Sec. 63. Whenever an order of the board made pursuant to section 72 is based in whole or in part upon facts certified following an investigation pursuant to section 62, and there is a petition for the enforcement of or appeal of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 60, and thereafter the decree of the court enforcing, modifying or setting aside in whole or in part the order of the board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript."

**Amendment No. 16.**

On page 9, line 12, of the printed bill, as amended, strike out the period after "practice", and insert in lieu thereof the following: "(listed in section 50)."

**Amendment No. 17.**

On page 9, line 16, of the printed bill, as amended, after "action", add a comma, and strike out the following: "as will effectuate the policies of".

**Amendment No. 18.**

On page 9 of the printed bill, as amended, strike out lines 47 to 50, inclusive, and on page 10, strike out lines 1 to 49, inclusive, and on page 11, strike out lines 1 to 18, inclusive, and insert in lieu thereof the following: "including reinstatement of employees with or without back pay, as will effectuate the policies of this act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the board shall state its findings of fact and shall issue an order dismissing the said complaint.

SEC. 73. Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

SEC. 74. In case of contumacy or refusal to obey a subpoena issued to any person, any superior court of the State of California, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 75. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying."

#### **Amendment No. 19.**

On page 11, line 42, of the printed bill, as amended, strike out "No bond or", strike out line 43, and in line 44, strike out "proceeding, and nothing", and insert in lieu thereof the following: "Nothing".

#### **Amendment No. 20.**

On page 11 of the printed bill, as amended, strike out lines 48 to 50, inclusive.

#### **Amendment No. 21.**

On page 12 of the printed bill, as amended, strike out line 1, and in line 2, strike out "shall provide that the defendant pay all costs of suit.", and insert in lieu thereof the following: "Sec. 92."

#### **Amendment No. 22.**

On page 12 of the printed bill, as amended, strike out lines 12 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 94. An person aggrieved by a final order of the board shall have the right to petition the superior court of the State of California in the county wherein such order was made for a hearing or appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the board. Upon such filing the court shall cause notice thereof to be served upon the board and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper.

SEC. 95. The commencement of proceedings under sections 90 to 94, inclusive, shall not, unless specifically ordered by the court, operate as a stay of the board's order.

SEC. 96. Petitions filed under this act shall be heard expeditiously, and if possible, within ten days after they have been docketed."

#### **Amendment No. 23.**

On page 12, line 22, of the printed bill, as amended, strike out the comma following the word "act", and insert in lieu thereof the following: "and the National Labor Relations Act".

#### **Amendment No. 24.**

On page 12 of the printed bill, as amended, strike out lines 24 to 28, inclusive, and insert in lieu thereof the following:

"SEC. 101. Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike".

#### **Amendment No. 25.**

On page 12 of the printed bill, as amended, strike out lines 36 to 46, inclusive.

#### **Amendment No. 26.**

On page 12, line 47, of the printed bill, as amended, strike out "105", and insert in lieu thereof the following: "103".

#### **Amendment No. 27.**

On page 13 of the printed bill, as amended, strike out lines 3 to 8, inclusive.



Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

**Rush Order to Printer.**

Senator Knowland moved that the Secretary be directed to issue a rush order for printing Assembly Bill No. 538.

Motion lost.

**Motion.**

Senator Crittenden moved that 500 extra copies of Assembly Bill No. 538 be printed.

Motion carried, and such was the order.

**Motion.**

On motion of Senator Hays, Senate Bill No. 757 was ordered placed on the unfinished business file.

**Third Reading of Assembly Bills.**

Assembly Bill No. 1072.—An act to amend sections 4 and 11 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 3, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1072, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the proposed bill, as amended, strike out the following "sections 9 and", and insert in lieu thereof the word "section".

**Amendment No. 2.**

On page 1, line 8 of the title of the printed bill, as amended, commencing with the word "to", strike out the remainder of said line, and all of lines 9, 10 and 11, and insert in lieu thereof the following: "relating to a county peace officers' retirement system."

**Amendment No. 3.**

On page 1, line 1, of the printed bill, as amended, strike out the following "4 9", and insert in lieu thereof the figure "11".

**Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out all of lines 38 to 52, both inclusive.

**Amendment No. 5.**

On page 3 of the printed bill, as amended, strike out all of lines 1 to 19, both inclusive.

Bill read, ordered to print, and on file for third reading.

Assembly Bill No. 1907.—An act imposing an excise tax on the use in this State of fuel as defined herein, providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.



**Amendment from the Floor.**

During third reading of Assembly Bill No. 1907, the following amendment, offered by Senator Hollister, was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, strike out the period, insert in lieu thereof a comma, and add the following: "excepting a vehicle used exclusively upon stationary rails or tracks."

**Further Amendments from the Floor.**

During third reading of Assembly Bill No. 1907, the following amendments, offered by Senator Jespersen, were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", except implements of husbandry, trucks or tractors used in agricultural operations and only incidentally operated or moved upon a highway."

**Amendment No. 2.**

On page 2, line 21, of the printed bill, as amended, after "has been", insert the following: "used to propel an implement of husbandry, truck or tractor used in agricultural operations and only incidentally operated or moved upon a highway, or has been".

Bill read, ordered to print, and on file for third reading.

(Note.—The action of the Senate in amending Assembly Bill No. 1907 was rescinded on April 27, 1937.) J. A. Beek, Secretary of the Senate.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills therein were ordered on file for second reading:

**On County Government.**

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred

Assembly Bill No. 1290—An act to add three new sections to the Political Code, to be numbered 4041.30, 4041.31 and 4041.32, relating to sale of lands dedicated for public parks;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 13—An act to add sections 8.5, 8.6, and 12.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to county fire protection districts;

Assembly Bill No. 841—An act to amend section 5 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, providing for the adoption of the merit system by the governing boards of such districts;

Assembly Bill No. 1736—An act to amend section 4178 of the Political Code, providing that the county clerk, acting as clerk of the superior court, shall assist the judges and commissioners of such court in the transaction of judicial business;

Assembly Bill No. 1737—An act to amend section 204a of the Code of Civil Procedure of the State of California, relating to the salary of the jury commissioner for the superior court in counties, or cities and counties having a population of nine hundred thousand inhabitants or more;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1424—An act to amend sections 7375a and 7375d of the Political Code, relating to compensation of public officers.

Senate Bill No. 927—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment there by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges limited to the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 186—An act relating to and improving jurisdiction and organization by counties, cities and counties, municipalities, districts, and other territorial subdivisions under authority of section 20 of Article XI of the Constitution of the State. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as to final disposition of the bill.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 955—An act to amend section 1041.20 of the Political Code, relating to insurance by counties:

Assembly Bill No. 1268—An act to amend sections 1, 2, 3, 6 and 8 of an act entitled "An act authorizing counties to declare noxious or dangerous conditions upon the streets or sidewalks or upon private property in violation of a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the assessment and collection of such special assessments," approved May 24, 1929.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as amended.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1409—An act to add a new section to be numbered 114 to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or for removal or delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures, and his deputies, sealers of weights and measures and their deputies; defining the powers and duties of such officers, and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to qualifications of county sealer of weights and measures:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as to final disposition of the bill.

Committee membership—5; committee vote—Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 474—An act to amend sections 737f, 737k, 737n, 737ff and 737zz of the Political Code, relating to the compensation of judges of the supreme court:

Senate Bill No. 298—An act to amend sections 4277 and 4278 of the Political Code, relating to the compensation of county and township officers and jurors: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 249—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

GARRISON, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 2743—An act to amend section 4a of the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; noes—1.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 338—"An act to add a new section to the Labor Code to be numbered 1682, relating to free employment bureaus";

Assembly Bill No. 2378—"An act to add section 211.5 to the Labor Code, relating to deductions from wages or salary of employee and prescribing a penalty for violation thereof";

Assembly Bill No. 2694—"An act to add sections 221, 222, 223, 224 and 225 to the Labor Code, relating to wages and prescribing a penalty for violation thereof";

Senate Bill No. 1118—"An act to regulate labor unions, by providing methods of conducting elections for the purpose of selecting officers, calling strikes, terminating strikes, and making working agreements, and providing penalties for violation thereof";

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes 5.

OLSON, Chairman.

### Adjournment.

At 4 o'clock and forty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Tuesday, April 27, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, April 27, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.



Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kewitz, Kinsland, Law, McBride, McCormick, McGovern, Metzger, Mixter, Nielsen, Olson, Peterson, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tamm, Wagy, Westover, Williams, and Young. 39.

Quorum present.

### Prayer.

The following prayer was offered by Rev. Charles E. Kircher:

"We come to Thee, Our Heavenly Father, Who art able to give us the wisdom we need for this day. We ask Thy blessing upon our Nation and upon those who conduct its affairs. Be with this Legislature and with us all that are here gathered. Amen."

We ask it all in the name of Christ, our Lord and Savior. Amen."

### Reading of the Journal.

During the reading of the Journal of Monday, April 26, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Charles E. Kircher of Roseville.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roy Richards of San Diego.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter J. Kramer, principal, and the following students of Franklin Union Grammar School: Leona Adam, Wilma Luttig, Lois Schmidt, Christina Schlenz, Edna Wagner, Margaret Miller, William Tommi, Eric Mishima, Helen Kandt, Geneva Schmidt, Judith Podbeck, Alvin Rau, John Wagner, Frances Hein, Garhardt Schuler, Eric Lazetz, Arthur Flemer, Edward Jacobs, Herman Penner, Manuel Vargas, Jimmy Foster, George Hamdtani, Hiroshi Kuroski, Richard Klinger, Yasume Mishima, Tommy Livingston, Rosie Kolb, Clara Van Vleet, Lendon Wells, Frieda Hofer, Fred Loutensock, and Lowell Sprock.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Leanne Jefferson of Glendale, and Robert W. Lefever, Chairman of the Ventura County Board of Supervisors, of Sonoma.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. H. Ingle of Modesto.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ivan Loomis of Arroyo Grande.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John



Ferat, President, Izaac Walton League; Fred Draper, President of Santa Barbara Central Labor Council; Gene Harris, member, Santa Barbara City Council, and John J. Hollister, Jr.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 528—An act to add section 862b to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to fire protection in cities of the sixth class;

Assembly Bill No. 747—An act to amend the title and sections 1 and 18a of the Street Opening Act of 1903, relating to the laying out, opening, extending, widening, straightening, establishment, or change of grade in whole or in part of public highways, roads, streets, parking places, squares, lanes, alleys, courts and places within municipalities or within unincorporated territory and one or more municipalities to reassessment procedure and relief from special assessments;

Assembly Bill No. 1599—An act authorizing the Division of State Lands to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to certain tide, overflowed and submerged lands described herein;

Assembly Bill No. 1913—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 13, relating to the conveyance and transfer to such district of drainage systems and works of drainage improvement districts and for the assumption of liability for the payment of bonds of drainage districts issued for the construction of the drainage systems and works so conveyed and transferred and for the maintenance of such drainage system and works;

Assembly Bill No. 2162—An act to add section 589.5 to the Agricultural Code, relating to labeling of dairy products;

Assembly Bill No. 2233—An act to amend sections 1 and 2 of "An act authorizing the Surveyor General of the State of California to lease certain lands in the county of San Diego," approved May 31, 1927, relating to a lease of tidelands in the county of San Diego.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 38—Relative to memorializing and petitioning the President and the Congress of the United States to include the Santa Maria River Flood Control and the Santa Ana River Flood Control projects in the national program of work-relief.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 234—An act to amend section 24 of, and to add sections 24.1 to 24.5, inclusive, to the State Bar Act, relating to admissions to the State Bar;

Assembly Bill No. 481—An act to amend section 17 of the Inheritance Tax Act of 1935, relating to inheritance taxation;

Assembly Bill No. 946—An act to amend the title to Article IV, Chapter XIV, Division III of the Probate Code and to amend sections 201.5, 541.5, 645, 646, 752, 770, 772, 780, 830, 860, 1480, 1482, 1531, 1532, and 1533 of the Probate Code, to repeal section 930.5 of the Probate Code, and to add sections 578a, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent persons, and minors;

Assembly Bill No. 1465—An act to amend sections 2.876, 2.878, 2.885, 2.890, 2.891, to repeal section 2.886 of the School Code, to repeal an act entitled "An act relating to the opening and closing of polls at school elections," approved May 14, 1929, and to add sections 2.876, and 2.877 to the School Code, relating to school district elections;

Assembly Bill No. 1825—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class;

Assembly Bill No. 1832—An act to amend sections 12421, 12484, 12486, 12488 and 12501 of the Insurance Code, and to add Article 13, consisting of sections 12650 to Chapter 2, Part 6, Division 2, thereof, all relating to mortgage insurance.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 234 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 481 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 946 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1465 read first time, and referred to Committee on Education.

Assembly Bill No. 1825 read first time, and referred to Committee on County Government.

Assembly Bill No. 1832 read first time, and referred to Committee on Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1879—An act relating to the Department of Social Welfare and its organization, powers, duties, and jurisdiction, amending Chapter 1 of Division 1 of the Welfare and Institutions Code, embracing sections 100 to 140, inclusive thereof, and adding a new Chapter 1 to said division, embracing sections 100 to 123, inclusive;

Assembly Bill No. 2052—An act to amend section 43006 of the Political Code relating to fees;

Assembly Bill No. 2053—An act to amend section 43008 of the Political Code relating to fees;

Assembly Bill No. 2091—An act to amend section 3491 of, and to add section 3491.2 to, the Political Code, relating to reclamation districts and financing the urgency thereof.

Assembly Bill No. 2282—An act to add section 1029.5 to the Code of Civil Procedure, relating to costs in civil actions.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1879 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2052 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2053 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2091 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2282 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 47—Relative to approving a certain amendment to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held thereon on the first day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBERG, Assistant Clerk.

Assembly Concurrent Resolution No. 47 read, and ordered held at the desk.

## ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 500—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 500 read first time, and referred to Committee on Finance.

**Unfinished Business.**

**Senate Bill No. 304**—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

**Amendments from the Floor.**

During third reading of Senate Bill No. 304, the following amendments, offered by Senator Gordon, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 1 of", and insert in lieu thereof the following: "repeal".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1 to 19, inclusive, and strike out page 2, and insert in lieu thereof the following:

"SECTION 1. The act cited in the title hereof is hereby repealed."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 104**—An act to add a new section to the School Code to be numbered 5.751, relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 104.

**Amendment No. 1.**

On page 1, line 16, of the printed bill, as amended, after the word "for", insert the following: "not less than".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 104?

The roll was called, and Assembly amendment to Senate Bill No. 104 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—31.

NOES—None.

Senate Bill No. 104 ordered to enrollment.

### Consideration of Daily File. Second Reading of Senate Bills.

**Senate Bill No. 1124**—An act to amend sections 7379 and 4252 of the Political Code, relating to compensation of public officers.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 927**—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 186**—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 186 were read and adopted.

##### Amendment No. 1.

On page 1, line 4 of the title of the printed bill, after "State", insert a comma and the following: "declaring the urgency thereof and providing that it shall go into immediate effect".

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 10, inclusive.

##### Amendment No. 3.

On page 1, line 11, of the printed bill, strike out "Limitation on Expenditures of Public Agencies."

##### Amendment No. 4.

On page 2, line 1, of the printed bill, strike out "Expenditures Defined."

##### Amendment No. 5.

On page 2, line 4, of the printed bill, strike out "Exceptions."

##### Amendment No. 6.

On page 2, line 14, of the printed bill, after "munity", insert the following: "port,".

##### Amendment No. 7.

On page 2, line 18, of the printed bill, strike out "Election to Exceed Limitations."

##### Amendment No. 8.

On page 2, lines 24 and 25, of the printed bill, strike out "Application to State Board of Equalization. Hearings."

##### Amendment No. 9.

On page 2, lines 48 and 49, of the printed bill, strike out "Mandatory Statement of Preliminary Budget to State Board of Equalization."

##### Amendment No. 10.

On page 3, line 31, of the printed bill, strike out "Unlawful to Exceed Limitation."



**Amendment No. 11.**

On page 4 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following:

"Sec. 8. Chapter 356 of the Statutes of 1935 entitled "An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of section 20 of Article XI of the Constitution of the State" is hereby repealed, but this repeal shall not take effect until July 1, 1937."

**Amendment No. 12.**

On page 4, line 7, of the printed bill, strike out "S. Constitutionality.", and insert in lieu thereof the following: "9."

**Amendment No. 13.**

On page 4 of the printed bill, strike out lines 16 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV and shall therefore go into effect immediately.

The facts constituting such necessity are as follows:

Due to the aftermath of the widespread depression many taxpayers are unable to pay their taxes or to redeem their property from sale to the State for delinquency. This act is intended to relieve real property from the excessive and unfair burden of taxation to which it has been subjected by limiting the expenditures of the local governmental units thereby requiring economy in their administration. Unless this act goes into immediate effect there will be no provisions of law limiting these expenditures of local governmental units when budgets and appropriation ordinances are being enacted for the ensuing fiscal year with the result that the salutary purposes of this act will be lost, the solvency of the taxpayers endangered and public peace, health and safety threatened by wasteful extravagance eventually resulting in the impairment of all governmental functions."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 474**—An act to amend sections 737f, 737k, 737r, 737ff and 737zz of the Political Code, relating to the compensation of judges of the superior court.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 298**—An act to amend sections 4277 and 4278 of the Political Code, relating to the compensation of county and township officers and jurors.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1118**—An act to regulate labor unions, by providing methods of conducting elections for the purpose of selecting officers, calling strikes, terminating strikes, and making working agreements, and providing penalties for violation hereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 1118 were read and adopted:

**Amendment No. 1.**

On page 2, line 7, of the printed bill, strike out "each", and insert in lieu thereof the following: "a".

**Amendment No. 2.**

On page 2, line 24, of the printed bill, strike out "Any", and insert in lieu thereof the following: "Unless otherwise provided by the constitution or bylaws of such labor union, any".

**Amendment No. 3.**

On page 2, line 27, of the printed bill, strike out "an".

**Amendment No. 4.**

On page 2, line 30, of the printed bill, after "the", insert the following: "constitution or".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1290**—An act to add three new sections to the Political Code, to be numbered 4041.30, 4041.31 and 4041.32 relating to sale of lands dedicated for public parks.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 13**—An act to add sections 8.5, 8.6 and 12.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts, to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to county fire protection districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 841**—An act to amend section 5 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, providing for the adoption of the merit system by the governing boards of such districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1736**—An act to amend section 4178 of the Political Code, providing that the county clerk, acting as clerk of the superior court, shall assist the judges and commissioners of such court in the transaction of judicial business.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1737**—An act to amend section 204a of the Code of Civil Procedure of the State of California, relating to the salary of the jury commissioner for the superior court in counties, or cities and counties having a population of 200,000 inhabitants or more.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 955**—An act to amend section 4041.20 of the Political Code, relating to insurance by counties.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 955 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out the word "only".

**Amendment No. 2.**

On page 1, line 13, of the printed bill, as amended, strike out the word "admitted", and insert in lieu thereof the word "authorized".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1268**—An act to amend sections 1, 2, 3, 6, and 8 of an act entitled "An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments," approved May 24, 1929.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 1268 was read and adopted:

**Amendment No. 1.**

On page 1, line 11 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "relating to the abatement of weed nuisances."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1409**—An act to add a new section to be numbered 11a to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to qualifications of county sealer of weights and measures.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1409 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, as amended, strike out "may", and insert in lieu thereof the following: "shall".

**Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, after "examinations", insert the following: "given for the purpose of determining the fitness, experience, and qualifications of candidates for these positions."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 249**—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Assembly Bill No. 249 were read and adopted:

**Amendment No. 1.**

On page 3, line 45, of the printed bill, after the word "Wherever", strike out the words "any such lands", and insert in lieu thereof the following: "substantially all such lands lying within a municipality or port district."

**Amendment No. 2.**

On page 3, line 45, of the printed bill, after the word "to", strike out the word "any", and insert in lieu thereof the word "such".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2473**—An act to amend section 4a of the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 338**—An act to add a new section to the Labor Code to be numbered 1682, relating to free employment bureaus.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2743 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 4 to 6, inclusive, and insert in lieu thereof the following:

"1682. In carrying out the provisions of this code, the Division of State Employment Agencies is authorized and directed to provide for the giving of notice to applicants, of strikes or lockouts, before they are referred to employment."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2694**—An act to add sections 221, 222, 223, 224, and 225 to the Labor Code, relating to wages and prescribing a penalty for violation thereof.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2694 was read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, as amended, after the word "law", strike out the period, and insert in lieu thereof the following: "or when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hos-



pital or medical dues, or other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2378**—An act to add section 211.5 to the Labor Code, relating to deductions from wages or salary of employee, and prescribing a penalty for violation thereof.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2378 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, as amended, following the word "deduction", strike out the period, and insert a comma and the following: "provided that deductions of fixed amounts, deducted monthly and made at the request of and for the benefit of employees, need not be shown."

Bill read second time, ordered to print, and on file for third reading.

**Motion to Rescind.**

Senator McGovern moved to rescind the action of the Senate in amending Assembly Bill No. 2732 on April 9, 1937.

The question being on the adoption of the motion to rescind.

The roll was called, and the action rescinded by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holeyhan, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Williams—27.

**NOES**—None.

**Re-reference of Senate Bill No. 943.**

Senator Jespersen moved that Senate Bill No. 943 be re-referred to Committee on Revision of Criminal Law and Procedure.

Motion carried, and such was the order.

**Introduction, First Reading and Reference of Bills.**

The following resolution was introduced:

**Senate Concurrent Resolution No. 36:** By Senator Knowland—Relative to approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1937.

**Consideration of Senate Concurrent Resolution No. 36.**

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 36, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 36**—Relative to approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 36 adopted by the following vote:

**AYES**—Senators Allen, Biggar, DeJap, Fletcher, Gordon, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McGovern, Meyer, Rish, Schottka, Seawell, Slater, Swing, Wagy, Westover, and Williams—23.  
**NOES**—None.

Senate Concurrent Resolution No. 36 ordered transmitted to the Assembly.

### Third Reading of Senate Bills.

**Senate Bill No. 840**—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

#### Amendment from the Floor.

During third reading of Senate Bill No. 840, the following amendment, offered by Senator Keough, was read and adopted:

#### Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "30", and insert in lieu thereof the following: "24"

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Call of the Senate.

Senator McCormack moved a call of the Senate.

Motion carried.

Time, ten o'clock and forty minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms was directed to bring the absentee Senators to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Motion.

On motion of Senator McGovern, Assembly Bill No. 2476 was ordered placed on the unfinished business file.

### Third Reading of Assembly Bills.

**Assembly Bill No. 2464**—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2464, the following amendments, offered by Senator McGovern, were read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", to take effect immediately."

#### Amendment No. 2.

On page 1, line 22, of the printed bill, as amended, strike out "eighty", and insert in lieu thereof the following: "sixty-five".

#### Amendment No. 3.

On page 2 of the printed bill, as amended, between lines 7 and 8, insert the following:

"Every requested code shall provide for the election of a code or executive authority, each member of which shall serve for a term of two years from and after the date of his election and until his successor is elected and qualified, unless otherwise provided in said code.

Every requested code shall also provide that each member of the industry to be governed thereby shall be subject to the payment of stated fees or dues to be used in the payment of the expenses necessarily incurred in the administration of the code. The code or executive authority shall be given the power to collect all such fees or dues and shall be required to maintain a full, true, and correct account of the amount thereof. A report of all receipts and expenditures of the code or executive authority during the preceding six months period shall be filed with the board of supervisors or other legislative authority which may have given its approval to the code which such authority administers, on or before the tenth day of the months of January and July of each year."

#### **Amendment No. 4.**

On page 2 of the printed bill, as amended, after line 47, insert the following:

"SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore take effect immediately. A statement of the facts constituting such necessity is as follows:

There exists throughout the State of California and throughout the Nation at large widespread unemployment and disorganization of trade and industry amounting to an economic emergency which is burdening commerce and is menacing the safety and industrial peace of the public. Among the many trades and industries particularly affected are those in which services are rendered within this State to the public without necessarily involving the sale, manufacture or transportation of merchandise or commodities. In these intrastate trades and industries there is widespread unemployment and economic distress, and for the purpose of ameliorating such conditions it is necessary and desirable to authorize immediately the adoption and continuance of codes of fair competition applicable to such trades and industries in the various cities, cities and counties, and counties of the State as provided in this act."

Bill read, ordered to print, and on file for third reading.

**Assembly Concurrent Resolution No. 35**—Relative to requesting and directing the Division of Highways and the California Highway Commission to locate, or relocate, State highways so as to avoid congested areas, and requesting and directing boards of education to locate or establish any new school buildings or grounds so as to minimize traffic hazards to pupils.

#### **Amendments from the Floor.**

During third reading of Assembly Concurrent Resolution No. 35, the following amendments, offered by Senator Metzger, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 5, of the printed measure, after the word "of", insert the following: "the larger".

##### **Amendment No. 2.**

On page 2, line 5, of the printed measure, after the word "areas", insert the following: "in cities, other than cities of the sixth class".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2557**—An act to amend section 1431 of the Penal Code, relating to change of venue.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 2557, the following amendment, offered by Senator Powers, was read and adopted:

##### **Amendment No. 1.**

On page 1, lines 19 and 20, of the printed bill, as amended, strike out "consents", and insert in lieu thereof the following: "if any, consent".

Bill read, ordered to print, and on file for third reading.

**Assembly Joint Resolution No. 37.**

*Relative to the United States Maritime Commission.*

WHEREAS, The Merchant Marine Act of 1920 provides for the creation of a Maritime Commission to be composed of five members to be appointed by the President of the United States by and with the advice and consent of the United States Senate; and

WHEREAS, It is the duty of said Maritime Commission to build up an adequate American-owned merchant marine for the entire Nation, sufficient to carry on domestic water-borne commerce and a substantial portion of the Nation's export and import foreign commerce of the United States, and to provide shipping service on all routes essential for maintaining the flow of such commerce and through water-borne commerce at all times, and capable of serving as a naval and military auxiliary in time of war or national emergency; and

WHEREAS, In the administration of the American Merchant Marine since the close of the World War the Pacific Coast Europe section is more important factor in the promotion of the welfare of growers and producers of California and the Pacific Coast, has been neglected to the extent that American ships carry only 4.8 per cent of the total Pacific Coast-Europe shipping; and

WHEREAS, Pacific Coast shipbuilding has been permitted to languish; and

WHEREAS, Pacific Coast ports, and particularly those of California, have become the leading ports of the United States; and

WHEREAS, California and the Pacific Coast are not represented on the commission as nominated; and

WHEREAS, The American Merchant Marine in its function as a naval and military auxiliary will probably be called upon to the extent of the Pacific area; and

WHEREAS, The present condition of shipping and shipbuilding on the Pacific Coast is detrimental to the farmers, producers, and wage-workers of California and the Pacific Coast, in that it requires the employment of coastal and inland steamship building, and shipping California and Pacific Coast produce; and

WHEREAS, There are Californians worthy and well qualified by education and ability to fill the position of chief export officer in the commission; and, therefore, be it

*Resolved by the Assembly and Senate of the State of California, meeting That the members of the United States Senate and of the House of Representatives elected from the State of California be memorialized to urge the appointment of a California resident as chief export officer to the commission; and be it further,*

*Resolved, That copies of this resolution be prepared to each California Senator and Representative in Congress.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 37 adopted by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Deuel, Fletcher, Gordon, Halister, Holohan, Keating, Keough, Law, McRae, McCluskey, McGowan, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Senter, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Assembly Joint Resolution No. 37 ordered transmitted to the Assembly.

**Assembly Bill No. 962**—An act to amend section 1193 of the Penal Code, relating to pronouncement of judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 962 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, DeLap, Deuel, Fletcher, Gordon, Halister, Holohan, Keating, Keough, Law, McRae, McCluskey, McGowan, Metzger, Mixer, Nielsen, Parkman, Popenov, Powers, Quinn, Rich, Schatzky, Seawell, Senter, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 962 ordered transmitted to the Assembly.



**Assembly Bill No. 963**—An act to amend section 1227 of the Penal Code, relating to a judgment of death remaining in force unexecuted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 963 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Williams—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 963 ordered transmitted to the Assembly.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and fifty-eight minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCormack.

### **Special Order.**

Senator Schottky moved that Senate Bill No. 5 be made a special order for Thursday, April 29, 1937, at eleven o'clock a.m.

Motion carried, and such was the order.

### **Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 690**—An act to create a Commission to Promote Traffic Safety upon the streets and highways of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 690 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—Senator Rich—1.

Title read and approved.

Senate Bill No. 690 ordered transmitted to the Assembly.

**Senate Bill No. 1122**—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1122 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—Senator Law—1.

Title read and approved.

Senate Bill No. 1122 ordered transmitted to the Assembly.

**Senate Bill No. 254**—An act to amend sections 377h, 377i, and 377j of the Political Code, relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 passed by the following vote:

**AYES**—Senators Allen, Buggar, Critchfield, Cunningham, DeLay, Doud, Gossman, Gordon, Hollister, Hobbs, Johnson, Keating, Kneale, Kneeland, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagj, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 254 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2132 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 2132 reconsidered by the following vote:

**AYES**—Senators Allen, Critchfield, Cunningham, DeLay, Doud, Gossman, Gordon, Hays, Hollister, Hobbs, Johnson, Keating, Kneale, Law, McRae, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Slater, Swing, Tickle, Wagj, Westover, and Young—30.

**NOES**—None.

**Re-reference of Assembly Bill No. 2132.**

Senator Olson moved that Assembly Bill No. 2132 be re-referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 906**—An act to amend section 23 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection and county fire protection districts from the operation of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 906 passed by the following vote:

**AYES**—Senators Allen, Buggar, Critchfield, Cunningham, DeLay, Doud, Gossman, Hays, Hollister, Hobbs, Johnson, Keating, Kneale, Kneeland, Law, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Slater, Tickle, Wagj, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 906 ordered transmitted to the Assembly.

**Assembly Bill No. 795**—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections

48a, 49a and 57, and by repealing section 133.1 thereof and by adding a new section thereto to be numbered section 99.1, relating to the definition and regulation of the business of banking.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 795 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 795 ordered transmitted to the Assembly.

**Assembly Bill No. 862**—An act to amend sections 488, 490 and 587 and to repeal section 489, Agricultural Code, relating to milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 862 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McCormack, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 862 ordered transmitted to the Assembly.

**Assembly Bill No. 2788**—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of the said city.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2788, the following amendment, offered by Senator Olson, was read and adopted:

#### Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after the comma following the word "lands", insert the following: "except tidelands and submerged lands bordering upon State parks,".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 451**—An act to amend section 3719 of the Political Code, relating to the temporary borrowing of money by counties, cities and school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 451 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 451 ordered transmitted to the Assembly.

**Assembly Bill No. 1432**—An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1935," relating to inheritance taxation.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1432 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kneuge, Knowland, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—32.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1432 ordered transmitted to the Assembly.

**Assembly Bill No. 797**—An act to amend section 1 of and to add section 1.1 to an act entitled "An act to define the liability of stockholders in California State banks and to provide for the enforcement and collection of that liability by the Superintendent of Banks of the State of California," approved April 24, 1931, relating to liability of stockholders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 797 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kneuge, Knowland, McBride, McCormack, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tinkle, Wagy, Westover, and Young—32.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 797 ordered transmitted to the Assembly.

**Assembly Bill No. 78**—An act to amend section 479 of the Agricultural Code, relating to market milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 78 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kneuge, Knowland, McBride, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 78 ordered transmitted to the Assembly.

**Assembly Bill No. 1766**—An act to amend sections 535, 537, 538, 539, 540 and 541 of the Fish and Game Code, and to repeal sections 542, 543, 544, 545, 546 and 547 of the said code all relating to the installation and maintenance of fish screens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1766 passed by the following vote:



AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1766 ordered transmitted to the Assembly.

**Assembly Bill No. 1699**—An act to amend section 404 of the Fish and Game Code, relating to licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1699 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1699 ordered transmitted to the Assembly.

**Assembly Bill No. 1700**—An act to amend section 700 of the Fish and Game Code, relating to black bass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1700 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1700 ordered transmitted to the Assembly.

**Assembly Bill No. 2547**—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2547 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—34.

NOES—Senator Seawell—1.

Title read and approved.

Assembly Bill No. 2547 ordered transmitted to the Assembly.

**Assembly Bill No. 970**—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation, and dissolution of pest abatement districts, for the assessment, levy, collection, and disbursement of taxes therein, to declare the urgency hereof, and

to provide that this act take effect immediately," approved February 2, 1935, relating to the definition of "pests," and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

Many rivers and streams, whose sources originate in the mountains and ranges, are carrying to and depositing upon the rich and fertile lowlands of the State seeds, which are germinating and flowering rapidly into plants which are detrimental to the agricultural and grazing industries of this State. In order that the disastrous consequences of this condition be avoided, and in order that the work of clearing these plants be accomplished as soon as possible by means of the legislation now provided in the act mentioned in the title hereof, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Chittenden, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Kneeland, McCormack, McGovern, Metzger, Meyer, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 970 passed by the following vote:

AYES—Senators Allen, Bigger, Chittenden, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Kneeland, McBride, McCormack, Metzger, Meyer, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 970 ordered transmitted to the Assembly.

#### Notice of Motion to Reconsider.

Senator Keough gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1766 was passed.

#### Reports of Standing Committee.

The following reports of standing committee were received and read:

##### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 298—An act to amend sections 4277 and 4278 of the Political Code, relating to the compensation of county and township officers and jurors.

Senate Bill No. 474—An act to amend sections 7374, 7375, 7376, 7377 and 7378 of the Political Code, relating to the compensation of judges of the superior court.

Senate Bill No. 927—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges."

incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council;

Senate Bill No. 1124—An act to amend sections 737u and 4252 of the Political Code, relating to compensation of public officers;  
And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 313—An act to add section 1.5 to "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1935, relating to the granting to the United States of certain State lands;  
And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Pierovich:

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning,

Respectfully submitted.

SENATOR PIEROVICH.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Pierovich to introduce a bill entitled:

An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.  
NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 1139:** By Senator Pierovich—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning.

Senate Bill No. 1139 read first time, and referred to Committee on Education.

**Recess.**

At twelve o'clock and thirty minutes p.m. on motion of Senator Mixer, the President pro tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 119—An act to amend section 11 of the California Debtors' Securities Commission Act, relating to the levy of original mortgages by trustees in districts, providing that said section shall remain in effect until September 1, 1938, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to retarding bonds or long-term bonds issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in conformity with the terms of such bonds.

Senate Bill No. 350—An act to amend sections 4 and 11 of, and to add section 61 to, the State Contract Act, relating to State contracts, and to the actual payment therefor, the qualifications of bidders thereon, and the rights and remedies of vendors thereon in case of mistake;

Senate Bill No. 669—An act to add section 663e to the Political Code, relating to the fixing of maximum maintenance allowances of certain State officers and employees by the State Board of Control;

Senate Bill No. 670—An act to amend section 677 of the Political Code, relating to the State Department of Finance;

Senate Bill No. 901—An act to amend section 1195 of the Insurance Code, relating to investments by domestic incorporated insurers;

Senate Bill No. 1099—An act to amend section 42 of the California Irrigation District Act, relating to publication of the delinquent list;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-seventh day of April, 1937, at eleven o'clock and thirty-five minutes a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 74—An act to amend sections 241 and 242 of the Code of Civil Procedure, relating to the impaneling of grand juries;

Senate Bill No. 548—An act to amend section 690.10 of the Political Code, relating to rights in and to, and structures on, or partly on, swamps, arroyos, marsh, tide or submerged lands;

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to certain lands owned, in or behalf of the State of California and subject to confirmation by the Legislature thereof;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 518**—An act to add two new sections to the Political Code, to be numbered 3480 and 3480½, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately.



**Amendments from the Floor.**

During third reading of Senate Bill No. 518, the following amendments, offered by Senator McCormack, were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out all of line 1 after "3480c", and strike out lines 2 to 28, inclusive, and insert in lieu thereof the following:

"(1) Whenever (a) an agreement shall have been, or shall hereafter be, entered into between any reclamation district of this State and the United States of America, or any department or agency thereof, for the refunding of bonds of such district, which agreement shall provide for the issuance of refunding bonds of such district aggregating in principal amount a sum less than the principal amount of the bonds to be so refunded and for the creation of a reserve fund for the purpose of paying installments of principal or interest of such refunding bonds whenever, by reason of delinquencies in the payment of calls or otherwise, the amount in the bond fund is insufficient to pay such installments, and (b) the unpaid principal amount of the assessment or assessments securing the outstanding bonds to be refunded is, or upon the carrying out of the plan for refunding provided in such agreement will be, in excess of the principal amount of the bonds secured by such assessment or assessments and then outstanding (including any bonds authorized to be issued and based upon such assessment or assessments but not yet issued), the board of trustees may by resolution declare that such excess (or part thereof) of the assessment or assessments shall be called from time to time for the purpose of creating a reserve fund. The moneys in such reserve fund shall be used for the purpose of paying installments of principal and interest, or either thereof, of any outstanding bonds secured by such assessment or assessments, whenever by reason of delinquencies in the payment of calls or otherwise the amount in the bond fund shall be insufficient to meet such installments of principal and interest, or either thereof, on any January 1st or July 1st, as the case may be. If there shall be on hand in the bond fund a sum derived from an assessment or assessments upon which said bonds so to be refunded pursuant to such agreement have been issued by such district, which sum is in excess of the amount required for the payment of all installments of principal and interest due or to become due within six months upon all bonds secured by such assessment or assessments and then outstanding, the board of trustees may by resolution direct that such excess of the bond fund, or such part thereof as they shall deem advisable, be set apart for the purpose of creating a reserve fund for the purposes above stated. No reserve fund shall be created under this section unless the unpaid principal amount of the assessment or assessments securing the bonds to be refunded pursuant to such agreement is or will, upon the carrying out of the plan of refunding in such agreement, be in excess of the principal amount of all bonds secured by such assessment or assessments and then outstanding (including any bonds authorized but not yet issued); and no call for the purpose of creating such reserve fund shall be made until after the United States, or department or agency thereof, shall have accepted not less than fifty (50) per cent of the refunding bonds proposed to be issued under such plan.

The county treasurer shall be authorized to invest any moneys in the reserve fund in bonds of the United States or of the State of California. Any bonds thus purchased and held in such reserve fund may from time to time be sold by the county treasurer and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds thus purchased and held in the reserve fund shall from time to time be made by the county treasurer in season so that the proceeds may be applied to the purposes for which the reserve fund was created.

(2) Whenever the reserve fund in this section above referred to shall be depleted in whole or in part by reason of payments made therefrom as herein provided, the county treasurer shall call such part of the principal of such assessment or assessments, (not exceeding, however, the amount by which the unpaid principal amount of such assessment or assessments shall be in excess of the principal amount of bonds secured thereby) as may be necessary in order to restore such depletion. Such call shall be made at the time prescribed by section 3480 for making the next call for the payment of principal or interest of said bonds after the reserve fund shall have been so depleted; provided, however, that the board of trustees may, in their discretion, direct that such restoration be effected over a period of not exceeding three (3) years next after the reserve fund shall have been so depleted, in which case not less than one third of the amount of such depletion shall be restored during each of such three (3) years."

**Amendment No. 2.**

On page 4 of the printed bill, strike out all of line 9 after "3480f.", and strike out lines 10 to 52, inclusive, and all of lines 1 to 16, inclusive, of page 5, and insert in lieu thereof the following:

"The board of trustees may, by resolution, direct that any moneys on hand in the bond fund derived from an assessment or assessments upon which bonds have been issued, which sum is in excess of the amount required for the payment of

principal and interest then due or to become due within six months thereafter upon bonds secured by such assessment or assessments, be applied to the payment of bonds secured by such assessment or assessments which bonds shall otherwise be canceled; provided, however, that no such interest shall be given as application made, unless the unpaid principal amount of the assessment or assessments securing such bonds shall be in excess of the principal amount of bonds secured by such assessment or assessments and then outstanding (including any bonds authorized but not yet issued)."

#### Amendment No. 3.

On page 5, line 34, of the printed bill, strike out the words "any of"

#### Amendment No. 4.

On page 5, line 35, of the printed bill, after the words "Insurance Corporation", add the following: "frequently".

#### Amendment No. 5.

On page 5, line 38, of the printed bill, strike out the word "presently"

#### Amendment No. 6.

On page 5, line 39, of the printed bill, after the words "are not", add the following: "now".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 425**—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16, 20, 22a, 23a, 24, 25, 26a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 34, 35, 36a, 36b, 36c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 38f, 42, 43, 44, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52.4, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5 relating to alcoholic beverages.

#### Amendments from the Floor.

During third reading of Senate Bill No. 425, the following amendments, offered by Senator Perozich, were read and adopted:

#### Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as passed April 23, 1937 following "6.5", insert "6.9".

#### Amendment No. 2.

On page 11, line 20, of the printed bill, as amended before adoption, strike out "the", and insert in lieu thereof "tax paid".

#### Amendment No. 3.

On page 12 of the printed bill, as amended, between lines 6 and 7, insert the following:

"SEC. 94. A new section to be numbered 6.9 is hereby added to read as follows:

"Sec. 6.9. All the provisions of this act relating to the sale and delivery of distilled spirits from distilled spirits wholesalers or producers to on or off sale licensees shall apply to distilled spirits manufacturers when making sales of distilled spirits produced in this State to on or off sale licensees in those cases where distilled spirits manufacturers are authorized to make sales to such licensees."

#### Amendment No. 4.

On page 18, line 31, of the printed bill, as amended, strike out the word "or" and insert in lieu thereof the word "except".

#### Amendment No. 5.

On page 18, line 34, of the printed bill, as amended, after the word "and", strike out the period, and insert in lieu thereof the following: "and on sparkling hard cider two cents per wine gallon and at a proportionate rate for any other quantity."

**Amendment No. 6.**

On page 20, line 15, of the printed bill, as amended, after "report", insert "and actually exported from this State within thirty days from the date of such sale".

**Amendment No. 7.**

On page 30, line 13, of the printed bill, as amended, following "railroad", insert "sleeping car".

**Amendment No. 8.**

On page 35 of the printed bill, as amended, strike out lines 11 and 12, and insert in lieu thereof the words "Any trade associa-".

**Amendment No. 9.**

On page 35 of the printed bill, as amended, strike out lines 16 to 19, inclusive, and insert in lieu thereof the words "of any suit authorized in this section, may maintain an action".

**Amendment No. 10.**

On page 42, line 10, of the printed bill, as amended, after "auction", insert the following: "; and when alcoholic beverages are sold at public auction they shall be sold only".

**Amendment No. 11.**

On page 43, line 27, of the printed bill, as amended, strike out "twenty", and in lieu thereof insert "thirty".

**Amendment No. 12.**

On page 44, line 37, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; and no such licensee shall use as a package or container of a beer a container or carton which bears the name of a manufacturer of beer or the brand of any beer other than those of the manufacturer of the beer contained in such container or carton."

**Amendment No. 13.**

On page 47, line 10, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; or give or furnish, directly or indirectly, to any employee of any holder of a retail on-sale or off-sale license only anything of value for the purpose or with the intent to solicit, acquire or obtain the help or assistance of any such employee to encourage or promote either the purchase or the sale of the alcoholic beverage sold or manufactured by the licensee giving or furnishing any such thing of value, and any such employee who shall accept or acquire any such thing of value contrary to the provisions of this subdivision shall be guilty of a misdemeanor."

**Amendment No. 14.**

On page 49 of the printed bill, as amended, strike out lines 3 to 15, inclusive, and insert in lieu thereof the following:

"No on-sale licensee under this act shall make any purchase or receive any delivery of alcoholic beverages unless all purchases or deliveries of alcoholic beverages made or received by such licensee during any one month have been paid in full by cash payment either by the fifteenth of the following month or not later than thirty days from the date of receipt of said alcoholic beverages by said licensee. No licensee holding a retail off-sale license only shall make any purchase or receive any delivery of alcoholic beverages unless all purchases or deliveries of alcoholic beverages made or received by such licensee during one month have been paid in full by cash payment either by the fifteenth of the month following, or not later than sixty days from the date of receipt of said alcoholic beverages by said licensee; provided, however, that any such on-sale or retail off-sale licensee who on July 1, 1937, may be indebted to another licensee for the purchase of alcoholic beverages shall pay such indebtedness in full within six months from that date at the rate of not less than one-sixth the amount of said indebtedness for each month, provided further than no licensee making a sale or delivery of alcoholic beverages to any such retail licensee contrary to the terms of this section shall be considered as in violation of this act or as guilty of any conspiracy to violate this section unless such licensee making such sale or delivery has been advised within sixty days prior to such sale or delivery and in writing by the board that the purchaser of said alcoholic beverages is in violation of this section or the licensee making such sale or delivery has at the time thereof an unpaid account with such purchaser existing contrary to the terms of this section."

Bill read and ordered held at the desk.

**Call of the Senate.**

Senator Knowland moved a call of the Senate.

Motion carried.

Time, two o'clock and five minutes p.m.



The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms was directed to bring the absentee Senators to the bar of the Senate.

### Motion to Rescind.

Senator Jespersen moved to rescind the action of the Senate in amending Assembly Bill No. 1907 on April 26, 1937.

The question being on the adoption of the motion to rescind.

The roll was called, and the action rescinded by the following vote:

**AYES:** Senators Allen, Baggett, Cunningham, DeLay, Dwyer, Fletcher, Garrison, Gordon, Hays, Hollister, Hudson, Jespersen, Keating, Kneass, Kneeland, Lamm, McBride, McGowan, Metzger, Meyer, Nelson, Patterson, Phillips, Pomeroy, Quinn, Quinn, Rich, Schottky, Serwell, Slater, Spence, Tickle, Webb, Westover, Williams, and Young. 36.

**NOES:** None.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills—(Resumed)

**Assembly Bill No. 2762**—An act to amend section 698 of the Fish and Game Code, relating to hawk hess.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2762, the following amendment, offered by Senator Swing, was read and adopted:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out the period after the word "time", and insert the following: "and except to charter a vehicle such as, blue-grill punch and coupe cars, to be taken between May 1st and October 1st."

Bill read, ordered to print, and on file for third reading.

#### Assistant Secretary Howard McIntire at the Desk.

**Assembly Bill No. 1200**—An act to amend sections 112, 116, 121, and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof relating to the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1200 passed by the following vote:

**AYES:** Senators Allen, Baggett, Cunningham, Cunningham, DeLay, Dwyer, Fletcher, Garrison, Gordon, Hays, Hollister, Hudson, Jespersen, Keating, Kneass, Lamm, McBride, McGowan, Metzger, Meyer, Nelson, Patterson, Phillips, Pomeroy, Quinn, Rich, Schottky, Serwell, Slater, Webb, Westover, and Williams. 31.

**NOES:** Senators McGowan, Slater, and Young. 3.

Title read and approved.

Assembly Bill No. 1200 ordered transmitted to the Assembly.

**Assembly Bill No. 1938**—An act to amend section 1 of an act entitled "An act granting to the city of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of South San Francisco and regulating the management, use and control thereof," approved April 10, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1938 passed by the following vote:

126—45260



AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1938 ordered transmitted to the Assembly.

**Assembly Bill No. 2198**—An act providing for the assessment of, and imposing a tax upon, private cars and property incidental to their operation, defining the terms used in this act, providing that the tax hereby imposed shall be in lieu of all other taxes according to value and providing for the administration hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2198 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—Senator DeLap—1.

Title read and approved.

Assembly Bill No. 2198 ordered transmitted to the Assembly.

**Assembly Bill No. 1907**—An act imposing an excise tax on the use in this State of fuel as defined herein, providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1907, the following amendments, offered by Senator Jespersen, were read and adopted:

##### Amendment No. 1.

On page 1, line 8, of the printed bill, as amended April 15, 1937, strike out the period, and insert in lieu thereof a comma and add the following: "excepting a vehicle used exclusively upon stationary rails or tracks or implements of husbandry, trucks or tractors used in agricultural operations and only incidentally operated or moved upon a highway."

##### Amendment No. 2.

On page 2, line 21, of the printed bill, as amended, after "has been", insert the following: "used to propel an implement of husbandry, truck or tractor used in agricultural operations and only incidentally operated or moved upon a highway, or has been".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 467**—An act to provide for the maintenance of storm drain improvements, and of other water courses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 467 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nelson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swag, Tieble, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 467 ordered transmitted to the Assembly.

**Assembly Bill No. 602**—An act to amend the Political Code by adding thereto a new section to be numbered 4049.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Nelson, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Tieble, Wagy, Westover, Williams, and Young—31.

**NOES**—Senators Fletcher, Law, and Quinn—3.

Title read and approved.

Assembly Bill No. 602 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2810**—An act to amend section 486 of the Civil Code, relating to regulation of trains, and penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2810 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tieble, Wagy, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2810 ordered transmitted to the Assembly.

**Assembly Bill No. 2474**—An act to amend section 537 of the Code of Civil Procedure, relating to attachments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2474 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law,

McBride, McCormack, McGovern, Mixter, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Williams, and Young—32  
NOES—None

Title read and approved.

Assembly Bill No. 2474 ordered transmitted to the Assembly.

**Assembly Bill No. 2826**—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such necessity are as follows:

There is now pending in one of the major communities of this State a grand jury investigation of the reputedly illegal and corrupt activities of certain public officials and employees. The present law requires the deliberations of the grand jury to be enshrouded in secrecy and shielded from the public eye. It is believed, however, that in the current investigation, the public and the accused will have the best interests of each the better subserved and protected by the permitting of public sessions of the grand jury in the manner herein set forth. For that reason, and in the interest of the administration of justice and the reputation and public welfare of this State, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.  
NOES—None.

Further consideration of Assembly Bill No. 2826 deferred.

**Assembly Bill No. 279**—An act to amend section 978a of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—35.  
NOES—None.

Title read and approved.

Assembly Bill No. 279 ordered transmitted to the Assembly.

**Assembly Bill No. 436**—An act to add a new section to the Civil Code, to be numbered 3052a, relating to jewelers' liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 436 passed by the following vote:

(Note.—The action of the Senate in adopting the urgency clause to Assembly Bill No. 2826 was rescinded on May 5, 1937.)—J. A. Beek, Secretary of Senate.

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holshach, Jepsen, Keating, Keough, Kesselring, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Rish, Schotky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 436 ordered transmitted to the Assembly.

**Assembly Bill No. 584**—An act to amend section 1197 of, and to add section 1188.5 to, the Political Code, relating to election ballots and the nomination of presidential electors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 584 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hays, Hollister, Holshach, Jepsen, Keating, Keough, Kesselring, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Rish, Schotky, Sewell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 584 ordered transmitted to the Assembly.

**Assembly Bill No. 1834**—An act to amend section 2167b of the Political Code, relating to persons mentally disordered and bordering on insanity but not dangerously insane.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1834 the following amendments, offered by Senator Schotky, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: "to amend sections 5028, 5029, 5076 and 5077 of the Welfare and Institutions Code."

##### Amendment No. 2.

On page 4 of the printed bill, as amended, after line 3, insert the following:

"Sec. 2. Section 5028 of the Welfare and Institutions Code is hereby amended to read as follows:

5028. In any county in which psychopathic probation officers have been appointed, the clerk of the court shall, before any mentally disordered or insane person or any person subject to dipomania or mebnriety or to the intemperate use of stimulants to the extent of loss of self-control is brought before the court under the provisions of this chapter, notify one of the psychopathic probation officers of the court.

SEC. 3. Section 5029 of the Welfare and Institutions Code is hereby amended to read as follows:

5029. The psychopathic probation officer shall inquire into the antecedents, character, family history, environment, and substantiating cause of the mental disorder or insanity or use of alcohol or stimulants of every alleged mentally disordered or insane person or person addicted to the intemperate use of alcohol or stimulants brought before the court and shall make his report to the judge thereof, in writing or verbally, in open court or in chambers, as directed by the judge of the court. Every psychopathic probation officer, assistant psychopathic probation officer, and deputy psychopathic probation officer shall have the powers of a peace officer. At any time, at his discretion, such officer may bring and mentally disordered or insane person or person addicted to the intemperate use of alcohol or stimulants committed to his care before the court for such further order as the court deems proper.

SEC. 4. Section 5076 of the Welfare and Institutions Code is hereby amended to read as follows:

5076. If, on the examination as provided by law, the court finds a person to be mentally disordered and bordering on insanity but not dangerously insane or subject to dipomania or mebnriety, or so addicted to the intemperate use of stimulants as to have lost the power of self-control, the court may commit him to the care and custody of the psychopathic probation officer and may allow him to



remain in his home subject to the visitation of a probation officer and subject to return to the court for further proceedings whenever such action appears necessary or desirable; or the court may commit him to be placed in a suitable home, sanitarium, or rest haven home, subject to the supervision of the psychopathic probation officer and further order of the court.

SEC. 5. Section 5077 of the Welfare and Institutions Code is hereby amended to read as follows:

5077. The reasonable cost of maintenance of a person committed under the provisions of section 5076, in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for his maintenance.

If, however, the patient is found to be an indigent resident of the county, in accordance with the definition of such residence prescribed in Chapter 2 of Division IV of this code, and without funds or relatives responsible for his maintenance able to pay such charge, then the expense of his maintenance shall be a charge upon the county in which the court has jurisdiction and shall be paid out of the county treasury upon a written order of the judge of the superior court of the county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense.

If the indigent patient is a nonresident of the county or if a relative or a friend of the patient is found outside the county, of whose ability and willingness to assume the responsibility and the expense of the proper care of the patient the court is satisfied, the court may release the patient to the custody of such relative or friend and the cost and expense of transporting the patient to the home of the relative or friend or to the county or State where the patient has a legal residence shall be a charge upon the county in which the court has jurisdiction and shall be paid in the manner prescribed in this section for the payment of other expenses for the care of such patients.

The provisions of this section for the payment of expenses out of county funds shall not apply to persons addicted to the intemperate use of alcohol or stimulants.

SEC. 6. Section 1 of this act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature.

SEC. 7. Sections 2 to 5, inclusive, of this act, shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1407**—An act to add a new section to be numbered 32b to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1407 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,

Law, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Powers, Rich, Schottky, Serwell, Slater, Swing, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Title read and approved.

Assembly Bill No. 1407 ordered transmitted to the Assembly.

**Assembly Bill No. 1408**—An act to amend section 16a of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1408 passed by the following vote:

AYES—Senators Allen, Bigger, Cristenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Holahan, Jorgensen, Keppel, Kewell, Knowlton, Lay, McGovern, Metzger, Mixer, Olson, Parkman, Parnisch, Powers, Quinn, Rich, Schottky, Serwell, Slater, Swing, Wagy, Westover, and Young—31.  
NOES—None.

Title read and approved.

Assembly Bill No. 1408 ordered transmitted to the Assembly.

**Assembly Bill No. 1411**—An act to amend section 6 and to add a new section to be numbered section 7, to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation

to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1411 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McGovern, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1411 ordered transmitted to the Assembly.

**Assembly Bill No. 1936**—An act to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the Relief Commission and Relief Administrator to the Department of Social Welfare and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate provision of the public peace, health and safety and shall therefore take effect immediately.

The following is the statement of facts constituting such necessity:

It appears that the existing statutes under which unemployment relief is now being administered in California will become ineffective upon June 30, 1937, and in order that the needs and demands of destitution due to and caused by unemployment may be alleviated, it is imperative that this act become effective immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1936 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1936 ordered transmitted to the Assembly.

**Assembly Bill No. 2398**—An act to amend the title of, and to add sections 2.2, 2.3, 2.4, 2.5 and 4 to, an act entitled "An act authorizing any city, city and county, county, town, municipality or political subdivision to acquire certain liens on property offered for sale for the nonpayment of certain assessments," approved June 4, 1915, relating to authorizing cities, counties, cities and counties and other politi-



real subdivisions to sell and otherwise dispose of real property acquired on tax sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2398 passed by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, Mosier, Mixer, Olson, Phillips, Piorovich, Powers, Quinn, Rich, Scherky, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2398 ordered transmitted to the Assembly.

**Assembly Bill No. 1277**—An act to amend the title of an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts and the State of California, in the case of injuries to persons or property resulting from defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out any pay for insurance to protect their officers against such liability," approved June 19, 1931, and approved as amended June 10, 1933, relating to liability of, and damages against, school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1277 passed by the following vote:

AYES—Senators Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McGovern, Metager, Mixer, Nelson, Olson, Packman, Phillips, Piorovich, Powers, Rich, Scherky, Seawell, Slater, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1277 ordered transmitted to the Assembly.

**Assembly Bill No. 2799**—An act to amend section 5378, as amended, of the Political Code of the State of California to provide an annual salary for each of the judges of the superior court in and for the county of Los Angeles of \$10,000.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2799 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metager, Mixer, Olson, Phillips, Piorovich, Quinn, Rich, Scherky, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2799 ordered transmitted to the Assembly.



**Assembly Bill No. 2456**—An act to amend section 3 of the City Carriers' Act, relating to the issuance of permits thereunder by the Railroad Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2456 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McCormack, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2456 ordered transmitted to the Assembly.

**Assembly Bill No. 2457**—An act to amend section 50½ of the Public Utilities Act, relating to the granting of certificates of public convenience and necessity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2457 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2457 ordered transmitted to the Assembly.

**Assembly Bill No. 1412**—An act to amend sections 1, 3, 4, 6, and 8 of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, relating to public weighmasters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1412 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1412 ordered transmitted to the Assembly.

**Assembly Bill No. 444**—An act to amend the Political Code of the State of California by amending section 1142 thereof; by adding a new section to be designated section 1142b to provide for the publication of the designated polling places in a newspaper of general circulation or in one or more newspapers of general circulation at various places in the county, and by amending section 4058 to provide for publication of the notice of election in the same manner.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 444, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, as amended, strike out all of lines 34 and 35.

**Amendment No. 2.**

On page 4 of the printed bill, as amended, strike out all of lines 18 to 23, both inclusive.

Bill read, ordered to print, and on file for third reading.

**Motion.**

On motion of Senator Seawell, Assembly Bill No. 2625 was ordered placed on the unfinished business file.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 36—Relative to approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 36 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 46—Approving two certain amendments to the charter of the city of Glendale, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the thirteenth day of April, 1937.

Assembly Concurrent Resolution No. 45—Relative to the appointment of a legislative committee to attend the dedicatory ceremonies in connection with the opening of the "Feather River Highway."

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

**Consideration of Assembly Concurrent Resolution No. 46.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 46, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 46**—Approving two certain amendments to the charter of the city of Glendale, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the thirteenth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 46 adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 46 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 45.**

Senator Powers asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 45, without reference to committee for purpose of amendment.

**Assembly Concurrent Resolution No. 45**—Relative to the appointment of a joint legislative committee to attend the dedicatory ceremonies in connection with the opening of the "Feather River Highway."

#### **Amendment from the Floor.**

During the reading of Assembly Concurrent Resolution No. 45, the following amendment, offered by Senator Powers, was read and adopted:

#### **Amendment No. 1.**

On page 2 of the measure, in the fifth paragraph beginning "WHEREAS", after the word "ceremonies", strike out "inaugurating its opening and dedication to public use", and insert in lieu thereof the following: "planned to be held at the city of Oroville, Butte County, and at the city of Quincy, Plumas County, which ceremonies will inaugurate the opening and dedication of this highway to public use".

Assembly Concurrent Resolution No. 45 read, ordered to print, and placed on the unfinished business file.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented: By Senator Mixter:

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.

Respectfully submitted.

SENATOR MIXTER.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Mixter to introduce a bill entitled:

An act to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—32.

NOES—None.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Bill No. 1140:** By Senator Mixer—An act to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.

Senate Bill No. 1140 read first time, and referred to Committee on Governmental Efficiency.

**Resolution.**

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved,* That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate for the sum of \$300, the same being for postage for the Senate during the session.

RICH, Chairman.  
JAW.  
McCORMACK.

**Resolution read.**

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators: Biggar, Cunningham, DeLoe, Dunn, Frazier, G. Brown, Hendon, Hays, Haller, Holman, Jepsen, Keating, Kneass, Kneass, Lee, McLean, McCormack, McGowan, Mixer, Nelson, Quinn, Powers, Quinn, Powers, Powers, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, Williams, Williams and Young—35.

NOTES—None.

**Notice of Motion to Reconsider.**

Senator Powers gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1412 was passed.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

**On Conservation.**

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred

Assembly Bill No. 2789—An act to add section 4056 to the Political Code relating to wild flower reserves:

Assembly Bill No. 1503—An act to amend the Political Code of the State of California, by adding thereto a new section to be designated section 4440, to authorize county fire warden, county officers charged with the duty of preventing or combating forest, brush or grass fires, on the property of a county fire protection district, to summon any individual person within the county, or within the fire protection district, to assist in combating a forest, brush or grass fire:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

**On Finance.**

SENATE CHAMBER, SACRAMENTO, APR. 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 292—An act making an appropriation for the purchase and removal of the James W. Marshall pioneer museum collection and the James W. Marshall blacksmith shop:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.



**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 386—An act to amend section 224 of and to add section 227b to the Civil Code, relating to the adoption of children;

Assembly Bill No. 811—An act amending section 103 of the Code of Civil Procedure, relating to justices' courts in townships and cities;

Assembly Bill No. 1224—An act to amend section 109 of the Code of Civil Procedure, relating to justices of the peace;

Assembly Bill No. 1734—An act to amend section 261a of the Code of Civil Procedure of the State of California, to authorize the appointment of two additional assistant secretaries, one additional stenographic secretary, a phonographic reporter to assist the superior court in any county, or city and county having a population of nine hundred thousand inhabitants or over, and fixing the compensation therefor, and authorizing mileage for such employees under certain circumstances;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1134—An act to amend section 985 of the Political Code, relating to official bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 3—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices;

Assembly Bill No. 2055—An act relating to real estate subdivisions and the making and recording of maps, and granting limited powers to cities, cities and counties, and counties in connection therewith, making certain acts misdemeanors, prescribing penalties therefor, and repealing acts or portions of acts in conflict herewith;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

**On Live Stock and Dairying.**

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 1231—An act to amend section 621 of the Agricultural Code, relating to factory licenses;

Assembly Bill No. 1232—An act to amend section 483 of the Agricultural Code, relating to the serving of milk;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

POWERS, Chairman.

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 1047—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1

WILLIAMS, Chairman.

**On Mines and Mining.**

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred:

Assembly Bill No. 1615—An act to amend sections 10 and 12 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist,

fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and operations to make certain reports, providing for the investigation of mining operations, dealings and transactions and the protection for detrauding, swindling and cheating thereon, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled "An act to provide for the establishment, incorporation and support of a bureau, to be known as the State Mining Bureau and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1899, and all acts amendatory thereto and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

PIEROVICH, Chairman.

### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 2815—An act to amend section 603 of the Vehicle Code, relating to vehicles and animals on certain property;

Assembly Bill No. 628—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles;

Senate Bill No. 171—An act to amend section 156 of the Vehicle Code, relating to license plates;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

H. ARTHUR DICK, Chairman.

Said first time, at SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 472—An act to amend sections 44 and 139 of the Vehicle Code, relating to motor vehicles;

Senate Bill No. 665—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 373—An act to amend section 488 of the Vehicle Code, relating to accident reports;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 526—An act to add a new section to be numbered section 2 to Chapter 621 of the Statutes of 1931 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1931, relating to the grant of lands to said city;

Assembly Bill No. 1078—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

**Adjournment.**

At four o'clock p.m., on motion of Senator Swing, the President pro tempore of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Wednesday, April 28, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE.****SENATE CHAMBER,**

SACRAMENTO, Wednesday, April 28, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

... section. 1.  
... to unfair trade

Prayer was offered by ... An act relating to re ... and granting himsev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, April 27, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred McCargar and George Gould, both of Salinas.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the San Leandro High School: Maxine Chisholm, Margaret Sefton, Norman Hell, Bill Wasson, Frances York, Richie Looman, Robert Herrick, Jim Shaw, Garfield Hildebrand, Allison Farca, Don Kennedy, Betty Brooke, Eloise Pemberthy, Don Shoer, Dorothy Wasson, Sam Dudeih, Dale Arata, Richard Avignone, Dorothea Wentworth, Jack Bollenfield, Eleanor Buffum, Ann Shadowens, Helen Dillard, Myrtle White, Luise Heeber, Genie Carrillo, Florence Osivent, Marie Bogusch, Eugene Allen, Katharn Bunning, Kenneth Burks, Mable Costa, Ray Ferrell, Ralph Ewans, Roland Esteves, Donald Dotten, Jerold Fear, Nancy Kramer, Mary Ortega, Constance Metcalfe, Alice Stodden, Ruth Studley, Lee Wickersham, Herbert Bofinger, Bill Wilde, Jeanne Johnson, Barbara Johnson, Bill Ross, John Rinck, Dick Dierker, Lawrence Razzano, Cecelia Schlipf, Don Silva, Lois Russell, Gilbert Johanssen, Ray Watts, Ruth Humpert, Valada Evans, David James, Earl Kavert, Buster Winding, Theodore Tuite, Mary Prosser, David Bowman, Dorothy Jasper, Theodore New-



man, Marie Candido, Mildred Matthews, Mary Jane Windling, Claire Martini, Harry Collins, George Peterson, Vernon Reavis, Robert Pace, John Young, Keito Isuchaja, Austin Dunlap, Evadne Moore, Mary Hallowell, Lloyd Lorentzen, John R. Davis, Jr., Gordon Brown, Frank Alcalde, Karl Evans, Lorraine Perry, Howard Bond, Randy Murphy, Jean Calhoun, Caroline Wirt, Bob Arnold, Tom Sadall, Dolores Meale, Bob Weyand, Blanche McGihon, Edward Engero, Hugh Daugherty, and Keith Hooper, Mr. E. M. Polley and Mr. R. M. Reese, teachers, and Mrs. Grace M. McGihon and Mrs. Rowena Shadowens, mothers.

On request of Senator Jespersen, the privilege of the Floor of the Senate Chamber for this day was unanimously extended to Tex Murray, President of Future Farmers of California.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 262—An act to amend section 3 of the Retail Sales Tax Act of 1933, relating to taxation.

Assembly Bill No. 276—An act to amend sections 49 and 1094 of said sections 43.5 and 1590 to, and to repeal section 4319 of, the Civil Code, all relating to causes of action.

Assembly Bill No. 2283—An act to amend section 18006 of the Political Code relating to fees in municipal courts.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 262 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 276 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2283 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1094—An act to amend section 3714 of the Political Code relating to annual financial estimates of corporations.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBERG, Assistant Clerk.

Senate Bill No. 1094 ordered to reenrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 445—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article IIa relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 445 ordered placed on the unfinished business file.



**Consideration of Daily File.  
Second Reading of Senate Bills.**

**Senate Bill No. 292**—An act making an appropriation for the purchase and removal of the James W. Marshall pioneer museum collection and the James W. Marshall blacksmith shop.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 292 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "removal", insert the following: "of".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "; and for the purchase of land and the construction of a water system to be used in connection with the James W. Marshall Park."

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "\$15,000", and insert in lieu thereof the following: "\$18,000, or so much thereof as may be necessary."

**Amendment No. 4.**

On page 1, line 7, of the printed bill, strike out the period, and insert in lieu thereof the following: "; and for the purchase of land and the construction of a water system to be used in connection with the John W. Marshall Park, and for the construction of suitable housing facilities in connection with the museum."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Senate Bill No. 1134**—An act to amend section 985 of the Political Code, relating to official bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 171**—An act to amend section 156 of the Vehicle Code, relating to license plates.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 472**—An act to amend sections 44 and 130 of the Vehicle Code, relating to motor vehicles.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 472 were read and adopted:

**Amendment No. 1.**

On page 1, line 28, of the printed bill, after the word "any", insert the words "supervising hide and brand".

**Amendment No. 2.**

On page 2 of the printed bill, commencing at line 3, strike out all of lines 3 to 17, inclusive.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 665**—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 665 was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, after "purchase," insert the following: "legal books and documents, and may purchase."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 373**—An act to amend section 488 of the Vehicle Code, relating to accident reports.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 373 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 7 to 17, inclusive, and insert in lieu thereof the following: "the names and addresses of persons involved as witnesses to, an accident, the registration number and description of vehicles involved, and the date, time, and location of an accident; to any person who may have a proper interest therein, including the owner or persons insured or one legal guardian thereof, the parent of a minor driver, the individual responsibility of a driver, or to any person insured therein and the extent of injuries or property damaged thereby, or all of them."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

**Senate Bill No. 1047**—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 1047 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 4, and insert in lieu thereof the following: "visions of Chapter 8 or 9 of Part 2 of Division 2 of this

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1533**—An act to amend the Political Code of the State of California by adding thereto a new section to be designated section 3346, to authorize county fire wardens, county officers charged with the duty of preventing or combating forest, brush or grass fires, or any officers of a county fire protection district, to summon any able-bodied person within the county, or within the fire protection district, to assist in combating a forest, brush or grass fire.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Conservation, the following amendment to Assembly Bill No. 1533 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 16, add the following: "Nothing in this section shall be construed to authorize any county fire warden, county officer, or officer of a county fire protection district to obligate the State of California for the payment of any moneys."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2789**—An act to add section 4056 to the Political Code, relating to wild flower reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Conservation, the following amendments to Assembly Bill No. 2789 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the word "supervisors," insert "by a four-fifths vote thereof,".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, after the word "year," insert "not to exceed ninety (90) days at any one time,".

**Amendment No. 3.**

On page 1, line 11, of the printed bill, strike out "of this State", and insert in lieu thereof "any unsold or unleased public State land".

**Amendment from the Floor.**

During second reading of Assembly Bill No. 2789, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended April 7, after line 25, add the following words: "The provisions of this act shall not be effective after October 1, 1939."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 386**—An act to amend section 224 of, and to add section 227b to the Civil Code, relating to the adoption of children.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 811**—An act amending section 103 of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1224**—An act to amend section 109 of the Code of Civil Procedure, relating to justices of the peace.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1734**—An act to amend section 261a of the Code of Civil Procedure of the State of California, to authorize the appointment of two additional assistant secretaries, one additional stenographic secretary, a phonographic reporter to assist the superior court in any county, or city and county having a population of 900,000 inhabitants or over, and fixing the compensation therefor, and authorizing mileage for such employees under certain circumstances.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 3 were read and adopted:

**Amendment No. 1.**

On page 1, line 20, of the printed bill, as amended, after the word "quantity", insert in lieu thereof the following: "when based and justified in the cost of manufacture, sale or delivery, or".

**Amendment No. 2.**

On page 1, line 21, of the printed bill, as amended, strike out "and in", and insert in lieu thereof the word "or".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out line 24, and insert in lieu thereof the following: "the point of shipment to the point of destination, and provided further that nothing herein contained shall prevent a selection of customers or a functional classification by any person or any customer, as broker, jobber, wholesaler or retailer or a differential in price for any article or product as between any customers in different functional classifications."

**Amendment No. 4.**

On page 2, line 1, of the printed bill, as amended, strike out the following: "distributor who does not sell to the ultimate consumer."

**Amendment No. 5.**

On page 2 of the printed bill, as proposed, strike out all of lines 5 and 6, and insert in lieu thereof the following: "apply to any service, express or premium for which rates are established under the jurisdiction of the Railroad Commission of the State of California and sold or furnished by any public utility corporation."

**Amendment No. 6.**

On page 2 of the printed bill, as amended, strike out line 7.

**Amendment No. 7.**

On page 2 of the printed bill, as amended, strike out all of lines 11, 12, 13 and 14, and insert in lieu thereof the following: "The inhibition".

**Amendment No. 8.**

On page 2, line 32, of the printed bill, as amended, strike out the word "last".

**Amendment No. 9.**

On page 2 of the printed bill, as amended, strike out all of lines 40 to 45, inclusive, and insert in lieu thereof the following: "(of executives and officers)."

**Amendment No. 10.**

On page 3, line 7, of the printed bill, as amended, strike out the words "shall further", insert the following: "Loss leaders as used herein, shall mean any article or product sold at less than cost as herein defined"

**Amendment No. 11.**

On page 3 of the printed bill, as amended, strike out all of lines 8, 9, and 10, and insert in lieu thereof the following: "note or encourage, the purchase of other merchandise, or which may have the tendency to"

**Amendment No. 12.**

On page 3, line 12, of the printed bill, as amended, strike out the following: "unfairly".

**Amendment No. 13.**

On page 3, line 35, of the printed bill, as amended, strike out the following: "and manner".

**Amendment No. 14.**

On page 4, line 20, of the printed bill, as amended, after the word "practice", insert the following: ", actionable as provided in section 10 of this act."

**Amendment No. 15.**

On page 4, line 31, of the printed bill, as amended, after the word "promptly", insert the following: "when based and justified on the cost of manufacturing, sale or delivery, or".

**Amendment No. 16.**

On page 4, line 32, of the printed bill, as amended, strike out "and or", and insert in lieu thereof the following: "or".

**Amendment No. 17.**

On page 4, line 34, of the printed bill, as amended, strike out "product", and insert in lieu thereof the following: "product".

**Amendment No. 18.**

On page 4 of the printed bill, as amended, strike out lines 35 and 36, and insert in lieu thereof the following: "from the point of shipment to the point of destination; and provided further that nothing herein contained shall prevent a selection of customers or a functional classification by any person or any customer as broker, jobber, wholesaler or retailer or a differential in price for any article or product as between any customers in different functional classifications."

**Amendment No. 19.**

On page 4, line 38, of the printed bill, as amended, after the word "vendor," insert the following: "as cost is defined in section 3 above."



**Amendment No. 20.**

On page 4 of the printed bill, as amended, strike out all of lines 39 to 45, inclusive, and insert in lieu thereof the following: "where the effect of any such act or acts may lessen,".

**Amendment No. 21.**

On page 5 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive, and insert in lieu thereof the following: "trade in any line of commerce."

**Amendment No. 22.**

On page 5, line 6, of the printed bill, as amended, after the word "sections", insert the following: "1,".

**Amendment No. 23.**

On page 6, line 13, of the printed bill, strike out the word "last".

**Amendment No. 24.**

On page 7, line 2, of the printed bill, as amended, after the word "act.", insert the following new paragraph:

"In any action brought under the provision of this act, where persons are employed or performing services without compensation for any person charged with a violation of this act, such services shall be charged as an expense of the business in which rendered and at the rate of the wage for the services rendered prevailing at the time of the service at the place where rendered."

**Amendment No. 25.**

On page 7, line 18, of the printed bill, as amended, after the word "jobber", insert the following: "contractor,".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2055**—An act relating to real estate subdivisions and the making and recording of maps, and granting limited powers to cities, cities and counties, and counties in connection therewith, making certain acts misdemeanors, prescribing penalties therefor, and repealing acts or portions of acts in conflict herewith.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2055 were read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed bill, as amended, strike out the word "and", following the word "tentative", and in line 16, strike out the word "record", and insert "record of survey and final".

**Amendment No. 2.**

On page 3, line 16, of the printed bill, as amended, after "any", insert "parcel or parcels of a"; and after "subdivision", insert "of land (1)".

**Amendment No. 3.**

On page 3 of the printed bill, as amended, strike out lines 20 to 23, inclusive, and in line 24, strike out "division of land", and insert "of 1929, or (2) made prior to the effective date of this act and which complied with or was exempt from the provisions of Chapter 837, Statutes 1929, or (3)".

**Amendment No. 4.**

On page 3, line 25, of the printed bill, as amended, strike out "had", and insert "have".

**Amendment No. 5.**

On page 3 of the printed bill, as amended, strike out line 26, and in line 27, strike out "Statutes 1929; and provided further", and insert "1937, provided however,".

**Amendment No. 6.**

On page 3, line 28, of the printed bill, as amended, after the word "showing", insert "the".

**Amendment No. 7.**

On page 3, line 30, of the printed bill, as amended, strike out "adoption", and insert "effective date".

**Amendment No. 8.**

On page 3, line 31, of the printed bill, as amended, strike out "sale or contract of sale", and insert "conveyance thereof", and in line 32, strike out "of the whole or part thereof."

**Amendment No. 9.**

On page 3, line 52, of the printed bill, as amended, strike out "by the governing body".

**Amendment No. 10.**

On page 4 of the printed bill, as amended, strike out lines 6 to 16 inclusive, and insert the following:

"SEC. 7. If there is no advisory agency the clerk of the governing body shall submit the tentative map to said body at its next regular meeting and shall report thereon within forty days thereafter. If there is an advisory agency it shall report on the map or maps of any subdivision submitted to it within thirty days after the tentative map has been filed and said report shall operate conclusively to approve or disapprove the map or maps of the subdivision. The governing body may delegate to said advisory agency the power to report such matters to the advisory body. If the governing body does not desire to delegate such matter to the advisory body said advisory agency shall make such report to the governing body which shall act upon said report within ten days or at its next succeeding regular meeting after receipt of said report. If the subdivider in disagreement with any action of the advisory agency he may, within fifteen days after such action, appeal from such action to the governing body which shall hear the matter, unless the subdivider consents to a continuance, within ten days or at its next succeeding regular meeting. Said governing body may be a majority vote of its members to reverse the ruling of the advisory agency as regards to said tentative map and make such change as are not inconsistent with the provisions of this act or laws and ordinances adopted pursuant hereto."

**Amendment No. 11.**

On page 7, line 35, of the printed bill, as amended, strike out "and acknowledgments".

**Amendment No. 12.**

On page 7, line 36, of the printed bill, as amended, strike out "and may be combined when appropriate".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1231**—An act to amend section 621 of the Agricultural Code, relating to factory licenses.

Bill read second time, ordered to engrossment, and on file for third reading.

**Assembly Bill No. 1232**—An act to amend section 483 of the Agricultural Code, relating to the serving of milk.

Bill read second time, ordered to engrossment, and on file for third reading.

**Assembly Bill No. 1615**—An act to amend sections 10 and 12 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau.'"

approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Mines and Mining, the following amendments to Assembly Bill No. 1615 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, after "amended", strike out the period, and insert the following: ", relating to the State Mining Bureau".

##### Amendment No. 2.

On page 2, line 6, of the printed bill, after "information", insert the following: ", relating exclusively to mining."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2815**—An act to amend section 603 of the Vehicle Code, relating to vehicles and animals on certain property.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 628**—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 526**—An act to add a new section to be numbered section 2 to Chapter 621 of the Statutes of 1931 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1931, relating to the grant of lands to said city.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1078**—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Bill read second time, and ordered on file for third reading.

#### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, McBride, McGovern, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Slater, Swing, Wagy, and Westover—21.

The Secretary announced the absentees.

Time, ten o'clock and forty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### Proceedings Under Call of the Senate.

##### Consideration of Assembly Concurrent Resolution No. 47.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 47, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 47**—Approving a certain amendment to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the first day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 47 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, McBrink, McDevitt, Miller, Noland, O'Connell, Phillips, Pirovich, Powers, Rich, Schatzky, Slater, Tiedke, Wagg, Westover, Williams, and Young—27.

**NOES**—None.

Assembly Concurrent Resolution No. 47 ordered transmitted to the Assembly.

### Motion to Reconsider Waived.

Senator Powers waived reconsideration of Assembly Bill No. 1412.

Assembly Bill No. 1412 ordered transmitted to the Assembly.

### Third Reading of Senate Bills.

**Senate Bill No. 425**—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16a, 20a, 22a, 22b, 23a, 23d, 23e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 33f, 33g, 33h, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48a, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52a, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5 relating to alcoholic beverages.

#### Amendment from the Floor.

During third reading of Senate Bill No. 425, the following amendment, offered by Senator Swing, was read and adopted:

#### Amendment No. 1.

On page 8, line 29, of the printed bill, as amended, strike out the period, and insert the following: "provided further, that as to distilled spirits produced in this State any manufacturer of such distilled spirits so produced in this State may sell such distilled spirits to any person holding a license authorizing the sale of distilled spirits.

The provisions of this subdivision shall not be deemed to prevent any licensed manufacturer of distilled spirits who on the effective date of this section shall be in possession of distilled spirits produced without the State, from selling such distilled spirits to licensees authorized to sell such distilled spirits, subject to the provisions of this act, during the license year ending June 30, 1938."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 1030**—An act to add section 660.3 to the Fish and Game Code, relating to salmon.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1030, the following amendments, offered by Senator Young, were read and refused adoption:



**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "660.3 to", insert the following: "and to repeal section 660.5 of".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 4 to 6, inclusive, and insert in lieu thereof the following: "Salmon may be taken with hook and line between March 1 and July 15 by virtue of a sporting fishing license.

Sec. 2. Section 660.5 of the Fish and Game Code is hereby repealed."

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1030 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McBride, McCormack, McGovern, Mixter, Olson, Parkman, Pierovich, Powers, Schottky, Swing, Tickle, Wagy, Westover, Williams, and Young—27.

NOES—Senator Quinn—1.

Title read and approved.

**Notice of Motion to Reconsider.**

Senator Young gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1030 was refused passage.

**Further Proceedings Under Call of the Senate Dispensed With.**

At eleven o'clock a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Consideration of Special Order.**

The hour having arrived for the consideration of Assembly Bill No. 1177, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

**Assembly Bill No. 1177**—An act to amend the title of and sections 1, 2, 3, 4, 7, 9 and 10 and to add sections 7A, 7B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act.

**Senator Hays in the Chair.**

At eleven o'clock and three minutes a.m., Senator Hays of the thirtieth district was called to the chair.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1177 were read:

**Amendment No. 1.**

On page 7, line 11, of the printed bill, as amended, strike out "but which is not", and strike out lines 12 to 15, inclusive, and insert in lieu thereof the following: "provided, however,".

**Amendment No. 2.**

On page 7 of the printed bill, as amended, strike out lines 20 to 30, inclusive.

**Amendment No. 3.**

On page 11 of the printed bill, as amended, after line 6, insert the following: "SEC. 16. This act shall expire on the first day of September, 1939."

**Substitute Amendments from the Floor.**

During third reading of Assembly Bill No. 1177, the following amendments, offered by Senator Westover, in substitution for the above committee amendments, were read and refused adoption:

**Amendment No. 1.**

On page 6, lines 46 and 47, of the printed bill, as amended, strike out "including" and insert in lieu thereof the following: "other than"

**Amendment No. 2.**

On page 6, line 50, of the printed bill, as amended, strike out "two" and insert in lieu thereof the following: "sixteen"

**Amendment No. 3.**

On page 7 of the printed bill, as amended, strike out line 4, and insert in lieu thereof the following: "county all of that amount of aid or relief other than"

**Amendment No. 4.**

On page 7, line 9, of the printed bill, as amended, strike out "or work relief"

**Amendment No. 5.**

On page 7, line 10, of the printed bill, as amended, strike out "two" and insert in lieu thereof the following: "sixteen"

**Amendment No. 6.**

On page 7 of the printed bill, as amended, strike out lines 11 to 15, inclusive, and insert in lieu thereof the following: "valuation of such county or city and county: provided, however,"

**Amendment No. 7.**

On page 7 of the printed bill, as amended, strike out lines 20 to 30, inclusive, and insert in lieu thereof the following:

"The State shall advance and pay to the county or city and county all of that amount of aid, including the costs of administration thereof, furnished or paid by said county or city and county as work relief under the provisions of this act"

**President of the Senate in the Chair.**

At twelve o'clock and thirty minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Communication.**

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO, CALIFORNIA, April 28, 1937

Honorable George J. Hatfield, President of the Senate,  
State Capitol, Sacramento, California

SUBJECT: ASSEMBLY BILL NO. 1177, AS AMENDED MARCH 31, 1937

MR. PRESIDENT: You ask whether or not Assembly Bill No. 1177, as amended March 31, 1937, is an appropriation bill within the meaning of that provision of section 34 of Article IV of the State Constitution which declares that "until the Budget Bill has been finally enacted neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly."

It is our opinion that this bill, as amended March 31, 1937, constitutes an appropriation and is not an appropriation bill within the language of the Constitution above quoted.

While it is a fact that in section 18 of the act for aid to the indigent, as added by this bill in its present form, there appear the words "the State shall advance and pay to the county" moneys in certain amounts according to a certain formula, and a somewhat similar clause appears in section 20, also added to said act, it does not follow that any money of the State is to be made available for the expenditure.

Particular attention is directed to section 15 of the bill, which expressly provides that:

"The provisions of this act providing for payments or advances by the State are not intended to and do not constitute an appropriation of money

for such payments. Such payments or advances shall be made only in the event that moneys are made available therefor by another provision of law."

It is our opinion, therefore, that this bill may be placed upon final message prior to the enactment of the Budget Bill without violating the provisions of section 34 of Article IV of the Constitution.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By LAWRENCE G. ALLAN, Deputy.

LGA/DS

### Recess.

At twelve o'clock and thirty-four minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 308—An act to amend section 80 of the Agricultural Code, relating to agricultural districts, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 419—An act to amend section 698 of the Fish and Game Code, relating to black bass;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-seventh day of April, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 58—An act to amend section 4 of an act entitled "An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927," approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement;

Senate Bill No. 148—An act to add section 48b to the California Irrigation District Act, relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property;

Senate Bill No. 193—An act relating to the redemption of property sold to irrigation district for delinquent assessments;

Senate Bill No. 214—An act granting to the city of Pittsburg and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon, and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands for wharf out privileges hereby granted;

Senate Bill No. 215—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions;

Senate Bill No. 379—An act to authorize boards of trustees of school districts to pay certain claims;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of April, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 895—An act to amend section 61 of the Bank Act, relating to investments in registered warrants of this State.

Senate Bill No. 897—An act to add section 693b to the Political Code, relating to the collection of taxes and empowering the State Board of Control to disallow certain State departments, boards, commissions, officers or employees from responsibility for the collection of taxes, the amount of which does not justify the cost of their collection.

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of April, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engraving, Engraving and Printing has examined:

Senate Bill No. 218—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding industries to preserve, aid or develop the agricultural, horticultural, viticultural and dairy resources, and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

Senate Bill No. 431—An act to repeal sections 2123, 2010, 2011 and 2012 of the School Code and to add thereto two new sections to be numbered 2100 and 2193, all relating to the furnishing of facilities and supplies for the county superintendent of schools for the education of children residing in the county.

Senate Bill No. 432—An act to amend sections 22010 and 22011 of the School Code, relating to unified school districts.

Senate Bill No. 459—An act to amend sections 11590, 11591 and 11702 of the Insurance Code and to add sections 11556.5 and 11705.5 thereto, all relating to the workmen's compensation insurance.

Senate Bill No. 517—An act to amend section 374 of the Streets and Highways Code, relating to State Highway Route 74.

Senate Bill No. 614—An act to add section 461 to the Political Code, relating to the insurance of funds and securities in the custody of the State Treasurer.

Senate Bill No. 854—An act to repeal sections 4354 to 4408, inclusive, and 4409 to 4419, inclusive, of the Political Code, relating to mines and lodes.

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of April, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

### Call of the Senate.

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Delap, Deneb, Fletcher, Gordon, Hays, Hollister, Kenneth, Law, McGovern, Phillips, Petrovich, Powers, Quinn, Rich, Sweeney, Seawall, Slater, Swing, Wagy, Westover, Williams, and Young. 22

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills.

**Assembly Bill No. 1129**—An act to add sections 6 and 7 to an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute bags.



**Amendments from the Floor.**

During third reading of Assembly Bill No. 1129, the following amendments, offered by Senator Crittenden, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 4, and in line 5, strike out "under the laws of the State of California,".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 9 to 17, inclusive, and insert in lieu thereof the following:

"The application shall state the names and address of the members desiring bags and the number desired by each. The application must contain or be accompanied by a certificate of the county farm advisor or the county agricultural commissioner to the effect that the number of bags required for each member is reasonably necessary for such member. Said application".

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty-two minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

**Consideration of Special Order—(Resumed).**

Assembly Bill No. 1177, heretofore set as a special order, was taken up for further consideration.

**Assembly Bill No. 1177**—An act to amend the title of and sections 1, 2, 3, 4, 7, 9 and 10 and to add sections 7A, 7B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimbursement therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act.

**Consideration of Committee Amendments—(Resumed).**

The committee amendments to Assembly Bill No. 1177, read previously, were taken up for further consideration.

The question being upon the adoption of Amendments Nos. 1 and 2.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Rich, Swing and Jespersen on the adoption of Amendments Nos. 1 and 2.

The roll was called, and Amendments Nos. 1 and 2 refused adoption by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Hays, Holohan, Keating, Keough, McCormack, McGovern, Metzger, Parkman, Pierovich, Powers, Rich, Seawell, and Tickle—16.

**NOES**—Senators Allen, Crittenden, Denel, Fletcher, Garrison, Gordon, Hollister, Jespersen, Knowland, Law, McBride, Mixer, Nielsen, Phillips, Quinn, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—22.

The question being upon the adoption of Amendment No. 3.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Rich, Swing and Jespersen on the adoption of Amendment No. 3.

The roll was called, and Amendment No. 3 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cuthbertson, DeLoe, Deneb, Foster, Garrison, Gordon, Hollister, Hobbs, Jorgensen, Keating, Keough, Law, McBrain, McCormack, McGovern, Metzger, Mixer, Nelson, Peterson, Phillips, Pryor, Powers, Quinn, Rich, Schottky, Seawell, Slater, Trible, Whay, Westover, Williams, and Young—35.

**NOES**—Senators Knowland, and Swing—2.

Bill read, ordered to print, engrossment, and on file for third reading.

**President Pro Tempore in the Chair.**

At four o'clock and twelve minutes p. m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Joint Resolution No. 21:** By Senators Seawell, Powers, Pierovich, Allen, Nielsen and Williams—Relative to memorializing Congress not to abandon the present plan of mineral development.

**Consideration of Senate Joint Resolution No. 21.**

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 21, without reference to committee for purpose of adoption.

**Senate Joint Resolution No. 21.**

Relative to memorializing Congress not to abandon the present plan of mineral development.

WHEREAS, Recent press reports carry the announcement of a proposal on the part of the Secretary of the Interior, that the present United States Mining Laws, under which location and discovery is the basis of the right to mining and to acquire ownership to mining claims, be abandoned, and a Federal leasing system substituted therefor; and

WHEREAS, This proposal gives much concern to the States whose mining activities owe their beginnings, and in large part their growth, to the prospectors, who, urged by the promise of a rich strike and the right to become owner of his land, braved the danger and endured the hardship of the hills; and

WHEREAS, The prospector is still an important, if not indispensable factor in the discovery of minerals, and will continue, if the incentive for his efforts be not withdrawn, to ply his arduous and perilous, but effective calling; and

WHEREAS, The enthusiasm of the investor class, who make big fortunes as a prospect willingly when he knows that title can be secured to such prospect, would be seriously impaired, if not destroyed, if a leasing system were substituted, and it is strongly believed that interest in mining development would suffer a serious blow; and

WHEREAS, Under a long distance leasing system, the advantages of subdividing leases to Federal control, costs incident to surveying, drawing of maps and the like would tend to discourage the transfer of mining claims to persons interested in their development, thus retarding development of the industry, because the lure of a rich reward to the prospector would be seriously dulled by the proposed change; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Congress of the United States is hereby memorialized to refuse to abandon the present plan under which mineral development has progressed satisfactorily, or to change the present laws relating to discovery and location of lode mining claims, and be it further

*Resolved,* That copies of this resolution be transmitted to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 22 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams and Young—33.

**NOES**—None.

Senate Joint Resolution No. 21 ordered transmitted to the Assembly.

### **Re-reference of Senate Bill No. 304.**

Senator Hays moved that Senate Bill No. 304 be re-referred to Committee on Revenue and Taxation.

#### **Substitute Motion.**

Senator Garrison moved to refer Senate Bill No. 304 to a Committee of the Whole.

**Motion carried.**

Senate Bill No. 304 ordered placed on the unfinished business file.

### **Special Order.**

Senator Seawell moved that Senate Bill No. 304 be made a special order for Monday, May 3, 1937, at two o'clock and thirty minutes p.m.

**Motion carried, and such was the order.**

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2826**—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately.

**Bill read third time.**

The question being on the passage of the bill.

The roll was called.

### **Call of the Senate.**

Pending the announcement of the vote, Senator McGovern moved a call of the Senate.

**Motion carried.**

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

The Secretary announced the absentees.

Time, four o'clock and fifty-eight minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

### **Third Reading of Senate Bills—(Resumed).**

**Senate Constitutional Amendment No. 19**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relative to water and power development.

**Amendment from the Floor.**

During third reading of Senate Constitutional Amendment No. 19, the following amendment, offered by Senator Garrison, was read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed measure, after "Governor", insert the following: "with the advice and consent of the Senate".

Bill read, ordered to reprint, re-engrossment, and on file.

**Senate Bill No. 812**—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

**Amendment from the Floor.**

During third reading of Senate Bill No. 812, the following amendment, offered by Senator Parkman, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of lines 14, 15 and 16, and insert in lieu thereof, the following:

"The business of operating as a motor carrier of persons for hire or compensation upon the highways of this State is declared to be a business affected with a public interest, and that it is contrary to public policy and public interest that monopoly or monopolistic practices by motor carriers of passengers be permitted."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senator Swing in the Chair.**

At five o'clock and eight minutes p.m., Senator Swing of the thirty-sixth district was called to the chair.

**Further Proceedings Under Call of the Senate Dispensed With.**

At five o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McGovern.

The names of the absentees were called, and Assembly Bill No. 2826 refused passage by the following vote:

**AYES**—Senators, Allen, Bigger, Deuel, Gordon, Hays, Holahan, Josperson, Kenting, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Senwell, Swing, Tickle, and Westover—24.

**NOES**—Senators Crittenden, Cunningham, Delap, Fletcher, Garrison, Heilister, Keough, Knowland, Law, Nielsen, Quinn, Slater, Wagy, and Young—14.

**Notice of Motion to Reconsider.**

Senator Knowland gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2826 was refused passage.



### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 36—Approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1937; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of April, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 186—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State, declaring the urgency thereof and providing that it shall go into immediate effect;

Senate Bill No. 518—An act to add two new sections to the Political Code, to be numbered 3480e and 3480f, relating to reclamation districts, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 304—An act to repeal an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

Senate Bill No. 840—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants;

Senate Bill No. 1132—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 171—An act to amend section 156 of the Vehicle Code, relating to license plates;

Senate Bill No. 1118—An act to regulate labor unions, by providing methods of conducting elections for the purpose of selecting officers, calling strikes, terminating strikes, and making working agreements, and providing penalties for violation hereof;

Senate Bill No. 1134—An act to amend section 985 of the Political Code, relating to official bonds;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 2829—An act to add section 8a to the California Water District Act, relating to assessments for the redemption of bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6, absent—1

MINTER, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Assembly Bill No. 2662—An act to amend sections 82 and 883 of the Fish and Game Code, relating to fishing in Districts 15 and 16.

Assembly Bill 2345—An act to amend section 1343 of the Fish and Game Code, relating to seals and sea lions.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7, absent—2

GORDON, Vice Chairman.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 971—An act to provide for the payment of delinquent taxes and of the property owner's share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8, absent—1

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 65—An act to add section 5a to the "Retail Sales Tax Act of 1933," relating to exemptions, and providing that that act shall go into effect immediately;

Senate Bill No. 773—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1935, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads or highways in the State of California by motor vehicle, to take effect immediately.

Assembly Bill 2197—An act to amend sections 2, 3, 7, 9, 10, 11, 12, 17, 19, 22, 23 and 25 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, provided for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935, to repeal section 12 of said act; to renumber sections 33 and 34 as sections 32 and 33, respectively, of said act, relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately;

Assembly Bill No. 1244—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32 and 34 of "The Personal Income Tax Act of 1935." Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8, absent—1

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1245—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13a to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations;

Assembly Bill No. 1086—An act to amend section 3716 of the Political Code, relating to the lien of taxes on real and personal property and providing that such lien shall cease to exist after 30 years;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 481—An act to amend section 17 of the Inheritance Tax Act of 1935, relating to inheritance taxation;

Assembly Bill No. 1341—An act to amend section 1550 of the Streets and Highways Code, relating to county road taxes;

Senate Bill No. 271—An act to add section 3817d2 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 183—An act to amend sections 3 and 9 of the Inheritance Tax Act of 1935, relating to the lien of inheritance taxes;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

### On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred:

Assembly Bill No. 930—An act to amend section 2189 of the Political Code, relating to the discharge of patients from State institutions;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

SCHOTTKY, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 59—An act to add section 6.5 to the State Narcotic Act, relating to addition to the use of habit forming, narcotic and other dangerous drugs and substances;

Assembly Bill No. 1014—An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, to delete the provision declaring artificially colored canned tomatoes or tomato products adulterated, this act to take effect immediately;

Assembly Bill No. 2723—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

DeLAP, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1757—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches;

Assembly Bill No. 2854—An act to amend sections 11, 12, 20, 21 and 22 of the "General Cemetery Act" and adding section 21a thereto, relating to cemeteries and powers of cemetery corporations;

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

DELLAP, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which which was referred:

Assembly Bill No. 1319—An act to amend section 1 of an act entitled "An act to provide against the selling, purchase, barter or bartering, the altering or the use of any fraudulent degrees, certificates or transcripts to be used in obtaining a license or certificate to practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of physicians in connection required under the Medical Practice Act, the Osteopathic Initiative Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, relating to the unlawful use of degrees, certificates or transcripts issued for the purpose of a healing art:

Assembly Bill No. 1253—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, misbranded or misbranded drugs, regulating the traffic in drugs and prescribing penalties for violation thereof," approved March 11, 1927, in connection, relating to the administration, mislabeling, misbranding, advertising and use of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

DELLAP, Chairman.

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 755—An act entitled "An act to add section 299 to the Agricultural Code of the State of California,":

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 399—An act to amend sections 1261, 1264, 1265, 1268, 1269 and 1273 and to repeal section 1272.5 as added by Chapter 715, Statutes of 1935, of the Agricultural Code, relating to produce dealers:

Assembly Bill No. 1335—An act to amend section 814.5 of the Agricultural Code, relating to celery:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee votes: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1370—An act to add a new section to the Agricultural Code, to be numbered 810.6, relating to the standardization of Brussels sprouts:

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1104—An act to amend section 810 of the Agricultural Code, relating to artichokes:

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—8; absent—1.

CRITTENDEN, Chairman.

#### On Banking.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Assembly Bill No. 1263—An act to amend sections 61 and 61a of the "Bank Act," relating to legal investments for savings banks.



Assembly Bill No. 1647—An act to amend section 135d of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended:

Assembly Bill No. 1719—An act to amend an act entitled "An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances of credits, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of national mortgage associations or similar credit institutions, the act to take effect immediately," approved January 30, 1935, by amending sections 1, 2, 3 and 4 thereof and by adding a new section thereto to be known as section 5a, so as to make notes and bonds secured by mortgages insured, and debentures issued, by the Federal Housing Administrator, and obligations of national mortgage associations eligible for deposit where securities must be deposited pursuant to any law of the State of California; and for clarification purposes;

Assembly Bill No. 2730—An act to amend section 104 of the Bank Act, relating to participation certificates;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DEUEL, Chairman.

#### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on constitutional amendments, to which was referred:

Assembly Constitutional Amendment No. 21—A resolution proposing to the people of the State of California an amendment to the Constitution of said State by amending section 31 of Article VI thereof, relating to gifts to municipal corporations and the apportionment of funds out of the State treasury for county, city and county, city or other municipal purposes;

Has the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

#### On Civil Service.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Assembly Bill No. 1081—An act to amend section 10 of the State Civil Service Act, relating to examinations;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

JESPERSEN, Vice Chairman.

#### Adjournment.

At five o'clock and twelve minutes p.m., on motion of Senator Knowland, the acting President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, April 29, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Thursday, April 29, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,

Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piepovich, Powers, Quinn, Rich, Schotky, Seatchell, Slater, Swing, Tucke, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kitcher.

### Reading of the Journal.

During the reading of the Journal of Wednesday, April 28, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Law, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert Phillips of Yuba City.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Greer, former district attorney of Marin County.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roger R. Walsh, district attorney of Kings County, Mrs. Walsh, and Mrs. Fred Silveira of Merced.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of Woodrow Wilson Junior High School, San Jose, California, accompanied by Miss Alma Linton, Human Relations class teacher; Orrin Matheny, cadet, and Miss Anne R. Mangel, home room teacher: Ann J. Aiello, Jennie Narbonne, Floris Garner, Frank Sutherland, Henry Grifoul, Duane Bittick, Paul Maklita, Anna Boshino, Anna Gallina, Alice Spang, Bob Beatty, Cathryn Camilla, Dolores Piazza, Calvin Resecker, George Kawanami, Alice Savio, Kathryn Irish, Lorraine Miller, Cora Rose, Charles Alderott, Charles McCoy, Max Fitzgerald, Paul Stieling, Jean Monogue, Jane Sparger, Venetia Spingola, Jean Taylor, Bill Kennedy, Dean Thompson, Bill Whitmore, Ethlyn Fuller, Shirley Redensky, Marie Centodocato, and Lois Cappa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Hettman of San Francisco.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. E. Robbins, and Nancy Jane Robbins, both of San Leandro.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena B. Everett, teacher, and the following students of the Stanford Junior High School: Douglas Bonham, Joe Brown, Lucy De Frisco, Carroll Emery, Robert Fabricius, Betty Ressler, Marie Gates, Bobby Goode, Waltrand Gundel, Emerson Harriman, Marjorie Hawk, Meryl Hawkins, Ruth Holmes, Joe La Brasea, Charles Sonders, Lihan Parenti, Carmen Perry, Agnes Pollacci, Robert Pratt, Josephine Priest, Adrian Thom, Richard Upthegrove, Thomas Whitfield, and Patricia Winters.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Baker of Valley Springs.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. N. L. Fairbairn, Mrs. W. T. Eich, Mrs. M. T. Mahan, and Mrs. J. L. Seawell.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 440—An act to repeal section 5.743 of the School Code, to add thereto a new section to be numbered 5.753 and to amend sections 5.744 and 5.745 thereof, all relating to the payment of salaries of persons employed by school districts in positions requiring certification qualifications;

Assembly Bill No. 1518—An act to add section 56.5 to, and to amend sections 13 and 56 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2495—An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2498—An act to amend sections 12 and 54 of, and to repeal sections 14 and 53 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2845—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 440 read first time, and referred to Committee on Education.

Assembly Bill No. 1518 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2495 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2498 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2845 read first time, and referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 216—An act to add Chapter Va, comprising sections 852 to 852.4, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 216 ordered placed on unfinished business file.



**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on the completion of work on May 1, 1937:

Marion Hendricks

*Per day*  
\$5.00

Resolution read, and on motion of Senator Tickle adopted.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person, he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning May 3, 1937, and the Comptroller is hereby directed to draw his warrants in favor of the said person for the said amounts, and the Treasurer is hereby directed to pay the same:

Maryann Reid, Assistant Engraving and Enrolling Clerk

*Per day*  
\$5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Bigger, Cunningham, Fletcher, Gordon, Hays, Hollister, Hulihan Josperson, Keating, Kessigh, Law, McCormack, Metzger, Munro, Quinn, Parkman, Pierovich, Powers, Quinn, Rich, Schadtky, Slater, Tickle, Westover, Williams and Young—26.

**NOES**—None.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Young moved to reconsider the vote whereby Senate Bill No. 1030 was passed.

**Postponement of Reconsideration.**

On motion of Senator Young, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1030 was passed was continued until the next legislative day.

**Consideration of Daily File.****Second Reading of Senate Bills.**

**Senate Bill No. 773**—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 773 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out "for the", and insert in lieu thereof the words "upon the business of".



**Amendment No. 2.**

On page 1, lines 4 and 5, of the printed bill, strike out the words "as a business"

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 13 to 20, inclusive, and insert in lieu thereof the following: "(a) The term "operator" shall include only those persons who are engaged in the business of transporting persons or property for hire or compensation by or upon any motor vehicles upon any public highway in this State, but shall not mean nor include the following:

(1) Any person having a fixed and established place of business and regularly engaged in the transaction of a business other than the business of transporting persons or property for hire or compensation who as an incident to the transaction of such private business transports in a motor vehicle owned or controlled by him, property bought, sold or to be sold;

(2) Any farmer who occasionally transports property for other farmers;

(3) Any person engaged primarily in farming or the harvesting or the marketing of farm products in the carriage of laborers to and from farm work as an incident in such farming, harvesting or marketing operations;

(4) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division VI of the Agricultural Code to the extent only that it may be engaged in transporting its own property or the property of its members;

(5) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public school and whose total compensation from all sources for providing such transportation does not exceed fifty dollars in any calendar month."

**Amendment No. 4.**

On page 2 of the printed bill, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"(b) The term "person" shall include any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and the plural as well as the singular number.

(c) The term "motor vehicle" shall include all automobiles, trucks, tractors, or other self-propelled vehicles used for the transportation of persons or property upon the public highways, otherwise than upon fixed rails or tracks, and any trailer, semitrailer, dolly or other vehicle drawn thereby, not exempt from registration fees under the laws of this State.

(d) The term "gross receipts" shall include all receipts from the operation of motor vehicles entirely within this State and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such operations extend, of the receipts from the operation of motor vehicles passing through, into or out of this State, or partly within and partly without this State. The term "gross receipts" shall not include revenue derived by an express company from the shipment of property over the lines of common carriers, but shall include revenue derived by such express companies from the transportation of property in motor vehicles operated by them.

(e) The term "board" means the State Board of Equalization.

(f) The term "Controller" means the State Controller.

**Amendment No. 5.**

On page 3, line 13, of the printed bill, in the third word, substitute the letter "j", for the letter "p".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 271**—An act to add section 3817d2 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 59**—An act to add section 6.5 to the State Narcotic Act, relating to addiction to the use of habit forming, narcotic and other dangerous drugs and substances.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 755**—An act to add Article 1a to Chapter 1 of Division III of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the canine or feline species.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1104**—An act to amend section 810 of the Agricultural Code, relating to artichokes.

Bill read second time, ordered to engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

**Assembly Bill No. 2829**—An act to add section 8a to the California Water District Act, relating to assessments for the redemption of bonds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2662**—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in districts 15 and 16.

Bill read second time and ordered on file for third reading.

**Assembly Bill No. 2345**—An act to amend section 1343 of the Fish and Game Code, relating to seals and sea lions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 971**—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 971 were read and adopted:

#### Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, after "taxes", insert the following: "and deeds conveying rights of way for public purposes".

#### Amendment No. 2.

On page 1, line 16, of the printed bill, as amended, after the period, insert the following: "Where the State acquires property prior to September 1, this section does not apply to the taxes which became a lien on the property on the first Monday in March of the same year."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 65**—An act to add section 5a to the "Retail Sales Tax Act of 1933," relating to exemptions, and providing that this act shall go into effect immediately.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Assembly Bill No. 65 was read and adopted:

#### Amendment No. 1.

On page 3, line 52, of the printed bill, as amended, after the comma following the words "cereal products," insert the words "bottled water used solely for human consumption,".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 2197**—An act to amend sections 2, 3, 7, 11, 12 and 22 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal section 32 of said act; to renumber sections 33 and 34 of said act; relating to the taxation of the storage, use or other consumption of tangible personal property.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 2197 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "3," insert "6,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "and", and insert in lieu thereof a comma.

**Amendment No. 3.**

On page 1, line 2 of the title of the printed bill, as amended, after "25", insert "27 and 29".

**Amendment No. 4.**

On page 1, line 10 of the title of the printed bill, as amended, strike out "section", and in lieu thereof insert "sections".

**Amendment No. 5.**

On page 1, line 10 of the title of the printed bill, as amended, before "32", insert "21, 22, 23, 24 and".

**Amendment No. 6.**

On page 1, line 11 of the title of the printed bill, as amended, between "sections" and "33", insert "25, 26, 27, 28, 29, 30, 31,".

**Amendment No. 7.**

On page 1, line 11 of the title of the printed bill, as amended, strike out "32 and 33", and insert in lieu thereof "21, 22, 23, 24, 25, 26, 27, 28 and 29".

**Amendment No. 8.**

On page 2, line 15, of the printed bill as amended, strike out "nor", and in line 16, strike out "shall the sales price include", and insert in lieu thereof "and 'sales price' shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit or".

**Amendment No. 9.**

On page 3 of the printed bill, as amended, between lines 20 and 21, insert the following:

"In the event that the excise tax herein imposed should be judicially determined to be a property tax, this act shall be regarded as having been enacted as of June 30, 1935, in the exercise of the power of classification conferred by section 14 of Article XIII of the California Constitution and all taxes, interest and penalties imposed, levied, assessed, accrued or collected hereunder from such date and prior to the adoption of this amendment are hereby legalized and ratified and the assessment, levy, collection and accrual of all taxes, interest and penalties prior to the adoption of this amendment are hereby legalized, ratified and confirmed as fully to all intents and purposes as if this act had been adopted by the vote of two thirds of all the members elected to each of the two houses of the Legislature. All such taxes, interest and penalties which had accrued and remained unpaid on the date of the adoption of this amendment shall be assessed and collected pursuant to the provisions of this act. Nothing contained herein shall be construed to import illegality to the tax imposed by this act.

Sec. 3. Section 6 of the act cited in the title heretofore is hereby amended to read as follows:

Sec. 6. Every retailer maintaining a place of business in this State and making sales of tangible personal property for storage, use or other consumption in this State, not exempted under the provisions of section 4 hereof, shall, at the time of making such sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by this act from the purchaser and give to the purchaser a receipt thereon in the manner and form prescribed by the board. The tax required to be included by the retailer from the purchaser shall be displayed separately from the tax specified in the premises, marked or other price on the sales check or other proof of sales.

It shall be unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this act will be included or added to the price of the goods if it will not be added to the selling price of the property sold or if added thereto it is not part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

The tax herein required to be collected by the person shall constitute a debt owed by the retailer to this State."

#### Amendment No. 10.

On page 3, line 21, of the printed bill, as amended, strike out "5", and insert in lieu thereof "4".

#### Amendment No. 11.

On page 3, line 25, of the printed bill as amended, after "except", insert "during which the storage, use or other consumption of tangible personal property becomes taxable hereunder".

#### Amendment No. 12.

On page 3, line 36, of the printed bill, as amended, strike out "during each preceding quarterly period".

#### Amendment No. 13.

On page 3, line 37, of the printed bill, as amended, strike out "8", and insert in lieu thereof "became".

#### Amendment No. 14.

On page 3, line 38, of the printed bill, as amended, after "act", insert "during the preceding quarterly period".

#### Amendment No. 15.

On page 3 of the printed bill, as amended, strike out lines 48 to 50 inclusive, and insert in lieu thereof the following:

"Every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the tax imposed by this act, and who has not paid the tax due with respect thereto to a retailer required or authorized hereunder to collect the tax, shall on or before the fifteenth."

#### Amendment No. 16.

On page 4 of the printed bill, as amended, strike out lines 5 and 6, and insert in lieu thereof "only purchased by such person, the storage, use or other consumption of which became".

#### Amendment No. 17.

On page 4, line 7, of the printed bill, as amended, after "and" insert "during the preceding quarterly period and, with respect to tangible personal property not paid to a retailer required or authorized hereunder to collect the tax."

#### Amendment No. 18.

On page 4, line 10, of the printed bill, as amended, after "amount" insert "and not paid to a retailer required or authorized hereunder to collect the tax."

#### Amendment No. 19.

On page 4, line 34, of the printed bill, as amended, strike out "4", and insert in lieu thereof "5".

#### Amendment No. 20.

On page 4, line 37, of the printed bill, as amended, after "paid or", insert "the tax or".

#### Amendment No. 21.

On page 5, line 12, of the printed bill, as amended, strike out "5", and insert in lieu thereof "6".

#### Amendment No. 22.

On page 5, line 40, of the printed bill, as amended, strike out "6", and insert in lieu thereof "7".



**Amendment No. 23.**

On page 5, line 44, of the printed bill, as amended, strike out "note", and insert in lieu thereof "thereupon make a determination of such tax or amount of tax herein required to be collected, noting".

**Amendment No. 24.**

On page 5 of the printed bill, as amended, strike out lines 45 and 46, and insert in lieu thereof "fact upon such determination, and the amount thereof shall be imme-".

**Amendment No. 25.**

On page 5, line 48, of the printed bill, as amended, strike out "or assessment".

**Amendment No. 26.**

On page 5, line 49, of the printed bill, as amended, strike out "or", and in line 50, strike out "assessment".

**Amendment No. 27.**

On page 5, line 50, of the printed bill, as amended, after "thereof," insert "such amount becomes final at the expiration of such ten days, unless a petition for redetermination is filed within such ten days, and".

**Amendment No. 28.**

On page 6, line 5, of the printed bill, as amended, strike out "or reassessment".

**Amendment No. 29.**

On page 6, line 6, of the printed bill, as amended, strike out "or 22".

**Amendment No. 30.**

On page 6, line 7, of the printed bill, as amended, strike out "or reassessment".

**Amendment No. 31.**

On page 6, line 9, of the printed bill, as amended, strike out "or assessment".

**Amendment No. 32.**

On page 6, line 15, of the printed bill, as amended, strike out "7", and insert in lieu thereof "8".

**Amendment No. 33.**

On page 6, line 41, of the printed bill, as amended, strike out "8", and insert in lieu thereof "9".

**Amendment No. 34.**

On page 7, line 35, of the printed bill, as amended, strike out "9", and insert in lieu thereof "10".

**Amendment No. 35.**

On page 7 of the printed bill, as amended, strike out lines 40 to 51, inclusive, and on page 8, strike out lines 1 to 43, inclusive.

**Amendment No. 36.**

On page 8, line 44, of the printed bill, as amended, strike out "12", and insert in lieu thereof "11".

**Amendment No. 37.**

On page 8, line 45, of the printed bill, as amended, after "hereby", insert "renumbered section 21 and".

**Amendment No. 38.**

On page 8, line 46, of the printed bill, as amended, strike out "25", and insert in lieu thereof "21".

**Amendment No. 39.**

On page 9 of the printed bill, as amended, between lines 19 and 20, insert the following:

"SEC. 12. Section 26 of the act cited in the title hereof is hereby renumbered section 22 to read as follows:

Sec. 22. It shall be unlawful for the board, or any person having an administrative duty under this act to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the Governor may authorize examination of such returns by other State officers, by tax officers of another State, or the Federal Government, if a reciprocal arrangement exists, and any other persons the Governor may so authorize.

Any violations of the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 13. Section 27 of the act cited in the title hereof is hereby renumbered section 23 and amended to read as follows:

SEC. 23. All fees, taxes, interest and penalties imposed and all amounts of tax herein required to be paid to the State under this act must be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California, and said board shall transmit such payments to the State Treasurer to be deposited in the State treasury to the credit of the special sales tax fund. The moneys paid under this act and deposited in the retail sales tax fund shall, upon order of the State Controller, be drawn therefrom for the purpose of making refunds hereunder or be transferred to the general fund of the State.

SEC. 14. Section 28 of the act cited in the title hereof is hereby renumbered section 24 and read as follows:

SEC. 24. At any time within three years after any amount of tax required to be collected has become due and payable and any time within three years after the delinquency of any tax, the board may bring an action in the courts of this State, and other State or in any court of the United States or the court of any county of the State of California to collect the amount delinquent, together with penalties and interest. The Attorney General must prosecute such action. In such action a writ of attachment may issue, and no bond or affidavit is required for the issuance of such attachment is required. In such action a certificate by the board showing the delinquency shall be prima facie evidence of the delinquency of the amount assessed to be collected, or the assessment of the tax, of the delinquency and of the compliance by the board with all the provisions of this act or failure in the assessment and determination of the amount herein required to be collected and of the collection and assessment of the tax.

In any action brought under the provisions of this act process may be served according to the provisions of the Code of Civil Procedure and the Code of Civil Procedure may be served upon any agent or clerk in this State employed by any retailer in a place of business maintained by such retailer in this State in which case a copy of the process shall forthwith be sent by registered mail to such retailer or his principal or home office.

SEC. 15. Section 29 of the act cited in the title hereof is hereby renumbered section 25 and amended to read as follows:

SEC. 25. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or against any officer thereof to prevent or enjoin under this act the collection of any tax or any amount of tax herein required to be collected; but after judgment has been rendered in any such amount of tax herein required to be collected under process lawfully issued and setting forth the grounds of objection to the legality thereof, the retailer or person making the payment may bring an action against the State Treasurer in a court of competent jurisdiction in the County of Sacramento for the recovery of the amount paid under protest. No such action may be instituted more than one year after the tax or the amount herein required to be collected and paid to the State becomes due and payable, and failure to bring suit within said one year shall constitute waiver of any and all demands against the State on account of alleged overpayments hereunder. No grounds of illegality shall be considered by the court other than those set forth in the protest filed at the time of the payment of tax or the amount herein required to be collected and paid to the State.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes or amounts due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum after the amount found to have been illegally collected from the date of payment of such amount to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any amount paid hereunder, when such action is brought by or in the name of or assigns of the retailer or other person paying said amount, or by any person other than the person who has paid such amount.

SEC. 16. Section 30 of the act cited in the title hereof is hereby renumbered section 26 and read as follows:

SEC. 26. Any retailer or other person failing or refusing to furnish any return hereby required to be made, or failing or refusing to furnish a substantiated return or other data required by the board, or rendering a false or fraudulent return, shall be guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars (\$500) for each such offense.

Any person required to make, render, sign or verify any report as aforesaid, who makes any false or fraudulent return, with intent to defeat or evade the assessment or determination of amount due required by law to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars (\$300) and not more than five thousand dollars (\$5000) or be imprisoned not exceed-

ing one year in the county jail or be subject to both said fine and imprisonment in the discretion of the court.

SEC. 17. Section 31 of the act cited in the title hereof is hereby renumbered section 27 to read as follows:

SEC. 27. Any violation of the provisions of this act, except as otherwise herein provided, shall be a misdemeanor and punishable as such."

**Amendment No. 40.**

On page 9 of the printed bill, as amended, strike out lines 20 and 21.

**Amendment No. 41.**

On page 9, line 22, of the printed bill, as amended, strike out "14", and insert in lieu thereof "18".

**Amendment No. 42.**

On page 9, line 23 of the printed bill, as amended, after "renumbered", insert "section 28".

**Amendment No. 43.**

On page 9, line 24, of the printed bill, as amended, strike out "32", and insert in lieu thereof "28".

**Amendment No. 44.**

On page 9, line 32, of the printed bill, as amended, strike out "15", and insert in lieu thereof "19".

**Amendment No. 45.**

On page 9, line 33, of the printed bill, as amended, after "renumbered", insert "section 29".

**Amendment No. 46.**

On page 9, line 34, of the printed bill, as amended, strike out "33", and insert in lieu thereof "29".

**Amendment No. 47.**

On page 9 of the printed bill, as amended, between lines 37 and 38, insert:

"SEC. 20. Sections 21, 22, 23, 24 and 32 of the act cited in the title hereof as they existed on January 1, 1937, are hereby repealed."

**Amendment No. 48.**

On page 9, line 38, of the printed bill, as amended, strike out "16", and insert in lieu thereof "21".

**Amendment No. 49.**

On page 9, line 44, of the printed bill, as amended, strike out "17", and insert in lieu thereof "22".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1244**—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32 and 34 of "The Personal Income Tax Act of 1935."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1244 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended on April 22d, after the numeral "32", insert the following: ", 33".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended April 22d, after "1935", and before the period, insert the following: ", relating to the taxation of income of individuals, estates and trusts".

**Amendment No. 3.**

On page 5, line 34, of the printed bill, as amended on April 22d, strike out "an", and insert in lieu thereof the following: "and".

**Amendment No. 4.**

On page 7, line 32, of the printed bill, as amended on April 22d, after "(a)", and before the comma, insert a close parenthesis mark.

**Amendment No. 5.**

On page 13, line 3, of the printed bill, as amended on April 22d, strike out "centum", and insert in lieu thereof the following: "cent".

**Amendment No. 6.**

On page 14, line 24, of the printed bill, as amended on April 22d, after the word "fiduciary", insert a comma.

**Amendment No. 7.**

On page 14, line 28, of the printed bill, as amended on April 22d, strike out "are residents", and insert in lieu thereof the following: "as a resident".

**Amendment No. 8.**

On page 15, line 44, of the printed bill, as amended on April 22d, after the word "instrument", insert a comma.

**Amendment No. 9.**

On page 15, line 51, of the printed bill, as amended on April 22d, after the word "beneficiary", insert a comma, and after the word "trustee", insert a comma.

**Amendment No. 10.**

On page 16, line 14, of the printed bill, as amended on April 22d, after the word "beneficiary", insert a comma, and after the word "trustee", insert a comma.

**Amendment No. 11.**

On page 21, line 10, of the printed bill, as amended on April 22d, after the word "installment", insert a comma.

**Amendment No. 12.**

On page 21, line 46, of the printed bill, as amended on April 22d, after the word "If", insert a comma.

**Amendment No. 13.**

On page 23, line 12, of the printed bill, as amended on April 22d, strike out "centum", and insert in lieu thereof the word "cent".

**Amendment No. 14.**

On page 25, line 26, of the printed bill, as amended on April 22d, after the word, and before the word "Any", insert the following: "Upon the giving of notice by the commissioner to the fiduciary of an estate or trust that the State has caused the net from the grantor or beneficiaries of an estate or trust to consist of one estate or trust, which is taxable to the grantor or beneficiary under the provisions of sections 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000."

**Amendment No. 15.**

On page 27, line 25, of the printed bill, as amended on April 22d, strike out "he", and insert in lieu thereof the following: "he".

**Amendment No. 16.**

On page 28, lines 1 and 2, of the printed bill, as amended on April 22d, strike out the words "Decedents and".

**Amendment No. 17.**

On page 28 of the printed bill, as amended on April 22d, strike out lines 17 to 18, both inclusive.

**Amendment No. 18.**

On page 28, line 49, of the printed bill, as amended on April 22d, strike out "(b)", and insert in lieu thereof "(a)".

**Amendment No. 19.**

On page 28, line 51, of the printed bill, as amended on April 22d, strike out the words "or beneficiary".

**Amendment No. 20.**

On page 28, line 52, of the printed bill, as amended on April 22d, strike out the words "or beneficiary".

**Amendment No. 21.**

On page 29, line 1, of the printed bill, as amended on April 22d, strike out the following: "(c), (d)".

**Amendment No. 22.**

On page 29, line 14, of the printed bill, as amended on April 22d, strike out "(c)", and insert in lieu thereof the letter "(b)".

**Amendment No. 23.**

On page 30 of the printed bill, as amended on April 22d, between lines 21 and 22, insert the following:



"Sec. 19. Section 33 of said act is hereby amended to read as follows:

Sec. 33. (a) Except in accordance with proper judicial order in cases or actions instituted for the enforcement of the provisions of this act or for the prosecution of violations of this act and except as otherwise herein provided, it shall be unlawful for the commissioner, any deputy, agent, clerk or other officer or employee, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this act; provided, however, that such information may upon request of a committee appointed by either the Assembly or the Senate be furnished to such committee. Nothing herein shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General or other legal representatives of the State, of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or any penalty imposed by this act. Reports and returns shall be preserved for four years and thereafter until the commissioner orders them to be destroyed.

(b) Any offense against subdivision (a) of this section shall be a misdemeanor.

(c) Notwithstanding the provisions of this section, the commissioner may permit the Commissioner of Internal Revenue of the United States, or the proper officer of any State imposing an income tax upon the incomes of individuals, or the authorized representative of either such officer, to inspect the income tax returns of any individual, or may furnish to such officer or his authorized representative an abstract of the return of income of any taxpayer or supply him with information concerning any item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any taxpayer; but such permission shall be granted or such information furnished to such officer or his representative, only if the statutes of the United States or of such other State, as the case may be, grant substantially similar privileges to the proper officer of this State charged with the administration of this act."

#### **Amendment No. 24.**

On page 30, line 22, of the printed bill, as amended on April 22d, strike out "19", and insert in lieu thereof the numeral "20".

#### **Amendment No. 25.**

On page 30, line 31, of the printed bill, as amended on April 22d, strike out "20", and insert in lieu thereof the numeral "21".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1245**—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13(a) to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1245 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended on April 22d, strike out "(a)", and insert in lieu thereof the following: "1".

#### **Amendment No. 2.**

On page 1, line 15, of the printed bill, as amended on April 22d, strike out the word "or", and insert in lieu thereof the word "and".

#### **Amendment No. 3.**

On page 2, line 46, of the printed bill, as amended on April 22d, strike out the word "the".

#### **Amendment No. 4.**

On page 5, line 14, of the printed bill, as amended on April 22d, after the word "herein", and before the period, insert the following: "; provided, however, that the words 'with the approval of the secretary' in said sections shall be deemed omitted".

#### **Amendment No. 5.**

On page 6, line 31, of the printed bill, as amended on April 22d, strike out "Tax Commissioner", and insert in lieu thereof the following: "commissioner".

**Amendment No. 6.**

On page 7, line 17, of the printed bill, as amended on April 22d, strike out "allocable", and insert in lieu thereof the following: "allocable".

**Amendment No. 7.**

On page 7, line 45, of the printed bill, as amended on April 22d, strike out the comma after the word "income", and insert a comma after the word "shall".

**Amendment No. 8.**

On page 11, line 37, of the printed bill, as amended on April 22d, strike out the word "minimum".

**Amendment No. 9.**

On page 11, line 38, of the printed bill, as amended on April 22d, strike out the words "of twenty-five dollars", after the word "period", and before the period insert the following: "in an amount equal to the minimum tax provided for in section 4 of this act".

**Amendment No. 10.**

On page 12, lines 18 and 19, of the printed bill, as amended on April 22d, strike out the words "of twenty-five dollars", and insert in lieu thereof the following: "in an amount equal to the minimum tax provided for in section 4 of this act".

**Amendment No. 11.**

On page 12, line 28, of the printed bill, as amended on April 22d, strike out "(a)", and insert in lieu thereof the following: "j".

**Amendment No. 12.**

On page 12, line 30, of the printed bill, as amended on April 22d, strike out "(a)", and insert in lieu thereof the following: "j".

**Amendment No. 13.**

On page 12, line 34, of the printed bill, as amended on April 22d, after the word "corporations", insert a comma; in line 36, after the word "and", insert a comma; in line 38, after the word "return", and before the word "and", strike out the semi-colon; in line 40, after "first", insert a comma; and in line 41, after the word "year", insert a comma.

**Amendment No. 14.**

On page 12, line 52, of the printed bill, as amended on April 22d, after the word "section", insert a comma.

**Amendment No. 15.**

On page 13, line 8, of the printed bill, as amended on April 22d, after the word "group", insert a comma.

**Amendment No. 16.**

On page 15, line 41, of the printed bill, as amended on April 22d, after the word "return", strike out the comma; in line 42, after the word "corporations", strike out the comma; and in line 45, after the word "installment", strike out the comma.

**Amendment No. 17.**

On page 16, line 18, of the printed bill, as amended on April 22d, after the word "then", insert a comma.

**Amendment No. 18.**

On page 18, line 16, of the printed bill, as amended on April 22d, after the word "board", insert a comma.

**Amendment No. 19.**

On page 16, line 32, of the printed bill, as amended on April 22d, after the word "of", and before the word "paragraph", insert the words "the preceding", and strike out the following: "1."

**Amendment No. 20.**

On page 20, line 1, of the printed bill, as amended on April 22d, after the word "If", insert a comma.

**Amendment No. 21.**

On page 21, line 9, of the printed bill, as amended on April 22d, after the word "court", insert a comma; and in line 10, strike out the word "order", and insert in lieu thereof the word "orders".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1086**—An act to amend section 3716 of the Political Code, relating to the lien of taxes on real and personal property and providing that such lien shall cease to exist after 30 years.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Assembly Bill No. 1086 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, commencing in line 25, strike out the following: "A sale or deed to the State or to any taxing agency for tax delinquency, which sale or deed does not terminate the right of redemption, shall not be deemed a sale in the manner provided by law for the payment of the tax."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 481**—An act to amend section 17 of the Inheritance Tax Act of 1935, relating to inheritance taxation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1341**—An act to amend section 1550 of the Streets and Highways Code, relating to county road taxes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 483**—An act to amend sections 3 and 9 of the Inheritance Tax Act of 1935, relating to the lien of inheritance taxes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 930**—An act to amend section 2189 of the Political Code, relating to the discharge of patients from State institutions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1014**—An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs and making an appropriation therefor," approved March 11, 1907, as amended, to delete the provision declaring artificially colored canned tomatoes or tomato products adulterated, this act to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2723**—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1757**—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches.



**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Assembly Bill No. 1747 was read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill strike out the words "and the house or room is rented or held"; strike out lines 10 to 12, inclusive, and insert in lieu thereof a period, and as a separate paragraph, the following:

"This act shall not apply to any trailer coach or group of trailer coaches that constitute wholly, or in part an auto camp as defined in Chapter 214 of the Statutes of 1931."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2834**—An act to amend sections 11, 12, 20, 21 and 22 of the "General Cemetery Act" and adding section 21a thereto, relating to cemeteries and powers of cemetery corporations.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Assembly Bill No. 2834 was read and adopted:

**Amendment No. 1.**

On page 6 of the printed bill, as amended, after line 8, add the following new paragraph:

"No action shall lie against any cemetery association relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with said association for their care or unless permanent interment has been made thereof by the person vested with that duty."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1319**—An act to amend section 1 of an act entitled "An act to provide against the selling, purchase, barter or bartering, the altering or the use of any fraudulent degrees, certificates or transcripts to be used in obtaining a license or certificate to practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of applicants in examination required under the Medical Practice Act, the Osteopathic Initiative Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, relating to the unlawful use of degrees, certificates or transcripts necessary for the practice of a healing art.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1319 were read and adopted:

**Amendment No. 1.**

On page 1, line 10 of the title of the printed bill, as amended, after "1927," insert the following: "or sections 580 and 581 of the Business and Professions Code."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, after line 28, insert the following:

"Sec. 2. Section 580 of the Business and Professions Code is hereby amended to read as follows:

580. No person, company or association shall sell or barter or offer to sell or barter any medical degree, or osteopathic degree, or chiropractic degree, or degreeless practitioner degree, or naturopathic degree or any degree, certificate or transcript made or purporting to be made pursuant to any laws regulating the licensing and registration or issuing of a certificate to physicians and surgeons, druggists, practitioners, chiropodists, midwives, osteopathic physicians and surgeons or degreeless practitioners, naturopaths, chiropractors or persons lawfully engaged in any other system or mode of treating the sick or afflicted.



**SEC. 3.** Section 581 of the Business and Professions Code is hereby amended to read as follows:

581. No person, company or association shall purchase or procure by barter or by any unlawful means or method, any diploma, certificate or transcript, with intent that it shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, an osteopathic physician and surgeon, a naturopath, a drugless practitioner, a chiroprapist, or a midwife or any other system or mode of treating the sick or afflicted as provided in Chapter 5 of Division II of this code, relating to the practice of medicine, or in any fraud of the law regulating this practice or shall with fraudulent intent, alter in a material regard, any such diploma, certificate, or transcript.

**SEC. 4.** Section 1 of this act shall take effect only if a Business and Professions Code is not enacted by the Legislature at its fifty-second session.

**SEC. 5.** Sections 2 and 3 of this act shall take effect only if a Business and Professions Code is enacted by the Legislature at its fifty-second session."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

**Assembly Bill No. 1253**—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs, and devices and to the powers of the State Board of Public Health in relation thereto.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1253 were read and adopted:

##### Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 46 and 47, insert the following paragraph:

"It is unlawful for any person to sell, dispense, administer or prescribe dinitrophenol for therapeutic purposes."

##### Amendment No. 2.

On page 3, line 39, of the printed bill, strike out the word "tuberculosis".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

**Assembly Bill No. 399**—An act to amend sections 1261, 1263, 1265, 1268, 1269 and 1273 and to repeal section 1272.5, as added by Chapter 715, Statutes of 1933, of the Agricultural Code, relating to produce dealers.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1335**—An act to amend section 813.5 of the Agricultural Code, relating to celery.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1370**—An act to add a new section to the Agricultural Code, to be numbered 810.6, relating to the standardization of Brussels sprouts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1263**—An act to amend sections 61 and 61a of the "Bank Act," relating to legal investments for savings banks.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1647**—An act to amend section 135d of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1719**—An act to amend an act entitled "An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances of credits, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of national mortgage associations or similar credit institutions, the act to take effect immediately," approved January 30, 1935, by amending sections 1, 2, 3 and 4, thereof and by adding a new section thereto to be known as section 5a, so as to make notes and bonds secured by mortgages insured, and debentures issued, by the Federal Housing Administrator, and obligations of national mortgage associations eligible for deposit where securities must be deposited pursuant to any law of the State of California, and for clarification purposes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2730**—An act to amend section 104 of the Bank Act, relating to participation certificates.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1081**—An act to amend section 10 of the State Civil Service Act, relating to examinations.

Bill read second time, and ordered on file for third reading.

### **Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Knutland moved to reconsider the vote whereby Assembly Bill No. 2826 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 2826 reconsidered by the following vote:

**AYES**—Senators Bigger, Crittenden, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Kuykendall, Law, McCormack, McGovern, Menzies, Miller, Olson, Perkins, Patterson, Quinn, Rich, Schotsky, Slater, Finkle, and Westover—28.

**NOES**—None.

Assembly Bill No. 2826 ordered placed on the unfinished business file.

### **Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Keough moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1766 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 1766 reconsidered by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Donoh, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McCor-

mack, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schoutky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.  
 NOES—None.

Assembly Bill No. 1766 ordered placed on the unfinished business file.

### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 5, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

**Senate Bill No. 5**—An act to amend sections 1, 10, 12, 21, 23, 24 and 25 of the "Direct Primary Law," relating to nonpartisan offices.

#### Amendments from the Floor.

During third reading of Senate bill No. 5, the following amendments, offered by Senator Knowland, were read:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 25 to 27, inclusive, and insert in lieu thereof the following:

"6. The words "State office," any and all State offices, except judicial or school offices, filled by election by the people and excludes the offices of United States Senator in Congress and Representative in Congress, and excludes also the position of member of county central committee. All State offices, as well as judicial, school, county and township offices, are nonpartisan."

##### Amendment No. 2.

On page 2, line 23, of the printed bill, as amended, strike out "legislative".

##### Amendment No. 3.

On page 7, line 14, of the printed bill, as amended, strike out "heading State shall be", and strike out lines 15, 16 and 17.

##### Amendment No. 4.

On page 7, line 20, of the printed bill, as amended, strike out "Finally under", and insert in lieu thereof the following: "Under".

##### Amendment No. 5.

On page 7 of the printed bill, as amended, strike out lines 23 and 24, and in line 25, strike out "there may be only one column."

##### Amendment No. 6.

On page 7, line 27, of the printed bill, as amended, before "judicial", insert the following: "State".

##### Amendment No. 7.

On page 7, line 33, of the printed bill, as amended, strike out "Legislative", and insert in lieu thereof the following: "State".

##### Amendment No. 8.

On page 7, line 34, of the printed bill, as amended, after "names", insert the following: "of candidates for State offices in the order of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Controller, State Treasurer, member of the State Board of Equalization, candidate".

##### Amendment No. 9.

On page 8, line 12, of the printed bill, as amended, strike out "legislative".

##### Amendment No. 10.

On page 10, line 22, of the printed bill, as amended, strike out "legislative," "

##### Amendment No. 11.

On the official primary election ballot for the Republican party, which follows page 10 of the printed bill, as amended, transpose the position of

"Attorney General	Vote for One
<b>GEORGE P. WILSON</b> Attorney	
<b>W. B. CURRAN</b> Eureka City Attorney	
<b>THOMAS O'BRIEN</b> Incumbent	

so that it appears directly above "Secretary of State".

**Amendment No. 12.**

On the official primary election ballot for the Republican party, which follows page 10 of the printed bill, as amended, transpose the positions of columns 1 and 2.

**Amendment No. 13.**

In column 3, of the official primary election ballot for the Republican party, strike out

"Delegate to State Convention

---

17th Senatorial District

April 29, 1937

WILLIAM S. STOKES  
Manufacturer

AMOS STRONG  
Doctor

---

**Amendment No. 14.**

On the nonpartisan ballot, which precedes page 11 of the printed bill, as amended, to the left of the left hand column, add the name column word, in the printed bill, is at the extreme left hand side of the Republican party, either making the change directed by Amendment No. 11.

**Amendment No. 15.**

On the nonpartisan primary ballot, which precedes page 11 of the printed bill, as amended, in the column headed "Judicial", strike out

"Delegate to State Convention

---

17th Senatorial District

April 29, 1937

A. J. TORRES  
Teacher

DAVID ANTUNEZ  
Attorney

---

**Amendment No. 16.**

On page 11, line 33, of the printed bill, as amended, strike out "legislative".

**Amendment No. 17.**

On page 12, line 1, of the printed bill, as amended, strike out "legislative".

**Amendment No. 18.**

On page 12, line 40, of the printed bill, as amended, strike out "Insert in", and insert in lieu thereof "In".

**Amendment No. 19.**

On page 12 of the printed bill, as amended, strike out line 41. And in line 42, strike out "municipal office", and insert in lieu thereof the following: "in the United States Senate and the House of Representatives in Congress".

**Amendment No. 20.**

On page 12, lines 49 and 50, of the printed bill, as amended, strike out "other than a State legislative, judicial, school, county, township, or municipal office", and insert in lieu thereof the following: "United States Senator, or member of the House of Representatives in Congress".

**Amendment No. 21.**

On page 13, lines 7 and 8, of the printed bill, as amended, strike out "a State legislative, judicial, school, county, township, or municipal", and insert in lieu thereof the following: "any other".

**Amendment No. 22.**

On page 14, line 27, of the printed bill, as amended, strike out "issued official certificates", and strike out lines 28 to 36, inclusive.

**Amendment No. 23.**

On page 15 of the printed bill, as amended, strike out lines 32 to 38, inclusive, and in line 39, strike out "(b)", and insert in lieu thereof the following: "(a)"

**Amendment No. 24.**

On page 15, line 41, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(b)".



**Ayes and Noes Demanded.**

A roll call was demanded by Senators Mixer, Seawell and Schottky on the adoption of the amendments.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Crittenden, DeLap, Keating, Knowland, Quinn, and Williams—6.  
 NOES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—31.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Biggar, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—23.

NOES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Hollister, Keating, Knowland, Law, Olson, Pierovich, Quinn, Tickle, and Westover—14.

Title read and approved.

Senate Bill No. 5 ordered transmitted to the Assembly.

**Recess.**

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S419 and H12288, providing for the granting of aid by the Federal Government to the several States for the support of public education;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 16 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent

or in conflict therewith, declaring the urgency thereof, and providing that this act shall take effect immediately.

And respectfully requests your honorable body to concur in said proceedings.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 BY H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 579 ordered placed on the unfinished business file.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 59—An act to add section 6.5 to the State Narcotic Act, relating to addition to the use of habit forming, narcotic and other dangerous drugs and substances;

Senate Bill No. 274—An act to add section 381742 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately.

Senate Bill No. 755—An act to add Article 14 to Chapter 1 of Division 111 of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the owner or fellow operator.

Senate Bill No. 472—An act to amend sections 44 and 130 of the Vehicle Code, relating to motor vehicles.

Senate Bill No. 665—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles;

Senate Bill No. 1104—An act to amend section 810 of the Agricultural Code, relating to artichokes.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### **Call of the Senate.**

Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Sensors Biggar, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsersen, Keating, Knowland, Law, McCormack, McGovern, Mixter, Olson, Rusk, Schottky, Wagy, Westover, and Williams—21.

The Secretary announced the absentees:

Time, two o'clock and ten minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

Assistant Secretary Howard McIntire at the Desk.

#### **Consideration of Daily File—(Resumed).**

#### **Third Reading of Senate Bills.**

**Senate Bill No. 1132**—An act to amend sections 1 and 13 of the Orange County Water District Act, relating to the Orange County Water District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1132 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsersen, Keating, Knowland, Law, McCormack, McGovern,

Metzger, Mixer, Olson, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 1132 ordered transmitted to the Assembly.

**Senate Bill No. 692**—An act to amend sections 821, 822, and 827 of, the Agricultural Code, relating to fruits and vegetables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 692 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 692 ordered transmitted to the Assembly.

**Senate Bill No. 1124**—An act to amend sections 737a and 4252 of the Political Code, relating to compensation of public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1124 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 1124 ordered transmitted to the Assembly.

### Unfinished Business.

**Senate Bill No. 579**—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 579.

#### Amendment No. 1.

On page 11 of the printed bill, as amended, following line 32, insert the following: "SEC. 26. The lands described in sections 1 and 6 of this act are located to a large extent within or near the boundaries of the city of Huntington Beach. Operations under this act will require additional expense to the city of Huntington Beach in the administration and enforcement of its ordinances relating to police and fire protection. Use by the State or its lessees of the streets of said city of Huntington Beach will be incidental to the development of said lands in the production, removal, storage and marketing of oil, gas and other hydrocarbon substances produced from said State lands, as provided for in this act, and easements and rights of way over, across, through and on lands owned by, under the control of or in which said city has an interest may be required therefor. As full consideration to said city of Huntington Beach for all such uses of the property of said city and for all easements, franchises, rights of way over, across, through and on lands owned by, under the control of or in which said city has an interest, required in connection with the operations of the State or any of its lessees under this act, the Director of Finance is authorized and directed to contract and agree that there shall be paid

to said city of Huntington Beach not to exceed two hundred fifty of the proceeds of production of oil, gas and other hydrocarbon substances produced from said lands and received by the State in payment of taxes levied and paid pursuant to the provisions of this act; provided, that all moneys paid to the city of Huntington Beach under this provision shall be expended only for such city for public and fire protection and for acquiring, constructing, repairing or maintaining sidewalks, playgrounds, parks and streets such use being hereby declared to be for the public interest, welfare and convenience of the State."

#### Amendment No. 2.

On page 7, line 20, of the printed bill, as amended, after the word "redrafting" and the period, strike out the rest of said line 20 and retype out all of line 21 and 22.

#### Amendment No. 3.

On page 8, line 12, of the printed bill, as amended, following the figure "one" strike out the word "square", and insert the word "square" after the word "one".

#### Amendment No. 4.

On page 9, line 6, of the printed bill, as amended, strike out the word "favorable", and insert in lieu thereof the word "faithful".

#### Amendment No. 5.

On page 10, line 41, of the printed bill, as amended, strike out the comma.

#### Amendment No. 6.

On page 10, line 46, of the printed bill, as amended strike out the word "shall" and insert in lieu thereof the word "may".

#### Amendment No. 7.

On page 10, line 47, of the printed bill, as amended strike out the words "are directed", and insert in lieu thereof the following: "shall not for hire or leases thereof in the manner provided for in this act, or the Director of Finance may".

#### Amendment No. 8.

On page 10, line 48, of the printed bill, as amended strike out the word "to".

#### Amendment No. 9.

On page 10, line 49, of the printed bill, as amended, after the word "to" strike out each of said parcels", and insert in lieu thereof the word "thereon".

#### Amendment No. 10.

On page 11, line 1, of the printed bill, as amended following the word "there with", at the end of the line, insert the following: "if done by the State."

#### Amendment No. 11.

On page 7, line 32, of the printed bill, as amended, after the word "thence", at the end of the line, insert the following: "during a period of 30 consecutive producing days".

#### Amendment No. 12.

On page 1, line 6 of the title of the printed bill, after "hereby", insert a comma and the following: "declaring the emergency clause", and providing that this act shall take effect immediately".

#### Amendment No. 13.

On page 11 of the printed bill, as amended, between lines 52 and 53, insert the following:

"Sec. 28. This act is hereby declared to be an urgent economic necessity, for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

That portion of tide and submerged lands of the State described in sections 1 and 6 of this act contains oil and gas and other hydrocarbon substances of great value. Many oil wells are now drilled, operating and producing oil and gas from privately owned lands that are constantly draining said oil, gas and other hydrocarbons from said State lands for the sole benefit of the owners of said wells and the owners of said privately owned land. Other wells drilled on privately owned lands are extended into said State lands and are producing oil and gas therefrom. This condition results in the daily depletion of this valuable resource of the State, making it imperative, if the interests of the State thereon are to be preserved and the revenues available to the State therefrom are to be saved, that immediate action be taken to drill for, extract, produce and remove the oil and gas so known to exist in said lands and to dispose of the same for the benefit of the State as in this act provided. Unless said emergency is thus met, the State will suffer great and irreparable loss and be deprived of revenues needed to preserve the public peace, public health and public safety. The development of said State lands in the manner herein provided is also necessary for the immediate preservation of public health



and public safety in the use of the ocean beaches upon and in the vicinity of said tide and submerged lands."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 579?

The roll was called, and Assembly amendments to Senate Bill No. 579 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

#### **Urgency Clause.**

SEC. 28. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

That portion of tide and submerged lands of the State described in sections 1 and 6 of this act contains oil and gas and other hydrocarbon substances of great value. Many oil wells are now drilled, operating and producing oil and gas upon privately owned lands that are constantly draining said oil, gas and other hydrocarbons from said State lands for the sole benefit of the operators of said wells and the owners of said privately owned land. Other wells drilled on privately owned lands are extended into said State lands and are producing oil and gas therefrom. This condition results in the daily depletion of this valuable resource of the State, making it imperative, if the interests of the State therein are to be preserved and the revenues available to the State therefrom are to be saved, that immediate action be taken to drill for, extract, produce and remove the oil and gas so known to exist in said lands and to dispose of the same for the benefit of the State as in this act provided. Unless said emergency is thus met, the State will suffer great and irreparable loss and be deprived of revenues needed to preserve the public peace, public health and public safety. The development of said State lands in the manner herein provided is also necessary for the immediate preservation of public health and public safety in the use of the ocean beaches upon and in the vicinity of said tide and submerged lands.

#### **Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

#### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

#### **Motion.**

On motion of Senator Wagy, further consideration of Senate Bill No. 579 was continued until next legislative day.

**President of the Senate in the Chair.**

At three o'clock and ten minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Finance, to which it was referred,

Assembly Bill No. 500: An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

### Second Reading of Assembly Bill No. 500—(Out of Order).

**Assembly Bill No. 500:** An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### Resolution.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 500 presents a case of urgency, as that bill is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three successive days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Dool, Fletcher, Gage, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nelson, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tamm, Wagner, Westover, Williams, and Young—37.

**NOES**—None.

#### Special Order.

Senator Seawell moved that further consideration of Assembly Bill No. 500 be postponed and that Assembly Bill No. 500 be made a special order for Monday, May 3, 1937, at eleven o'clock and thirty minutes a.m.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Rich and Hays, on the adoption of the motion.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Biggar, Crittenden, Keating, Keough, Nelson, Olson, Phillips, Pierovich, Powers, Quinn, Seawell, Tiekie, and Williams—13.

**NOES**—Senators Allen, Cunningham, DeLap, Dool, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Phillips, Rich, Schottky, Slater, Swing, Waggy, Westover, and Young—24.

### Third Reading of Assembly Bill No. 500.

**Assembly Bill No. 500**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 500 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Douel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tinkle, Wagy, Westover, and Young—35.

**NOES**—Senators McGovern, Seawell, and Williams—3.

Title read and approved.

Assembly Bill No. 500 ordered transmitted to the Assembly.

#### Statement.

The following statement was read, and ordered printed in the Journal:

#### Statement of Senate Finance Committee on Recommendation of Adoption of Assembly Bill No. 500.

On January 14, 1937, in accordance with the Constitution, the Governor submitted his budget of expenditures for the coming biennium, and requested that appropriations be made in accordance therewith and caused Budget Bills to be introduced in both houses.

The Assembly struck from the Budget Bill submitted by the Governor all appropriations recommended by him for construction and improvements of prisons, hospitals and institutions of learning, and required that such constructions and improvements be made from the fund appropriated for relief. The effect of the Assembly action will be to require that the improvement of public institutions be carried on as relief projects with labor recruited from the relief rolls rather than as projects providing employment for labor generally.

The Assembly also diverted from the relief fund \$497,500 for the Santa Barbara State College, which appropriation, if justifiable at all, should have been made by a special bill rather than by deducting it from the relief fund.

This committee is opposed to the action of the Assembly in diverting the relief funds and in requiring that public institutions be improved and constructed as relief projects. The relief fund should be maintained and preserved solely as an emergency fund for relief of those who are out of employment, together with their dependents, so that they may be provided with the common necessities of life during such time they are unable to obtain employment.

It is the conclusion of this committee that public institutions should be improved and constructed in the regular course of business so that the labor necessary for such purposes can be made available to all citizens at the prevailing wage scale as well as make it possible for those on relief to be shifted from relief to the regular channels of employment.

From information now available it appears that \$48,000,000 will be required during the coming biennium for the relief of those now or who will be out of employment, and this fund should not be jeopardized by earmarking or allocating any part or portion of it for any other purpose.

While the Senate might itself amend the bill and restore it to its original form, this would require that it go back to the Assembly for concurrence, which might and probably would result in an unnecessary prolongation of this session and cause unnecessary economic and financial loss to the State. The people of the State are demanding, and have a right to demand, that the Legislature complete its business and adjourn at the earliest possible time. We feel constrained to respond to this demand and expedite adjournment. This can best be done by the immediate adoption of the budget, leaving to the Governor the matter of eliminating or reducing any and all allocations from the relief fund made by the Assembly, and reducing or eliminating any other increase he deems unjustifiable, and relying upon the members

to provide by special appropriation bill, such additional sums as may be necessary for the improvement and construction of institutions, and other necessary purposes.

In adopting the Assembly's bill without amendment, the Senate is not to be deemed as approving the Assembly's disbursements from the relief fund out of approving its action in striking out the items recommended for permanent improvements and constructions.

#### Explanation of Vote.

The following statement, offered by Senator McGovern, was ordered printed in the Journal:

I voted against the budget in the Finance Committee for the same reasons I voted against it in the Senate.

WALTER MCGOVERN

#### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Concurrent Resolution No. 37:** By Senator Rich—Relative to adjournment sine die of the fifty-second session of the Legislature of the State of California

#### Consideration of Senate Concurrent Resolution No. 37.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 37, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 37.

Relative to adjournment sine die of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereunto concurring:* That the fifty-second session of the Legislature of the State of California shall adjourn sine die at five p.m., May 14, 1937.

Resolution read

#### Motion.

Senator Olson moved that further consideration of Senate Concurrent Resolution No. 37 be postponed until May 7, 1937.

Motion lost.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 37 adopted by the following vote:

**AYES:** Senators Allen, Bagley, Callahan, Carver, Clegg, DeLoach, Fisher, Hays, Hollister, Holahan, Keough, Keweenaw, Lark, McQuinn, McGovern, Manger, Nielsen, Parkinson, Phillips, Powers, Rich, Schott, Scripps, Senter, Smith, Wag, Westover, Williams, and Young—28.

**NOES:** Senators Garrison, Gibson, Keating, Olson, and Partridge—5.

Senate Concurrent Resolution No. 37 ordered transmitted to the Assembly.

#### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 840—**An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Keough moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.



The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Keating, Keough, Knowland, McCormack, McGovern, Metzger, Olson, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

The Secretary announced the absentees.

Time, three o'clock and forty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Unfinished Business.**

**Senate Joint Resolution No. 16**—Relative to memorializing the President and the Congress of the United States to enact legislation proposed by S419 and HR2288, providing for the granting of aid by the Federal Government to the several States for the support of public education.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Joint Resolution No. 16.

##### **Amendment No. 1.**

On page 1, line 11, of the printed measure, as amended, strike out "provides", and insert in lieu thereof the following: "would provide, if proper safeguards are inserted to prevent racial discrimination."

##### **Amendment No. 2.**

On page 1, line 17, of the printed measure, as amended, after the word "measures", add the following: "with proper safeguards".

The question being: Shall the Senate concur in Assembly amendments to Senate Joint Resolution No. 16?

The roll was called, and Assembly amendments to Senate Joint Resolution No. 16 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Knowland, Law, McCormack, Metzger, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—27.

**NOES**—None.

Senate Joint Resolution No. 16 ordered to enrollment.

**Senate Bill No. 445**—An act to repeal an act entitled "An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter," approved April 22, 1929, and to add to Chapter I of Part III of Division IV of the School Code a new article to be known as Article IIa, relating to accumulation and expenditure of funds by school districts for capital outlay purposes.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 445.

##### **Amendment No. 1.**

On page 2, line 1, of the printed bill, as amended, after the word "special", insert the word "accumulative".

**Amendment No. 2.**

On page 2, line 14, of the printed bill, as amended, after the word "special", insert the word "accumulative".

**Amendment No. 3.**

On page 2, line 17, of the printed bill, as amended, after the word "fund", insert the word "shall".

**Amendment No. 4.**

On page 2, line 18, of the printed bill as amended, after the word "special", insert the word "accumulative".

**Amendment No. 5.**

On page 2, line 22, of the printed bill, as amended, after the word "special", insert the word "accumulative".

**Amendment No. 6.**

On page 2, line 31, of the printed bill, as amended, after the word "special", insert the word "accumulative".

**Amendment No. 7.**

On page 2, line 37, of the printed bill, as amended, strike out "The payment of" and insert in lieu thereof the following:

"Funds heretofore accumulated by a school district under the provisions of an act entitled 'An act providing for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the accumulation of such moneys thereafter,' approved April 22, 1929, are hereby transferred to the special accumulative building fund of such district in the county treasury, where fund is hereby created.

The governing board of such district may continue the accumulation of funds in the special accumulative building fund of the district in the county treasury pending before for the establishment of such fund. The accumulation of all moneys in such fund shall be subject to the provisions of this section.

The payment of".

**Amendment No. 8.**

On page 2, line 38, of the printed bill, as amended, after the word "special", insert the word "accumulative".

**Amendment No. 9.**

On page 2, line 39, of the printed bill as amended, after the word "school", insert the word "district".

**Amendment No. 10.**

On page 2, line 42, of the printed bill, as amended, after the word "school", insert the word "accumulative".

**Amendment No. 11.**

On page 2 of the printed bill, as amended, strike out line 49, and insert in lieu thereof the following: "therein.

Funds heretofore accumulated by a".

**Amendment No. 12.**

On page 2 of the printed bill, as amended, strike out all of lines 46 and 47, and insert in lieu thereof the following: "hereby created. The governing board of such district may continue the".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 445?

The roll was called, and Assembly amendments to Senate Bill No. 445 concurred in by the following vote:

**AYES**—Senators Allen, Bigger, Cunningham, DeLong, French, Frazier, Garrison, Gordon, Hays, Hollister, Hobson, Jorgensen, Keating, Koenig, Kowalski, Lee, McCormack, Metzger, Olson, Parkman, Peterson, Quinn, Ross, Schutka, Sewell, Slater, Swing, Tickle, Wagdy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Bill No. 445 ordered to enrollment.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 927**—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary

expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 927 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

NOES—Senator Law—1.

Title read and approved.

Senate Bill No. 927 ordered transmitted to the Assembly.

**Senate Bill No. 474**—An act to amend sections 737f, 737k, 737r, 737ff and 737zz of the Political Code, relating to the compensation of judges of the superior court.

#### Amendments from the Floor.

During third reading of Senate Bill No. 474, the following amendments, offered by Senator Powers, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 9 to 12, inclusive.

##### Amendment No. 2.

On page 1, line 13, of the printed bill, strike out "SEC. 4", and insert in lieu thereof "SEC. 3".

##### Amendment No. 3.

On page 1, line 18, of the printed bill, strike out "SEC. 5", and insert in lieu thereof "SEC. 4".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 298**—An act to amend sections 4277 and 4278 of the Political Code, relating to the compensation of county and township officers and jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCormack, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 298 ordered transmitted to the Assembly.

#### Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Keough.

The names of the absentees were called, and Senate Bill No. 840 refused passage by the following vote:

**AYES**—Senators Crittenden, DeLap, Deuel, Fletcher, Gordon, Harlan, Jaspersen, Keating, Keough, Knowland, Metzger, Olson, Parkman, Powers, Rich, Sweng, Tiedke, Westover, and Williams—19.

**NOES**—Senators Allen, Bigger, Cunningham, Garrison, Hays, Hallister, Law, McCormack, Nielsen, Phillips, Pierovich, Quinn, Sewell, Slater, Wagg, and Young—16.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 1118**—An act to regulate labor unions, by providing methods of conducting elections for the purpose of selecting officers, calling strikes, terminating strikes, and making working agreements, and providing penalties for violation hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hallister, Harlan, Jaspersen, Keating, Keough, Knowland, Law, McCormack, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewell, Slater, Tiedke, Wagg, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 1118 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

**Assembly Bill No. 411**—An act to amend section 588 of the Vehicle Code, relating to parking.

Amendment from the Floor.

During third reading of Assembly Bill No. 411, the following amendment, offered by Senator Hays, was read and adopted:

#### Amendment No. 1.

On page 1, line 4, of the printed bill, as amended March 30th, following the word "merchandise," insert the following words: "or discharging passengers."

Bill read, ordered to print, and on file for third reading.

### Recess.

At four o'clock and twenty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

### Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Leave of Absence.

Senator Powers was, on motion of Senator Pierovich, granted leave of absence for the balance of this legislative day.

### Consideration of Daily File—(Resumed).

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1072**—An act to amend sections 4 and 11 of an act entitled "An act to authorize the counties of the State of California



to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, to provide for the inclusion of officers and employees in any county forester's or county fire warden's department within such retirement and pension system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1072 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—25.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1072 ordered transmitted to the Assembly.

**Assembly Bill No. 1129**—An act to add sections 6 and 7 to an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute bags.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1129 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Knowland, Law, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Schottky, Seawell, Swing, Wagy, Westover, and Young—24.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1129 ordered transmitted to the Assembly.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licenses under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, providing for the enforcement of the provisions hereof, and providing that this act shall take effect immediately; And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 2794?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 2794 by the following vote:

AYES—None.

NOES—Senators Allen, Cretchen, Cunningham, Evans, French, Frazier, Gordon, Hollister, Holahan, Jorgensen, Knecht, Knecht, Kneeland, Macomber, Mixer, Nielsen, Parkman, Pomeroy, Rife, Schuchert, Seaton, Spring, Ware, Westover, and Young—25.

### Appointment of Committee on Conference.

The President pro tempore announced the appointment of Senators Swing, Tickle and Parkman, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 2794.

### Motion.

On motion of Senator Kneeland, Assembly Bill No. 811 was ordered placed on the unfinished business file.

### Re-reference of Assembly Bill No. 773.

Senator Young moved that Assembly Bill No. 773 be re-referred to Committee on Civil Service.

Motion carried, and such was the order.

### Notice of Motion to Reconsider.

Senator Jorgensen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1072 was passed.

### Notice of Motion to Reconsider.

Senator Metzger gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 4199 was passed.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Bill No. 1582: An act to add section 2263 to the Political Code, relating to courses in social service in the California School for the Deaf;

Assembly Bill No. 1574: An act to amend the laws relating to housing, cities, counties and other public bodies to the housing projects of housing authorities in of the United States of America, by increasing powers, privileges, authority and improvements and facilities, by extending housing loans, loans and by making agreements relating to such and by authorizing cities, counties and counties, cities, counties and other political subdivisions to contract with private for the same to be paid them for improvement services and facilities to be provided for the housing of housing projects; to require cities, counties and counties and counties to make an appropriation for the first year's administrative expenses of housing authorities, to authorize certain cities, counties, towns and counties to pay money to housing authorities, and to declare an emergency.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote—AYES—3.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Senate Bill No. 478: An act to add to the Political Code, now Article 11, Chapter 111 of Title I of Part 111 thereof, creating a State Department of Social Welfare and Relief and transferring to it the phylaria, houses, duties, and expended funds of the Department of Social Welfare and of the Relief Administrator

and Relief Commission; and repealing sections 367 to 367g, inclusive, of the Political Code;  
Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1500—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 276—An act to amend sections 49 and 1624 of add sections 43.5, and 1590 to, and to repeal section 3319 of, the Civil Code, all relating to causes of action;

Assembly Bill No. 278—An act to amend sections 125, 374, 375, 1881 and 1973 of, and to add section 341.5 to, the Code of Civil Procedure, relating to causes of action;

Assembly Bill No. 615—An act to amend sections 1241, 1245, 1246, 1248, 1249, 1254 and 1255 of the Code of Civil Procedure, and to add new sections to be numbered 1244.1, 1245.2, 1246.1, 1248.1, 1248.2, 1254.1, 1254.2 and 1254.3 to the Code of Civil Procedure, relating to eminent domain;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2053—An act to amend section 4360d of the Political Code, relating to fees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 269—An act to add to the Labor Code sections 1120 and 1121 to be known as Chapter 7 of Part 3 of Division II, relating to the disciplining or discharging of any employee upon a report by a special agent, detective or so-called spotter, and repealing an act relating to the same subject;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 472—An act to amend section 1500 of the Civil Code, relating to the extinction of pecuniary obligations;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2614—An act to amend section 1054a of the Code of Civil Procedure, relating to cash deposits in lieu of undertakings in civil actions;

Assembly Bill No. 2614—An act to amend section 2969 of the Civil Code, relating to the levy on chattel mortgaged property, under writ of attachment and execution. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 74—An act to regulate the sale of second-hand watches;

Assembly Bill No. 1415—An act to amend section 15 of the act entitled "An act to define collection agencies, to provide for the regulation, licensing, supervising and licensing thereof, to provide for the enforcement of said act and provision for the violation thereof," approved May 14, 1927, relating to collection agencies;

Assembly Bill No. 1468—An act to amend section 1058 of the Code of Civil Procedure, relating to heredity in State is a party;

Assembly Bill No. 2052—An act to amend section 1000b of the Political Code, relating to fees;

Assembly Bill No. 2610—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims to property, found upon notice of motion and attachment;

Assembly Bill No. 2612—An act to add a new article to Chapter 1 of Title X of Part II of the Code of Civil Procedure, to be numbered 799, and relating to sales by sheriffs under mortgage foreclosures;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred

Senate Constitutional Amendment No. 27—A resolution to amend to the people of the State of California the amendment to the Constitution of the State, by adding section 44 to Article VI, relating to advisory committee of the Supreme Court.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—5; committee vote: Ayes—5.

KEATING, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Assembly Bill No. 1598—An act to add section 1154.5 to the Fish and Game Code, relating to trout game;

Senate Bill No. 228—An act to amend section 788 of the Fish and Game Code, relating to crabs;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

GORTON, Vice Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 386—An act to add section 479 to Part 2 of Division IV of the Fish and Game Code, relating to commercial fishing.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

GORTON, Vice Chairman.

### On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred

Assembly Bill No. 1486—An act to add section 533a to the Civil Code of the State of California, relative to the use of streets and highways for pole lines by public utilities and liabilities of public utilities, officers and employees thereof, governmental agencies and public officers and employees by rescue thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

PARKMAN, Chairman.



**On Roads and Highways.**

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred: Assembly Bill No. 1858—An act to repeal sections 980 and 981 and to amend section 1020 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7.

McCORMACK, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 1131—An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; noes—1; absents—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 1014—An act to amend section 647 of the Penal Code, relating to definitions of vagrants;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 288—An act to add section 654d to the Penal Code, relating to false advertising by radio, and providing penalties for the violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 1015—An act to amend section 602 of the Penal Code, relating to criminal trespass;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

**On Municipal Corporations.**

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2749—An act authorizing cities, cities and counties, and counties to accept title to real property, to permit the erection of buildings on public lands for museum and art gallery purposes, to permit such buildings to be operated, maintained and managed by the donors thereof or by boards of trustees appointed by the donors, or otherwise, and to permit the delegation of authority to such boards of trustees, and to permit the appropriation of money for the support of the same. Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1949—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility

districts, authorizing such districts to incur bonded indebtedness for the purchase and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein.

Assembly Bill No. 2505—An act to amend section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the vacation thereof yearly vacations," approved March 26, 1895, relating to vacations of members of fire departments.

Assembly Bill No. 2801—An act to add section 106, 107 and 108 to articles 62, 63 and 64 of, the Improvement Act of 1911, relating to bonds and mortgages. Has had the same under consideration, and respectfully requests the same back, and recommends that they do pass.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2659—An act to amend sections 10, 13, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements, and partitions of property for public purposes, where the cost of such improvements or acquisition is to be paid in whole or part by special assessments, to provide a basis for valuation of property for the purpose of estimating a special assessment contribution, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund, where a part of such cost is paid by special assessment on benefited property," and to provide that a majority protest shall be a bar to any proceeding.

Has had the same under consideration, and respectfully requests the same back, with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—5; committee vote, April 5, yeas 2.

McGOVERN, Chairman.

### Adjournment.

At nine o'clock p.m., on motion of Senator Seawell, the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, April 30, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE

SENATE CHAMBER.

SACRAMENTO, Friday, April 30, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Gordon, Gordon, Hays, Hollister, Holahan, Jorgensen, Kauting, Keene, Kinsland, Lick, McColl, McCormack, Metzger, Mixer, Olson, Parkinson, Phillips, Peterson, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, April 29, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leaves of Absence.

Senator McBride was, on motion of Senator Hollister, granted leave of absence for this day.

Senator Powers was, on motion of Senator Pierovich, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers, parents of students, and students of the Shasta Union School of Butte County: Sadye Queen and Ella C. Sapp, teachers; Mrs. P. L. Black, Mrs. Park Guyan and Mr. William Thatcher, adults; and Manson Brooks, Myrtle May Edwards, Donald Hunerlach, Haruko Koochi, Bobbie L. Messor, Virginia Miller, Clark Porter, Shirley Black, Jack Graham, Marylee Guyan, Clark Lambeth, Hildegard Reinking, Eris Smith, Roberta Smith, Billy Worring, Helen Chester, Calvin Churchill, Robert Edwards, Kiyoko Koochi, Patsie Maxwell, Harold McEneany, Richard McHenry, Jack Messor, Harold Pepper, Jimmie Petterson, Jack Rose, Robert Shirley, Nadine Wilson, John Weber, Bonnie Weber, and Paddie Black, students.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Anthony F. Moiteret of Seattle.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Janet Davis, class adviser; Leonard McKaig, social science instructor, and the following members of the senior class of the Ripon Union High School: Elizabeth Ahles, Roy Anderson, Irene Azevedo, Joe Battencourt, Elaine Brink, Edith Carey, Roland Dalman, Lester Den Ouden, Hubert Dickey, Leslie Eastburg, Ruth Edmister, Richard Eskes, Dorothy Evinger, Ralph Gardner, Elva German, Paul Greshall, Phyllis Gritton, Bill Huber, Marion Hat, Jack Huth, Irene Hutchinson, Mildred Kincaid, Andrew Koenig, Bill Lamplin, Ray Leal, Nancy Lewis, Annie Lima, Leo McBrien, Victoria Morine, Leodile Neves, Leona Nielsdassen, Anita Parsons, Victor Sautye, Dorofien Schmidt, Harry Slukker, Emma Spence, Glenn Speller, Caswell Stockard, Mike Stuart, Ray Turnquist, Henrietta VanderKamp, Betty VanDunk, Elvin Wilburn, Charles Williams, and Chester Williams.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. E. Kelly of Watsonville, Mrs. W. F. Williams of Santa Cruz, and Miss Frances Arnold of San Francisco.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 441—An act to amend the title of an act entitled "County Street Opening Act of 1923," approved May 11, 1923, as amended, and to add section 6, relating to the assessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds thereon.

Assembly Bill No. 722—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13, and to repeal sections 14, 14a, 15, 16, 17 and 18 of the Planning Act; to add sections 22, 24, 26, 42, 46, 52, 64, 66 and 17 thereof, and to renumber and amend sections 17, 19 and 20 thereof as sections 14, 16 and 16, respectively, relating to State, regional, county and city planning.

Assembly Bill No. 1314—An act to amend section 1218 of the Code of Civil Procedure, relating to punishment of contempt;

Assembly Bill No. 2008—An act to amend section 422 of the Probate Code, relating to order of priority of right to letters of administration;

Assembly Bill No. 2568—An act to add section 1920a to the Code of Civil Procedure, relating to evidence.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIEL, Assistant Clerk.

Assembly Bill No. 441 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 722 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1314 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2008 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2568 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 21—Relative to reconstituting Congress but to abandon the present plan of mineral development.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIEL, Assistant Clerk.

Senate Joint Resolution No. 21 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Messrs. Foyser, Shuchin and Ison as a Committee on Finance Conference concerning:

Assembly Bill No. 2791—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing or selling alcoholic beverages manufactured in any State, the laws, rules or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons living or dealing therein, defining discriminatory laws, punishing for the punishment of the provisions hereof, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Communications.

The following communications were received:

#### I.

From the International Union of Operating Engineers, Local Nos. 64 and 64B urging indorsement of the increase in appropriation requested by the University of California.

#### II.

From the San Francisco Labor Council advocating legislation prohibiting the use of tear gas, tear gas guns and similar weapons in labor disputes.

#### III.

From the Chamber of Commerce of the city of Riverside voicing its opposition to Assembly Bill No. 538 in its present form.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

**Senate Bill No. 478**—An act to add to the Political Code, new Article IIIh of Chapter III of Title I of Part III thereof, creating a State



Department of Social Welfare and Relief and transferring to it the property, powers, duties, and unexpended funds of the Department of Social Welfare and of the Relief Administrator and Relief Commission; and repealing sections 367 to 367g, inclusive, of the Political Code.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Senate Constitutional Amendment No. 27 was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed measure, strike out "majority", and insert in lieu thereof the following: "three-fourths".

Bill read, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 228**—An act to amend section 788 of the Fish and Game Code, relating to crabs.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 228 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the figure "788", and insert in lieu thereof the figure "791".

**Amendment No. 2.**

On page 1, line 1 of the printed bill, strike out the figure "788", and insert in lieu thereof the figure "791".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert in lieu thereof the following:

"791. Crabs may not be removed in any manner from districts 1 $\frac{1}{2}$ , 2 $\frac{1}{2}$ , 5, 6, 7, 8 and 9 except from one of said districts to another, nor may crabs be held within said districts in any box, crate, or pen in which live crabs are kept, except under a revocable permit from the commission. Possession of crabs coming out of the districts mentioned in this section shall be prima facie evidence that they originated in said districts."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 384**—An act to add section 479 to Part 2 of Division IV of the Fish and Game Code, relating to commercial fishing.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 384 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 479 to Part 2 of Division IV of the", and insert in lieu thereof the following: "amend sections 658.5 and 659, and to repeal sections 860, 861 and 864 of the".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "commercial".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 658.5 of the Fish and Game Code is hereby amended to read as follows:

658.5. In district 12, salmon may be taken with rod and line at any time. The bag limit is two per day.

SEC. 2. Section 659 of said code is hereby amended to read as follows:

659. In districts 12B, 12C, and 13, salmon may be taken with rod and line at any time. The bag limit is two per day.

SEC. 3. Sections 860, 861 and 864 of said code are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

**Senate Bill No. 1131**—An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1014**—An act to amend section 647 of the Penal Code, relating to definitions of vagrants.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1015**—An act to amend section 602 of the Penal Code, relating to criminal trespass.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 1016 were read and adopted:

**Amendment No. 1.**

On page 2, line 31, of the printed bill, strike out the word "another" after the word "another", and insert in lieu thereof a comma.

**Amendment No. 2.**

On page 2, line 44, of the printed bill, after the word "insert" the following: "provided, however, that nothing herein contained shall be construed to prohibit any person from entering upon land, for the purpose of lawfully passing thereon or on lands contiguous thereto."

**Amendment No. 3.**

On page 2, line 45, of the printed bill, strike out "Penalty."

**Amendment No. 4.**

On page 2, line 40, of the printed bill, strike out the word "Enter" and insert in lieu thereof the word "Entering."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1683**—An act to add section 2263 to the Political Code, relating to courses in social service in the California School for the Blind.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1573**—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and

other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1500.**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1500 were read and adopted:

**Amendment No. 1.**

On page 3, line 4, of the printed bill, as amended, strike out "that portion which lies", and insert in lieu thereof the following: "the area".

**Amendment No. 2.**

On page 3, line 5, of the printed bill, as amended, strike out "as herein defined," and insert in lieu thereof the following: "located in said county for which city an authority has been previously authorized to transact business; provided, that if an authority of a city within a county becomes empowered to transact business and exercise its powers, an authority previously empowered to transact business and exercise its powers in said county shall thereafter have no power to initiate any further project within the territorial boundaries of such city."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 276.**—An act to amend sections 49 and 1624 of, add sections 43.5, and 1590 to, and to repeal section 3319 of, the Civil Code, all relating to causes of action.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 276 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 49 and 1624", and insert in lieu thereof the following: "section 49".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, between lines 7 and 8, insert the following: "(d) Breach of promise of marriage."

**Amendment No. 3.**

On page 2 of the printed bill, as amended, between lines 6 and 7, insert the following:

"SEC. 3. Section 49 of the Civil Code is hereby amended to read as follows:".

**Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out lines 14 to 37, inclusive, and in line 38, strike out "Sec. 6.", and insert in lieu thereof the following: "Sec. 4."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 278**—An act to amend sections 125, 374, 375, 1881 and 1973 of, and to add section 341.5 to, the Code of Civil Procedure, relating to causes of action.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 278 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "1881 and 1973", and insert in lieu thereof the following: "and 1881".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, as amended, after "divorce", strike out the comma and insert in lieu thereof the following: "or".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 29 to 32, inclusive.

**Amendment No. 4.**

On page 3 of the printed bill, as amended, strike out lines 47 to 51, inclusive, and on page 4, strike out lines 1 to 28, inclusive.

Bill read second time, ordered to reprint, and referred to Committee on Judiciary.

**Assembly Bill No. 615**—An act to amend sections 1241, 1243, 1246, 1248, 1249, 1254 and 1255 of the Code of Civil Procedure, and to add new sections to be numbered 1244.1, 1245.2, 1246.1, 1248.1, 1248.2, 1254.1, 1254.2 and 1254.3 to the Code of Civil Procedure, relating to eminent domain.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 615 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after the number following the figures "1241", insert the following: "1244".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "1248.1".

**Amendment No. 3.**

On page 3, line 17, of the printed bill, as amended, strike out "Except as otherwise provided in section 1248.1, the" and insert in lieu thereof the following: "and".

**Amendment No. 4.**

On page 3, line 41, of the printed bill, as amended, after the semicolon, insert the following: "but if the benefits shall be more than five times as great as the plaintiff is a municipal corporation, a county, the State, a metropolitan water district, a municipal utility district, a municipal waste district, a drainage irrigation, levee, reclamation or water conservation district, or similar water corporation, the excess of the benefits over the damages shall be deducted from the value and the only damages allowed shall be the same obtained by deducting the benefits from the total of the value and damages;".

**Amendment No. 5.**

On page 4, line 16, of the printed bill, as amended, strike out the words "A new section is added to the Code of Civil Procedure," and strike out all of lines 17 to 34, inclusive, and insert in lieu thereof the following: "Section 1244 of the Code of Civil Procedure is amended to read as follows:

1244. The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be served personally.
2. The names of all owners and claimants, of the property, if known, or a statement that they are unknown, who must be styled defendants.
3. A statement of the right of the plaintiff.
4. If a right of way be sought, the complaint must show the location, general route, and terminus, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.



5. A description of each piece of land, or other property or interest in or to property, sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract or piece of property, or interest in or to property, but the nature or extent of the interests of the defendants in such land need not be set forth. All parcels of land, or other property or interest in or to property, lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties. When application for the condemnation of a right of way for the purpose of sewerage is made on behalf of a settlement, or of an incorporated village or town, the board of supervisors of the county may be named as plaintiff."

**Amendment No. 6.**

On page 4, line 39, of the printed bill, as amended, after the comma following the word "lands", insert the following: "the court, jury or referee must ascertain and assess".

**Amendment No. 7.**

On page 6, line 35, of the printed bill, as amended, after the word "shall", insert the following: "except as hereinafter provided."

**Amendment No. 8.**

On page 6, line 45, of the printed bill, as amended, strike out the portion of the word "reco-", and in line 46, the portion of the word "ered", and insert in lieu thereof the following: "awarded on the first trial".

**Amendment No. 9.**

On page 9, line 34, of the printed bill, as amended, strike out the portion of the word "metro-", and in line 35, strike out "politan water district, municipal utility district".

**Amendment No. 10.**

On page 9, line 38, of the printed bill, as amended, strike out "metropolitan water district,".

**Amendment No. 11.**

On page 9, line 39, of the printed bill, as amended, strike out "municipal utility district,".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 2053**—An act to amend section 4300d of the Political Code, relating to fees.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2053 were read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "five".

**Amendment No. 2.**

On page 2 of the printed bill, as amended, between lines 38 and 39, insert the following: "For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice of publication, each, 50 cents; for summoning trial jury of 12 or less, \$2; and for each additional juror, 10 cents."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 269**—An act to add to the Labor Code sections 1120 and 1121 to be known as Chapter 7 of Part 3 of Division II, relating to the disciplining or discharging of any employee upon a report by a special agent, detective or so-called spotter, and repealing an act relating to the same subject.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 472**—An act to amend section 1500 of the Civil Code, relating to the extinction of pecuniary obligations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2614**—An act to amend section 1054a of the Code of Civil Procedure, relating to cash deposits in lieu of undertakings in civil actions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2616**—An act to amend section 2969 of the Civil Code, relating to the levy on chattel mortgaged property under writs of attachment and execution.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 74**—An act to regulate the sale of secondhand watches.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1415**—An act to amend section 15 of an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof, to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to suits on assigned claims.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1468**—An act to amend section 1058 of the Code of Civil Procedure, relating to bonds when State is a party.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2052**—An act to amend section 4390b of the Political Code, relating to fees.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2610**—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims to property levied upon under writs of execution and attachment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2612**—An act to add a new section to Chapter I of Title X of Part II of the Code of Civil Procedure, to be numbered 730, and relating to sales by sheriffs under mortgage foreclosure.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1598**—An act to add section 11545 to the Fish and Game Code, relating to trap guns.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 1598 was read and adopted:

#### Amendment No. 1.

On page 1, line 4, of the printed bill, after the word "firearm", add the following: "loaded with other than blank cartridges and".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1486**—An act to add section 536a to the Civil Code of the State of California, relative to the use of streets and highways for pole lines by public utilities and liabilities of public utilities, officers and employees thereof, governmental agencies and public officers and employees by reason thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1858**—An act to repeal sections 980 and 981 and to amend section 1029 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 288**—An act to add section 654d to the Penal Code, relating to false advertising by radio, and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2749**—An act authorizing cities, cities and counties, and counties to accept title to real property, to permit the erection of buildings on public lands for museum and art gallery purposes, to permit such buildings to be operated, maintained and managed by the donors thereof or by boards of trustees appointed by the donors, or otherwise, and to permit the delegation of authority to such boards of trustees, and to permit the appropriation of money for the support of the same.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1940**—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein.

#### Amendments from the Floor.

During second reading of Assembly Bill No. 1940, the following amendments, offered by Senator Knowland, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 1 of the title, and insert in lieu thereof the following:

"An act to amend sections 6d, 11, 13, 15, 15c and 21 of, and to add section 11a to, an act entitled "An act to".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 7 and 8 of the title, and insert in lieu thereof the following: "approved May 23, 1921, as amended, relating to control of publicly owned utilities, appointment and removal of the general manager, the redemption of and signature to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts."

##### Amendment No. 3.

On page 1 following line 17 of the printed bill, as amended, insert the following: "SEC. 2. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 11. The board of directors shall constitute the legislative body of such district and determine all questions of policy.

The board of directors shall supervise and regulate every utility owned and operated by such district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices and schedules, for or in connection with any service, product or commodity owned or controlled by such district.

Said board shall appoint a general manager and may in its discretion, appoint an accountant, a secretary, a treasurer, and an attorney, which appointees except the general manager shall hold office during the pleasure of the said board. The general manager shall hold office for an indefinite term and shall be removable as hereinafter provided. Each appointee shall give such bond and in such amount as the board of directors may require. Said board may consolidate any of said offices in one and the same person. Said board may also provide for assistants to any



officer of the district which assistants, when appointed by the board shall hold office at the pleasure of the board and may perform any and all duties that their principal may perform, when authorized so to do by the board.

The general manager may be removed by the board but only upon the adoption of a resolution by the affirmative vote of two-thirds of the members of the board. Before the general manager can be removed, he shall, if he is present, be given a written statement of the reasons alleged for his removal, and shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal. His presence and during such hearing the board may suspend him from office. Neither may the board remove the chief of the general manager except upon the adoption of a resolution by a two-thirds vote after a like opportunity to be heard. The action of the board in removing or removing the general manager shall be final. If approved by a majority of the membership of the board, such a final removal may be made at any such time as the district shall have operated, controlled or used works or parts of works for the providing of the inhabitants and municipalities within the boundaries of said district with the utility services, or any of them, specified in the fifth paragraph of section 12 hereof for a period of six months; the board, in its discretion, may or may not appoint a general manager, who during such time shall hold office at the pleasure of the members of the board.

The board of directors may from time to time contract for or employ any professional services required by the district, or by the board, or by officers of the district.

Sec. 3. A new section is hereby added to the charter entitled not to be numbered 11a and to read as follows:

Sec. 11a. The board of directors shall establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments and death benefits, or any of them; said board of directors may classify and determine the categories and members who shall be included as members of the retirement system and may make such classification from time to time, and may establish or alter classes and categories as classified and included in said retirement system, said classification, the retirement system herein provided for shall not apply to existing officers and employees of the district; the board of directors may prescribe the terms and conditions under which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof, and the retirement allowances may be attributed in part to service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service"; said board of directors shall provide that the district and the members shall contribute to the retirement system and the contributions by members shall be so made as to accrue with accumulated interest at least amount the value of the retirement allowances granted for service, exclusive of any credits allowed for prior service, and all members of the retirement system shall contribute to the retirement fund amount fixed by the board of directors of the district and such contributions may be collected by deducting the amounts thereof from the salary, wages or compensation due such members; said district may authorize its own retirement fund or may provide the benefits to eligible officers and employees, or their beneficiaries, by means of group insurance or other insurance, or by such means as in the interest of the district the directors will satisfactorily provide, in equity and good faith of giving the payments contemplated by said retirement system; before making money the retirement system because of benefits other than such as are the contribution of contributions by the members, with accumulated interest, shall be due by contributions by the district, provided that such prior service or other benefits of the district may be met by annual appropriations assessed on the same proportion as the total of the salaries, and provided further, that such the present value of regular contributions for current service together with money thus available shall equal the present value of all allowances and benefits granted or to be granted under the system, such appropriation for any one year when added to any amount balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other benefits of the district.

The board of directors shall create a retirement board of not more than five members at least two members of which shall be the elected representatives of the employees to administer the retirement system and define its powers and duties and the tenure of the members; said retirement board shall determine the eligibility of officers, employees and their dependents to participation in the system and shall be the sole authority and judge under such regulations as may be adopted by the board of directors as to the conditions under which persons may be admitted to and continue to receive benefits of any such under the retirement system; and may modify allowances for service and disability, and the determination of said retirement board shall be final and conclusive and shall not be qualified or set aside except for fraud or abuse of discretion; in the event the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment and disbursement of such fund, however the investment



of said fund shall be subject to the terms, conditions, limitations and restrictions imposed by the laws of the State of California upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this State or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of this State. All members of said retirement board shall serve without pay.

In the event any member withdraws from the retirement system prior to retirement the total amount contributed by such member with such interest as may be credited thereto shall be returned to him.

All moneys received by any person as an annuity, pension, retirement allowance, disability payment or death benefit from any such retirement system, and all contributions and interest thereon returned to any member of said retirement system, whether the same be in the actual possession of such person or deposited, loaned or invested by him, shall be exempt from execution, garnishment or attachment and shall be unassignable.

Before establishing any retirement system, the board of directors shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system. At least once in each four-year period after the establishment of the system the board of directors shall cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation shall make such revision or change of the rates of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary.

Except as herein provided, no member of the board of directors or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest direct or indirect in the making of any investment or in the gains or profits accruing therefrom, and no such person, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds, nor shall any such person in any manner use the same except to make such current and necessary payments as are authorized by said board, nor shall such person become an indorser or surety as to, or in any manner an obligor for investments of the retirement fund.

The board of directors is authorized and empowered to adopt any and all ordinances and resolutions and to perform any and all acts necessary or convenient to the initiation, maintenance and administration of a retirement system as provided in this section.

SEC. 4. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. The general manager shall have full charge and control of the construction of the works of said district and of their maintenance and operation, also of the administration of the business affairs of said district. He need not be a resident of the State of California at the time of his appointment. His salary shall be fixed by the board of directors. The powers of the general manager shall be:

- (a) To see that all ordinances of the district are enforced;
- (b) To administer the civil service system of the district and, except as otherwise provided herein, to appoint all officials and employees necessary for the administration of the affairs of the district, and to remove the same, in accordance with the provisions of said civil service system.
- (c) To attend all meetings of the board of directors and submit a general report of the affairs of the district;
- (d) To keep the directors advised as to the needs of the district;
- (e) To prepare or cause to be prepared, all plans and specifications for the construction of the works of said district;
- (f) To devote his entire time to the business of the district;
- (g) To perform such other and additional duties as the board of directors may require.

The general manager shall within sixty days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then within some newspaper of general circulation printed and published in the county where such district is situated.

All other things being equal, the board of directors shall appoint as general manager some person who has had experience in municipal engineering or in the construction or management of public utilities.

SEC. 5. Section 15 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 15. Any district organized under this act may from time to time, as hereinafter provided, incur a bonded indebtedness to pay the cost of acquiring, constructing or completing the whole or any portion of any utility or works referred to in this act, or for acquiring any works, lands, structures, rights or other property necessary or convenient to carry out the objects, purposes or powers of such district.

Whenever the board of directors of any such district shall, by resolution passed by vote of two-thirds of all its members, determine that the public interest or necessity demands the acquisition, construction or completion by the district of any public utility or utilities referred to in this act, or any part thereof, or any lands, lands, structures, rights or other property necessary at least to carry out the objects, purposes or powers of such district, the cost of which shall be too great to be paid out of the ordinary annual income and revenue of such district, it may at any subsequent meeting of said board or directors determine that the submission of the proposition of incurring a bonded debt for the purpose set forth in said resolution, to the qualified voters of such district at any election held for that purpose, provided, that propositions for incurring indebtedness for such purposes or objects or purpose may be submitted at the same election. The resolution passed shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the utility, works, lands, structures, signs or other property proposed to be acquired, constructed or completed, the amount of the principal of the indebtedness to be incurred therefor, and the sum of interest to be paid on said indebtedness, and shall fix the date on which such election shall be held, the manner of holding such election, and the voting fee of agents incurring such indebtedness, and in all particulars not recited in the resolution, such election shall be held as provided by law for holding general elections in such district; provided, however, that if the rate of interest to be paid on such indebtedness shall not exceed four and one-half per cent per annum, payable semi-annually, the rate of interest need not be recited in said resolution, but in its enactment the board of directors may recite in said ordinance a higher rate of interest to be paid on such indebtedness, not exceeding six per cent per annum, payable semi-annually, which rate, when so recited, shall not be extended to the issuance of bonds for such indebtedness.

Said ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in each district, or once a week for two weeks in some newspaper published less than six days a week in each district, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In districts where no such newspaper is published, such ordinance shall be posted in three conspicuous places therein for two succeeding weeks. Notice of each election must be given. It shall require the votes of two-thirds of all the qualified voters of such elections to authorize the issuance of the bonds, and, provided, however, that, if the number of votes of the qualified voters voting at such election to incur the indebtedness for the purposes specified, the board of directors of such district shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for the same purpose, construction or completion of improvements or property, substantially the same as that provided in such prior election, unless a petition signed by at least fifteen per cent of the qualified electors of such district is presented upon the said number of names, one therein for all candidates for Governor at the last preceding election at which a Governor was elected be filed with the board of directors of such district, requesting that said proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act. The bonds so authorized shall mature serially in amounts to be fixed by the board of directors; provided, that the payment of said bonds shall begin not later than ten years from the date thereof and be completed in not more than fifty years from said date. Said bonds shall be issued in such denominations as the board of directors of the district determines, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in said bonds, and with interest at the rate specified therein, which interest shall be payable semi-annually. The board of directors may provide for the call and redemption of any or all of said bonds on any interest payment date prior to their final maturity at not exceeding the par value thereof and accrued interest plus a premium of not exceeding one per cent upon the principal amount of said bonds, in which event a statement to that effect shall be set forth in the ordinance calling the election, and the call price fixed by the board of directors shall be set forth on the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the district or if there be no such newspaper printed and published within the district then the publication shall be made in a newspaper of general circulation printed and published within the county in which the said district or any part thereof is situated, the first publication of which shall be at least thirty days prior to the date fixed for such redemption. After the date fixed for such redemption, interest on said bonds thereafter shall cease. Said bonds shall be signed by the president of the board of directors of the district or by such officer thereof as the board of directors shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose. They shall also be signed by the treasurer thereof, and be countersigned by the secretary thereof. The coupons of said bonds shall be

numbered consecutively and be signed by the treasurer by his lithographed or engraved signature. All such signatures and countersignatures, except that of the treasurer, on said bonds may be printed, lithographed or engraved. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of said bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. Said bonds may be issued and sold by the board of directors of the district as they determine, but for not less than their par value. The proceeds of said bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which said bonds were voted.

No municipal utility district shall incur an indebtedness for public works which shall in the aggregate exceed twenty per cent of the assessed value of all the real and personal property of such district; provided, however, any indebtedness which has been incurred for the construction and operation of a public utility, where the revenue from said utility for three years or more next preceeding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness.

The board of directors of such district shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance thereof, said tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on said indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

In lieu of a resolution passed as hereinbefore provided by its board of directors, proceedings for the issuance of bonds for the purposes in this section provided may be initiated by petition of the qualified electors of such district.

Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per cent of the qualified electors of such district, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding election at which a Governor was elected, shall be presented to the board of directors of said district asking for the acquisition, construction or completion of the whole or any portion of any utility, or works referred to in this act, or for acquiring any works, lands, structures, rights, or other property necessary or convenient to carry out the objects, purposes or powers of such district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, then it shall be the duty of the secretary of the district to immediately proceed to examine and verify the signatures of such petition or petitions, and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the secretary shall transmit to the board of directors an authentic copy of such petition or petitions without the signatures thereto. Upon receiving the petition or petitions with the certificate of the secretary stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a special election called for that purpose the proposition of incurring a bonded debt for the purposes set forth in said petition, and thereafter the said election and all things and proceedings with reference to the said bonds and the issuance thereof shall be conducted and performed in the same manner as if the proceedings had been initiated by resolution of the board of directors of said district as hereinbefore provided. In its discretion the board of directors may defer the calling of said election until the next general election to be held in the district in order that the same may be consolidated therewith.

Any election called for the submission of any question or proposition under the provisions of this section, may be held separately, or may be consolidated with any other election authorized by law at which the qualified voters of such district are entitled to vote; provided, however, that in the event any such election called pursuant to the provisions of this section is consolidated with any other election, the provisions of this section setting forth the procedure for the calling and holding of the election called pursuant to the provisions of this section, shall be complied with, except that the ordinance calling such election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those



set forth in the ordinance, notice or other proceedings calling the election with which the election called pursuant to the provisions of this section, is communicated, any shall refer to such ordinance, notice or other proceedings by number and title, or by other definite description.

Sec. 6. Section 15c of the act cited in the title hereof is hereby amended to read as follows:

Sec. 15c. Whenever the board of directors shall by resolution passed by a vote of two-thirds of all its members determine that the refunding of the debt, or any portion of its bonded indebtedness will be of advantage to the district, said board may refund such bonded indebtedness in any manner, direct and indirect, refunding bonds of the district therefor. The refunding bonds shall bear interest at a rate not exceeding the current rate on the refunded bonds, and shall mature serially in amounts to be fixed by the board of directors, provided that the payment of said bonds shall begin not later than one year from the date thereof and be completed in not more than forty years from said date. Said bonds shall be issued in such denominations as the board of directors determine, except that no bonds shall be of a less denomination than one hundred dollars or of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in said bonds, with interest at the rate provided herein, which interest shall be payable semi-annually. The board of directors may provide for the call and redemption of any or all of said bonds on any advance payment due prior to their fixed maturity or put at option at the face value thereof and accrued interest plus a premium of not exceeding five percent over the principal amount of said bonds, and the call price fixed by the board of directors shall be set forth on the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the district, or if there be no such newspaper printed and published within the district then the publication shall be made in a newspaper of general circulation printed and published within the district or within the county in which the said district or any part thereof is situated, which shall be at least thirty days prior to the date fixed for such redemption. After the date fixed for such redemption, interest on said bonds thereafter shall cease. Said bonds shall be issued by the president of the board of directors of the district or by such officers thereof as the board of directors shall by resolution adopted by a two-thirds vote of all its members authorize and designate for that purpose. They shall also be signed by the treasurer thereof and be countersigned by the secretary thereof. The numbers of said bonds shall be numbered consecutively and be signed by the treasurer by his lithograph or engraved signature. All such signatures and countersignatures, except that of the treasurer, on said bonds may be printed, lithographed or engraved. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the maturity of said bonds to the purchaser, such countersignatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had continued to office until the delivery of the bonds.

Said bonds may be issued and sold by the board of directors of the district as they determine but for not less than their par value.

The proceeds of the sale of such refunding bonds shall be placed by the treasurer of the district to the credit of the "Refunding fund" and shall be applied first to the purchase, or retirement at not more than par and accrued interest, of the call price, of the bonded indebtedness for which said refunding bonds shall have been issued. In lieu of selling such refunding bonds and using the proceeds of such sale to purchase or retire the bonds to be refunded, the board of directors of the district may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

Whenever such outstanding bonds shall be refunded, they shall be surrendered to the treasurer of the district, who shall proceed to cancel the same by endorsing on the face thereof the number or numbers the refunding shall have been effected (whether by exchange or purchase) and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto, the word "canceled" together with the date of cancellation.

All moneys which shall remain in said "Refunding fund" after all outstanding bonds which were proposed to be refunded therefrom have been taken up and canceled, shall be paid into the sinking fund of such district and become a part thereof.

The issuance of said refunding bonds shall not be considered as the incurring or increase of an indebtedness within the meaning of the provisions of section 12, subdivision eighth, or section 15 of this act, or of any other provision of this act.

The board of directors shall provide for the levy and collection of taxes to pay the principal and interest on said bonds and to constitute a sinking fund for the payment of the principal of said bonds on or before maturity in accordance with the provisions of section 15 of this act.

The provisions of section 15b and 16 of this act shall apply to such refunding bonds except that the board of directors may cause refunding bond validation



proceedings to be brought within sixty days from the date of the resolution authorizing the issuance of said refunding bonds.

Sec. 7. Section 21 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 21. The general manager shall adopt a civil service system for the selection, examination, employment, classification, advancement, suspension, discharge and retirement of appointive officers and employees.

All appointments under such system shall be made for the good of the public service and solely on the basis of integrity, character, merit, fitness and industry as established by appropriate tests, without regard to partisan, political, social, or other considerations, and except as to temporary construction employees shall be filled from lists of eligibles prepared by the general manager; provided, however, when no list of eligibles is available for a position in the class requisitioned by the department or division head the general manager may authorize the department or division head to make a noncivil service emergency appointment thereto for a period of not exceeding six months and only until a regular appointment can be made, but no person shall be compensated under a noncivil service emergency appointment or appointments for a period exceeding six months in any fiscal year and no office or employment may be filled by such temporary appointment for more than six months in the aggregate in one fiscal or calendar year.

All tests shall be competitive but persons after qualifying physically may be placed on the eligible list for labor according to the priority of their respective applications. The general manager may require all candidates to pass a physical examination or an athletic test or both such examination and test as a condition precedent to further consideration.

The general manager may make higher offices and employments exclusively promotional by tests from lower ranks and shall do so whenever practicable.

The incumbents of permanent positions who have held such positions for a period of at least one year continuously next preceding the time that a civil service system shall first be adopted pursuant to the provisions of this act shall be continued in their positions as if appointed thereto after examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this act and the rules and regulations adopted pursuant thereto but shall not be subject to the six months probation period hereinafter set forth.

Every appointee to a permanent office or employment shall be on probation for six months, during which the department or division head may, with the consent of the general manager, terminate the appointment, and if it be not then terminated it shall be permanent, subject to the provisions hereof and the rules and regulations adopted pursuant to the provisions of this act.

No person employed under civil service provisions of this act or of any rules and regulations adopted pursuant thereto, in a position defined by this act or said rules as permanent shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense, nor shall his salary be reduced below the minimum prescribed for his classification until he has had a like opportunity to be heard. Pending such hearing the person so accused may be suspended but such suspension shall not be valid for more than fifteen days unless hearing upon the charge shall be delayed beyond such time by the act of the accused person. When charges are made the general manager shall immediately appoint a committee of three heads of departments or divisions, other than the department or division in which the accused person is employed, to hear and determine such charges, and shall notify the person accused in writing of the time and place when the charges will be heard by mailing a notice to his last known address. The committee shall examine into the case and make such decision as it deems just and may among other things order the employee discharged, suspended or reinstated and its order or decision shall be final unless the employee within fifteen days after the date of the order requests the general manager to review the same, in which event the general manager may require any additional evidence he deems material, and his order or decision, with or without such additional evidence, shall be final.

Removal or discharge may be made for any of the following causes: incompetence, habitual intemperance, immoral conduct, insubordination, discourteous treatment of the public, dishonesty, or inattention to duties.

Nothing in this act shall limit or restrict rules adopted by the general manager governing layoffs or reduction in force, or the right to provide for retirement for disability or old age.

The department or division head may for disciplinary purposes suspend a subordinate for a period of not exceeding fifteen days and suspension shall carry with it a loss of salary for the period of suspension but the employee so suspended may have the order of suspension reviewed in the manner provided for the review of charges for removal or discharge.

No director shall in any manner attempt to influence the general manager in the making of any appointment or in the purchase of supplies. A violation of this provision shall work a forfeiture of the office of such director.

The general manager shall adopt rules and regulations to carry out the purposes of this section and may from time to time amend existing rules and subject as otherwise provided herein such rules shall govern applications, nominations, eligibility, duration of eligible lists, certification of eligible persons, promotions, transfers, resignations, leaves of absence or furlough, leave without pay, temporary, due to lack of work or funds, suspension or suspension of work, the filling of positions, temporary seasonal and permanent promotions, and all other matters as are not in conflict with the provisions of this act. Such rules and regulations or any proposed amendments thereto shall be in writing and a copy thereof shall be posted in a conspicuous place in the office of the manager and shall not become effective until twenty days after the person thereof. Any person interested may within ten days after such posting file written objections to such proposed rules or amendments, or any part thereof, with the general manager, in which event such rules or amendments shall not become effective until the general manager has given notice of a hearing and heard objections thereto and announced his decision on the objections. The said decision shall not be subject to the contrary notwithstanding the provision of this section shall not apply to any district until such time as it has reported, installed or used workers on piece of works for the providing of the telephones and telegraph lines within the boundaries of said district with the other services on any of them, provided in the fifth paragraph of section 12 hereof for a period of six months.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2505**—An act to amend section 1 of an act entitled "An act authorizing and requiring boards of commissioners having the management and control of paid fire departments, to grant the members thereof yearly vacations." Approved March 20, 1935, relating to vacations of members of fire departments.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2801**—An act to add section 50a to, and to amend sections 62, 63 and 64 of, the Improvement Act of 1911, relating to bonds and assessments.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2659**—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments, to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding."

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2659 were read and adopted:

##### Amendment No. 1.

On page 2, line 17, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "twenty".

##### Amendment No. 2.

On page 3 of the printed bill, as amended, strike out line 9, and insert in lieu thereof the following: "of twenty per cent of the area of said"

**Amendment No. 3.**

On page 3, lines 17 and 18, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "twenty".

**Amendment No. 4.**

On page 3, line 27, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "twenty".

**Amendment No. 5.**

On page 5 of the printed bill, as amended, strike out line 32, and insert in lieu thereof the following: "thereof, and approved by a four-fifths vote of its members; provided, however, that the majority protest provisions hereof shall apply."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 19.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XIVa, relating to water and power developments.

Senate Bill No. 812.—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act. And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

**Call of the Senate.**

Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Law, McColl, Metzger, Mixter, Olson, Pierovich, Quinn, Rich, Schottky, Slater, Tickle, Westover, and Young—26.

The Secretary announced the absentees.

Time, ten o'clock and twenty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Unfinished Business.**

**Senate Bill No. 757**—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and



creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended relating to the Division of Corporations, the regulating and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

#### Amendment from the Floor.

During third reading of Senate Bill No. 757, the following amendment, offered by Senator Hays, was read and adopted:

#### Amendment No. 1.

On page 7, line 13, of the printed bill, inserting the words "continued, to", strike out the words "issues of", and insert in lieu thereof the word "same."

Bill read, ordered to reprint, re-engrossment, and on file.

**Senate Bill No. 216**—An act to add Chapter Va., comprising sections 852 to 852 1/2, inclusive, to Title III of Part II of the Penal Code, relating to the pursuit and arrest of persons accused of crime.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 216.

#### Amendment No. 1.

On page 2, line 6, of the printed bill, after "shall", insert the following: "he admit him to bail for such purpose."

The question being, Shall the Senate concur in Assembly amendment to Senate Bill No. 216?

The roll was called, and Assembly amendment to Senate Bill No. 216 concurred in by the following vote:

**Ayes**—Senators Allen, Bigger, Chamberlain, DeLoe, Doud, Fanning, Gannon, Gordon, Hays, Hollister, Hudson, Keating, Keough, Kneiblich, Lake, McCall, Metzger, Mixer, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seitz, Tink, Wagy, Westover, Williams, and Young—30.

**Noes**—None.

**Senate Bill No. 216 ordered to enrollment.**

**Assembly Bill No. 1766**—An act to amend sections 545, 547, 548, 549, 540, 541 of the Fish and Game Code, and to repeal sections 542, 543, 544, 545, 546 and 547 of the said code, all relating to the installation and maintenance of fish screens.

#### Amendment from the Floor.

During the reading of Assembly Bill No. 1766, the following amendment, offered by Senator Keough, was read:

#### Amendment No. 1.

On page 3 of the printed bill, as presented, strike out lines 44 to 52 inclusive, and on page 4, strike out lines 1 to 8 inclusive, and insert in lieu thereof the following: "shall maintain and keep the screen in repair and operate and keep the screen free from debris. The cost of maintenance, repair, operation, and keeping the screen free from debris shall be paid by the commission."

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Schottky, Mixer and Westover on the adoption of the amendment to Assembly Bill No. 1766.



The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Keough, Metzger, Olson, Westover, and Williams—5.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Knowland, Law, McColl, Mixer, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Wagy, and Young—22.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1766 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Assembly Bill No. 1766 ordered transmitted to the Assembly.

### Third Reading of Senate Bills.

**Senate Bill No. 1121**—An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1121, the following amendments, offered by Senator Crittenden, were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the word "counties", insert a comma.

##### Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 39 to 50, inclusive, and insert in lieu thereof the following:

"SEC. 6. The legislative body of any county or city and county may contract with the legislative body or governing board of any other county or city and county within this State, or with any State department or any competent agency, for the conducting of competitive examinations to ascertain the fitness of applicants for positions and employment in the county, and for the performance of any other service in connection with personnel selection and administration.

SEC. 7. Any ordinance adopted by the legislative body of a county or city and county under the provisions of this act shall include the following provision and penalty: No person holding an office or place in any department placed by the legislative body under a merit system or civil service system, pursuant to the provisions of this act, shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in a county political campaign favoring or opposing any candidates for election or for nomination to a public office, or serve as a member of a committee of such club or organization or circle, or act as circulator of any petition provided by any law, or act as a worker at the polls, or distributing badges or pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election, or for nomination to a county office; provided, however, that nothing in this act shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

Any wilful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any officer or employee.

The provisions of this act, however, shall not apply to his activity in civil service matters.

SEC. 8. Upon petition of five per cent of the qualified voters of the respective counties and cities and counties of the State to their respective boards of supervisors it shall be mandatory for such boards of supervisors to submit to the electors of their respective counties, and cities and counties for their approval and adoption at the next general election such a system as is herein provided.

The qualified electors of the several counties and cities and townships of the State are also hereby authorized to adopt, through initiative procedure, an ordinance setting up such a system as is herein provided."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 59**—An act to add section 6.5 to the State Narcotic Act, relating to addition to the use of habit forming, narcotic and other dangerous drugs and substances

**Amendment from the Floor.**

During third reading of Senate Bill No. 59, the following amendment, offered by Senator Young, was read and adopted:

**Amendment No. 1.**

On page 3, line 42, of the printed bill, at emdash, strike out "No probation shall be granted to", and insert in lieu thereof the following: "Neither probation shall be granted to, nor shall any sentence be suspended of,"

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 2762**—An act to amend section 698 of the Fish and Game Code, relating to black bass

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2762, the following amendment, offered by Senator Swing, was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended on April 27, 1937, strike out the "1st", and insert in lieu thereof "31st".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2723**—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors, and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2723, the following amendments, offered by Senator Swing, were read and adopted:

**Amendment No. 1.**

On page 2, line 38, of the printed bill, as amended, strike out "two and one-half", and insert in lieu thereof the following: "five".

**Amendment No. 2.**

On page 3, line 18, of the printed bill, as amended, strike out "and", and strike out lines 19 to 24, inclusive, and insert in lieu thereof the following: "unless the tin plate from which said containers are manufactured has, prior to the manufacture of the containers, been cleansed and sterilized by being thoroughly immersed in boiling water, and then dried on hot rolls or by the use of heated air. The Can-

fornia State Board of Public Health is hereby given authority to inspect all places where said containers are manufactured for the purpose of enforcing the provisions of this section."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 481**—An act to amend section 17 of the Inheritance Tax Act of 1935, relating to inheritance taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 481 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 481 ordered transmitted to the Assembly.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and forty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

### **Unfinished Business—(Resumed).**

**Senate Bill No. 579**—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the condemnation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 579 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Olson, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Williams—29.

**NOES**—Senators Phillips, Wagy, and Young—3.

Senate Bill No. 579 ordered to enrollment.

### **Motion to Reconsider Waived.**

Senator Young waived reconsideration of Senate Bill No. 1030.

Senate Bill No. 1030 ordered transmitted to the Assembly.

### **Motion to Reconsider Waived.**

Senator Jespersen waived reconsideration of Assembly Bill No. 1072.

Assembly Bill No. 1072 ordered transmitted to the Assembly.

### **Motion to Reconsider Waived.**

Senator Metzger waived reconsideration of Assembly Bill No. 1129.

Assembly Bill No. 1129 ordered transmitted to the Assembly.

**Withdrawal and Re-reference of Assembly Bill No. 670.**

Senator Hays moved that Assembly Bill No. 670 be withdrawn from Committee on Judiciary, and referred to Committee on Elections.

Motion carried, and such was the order.

**Notice of Consideration.**

Senator Olson gave notice that on the next legislative day he would take up Assembly Bill No. 2697 for passage.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 313**—An act to repeal "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1933 (Chapter 328, Statutes of California, 1935).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 passed by the following vote:

**AYES.** Senators Buggar, Crenshaw, Cunningham, DeLap, Ferguson, Gorman, Hays, Hollister, Holman, Jorgensen, Keating, Keweenaw, Lane, Marshall, McCormick, Metzger, Miller, Olson, Parkman, Pomeroy, Quinn, Rice, Schaefer, Slater, Tinkle, Wagy, Westcott, and Young—29.

**NOES.** None.

Title read and approved.

Senate Bill No. 313 ordered transmitted to the Assembly.

**Senate Bill No. 74**—An act to amend section 241 of the Code of Civil Procedure, relating to the expending of grand jurors.

**Amendments from the Floor.**

During third reading of Senate Bill No. 74, the following amendments, offered by Senator DeLap, were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the period, insert the following: "In all counties there shall be at least one grand jury drawn and impaneled in each year."

**Amendment No. 2.**

On page 1, line 11, of the printed bill, strike out "who were summoned" and also strike out all of lines 12 to 18, inclusive, and insert in lieu thereof the following: "who were drawn and impaneled under the provisions of section 242 of this code as members of the last preceding grand jury, and some seven persons shall be those whose names are the first seven drawn by the clerk from a box containing only the names of the persons drawn and impaneled under the provisions of section 242 of this code as members of the last preceding grand jury. The names of the other grand jurors shall be".

**Amendment No. 3.**

On page 1, line 22, of the printed bill, strike out "The grand", and also strike out all of line 23.

**Amendment No. 4.**

On page 2, line 13, of the printed bill, strike out "225", and insert in lieu thereof "226".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

**Senate Bill No. 1101**—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

Bill read third time.



The question being on the passage of the bill.  
The roll was called.

### **Call of the Senate.**

Pending the announcement of the vote, Senator Gordon moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Minter, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

The Secretary announced the absentees.

Time, twelve o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At twelve o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Gordon.

The names of the absentees were called, and Senate Bill No. 1101 refused passage by the following vote:

**AYES**—Senators Deuel, Fletcher, Gordon, Jespersen, Keating, Keough, Knowland, McColl, McCormack, Metzger, Olson, Phillips, Rich, Seawell, Swing, and Westover—16.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Garrison, Hays, Holohan, Law, Minter, Parkman, Pierovich, Quinn, Schottky, Slater, Tickle, Waggy, Williams, and Young—18.

### **Notice of Motion to Reconsider.**

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1101 was refused passage.

### **Special Order.**

Senator Swing moved that Assembly Bill No. 1177 be made a special order for Tuesday, May 4, 1937, at two o'clock and thirty minutes p.m.

Motion carried, and such was the order.

### **Motion.**

On motion of Senator Metzger, Assembly Bill No. 1245 was ordered placed on the unfinished business file.

### **Leaves of Absence.**

Senator Nielsen was, on motion of Senator Metzger, granted leave of absence for the balance of this legislative day.

Senator Allen was, on motion of Senator Garrison, granted leave of absence for the balance of this legislative day.

### **Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1134**—An act to amend section 985 of the Political Code, relating to official bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1134 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCall, McCormack, Metzger, Mixer, Olson, Phillips, Potosich, Quinn, Schottky, Seawell, Slater, Sving, Wagy, Westover, Williams, and Young—30.  
**NOES**—None.

Title read and approved.

Senate Bill No. 1134 ordered transmitted to the Assembly.

**Senate Bill No. 271**—An act to add section 381712 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: In several counties in this State, due to the economic depression, large tracts of land, amounting in the case of one county to 50 per cent of the property in the county, have become so hopelessly delinquent that there is no hope of such property ever being redeemed. The remaining property in such counties can not bear the fiscal burden of government thereon, and the result is that the functions of government are seriously impaired and unless the delinquent property is immediately returned to the tax rolls, it will be necessary to close the schools and to seriously impair other functions of government in such counties.

The delinquent taxpayers in many cases, relying on the provisions of the exemption, are willing to waive the provisions of section 381711 of the Political Code, since such section can not help them. In order that such counties may receive some property to the tax rolls before it is too late, it is necessary that the counties be given immediate permission to exempt from the delinquent taxpayers above mentioned the waivers of the protection of section 381711.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCall, McCormack, Metzger, Mixer, Olson, Parkman, Phillips, Potosich, Quinn, Schottky, Seawell, Slater, Wagy, and Westover—27.  
**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 271 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Keough, Knowland, Law, McCall, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Potosich, Quinn, Schottky, Seawell, Slater, Wagy, and Westover—28.  
**NOES**—Senator Metzger—1.

Title read and approved.

Senate Bill No. 271 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

**Senate Bill No. 518**—An act to add two new sections to the Political Code, to be numbered 3480 and 3480f, relating to reclamation districts.

declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace and safety that this law shall go into immediate effect. The following is a statement of facts constituting such necessity:

Due to the agricultural depression which has extended over a period of several years, many landowners within reclamation districts have been unable to meet their installment payments owing under assessments with the result that funds were not provided to meet the maturing interest and principal of the district's bonds. To solve this situation, the Congress of the United States enacted the Emergency Farm Mortgage Act of 1933, as amended, authorizing and empowering the Reconstruction Finance Corporation to grant loans to districts so in distress and many districts in California have secured grants of loans from Reconstruction Finance Corporation pursuant to said act; that before completing said loans, Reconstruction Finance Corporation frequently requires that districts receiving such grants shall provide and set up reserve funds to insure the prompt payment of principal and interest to accrue under said loans, and that reclamation districts are not now authorized or empowered to comply with such requirements. The Legislature hereby expressly declares that the welfare of the State requires that relief be afforded to the landowners in these districts by permitting reclamation districts to take advantage of the said Emergency Farm Mortgage Act of 1933, as amended, and to conform to the requirements of Reconstruction Finance Corporation in setting up and providing an adequate reserve fund.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 518 ordered transmitted to the Assembly.

#### Reports of Standing Committee.

The following reports of standing committee were received and read:

##### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 34—An act to add section 3a to the Improvement Bond Act of 1915, relating to the rate of interest of bonds issued under the act;

Senate Bill No. 35—An act to add section 3a to "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the rate of interest on bonds;

Senate Bill No. 36—An act to add section 60a to the Improvement Act of 1911, relating to the rate of interest of bonds issued under the act;

Senate Bill No. 187—An act to add Chapter IIIa, comprising sections 1234 to 1234 6, inclusive, to Title X of Part II of the Penal Code, relating to the attendance of witnesses from within or without the State in criminal proceedings.

Senate Bill No. 524—An act to amend sections 2, 3, 10, 11, 15, 18, 20, 21, 22, 42, 46, 52, 55, 56, 58, 61, 62, 63 and 65 of, and to add sections 524 to the State Housing Act, relating to buildings designed for human habitation.

Senate Bill No. 104—An act to add a new section to the School Code to be numbered 5751, relating to the salaries of persons employed by school districts in positions requiring certification examinations.

And reports that the same have been correctly enrolled and presented to the Governor on the thirtieth day of April, 1937, at eleven o'clock and thirty minutes a.m.

KROUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined

Senate Bill No. 744—An act to amend section 2 of the State Conflict of Interest Act, relating to the State Department of Finance.

Senate Bill No. 808—An act to provide for reporting and transmitting fees and forfeitures from judges and magistrates to the State Treasurer.

Senate Bill No. 929—An act to add section 37 to the Fish and Game Code, relating to disposition of game.

And reports that the same have been correctly enrolled and presented to the Governor on the thirtieth day of April, 1937, at eleven o'clock and thirty minutes a.m.

KROUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined

Senate Bill No. 474—An act to amend sections 7476, 7478, 7479, 7480 and 7481 of the Political Code, relating to the composition of juries of the Superior Court.

And reports that the same has been correctly engrossed.

KROUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined

Senate Bill No. 478—An act to add to the Political Code, new Article III of Chapter III of Title I of Part III thereof, providing a State Department of Social Welfare and Relief and transferring to it the property, funds, debts, and unexpended funds of the Department of Social Welfare and of the Relief, Abandonment and Relief Commission, and repealing sections 367 to 369, inclusive of the Political Code.

Senate Bill No. 1014—An act to amend section 617 of the Penal Code, relating to definitions of vagrants.

Senate Bill No. 1131—An act to add sections 14252, 14254, 14255 and 14256 to the Penal Code, relating to the temporary incarceration of juvenile delinquents and trials therein.

And reports that the same have been correctly engrossed.

KROUGH, Chairman.

President Pro Tempore in the Chair.

At one o'clock p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of the Senate attaches and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of May 1, 1937.

Per diem  
6 days per week  
\$5.00

Ada M. Pierce, Stenographer.

Resolution read, and on motion of Senator Tickle, adopted.

### Report.

The following report by the Special Senate Committee on Investigation of School Buildings was received, and ordered printed in the Journal:



## REPORT OF SPECIAL SENATE COMMITTEE ON INVESTIGATION OF SCHOOL BUILDINGS.

*Mr. President and Honorable Members of the Senate of the State of California:*

Your Special Senate Committee on Investigation of School Buildings, appointed pursuant to the following resolution found on page 21 of the Senate Daily Journal on May 22, 1935, has the honor to submit this, its report.

### Resolution.

"WHEREAS, Chapter 59, Statutes of 1933, provides for the safety of design and construction of public school buildings under the supervision of the Division of Architecture, in the Department of Public Works; and

WHEREAS, The application of said act has worked hardship on the school authorities, taxpayers, and pupils; and

WHEREAS, There have been many complaints as to the operation and administration of this act; now, therefore, be it

*Resolved*, That the President of the Senate appoint a committee of three members to investigate the operation and administration of said act; and be it further

*Resolved*, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports and records of every kind; to issue subpoenas and take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate or during the recess, at such times, place or places as the committee may determine; such committee may at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

*Resolved*, That said committee report the results of said investigation, together with its recommendations as to the needed changes in the law to the Senate; and make suggestions as to needed changes or improvements in the administration of said act to the Governor; and be it further

*Resolved*, That the sum of \$500, or so much thereof may be necessary be and the same is hereby appropriated from the contingent fund of the Senate for such incidental expenses as the committee may necessarily meet, including securing of transcript of such of its proceedings as it may deem necessary to preserve. Such items of expense are to be paid to the persons entitled thereto upon certification to the Controller by the chairman of said committee."

Pursuant to the authority gained under the resolution hereinbefore set forth, the following members of the Senate of the State of California were appointed by the President thereof:

Senator J. C. Garrison,  
Senator William F. Knowland,  
Senator Thomas P. Scollan.

The committee held its first meeting in Room 312, Wheeler Hall, University of California, Berkeley, California, Monday, January 6, 1933. The committee was organized and the following were elected as officers of the committee:

Senator J. C. Garrison, Chairman.  
Senator Thomas P. Scollan, Secretary.

Notices were sent to various school officials, to the California Trustees Association, to the Division of Architecture, and to other interested persons, and publicity was given to the meeting in the newspapers of northern California requesting that all those interested in the problems before the committee appear and present their views. The activities of this committee were definitely limited because of the small appropriation made for paying expenses of this investigation and were further restricted due to the ruling of the Controller based upon an opinion of the Attorney General that the committee could not use any of the funds available for the purpose of employing expert engineers, clerks or even stenographic assistance. It was not until late in the year 1936 that the California Supreme Court in the case of *Phillips vs. Riley*, 6 California Reports, Second Series, page 414, held that investigating committees of the State Legislature could expend monies for the purposes which your committee desired. It was therefore decided that this committee, instead of embark-

ing on a thorough investigation of the important problems set out in the resolution, would conduct our investigation more in the order of a discussion of the issues by those persons most affected. Consequently, the committee applied to the State Division of Architecture for stenographic assistance which was very kindly granted and asked the State Architect and his engineers to be present at each public meeting of your committee. Careful notes were taken of the discussions which were presented by school officials to the administration and verification of the facts. The State Architect, at the request of the committee, after contacting the various trustees or school officials who were having difficulty, in an effort to meet out a mutually satisfactory solution and to determine what changes, if any, were necessary and necessary in the Rules and Regulations of the Division of Architecture relating to the safety of design and construction of public school buildings in California. A most representative group of citizens interested in school problems at Berkeley, California, were present at the Berkeley meeting, and at the meeting held by your committee in Los Angeles, November, 1936, a most representative group of those citizens of southern California interested in school problems were present. A complete stenographic report of the testimony before your committee has been filed with the Secretary of the Senate.

At the meetings of your committee a very friendly and cooperative spirit prevailed and the different phases of the problems arising out of the passage of this act were commonly known as the "School Building Fifthfold Act" were frankly discussed. It early developed that the problem was five-fold in character:

*First.* Personal liability of school trustees or (elected) school board members.

*Second.* Repair or reconstruction of a portion of a school building.

*Third.* A board of appeal to which a school board could appeal in case of disagreement with the Division of Architecture on the approval of plans and specifications.

*Fourth.* Financial assistance to districts financially unable to build or rehabilitate their school buildings in accordance with plans approved by the Division of Architecture.

*Fifth.* Dividing the State into earthquake zones.

#### Personal Liability of School Trustees or Members of Boards of Education

Upon this one issue, it was the unanimous opinion of those who attended before your committee that after having done everything which could be reasonably possible to do to comply with the provisions of the law in regard to safety of design and construction of public school buildings as provided by Chapter 10, Sections 41 to 44, the trustees or members of the boards of education should not be held personally liable for injuries or damage to property in case the members of the district failed or failed to provide a means of financing the necessary construction or reconstruction of its school buildings. It appeared that in many school districts the members of the governing board were afraid to apply to the Division of Architecture for construction of their school buildings because of the personal liability involved. The trustees for many school districts have advised their governing boards that should they have their school buildings examined by the Division of Architecture and the buildings found to be defective, that would constitute construction notice to the governing boards of the faulty condition of the school buildings and thereby make them personally liable for injury to persons or property by reason of the use of the buildings. Many of the trustees expressed doubt as to the wisdom of an attempt to provide the necessary funds to rehabilitate their buildings in accordance with the high standards as fixed by the Division of Architecture.

This situation has resulted in two very serious conditions in this State. In many school districts, the trustees have simply accepted the issue by not having those buildings examined and thereby not knowing whether or not their buildings are safe for the occupancy of school children. The other condition which is equally serious, is that some of our most able school trustees have refused to run for reelection because they feel that they can not afford to subject their entire personal fortunes to this unfair personal liability.

To meet this situation, your committee has had prepared and introduced at this session of the Legislature, Senate Bill No. 654 which provides that, whenever an examination of the structural condition of any school building or buildings of a school district has been made by the Division of Architecture, State Department of Public Works, or any licensed structural engineer or architect, and the buildings are found to be unsafe for use, the governing board may, if it has not sufficient funds for the repair, reconstruction or replacement of its buildings, submit the entire problem to its electorate at a special election. At this election, there shall be submitted to the qualified electorate of the district, three propositions, to-wit:

1. Authorization of bonds of the district in amount sufficient to provide funds for the repair or reconstruction or replacement of such buildings.

2. Authorization of increase of the maximum tax rate of the district.

### 3. Abandonment of such building or buildings and the placing of the children in tents or other temporary structures.

In case all three propositions on the ballot fail to carry, then, in that event, the members of the governing board of the district are relieved of their personal liability for injury to persons or damage to property by reason of the use of the buildings. The bill does not, however, relieve the school district itself of any liability imposed by law.

We believe this bill to be a most fair and important measure and can not too strongly recommend its favorable consideration by the Legislature at the present session.

### Repair or Reconstruction of a Portion of a School Building.

When this act first became effective, as is the case with all new regulatory measures, considerable doubt and misunderstanding arose as to how far the Division of Architecture should go in requiring an existing building to be made earthquake resistant in case of damage to a portion of a building or necessary repairs to an existing building. The Division of Architecture naturally was solicitous to perform the duties imposed on the division by the passage of this act to the full extent of the division's responsibility. Therefore, the division started out to follow the policy of requiring an entire building to be made earthquake resistant before approval would be granted to the plans and specifications for reconstruction or alterations or additions to an existing building. This policy, of course, resulted in severe hardship on many school districts. The question arose as to whether, under the law, the Division of Architecture was charged with the responsibility or had the authority to require that the entire building be made safe before approving plans and specifications for a portion of the building. This question was submitted to the Attorney General and on October 7, 1933, an opinion was rendered reading in part as follows:

"I am therefore of the opinion that the only thing to be considered in the case of reconstruction work such as you refer to is that work, and that it would not be necessary for the remainder of an existing school building to be remodeled or rebuilt to conform to the rules of your Building Code.

I assume, of course, that this new reconstruction work would not result in an increased hazard with reference to the old building.

The act was not intended to apply to anything other than new work."

More discussion was had before your committee on this phase of school building problems than upon any of the others mentioned. A multitude of questions arose which were straightened out in the manner heretofore mentioned in this report, that is, by the Division of Architecture's engineers or representatives contacting the various school officials and explaining the provisions of the act and the application of the Rules and Regulations. Many of the questions, however, necessitated changes in the Rules and Regulations. Based upon the testimony presented to your committee and upon the conferences held with public school officials and with members of your committee, the Division of Architecture has completed and adopted a new set of Rules and Regulations which your committee feels will solve the problems involved in this phase of the issue without the necessity of an amendment to the existing law. This plan is advisable for the reason that the Rules and Regulations are more flexible and can be changed from time to time by the Division of Architecture to meet changing conditions without the difficulty and loss of time in having the law amended by the Legislature. A copy of these Rules and Regulations is attached to this report and will be known as Exhibit A.

It would seem advisable, however, to call attention here to certain changes in the Rules and Regulations which your committee feels will adequately solve many of the problems presented to us in this investigation, not only with regard to repair or reconstruction of a portion of an existing building, but as to the application of the act to the entire problem of approval of plans and specifications of school buildings, as contemplated by the act.

**RECONSTRUCTION, ALTERATIONS, ETC.** Section 4. Due to confusion on the part of school districts and others concerned regarding the breadth of application and interpretation of the Field Act in connection with the words "reconstruction, alteration of, or addition to" it was deemed advisable to differentiate between these words and the word "maintenance." It does not appear to be the intent of the act to require approval for ordinary upkeep, etc. Consequently, it was felt that it would be entirely within the spirit of the act to liberalize the act with reference to this type of work by giving specific exemption to it.

**DEMOLITION.** Section 5. There was considerable doubt especially in connection with the razing of buildings or building units damaged by the Long Beach earthquake of March 10, 1933. Your committee and the Division of Architecture have taken the view that where the work consists entirely of demolition that such work is not included in the act which applies to new buildings or to reconstruction, alterations or additions. It was not felt that where a structure was taken down and removed that any question was raised with relation to safety of occupants and that consequently such work was not intended to be covered by the act. The definition is given under section 5 and a statement made under section 26 to the



effect that it is not necessary to secure the approval of the Division of Architecture for demolition.

**PERSONAL KNOWLEDGE.** Section 11. Many persons have been receiving such reference to the requirements of the act that the architect, structural engineer and the contractor shall each make a written statement showing of his own personal knowledge that the work has been performed with material used and building in accordance with the approved plans and specifications. This section has been particularly strong on the part of the architect and the structural engineer. The Attorney General, on the other hand, has been insistent that such a statement must be made without qualification, since the Legislature at the time of enacting the bill, were insistent that it was of primary importance that every statement be had that the specifications be honestly followed with such reference to materials and workmanship and that accordingly the certification must be made without qualification with reference to the words "personal knowledge." So much emphasis has recently been experienced in obtaining satisfactory statements that it was deemed advisable to secure the assistance of the Attorney General's office and formulate a definition of the word "personal knowledge" for insertion in the Rules and Regulations so that there may be no misunderstanding of what is meant especially in view of the fact that certain individuals have been giving merely an inchoate and severe interpretation to these words.

**APPLICATION.** Section 12. The last sentence has been added to the original section permitting an application and a maximum fee of \$500 to be paid where there are a number of identical buildings, provided the total cost of the work does not exceed \$10,000. As a result of damage done by the earthquake of 1914, it was necessary to provide temporary shelter for thousands of school children in the southern part of the State. The Attorney General's office (Opinion 8790) at that time that where a number of identical buildings are to be constructed from the same plans and specifications and one application may be filed and a maximum fee paid of \$500, provided that the costs are identical and that the cost does not exceed \$10,000. This ruling has been of great value to the school districts concerned in removing the possibility of having to pay exorbitant fees.

See last sentence on page 14 for change of the Division of Architecture by 1926 act to the fee to be paid and the conditions under which an application is permissible.

**IDENTICAL BUILDING.** Section 13. It was necessarily assumed that at the time of approval of plans and specifications for a given school building, or shortly thereafter, consideration was given to a plan which might be required for identical building. The purpose of the change on page 5 has been the willingness of the State to give approval to an application for an identical building without requiring preparation of separate copies of plans and specifications.

**WITHDRAWAL OF APPLICATION.** Section 16. It occasionally happens that shortly after application has been filed and plans and specifications submitted to the Division of Architecture together with the prescribed fee, that the school board desires to withdraw the said application, either to make modification thereof, to make a better change in lay out or type of construction, or for some other reason. The Division of Architecture is accordingly going as far as it can under the law by providing the fee provided that the money has not already been turned over to the State Treasurer and check was actually started, the division not making such transfer of funds until it does actually start to check the plans and specifications.

**DIVISION OF SCHOOLHOUSE PLANNING.** Section 17. The State laws setting up the Division of Schoolhouse Planning, State Department of Education, provide the conditions under which plans must be submitted to the Division of Schoolhouse Planning and the kind of approval required of it. In spite of the fact that the Division of Architecture not only has been calling the attention of those concerned to the necessity of securing such approval and has at the same time called the attention of the Division of Schoolhouse Planning to the fact that such work was contemplated, there seemed to be considerable confusion, on the part of certain architects as to the necessity of first submitting the plans to the Division of Schoolhouse Planning. It was accordingly thought advisable to emphatically state in the Rules and Regulations of the Division of Architecture that approval must first be secured from the Division of Schoolhouse Planning before plans and specifications can be checked by the Division of Architecture. Many of the rural school districts are poor and unable to finance either construction or the preparation of plans and specifications. The Division of Schoolhouse Planning has, so far as its finances permitted, been giving service to those districts both in the matter of the preparation of plans and supervision of construction work. The Division of Architecture has, from time to time, assisted the Division of Schoolhouse Planning by furnishing the necessary structural information for incorporation in the plans and specifications. It was thought advisable to make a very definite statement in the Rules and Regulations so that school districts will have knowledge of the service provided.

**RECONSTRUCTION OF A PORTION OF A BUILDING.** Section 19. In accordance with Opinion No. 8815 of the State Attorney General's Office, the Division of Architecture has been giving approval to plans and specifications submitted in connection with reconstruction of a portion only of a building. In doing such work of reconstruction



or strengthening, it is not necessary to do anything at all with reference to the remainder of the building, although it is required that the particular portion or unit for which work is done, must itself be made safe and self-contained with reference to strength. The section in question is more or less self-explanatory.

**BUILDING SEPARATION.** Section 20. Not much trouble has been experienced in constructing new buildings in accordance with Chapter 59, Statutes of 1933. On the other hand problems in connection with reconstruction work, especially where the building is found to be in a hazardous condition have been most difficult. School boards are frequently confronted with the problem of adding an addition to an unsafe existing building but without necessary funds to have the work done that is necessary to make the existing building entirely safe. By making a structural separation between the new and the old work, closing the gap with a flexible or brittle membrane of such nature that stresses will not be transferred across the separation, it is possible to consider the addition as a distinct and separate unit and to give full approval to such work without equivocation. Numerous additions have been so built without violating the intent of the act and thereby giving greater freedom of action to the various school boards in question.

**SCHOOL GARAGES.** Section 21. To require, rural school districts especially, to have plans and specifications prepared by a certificated architect or structural engineer and then submit them to the Division of Architecture for approval, in the case of smaller relatively unimportant buildings, would work an undue hardship financially. Fortunately the Attorney General rules (See Opinion No. 9217) that these buildings do not come under the act provided they are not used by pupils and teachers as such. These buildings have usually been of light construction, such as wood studs. Speaking generally, the resulting structures have been fairly safe and the results accomplished worthwhile to the school districts.

**TEACHERAGE.** Section 22. The Attorney General further liberalized the act on February 7, 1936 (see Opinion No. 10507) by ruling that the act is not applicable to a building used exclusively for a dwelling for not more than two families.

**NONSTRUCTURAL ALTERATION.** Section 23. It frequently happens that a school district desires to make alterations to existing units or buildings by shifting partitions, rearranging rooms, providing a heating plant or other work not involving structural change in the buildings. Since nothing is to be done to the structural elements of the building, the State has ruled that approval will be given to submitted plans and specifications without doing any reconstruction work and the district at the same time assured that such material as is actually furnished and work done will be strictly in accordance with approved plans and specifications and that accordingly the district will get its dollars' worth.

**FIRE SAFETY.** Section 24. This section is self explanatory and grew out of a ruling of the Attorney General that the words "The written approval of such buildings as to *safety of design and construction* does not refer to fire and panic safety." Whether or not such safety is provided in school construction is left entirely optional with the local school district. The Division of Architecture has no authority in the matter.

**CONDEMNATION.** Section 25. Due to misunderstanding on the part of many, that the Division of Architecture has authority to condemn an unsafe building and prohibit its use, it was thought advisable to make a clear statement as to the lack of authority of the division, either to condemn a building or to issue permit for its use.

**PARTIAL CONSTRUCTION.** Section 27. While the act provides that contracts can not be let and work started before approval, provided the work in question comes under the act, there is nothing in the act which states how quickly the work must be done or the length of time in which it must be completed. Consequently and in order to still further assist the school districts in meeting their construction problems, your committee and the Division of Architecture has felt that it is entirely within the spirit and intent of the act to permit school districts to carry on work only as rapidly as their financial or other limitations may permit. The Division of Architecture has nothing to say with reference to when or how the school buildings may be used. This condition makes it possible, if it is so desired or necessary, that work proceed to any point short of full completion and later continue intermittently or continuously as may be possible or desired. Meanwhile, whether or not any use is made of the building is entirely optional with the school board in question.

**RESUBMISSION OF PLANS.** Section 28. It is necessary in connection with most of the school construction projects to make revision to plans and specifications after contracts have been let and work has been initiated. This paragraph distinctly points out that no additional fee will be charged over and above the final total cost of the building in connection with the submission of such revisions. This is quite pertinent in view of the fact that the law requires that the building be built structurally in accordance with the approved plans and specifications and it is only by submitting proper change orders that the required verification can be made upon completion of the work and at the same time provide the school district with the full knowledge of what is being done. Incidentally these change orders have

been the means of securing in the aggregate a comparatively minimum in building costs since in those cases where the construction is suitable or merely inferior to the grade or type specified, proper readjustment is made to the price paid for the difference in cost.

**LABORATORY REPORTS.** Section 32. These have been extremely valuable in testing laboratory reports because of the numerous analyses and tests made in concrete, aggregation, reinforcing steel, and generally, the small and numerous tests pertinent building projects. This matter was covered in the circulation of the Division of Schoolhouse Planning with the result that the Marine, Stone, and other Laboratories of the State Department of Education noted the situation in their communications to the value of tests but at the same time indicated those agencies were in extremes or against permitting a body of study or more that gave no actual progress. It was thought advisable to make a specific statement about this matter in the rules and regulations.

**SCHEDULE OF PROGRESS REPORTS.** Section 34. The Board and Commission are originally written to neglect the time of their progress reports. The basis of completion of certain items of work. This provision is made very flexible by providing alternate methods of reporting progress that may be made progress report even be made for some time.

**Regulation No. 5.** The regulation is essentially the same as the previous one. An additional paragraph is added stating that in those cases where the Board is in the formulation of Appendix "A" and states that Appendix "A" will be made promptly available to the public.

**Regulation No. 6.** Regulation No. 6 is an advisory board and nothing is an Advisory Board to the Division of Architecture. The members of the board will be noted that the board is subject to the power of the Division of Architecture. The call of its chairman. The board may make recommendations on any matter presented to it or regarding which it desires information. Its plan and regulations are required to be submitted annually to the Advisory Board for adoption.

Appeal may be made to the Division of Architecture or Board of the Advisory Board in case of disagreement with the final decision of the Division of Architecture in connection with the administration of the act.

The regulation is self explanatory and gives one of a number which shall have made that there be some board of appeal to which appeal may be made from the rulings or acts of the Division of Architecture with authority to review and change or actions and freely make report and recommendation thereon.

#### Board of Appeal.

Many witnesses appearing before your committee, particularly members of the California School Trustees Association, expressed the belief that there should be a Board of Appeal to which a school district might appeal in case of disagreement and the Division of Architecture might not agree with the recommendations and specifications submitted. Much thought and consideration has been given to this question by your committee. Obviously, it would seem that in the past the policy of providing means of appeal for local administrative action should be some body to which a school district could appeal in case of disagreement with the Division of Architecture. On the other hand, as pointed out by the Division of Architecture, this plan would entail considerable confusion and uncertainty in the administration of the act as well as some expense to the State in maintaining such a board. It is felt by the Division of Architecture that the Advisory Board as provided in Regulation No. 6 will meet this requirement. Whether such a board of appeal should be established by law is a matter of policy to be decided by the Legislature and one upon which your committee does not wish to make recommendations at this time. To accurately decide whether or not such a Board of Appeal is necessary would entail the employment of numerous engineers and architects to check the detailed standards and engineering and architectural requirements adopted by the Division of Architecture and set out in Appendix "A" of their Rules and Regulations. Without funds to enable such an engineering and architectural services as would be required to take upon Appendix "A" and also without definite authority in the constitution or laws, such a decision cannot be made. Your committee feels that this matter should be left to the Legislature and will of the Legislature.

#### Financial Assistance to Weaker Districts.

Testimony before your committee shows that many school children in this State are now attending school in tents, temporary structures, or substantially unsafe buildings, because of the fact that the school districts are financially unable to comply with the requirements of the law and reconstruct these buildings destroyed or seriously damaged by the earthquake of March 10, 1933. It was suggested that some plan should be worked out to give assistance to such school districts as are unable to provide adequate housing to the children. The authority granted by the resolution creating this committee does not give us the necessary authority to

investigate and make recommendations upon this very serious and important problem. Neither does your committee feel that we are authorized to report upon the question of whether or not the requirements of the Division of Architecture are unnecessarily severe and costly to the districts. To make such a recommendation, as heretofore set out, would involve employment of experts far beyond the capacity of the funds provided for this committee. In making this investigation, your committee has been solicitous to keep within the authority of the resolution, that is, "to investigate the operation and administration of said act."

#### **Zoning the State.**

Some of those appearing before the committee were in favor of some plan whereby the State could be divided into earthquake zones with respect to varying earthquake hazards and that different standards for safety of construction and design of school buildings be set up for each zone. Opinions of witnesses were based upon the fact that no serious earthquake damage has occurred in the interior valleys of California and therefore it was an unnecessary hardship upon the taxpayers in the interior of the State to require them to build school buildings capable of resisting the lateral forces set up by the severe earthquakes which have occurred along the coast. Testimony before your committee, including opinions of most eminent geologists, indicates that the entire State of California is a potential earthquake zone. It was shown that practically every section in the State is near enough to a fault line to make it possible to have an earthquake of more or less severe intensity in almost any district in the State. Handicapped as your committee was, with practically no funds with which to employ expert assistance, it was impossible for us to employ geologists of sufficient experience and ability to make a state-wide investigation and report upon this particular phase of our problem. Therefore, we can only reply upon the information and testimony given before the committee which indicates that any plan of zoning the State with respect to earthquake hazards, would be impractical.

#### **Conclusion.**

The resolution creating this committee requires "that said committee report the results of said investigation, together with its recommendations as to the needed changes in the law to the Senate; and make suggestions as to needed changes or improvements in the administration of said act to the Governor." Due to the fact that your committee and the Division of Architecture have agreed upon the changes in the Rules and Regulations as heretofore set out in this report and which we believe will solve most, if not all, of the questions raised as to the administration of the act, we have no further suggestions for improvement in the administration to make to His Excellency, the Governor. Those changes in Rules and Regulations together with the various opinions from the Attorney General, heretofore mentioned in the report, also make unnecessary certain legislation proposed at the fifty-second session of the Legislature affecting approval of plans and specifications for the portion of a building. Therefore, the only recommendation your committee has to make to the Senate at this time as to needed changes in the law is that Senate Bill No. 654 be given favorable consideration and approval by the Legislature and the Governor thereby relieving the governing boards of school districts from personal liability arising out of conditions over which they have no control and then only after they have done everything within their power to correct existing conditions.

Your committee wishes to express its sincere appreciation to the Division of Architecture, State Department of Public Works, to the California School Trustees Association, and to all those who appeared before your committee for the splendid spirit of cooperation and their sincerity of purpose in attacking the problem before this committee. We believe that much constructive work has been done and are gratified that due to the splendid cooperation of Mr. George B. McDougall, State Architect, and Mr. C. H. Kromer, Principal Structural Engineer of the Division of Architecture, much progress has been made without drastic changes in the law.

Respectfully submitted,

**SPECIAL SENATE COMMITTEE ON SCHOOL BUILDINGS.**

**J. C. GARRISON.**  
**WM. F. KNOWLAND.**  
**THOS. P. SCOLLAN.**

#### **EXHIBIT A.**

**Rules and Regulations Relating to the Safety of Design and Construction of Public School Buildings in California—Revised February 8, 1937.**

**DIVISION OF ARCHITECTURE, DEPARTMENT OF PUBLIC WORKS,  
SACRAMENTO, CALIFORNIA.**

#### **Revised Rules and Regulations.**

**CHAPTER 59, STATUTES OF 1933.**

Incorporated in these Rules and Regulations are the various administrative rulings made by the Division of Architecture since the enactment of the above act.



together with opinions of the Attorney General, whose assistance required has been liberalized.

Particular attention is called to the definition where the Division of Architecture has formulated with the advice and approval of the Attorney General's Office in connection with "personal knowledge" required in the certifier statement appearing on the progress report. The Attorney General's Office at the same time has advised that the form of statement should be made a definite certification. It is hoped that the definition of "personal knowledge" will clear up any uncertainty which might previously have existed in making certifier statements as to the progress of the work.

An entirely new regulation, Regulation No. 6, has been added whereby an Advisory Board to the division is set up. The regulation covers the qualifications of the members of the board, how and for how long assembled, and defines the board's functions. The board adopts its own rules of procedure and reports upon the aid of its chairman. The board may make independent reports or make of any matter presented to it or regarding where it desires information. All rules and regulations are required to be submitted promptly to the Advisory Board for adoption. The board also acts as a Board of Appeal to make appeal upon its own direction if so desired in case of disagreement with the design and appearance of the Division of Architecture in connection with the administration of the act.

The Rules and Regulations will have to be read so that to appreciate and have full knowledge of how the act is being administered. They will be printed in pamphlet form just as soon as the opinion of the Legislature with reference to the act is more clearly indicated.

March 15, 1937.

#### Foreword.

On March 10, 1933, at 5.55 in the afternoon, an almost earthquake shock occurred of sufficient intensity to shatter poorly constructed buildings for a densely populated district in the southern part of the State and to severely injure the stability of all but the better built buildings elsewhere. All windows of two public school buildings were actually shivered when not completely shattered. The initial earthquake was followed by a series of smaller shocks did not further damage. If the time of the initial shock had been but a few hours earlier the loss of life among the school children would have been appalling.

Realizing that much of the loss and damage would have been avoided if the buildings had been properly constructed and in order that our school children be safeguarded against the possibility of death from poorly building structures, the State Legislature, then in session, promptly enacted a law, Chapter 10, Statutes of 1933, that vested the Division of Architecture of the State Department of Public Works with the authority and responsibility, under the Senate's power of the State, to pass upon and approve or reject plans and specifications and to require the construction of all public school buildings extend to specifically methods, thereby making mandatory the preparation of adequate designs and specifications and the safe construction of such public school buildings. The law became effective as an emergency measure upon signature by the Governor on April 10, 1933.

An amendment to the law was enacted by the 1935 Legislature whereby the exemption in the case of reconstruction or alteration of an addition to any school building was increased from \$1,000 to \$1,000. This amendment became effective on and after September 16, 1935.

An annotated copy of the law as amended to date is attached as an addenda to these rules and regulations.

#### PREPARATION OF PLANS AND SPECIFICATIONS.

The act provides that all plans and specifications must be prepared by a registered architect holding a valid license under the State act regulating the practice of architecture or by a structural engineer who has been authorized to use the title structural engineer by the Board of Registration for Civil Engineers.

#### APPROVAL OF PLANS AND SPECIFICATIONS.

Plans and specifications must be approved before the beginning of construction and such inspection and supervision will be made by the Division of Architecture during the progress of construction as may be found necessary for the enforcement of the provisions of the act.

#### FEES.

An application for the approval of plans and specifications for a new building or for the reconstruction, alteration of, or addition to any school building must be accompanied by a filing fee as provided for in the law based on the estimated total cost of the building exclusive of furniture and technical service.

#### INSPECTION.

The political subdivision within the territorial jurisdiction of which any school building is constructed, reconstructed, altered or added to must provide adequate and continuous inspection as provided in the law.



## PROGRESS REPORTS.

Construction work may start upon approval of plans and specifications, and as provided in sections 29, 30, and 31 hereof. At intervals as the work progresses certified reports shall be made to the Division of Architecture, upon forms prescribed by the division showing that the work, during the period covered by the report as well as the materials used and installed, have been performed and furnished in every particular in accordance with and in conformity to the approved plans and specifications.

## LOCAL REGULATIONS.

Nothing herein stated shall be construed to exempt the school board and its agents, or the contractor, from the provisions of local ordinances, regulations or building codes with reference to the issuance of building permits, inspection of construction, and such protective and regulating measures as may locally be provided for.

No rules or regulations shall, however, be construed to deprive the Division of Architecture of its right to exercise the powers conferred upon it by law, or to limit the division in such enforcement by *the act* as is necessary to secure safety of construction and the proper administration of the law.

## RULES AND REGULATIONS.

Rules and Regulations in pamphlet form will be furnished upon request. Copies of Appendix "A" (Adopted February 8, 1937) including an annotated copy of the law will be furnished for a price of \$1 per copy, or in exchange for a copy of Temporary Regulation No. 5, Appendix "A" dated April 10, 1933.

## Rules and Regulations.

## REGULATION No. 1.

## GENERAL DEFINITIONS.

*Definitions.*

The words defined in this regulation shall have the following meaning for the purposes of these rules and regulations:

*Division of Architecture.*

Section 1. Division of Architecture. The Division of Architecture shall mean the Division of Architecture of the State Department of Public Works acting through the agency of the State Architect who is the chief of the division. Approval, disapproval, orders and certificates of approval will be issued directly by the Principal Structural Engineer of the Division of Architecture who shall act for the State Architect and the Division of Architecture in carrying out the provisions of *the act*.

*School Building.*

Section 2. Building. The term *building* shall mean and include any school building used or designed to be used for elementary or secondary school or junior college purposes and constructed, reconstructed, altered or added to by the State or by any county, city, city and county or other political subdivision or by any school or junior college district of any kind or character whatsoever within the State.

*Reconstruction.*

Section 3. Reconstruction, Alterations or Additions. The words *reconstruction* or *alteration* or *addition* to shall be taken to include only that portion of the *building* or *building unit* for which plans and specifications have been submitted for approval.

*Maintenance.*

Section 4. Maintenance. The term *maintenance* shall mean and include ordinary upkeep or repair work such as minor replacements, repainting, replastering, and reshingling, or any work carried on in connection with an existing structure where the estimated cost does not exceed \$4,000. It is not necessary to secure approval for such work.

*Demolition.*

Section 5. Demolition. The term *demolition* shall mean the entire razing or destruction of a *building* or *building unit*.

*Nonstructural Alterations.*

Section 6. Nonstructural Alterations. The words *nonstructural alterations* shall mean only such alterations as do not affect the safety of the building and that do not change, in any manner, its structural elements.

*Separation.*

Section 7. Separation Between Buildings. The words *separation between buildings* shall mean the space between *buildings* or *units* of a *building*.

**Temporary.**

**Section 8. Temporary Buildings.** The words *temporary buildings* shall mean small single classroom units of wood frame or metal frame and exterior intended to be used during an emergency or for a restricted length of time.

**School Board.**

**Section 9. School Board.** The words *school board* shall mean (a) those who shall men and include district boards of trustees, city boards of education and other appropriate school authorities for schools any school building now or designed to be used for elementary or secondary school or junior college purposes or to be constructed, reconstructed, altered or added to by (b) State or by any county, city and county or other political subdivision or by any school or junior college district of any kind or character within the State.

**The Act.**

**Section 10. The Act.** The words *the act* as used in these Rules and Regulations shall refer to the Safety of Buildings and Construction of Temporary Buildings Act, Chapter 59, Statutes of 1933, and any subsequently enacted by the Legislature.

**Personal Knowledge.**

**Section 11. Personal Knowledge.** The phrase *personal knowledge* as used in section 4 of *the act* as applied to the architect, the structural engineer and the contractor, is interpreted by the Division of Architecture to mean that personal knowledge which is the result of such general supervision of the work as is required and accepted of and from architects, structural engineers and engineers in the superintendence of the construction of buildings and in construction from the continuous personal superintendence of the engineer which is maintained at the site during the progress of the work. The manner of personally supervising to obtain the facts is required and requires the continuously personal knowledge may be chargeable with knowledge. The interpretation of the phrase *personal knowledge*, by the Division of Architecture, as it applies to the engineers, is that he must have actual personal knowledge that the requirements of the plans and specifications are being carried out, obtained by his personal and continuous observation of the work of construction at the site in all stages of the progress.

All progress reports required by section 4 of *the act* must be made in the forms furnished by the Division of Architecture and the contractor shall be without qualification.

**REGULATION No. 2.****CONSTRUCTION OF NEW BUILDINGS.****RECONSTRUCTION OR ALTERATION OF OR ADDITION TO EXISTING BUILDINGS.****Filing of Application.**

**Section 12. Application.** Before adopting plans and specifications for the reconstruction or alteration of or addition to any building, the total estimated cost of which exceeds \$4,000, or for the construction of any new school building, the school board must submit application for and secure from the Division of Architecture written approval of said plans and specifications. Such application shall give the name of the architect and/or structural engineer in responsible charge of the work, as well as such other pertinent information as is required herein. A separate application in duplicate for each school building shall be filed with the division upon Form No. 1 which will be furnished upon request. In the case where a number of identical buildings are to be constructed from the same plans and specifications such as temporary tent units, only one application is required provided that the total cost of the units does not exceed \$10,000.

**Preparation of Application.**

**Section 13. Preparation of Application.** When an application is filed, it shall be accompanied by the plans and specifications, the structural design computations, and the estimate of cost and a fee, the amount of which shall be as set forth in section 28. All such plans shall show the use or occupation of all parts of the buildings and give such other pertinent information as may be required. The plans shall consist of the completed small and large scale, properly dimensioned, working drawings which must be executed in such a manner and in such sequence as to make them entirely legible and clear cut. The plans shall be preliminary and accurately cross-referenced and general notes shall, preferably, be given on one sheet of the drawings. Where plans include several buildings in a group, arrangements shall be made to have plans for each building shown on separate drawings except that details common to all buildings of the group need not be repeated. All drawings and specifications are to be complete and thoroughly checked as to design and dimensions before submission to the Division of Architecture.

**Number of Copies.**

There shall be furnished two complete sets of prints on blueprint cloth or blueprint paper, of the entire small and large scale working drawings, also two

copies of the complete specifications for all branches of the work, these specifications to be either typewritten or printed. After all required changes, if any, have been made on the original drawings and the required changes, if any, have been incorporated in the original specifications, the entire original drawings, together with two complete sets of blueprints of the drawings either on blueprint cloth or blueprint paper and at least three copies of the specifications with changes incorporated shall be forwarded to the Division of Architecture. The division will then mark its approval on the corrected original drawings and on one copy of the corrected specifications and will return them to the applicant. If the mark of approval is desired on additional copies of the approved specifications these should be submitted at the same time as the original. No application will be approved until the completed drawings have been filed, or within 10 days from the date of filing of the application.

#### *Identical Building.*

When an application is filed for the construction of a school building proposed to be constructed identical with a building previously constructed after approval of plans and specifications by the Division of Architecture, the application for such approval shall be accompanied by two sets of blueprints on blueprint paper, together with two copies of the specifications. These plans and specifications shall give the name and the location of the school where the building is to be constructed, such information being stamped or printed thereon in any way that the architect or structural engineer may elect to make this information a part of the approved plans and specifications. It will not be necessary to resubmit structural design computations.

Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed, and to show that the law and these regulations will be complied with.

#### *Plans.*

Plans shall be drawn to a scale sufficiently large with an adequate number of cross sections and structural details as a scale large enough to clearly show the pertinent features of the construction and properly dimensioned so that the drawings may be readily interpreted and studied.

#### *Specifications.*

Specifications shall describe in detail the methods to be used in performing each class of work and shall set forth the requirements for the various types of materials that will enter into the permanent construction. Where the safety of the structure during or after construction depends thereon, the sequence of construction operations shall likewise be set forth.

#### *Design Data.*

Computations, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications and shall contain sufficient descriptive notes so that the calculations for individual members can be readily interpreted. The following data shall be embodied in the computations and shall be clear cut and arranged in an orderly manner:

1. The computations shall be prefaced by a statement clearly and concisely outlining the basis of the structural design and indicating the manner in which the proposed building will resist horizontal forces and shall be sufficiently complete to establish definitely that the structure will resist the prescribed loads and forces.

2. The design vertical loads for floors, roofs, walls and columns shall be clearly stated; a summary made of floor areas and of the seating capacity of auditoriums, assembly rooms, balconies and similar areas; assumed values given of footing pressures or pile loads, as well as proposed ultimate strength of reinforced concrete and similar materials.

All plans shall bear the signature of the responsible architect and/or structural engineer. The signer of the plans and specifications will be held responsible regardless of who may have prepared the same.

#### *Additional Data Required.*

Section 14. Additional Data. Where unusual conditions occur such additional data shall be submitted as are or may be pertinent to the work. It may be required that the site be drilled or otherwise prospected, that the soil be tested to determine its bearing capacity and that other appropriate information be furnished as may be necessary.

#### *Addenda and Change Orders.*

Section 15. Addenda and Change Orders. It shall be illegal for any person to erase, alter or modify any line, figure or detail in whole or in part on any drawing or specification, whether the copies approved by the Division of Architecture or the original from which the copy or print was made. No deviation will be permitted from the terms of the application and the plans and specifications except by means of approved addenda and/or change orders.



Addenda are to be made only prior to the award of construction contracts and are to cover such changes from the prepared plans and specifications as are found to be necessary. Addenda must have the signature of the architect and/or structural engineer and must be approved by the Division of Architecture.

Changes from or alterations to the approved plans and specifications after the work has been initiated are to be prepared for the purpose of change orders. Change orders shall state the reason necessitating the change and shall have the architect's drawings appended where necessary. Approval must be given by the representatives of the Division of Architecture in the field as soon as changes where necessary in order not to delay the work but such changes shall be immediately confirmed by change order as above required.

All change orders shall be signed by the architect and in the architect's presence, in addition, change orders involving a change in the original contract price and or reduction in quantity or quality of materials and workmanship shall be countersigned by an authorized representative of the school district.

#### *Return of Fee Paid.*

Section 16. *Withdrawal of Application.* There is no provision in the act for the return to the school district of fees already paid; however, where request is made by the school board that plans and specifications together with the fee have been returned and the application submitted after plans and specifications together with the application and the promised fee have been submitted the applicant fee before checking has or could have been made, such request in permission may only be complied with. No portion of the fee can be returned after the plans have been examined and checking actually initiated by the Division of Architecture.

#### *Approval of Schoolhouse Planning.*

Section 17. *Approval by the Division of Schoolhouse Planning.* When approval of plans is required by law from the Division of Schoolhouse Planning, Department of Education, such approval does not constitute approval as to safety or construction with this act, and such approval is to be submitted to the architect provided by the Division of Architecture. Such approval must be received from the Division of Schoolhouse Planning prior to approval by the Division of Architecture. The Division of Architecture will cooperate and coordinate its activities with those of the Division of Schoolhouse Planning, its own primary the public interest and convenience without undue expense to the school district.

#### *New Work.*

Section 18. *Plans for New Work.* It is necessary in connection with preparing plans and specifications for new school buildings to provide subject of construction for the entire building in accordance with the minimum requirements of Appendix "A" or such a preliminary change is not possible or necessary or construction with proposed alternate methods or new materials or methods of construction.

#### *Reconstruction.*

Section 19. *Approval for Reconstruction of a Portion of a Building.* For reconstruction work, additions or alterations the school board may submit plans and specifications for the entire building or for a portion thereof but it may choose to do. If so desired, approval will be given to submitted plans and specifications for a portion of the building only, even though the remainder of the building is not known or found to be safe, provided the school's permission to do so will insure that portion of the building or building part the which plans and specifications have been prepared and submitted. Approval will however be given only for that portion of the work shown and required by the submitted plans and specifications. The remainder of the building may be used as the school's building, classrooms and such use is not subject to the approval of the Division of Architecture.

#### *Certificates.*

If examination is made by the Division of Architecture of the remaining portions of the building not covered by the submitted plans and specifications and they are found to be safe, unconditional approval will be given for the entire building and, upon completion of the work in accordance with the act and the rules and regulations of the Division of Architecture, a certificate will be issued stating that the work has been completed and that the building meets the requirements of Chapter 59, Statutes of 1933.

#### *Building Separation.*

Section 20. *Separation Between Buildings.* In order that a building or an addition to an existing building shall be considered as an independent structure it must be a distinct unit with a clear separation of at least six (6) inches.

When a separation is made between two parts of a building, both of which are to be constructed or reconstructed, then a separation based on the expected or calculated deflections under the assumed of seismic force is sufficient.

It is permissible to close the space or gap between buildings or parts of a building with a flexible or brittle membrane but the closure must be of such nature



that stresses will not be transferred across the *separation*. The *separation* is primarily important above the exterior grade or ground surface and consequently it is permissible to extend the footings or footing walls across the *separation*.

Approval will be given for an independent separate unit without qualification providing that it complies with the requirements of the Division of Architecture.

#### *Garages.*

Section 21. School Garages or Similar Buildings. *The act* does not apply to buildings constructed by a school district for the purpose of, and used solely for, housing buses and minor mechanical equipment, and where such buildings do not provide facilities for either students or teachers or are not intended to be entered by them, as such, if such is the desire of the *school board*. If later it should appear that a school district knowingly took such action to circumvent the provisions of *the act* the responsible parties would necessarily be subject to the penal provisions of the statutes. Consequently, the Division of Architecture asks that a resolution be passed by the *school board* stating that the building is not to be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the said building at any time.

#### *Teacherage.*

Section 22. A Teacherage or Dwelling. Where said building is not to be used by pupils or teachers, as such, but is to be used exclusively as a dwelling for not more than two families, it may be constructed without first submitting the plans and specifications to the Division of Architecture. A suitable resolution similar to that adopted for section 21 is requested.

#### *Non-Structural Alterations.*

Section 23. Non-Structural Alterations. In the event that only non-structural alterations, not affecting the safety of the building, are to be made, such alterations will be permitted without bringing the building up to the requirements of Appendix "A". However, where the cost of such work exceeds \$4,000 application must be filed and the customary fee paid before permission can be granted for work to proceed. The work done and the materials used and installed must be in accordance with and in conformity to the approved plans and specifications without deviation, as required in section 4 of *the act*. *Non-structural alterations* should not be confused with *maintenance*. (See section 4 for definition of *maintenance*.)

#### *Fire.*

Section 24. Fire Safety. In accordance with an opinion from the Attorney General, the Division of Architecture is confining itself, with reference to fire hazard, to calling attention of the particular school authority concerned to the fact that approval of the plans and specifications under *the act* does not include approval as to fire and panic hazards.

The Attorney General's Opinion No. 9022 states that "the provisions of *the act* do not authorize the Division of Architecture to make requirements as to fire safety resisting materials and construction in the matter of school buildings."

If the school district concerned voluntarily complies with the limitations and the provisions of the Uniform Building Code adopted by the Pacific Coast Building Officials Conference, October, 1927, and as latest amended in so far as they may apply to fire and panic safety, the division will give approval of plans and specifications without qualification as to fire and panic safety.

#### *Condemnation.*

Section 25. Condemnation. The Division of Architecture has no authority under *the act* to condemn a school building, even though it may be known to be a hazard to safety, nor has the division any authority to either prevent the use of or to issue a permit for the use of any school building.

#### *Demolition.*

Section 26. Demolition. It is not necessary to secure the approval of the Division of Architecture for *demolition*. This exemption can not, of course, include those conditions where reconstruction is involved. Where the estimated cost of such reconstruction or alteration work exceeds \$4,000 approval shall be secured from the Division of Architecture in accordance with section 12.

Where approval is desired, an examination will be made by a representative of the Division of Architecture, provided application is made for such approval. In the case of an emergency, immediate approval will be issued by the Division of Architecture provided the conditions so warrant.

#### *Partial Construction.*

Section 27. Partial Construction in Accordance with Approved Plans and Specifications. The school board may, as it desires, or as its financial limitations permit, either complete the work included in the approved plans and specifications or proceed with construction to any point short of full compliance with the said plans and specifications without doing all the work involved therein, and later, if it so desires, the school board may intermittently or continuously complete the work

until full compliance is had. Such work as is done and materials furnished must necessarily be in full accordance with the provisions of the act and its amendments.

Upon completion, but not before, the Division of Architecture will issue its certificate of approval. The question of new fee may still remain in full entirely optional with the school board. The only obligation of the Division of Architecture is to supervise, as set forth in the act, any further construction that may be started at a later time.

#### *Amount of Fee.*

**Section 28. Fees.** Fees are required by section 2 of the act as follows: For the first \$250,000, a fee of one-half of one per cent of the estimated cost, and for all costs in excess of \$250,000 a fee of one-quarter of one per cent. If the actual cost exceeds the estimated cost by more than 10 per cent a further fee of one-half of one per cent of the amount by which the actual cost exceeds the amount of the estimated cost, will be imposed. Cost shall be taken to mean the total cost of the entire building exclusive of furniture and architectural and engineering services.

Below are examples of the amount of fee for construction requirements.

1. Estimated cost \$20,000.

$$0.5\% \times \$20,000 = \$100$$

2. Estimated cost \$500,000.

$$0.5\% \times \$250,000 = \$1,250$$

$$0.25\% \times \$250,000 = 625$$

$$\$1,875$$

3. Estimated cost \$8,000.

$$0.5\% \times \$8,000 = \$40$$

Fee is \$50, as this is the minimum charge.

Where actual cost exceeds the estimated cost the amount of final payment is to be as follows:

4. Estimated cost \$50,000; actual cost \$70,000.

Fee accompanying application:

$$0.5\% \times \$50,000 = \$250$$

Amount by which actual cost exceeds estimated cost:

$$\$70,000 - \$50,000 = \$20,000$$

$$\text{Additional fee} = \$20,000 \times 0.5\% = \$100$$

#### *Temporary Buildings.*

A number of identical temporary buildings may be included under one application and the minimum fee, provided that the cost of the group of buildings does not exceed \$10,000 and that the buildings are essential to public health, medical and construction. Where one group of buildings is not a temporary structure, or where there is any one building at a remote location from the other buildings, that would require a separate consideration of ground conditions, temporary supervision, etc., then these shall be submitted as a minimum fee for that group or single building as a separate and distinct requirement.

#### *Resubmission of Plans.*

No additional fee will be charged upon submission of revisions to the approved plans and specifications, provided that the entire matter is actually under construction having to do with the same building constructed on the same site. If the original plans are abandoned and the plans are specifications submitted for a new set of plans for a new project rather than for an identical building at which a second set of plans is for an essentially different building, it is necessary that a new application be filed and fee paid. This is regardless of the fact that the building may have the same name, be of the same general size, and situated at the same location for which the original application was made.

#### *Start of Construction.*

**Section 29. Time of Beginning Construction.** Construction work whether for a new building, reconstruction, alteration or addition, shall not be commenced until the school board has applied for and obtained from the Division of Architecture written approval of plans and specifications. Construction shall not be commenced until after the approval of the application but shall be commenced within one year after that date. If not commenced within one year the application will be void unless an extension of time has been allowed on a showing by the applicant of good and sufficient reason satisfactory to the Division of Architecture.

#### *Notice of Start.*

**Section 30. Notice of State of Construction.** The architect or structural engineer shall give the Division of Architecture written notification at least ten days before construction is to be started. If and as soon as a contract has been awarded, the architect or structural engineer shall furnish the Division of Architecture, in writing, with the name and address of the contractor, the contract price, and the date that the contract was let. The names and addresses of sub-contractors shall also be reported. This information shall be furnished upon Form No. 102 which

will be supplied by the Division of Architecture when the application is approved. Notice shall be given to the Division of Architecture when excavation is completed, so that, if advisable, the nature of the foundation material may be examined by a representative of the division.

#### *Inspection.*

Section 31. *Inspection of Construction.* During the construction, reconstruction, repair, alteration of or addition to any school building structure the Division of Architecture as provided in the law shall make such inspection, investigations or examinations as may in its judgment be necessary or proper to secure enforcement of the act and conformity with the approved plans and specifications. If after any such inspection or investigation or at any time as the work progresses prior to the issuance of certificate of approval it shall be found by the Division of Architecture that modifications or changes are necessary to secure safety, such orders will be issued by the division for the revision of plans and specifications as may be found necessary. The school board shall provide competent, adequate and continuous inspection for any and all work of construction, reconstruction, alteration or addition, as required by law.

The act provides that inspection shall be made by an agency that is competent and that it shall be adequate and continuous. For the purpose of this regulation such an agent or agents shall be a person or persons not less than 25 years of age who has or have had at least three years experience in building construction work, one year of which has been in concrete construction, and shall be some person or persons not in the employ of the contractor. He or they shall act under the direct responsible charge of the architect or structural engineer who is responsible for the design and supervision of construction work and shall be acceptable as an inspector or inspectors to the Division of Architecture. The Division of Architecture may require such special inspection from time to time as may be found to be necessary.

#### *Qualification and Duty of Inspector.*

At least ten days prior to the time of starting construction work, the architect or structural engineer in charge of supervision of the work shall submit to the Division of Architecture the name or names of the person or persons whom it is proposed to have act as direct representative or representatives on the work, together with an outline of his or their experience and pertinent qualifications so as to afford the Division of Architecture ample opportunity of observing if said inspector or inspectors should not appear to be competent. It shall be his or their duty to see that the provisions of the plans and specifications regulating construction of the building as approved by the Division of Architecture are properly complied with and make semimonthly reports of progress of construction work to the architect and or structural engineer. A copy of each such report shall be sent to the school board and two (2) copies shall be sent to the Division of Architecture's headquarters office at Sacramento, except that for work in the southern part of the State, including San Luis Obispo, Kern and Inyo Counties, copies shall be sent directly to the Los Angeles office of the Division of Architecture. Semimonthly reports shall plainly state the name of the building, the school, and school district, and give the application number for the building. These semimonthly reports shall give pertinent information regarding the amount of work done and any unusual conditions or questions that may have arisen at the job. Failure, refusal or neglect to immediately stop the construction of any work which does not comply with the requirements of the approved plans and specifications or failure, refusal or neglect to immediately report any such violation to his or their employer and to the proper building officials and to the Division of Architecture shall constitute a violation of the act and be cause for the Division of Architecture taking such action in the premises as in its judgment may be necessary.

#### *Job Plans.*

There must be at all times during the construction of the building at least one blueprint set of approved plans and one copy of approved specifications, together with approved addenda and/or change orders on the construction premises.

#### *Tests.*

Section 32. *Tests.* Tests of material will be required as set forth in appropriate sections of Appendix "A"—safety of design and construction requirements for public school buildings in California. Two copies of all such reports shall be mailed to the Division of Architecture by the laboratory, addressed as required for semimonthly reports. Such reports shall be inclusive of all tests made, whether such tests indicate that the material is satisfactory or unsatisfactory. The Division of Architecture may, if it so finds desirable, require such additional tests as shall be deemed necessary. The report shall show that the tests were made under the responsible charge of a testing engineer, holding a license to practice civil engineering in the State of California; that the material or materials were tested in accordance with the provisions of Appendix "A" and the requirements of the approved specifications;



and shall state whether the material or materials passed or failed to pass the above provisions and requirements.

#### *Laboratory Reports.*

Upon the completion of a project, or at regular intervals when requested, the testing agency shall send to the Division of Architecture a certificate report listing all of the tests which were carried on during the progress of the project and attesting that fact and that the tests were made in full compliance with approved specifications and Appendix "A".

Structural engineers and architects are urged not to have unnecessary tests made and to eliminate tests for unnecessary material, especially in construction work minor or unimportant work so that testing costs will be minimized.

#### *Skilled Artisans.*

Section 33. *Qualifications for Skilled Artisans.* Artisans engaged in specialized work shall be required to pass qualification tests as provided for in Appendix "A".

#### *Progress Reports.*

Section 34. *Progress Reports.* From time to time as the work progresses, the certificated architect or structural engineer in responsible charge, the inspector on the work and the contractor shall each make reports to the Division of Architecture, to be certified to by each upon a separate printed form or forms showing of his own personal knowledge that the work during the period covered by the report has been performed and materials used and installed, in every particular, as immediately with and in conformity to the duly approved plans and specifications and giving such detail statements of fact as shall be required. Where the design has been presented by a structural engineer but where construction is made under the direct responsible charge of the architect, progress reports shall be certified to by the structural engineer, as well as by the architect for that portion of the work provided by the design of the structural engineer who shall, as a part of his service to the architect, make general inspection of the work.

For reconstruction work primarily of a structural nature when plans and specifications are signed both by an architect and a structural engineer, progress reports for all of the structural work shall be certified to by the structural engineer and the architect need only submit a final certified progress report. However, progress reports at various stages of the work shall be certified to by the inspector and the contractor.

Certified progress reports shall be made periodically for the following designated states of completion of the buildings:

1. At completion of foundation work.
2. At completion of approximately one-half of the structural portion of the building.
3. At completion of the structural portion of the building.
4. At time of filing national completion of entire building ready to receive furniture and requesting a certificate of approval.
5. Special reports when information is required regarding special conditions or problems.
6. In lieu of the above schedule certified progress reports may be made at the time of completion of 25 per cent, 50 per cent, 75 per cent and 100 per cent, respectively, of the work involved in the project.
7. Only one certified progress report need be made for small buildings where the total cost does not exceed \$10,000, upon completion of the work.

#### *Completion of Work.*

Section 35. *Notice of Completion.* Immediately upon completion of the building or reconstruction, alteration or addition the school board shall give notice to the Division of Architecture of said completion as above provided in section 34, which notice shall state the actual cost of the work. As soon thereafter as possible there shall be filed such supplementary data or descriptive matter as may be required by the Division of Architecture.

#### *Approval Certificate.*

Section 36. *Certificate of Approval.* Upon a finding by the Division of Architecture that the work has been done in accordance with Chapter 59, Statutes of 1933, and the Rules and Regulations of the Division of Architecture, and provided that all progress reports have been properly made out and received by the Division of Architecture and that no false statement has been found to be contained therein the Division of Architecture will issue a certificate of approval, stating that the requirements of the law have been fulfilled.

#### REGULATION NO. 3.

##### EXAMINATION AND REPORT OF EXISTING BUILDINGS.

#### *Request for Examination.*

Section 37. *Request for Examination.* Upon request of any school board or of at least 10 per cent of the parents having pupils enrolled in the school district as cer-



tified to by the county superintendent of schools, the Division of Architecture will make an examination and report on the structural condition of any such building. Whether or not such examination is requested is entirely optional with the district concerned, and consequently, in making such examination and report the Division of Architecture acts as the direct agent of the school district to whom the division makes its report direct and by whom it is guided in determining the extent and character of the examination made.

#### *Application.*

Section 38. *Cost of Examination.* Upon receipt of request for examination the Division of Architecture will furnish an application blank, Form No. 2 in duplicate, which shall be filled out by the applicant, supplying such information as is required. The possession of complete information by the Division of Architecture will greatly facilitate checking the adequacy of the design and the actual inspection of existing work and lessen the expense involved. An estimate of the cost of the examination and report will then be submitted to the applicant by the division.

#### *Cost.*

Upon completion of the examination and the submission of the report thereof to the school board, the Division of Architecture will submit a statement of the actual expense involved in the examination and preparation of report. The division requests that the funds necessary to cover said costs be set aside by the school district and that payment be made promptly to the Division of Architecture upon receipt of the statement of the expense involved.

#### *Payment Waived.*

Section 39. *Payment Waived.* The Division of Architecture may, upon recommendation of the State Director of Education, when it appears to the latter that the financial condition of the school district in which the building is located is such as not to permit of the expense involved in the examination and report, waive payment of expenses.

### REGULATION No. 4.

#### ACCESS TO DOCUMENTS AND RECORDS.

#### *Records.*

Section 40. *Records.* The records pertaining to the supervision of the construction of school buildings by the Division of Architecture shall be public documents. No application or documents and reports will be allowed under any circumstances to be taken from the custody of the Division of Architecture but access to the same will be permitted.

### REGULATION No. 5.

#### STRUCTURAL DESIGN AND MATERIALS AND DETAILS OF CONSTRUCTION.

#### *Requirements for Design and Construction.*

Section 41. *Requirements for Design and Construction.* In order to secure safety in building construction, good practice recommends that fundamental principles be observed and that definite requirements as to design and construction be set up. For the guidance of *school boards* and of architects and structural engineers in the preparation of structural plans and specifications and in order to secure uniformity of design and construction, Appendix "A" covering the structural design and materials and the details of construction has been adopted by the Division of Architecture as a basis for the approval of plans and specifications. The regulations contained therein have been taken largely from the Uniform Building Code, California Edition, as drawn up by joint committees of engineers, architects, contractors and building officials working in conjunction with the Uniform Building Code Executive Committee of the California State Chamber of Commerce. The Division of Architecture will amend this regulation from time to time as may be found advisable and as alternate or new methods and materials are proposed for inclusion therein. In addition, rulings will be made in interpretation of Appendix "A" and of the administration of the act as questions arise regarding the meaning of any section or item and such rulings promptly made available to the public.

Suggestions and criticisms by the Architects Associations, by structural engineers and architects in private practice and by the material interests, have been most helpful to the Division of Architecture in the preparation of the revised appendix. The complete painstaking study and suggested revisions made and proposed by the Structural Engineers Association of California have been especially valuable as have been the advice and criticism of seismologists and scientists connected with the Carnegie Institution of Washington at Pasadena, the California Institute of Technology, Stanford University and the University of California.

### REGULATION No. 6.

#### ADVISORY BOARD TO THE DIVISION OF ARCHITECTURE.

#### *Advisory Board.*

Section 42. *Advisory Board.* The Director of the Department of Public Works, from nominations submitted by the State Association of California Architects and the Structural Engineers Association of California, has appointed an Advisory Board whose duty it is to serve in an advisory capacity to the Division of Architecture in

connection with technical or structural matters and with reference to regulations and requirements pertaining to the substructure of the dam.

This board shall also hereafter act as a Board of Review to whom appeal may be made by school boards, architects, structural engineers or other interested parties in case of disagreement with the decisions, rulings or acts of the Division of Architecture. The said Board shall consist of eight (8) members appointed by the Governor and three (3) ex-officio members who are: the Chief of the Division of School and Planning of the Department of Education, the State Architect, and the Principal Structural Engineer of the Division of Architecture. Of the appointed members four (4) shall be laymen qualified structural engineers and two (2) shall be certified architects, two (2) structural engineers and two (2) certified engineers being resident respectively in northern and southern California. The appointed members shall serve at the pleasure of the Director of Public Works, but their appointments shall expire at the end of two years from the date thereof.

#### Procedure.

The board shall consider upon the merits of the questions presented whenever it may be necessary in the interest for the board to meet. The board shall adopt such rules of procedure as are necessary or proper. It is further the obligation delegated to it. The chairman of the board shall, on his discretion, receive suggestions from the board designate subcommittee to study and recommend to the board any technical subject or matter requiring which an independent review or further study is desired or regarding which appeal is made to the board from decisions or rulings of the Division of Architecture. The board members will be summoned from the type defined in section 2 of *the act* and their committee shall convene in attending meetings, but shall receive no compensation for their services.

The Division of Architecture after formulation and before final adoption of any new rulings or regulations will transmit the same promptly to the Attorney General, together with complete data or arguments with reference to the matter for action of the board thereon; provided, however, that the board may initiate and discuss at any called meeting of the board new rulings and decisions as may in its judgment be necessary with a view to making any amendment or such recommendations as may, in the judgment of the board, be proper in the premises.

When there is disagreement with the rulings, decisions, or acts of the Division of Architecture, whether with reference to matters having to do with routine approval of plans and specifications, with specific approval or lack of approval of which a new ruling or regulation or an amendment to an existing ruling or regulation is desired regarding any construction material, type of construction, or building, appeal may be made to the Division of Architecture for submission to the Advisory Board and such appeal may be addressed directly to the chairman of the board. The Attorney of Architecture will forward such appeal, together with accompanying data, promptly to the board who shall examine and discuss all matters referred to it, whether through the Division of Architecture or by the chairman of the board, together with the arguments or other documents submitted in connection therewith. The board may make such recommendations to the Division of Architecture with reference thereto as in the board may seem advisable.

C. H. KROMER,

Principal Structural Engineer.

February 2, 1937.

### Reports of Standing Committees.

The following reports of standing committees were received, read and the bills reported therein were ordered on file for second reading:

#### On Education.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 2014—An act to add a new section to the School Code, to be numbered 5507, relating to employees in positions requiring certification qualifications;

Assembly Bill No. 1869—An act to amend the School Code by amending section 2560, relating to the holding of trustees' meetings by the county superintendent of schools;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8, absent—1.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1034—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 155, relating to the participation of pupils in public exhibitions;

Assembly Bill No. 1123—An act to amend sections 3,330, 3,331, 3,332, 3,334, 3,335, 3,336, 3,337 and 3,338 of the School Code, relating to high school students residing in this State and attending high school in an adjoining State;

Assembly Bill No. 135—An act expressing assent by the State of California to the provisions and purpose of an act passed by the Congress of the United States entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges," approved June 29, 1935, and to authorize and empower the Regents of the University of California to receive all grants of money appropriated under the said above entitled act of the Congress of the United States, and to apply, use, and expend said grants of money for the purposes and in accordance with the terms, conditions, and requirements set forth in the act of the Congress aforesaid;

Assembly Bill No. 800—An act to add two new sections to the School Code to be numbered 3,352a and 4,930, relating to junior colleges maintained by high school districts;

Assembly Bill No. 1134—An act to add a new section to the School Code to be numbered 2,996, relating to the educational exhibits of school districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 2183—An act to amend the School Code by adding thereto three new sections, to be numbered 2,973, 2,974 and 2,975, relating to the election and recall of members of city boards of education, the cost and expense of such elections, and for the consolidation of such elections;

Assembly Bill No. 2734—An act to amend section 5,654 of the School Code, relating to time of trial of school employees charged with immoral or unprofessional conduct;

Assembly Bill No. 1626—An act to add a new section to the School Code to be numbered 5,736, relating to the teaching force of the public schools;

Assembly Bill No. 695—An act to amend section 1,513 of the School Code, relating to punishment for failure to report deaf children;

Assembly Bill No. 1628—An act to amend section 4,280 of the School Code, relating to the financial support of the public school system;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1135—An act to add a new section to the School Code to be numbered 5,589, relating to the holding of institutes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 2269—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929; to repeal School Code section 6,470 3; to amend section 6,474 of the School Code; and to add to Chapter VI of Part II of Division VI of the School Code a new article to be known as Article Ia, all relating to the purchase of supplies and equipment for school districts;

Assembly Bill No. 786—An act to add a new section to the School Code to be numbered 2,75, relating to the bonded indebtedness of high school districts;

Senate Bill No. 424—An act to add two new sections to the School Code to be numbered 4,194 and 4,252, relating to instruction in the public schools;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 105—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote—Ayes—9.

TICKLE, Chairman.

### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 18, Relative to amending and repealing that Congress of the United States if it shall enact restrictive provisions of agricultural products which have been damaged by freezing.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—4; committee vote—Ayes—3.

PHILLIPS, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 1754—An act to create a board of supervisors for investigation of real estate appraisals and prescribe the duties and powers, to provide for the examination of all persons so permitted to conduct appraisals, with the designation of certified public appraisers, counties that to regulate the practice of public for violations of the provisions thereof.

Assembly Bill No. 2028—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to all of the counties of any county, city and county city, town, municipality or other public or domestic corporation within this State, and to repeal all acts or parts of laws inconsistent with this act," approved April 28, 1933, by amending section 1 thereof and by adding a new section, thereby to be known as the act entitled "An act to amend an act, entitled, to declare the urgency thereof, and to provide that this act shall have effect immediately."

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote—Ayes—6, absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Senate Bill No. 144—An act relating to State bonds, providing the addition of certificates of purchase of certain State bonds to complete purchased transactions, notwithstanding any past forfeiture of such bonds to the State for default in interest payments or taxes.

Senate Bill No. 557—An act to amend section 3731 of the Political Code, relating to the Department of Natural Resources.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote—Ayes—6, absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 1879—An act relating to the Department of Social Welfare, and its organization, powers, duties and jurisdiction, repealing Chapter 1 of Part 1 of the Welfare and Institutions Code, and adding sections 100 to 416, inclusive, thereof, and adding a new Chapter 1 to said division, and adding sections 400 to 423, inclusive.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote—Ayes—6, absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Senate Bill No. 322—An act to amend section 1027 of the Political Code relating to the Great Seal of the State of California.

Senate Bill No. 1140—An act to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 437—An act to amend the title of, and to add section 55.5 to, the Alcoholic Beverage Control Act, relating to the advertising of alcoholic beverages;

Senate Bill No. 802—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the development of natural resources;

Senate Bill No. 1135—An act to add section 433.6 to the Political Code, to authorize the State Controller to make pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

#### On Public Morals.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 1021—An act to add section 56.4 to the Alcoholic Beverage Control Act, relating to mixing of alcoholic beverages by females;

Assembly Bill No. 1191—An act to amend sections 4, 4d, 6, 15, 17b, and 20 of the Juvenile Court Law, relating to the provision of care, custody and maintenance for minor persons, through or under the supervision of the juvenile court;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

FLETCHER, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 1818—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles;

Assembly Bill No. 2553—An act to add section 61.5 to the Alcoholic Beverage Control Act, relating to minors on premises where alcoholic beverages are sold or served;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

FLETCHER, Chairman.

#### On County Government.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 1137—An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof and providing for the appointment of one reporter secretary;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 1825—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class;

Assembly Bill No. 2825—An act to amend section 737a of the Political Code, relating to salaries of judges of the superior court in and for the county of Alameda. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 303—An act to amend section 3632.5 of the Political Code, relating to records of the assessor being open to inspection.

Assembly Bill No. 387—An act to amend section 737g of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Contra Costa;

Assembly Bill No. 503—An act to amend sections 4242.1 and 4242.2 of the Political Code, relating to the compensation of county officers in counties of the thirteenth class;

Assembly Bill No. 1363—An act to amend section 4988 of the Political Code relative to the call and redemption of county bonds;

Assembly Bill No. 1698—An act to amend section 737k of the Political Code, relating to the salary of judges of the superior courts, in and for the county of San Diego;

Assembly Bill No. 1949—An act to amend section 9 of an act entitled "An act to provide for the formation, government, operation, reorganization, formation and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the assessment of property thereby; the calling and collecting of amounts to such districts; the assessment, levy, collection, custody and discharge of taxes thereon; the making and disposal of the bonds thereof and the redemption of same; and making provisions for the payment of such bonds and the disposal of same; and to empower sanitary boards to make and enforce sanitary regulations and imposing penalties for violations thereof," approved May 17, 1923, relating to elections of members of board and its meetings;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1007—An act to amend section 4215 of the Political Code

relating to justice's courts in townships of the first class in north-east counties. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2079—An act to amend section 7 of the Code of Civil Procedure, relating to court expenses.

Assembly Bill No. 1365—An act to amend section 2819a of the Political Code, relating to duties of tax collector in counties of the first and second classes.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred

Assembly Bill No. 2831—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

## On Building and Construction.

## SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Senate Bill No. 935—An act to amend sections 4 and 5 and to add a new section 4 (b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punish-

ment for violation of the provisions of this act." approved June 13, 1929, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

METZGER, Chairman.

### **Adjournment.**

At one o'clock and seven minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Monday, May 3, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### **IN SENATE.**

SENATE CHAMBER.

SACRAMENTO, Monday, May 3, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### **Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Friday, April 30, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leave of Absence.**

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this morning.

### **Privilege of Floor of Senate Extended.**

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Sally Lewis, Mrs. Ida Hull and Mr. A. V. Allen, all of Los Angeles.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alf Pennington.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Paul Marcucci, Jr., of Santa Rosa, Myron Schussmann and Theodore Nebbe.

## Reports of Standing Committee.

The following reports of standing committee were received and read:

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 2, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Constitutional Amendment No. 27. A resolution is passed to the effect of the State of California an amendment to the Constitution of the State, relating to section 41 of Article VI, relating to delivery of copies of the Senate Code.

Senate Bill No. 228. An act to amend section 793 of the Food and Game Code, relating to crabs.

Senate Bill No. 1015. An act to amend section 602 of the Penal Code, relating to criminal trespass.

And reports that the same have been properly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 2, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 425. An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32, 34, 35, 37, 38, 40, 41, 42, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 74. An act to amend sections 141 and 142 of the Code of Civil Procedure, relating to the impounding of grand juries.

Senate Bill No. 757. An act to amend section 26 of the act entitled "An act providing for the regulation and supervision of companies, banks, brokers, and sales of securities as the same are defined herein and to license them to do the same of securities; providing for the enforcement of said act and penalties for violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, banks, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 59. An act to add section 6.5 to the State Nuisance Act, relating to addition to the use of lube, kerosene, gasoline and other petroleum products and substances.

Senate Bill No. 1121. An act relating to the creation of a personnel management system or civil service system in counties and cities and counties.

And reports that the same have been properly engrossed.

KEOUGH, Chairman.

## Consideration of Daily File.

### Second Reading of Senate Bills.

**Senate Bill No. 105**—An act to repeal Chapter II of Part I of Division I of the School Code and to add to said part a new chapter to be known as Chapter II, relating to junior traffic patrols.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 105 were read and adopted:

#### Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "and", and strike out all of line 8, and in line 9, strike out "State Board of Education."

#### Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 14 to 21 inclusive, and insert "school."

#### Amendment No. 3.

On page 2 of the printed bill, strike out all of lines 11 to 29 inclusive.

#### Amendment No. 4.

On page 2, line 30, of the printed bill, strike out "1.66" and insert "1.65".



**Amendment No. 5.**

On page 2, line 34, of the printed bill, strike out "1.67" and insert "1.66", and strike out "shall not" and insert "which".

**Amendment No. 6.**

On page 2, line 35, of the printed bill, strike out "authorize" and insert "authorizes", and strike out " , unless" and insert "may", and on line 36 strike out "such board has first provided" and insert "provide".

**Amendment No. 7.**

On page 2, line 38, of the printed bill, after the word "within" insert "and arising out of".

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

**Senate Bill No. 144**—An act relating to State lands, permitting the holders of certificates of purchase of certain State lands to complete purchases thereunder, notwithstanding any past forfeiture of such lands to the State for default in interest payments or taxes.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 557**—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 322**—An act to amend section 1027 of the Political Code, relating to the Great Seal of the State of California.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 322 was read and adopted:

**Amendment No. 1.**

On page 1, lines 6 to 30, inclusive, of the printed bill, in the facsimile of the great seal appearing thereon, delete one star so that there shall be no more than 31 stars appearing thereon.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 437**—An act to amend the title of, and to add section 45.5 to, the Alcoholic Beverage Control Act, relating to the advertising of alcoholic beverages.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 437 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, following the numeral "1", strike out the remainder of that line, and strike out lines 2 to 16, inclusive, and insert in lieu thereof the following:

"The use of any picture, drawing, photograph, or other form of illustration in any direct or indirect advertisement of an alcoholic beverage is hereby prohibited.

The use in any such advertisement of any subject matter, language, or slogan tending or intended to suggest a beneficial or tonic effect from drinking any alcoholic beverage or tending or intended to induce minors or immature persons to drink any such alcoholic beverage is hereby prohibited.

The use of any electric, neon, or illuminated sign, contrivance or device or the use of any artificially illuminated billboard for the advertisement of any alcoholic beverage is hereby prohibited.

Any person who, either directly or indirectly, publishes, exhibits, or causes to be published, exhibited or displayed, and dissemination to be made of the provisions of this section in violation of a subpoena.

Nothing contained in this section shall limit or affect the display or sign as provided in section 55 of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 802**—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the development of natural resources.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 802 was read and adopted:

##### Amendment No. 1.

On page 3, line 7, of the printed bill, at the end of section 3, insert a sentence and the following: "provided that no amendment to this act shall be adopted in effect as shall be construed as affecting the rights and duties of any State Mine. (Insert in set forth in section 373-b, Political Code, and the persons having considered upon the Chief of the Division of Mines shall be subject to the power of said Mining Division as prescribed in section 373-b, Political Code, to determine the general pattern for the guidance of the Division of Mines."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1135**—An act to add section 4336 to the Political Code, to authorize the State Controller to make pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees named under an insurance plan approved by the Director of Finance.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1135 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after "State", insert the following: "rules and regulations governing."

##### Amendment No. 2.

On page 1, line 4, of the printed bill, after "State" add, read by it, thereof the following: "make rules and regulations governing the deduction of."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1137**—An act to add section 4237.1 to the Political Code, providing a salary for court photographic reporters and for payment thereof and providing for the appointment of one reporter as retary.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1067**—An act to amend section 4235 of the Political Code, relating to justice's courts in townships of the first class in sixth class counties.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1067 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 2 of the title, and insert in lieu thereof the following: "the compensation of county officers in sixth".

**Amendment No. 2.**

On page 1, line 8, of the printed bill, as amended, strike out "and trial jurors shall", and insert in lieu thereof the following: "jurors and trial jurors in the superior and Class A justices' courts shall".

**Amendment No. 3.**

On page 1, line 13, of the printed bill, as amended, strike out "Justice court jurors", and insert in lieu thereof the following: "Jurors in Class B justices' courts".

**Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out lines 4 to 42, inclusive, and insert in lieu thereof the following:

"6. All county officers subject to this act shall be allowed their actual necessary traveling expenses incurred in the performance of their duties."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 935**—An act to amend sections 4 and 5 and to add a new section 4 (b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Building and Construction, the following amendments to Senate Bill No. 935 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 4, add the following: "Except as provided in Article 11n of Chapter III of Title I of Part III of the Political Code, the board shall succeed to and take over all of the functions and duties of the Director of the Department of Professional and Vocational Standards as they relate to the administration of this act. The Contractor's License Bureau as now established in said department shall be continued in full force and effect, and pending organization of the Contractors' State License Board shall remain under the direction of the Director of the Department of Professional and Vocational Standards, as provided in the act approved June 13, 1929, as amended."

The director of the department shall designate a sum not to exceed 10 per cent of the total income of the Contractors' License Bureau for each fiscal year to be transferred to the professional and vocational standards fund as the bureau's share of the cost of administration of the Department of Professional and Vocational Standards."

**Amendment No. 2.**

On page 2 of the printed bill, commencing in line 2, and continuing in line 3, strike out the phrase: "or identified with".

**Amendment No. 3.**

On page 2 of the printed bill, commencing in line 5, and continuing in line 6, strike out: "their identity with", and insert in lieu thereof the words, "in the".

**Amendment No. 4.**

On page 2, line 7, of the printed bill, strike out the word "Two", and insert in lieu thereof the word "One".

**Amendment No. 5.**

On page 2 of the printed bill, commencing in line 8, and continuing in line 9, strike out "identified with the general engineering contracting business, two", and insert in lieu thereof the phrase "a general engineering contractor, three".

**Amendment No. 6.**

On page 2, line 9, of the printed bill, strike out the words "representative of the".

**Amendment No. 7.**

On page 2 of the printed bill, commencing in line 14, and continuing to line 12, strike out "identified with the specialty contracting business." Add insert in lieu thereof the words "specialty contractors."

**Amendment No. 8.**

On page 2 of the printed bill, strike out all of lines 20 to 26, inclusive, and the first portion of line 27 up to and including the period add insert in lieu thereof the following: "except as follows: one general building contractor and one specialty contractor, January 15, 1936, and general building contractor and one specialty contractor, January 15, 1937; one general building contractor and one specialty contractor, January 15, 1938, the general engineering contractor, January 15, 1939."

**Amendment No. 9.**

On page 3, line 4, of the printed bill, strike out all of said line 4 and all of lines 5 and 6, and the first portion of line 7 in so far as including the period.

**Amendment No. 10.**

On page 3 of the printed bill, commencing in line 20, insert the following: "each member shall be compensated for his attendance at meetings of the board at the rate of \$25 per diem, provided, however, that the compensation to paid to any member shall not exceed the sum of \$1,000 during any period of twelve consecutive months."

**Amendment No. 11.**

On page 3, line 25, of the printed bill, after the word "board", insert the following: "to and with the approval of the Director of the Department of Professional and Vocational Standards"

**Amendment No. 12.**

On page 3, line 30, of the printed bill, strike out the word "board", and insert in lieu thereof a period.

**Amendment No. 13.**

On page 3, line 31, of the printed bill, strike out all of said line 31, and all of the first portion of line 32, to and including the period.

**Amendment No. 14.**

On page 3 of the printed bill, between lines 36 and 37, insert the following paragraph:

"The registrar, with the approval of the board and the Director of the Department of Professional and Vocational Standards, may, upon threat to the public, cooperate in the enforcement of governmental legislation relating to the construction industry and shall appoint such assistants as may be necessary to carry out such duties."

**Amendment No. 15.**

On page 3, line 39, of the printed bill, after the word "registrar", insert a period, and strike out all of the balance of said line and all of lines 40 and 41.

**Amendment No. 16.**

On page 3 of the printed bill, commencing with line 42, strike out all of said line 42, and all of the balance of page 3, and insert in lieu thereof the following:

"(h) The board, in addition to the annual reports required within the next (30) days prior to the meeting of the regular session of the Legislature, submit to the Governor a full and true report of its transactions during the preceding term, including a complete statement of the receipts and expenditures of the board during the period. A copy of said report shall be filed with the Secretary of State. All records shall be public records."

**Amendment No. 17.**

On page 4 of the printed bill, strike out all of said page 4.

**Amendment No. 18.**

On page 5 of the printed bill, strike out all of said page 5.

Bill read second time, ordered to reprint, and re-referred to Committee on Building and Construction.

**Senate Bill No. 1140**—An act to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1140 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after the word "to", insert the following: "authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collection and to".

**Amendment No. 2.**

On page 1 of the printed bill, before line 1, insert the following:

"SECTION 1. The State Treasurer is hereby authorized to pay all expense for collecting bonds and bond coupons".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "Section 1.", and insert in lieu thereof the following: "Sec. 2."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 424**—An act to add two new sections to the School Code to be numbered 4.194 and 4.252, relating to instruction in the public schools.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 424 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after the word "may", insert a comma and the following: "with the approval of the county board of education,".

**Amendment No. 2.**

On page 1, line 10, of the printed bill, after the word "may", insert a comma and the following: "with the approval of the county board of education,".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Joint Resolution No. 18**—Relative to memorializing the President and the Congress of the United States to take action to relieve producers of agricultural products which have been damaged by freezing.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Federal Relations, the following amendments to Senate Joint Resolution No. 18 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed measure, strike out lines 10, 11, 12 and 13.

**Amendment No. 2.**

On page 1, line 26, of the printed measure, following the word "loans", add the words "or grants".

Senate Joint Resolution No. 18 read, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 2014**—An act to add a new section to the School Code, to be numbered 5.507, relating to employees in positions requiring certification qualifications.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1869**—An act to amend the School Code by amending section 2 860, relating to the holding of trustees' meetings by the county superintendent of schools.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1034**—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 4 55, relating to the participation of pupils in public exhibitions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1123**—An act to amend sections 3 330, 3 331, 3 332, 3 334, 3 335, 3 336, 3 337 and 3 338 of the School Code, relating to high school students residing in this State and attending high school in an adjoining State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 135**—An act expressing assent by the State of California to the provisions and purpose of an act passed by the Congress of the United States entitled "An act to provide for revision into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete enrollment and support of land-grant colleges," approved June 29, 1935, and to authorize and empower the Regents of the University of California to receive all grants of money appropriated under the said above entitled act of the Congress of the United States, and to apply, use and expend said grants of money for the purposes and in accordance with the terms, conditions, and requirements set forth in the act of the Congress aforesaid.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 800**—An act to add two new sections to the School Code to be numbered 3 352a and 4 930, relating to junior colleges maintained by high school districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1134**—An act to add a new section to the School Code to be numbered 2 996, relating to the educational exhibits of school districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2183**—An act to amend the School Code by adding thereto three new sections, to be numbered 2 973, 2 974, and 2 975, relating to the election and recall of members of city boards of education, the cost and expense of such elections, and for the consolidation of such elections.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2734**—An act to amend section 5 654 of the School Code, relating to time of trial of school employees charged with immoral or unprofessional conduct.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1626**—An act to add a new section to the School Code to be numbered 5.736, relating to the teaching force of the public schools.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 695**—An act to amend section 1.513 of the School Code, relating to punishment for failure to report deaf children.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1628**—An act to amend section 4.280 of the School Code, relating to the financial support of the public school system.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1135**—An act to add a new section to the School Code to be numbered 5.589, relating to the holding of institutes.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 1135 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after said line 6, insert the following:

"The superintendent of schools of each county, excepting the City and County of San Francisco and the county of Alameda, and the superintendent of schools of each district located outside the county of Alameda holding an institute in the City and County of San Francisco or the county of Alameda during the year 1939 shall during said year hold an institute for the teachers of such county or school district under the preceding sections of this article who for any reason can not attend the institute held in the City and County of San Francisco or the county of Alameda."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2269**—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929; to repeal School Code section 6.470-3; to amend section 6.474 of the School Code; and to add to Chapter VI of Part II of Division VI of the School Code a new article to be known as Article 1a, all relating to the purchase of supplies and equipment for school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 2269 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out the comma.

**Amendment No. 2.**

On page 2, line 7, of the printed bill, as amended, strike out the comma.

**Amendment No. 3.**

On page 3, line 17, of the printed bill, as amended, strike out the word "auditor", and insert in lieu thereof the words "purchasing agent".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 786**—An act to add a new section to the School Code to be numbered 2.75, relating to the bonded indebtedness of high school districts.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 786 was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, after the period, insert the following: "This section shall remain effective for one year from and after the effective date thereof."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1754**—An act to regulate persons engaged in determining the value of real estate.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2028**—An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, by amending section 1 thereof and by adding a new section thereto to be numbered section 3a, relating to the deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1879**—An act relating to the Department of Social Welfare, and its organization, powers, duties, and jurisdiction, repealing Chapter 1 of Division 1 of the Welfare and Institutions Code, embracing sections 100 to 116, inclusive thereof, and adding a new Chapter 1 to said division, embracing sections 100 to 123, inclusive.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1879 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 10 and 11, and in lieu thereof insert the following: "Each member of the board shall be appointed by the Governor for a term of four years, the terms to rotate in the order established by law. In the case of an appointment to fill a vacancy, the member shall hold only for the remainder of that term. It shall be the duty".

**Amendment No. 2.**

On page 3 of the printed bill, as amended, strike out lines 47 and 48, and in lieu thereof insert the following: "character".

**Amendment No. 3.**

On page 5 of the printed bill, as amended, after line 46, insert the following: "Sec. 2. The members of the Social Welfare Board other than the Director of Social Welfare, in office at the time this section goes into effect, shall continue to serve as members of said board as herein constituted but the expiration of their terms shall take place as follows, in the same relative order as the terms to which they were appointed would have expired: Two terms shall expire on January 15, 1938, one term on January 15, 1940, one term on January 15, 1942, and one term on January 15, 1944. A seventh member whose term shall expire on January 15, 1940, shall be appointed at the time this act goes into effect."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1021**—An act to add sections 564 and 566 to the Alcoholic Beverage Control Act, relating to bartenders.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1191**—An act to amend sections 4, 4d, 6, 15, 17b and 20 of the Juvenile Court Law, relating to the provision of care.



custody and maintenance for minor persons, through or under the supervision of the juvenile court.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1818**—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Public Morals, the following amendment to Assembly Bill No. 1818 was read and adopted:

**Amendment No. 1.**

On page 4 of the printed bill, as amended, strike out lines 36 and 37, and insert in lieu thereof the following: "report, rendered to the Controller in the months of January and July, the amount due under this act and the county".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2553**—An act to add section 61.5 to the Alcoholic Beverage Control Act, relating to minors on premises where alcoholic beverages are sold or served.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Morals, the following amendments to Assembly Bill No. 2553 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after "61.5.", insert the following: "(a)"

**Amendment No. 2.**

On page 1 of the printed bill, after line 9, insert the following paragraphs:

"(b) Any minor, unaccompanied by a parent or guardian, who enters or remains in any public dance hall where alcoholic beverages are served, sold, or otherwise disposed of, is guilty of a misdemeanor.

"(c) The provisions of this section shall not apply to a dining room, situated within the premises of a bona fide hotel, where public dancing is permitted."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1825**—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2825**—An act to amend section 737a of the Political Code, relating to salaries of judges of the superior court in and for the county of Alameda.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 303**—An act to amend section 3653.5 of the Political Code, relating to records of the assessor being open to inspection.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 387**—An act to amend section 737g of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Contra Costa.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 503**—An act to amend sections 4242.1 and 4242.2 of the Political Code, relating to the compensation of county officers in counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1363**—An act to amend section 4088 of the Political Code, relative to the call and redemption of county bonds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1698**—An act to amend section 737kk of Political Code, relating to the salary of judges of the superior court, in and for the county of San Diego.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1949**—An act to amend section 9 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes thereon; the issuance and disposal of the bonds thereof and the determination of their validity and making provisions for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, relating to elections of members of board and its meetings.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2079**—An act to amend section 73a, Code of Civil Procedure, relating to court expenses.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2079 was read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 8 to 10 inclusive, and insert in lieu thereof the following:

"73a. Whenever the provisions of sections 73, 74b or 142, it becomes necessary, in the assignment of the business of the superior court, for a judge, clerk, deputy clerk, or court reporter, who is regularly assigned to duty in the county seat or at a city outside of the county seat where a session of the superior court is held, to travel to a city other than that where he is regularly assigned, there temporarily to attend a session or sessions of the superior court, any such judge, clerk, deputy clerk, or court reporter may be allowed his necessary expenses in going to, returning from and attending temporarily upon the"

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1365**—An act to amend section 3819a of the Political Code, relating to duties of tax collector in counties of the first and second classes.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1365 were read and adopted:

##### Amendment No. 1.

On page 2, line 20, of the printed bill, strike out all following the word "required", and insert in lieu thereof a comma and the words "by any"

##### Amendment No. 2.

On page 2, line 21, of the printed bill, strike out the words "any other"

**Amendment No. 3.**

On page 2, line 23, of the printed bill, insert a period after the word "collector", and strike out the remainder of the line; and strike out all of lines 24 to 28, both inclusive.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2831** An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2831 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill as amended April 15, 1937, strike out the word "a", at the end of the line.

**Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, strike out the word "annuity", and insert in lieu thereof the word "compensation".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, between lines 11 and 12, insert a new section to be numbered 8.5, and to read as follows:

"Sec. 8.5. "Compensation earnable" by a member shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period, and at the rates of compensation attached to such positions, it being assumed that during any absence he was in the position held by him at the beginning of such absence."

**Amendment No. 4.**

On page 5, line 21, of the printed bill, as amended, after the word "assets", insert the following: "and records".

**Amendment No. 5.**

On page 5, line 25, of the printed bill, as amended, after the word "assets", insert the following: "and records".

**Amendment No. 6.**

On page 5, line 27, of the printed bill, as amended, strike out the word "by" (the first word in the line), and insert in lieu thereof the following: "according to".

**Amendment No. 7.**

On page 5, line 32, of the printed bill, as amended, strike out the word "to", after the word "entitled".

**Amendment No. 8.**

On page 5, line 40, of the printed bill, as amended, strike out the period after the word "system", and insert the following: ", said assets shall be administered solely by the board of retirement subject to the provisions of this act as to the custody, investment and disbursement of the retirement fund."

**Amendment No. 9.**

On page 6 of the printed bill, as amended, strike out all of lines 47 to 52, both inclusive, and insert in lieu thereof the following:

"Sec. 58. An actuarial valuation shall be made within the period of one year from the date on which any system established under this act becomes effective, and thereafter at not to exceed five year intervals. The investigation shall be conducted under the supervision of an actuary and shall cover the mortality, service and compensation experience of the members and beneficiaries, and shall evaluate the assets and liabilities of the retirement fund created. Upon the basis of any or all of such determination, investigation and valuation, and upon the recommendation of the actuary the board of retirement shall recommend to the board of supervisors such changes in the rate of interest, in the rates of contributions of members as well as such changes in county and district appropriations as may be deemed necessary. No adjustment shall be included in the new rates for time prior to the effective date of such revision."

**Amendment No. 10.**

On page 7 of the printed bill, as amended, strike out all of lines 1 to 6, both inclusive.

**Amendment No. 11.**

On page 7, line 7, of the printed bill, as amended, after the word following "550", strike out the remainder of the line, and all of lines 8 to 15, inclusive, and insert in lieu thereof the following: "It shall be obligatory upon the board of supervisors to immediately increase the rate of interest, the salary of commissioners of members, and county and district superintendents in accordance with the recommendations of the board of retirement, but in no case shall the board of supervisors fix the rate of interest, the rates of contributions or salaries or wages and interest appropriations that will have the effect of reducing the amount of pensioned benefits as outlined in this act."

**Amendment No. 12.**

On page 7, line 32, of the printed bill, as amended, after the word "invested", strike out the remainder of the line, and all of lines 33 and 34, and in line 34, strike out the following language: "county and receiving 90 per cent of the value thereof, or."

**Amendment No. 13.**

On page 8, line 4, of the printed bill, as amended, strike out "in January", and insert in lieu thereof "before March 1st of each year."

**Amendment No. 14.**

On page 9, line 22, of the printed bill, as amended, after the word phrase "the board", add the following: "Interest earned on the retirement fund during any year in excess of the total interest credited to contributions during such year, shall remain in said fund as a reserve against deficiencies in interest earned in other years, losses on investments, and other contingencies."

**Amendment No. 15.**

On page 10, line 5, of the printed bill, as amended, strike out the period, and insert in lieu thereof "; subject to adjustment under section 10."

**Amendment No. 16.**

On page 11, line 49, of the printed bill, as amended, after the word "amount", strike out the remainder of the line, and in line 50, strike out the following: "on the board of retirement".

**Amendment No. 17.**

On page 12, line 35, of the printed bill, as amended, after the word "county", strike out the remainder of the line, and in line 36, strike out the following: "The contributions of employers."

**Amendment No. 18.**

On page 12, line 44, of the printed bill, as amended, strike out "Section 110," and insert in lieu thereof the following: "sections 116 and 135."

**Amendment No. 19.**

On page 13, line 28, of the printed bill, as amended, after the word "hereby", strike out the remainder of the line, and in line 29, strike out the following: "if consent permitted by this act, and."

**Amendment No. 20.**

On page 14, line 11, of the printed bill, as amended, strike out "pension", and insert in lieu thereof the following: "pensioned allowance", and following the comma, after the word "year", add the following: "exclusive of any gratuity based on additional contributions."

**Amendment No. 21.**

On page 14, line 12, of the printed bill, as amended, after the word "pension", insert the following: "paid solely by contributions of the county or district."

**Amendment No. 22.**

On page 16, line 11, of the printed bill, as amended, after the word "the", strike out the remainder of the line, and in line 12, strike out "the", and insert in lieu thereof the following: "insurance table adopted by the board of supervisors for disabled lives".

**Amendment No. 23.**

On page 16, line 42, of the printed bill, as amended, strike out the period after the word "stated", and add the following: "; provided that such statement may be in the form of an endorsement on the warrant delivered to said beneficiary in payment of the allowance."

**Amendment No. 24.**

On page 17, line 12, of the printed bill, as amended, strike out "the" after the comma, and insert in lieu thereof "a member or".



**Amendment No. 25.**

On page 17, line 14, of the printed bill, as amended, after the word "allowance", strike out the remainder of the line; and in line 15, strike out the following: "tables adopted by the board of supervisors,".

**Amendment No. 26.**

On page 17, line 16, of the printed bill, as amended, after the word "life", add the following: "in accordance".

**Amendment No. 27.**

On page 18, line 31, of the printed bill, as amended, after the word "death" strike out "allowance", and insert in lieu thereof the word "benefit".

**Amendment No. 28.**

On page 18, line 44, of the printed bill, as amended, strike out "allowance", and insert in lieu thereof the word "benefit".

**Amendment No. 29.**

On page 18, line 51, of the printed bill, as amended, after the word "death", strike out "allowance", and insert in lieu thereof the word "benefit".

**Amendment No. 30.**

On page 19, line 5, of the printed bill, as amended, strike out "allowance", and insert in lieu thereof the word "benefit".

**Amendment No. 31.**

On page 19, line 20, of the printed bill, after the word "death", strike out "allowance", and insert in lieu thereof the word "benefit".

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning May 1, 1937, and the Controller is hereby directed to pay the same:

Nona Browning, Stenographer

*Per day*  
*6 days per week*  
\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holahan, Jaspersen, Keating, Knowland, Lick, McBride, McColl, Metzger, Mixer, Nielson, Parkman, Phillips, Quinn, Rich, Schottky, Swing, Tickle, Wagv, Westover, and Williams—26.

NOES—None.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning May 3, 1937, and the Controller is hereby directed to pay the same:

Betty McGriff, Stenographer

*Per day*  
*6 days per week*  
\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Cunningham, DeLap, Fletcher, Garrison, Hollister, Jepsen, Kenting, Knowland, Law, McRyle, McColl, McGovern, Mettger, Mixter, Parkman, Phillips, Pirovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Williams—27.

**NOES**—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented.

By Senator Olson.

SENATE CHAMBER, SACRAMENTO, APRIL 29, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of patents and leases to prospect for and take any such minerals; to provide for the terms and conditions to be paid and granting certain preference rights; to provide for the making of laws, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands.

Respectfully submitted

SENATOR OLSON.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, APRIL 29, 1937.

MR. PRESIDENT: Your Committee on Rules has advised me to request permission by Senator Olson to introduce a bill entitled:

An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of patents and leases to prospect for and take any such minerals; to provide for the terms and conditions to be paid and granting certain preference rights; to provide for the making of laws, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands; Has had the same under consideration and respectfully recommends the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER  
MCCOLL  
KNOWLAND  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Kenting, Knowland, Law, McRyle, McColl, McGovern, Mettger, Mixter, Nielson, Parkman, Phillips, Pirovich, Quinn, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32.

**NOES**—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McCormack:

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain works or portions of the flood control work within the Sacramento and San Joaquin Drainage Districts as provided for in Chapter 774, Statutes of 1927, as amended.

Respectfully submitted.

SENATOR MCCORMACK.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McCormack to introduce a bill entitled:

An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain works or portions of the flood control work within the Sacramento and San Joaquin Drainage Districts as provided for in Chapter 774, Statutes of 1927, as amended:

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL.  
KNOWLAND.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Jernstrom, Keating, Knowland, Lane, McComb, McCall, McCormack, Miller, Nielsen, Parkman, Phillips, Pierovich, Quinn, Slater, Spring, Toke, Wagg, Westover, Whitings, and Young 28.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1141:** By Senator Olson—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands.

Senate Bill No. 1141 read first time, and referred to Committee on Oil Industries.

**Senate Bill No. 1142:** By Senator McCormack—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended.

Senate Bill No. 1142 read first time, and referred to Committee on Finance.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Senate Bills.

**Senate Bill No. 425**—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48½, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.3, 55.3, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

#### Amendments from the Floor.

During third reading of Senate Bill No. 425, the following amendment, offered by Senator Swing, was read:

#### Amendment No. 1.

On page 47 of the printed bill, as amended, between lines 42 and 43, insert the following:

"No advertisement of any alcoholic beverages shall contain a picture, printed photograph or other representation of any person.

The use of any electric, neon, or illuminated sign, construction or device on the face of any artificially illuminated billboard for the advertisement of any alcoholic beverage is hereby prohibited, except that such signs may be used on licensed retail premises as provided in section 35 of this act.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Young and Westover on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Allen, Biggie, Crittendon, Cunningham, DeLoe, Fleming, Gordon, Gordon, Hays, Jaspersen, Law, Mayer, Olson, Phillips, Senator, Smith, Westover, and Young—19.

**NOES**—Senators Dand, Hollister, Holsham, Keating, Knecht, Knecht, McCall, McCall, McGovern, Metzger, Nelson, Peterson, Phillips, Phillips, Quinn, R. Seawell, Slater, Tickle, and Williams—20.

#### Further Amendment from the Floor.

During third reading of Senate Bill No. 425, the following amendment, offered by Senator Phillips, was read:

#### Amendment No. 1.

On page 47, lines 39, 40 and 42 of the printed bill as amended April 23, 1937, strike out "distilled spirits", and insert in lieu thereof the words "alcoholic beverages".

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Phillips, Jaspersen and Westover on the adoption of the amendment.



The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Jespersen, Knowland, Mixer, Olson, Phillips, Quinn, Schottky, Swing, Wagy, Westover, and Young—19.

**NOES**—Senators Crittenden, Gordon, Holohan, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Pierovich, Powers, Rich, Seawell, Slater, Tickle, Williams, and Mr. President—20.

#### **Further Amendment from the Floor.**

During third reading of Senate Bill No. 425, the following amendment, offered by Senator Olson, was read:

#### **Amendment No. 1.**

On page 12, line 15, of the printed bill, as amended, after the word "licensees", insert the following: "and such California spirit manufacturers shall have the same rights in this State as are granted to the rectifiers of this State".

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Hollister on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Garrison, Gordon, Hollister, Keating, and Olson—5.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

#### **Motion to Reconsider.**

Senator Rich moved to reconsider the vote whereby the amendments, offered by Senator Phillips to Senate Bill No. 425, were refused adoption.

#### **Postponement of Reconsideration.**

On motion of Senator Rich, the further consideration of the above motion to reconsider was continued until the next legislative day.

#### **Recess.**

At twelve o'clock and thirty-eight minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

#### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### **Communication.**

The following communication was received and read:

#### **1.**

From the Council of the California Medical Association, urging the passage of Assembly Bill No. 2790.

## Reports of Standing Committee.

The following reports of standing committee were received and read:

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 144—An act relating to State lands, preventing the holders of certificates of purchase of certain State lands to complete purchases thereunder, notwithstanding any past forfeiture of such lands to the State for default in interest payments or taxes.

Senate Bill No. 557—An act to amend section 3731 of the Political Code, relating to the Department of Natural Resources.

Senate Bill No. 1137—An act to add section 1237.1 to the Political Code, providing a salary for court photographic reporters and for payment thereof and providing for the appointment of one reporter secretary.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 139—An act to add sections 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments.

Senate Bill No. 1094—An act to amend section 3714 of the Political Code, relating to annual financial estimates of counties;

And reports that the same have been correctly enrolled and presented to the Governor on the third day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

### Motion.

On motion of Senator Hays, Senate Bill No. 466 was ordered recalled from the Assembly.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, DeLap, Fletcher, Garrison, Gordon, Hays, Holister, Holohan, Keating, Metzger, Rich, Slater, and Westover—13.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2496—An act to amend section 55 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2501—An act to add sections 6.5, 8.5, 9.5 and 9.7 to, and amend sections 7, 9, 37, and 38 of, and to repeal section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2833—An act to amend sections 3630, 3654, 3655, and 3720 of the Political Code, relating to the assessment of property and collection of taxes.

Assembly Bill No. 2842—An act to amend section 7370 of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Santa Clara.

Assembly Bill No. 72—An act to amend sections 61, 132 and 133 of the Civil Code, relating to divorce.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2496 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2501 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2833 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2842 read first time, and referred to Committee on County Government.

Assembly Bill No. 72 read first time, and referred to Committee on Public Morals.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 442—An act to amend the title of an act entitled the "County Improvement Act of 1921," approved June 3, 1921, as amended, and to add section 12, relating to the reassessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds therefor;

Assembly Bill No. 832—An act to amend section 954 of the Civil Code, relating to things in action;

Assembly Bill No. 1515—An act to add sections 3, 101.5 and 101.6 to, amend sections 61, 65, 66, 67, 68, 69, 70, 71, 96 and 100 of, and to repeal section 50 of Article V of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1519—An act to amend sections 22 and 23 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1521—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1524—An act to amend section 60 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to part-time workers;

Assembly Bill No. 1525—An act to amend sections 90 and 91 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 442 read first time, and referred to Committee on County Government.

Assembly Bill No. 832 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1515 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1519 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1521 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1524 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1525 read first time, and referred to Committee on Social Security.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2000—An act to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v and 26w to an act entitled "An act to preserve all minerals in State lands, to provide for examination, classification and reversion on the mineral and other character of State lands, to provide for the granting of permits and leases for prospect for and take any such minerals, to provide for the lease and operation of the land, and granting certain preference rights to provide for the making of lease, regulations and contracts necessary to carry out the purpose of this act, and repealing any or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as amended May 25, 1931, relating to certain State lands and the production and disposition of all gas and some hydrocarbon substances therefrom, providing for the regulation and classification of rights of way or easements to give access to and State lands, repealing all acts or parts of acts inconsistent or in conflict herewith;

Assembly Bill No. 2122—An act to amend sections 629, 630, 1280 and 1281 of the Code of Civil Procedure, relating to the investigation, attachment, retention and settlement of disputes concerning boundary lines, monuments, courses, bearings, distances and calls;

Assembly Bill No. 2123—An act to amend section 4218 of the Political Code, and to add a new section to the Political Code, to be known as section 4219, relating to the investigation, retention, reference and settlement of disputes concerning boundary lines, monuments, courses, bearings, distances and calls;

Assembly Bill No. 2136—An act to add Chapter 5 to the Forest Law, the Fish and Game Code, relating to the licensing of landowners to collect fees or other charges for the privilege of hunting on their land.

JAMES C. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2090 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 2122 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2123 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2136 read first time, and referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, APRIL 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 354—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to make any agreement with the Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as are desirable for State forests, to manage such land and to dispose of the products thereof, and providing for the distribution of revenues therefrom, and to acquire land for development for State forestry purposes, to make an appropriation therefor, and to expend on act entitled "An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved July 15, 1935, to declare the urgency thereof, and to provide that this act shall take immediate effect.

Senate Bill No. 1051—An act to add section four to the Political Code, relating to the conditions of employment at the Preston School of Industry;

Senate Bill No. 1052—An act validating the election and classification of members of the sanitary board of sanitary districts, and amending to section 61 of the act of the Legislature entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, water works and other sanitary purposes, the acquisition of property therefor, the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations



thereof," approved May 17, 1923, as amended, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 554, 1051, and 1052 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 49—Relative to directing the Unemployment Reserves Commission to investigate and report upon seasonal employment and its effect upon the operation of the Unemployment Reserves Act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 49 read, and referred to Committee on Social Security.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended:

Senate Bill No. 90—An act to amend section 1340.6 of the Fish and Game Code relating to bears;

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 90 and 55 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1072—An act to amend sections 9 and 31 of an act entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to sanitary boards in sanitary districts;

Senate Bill No. 1123—An act to add section 4d to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately;

Senate Bill No. 1071—An act validating the election and classification of members of the sanitary board of sanitary districts reorganized pursuant to section 31 of the act of the Legislature entitled: "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations

thereof," approved May 17, 1923, as amended, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANTERS, Assistant Clerk.

Senate Bills Nos. 1072, 1123, and 1071 ordered to enrollment.

### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills.

**Assembly Constitutional Amendment No. 8.**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1c to Article XIII thereof, relating to the San Francisco Bay Exposition.

#### Amendment from the Floor.

During reading of Assembly Constitutional Amendment No. 8, the following amendment, offered by Senator McGovern, was read and adopted:

#### Amendment No. 1.

On page 1, line 3 of the title of the printed measure, he amends, strike out "1c", and insert in lieu thereof the following: "1.6".

Assembly Constitutional Amendment No. 8 ordered to print, and on file.

**Assembly Bill No. 1496.**—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, processors, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States, to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending each section of said act, to add new sections to be numbered 22, 23 and 24, and to repeal sections 3a, 6a, 15a, 16a and 20a of said act and to provide for the execution of marketing agreements and the issuance of licenses by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1496, the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 14 of the printed bill, as amended, strike out all of lines 50 and 51.

**Amendment No. 2.**

On page 15, line 1, of the printed bill, as amended, strike out the numeral "19", and insert in lieu thereof the following: "20".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 386**—An act to amend section 224 of, and to add section 227b to the Civil Code, relating to the adoption of children.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 386, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 18 and 19, and in lieu thereof insert the following: "of the clerk of the superior court of the county wherein the action is brought to immediately notify the State Department of Social Welfare of such action. Within 60 days after such notice the State Department of Social Welfare shall appear before the court for the purpose of representing the adopted child."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1415**—An act to amend section 15 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to suits on assigned claims.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1415, the following amendment, offered by Senator Schottky, was read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, after "interest", add the following: "in any court other than a justice's court of Class B".

Bill read, ordered to print, and on file for third reading.

**Unfinished Business.**

**Assembly Bill No. 2826**—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2826, the following amendments, offered by Senator McGovern, were read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, after the comma following the word "welfare", and before the word "and", insert the following: "respecting matters involving the alleged corruption or misfeasance or malfeasance in office or dereliction of duty of public officials or public employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts,".

**Amendment No. 2.**

On page 2 of the printed bill, strike out all of lines 1 to 18, inclusive.

Bill read, ordered to print, and on file for third reading.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1097**—An act to add section 40414a to the Political Code, relating to community theaters.

**Amendment from the Floor.**

During third reading of Senate Bill No. 1097, the following amendment, offered by Senator Hollister, was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, an amended after "here," insert the following: "which property belongs to a corporation organized under Division 1, Part IV, Title XII, of the Civil Code, or to a corporation, the majority of the stock of which is owned by such a nonprofit corporation, and which property has been used by such corporation for the purposes of a community theater."

Bill read, ordered to reprint, retransmitted, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Consideration of Special Order.**

The hour having arrived for the consideration of Senate Bill No. 304, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

**Senate Bill No. 304**—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act; and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

**COMMITTEE OF THE WHOLE.**

Senator Gordon moved that the Senate resolve itself into a Committee of the Whole in order to consider Senate Bill No. 304.

Motion carried.

**SENATE MEETS AS COMMITTEE OF THE WHOLE.**

At two o'clock and thirty minutes p.m., the Senate met as a Committee of the Whole.

**COMMITTEE OF THE WHOLE ARISES.**

At five o'clock and thirty minutes p.m., on motion of Senator McGovern, the Committee of the Whole arose.

**IN SENATE.**

Lieutenant Governor George J. Hatfield, President of the Senate, is the chair.

Assistant Secretary Howard McIntire at the desk.



**Special Order Reset.**

Senator Gordon moved that Senate Bill No. 304 be reset as a special order for Friday, May 7, 1937, at eleven o'clock a.m.

Motion carried, and such was the order.

**Message from the Governor.**

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 3, 1937.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I have the honor to inform your honorable body that, pursuant to section 2 of Article XXIV of the Constitution of the State of California I have this day appointed Harry Lutgens as a member of the State Personnel Board, vice A. E. Stockburger, term expired, and request your advice therein and consent thereto.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

Time, five o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms was directed to bring the absentees to the bar of the Senate.

**Proceedings Under Call of the Senate.****Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Knowland:

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation for the support of the University of California.

Respectfully submitted.

SENATOR KNOWLAND.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Knowland to introduce a bill entitled:

An act making an appropriation for the support of the University of California; Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL.  
KNOWLAND.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Bigger, Christensen, Christensen, DeLoe, Farnham, Garryson, Gordon, Hays, Hollister, Holshorn, Jorgensen, Ketting, Knight, Knowland, Law, McBride, McColl, McGovern, Mixter, Mylon, Nielson, Olson, Farnham, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Williams, Williams, and Young—35.

**NOES**—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Metzger

SENATE CHAMBER, SACRAMENTO, MAY 2, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 1251 of and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of railroads and toll road franchises.

Respectfully submitted

SENATOR METZGER.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 2, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Metzger to introduce a bill entitled:

An act to amend section 1251 of and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of railroads and toll road franchises.

Has had the same under consideration, and respectfully reports the same, read and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL,  
KNOWLAND,  
SLATTERY,  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Bigger, Christensen, Christensen, DeLoe, Farnham, Garryson, Gordon, Hays, Hollister, Holshorn, Jorgensen, Ketting, Knight, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielson, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Williams, and Young—35.

**NOES**—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Waggy:

SENATE CHAMBER, SACRAMENTO, MAY 2, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to

appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund.

Respectfully submitted.

SENATOR WAGY.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Wagy to introduce a bill entitled:

An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL.  
SLATER.  
KNOWLAND.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Holoban, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Minter, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—31.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers.

Respectfully submitted.

SENATOR McCOLL.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McColl to introduce a bill entitled:

An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
McCOLL.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Isaac, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Jaspersen, Keating, Knevel, Kneveland, Law, McBride, McGill, McGowan, Metzger, Miller, Nichols, Quinn, Purdy, Phillips, Powers, Quinn, Rich, Schottky, Sewell, Slater, Tinkle, Westover, Williams, and Young—36.

**NOTES.** None.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bills were introduced:

**Senate Bill No. 1143:** By Senator Kneveland—An act making an appropriation for the support of the University of California.

Senate Bill No. 1143 read first time, and referred to Committee on Finance.

**Senate Bill No. 1144:** By Senator Metzger—An act to amend section 1261 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings including those for the condemnation of toll bridge or toll road franchises.

Senate Bill No. 1144 read first time, and referred to Committee on Commerce and Navigation.

**Senate Bill No. 1145:** By Senator Wagy—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund.

Senate Bill No. 1145 read first time, and referred to Committee on Finance.

**Senate Bill No. 1146:** By Senator McGill—An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers including rates chargeable by such carriers.

Senate Bill No. 1146 read first time, and referred to Committee on Public Utilities.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, MAY 3, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 21—Relative to memorializing Congress not to abandon the present plan of mineral development.

Senate Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States to enact legislation sponsored by S. 419 and H. R. 2288, providing for the granting of aid by the Federal Government to the several States for the support of public education.

And reports that the same have been properly enrolled and presented to the Governor on the third day of May, 1937, at four o'clock and thirty minutes p.m.

KEOUGH, Chairman.



### Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Gordon moved to reconsider the vote whereby Senate Bill No. 1101 was refused passage.

#### Postponement of Reconsideration.

On motion of Senator Gordon, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1101 was refused passage was continued until the next legislative day.

### Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 681—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to the Committee on Finance.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Concurrent Resolution No. 13—Urging that a suitable part of public employment be given to the deaf citizens of the State;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 636—An act to amend sections 2, 3, 4, 9, 10, 11, 17, 19 and 22 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 2091—An act to amend section 3491 of, and to add section 3491.2 to, the Political Code, relating to reclamation districts and declaring the urgency thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

SENATE CHAMBER, SACRAMENTO, April 30, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred

Assembly Bill No. 761—An act to amend sections 8, 9, 12 and 14 of an act entitled "An act to promote drainage," approved March 18, 1885, relating to drainage districts and to the manner of levying and collecting district assessments therein;

Assembly Bill No. 762—An act authorizing suits against the State to quiet title against it to swamp and overflowed lands by certain persons entitled to the benefits of an act entitled "An act for the protection of suitors on public lands claimed by the State," approved March 10, 1874;

Assembly Bill No. 763—An act to add a new section to the Political Code to be numbered 3454, relating to actions by or against reclamation districts;

Assembly Bill No. 2092—An act to amend sections 2 and 3 of an act entitled "An act defining henceforth the exercise jurisdiction of Reclamation District No. 108, situated partly in the counties of Colusa and Yuba, and providing for the continuation in office of the present trustees of said district and for the election and installation of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the levying and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district, providing also for the management, control and administration of the affairs of said district, also vesting the jurisdiction of certain lands in said Reclamation District No. 108, as described in certain notices filed and provided in the act of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner or owners of any land incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessor or trustees, or that may be hereafter done, before the going into effect of this act, and also changing Reclamation District No. 108, as defined in this act, to be the successor in interest of Reclamation District No. 108, defined in that certain act approved May 28, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, trustees appointed by the board of supervisors of Colusa County, to include the lands to and assessments as described in this act, in the event that said assessment is not levied before they are shall take effect";

Has had the same under consideration, and respectfully reports the same to you, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

### On Elections.

SENATE CHAMBER, SACRAMENTO, May 2, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred

Assembly Bill No. 1728—An act to amend section 8 and to repeal sections 4, 22 and 34 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

### Adjournment.

At five o'clock and fifty-one minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Tuesday, May 4, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, May 4, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—40.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Monday, May 3, 1937, the further reading was, on motion of Senator McCormack, dispensed with.

**Privilege of Floor of Senate Extended.**

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Hastings, principal; Mr. E. R. White, teacher; Mrs. E. R. White; and the following students of the Waterford Grammar School: Beverly Quinley, Bobby Howe, Anada Andrews, Celesta Zimmerman, Vera Mae Hendericks, Mable Gammon, Neva Emig, Phyllis Bishop, Edna Switzer, Claude Smith, Virgil Welch, Evelyn Nielson, Betty Jane Gragg, Mary Leask, Robie Kiefer, Lewis Raye, Raymond Carpenter, Ben Collins, Virgil Whitmer, Hilda Christian, Glenn Sinclair, Merle Shields, Robert Jeffers, Minnie de la Torre, Joe Hollett, Robert Menteer, Walter Bowman, Guy Laughlin, Walter Hobbs, William Riddle, Junior Rash, Kenneth Switzer, Bill Bowels, Martha Brown, John Wallers, Leona Griffon, Edna Root, Viola Jones, Meryle Bowman, Denise Bowman, Lexford Hobbs, and Elva Wheeler.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. F. Reynolds of San Diego.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. T. B. Scott of Modesto.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John L. Le Berthow of San Francisco.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bob Nye, Bobby Welch, and Dick Willis, all of Ventura.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the fol-

following members of the California Scholarship Federation, Chapter 180, Orland Joint Union High School, Orland, California: Raymond Woodruff, Paula Dado, Marie Cortes, Charles Rice, Edward Bailey, Henry List, Nellie Foshaug, Kenneth Kubet, Donna Flaherty, Dan Foster, Betty Croghan, Jim Chamberlain, Fred Kesselsch, Bob Maffox, Albert Wickland, Dorothy Erickson, Evelyn Wickland, Matthew Kern, Erwin Thode, Carolyn Bisse, Margaret Ferguson, Doreen Sennell, Jack Asdell, Elliot Westaby, and Stanley Foster, and Mrs. J. A. Wickland, and Mr. J. A. Russell, advisor.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. M. Patterson, County Clerk, and Bart Brison, District Attorney, both of Lake County.

### Communication.

The following communication was received, and entirely printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF THE GOVERNOR.  
 STATE CAPITAL, SACRAMENTO, May 3, 1937.

Mr. Joseph Beck, Secretary of the Senate.

Senate Chamber, Sacramento, California.

DEAR MR. BECK: I am enclosing herewith a calling card of record submitted by the Advisory Pardon Board of which I am chairman, printed in the Journal of California and the members of the Legislature.

The inclosure covers the board's activities for the period 1936 and 1937 and is being forwarded for the consideration of the Senate. Sincerely and gratefully to the Senate Daily Journal.

Respectfully,

GEORGE J. HATFIELD.

Governor and Chairman, Advisory Pardon Board.

STATE CAPITAL, SACRAMENTO, CALIFORNIA, April 29, 1937.

To His Excellency, Frank P. McLaughlin,

Governor of California, Sacramento, California,  
 and Members of the California Legislature.

Fiftieth Second Session Assembly.

With the thought in mind that some non-partisan officials as well as the public generally, would be interested in a concise summary of the activities of the Advisory Pardon Board for the period 1936 and 1937, the same is offered in the following for your earnest attention and consideration.

By an act known as Chapter 260, the Advisory Pardon Board was created at the 1915 session of the Legislature. The purpose of the board is now extended as set forth in section 3 of the act.

" \* \* \* Upon request of the Governor the board shall investigate and report on all applications for pardons, paroles and commutations of sentence and shall make such recommendations to the Governor with reference thereto as to it may seem advisable. \* \* \*

In other words, the board presents only an advisory report to the Governor on applications for executive clemency that he may take as a recommendation and recommendation. In view of this fact the Governor is at liberty to ignore or observe the board's recommendations. However, it has been the precedent in the past for the Chief Executives to consistently follow out the views expressed by the board.

### Membership.

By the act passed in 1915, and subsequent legislation in 1925, the Advisory Pardon Board is composed of the Lieutenant Governor (who shall be the chairman), the Attorney General, the Wardens of San Quentin and Folsom Prisons and the Chief of the State Division of Criminal Investigation and Investigation.

There is a proviso that in the event the Lieutenant Governor is absent or unable to perform the duties as chairman, the President Pro Tempore of the State Senate shall act in his place.

The board is given the power to appoint a secretary whose duty it is to record all applications referred and to keep a memorandum of the action taken by the board on each application, as well as other such data that may be requested of him by the board.



### Cases Referred.

During the year 1935 the Governor's office referred to the Advisory Pardon Board for consideration, investigation and recommendation one hundred thirty (130) applications for executive clemency in the form of pardon, pardon or commutation of sentence, commutation of sentence and restoration of citizenship.

For the year 1936, ninety-eight (98) applications for executive clemency were referred by the Governor's office to the board; or a total of two hundred twenty-eight (228) applications received for consideration and recommendation.

### Narrative Compiled.

On each case that is referred to the board, it is the secretary's duty to see that a narrative is prepared on same which sets forth complete facts and information covering the name of applicant applying for executive clemency, the crime for which he was convicted or plead guilty, a full statement of the crime. Also included are letters of recommendation from the judge before whom applicant was sentenced, the prosecuting attorney and the State Parole Officer in the event it is a case where the subject is serving or has served on parole. So that the board members may be informed as to the applicant's conduct and activities since the date of release from prison, certain data covering employment and other information is requested. Where the applicant is confined at either San Quentin or Folsom Prisons, or in the event a female prisoner at the California Institution for Women at Tehachapi, a "Certificate of Conduct" is always requested, properly signed by the warden of the respective prison.

With the completed narrative, setting forth all pertinent facts, information, letters, statements, affidavits, and recommendations from officials connected with the applicant since incarceration and thereafter, it will be easily realized that the board members find it convenient to give careful and thorough consideration to the application before making a recommendation thereon.

### Where Applicants Claim Innocence.

On eight applications for executive clemency of the total number referred to the board for the two-year period, the applicants have stressed their absolute innocence relative to the crimes for which they were seeking clemency relief. It being the sincere desire of the board that a most thorough investigation be made into the applicants' claims, the State Division of Criminal Identification and Investigation was authorized and empowered by the Advisory Pardon Board to make such number of investigations as above set forth. This practice has proved very satisfactory and helpful to the members in making an intelligent recommendation to the Governor.

In this connection, the board, after the last session of the Legislature, secured from the Director of Finance an emergency appropriation to enable it to properly care for the expenses incurred by the division in carrying out said investigations.

The appropriation for support of the Advisory Pardon Board for the next biennial period commencing July 1, 1937, sets aside a certain amount to continue the above-mentioned procedure. It is sincerely hoped that this allotment may be allowed to remain in the board support as already approved by the State Department of Finance.

### Activity.

It has been the desire and aim of the board during the last two years (1935 and 1936) to hold a meeting once a month at which time a number of applications would come up for consideration. It is a pleasure to report that twenty-three (23) meetings have been held during the 24 months' period; 12 of which were held in Sacramento in harmony with the law which specifies that the board shall meet at the State Capitol at least once in every two months. Seven meetings were held in San Francisco, four held in Los Angeles.

During this period the Advisory Pardon Board recommended FAVORABLY to the Governor that he grant executive clemency in the form of pardons and commutations of sentence to time served on fifty-four (54) applications which had been previously referred by the Governor.

During the same period, one hundred fifty four (154) applications for pardon, pardon or commutation of sentence, restoration of citizenship, and commutation of sentence were given UNFAVORABLE recommendations by the board. In other words, it was the recommendation to the Governor that executive clemency be denied these applicants.

On December 31, 1936, there were nineteen (19) applications for executive clemency remaining in the files of the Advisory Pardon Board to be given consideration at future meetings during the early part of 1937; namely, thirteen (13) applications for pardon, three (3) applications for pardon or commutation of sentence, two (2) applications for commutation of sentence, and one (1) application for pardon and commutation of sentence.

One (1) application for pardon was referred to the Advisory Pardon Board for consideration and recommendation by the Governor's office on May 1, 1935.

and recalled by that office on May 2, 1936, therefore, no other action was taken by the board with reference to this case.

The following table sets forth in detail the date and meeting place of the Advisory Pardon Board at which times the 208 applications for pardon or commutation of the 2281 referred by the Governor's office during the twenty months mentioned upon, together with other data recording the nature of the various applications as well as the recommendation.

Table.

Place of Meeting	Date 1935	Favorable Recommendation	Unfavorable Recommendation
Sacramento --	Jan. 22, 1935	(This being my organization's meeting, only one application for pardon was taken up for consideration. It was then approved and later recommended upon by this meeting, none being received in this table.)	
San Francisco	Feb. 21, 1935	1 application for pardon	5 applications for pardon
San Francisco	Mar. 9, 1935	1 application for pardon	(General meeting)
Sacramento --	Mar. 21, 1935	2 applications for pardon	1 application for pardon
			1 application for partial commutation of sentence
Sacramento --	April 24, 1935	None	2 applications for pardon
			1 application for partial commutation of sentence
Sacramento --	May 23, 1935	1 application for pardon	2 applications for pardon
			1 application for partial commutation of sentence
Los Angeles	June 25, 1935	2 applications for pardon	1 application for pardon
			1 application for partial commutation of sentence
Sacramento --	July 25, 1935	2 applications for pardon	1 application for pardon
			1 application for partial commutation of sentence
San Francisco	Aug. 22, 1935	4 applications for pardon	1 application for pardon
Sacramento --	Sept. 26, 1935	(Lack of quorum. No business transacted)	1 application for pardon
Sacramento --	Oct. 10, 1935	4 applications for pardon	1 application for partial commutation of sentence
			1 application for pardon or commutation of sentence
San Francisco	Nov. 6, 1935	3 applications for pardon	3 applications for pardon
Sacramento --	Dec. 12, 1935	4 applications for pardon	11 applications for pardon
	(1936)		11 applications for pardon
Sacramento --	Jan. 23, 1936	(Lack of quorum. No business transacted)	
San Francisco	Jan. 31, 1936	2 applications for pardon	12 applications for pardon
Los Angeles	Feb. 21, 1936	1 application for pardon	9 applications for pardon
			3 applications for commutation of sentence
Sacramento --	April 15, 1936	4 applications for pardon	8 applications for pardon
San Francisco	May 18, 1936	5 applications for pardon	1 application for commutation of sentence
		2 applications for commutation of sentence to time served	2 applications for pardon
Los Angeles --	July 2, 1936	4 applications for pardon	12 applications for pardon
			1 application for commutation of sentence
			1 application for pardon or commutation of sentence

Table—Continued.

<i>Place of Meeting</i>	<i>Date 1935</i>	<i>Favorable Recommendations</i>	<i>Unfavorable Recommendations</i>
Sacramento---	Aug. 27, 1936	5 applications for pardon	7 applications for pardon
San Francisco	Sept. 30, 1936	1 application for pardon	1 application for pardon or commutation of sentence
Sacramento---	Oct. 22, 1936		3 applications for pardon
Los Angeles---	Nov. 27, 1936	2 applications for pardon	3 applications for pardon
		2 applications for pardon	10 applications for pardon
			3 applications for pardon or commutation of sentence
		54 Favorable Recommendations.	154 Unfavorable Recommendations.

All of which is respectfully submitted.

#### ADVISORY PARDON BOARD.

GEORGE J. HATFIELD, Lieutenant Governor, Chairman.  
 U. S. WEBB, Attorney General.  
 COURT SMITH, Warden, San Quentin Prison.  
 C. A. LARKIN, Warden, Folsom Prison.  
 C. S. MORRILL, Chief, Division of Criminal  
 Identification and Investigation.

PAUL YARWOOD, Secretary.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 78—An act to amend section 479 of the Agricultural Code, relating to market milk;

Assembly Bill No. 602—An act to amend the Political Code by adding thereto a new section to be numbered 4049.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes;

Assembly Bill No. 795—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 48a, 49a and 57 and by repealing section 133.1 thereof and by adding a new section thereto to be numbered section 39.1, relating to the definition and regulation of the business of banking;

Assembly Bill No. 862—An act to amend sections 488, 490 and 587 and to repeal section 489, Agricultural Code, relating to milk;

Assembly Bill No. 906—An act to amend section 23 of the District Investigation Act of 1933 so as to exclude sanitary districts, county sanitation districts, fire protection, local health, garbage disposal and county fire protection districts from the operation of said act;

Assembly Bill No. 1200—An act to amend sections 112, 116, 121 and 123 of the Vehicle Code, and to repeal sections 114, 115 and 118 thereof, relating to the California Highway Patrol;

Assembly Bill No. 1432—An act to amend sections 7, 8, 18 and 20 of the "Inheritance Tax Act of 1935," relating to inheritance taxation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1440—An act to amend sections 2 and 3 of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1688—An act to add a new section to the Code of Civil Procedure, to be numbered 1196a, relating to judgment by default.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2162—An act to add section 5895 to the Agricultural Code relating to labeling of dairy products.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1218—An act to amend sections 27, 290, 703, 704 and 705 of the Vehicle Code, relating to fees and weights of vehicles.

Assembly Bill No. 1223—An act to amend sections 81, 504, 541, 552, 550, 570, 590 and 602 of, and to add sections 512 and 598 to, the Vehicle Code, relating to vehicles, the operation and equipment thereof, and vehicle license to operate thereto.

Assembly Bill No. 1230—An act to amend section 608 of the Agricultural Code relating to cheese standards.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2398—An act to amend the Code of, and to add sections 2.2, 2.3, 2.4, 2.5 and 4 to, an act entitled "An act authorizing any city, city and county, county, town, municipality or political subdivision to declare public nuisance, property offered for sale for the improvement of certain communities," approved June 4, 1915, relating to authorizing cities, counties, cities and counties and other political subdivisions to sell and otherwise dispose of real property located in the same.

Assembly Bill No. 2547—An act to amend section 4875 of the Fish and Game Code, relating to use of trout net or traps.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1072—An act to amend section 11 of an act entitled "An act to authorize the counties of the State to contract for certain services, for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, for the purchase of bonds for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1934, relating to a county peace officers retirement system.

Assembly Bill No. 1129—An act to add sections 6160.7 to and amend section 6160.6 of the Code of Civil Procedure, relating to the sale of real property, "An act fixing the price, terms and conditions of sale of real property owned by and for the State, and providing for possession of and management of real estate under the same," approved May 19, 1927, relating to the sale of real property.

Assembly Bill No. 1412—An act to amend sections 1, 2, 4, 6 and 8 of an act entitled "An act defining public weighmasters, describing how to be licensed, prescribing rules and regulations governing the practice of his office, prescribing a bond and fixing the amount thereof, and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, relating to public weighmasters.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 41—Uttering equal opportunity in public employment for qualified physically handicapped citizens of the State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.



Assembly Concurrent Resolution No. 41 read first time, and referred to Committee on Social Security.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 61.—An act to amend sections 67 and 68 of the Fish and Game Code, relating to fish and game districts, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 93.—An act to amend section 3.110 of the School Code, relating to the establishment of kindergartens;

Assembly Bill No. 290.—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending sections 2, 3, 4 and 16 and by adding thereto certain new sections to be designated sections 2a, 2b, 2c, 2d, 2e and 2f, respectively, relating to and providing for a civil service system for said district;

Assembly Bill No. 395.—An act to amend section 537e of the Penal Code, relating to the purchase or sale of manufactured articles from which identification marks have been removed;

Assembly Bill No. 662.—An act to amend section 80 of the Agricultural Code, relating to agricultural districts;

Assembly Bill No. 684.—An act to amend section 5.190 of the School Code, relating to health and development certificates;

Assembly Bill No. 931.—An act to amend section 396b of the Code of Civil Procedure, relating to transfer of civil actions;

Assembly Bill No. 942.—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes;

Assembly Bill No. 982.—An act to amend section 5.502 of the School Code, all relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 61 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 93 read first time, and referred to Committee on Education.

Assembly Bill No. 290 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 395 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 662 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 684 read first time, and referred to Committee on Education.

Assembly Bill No. 931 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 942 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 982 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2626.—An act to amend section 2 of the act entitled "An act to regulate the method of nominating, voting for and electing candidates for judicial offices at primary and general elections by giving each office a designated number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election," approved May 2, 1927, relating to the method of nominating, voting for and electing candidates for judicial offices at primary and general elections;

Assembly Bill No. 2724.—An act relating to the preservation, care and display of foods.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2626 read first time, and referred to Committee on Elections.

Assembly Bill No. 2724 read first time, and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1735—An act to amend an act entitled "An act authorizing the judges of the superior court in all counties, and cities and counties having a population of 200,000 inhabitants and over, to appoint a secretary," approved March 26, 1895, as amended, by adding thereto a new section to be designated section 3, providing for the compensation for the secretary in counties, or cities and counties, having a population of 900,000 inhabitants or more.

Assembly Bill No. 1740—An act to amend section 718 of the Code of Civil Procedure, relating to witnesses.

Assembly Bill No. 1748—An act to amend section 471 of the Agricultural Code, relating to definitions of milk.

Assembly Bill No. 1934—An act to add section 614 to the Alcoholic Beverage Control Act, relating to minors.

Assembly Bill No. 2117—An act to amend section 7 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 26, 1931, relating to the duties of the State Fire Marshal.

Assembly Bill No. 2307—An act to amend section 476 of the Code of Civil Procedure, relating to summary judgments.

Assembly Bill No. 2392—An act permitting for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas, providing for the duration and terms of such franchise and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DAVIS, Vice Assistant Clerk.

Assembly Bill No. 1735 read first time, and referred to Committee on County Government.

Assembly Bill No. 1740 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1748 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1934 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 2117 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2307 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2392 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 81—An act to amend section 1497 of the Political Code, relating to election ballots.

Assembly Bill No. 506—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of the term "employer".

Assembly Bill No. 715—An act to add two new sections, to be numbered 1000a and 1000b to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

Assembly Bill No. 1121—An act to amend sections 737c and 4240 of the Political Code, relating to the compensation of public officers.

Assembly Bill No. 1235—An act to amend section 7 of, and to add section 7.5 to, the Alcoholic Beverage Control Act, relating to licenses.

Assembly Bill No. 1576—An act relating to disposition of funds in the hands of the Fiscal Agent of the State;

Assembly Bill No. 1704—An act to amend section 42 of the Probate Code, relating to bequests and devises;

Assembly Bill No. 1764—An act to amend sections 16 and 75 of the "Improvement Act of 1911," approved April 7, 1911, as amended.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 81 read first time, and referred to Committee on Elections.

Assembly Bill No. 506 read first time, and referred to Committee on Social Security.

Assembly Bill No. 715 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1121 read first time, and referred to Committee on County Government.

Assembly Bill No. 1235 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1576 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1704 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1764 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1029—An act to amend section 995 of the Penal Code, relating to indictments and informations;

Assembly Bill No. 1935—An act to amend sections 518 and 519 of the Penal Code, relating to extortion;

Assembly Bill No. 1044—An act to amend section 1 of "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1921, relating to exhibits in criminal cases;

Assembly Bill No. 1162—An act to amend section 1191 of the Penal Code, relating to time for pronouncement of judgment;

Assembly Bill No. 1164—An act to amend sections 1203.1 and 1203.3 of the Penal Code, relating to power of the court to fix conditions of probation;

Assembly Bill No. 1228—An act to amend sections 510, 511, 512, 513, 515 and 593 of the Agricultural Code, relating to ice cream and similar frozen products;

Assembly Bill No. 1368—An act to transfer the Folsom State Hospital from the Department of Institutions to the State Board of Prison Directors, to amend section 154 and to repeal Chapter 2 of Part 4 in Division VI, comprising sections 6850 to 6855, inclusive, of the Welfare and Institutions Code.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1029 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1035 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1044 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1162 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1164 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1228 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1368 read first time, and referred to Committee on Prisons and Reformatories.

## ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2062—An act to add section 2225 to the Civil Code, relating to trusts;

Assembly Bill No. 2554—An act relating to the use of lands dedicated for park purposes;

Assembly Bill No. 2854—An act to authorize the creation of the State of California to establish systems for the retirement and pension of certain county officers, and employees, namely: county Assessors and their workmen are entitled to the act, and to provide certain benefits for their dependents and supervising county boards of supervisors to levy a special tax.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 RE H. ARTHUR DENNETT, Assistant Clerk.

Assembly Bill No. 2062 read first time and referred to Committee on Judiciary.

Assembly Bill No. 2554 read first time and referred to Committee on Conservation.

Assembly Bill No. 2854 read first time and referred to Committee on County Government.

**Consideration of Daily File.****Second Reading of Senate Bills.**

**Senate Bill No. 681**—An act to authorize and direct the Division of Water Resources of the Department of Public Works in prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 681 were read and adopted:

**Amendment No. 1.**

On page 1, line 5 of the title of the printed bill, strike out the word following the word "Project", and insert in lieu thereof the following: ", and making an appropriation therefor."

**Amendment No. 2.**

On page 1 of the printed bill, between lines 8 and 9 insert the following:  
 "Sec. 2. In addition to any sums otherwise appropriated for the use of the Division of Water Resources of the Department of Public Works, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the purpose of carrying out the provisions of this act, and the State Controller is hereby directed to draw warrants upon such and from time to time upon demand of the Division of Water Resources of the Department of Public Works and the State Treasurer is hereby directed to pay such warrants."

**Amendment No. 3.**

On page 1, line 9, of the printed bill, strike out "2" and insert in lieu thereof the figure "3".

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 636**—An act to amend sections 2, 3, 4, 9, 10, 11, 17, 19 and 22 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 2091**—An act to amend section 3491 of, and to add section 3491.2 to, the Political Code, relating to reclamation districts and declaring the urgency thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Assembly Bill No. 2091 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out the following: “, and to add section 3491.2 to,”.

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, before the word “reclamation”, insert the following: “elections in”.

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, strike out the words “and declaring the urgency thereof”.

**Amendment No. 4.**

On page 1, line 5, of the printed bill, strike out the comma after the word “place”, and strike out the word “or” where it first appears in said line 5.

**Amendment No. 5.**

On page 1, line 10, of the printed bill, after the word “each”, insert the following: “one”.

**Amendment No. 6.**

On page 1, line 12, of the printed bill, strike out “last”, and insert in lieu thereof the following: “next preceding”.

**Amendment No. 7.**

On page 2, line 2, of the printed bill, after the word “the”, where it last appears, insert the following: “verified petition of 20 per cent of the landowners in the district holding title or evidence of title to and owning at least 20 per cent in value of the lands in the district, the value thereof to be determined from the next preceding assessment roll of the county”.

**Amendment No. 8.**

On page 2, line 7, of the printed bill, strike out the words “application of any landowner in the district”.

**Amendment No. 9.**

On page 2 of the printed bill, strike out all of lines 51 and 52; and strike out all of page 3.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 761**—An act to amend sections 8, 9, 12 and 14 of an act entitled “An act to promote drainage,” approved March 18, 1885, relating to drainage districts and to the manner of levying and collecting district assessments therein.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 762**—An act authorizing suits against the State to quiet title against it to swamp and overflowed lands by certain persons entitled to the benefits of an act entitled “An act for the protection of settlers on public lands claimed by the State,” approved March 10, 1874.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 763**—An act to add a new section to the Political Code to be numbered 3454½, relating to actions by or against reclamation districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2092**—An act to amend sections 2 and 3 of an act entitled "An act defining henceforth the exterior boundaries of Reclamation District No. 108, situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and transferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district, providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108 defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as described in this act, in the event that said assessment is not tried before this act shall take effect."

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1728**—An act to amend section 8 and to repeal sections 4, 33 and 34 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class" approved May 27, 1919, relating to elections in cities of the fifth and sixth class.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Bill No. 1728 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the numeral "4", and the comma which follows it.

##### Amendment No. 2.

On page 2, line 33, of the printed bill, strike out the numeral "4", and the comma which follows it.

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

#### Senator DeLap in the Chair.

At ten o'clock and seventeen minutes p.m., Senator DeLap of the seventeenth district was called to the chair.

**Motion.**

On motion of Senator McBride, Senate Bill No. 186 was ordered placed on the unfinished business file.

**Third Reading of Senate Bills.**

**Senate Bill No. 665**—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 665 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 665 ordered transmitted to the Assembly.

**Senate Bill No. 59**—An act to add section 6.5 to the State Narcotic Act, relating to addiction to the use of habit forming, narcotic and other dangerous drugs and substances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Law, McCormack, McGovern, Metzger, Mixter, Parkman, Phillips, Quinn, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Senate Bill No. 59 ordered transmitted to the Assembly.

**Senate Bill No. 228**—An act to amend section 788 of the Fish and Game Code, relating to crabs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Law, Metzger, Mixter, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Wagy, Westover, and Young—24.

**NOES**—None.

Title read and approved.

Senate Bill No. 228 ordered transmitted to the Assembly.

**Senate Bill No. 1014**—An act to amend section 647 of the Penal Code, relating to definitions of vagrants.

**Amendment from the Floor.**

During third reading of Senate Bill No. 1014, the following amendment, offered by Senator Parkman, was read and adopted:

**Amendment No. 1.**

On page 2, line 8, of the printed bill, strike out "habitually".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 1015**—An act to amend section 602 of the Penal Code, relating to criminal trespass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1015 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Dene, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Law, McElroy, McEwen, Miller, Nelson, Parkman, Phillips, Pomeroy, Quinn, Schettky, Seawell, Wagon, Westover, and Young—25.  
**NOES**—Senator Keating—1.

Title read and approved.

Senate Bill No. 1015 ordered transmitted to the Assembly.

**Senate Bill No. 557**—An act to amend section 37A) of the Political Code, relating to the Department of Natural Resources.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 557 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Dene, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Law, McElroy, McEwen, Miller, Nelson, Parkman, Phillips, Pomeroy, Quinn, Schettky, Seawell, Wagon, Westover, W. Wagon, and Young—26.  
**NOES**—None.

Title read and approved.

Senate Bill No. 557 ordered transmitted to the Assembly.

**Senate Bill No. 979**—An act to amend section 20) of the California Real Estate Act, relating to subdivisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 979 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Dene, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Law, McElroy, McEwen, McGovern, McEwen, Nelson, Parkman, Phillips, Pomeroy, Quinn, Schettky, Seawell, Slater, Tackle, Westover, and Young—29.  
**NOES**—Senator Wagon—1.

Title read and approved.

Senate Bill No. 979 ordered transmitted to the Assembly.

**Notice of Motion to Reconsider.**

Senator Fletcher gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 979 was passed.

**President Pro Tempore in the Chair.**

At eleven o'clock and twelve minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.



**Assistant Secretary Howard McIntire at the Desk.****Unfinished Business.**

**Assembly Bill No. 2607**—An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contribution to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2607 passed by the following vote:

**AYES.** Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Knowland, McBride, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29

**NOES.** Senators Hays, Keough, and Law—3.

Title read and approved.

Assembly Bill No. 2607 ordered transmitted to the Assembly.

**Senate Bill No. 90**—An act to amend section 1340.6 of the Fish and Game Code, relating to bears.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 90.

**Amendment No. 1.**

On page 1, line 3, of the printed bill, strike out the words "November 1", and insert in lieu thereof the following: "October 15".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 90?

The roll was called, and Assembly amendment to Senate Bill No. 90 concurred in by the following vote:

**AYES.** Senators DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover and Williams—33.

**NOES.** Senator Young—1.

Senate Bill No. 90 ordered to enrollment.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Gordon moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1101 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 1101 reconsidered by the following vote:

**AYES.**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McCor-

mack, Metzger, Nielsen, Parkman, Phillips, Pirovich, Rack, Seawell, Strong, Westover, and Young—25.

Noes—Senators Garrison, Hays, Lusk, McGill, Powers, Quinn, Schottky, Slater, Tickle, Wagy, and Williams—41.

### Consideration of Senate Bill No. 1101.

**Senate Bill No. 1101**—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1101, the following amendments, offered by Senator Garrison, were read and ordered printed in the Journal.

##### Amendment No. 1.

On page 1, line 23, of the printed bill, as amended, strike out "and no more than \$5,000 may be expended"

##### Amendment No. 2.

On page 1, line 24, of the printed bill, as amended, strike out "a county fair", and insert in lieu thereof the following: "county fairs to not one county".

Senate Bill No. 1101 ordered placed on the unfinished business file.

### Consideration of Motion to Reconsider

Pursuant to the motion given on a previous day, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby his amendment to Senate Bill No. 425 was refused adoption.

The question being on the adoption of the motion to reconsider.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Phillips, Pirovich and Daniel. The roll was called, and Senator Phillips' amendment to Senate Bill No. 425 refused reconsideration by the following vote:

AYES—Senators Biggar, DeLap, Phillips, Schottky, Westover, and Young—6.

NOES—Senators Crittenden, Cunningham, Daniel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McGill, Metzger, Mixer, Nielsen, Parkman, Pirovich, Powers, Quinn, Rack, Seawell, Slater, Tickle, Wagy, and Williams—28.

### Third Reading of Assembly Bills.

**Assembly Bill No. 1864**—An act to amend sections 1205, 1357, and 1359 of the Political Code, relating to absentee voters and marking of ballots.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1864, the following amendments, offered by Senator Powers, were read and adopted:

##### Amendment No. 1.

On page 2, line 27, of the printed bill, as amended, strike out "or for", strike out lines 28, 29 and 30, and in line 31, strike out "cinct".

##### Amendment No. 2.

On page 4, lines 30 and 31, of the printed bill, as amended, strike out "in either instance on account of physical disability", and insert in lieu thereof the following: "by reason of disability as provided by law".

##### Amendment No. 3.

On page 4 of the printed bill, as amended, between lines 40 and 41, add the following: "by making a cross (+)".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2684**—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 31. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately.

The facts constituting the necessity are the dangers to the State and to the people involved in the unusually large number of foreclosures, sales, forfeitures and terminations which will result in the near future under mortgages, deeds of trust, and contracts of purchase of real property, or upon chattels attached to real property, because of defaults in payments by the owners or purchasers of such property. Such defaults are the result of exceptionally depressed conditions in this State, which have deprived a large proportion of the landowners and land purchasers of sufficient income to meet their obligations. The dangers in the situation are such as to threaten the maintenance of law and order, and to tend to the perpetuation of many persons who have hitherto constituted an important part of the self-supporting and economically independent people of this State. This act will provide a means for delaying such sales, foreclosures, terminations and forfeitures so as to permit landowners and land purchasers to find means of meeting their obligations, and at the same time will protect the interests of creditors. The dangers mentioned will thus be avoided.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jaspersen, Knowland, Law, McBride, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—Senators Hays, Keough, Metzger, and Rich—4.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2684 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jaspersen, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

**NOES**—Senators Hays, Keough, Quinn, Rich, and Williams—5.

Title read and approved.

Assembly Bill No. 2684 ordered transmitted to the Assembly.

**Assembly Bill No. 2840**—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of

section 1 of Article IV of the Constitution, and shall therefore be of immediate effect.

The facts constituting the necessity are as follows: A severe economic depression has long existed and now exists throughout the State, rendering many of its citizens unable to pay the principal sum of their indebtedness to advertising business concerns. As a result thereof, through foreclosure actions, they are being divested of their property. The provisions of the real property mortgage foreclosure statute are being evaded by persons who in addition to the security afforded by real estate mortgages and deeds of trust on real estate, the said charged mortgagors to secure the same obligation. Consequently the evil sought to be corrected by statutes relating to foreclosure on mortgages and deeds of trusts on real estate can not be completely effective unless the situation covered by this act is remedied.

Urgency clause read

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Croswell, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keating, Law, McBrinn, McCall, McConna, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Wagy, Westover, and Young—27.

**NOES**—Senators Hays, Hohman, Keough, Mixer, Rich, Schatzky, Wagy, and Williams—8.

Further action deferred.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 4, 1937.

MR. PRESIDENT: Your Committee on Rules to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, MAY 3, 1937.

To the Honorable Members of the Senate:

State of California, Sacramento, California.

GREETINGS: I have the honor to inform your honorable body that, pursuant to section 2 of Article XXIV of the Constitution of the State of California I have this day appointed Harry Lutgens as a member of the State Personnel Board, vice A. F. Stockburger, term expired, and request your advice therein and consent thereto.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully request the other body had recommends that the appointment be confirmed.

Committee membership—5; committee vote: Ayes—4; noes—1.

RICH, Chairman.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Knowland moved that the Senate confirm and consent to the appointment of Harry Lutgens as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Harry Lutgens?"

The roll was called, with the following result:

**AYES**—Senators Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Hohman, Jepsen, Keating, Keough, Knowland, Law, McCall, McConna, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Wagy, Westover, and Young—30.

**NOES**—None.



**Appointment Confirmed.**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Harry Lutgens as a member of the State Personnel Board.

**Motion.**

On motion of Senator Knowland, Assembly Bills Nos. 2825 and 811 were ordered placed on the unfinished business file.

**Recess.**

At twelve o'clock and twenty-eight minutes p.m., on motion of Senator Knowland, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

**Message from the Assembly.**

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1674—An act to amend sections 1170, 1172, 1173, 1174, 1175, 1178, 1191, 1192, 1196, 1200, and 1201 of the Insurance Code, and to add section 1180 thereto, all relating to investments by insurers.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1674 read first time, and referred to Committee on Insurance.

**Call of the Senate.**

Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Garrison, Gordon, Hollister, Holohan, Keating, McColl, McGovern, Metzger, Rich, Slater, Westover, and Williams—12.

The Secretary announced the absentees.

Time, two o'clock and three minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1007—An act to add section 4041.14a to the Political Code, relating to community theaters;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 4, 1937.

MR. PRESIDENT: Your Committee on Education, Literature and Printing has examined:

Senate Joint Resolution No. 18. Relative to authorizing the President and the Congress of the United States to take action to remove producers of agricultural products which have been damaged by freezing;

Senate Bill No. 322—An act to amend section 1027 of the Political Code, relating to the Great Seal of the State of California;

Senate Bill No. 424—An act to add two new sections to the School Code to be numbered 4194 and 4252, relating to instruction in the public schools;

Senate Bill No. 1067—An act to amend section 4235 of the Political Code, relating to the compensation of county officers in such other counties;

Senate Bill No. 1140—An act to authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collection and to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds;

And reports that the same have been correctly expressed.

KEOUGH, Chairman.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twelve minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Metzger.

### Message from the Assembly

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that, pursuant to the Senate's request, the Assembly passes hereon:

Senate Bill No. 466—An act to amend sections 705, 882, 1560, 1561, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add sections 1683 thereto, all relating to insurance, and declaring the urgent necessity that the act be taken effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANKS, Assistant Clerk.

### Motion to Rescind.

Senator Hays moved to rescind the action of the Senate in passing Senate Bill No. 466.

The question being on the motion to rescind.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Hays moved a roll of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holcomb, Jassonson, Keating, Law, McColl, McGowan, Metzger, Phillips, Pirovich, Rich, Schottky, Slater, Swing, Westover, and Williams—29.

The Secretary announced the absentees.

Time, two o'clock and sixteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.**  
**Consideration of Daily File—(Resumed).**  
**Unfinished Business—(Resumed).**

**Senate Bill No. 757**—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

**Amendment from the Floor.**

During third reading of Senate Bill No. 757, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, after the word "shall", insert the words "charge and".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 425**—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48½, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

**Amendments from the Floor.**

During third reading of Senate Bill No. 425, the following amendments, offered by Senator Swing, were read and adopted:

**Amendment No. 1.**

On page 1, line 11 of the title of the printed bill, as amended April 28, 1937, strike out "57.5."

**Amendment No. 2.**

On page 1, line 12 of the title of the printed bill, as amended, after "beverages", insert", and to provide that this act shall go into effect immediately".

**Amendment No. 3.**

On page 2, of the printed bill, as amended, strike out all of lines 46 to 52, inclusive, and on page 3, strike out all of lines 1 to 17, inclusive, and insert in lieu thereof the following:

"(c) 'Wine' means, for the purposes of this act, the product obtained from the normal alcoholic fermentation of the juice of grapes or other agricultural products containing natural or added sugar, or any such alcoholic beverages fortified with grape brandy, fruit brandy or wine spirits and containing not more than twenty-four per cent of alcohol by volume, and shall include vermouth and sake, known as Japanese rice wine. Nothing herein contained shall be construed to affect or limit the power, authority or duty of the State Department of Public Health in the enforcement of the laws directed toward preventing the manufacture, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages, and the definition of 'wine' herein contained shall be limited strictly to the purposes of this

act and shall not extend to, or repeal by implication, any act preventing the manufacture, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages."

#### Amendment No. 4.

On page 10, line 37, of the printed bill, as amended, strike out the words "or warehouses".

#### Amendment No. 5.

On page 10, line 42, of the printed bill, as amended, strike out the words "or warehouse".

#### Amendment No. 6.

On page 10, line 45, of the printed bill, as amended, strike out the period, and add the following: "and provided that in case any violation of any provision of this act or of any regulation or order made by the board shall be committed by the exercise of the license privileges hereby authorized to be exercised by any such licensee, after, by the event such violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board making its ruling or decision, where such violation shall be found to be committed in connection with the operation of said branch office and not a violation by commerce with the manufacturing or the manufacturing premises, shall not suspend or revoke or interfere with the manufacturer's license privileges as owner of his place or manufacturing but shall limit the application of such license, commencing with this act, to and in connection with the particularly designated license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of manufacturing beer is performed, the board in making its ruling or decision in connection with any such violation shall limit any such license, commencing under this act, to and in connection with the premises from the premises of manufacture and to the particularly designated license in the event where a violation occurred, such as manufacturing, importing, exporting, storing, bottling, selling to wholesalers or selling to retailers, and any violation designated license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be affected or interfered with by such decision or by reason of such violation."

#### Amendment No. 7.

On page 12, line 11, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "and all provisions of this act relating to distilled spirits excise tax procedure shall".

#### Amendment No. 8.

On page 13, line 33, of the printed bill, as amended, after the word "have", insert the following: "or wine".

#### Amendment No. 9.

On page 15, line 27, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "except as otherwise provided or permitted in this act."

#### Amendment No. 10.

On page 18, line 35, of the printed bill, as amended, after "shall" strike out "or", and insert in lieu thereof "except".

#### Amendment No. 11.

On page 18, line 37, of the printed bill, as amended, strike out "except", and insert in lieu thereof "or".

#### Amendment No. 12.

On page 19, line 16, of the printed bill, as amended, after the word "hereby", insert the following: "and in the case of wine such statement shall be first presented or as hereafter be prescribed by the Treasury Department of the United States of America."

#### Amendment No. 13.

On page 21 of the printed bill, as amended, at the end of line 17, add the following: "Any person licensed as an importer of distilled spirits, who also has filed with the board a bond as provided by this section, shall not be required to file an additional bond by reason of the fact that said person is also licensed as an importer of wine and beer notwithstanding the provisions of section 25 of this act."

#### Amendment No. 14.

On page 21, line 34, of the printed bill, as amended, following the word "hereby", strike out the period, and insert in lieu thereof the following: "and provided that in the case of wine such statement shall be filed in accordance with the provisions of section 25b of this act."



**Amendment No. 15.**

On page 29, line 36, of the printed bill, as amended, strike out the words "at the licensed premises".

**Amendment No. 16.**

On page 32, line 23, of the printed bill, as amended, strike out "and 5", and insert in lieu thereof "5 and 9".

**Amendment No. 17.**

On page 32, line 27, of the printed bill, as amended, after "section", strike out the period, and insert in lieu thereof a semicolon.

**Amendment No. 18.**

On page 32 of the printed bill, as amended, between lines 29 and 30, insert the following:

"9. In addition to any other appropriation, one and one-half per cent of all moneys deposited from and after July 1, 1937, in the alcoholic beverage control fund, for expenditure by the board in carrying out the provisions of this act."

**Amendment No. 19.**

On page 32, line 30, of the printed bill, as amended, strike out "9", and insert in lieu thereof "10".

**Amendment No. 20.**

On page 41, line 12, of the printed bill, strike out the semicolon, and insert in lieu thereof "or for delivery without this State".

**Amendment No. 21.**

On page 44, line 39, of the printed bill, as amended, strike out "All beer in bottles or glass containers sold in"; and strike out lines 40 to 46, inclusive.

**Amendment No. 22.**

On page 45 of the printed bill, as amended, following line 19, and before line 20, insert the following:

"No unpasteurized beer contained in bottles, jugs or cans shall be sold or delivered to the holder of an on- or off-sale license in the State of California or sold therein under any such license, provided that nothing in this paragraph shall be construed to prohibit the possession or sale by a qualified licensee of draft or unpasteurized beer from or in metal or wood kegs of a size of one-quarter barrel or more, a barrel measurement under this paragraph to be 31 gallons."

**Amendment No. 23.**

On page 46, line 15, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; provided that this subdivision shall not be construed to prohibit any bona fide member of any cooperative buying organization which holds a wholesalers license under this act from owning and holding an off-sale distilled spirits license for premises other than the cooperative buying organization of which he is a member.

The provisions of this subdivision shall not apply to any off-sale distilled spirits license held or to be held by any wholesaler when such off-sale distilled spirits license is necessary to enable said wholesaler to operate or continue to operate any concession or leased retail stand in any hotel, which concession or stand is required to be operated by such wholesaler pursuant to any lease or contract entered into prior to the effective date of this subdivision and such retail off sale distilled spirits licenses may be issued to any such wholesaler for such premises and purposes."

**Amendment No. 24.**

On page 48, line 15, of the printed bill, as amended, after the word "that", strike out "such alcoholic beverage is first offered to", and strike out all of line 16, and in line 17, strike out the words "ten days before it is offered for sale to the public and".

**Amendment No. 25.**

On page 48 of the printed bill, as amended, at the end of line 20, strike out the period and add the following: "; provided further that such alcoholic beverage is first offered to the manufacturer or vendor thereof at the original invoice price at least ten days before it is offered for sale to the public."

**Amendment No. 26.**

On page 49, line 15, of the printed bill, as amended, after the word "payment", strike out "either by the fifteenth", and insert in lieu thereof "by the end".

**Amendment No. 27.**

On page 49, line 16, of the printed bill, as amended, strike out the words ", or not later than 60 days from".

**Amendment No. 28.**

On page 49, line 29, of the printed bill, as amended, after the word "infected", strike out "within", and insert in lieu thereof the words "not more than".

**Amendment No. 29.**

On page 50, line 7, of the printed bill, as amended, following the word "and", insert the word "such".

**Amendment No. 30.**

On page 52, line 23, of the printed bill, as amended, strike out "first", and in lieu thereof insert "first".

**Amendment No. 31.**

On page 52, line 26, of the printed bill, as amended, strike out "and" insert the following: "the calendar month preceding".

**Amendment No. 32.**

On page 52 of the printed bill, as amended, between lines 43 and 44, insert the following:

"Sec. 1014. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is or may be held to be unconstitutional, such decision shall not affect or annul the portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such decision, with section, clause, sentence or phrase of this act be declared unconstitutional."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 223**—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which late goods shall be sold by the State, and providing for institution of and punishment of offences under the same," approved May 19, 1927, relating to the price from the sale of late bags.

**Amendment from the Floor.**

During third reading of Senate Bill No. 223 the following amendment, offered by Senator Crittenden, was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, strike out "and", as it first appears in said line.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

The names of the absentees were called, and the motion to rescind the action of the Senate in passing Senate Bill No. 466 was carried by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLoe, Dwyer, Fletcher, Garrison, Gordon, Hays, Hollister, Hendon, Johnson, Keating, Keenard, Lee, McColl, McCormack, McGowan, Metzger, Mixon, Nickerson, Parsons, Phillips, Pirovich, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tucker, Wagy, Westcott and Williams—35.

**NOES**—Senator Keough—1.

Senate Bill No. 466 ordered placed on the unfinished business list.

**Third Reading of Senate Bills—(Resumed).**

**Senate Constitutional Amendment No. 5**—A resolution to propose to the people of the State of California an amendment to the Constitution

of the State by adding section 21 to Article XI thereof, relating to hospitals maintained by cities, counties, or cities and counties.

#### **Amendments from the Floor.**

During reading of S. C. A. No. 5, the following amendments, offered by Senator Crittenden, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 8, of the printed measure, strike out "city,".

##### **Amendment No. 2.**

On page 1, line 16, of the printed measure, strike out "city,".

##### **Amendment No. 3.**

On page 1, line 20, of the printed measure, after "hospitals," insert the following: "The provisions of this section insofar as they relate to persons other than indigents shall not apply to any county or city and county until a majority of the electors of such county or city and county voting on the question of the adoption of such provisions, in a manner to be prescribed by the Legislature, vote in favor of such adoption."

Senate Constitutional Amendment No. 5 read, ordered to reprint, re-engrossment, and on file.

#### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2518**—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensation insurance.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 2518, the following amendments, offered by Senator McGovern, were read and adopted:

##### **Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "3a of the Workmen's Compensation, Insurance and Safety Act of 1917," and insert in lieu thereof the following: "3212 of the Labor Code,".

##### **Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "3a of the act cited in the title hereof," and insert in lieu thereof the following: "3212 of the Labor Code,".

##### **Amendment No. 3.**

On page 1, line 3, of the printed bill, strike out "Sec. 3a," and insert in lieu thereof the following: "3212."

##### **Amendment No. 4.**

On page 1, line 27, of the printed bill, after the word "are", and before the word "compensable", insert the following: "presumed to be".

Bill read, ordered to print, and on file for third reading.

#### **Senator Schottky in the Chair.**

At two o'clock and twenty-nine minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

#### **Consideration of Special Order.**

The hour having arrived for the consideration of Assembly Bill No. 1177, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

**Assembly Bill No. 1177**—An act to amend the title of and sections 1, 2, 3, 4, 7, 9 and 10 and to add sections 7a, 7b, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents, the recovery of reimburse-

ment therefor and the punishment of persons falsely obtaining or attempting to obtain such aid or relief or who misappropriate or assist in misappropriating the same, and providing for aid by the State of California to the counties and cities and counties charged with the duty of providing aid and relief under said act.

#### Amendments from the Floor.

During the reading of Assembly Bill No. 1177 the following amendments, offered by Senator Pierovich, were read:

##### Amendment No. 1.

On page 6 of the printed bill, as amended, strike out lines 43 to 51, inclusive.

##### Amendment No. 2.

On page 7 of the printed bill, as amended, strike out lines 7 to 9, inclusive, and insert in lieu thereof the following: "and of laws passed, which is not."

#### Substitute Amendments from the Floor.

During third reading of Assembly Bill No. 1177, the following amendments, offered by Senator McGovern as substitute amendments, were read:

##### Amendment No. 1.

On page 2, line 47, of the printed bill, following the word after the word "defendant", strike out the words "but the defendant shall" and strike out all of line 48 on page 2 and insert in lieu thereof the following: "and the same shall be acknowledged under oath before any person authorized to administer oaths by the laws of the State of California, by such defendant. Any defendant who shall refuse to make any false, fraudulent or untrue material statement or declaration or any such declaration of eligibility shall be guilty of perjury."

##### Amendment No. 2.

On page 6 of the printed bill, as amended, strike out lines 43 to 51, inclusive, but on page 7, strike out lines 1 to 28, inclusive, and insert in lieu thereof the following:

"Each county or city and county in the State shall be financially responsible for providing the funds necessary to take care of the dependent pauperized persons who are completely and permanently disabled but such and all kinds of general employment within said county or city and county, provided, however, that the maximum furnished or paid under the provisions of this act during any one fiscal year by any said county or city and county, together with the cost of administration thereof, shall not exceed an amount equivalent to sixteen per centum of one per cent of the total assessed valuation of such county or city and county as determined by the State Board of Equalization for the previous year."

The State shall pay over and pay to the county or city and county, such funds as shall be otherwise needed to provide and care for indigent persons, however, that the State shall not advance or pay to any county or city and county any sum, under this section, for aid or relief furnished by said county or city and county to any person in any institution of said county or city and county."

The State may use moneys obtained from the Federal Government for this purpose as hereinafter provided.

It is hereby declared to be the duty and responsibility of the State of California to aid and assist all employable indigent persons residing in this State between the ages of 18 years and 65 years, who are not competent and incapable of assisting from following any kind of general employment but who, on account of unemployment existing in this State, are unable to obtain any kind of employment and who are without property, funds, income or other resources with which to sustain and maintain themselves and their dependents; provided, however, that those State officials who are charged by law with the responsibility of extending State aid and assistance to such persons may prescribe such rules and regulations for the supervision and control of all such employable indigent persons with respect to aid and they may receive from the State and not otherwise provided for by law."

#### President of the Senate in the Chair.

At three o'clock and two minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

The question being on the adoption of the substitute amendments offered by Senator McGovern.



**Ayes and Noes Demanded.**

A roll call was demanded by Senators McGovern, Mixer and Metzger on the adoption of the substitute amendments.

The roll was called, and the substitute amendments refused adoption by the following vote:

**AYES**—Senators Keating, McColl, McGovern, Metzger, Parkman, Seawell, Tickle, Westover, and Williams—9.

**NOES**—Senators Allen, Biggar, Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Knowland, Law, McBride, McCormack, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, and Young—30.

The question being on the adoption of the amendments offered by Senator Pierovich.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Pierovich, Jespersen and Westover on the adoption of the amendments offered by Senator Pierovich.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Keating, McColl, McGovern, Metzger, Olson, Pierovich, Powers, Rich, Seawell, Tickle, and Williams—14.

**NOES**—Senators Allen, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Knowland, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Waggy, Westover, and Young—25.

**Special Order.**

Senator Metzger moved that Assembly Bill No. 1177 be made a special order for Wednesday, May 5, 1937, at eleven o'clock a.m.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1177 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—45.

**NOES**—Senators Crittenden, McColl, McGovern, and Rich—4.

Title read and approved.

Assembly Bill No. 1177 ordered transmitted to the Assembly.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 579—An act relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the conservation of real property, rights of way, easements and other interests therein for the purposes of this act, repealing all acts or parts of acts inconsistent or in conflict therewith, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman

SENATE CHAMBER, SACRAMENTO, MAY 4, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined

Senate Bill No. 216. An act to add Chapter XX, engravings sections 852 to 852 4, inclusive, to Title III of Part II of the Penal Code, relating to the capture and arrest of persons accused of crime:

Senate Bill No. 145. An act to amend Article 14, and providing for the setting aside of a verdict upon the finding of a hung jury during any 1937 fiscal year, and the expunction of such verdicts (amended), approved April 22, 1929, and to add to Chapter 1 of Part III of Division IV of the Penal Code a new article to be known as Article 11, relating to compensation and immunity of funds by secret devices for unlawful carrying purposes.

And reports that two bills have been (verbally) amended, and introduced on the floor on the fourth day of May, 1937, as shown at back here.

REPORTER:—

Secretary Joseph A. Beek at the Desk.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 755.** An act to add Article 1a to Chapter 1 of Division III of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the canine or feline species.

#### Amendments from the Floor.

During third reading of Senate Bill No. 749, the following amendments, offered by Senator Sathell, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the 10th, and insert in lieu thereof the following:

"An act to provide regulation of establishments slaughtering animals or preparing meat food products for animals of the canine or feline species."

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out Lines 1 to 7, inclusive, and strike out all of pages 2, 3, and 4, and insert in lieu thereof the following:

SECTION 1. As amended by this act:

(a) "Establishment" means all premises where horses or other animals are slaughtered or otherwise prepared for dog food, cat food, or cut and dog food, cat food, and canaries prepared or manufactured for food for animals of the canine or feline species.

(b) "Animals" means all domestic and wild animals.

(c) "Slaughter" means kill and prepare for animal food.

(d) "Animal food" means substance and parts of same and other substance and meat food products prepared or manufactured for food for animals of the canine or feline species.

(e) "Federal inspection" means inspection authorized by the Bureau of Animal Industry of the United States Department of Agriculture.

(f) "State inspection" means inspection authorized by the State Department of Agriculture.

(g) "Approved municipal inspection" means inspection authorized by municipal cities, which inspection has been approved by the State Department of Agriculture.

(h) "Department of Health inspection" means inspection authorized by the State Department of Public Health.

SEC. 2. All establishments preparing animal dog food, cat food, or cut and dog food must operate under Federal inspection or State Department of Public Health inspection.

SEC. 3. All meat and meat products that bear the "inspected and passed" stamp of Federal, State, or approved municipal inspection, shall be accepted by the Department of Health as suitable for use in the manufacture of animal dog food, cat food, or cut and dog food.

SEC. 4. All establishments shall be maintained in a proper sanitary condition.

SEC. 5. All meat and meat by-products used in the manufacture or animal dog food or cat food or cut and dog food must be from animals inspected and passed as fit for animal food, by competent inspectors of either Federal, State, municipal approved or Department of Health inspection at time of slaughter and found to be free from disease.

SEC. 6. All other ingredients used in the manufacture of animal dog food, cat food, or cut and dog food must be clean, wholesome and edible.

SEC. 7. The finished product must be equal to or better than the minimum standards of quality as fixed by the Director of Public Health.

SEC. 8. The finished product must be properly labeled in accordance with the labeling requirements of the food and drug laws of the State of California.

SEC. 9. When any animal food is transported from a slaughtering plant operating under Federal, State, approved municipal or Department of Health inspection to a factory or a cannery preparing or manufacturing animal food for animals of the canine or feline species, such animal food, other than carcasses or parts of carcasses bearing the "inspected and passed" stamp of Federal, State or approved municipal inspection, shall be placed or packed in a can, pot, tin, canvas or other receptacle and the person preparing said animal food shall cause a label to be attached to said receptacle or covering under the supervision of any inspector, which label shall state that the contents thereof have been inspected and passed only for animal food and no inspection of animal food deposited or inclosed in said receptacle or covering in any establishment shall be deemed complete until such animal food has been sealed or inclosed in said receptacle or covering under the supervision of an inspector and such seal shall remain intact until opened in the factory or cannery by an inspector of the Department of Public Health.

SEC. 10. Nothing in this act shall restrict preparation for sale of animal food prepared and manufactured in an establishment operating under the inspection of the Bureau of Animal Industry of the United States Department of Agriculture.

SEC. 11. The Director of Public Health shall provide inspection in all establishments, except in establishments having Federal, State, or municipal approved inspection, in which animals are slaughtered or animal food is prepared or manufactured under this act. All parts of such slaughtered animals shall be retained in such manner as to preserve their identity until after a post mortem examination has been completed. Carcasses and parts found to be fit for animal food shall be marked with the phrase "inspected and passed only for animal food by Department of Health," and the number of the establishment where they were slaughtered. Carcasses and parts found unfit for animal food shall be marked conspicuously with the phrase "Department of Health inspected and condemned" and such condemned carcasses and parts shall be rendered unfit for animal food.

SEC. 12. For the purpose of this act, the Director of Public Health may employ persons who have passed a civil service meat or market inspectors examination, and who are skilled in the inspection of meat and animal food, and necessary additional employees, and he may utilize in the enforcement of this article any employee, agent or equipment of the department.

SEC. 13. No animal shall be slaughtered for animal food or prepared or manufactured in any establishment operating under the provisions of this act except during the presence of an inspector, and slaughter of animals and preparation of manufacture of animal food in any such establishment is forbidden on Sundays and legal holidays unless under special permit issued by the Director of Public Health.

SEC. 14. It is unlawful to offer for sale for human consumption the meat or animal food derived from any animal slaughtered, prepared, manufactured or otherwise handled in an establishment operating under the provisions of this act, and the Director of Public Health is hereby directed and empowered to seize and denature any such meat for animal food when found being offered for sale for human consumption.

SEC. 15. Any person desiring to engage in the slaughtering or preparing meat for animal food in conformity with this article shall apply to the Director of Public Health for inauguration of an inspection service in the establishment where said animals are to be slaughtered for animal food, prepared or manufactured. Such application shall be made in writing on a form supplied by said director and the applicant shall agree to comply with the provisions of this act and the regulations promulgated by the director. Upon the receipt of such application said director may make an inspection of said establishment and if found to be in a proper sanitary condition, he shall inaugurate an inspection service therein and give to each establishment an official number to be used to make the animal food prepared or manufactured therein. Such establishment may thereafter be known as "official animal food establishment No. . . ." and payment of a fee for such inspection service shall be made by the applicant in an amount designated by said director. Such fee shall be credited to the Department of Health fund and shall be sufficient to cover the total salaries, prevailing expenses and premiums on account of workmen's compensation insurance of all inspectors in such establishments. Such fee shall be paid every three months, in advance, on the first day of January, April, July, and October of each year. The director of Public Health may suspend inspection in an establishment for nonpayment of fee when due.

SEC. 16. The Director of Public Health shall make regulations for the execution of this act and shall promulgate regulations governing the standards of quality for animal food for animals of the canine or feline species.

SEC. 17. Every establishment where animals are slaughtered or meat is prepared or manufactured for animal food for animals of the canine or feline species



shall be maintained and operated in a sanitary manner and inspection conducted in accordance with the provisions of this act, and the regulations of the Director of Public Health, and in the event that an establishment is not so maintained and operated, the Director of Public Health may suspend inspection therefrom.

SEC. 18. All dog food, cat food, or cat and dog food sold in the State of California shall be equal to or better than the minimum standards of purity as fixed by the Director of Public Health and shall comply to all finally with the labeling requirements as provided by the Director of Public Health for the execution of this act.

SEC. 19. There is hereby created a Dog Food and Cat Food Inspection Board which shall be composed of five members, the Director of Public Health as chairman, the Director of the Hooper Foundation for Medical Research of the University of California, and three men who are respectively in and with substantial connections in and actively engaged in the raising of dogs, cats, or the time of their appointment to be appointed by the State Board of Health. The said three appointed members shall hold office for a term of one year or until their successors are appointed. Members of said board shall serve without compensation. It shall be the duty of said board, subject to approval of the State Board of Health, to determine one year of inspection to be carried on for the execution of this act.

Bill read, ordered to reprint, reengrossed, and on file for third reading.

### Withdrawal and Re-reference of Assembly Bill No 258

Senator Olson moved that Assembly Bill No 258 be withdrawn from Committee on Corporations and Financial Institutions and referred to Committee on Judiciary.

Motion entered, and such was the order.

### Notice of Consideration

Senator McGovern gave notice that on the next legislative day he would ask for consideration to take up from the unfinished business file Assembly Bill No 2826.

### Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred,

Assembly Bill No. 18—An act to amend section 527 of the Political Code relating to printed documents.

Assembly Bill No. 29—An act to amend section 237 of the Political Code relating to temporary officers and employees of the Senate and Assembly.

Assembly Bill No. 35—An act to amend section 2205 of the Political Code relating to reports and publications furnished to the State Library.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

#### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 2, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred,

Assembly Bill No. 2338—An act validating all proceedings taken for the formation of harbor districts of every kind and class, and validating the formation and existence of harbor districts of every kind and class.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.



## SENATE CHAMBER, SACRAMENTO, May 3, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 2845—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

## On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1225—An act to add section 53 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—4; noes—1; absent—4.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Senate Bill No. 373—An act to amend section 488 of the Vehicle Code, relating to accident reports;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

SLATER, Chairman.

## On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 341—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—3.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 234—An act to amend section 24 of, and to add sections 24.1 to 24.5, inclusive, to the State Bar Act, relating to admissions to the State Bar;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2674—An act to add section 15.5 to, and to amend section 17 of, an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering;

Assembly Bill No. 2679—An act to amend section 2898 of the Civil Code, relating to priority of mortgage or trust deed for price;

Assembly Bill No. 2682—An act to amend section 702 of the Code of Civil Procedure, relating to redemption of property;

Assembly Bill No. 2750—An act to amend section 544 of the Probate Code, relating to bonds of joint executors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 1136—An act to amend sections 52 and 54 of the Civil Code relating to denial of civil rights;

Has had the same under consideration, and respectfully reports the same back with

Committee membership—9; committee vote—Ayes—9.

HAYS, Chairman.

## On Federal Relations.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred

Assembly Joint Resolution No. 26—Relating to harmonizing the Federal and Congress to enact legislation providing for relief to overburdened and increased special assessment districts.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote—Ayes—3.

PHILLIPS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred

Assembly Joint Resolution No. 26—Relating to harmonizing the Federal and Congress to enact legislation providing for relief to overburdened and increased special assessment districts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote—Ayes—3.

PHILLIPS, Chairman.

## On Finance.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 46—An act to amend sections 457 and 458 of the Mineral Code, relating to the distribution of traffic received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the selling of coal, gas, phosphate, oil, oil shale, gas and coal in the United States";

Senate Bill No. 69—An act making an appropriation to maintain the San Diego harbor improvement fund for the amount transferred from that fund to the general fund pursuant to Chapter 217, Session of 1935;

Senate Bill No. 83—An act to amend section 4102 of the School Code, relating to an appropriation for vocational education;

Senate Bill No. 222—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a particular fund for the purchase of jute, to be manufactured at the State Prison at San Quentin" enacted March 9, 1885, relating to the revolving fund from the manufacture and sale of jute;

Senate Bill No. 292—An act making an appropriation for the purchase and removal of the James W. Marshall pioneer monument, and the James W. Marshall blacksmith shop;

Senate Bill No. 355—An act appropriating money for improved work equipment in the office of the Secretary of State.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote—Ayes—6; absent—3.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, piers, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10003 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1300 to 1309, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein;

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to the

Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein:

Senate Bill No. 249—An act to add Part 2, comprising Sections 3500 to 3752, including to Division VI and to add sections 10000 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 443—An act to add sections 125 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification, and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation:

Senate Bill No. 482—An act making an appropriation to provide land for the National State House:

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents:

Senate Bill No. 536—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California;

Senate Bill No. 592—An act to provide for housing adequate facilities and service for the establishment and operation of a telephone typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 190—An act making an appropriation to the Department of Institutions providing a workshop and saleroom for the adult blind in the city of San Diego:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 321—An act to amend sections 4, 15, 16, 30, 38, 43, 51, 52, 63, 65, 65½, 65½, 67, 76, 79, 95, 101, 108, and 109 of and to add sections 232, 233, and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System:

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1111—An act making an appropriation for the dredging of certain portions of San Diego Bay:

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

SWING, Chairman.



## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 356—An act to add section 195 to the Agricultural Code and to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment authorizing these provisions, approved June 5, 1933, relating to horse racing, declaring the urgency thereof, to take effect immediately.

Senate Bill No. 657—An act relating to appropriation for the building of a library to the building known as the annex to the State Printing Plant.

Senate Bill No. 1117—An act providing for the compilation of printing, binding, publishing and distribution of a State Blue Book, and providing various and specified details.

Has had the same under consideration, and respectfully requests the same time and amendments, and recommends that the amendments be adopted, and that it pass as amended.

Committee membership—4.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 704—An act to amend section 76 of the Agricultural Code and to repeal section 6944a of the Political Code, relating to the State Agricultural Society, contingent fund.

Senate Bill No. 891—An act to provide for the regulation and licensing of professional racing and race meetings, and to provide for the creation of the State Racing Board for the regulation, licensing and supervision of professional racing and wagering thereon, to provide penalties for violation of the provisions of this act, and to make an appropriation therefor.

Senate Bill No. 1002—An act to amend the act entitled "An act creating a revolving fund for the publication of bullet papers, providing for and appropriating money therefor," approved June 7, 1933, as amended, relating to the revolving fund, making an appropriation therefor and providing that it shall go into immediate effect.

Senate Bill No. 1113—An act relating to appropriation for the support of the University of California.

Has had the same under consideration, and respectfully requests the same time, and recommends that they do pass.

Committee membership—4.

SWING, Chairman.

## On Building and Construction.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Senate Bill No. 240—An act to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of an act entitled "An act providing for the regulation of building and defining the term contractor, providing the method of contracting, licensing in the business of contracting, and fixing the time for such license, providing the method of suspension and cancellation of such license, and providing the punishment for violation of the provisions of this act," approved June 11, 1933, relating to the business of contracting and the regulation and licensing of contractors. Has had the same under consideration, and respectfully requests the same time with amendments, and recommends that the amendments be adopted, but without further recommendation as to final disposition of the bill.

Committee membership—3, committee vote: Ayes—2, nays—1.

MEITZGER, Chairman.

## On Live Stock and Dairying.

## SENATE CHAMBER, SACRAMENTO, May 4, 1937

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 501—An act to amend sections 735, 735.1, 735.2, 735.3, 735.4, 735.5, 736, 736.1, 736.2, 736.3, 736.4, 737, 737.1, 737.2, 737.3, 737.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12 and the article headings of Articles II and IV of Chapter 10 of Division IV of the Agricultural Code, sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and 737.41 of the heading of Article III of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

POWERS, Chairman.

### Adjournment.

At five o'clock and ten minutes p.m., on motion of Senator Mixer, the President of the Senate declared the Senate adjourned until ten o'clock a.m., Wednesday, May 5, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, May 5, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Hobban, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, Young—40.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, May 4, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. M. Way, President of Stanislaus County Mutual Fire Insurance Co., of Modesto.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Erma Osgood, teacher, and the following students of the Bangor, Butte County, elementary school: Charles Boehme, Raymond Anderson, Robert Anderson, Alta Logan, and Elizabeth Osgood.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers of the eighth grade of the Colusa Elementary School: George Barnes, principal; Mrs. Coughran, teacher, and Mr. Sagen; and the following students: Peggy Wood, Grace Tom, Paul Ballard, Alfred Bruggman, Gino Caletti, Donald Draper, Frank Enos, Dominic Fusaro, Robert Groshong, Kenneth Heard, Edward Jones, Jimmie Middaugh, John Ramos, Eddie Ross, Roy Laws, Wesley Turner, Mary

Buckley, Eleze Butler, Carol Cook, Virginia De Luca, Jeanette Emhoff, Rose Garcia, Refugia Gomez, Ida Nemes, Aiko Sakamoto, Gloria Shuman, Helen Sugita, Leo Addy, Walter Boughness, Donald Clark, Bob Critchfield, Carroll Doty, Carl Elliot, Fred Goshup, Leland Moss, Charles Matlock, Merle McClain, Donald McNary, Edward Miller, Paul Scott, Garland Sivley, Harold St. Louis, Edgar Towner, Kenneth Younger, Virginia Berlin, Eva Carr, Alvera Colares, Gloria Griffin, Yoshiko Harada, Alberta Jameson, Mary Kanimaru, Frances Jones, Evelyn Montgomery, Barbara Ross, Mitsuye Sakamoto, Hans Svensson, Katherine Tadlock, and Charlotte Yarns.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator William R. Sharkey.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Hayes of El Centro, and Ray Richard of San Diego.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. W. Handwerker of Mishawaka, Indiana, and George H. Farnes of Fairchild.

### Consideration of Daily File

#### Second Reading of Senate Bills.

**Senate Bill No. 373**—An act to amend section 488 of the Vehicle Code, relating to accident reports.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1136**—An act to amend sections 52 and 54 of the Civil Code, relating to denial of civil rights.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 46**—An act to amend sections 444 and 445 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 20, 1930, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain."

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 69**—An act making an appropriation to reimburse the San Diego Harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to Chapter 217, Statutes of 1931.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 83**—An act to amend section 4402 of the School Code, relating to an appropriation for vocational rehabilitation.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 222**—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison

at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 292**—An act making an appropriation for the purchase and removal of the James W. Marshall pioneer museum collection and the James W. Marshall blacksmith shop, and for the purchase of land and the construction of a water system to be used in connection with the James W. Marshall Park.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 355**—An act appropriating money for fireproof vault equipment in the office of the Secretary of State.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 245**—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 246**—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 247**—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 248**—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 249**—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the

Bay of San Diego, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 443**—An act to add section 12.5 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 483**—An act making an appropriation to provide land for the Sonoma State Home.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 504**—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 536**—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 502**—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of the State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 190**—An act making an appropriation to the Department of Institutions providing a workshop and salesroom for the adult blind in the city of San Diego.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 190 were read and adopted.

#### Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "fifteen thousand dollars (\$15,000)", and insert in lieu thereof the following, "ten thousand dollars (\$10,000)".



**Amendment No. 2.**

On page 1 of the printed bill, following line 6, insert the following:

"SEC. 2. The sum herein appropriated shall be expended, and the industrial workshop and salesroom shall be managed, under the direction of the Director of Institutions.

The Director of Institutions is hereby authorized to acquire the property of any corporation, association, or club organized for the benefit of or assistance to the blind, if in his judgment such acquisition constitutes the most effective means of establishing or assisting in the establishment of such industrial workshop and salesroom for the adult blind."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Senate Bill No. 321**—An act to amend sections 4, 15, 16, 30, 38b, 43, 51, 52, 63, 65, 65b, 65c, 65d, 67, 76, 79, 95, 101, 108, and 109 of and to add sections 23a, 23b, and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with such other systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1111**—An act making an appropriation for the dredging of certain portions of San Diego Bay.

Bill read second time, ordered to engrossment and on file for third reading.

**Senate Bill No. 356**—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 356 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "13.5", and insert in lieu thereof the figure "13".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "13.5", and insert in lieu thereof the figure "13".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 3 to 12, inclusive, and insert in lieu thereof the following:

"SEC. 13. All fees, commissions, and other moneys received by the board shall be paid into the State treasury immediately upon receipt of the same and credited to a special fund hereby created, to be known as the "Fair and exposition fund." There is hereby appropriated annually out of said moneys the following: Thirty thousand dollars to the board to defray the expenses of the officers and employees provided for herein; one hundred twenty-five thousand dollars for the support of the California State Fair; one hundred twenty-five thousand dollars to the Los Angeles County Fair; fifteen thousand dollars to the Sixth District Agricultural Association of the State of California, for the purpose of holding a permanent exposition and exhibition of all citrus products and of all of

the industries and industrial enterprises, private and public, of every kind and nature of the State of California, with a view to securing, organizing, promoting and maintaining the same, to which there shall hereby be the charge of landowners and for the support of the buildings, land, grounds and other interests of the Sixth District Agricultural Association, of the holders of said interests, three per cent of the above deductions have been made; two per cent has previously been paid out of some certain fruit fairs defined in section 94 of the Agricultural Code. And two per cent of the agricultural associations or county fairs shall now be for the benefit of the said citrus fruit fairs upon the basis of the proportion of the amount contributed to such such fairs are held, and if not, some part of the fruit, then it shall consist of or sold some, forty per cent of such balance for the management of such district or combined county and district agricultural fairs. In witness whereof the State of California, the Sixth District Agricultural Association, and every citizen thereof, do hereby agree to be appropriated by any expenses under the supervision of the Department of Finance in the interest and for the purpose mentioned in section 94 of the Agricultural Code and other applicable provisions of law, and in such manner, manner as combined county and district agricultural fairs shall be held in any year, from sixty-five thousand dollars from the fair and expenditure fund in any one year. If in any year said forty per cent of such balance is less than eighty per cent of the amount of said forty per cent of such balance in the year 1935, then during and year the appropriation to all fairs shall be made on the basis of such ratio, the basis prescribed by section 12 of Chapter 760 of the Statutes of 1935 and by section 92 of the Agricultural Code. The balance of such balance in any year after all of the above deductions have been made is hereby allocated for necessary improvements upon the property of the State, either, among or between agricultural associations for that purpose, for permanent improvements, for support of State educational institutions devoted to agricultural and mechanical training of actual husbandry in such amounts as may be allotted by the State Board of the Department of Finance; provided, however, that twenty-five per cent of such funds is hereby appropriated, allotted and apportioned to the California Polytechnic School, and money may be expended without regard to fiscal years.

#### Amendment No. 4.

On page 1 of the printed bill, strike out the words "1941, 1942, 1943, and 1944" in line thereof the following: "The condition of existing buildings and equipment at State, county and agricultural district fairs and at State educational institutions devoted to agricultural and mechanical training, to actual husbandry, etc. institutions due to influx of visitors to the State of California by reason of the above deductions, planned during the coming years, and continued maintenance of such educational institutions, and it is necessary to provide facilities for the entry and convenience of persons attending such fairs or persons attending at such educational institutions."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 657**—An act making an appropriation for the addition of another story to the building known as the annex to the State Printing Plant.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 657 were read and adopted:

#### Amendment No. 1.

On page 1, line 4, of the printed bill, after the word "of", insert the following: "forty-seven thousand"; and after the word "construction", insert the following: "and equipment".

#### Amendment No. 2.

On page 1, line 6, of the printed bill, after the word "plant", strike out the period and insert the following: "to be expended by the Department of Finance in accordance with provisions of law."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1117**—An act providing for the compilation of, printing, binding, publishing and distribution of a State Blue Book, and repealing certain acts specified herein.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 1117 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, in section 3, strike out "All moneys received from the sale of such documents, after there has first been deducted a pro rata share of the costs of administering the office of the Supervisor of Documents, under supervision of the State Printer, shall be deposited monthly to the credit of the State printing fund".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 704**—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 891**—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1143**—An act making an appropriation for the support of the University of California.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 240**—An act to amend sections 2, 3, 3½, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Building and Construction, the following amendment to Senate Bill No. 240 was read and adopted:

**Amendment No. 1.**

On page 2, line 14, of the printed bill, preceding the phrase, "casual, minor, or inconsequential nature", strike out the word "a", and insert in lieu thereof the word "of".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 501**—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles 2 and 4 of

Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4 and the article heading of Article 3 of Chapter 10 of Division IV of the Agricultural Code relating to marketing of fluid milk and fluid cream, declaring the urgency of this act to take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Live Stock and Dairying the following amendments to Senate Bill No. 501 were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, strike out all of line 32, and insert in lieu thereof the following: "this chapter, by assessments to be paid by producers and distributors of fluid milk".

##### Amendment No. 2.

On page 2, line 36, of the printed bill, after the word "producers", insert the following: "distributors and retail stores".

##### Amendment No. 3.

On page 2, line 40, of the printed bill, after the word "distributors", insert the following: "retail stores and consumers".

##### Amendment No. 4.

On page 2, line 42, of the printed bill, after the word "distributors", insert the following: "retail stores and consumers".

##### Amendment No. 5.

On page 3 of the printed bill, strike out lines 18 to 51, inclusive.

##### Amendment No. 6.

On page 4 of the printed bill, strike out all of lines 1 to 41, inclusive, and insert in lieu thereof the following:

"SEC. 5. Section 736.4 of said code is hereby amended to read as follows:

##### Amendment No. 7.

On page 5, line 17, of the printed bill, after the word "distributors", insert the following: "and retail stores".

##### Amendment No. 8.

On page 5, line 27, of the printed bill, after the word "distributors", insert the following: "and retail stores".

##### Amendment No. 9.

On page 5 of the printed bill, strike out all of lines 40 to 52, inclusive.

##### Amendment No. 10.

On page 6 of the printed bill, strike out all of lines 1 to 52, inclusive.

##### Amendment No. 11.

On page 7 of the printed bill, strike out all of lines 1 to 52, inclusive, and insert in lieu thereof the following:

"SEC. 4. Section 736.1 of said code is hereby amended to read as follows:

736.1. (a) In any marketing area in this State where the director has not made an investigation for the purpose of determining whether or not the conditions in such marketing area necessitate, in order to effectuate the purposes of this chapter, the establishment of a stabilization and marketing plan for such area, the director shall, upon receipt of a petition requesting such investigation and signed by sixty-five per cent or more of the producers who are producing fluid milk commercially for sale within such marketing area and who produce not less than sixty-five per cent of the total volume of fluid milk produced commercially for such marketing area, make such an investigation.

736.1. (b) If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk or fluid cream, or both, for such area and issue a notice of public hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subjected to the provisions of such plan. The notice of hearing may be effected by mail, or by publication for five successive days in a newspaper of general circulation in the area designated and shall specify the time and place of such hearing, which shall not be held prior to ten days from the mailing, or from the final publication of such notice, provided, however, that if no daily newspaper of general circulation is published in the area designated, publication of notice for two successive weeks in



a weekly newspaper of general circulation in the area will be considered proper publication of notice. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter. If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all producers and distributors of record with the director, and subject to the provisions of such plan, declaring such plan in effect within thirty days from the date of such hearing."

**Amendment No. 12.**

Strike out all of pages 8 to 16, inclusive, of the printed bill.

**Amendment No. 13.**

On page 1 of the printed bill, strike out all of lines 1 to 6, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend sections 735.1, 735.4, 736.1 of Chapter 10 of".

Bill read second time, ordered to reprint, and re-referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1002**—An act to amend an act entitled "An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor," approved June 7, 1913, as amended, relating to the revolving fund, making an appropriation therefor, and providing that it shall go into immediate effect.

Bill read second time, ordered to engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 2338**—An act validating all proceedings taken for the formation of harbor districts of every kind and class, and validating the formation and existence of harbor districts of every kind and class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2845**—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 2845 were read and adopted:

**Amendment No. 1.**

On page 2, line 46, of the printed bill, strike out the word "deeds", and insert in lieu thereof the word "Deeds".

**Amendment No. 2.**

On page 2, line 46, of the printed bill, after the following: "Santa Barbara", insert the word "County".

**Amendment No. 3.**

On page 3, line 23, of the printed bill, strike out the word "least", and insert in lieu thereof the word "lease".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1225**—An act to add section 59 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 341**—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 234**—An act to amend section 24 of, and to add sections 24.1 to 24.5, inclusive, to the State Bar Act, relating to admissions to the State Bar.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 234 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "24.5" and insert in lieu thereof the following: "24.6".

##### Amendment No. 2.

On page 3 of the printed bill, as amended, after line 11, insert the following:

"Sec. 7. Section 24.6 is hereby added to the State Bar Act, to read as follows:

24.6. Nothing contained in subdivisions (5), (6) and (8) of section 24.2 of this act shall apply to any applicant who shall have started the study of law in good faith prior to the first day of July, 1937."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2674**—An act to add section 15.5 to, and to amend section 17 of, an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2679**—An act to amend section 2898 of the Civil Code, relating to priority of mortgage or trust deed for price.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2682**—An act to amend section 792 of the Code of Civil Procedure, relating to redemption of property.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2750**—An act to amend section 544 of the Probate Code, relating to bonds of joint executors.

Bill read second time, and ordered on file for third reading.

**Assembly Joint Resolution No. 26**—Relative to urging that the wages of those people employed on work-relief projects have their wages raised to the extent of the average increase in the cost of living.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Federal Relations, the following amendments to Assembly Joint Resolution No. 26 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed measure, strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "Congress and the Federal Relief Administration direct their consideration to the wages of employees on work-relief projects."

##### Amendment No. 2.

On page 1, line 12, of the printed measure, strike out the words "their efforts toward increasing the"; and strike out all of lines 13 and 14, and insert in lieu thereof the

following: "their consideration to the existing wages of employees on work-relief projects with particular reference to the increasing costs of living and differences in sizes of families, and".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 18**—An act to amend section 527 of the Political Code, relating to printed documents.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 29**—An act to amend section 237 of the Political Code, relating to temporary officers and employees of the Senate and Assembly.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 35**—An act to amend section 2295a of the Political Code, relating to reports and publications furnished to the State Library.

Bill read second time, and ordered on file for third reading.

### Third Reading of Senate Bills.

**Senate Bill No. 474**—An act to amend sections 737f, 737k, 737r, 737ff, and 737zz of the Political Code, relating to the compensation of judges of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McGovern, Mixter, Nielsen, Parkman, Phillips, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—27.

The Secretary announced the absentees.

Time, ten o'clock and twenty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Communication.

The following communication was received, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,

SACRAMENTO, CALIFORNIA, May 3, 1937.

*Honorable Ralph E. Swing,*

*Senate Chamber, State Capitol, Sacramento, California.*

Subject: PASSAGE OF APPROPRIATION BILLS PRIOR TO  
FINAL ENACTMENT OF BUDGET.

Request: No. 8522.

DEAR SENATOR SWING: You asked when will the Budget Bill have been "finally enacted" as that term is used in the provision of section 34 of Article IV of the Constitution which reads as follows:



"Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor. • • •"

It is our opinion that the term "finally enacted," as used in this section of the Constitution, means the time at which the Budget Bill, and every part thereof, becomes law. Thus, if the Governor signs the Budget Bill without amendments, it is finally enacted at the time of such signature. If he fails to sign the bill and does not return it to the Legislature within ten days, as provided in section 16 of Article IV, it is finally enacted at the end of such period (*Bennett Trust vs. Senate Speaker*, 113 Pac. 863).

If, however, he signs the bill, but, as is provided by section 34 of Article IV, he reduces or eliminates any one or more items of appropriation of money while approving other portions of the bill, we believe that the Budget Bill is not finally enacted until such time as the Legislature sustains or overrules his action with reference to these items.

It has been suggested that the Budget Bill is finally enacted when it has passed both houses of the Legislature. A careful consideration of the language of section 34 of Article IV leads us to the conclusion that this is not the case. Possibly the basis for the suggestion lies in the statement in the budget pamphlet of 1922 that this section is based on the budget provisions of the Maryland Constitution. The Constitution in that State expressly provides that the Budget Bill becomes law when it has passed both houses without further action by the Governor. A comparison of the provisions of our Constitution with that of Maryland clearly indicates that this feature of the Maryland Constitution was discarded by the authors of section 34 of Article IV. Section 34 contemplates that the Budget Bill will be signed by the Governor, that he may reduce or eliminate items of appropriation therein, and that the procedure with respect to his amendments therein shall be in every respect the same as in the case of any other bill.

The generally accepted definition of "enacted," with reference to the making of a law means, under almost all conceivable conditions, the exercise of the legislative power bringing the law into existence. An examination of our Constitution of this State indicates that the word as used in that sense throughout the document.

There are numerous cases, including *Lohme vs. Nye*, 156 Cal. 438, to the effect that the consideration of bills by the Governor is in his legislative capacity, that for such purpose he is part of the legislative department, and that in such consideration whether it be signing the bill, adding to or subtracting from the law without his signature, his action is a part of the legislative process. Such an interpretation is entirely consistent with both the letter and the spirit of section 34 of Article IV. We believe, therefore, that the Budget Bill can not properly be termed finally enacted until it is signed by the Governor.

A more difficult question is presented if the Governor signs the Budget Bill but reduces or eliminates any one or more of the items of appropriation therein. We have been unable to find a case in this State or other States which is exactly in point, and are, therefore, obliged to draw our conclusions from the language contained in section 34 of Article IV.

If "enacted" means the exercise of the legislative power bringing a law into existence, obviously a bill which is voted in toto is not finally enacted until the Legislature overrides the veto. So in the case of the reduction or elimination of an item of appropriation, the "legislative process" is not complete until reference to that bill until the Legislature (a) sustains the action of the Governor, (b) overrides his action, or (c) acquiesces in his action by adjourning without acting with reference thereto.

This interpretation is further strengthened by consideration of the purpose of the budget amendment as adopted in 1922. The intention was to vest in the Governor a high degree of control over the expenditures of the State. To accomplish this purpose, it was necessary to grant him a substantial amount of power over legislation involving appropriations. In *Wood vs. Brien*, 192 Cal. 273, at page 298, the court said:

"So far as his (the Governor's) control over the expenditures of the State is concerned, the recent amendment to the Constitution providing for an 'executive budget' has tremendously increased and widened his powers, which was undoubtedly the primal object of the people in voting for its adoption."

In furtherance of this end, and in addition to the power granted to the Governor to reduce or eliminate items of appropriation, it was provided that

"neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor"

until the Budget Bill has been finally enacted. The purpose of this provision is obvious, and the reason for it continues to exist until the Legislature has acted upon any item which has been reduced or eliminated. A different interpretation might lead to a situation where the Governor, after reducing an item for a certain purpose, and before the Legislature had acted on the reduction, might have presented to him a special appropriation bill for the same purpose. However willing he might be to sign such a bill, he could not know whether the Legislature might



subsequently override his action on the budget item, thus providing an excessive amount for the particular purpose. Likewise, individual legislators might well hesitate to vote upon such a bill until the action on the Budget Bill had become final.

It is our opinion, therefore, that the Budget Bill is not "finally enacted" until the legislative process is complete with respect to every part thereof and that no further action with reference thereto is possible either by the Governor or the Legislature.

We have examined the Histories and Journals of the various sessions of the Legislature since 1922, when section 34 of Article IV was amended to read as it does now, to determine what legislative precedents exist. In 1923, and again in 1929, the Budget Bill was signed by the Governor and one or more items therein reduced or eliminated.

In 1923, the Governor's message with respect to these items was delivered to the Assembly on May 7th, and his action in connection therewith sustained on May 8th. The Journal indicates that only two bills containing appropriations, Assembly Bills 1362 and 1363, were passed during this period. Later in the session both of these bills were passed by the Senate. Both bills were pocket vetoed by Governor Richardson.

In 1929, the message with reference to the Governor's action was received by the Assembly on Friday, April 5th, and his action was sustained on the next legislative day, Monday, April 8th. The only appropriation bill passed during the interval was Senate Bill No. 195 which later passed the Assembly. This bill was pocket vetoed by Governor Young. These bills were not accompanied by "emergency letters" from the Governor authorizing their passage prior to the final enactment of the Budget Bill.

Inasmuch as the bills in question were pocket vetoed, there is, of course, no record as to the reason for the veto.

We are unable to state whether or not this action upon the only appropriation bills we have been able to find which have been placed upon final passage in either house during such a period is a coincidence or whether it indicates that at least two Governors of this State have placed the same interpretation on this provision of section 34 of Article IV of the Constitution as is set forth by us in this letter.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By LAWRENCE G. ALLYN, Deputy.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 472**—An act to amend sections 44 and 130 of the Vehicle Code, relating to motor vehicles.

#### Amendments from the Floor.

During third reading of Senate Bill No. 472, the following amendments, offered by Senator Powers, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 1 of the title, and insert in lieu thereof the following: "An act to add section 44.1 to the Vehicle Code."

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 28, inclusive, and on page 2, strike out lines 1, 2 and 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 44.1 is hereby added to the Vehicle Code to read as follows: 44.1. "Authorized Emergency Vehicles used by Inspectors in Department of Agriculture." Any vehicle owned by the Department of Agriculture of the State of California and used by any supervising hide and brand inspector of such department in the enforcing of Article 3 or 5 of Chapter 1 of Division III of the Agricultural Code shall be classified as an authorized emergency vehicle."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Third Reading of Assembly Bills.

**Assembly Bill No. 2215**—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2215, the following amendments, offered by Senator Nielsen, were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, *as amended*, strike out the following "these certain parcels of real property", and insert in lieu thereof the following "that certain real property".

**Amendment No. 2.**

On page 1 of the printed bill, *as amended*, strike out all of lines 10 to 21 inclusive, and insert in lieu thereof the following:

"SEC. 2. Upon acquisition of the real property described in section 4 herein, the Department of Finance is authorized and directed to make the amount thereon available to agencies of the State upon such terms and conditions as may appear proper. In the event the beneficiaries described and herein, is awarded under a contract to purchase, sell, and all charges including their payment of interest, maintenance, repairs, alterations and other necessary expenditures, shall be paid or credited to the balance due upon the purchase price."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2743**—An act to amend section 4 of the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for local boards and creation upon public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, in portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2743, the following amendments, offered by Senator Powers, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "An act to amend the act to", and strike out lines 2 to 15, inclusive, and insert in lieu thereof the following: "1781 of the Labor Code, relating to the".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out all of the act used in the title hereof, and insert in lieu thereof the following: "1781 of the Labor Code".

**Amendment No. 3.**

On page 1, line 3 of the printed bill, strike out "Sec. 4a."

**Amendment No. 4.**

On page 2, line 4, of the printed bill, strike out "Sec. 4a", and insert in lieu thereof the following: "1781".

Bill read, ordered to print, and on file for third reading.

**Assembly Constitutional Amendment No. 6**—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council.



The question being on the adoption of the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

*Ayes.*—Senators Fletcher, Gordon, Slater, and Westover, 4.

*Noes.*—Senators Allen, Cunningham, DeLap, Deane, Hays, Hollister, Hobbs, Jorgensen, Keating, Kneeland, Lane, McBurn, Murray, Nielsen, Phillips, Pomeroy, Pomeroy, Quinn, Rich, Schotky, Seawell, Slater, Swing, and Wagner, 22.

Senate Bill No. 979 ordered transmitted to the Assembly.

### Appointment of Special Committee

The President announced, in accordance with the provisions of Assembly Concurrent Resolution No. 4, the appointment of Senators Pomeroy, Swing, and Nielsen.

### Senate Bill No. 1067 Stricken from the File.

By order of the President, Senate Bill No. 1067 was stricken from the file because it was ruled to be a skeleton bill.

### Motion.

On motion of Senator DeLap, Senate Bill No. 1127 was ordered placed on the unfinished business file.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 74.**—An act to amend section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Westover moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Cunningham, DeLap, Deane, Florence, Gordon, Hays, Hollister, Hobbs, Jorgensen, Keating, Kneeland, Lane, McBurn, McGovern, Murray, Nielsen, Phillips, Pomeroy, Pomeroy, Quinn, Schotky, Seawell, Slater, Swing, Tucker, Wagner, and Westover, 32.

The Secretary announced the absentees.

Time, eleven o'clock and five minutes a m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Unfinished Business.

**Senate Bill No. 55.**—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improve-



ments, and declaring the urgency hereof, and providing that it shall take effect immediately." approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 55.

##### Amendment No. 1.

On page 2, line 26, of the printed bill, strike out the word "and", and insert in lieu thereof the following: "on".

##### Amendment No. 2.

On page 2, line 30, of the printed bill, after the word "bond.", insert the following paragraph:

"Whenever interest is paid as authorized in this section upon any bond which does not provide for penalties for delinquencies in the payment of principal and interest, then and in that event, when, at any subsequent time, any installment of principal is paid, such payment must be accompanied by the payment of interest upon such installment of principal at the rate named in the bond from the date when such payment of principal became due to the date of actual payment, and the amount of such interest so paid shall be paid to the holder of the bond at the time when he surrenders the coupon on the bond for the installment of principal so paid. In all cases in which the interest coupons attached to any such bond (that is to say, a bond which does not provide for penalties for delinquency in the payment of principal or interest) have heretofore been paid but there still remains for payment one or more installments of principal upon such bond, then, and in that event, from and after July 1, 1937, the provisions of this act shall only be applicable to such bonds if there shall be paid to the officer charged with the duty of receiving payment on account of such bond, interest at the rate named therein, on the amount of the unpaid principal from the date such principal became delinquent, to said first day of July, 1937, and after said date, by the payment of semiannual interest at the rate named in the bond, upon the amount of unpaid principal upon such bond, computed from said first day of July, 1937, or from the last date to which any such interest was paid, as the case may be. Such interest shall be paid on or before the first day of January and July respectively, and upon such payment the provisions of this act shall be applicable to such bond until, but not beyond, the due date for the next payment of such interest, as hereinabove provided."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 55?

The roll was called, and Assembly amendments to Senate Bill No. 55 concurred in by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Westover, and Williams—32.

NOES—None.

Senate Bill No. 55 ordered to enrollment.

#### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 322**—An act to amend section 1027 of the Political Code, relating to the Great Seal of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Swing, Tickle, Westover, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 322 ordered transmitted to the Assembly.

**Senate Bill No. 1137**—An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof and providing for the appointment of one reporter secretary.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 1137 passed by the following vote:

**AYES**—Senators Allen, Baggart, Cunningham, DeLay, Dunn, Fletcher, Garrison, Gordon, Hays, Hollister, Hordman, Jorgensen, Keating, Kewland, Lusk, McBrink, McCall, McCormack, McGowan, Metzger, Milton, Packman, Phillips, Powers, Quinn, Schottky, Senwell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 1137 ordered transmitted to the Assembly.

**Senate Bill No. 424**—An act to add two new sections to the School Code, to be numbered 4194 and 4252, relating to instruction in the public schools.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 424 passed by the following vote:

**AYES**—Senators Allen, Baggart, Cunningham, DeLay, Dunn, Fletcher, Garrison, Gordon, Hays, Hollister, Hordman, Jorgensen, Keating, Kewland, Lusk, McBrink, McCall, McCormack, Metzger, Milton, Packman, Phillips, Powers, Quinn, Schottky, Senwell, Slater, Swing, Tickle, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 424 ordered transmitted to the Assembly.

#### Senate Joint Resolution No. 18.

Relative to memorializing the President and the Congress of the United States to take action to relieve producers of agricultural products which have been damaged by freezing.

**WHEREAS**, Due to unforeseen and unforeseeable weather conditions many agricultural products have been damaged by freezing, and many trees have been so damaged as to reduce their productivity for some time to come; and

**WHEREAS**, This condition is particularly acute as to the Avocado and Citrus fruit growers in San Diego County; and

**WHEREAS**, Without the normal crop income derived from these products the growers will have insufficient income to maintain their groves until production is restored; and

**WHEREAS**, Such loans may be made on excellent security and with a negligible risk of loss, and could profitably be made at an interest rate of 5 per cent, with payments to commence two years from the date of the loan; and

**WHEREAS**, No other source of such loans is available to the growers, now therefore be it

*Resolved, by the Senate and the Assembly of the State of California, jointly*, That the Legislature of said State urgently petitions and requests the President of the United States to provide by executive order for the relief of agricultural producers of this State whose crops have been damaged by recent freezing temperatures, such relief to be administered through the granting of loans or grants through the Resettlement Division of the United States Department of Agriculture, and be it further

*Resolved*, That said Legislature urgently petitions and requests the Congress of the United States to enact such additional legislation as may be required to effectuate the granting of such relief, and be it further

*Resolved*, That the Secretary of the Senate and he hereby is directed to transmit copies of this resolution to the President of the United States, the Vice President thereof, and to each Senator and Representative of the State of California in the Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 18 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—36.

**NOES**—None.

Senate Joint Resolution No. 18 ordered transmitted to the Assembly.

**Senate Bill No. 1131**—An act to add sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1131 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—31.

**NOES**—Senator Law—1.

Title read and approved.

Senate Bill No. 1131 ordered transmitted to the Assembly.

**Senate Bill No. 1097**—An act to add section 4041.14a to the Political Code, relating to community theaters.

Bill read third time.

#### Point of Order.

Senator Pierovich raised the point of order that, "The amendments to Senate Bill No. 1097 of April 8, 1937, were a violation of Rule 42 of the Standing Rules of the Senate."

#### Decision on Point of Order.

The President announced his decision, and declared the point of order not well taken.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1097, the following amendment, offered by Senator Seawell, was read and adopted:

#### Amendment No. 1.

On page 1, line 16, of the printed bill, as amended May 3, 1937, after the comma after the word "theater", add the following: "prior to January 1, 1937,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Assistant Secretary Howard McIntire at the Desk.

#### Senate Constitutional Amendment No. 27.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California, at its fifty-second regular session, commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California

that the Constitution of the State be amended by adding section 46 to Article VI of the Constitution, to read as follows:

Sec. 46. The Justices of the Supreme Court shall give their written opinions upon any question of law whenever requested by the Governor or by resolution of either house of the Legislature adopted by a *three-fourths* vote of all the members elected to such house.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 27 refused adoption by the following vote:

AYES—Senators Bigger, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, McBride, McCormack, Metzger, Minton, Nielsen, Phillips, Olson, Parkman, Powers, Schottky, Seawell, Seavey, Wagon, Wagoner, and Williams—24.

NOES—Senators Allen, DeLap, Hays, Knowland, Law, Mayer, Patterson, Quinn, Rich, Slater, Tickle, and Young—12.

#### Notice of Motion to Reconsider.

Senator Knowland gave notice that on the next legislative day he would move to reconsider the vote by which Senate Constitutional Amendment No. 27 was refused adoption.

#### Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock and eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Westmar.

The names of the absentees were called, and Senate Bill No. 74 refused passage by the following vote:

AYES—Senators Bigger, Cunningham, Deuel, Hays, Hollister, Jespersen, McCormack, Minton, Nielsen, Olson, Phillips, Patterson, Schottky, Slater, Wagon, and Wagoner—16.

NOES—Senators Allen, Fletcher, Garrison, Gordon, Hollister, Keating, Knowland, Law, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Seavey, Tickle, Williams, and Young—20.

#### Recess.

At one o'clock and ten minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock and thirty minutes p.m.

#### Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

#### Leaves of Absence.

Senator Crittenden was, on motion of Senator Mixer, granted leave of absence for the balance of this legislative day.

Senator Olson was, on motion of Senator Garrison, granted leave of absence for the balance of this legislative day.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference, concerning

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing



therein, defining discriminatory laws, providing for the enforcement of the provisions hereof, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1753—An act to add Article 11.5 to Chapter 9, Part 2, Division 2 of the Insurance Code, relating to the conversion of mutual insurers to legal reserve companies;

Assembly Bill No. 1872—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act;

Assembly Bill No. 2149—An act to recover damages for and to defend trespasses against certain land belonging to the State situate in Orange County and to confirm, validate and ratify certain agreements of easements or permits in and to said lands granted in the name of the State to persons paying consideration therefor, to prohibit the granting of additional easements, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 2175—An act to regulate the employment of labor on public works;

Assembly Bill No. 2388—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to contract with the United States of America for the purchase of project works and properties and for the repayment of the cost thereof, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1753 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1872 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2149 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 2175 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2388 read first time, and referred to Committee on Irrigation.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2714—An act to require all applicants for construction and improvement permits to prove compliance with the "Workmen's Compensation, Insurance and Safety Act of 1917";

Assembly Bill No. 2843—An act to create a commission to study existing public and private arboreta and botanic gardens and make recommendations for the establishment of a publicly owned arboretum and botanic garden, and making an appropriation therefor;

Assembly Bill No. 2851—An act to renumber Article 11a of Chapter I, Part IV, Division II of the School Code, to be Article 11a, and to renumber and amend sections 21365 and 21366 of the School Code, to be sections 21405 and 21406 respectively, relating to the State Council of Educational Planning and Coordination.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2714 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2843 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2851 read first time, and referred to Committee on Education.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 4, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2289—An act to add section 900.5 to the Insurance Code relating to financial statement of insurers;

Assembly Bill No. 2318—An act to amend sections 4 and 5, and to repeal and amend section 6 to be section 17 of an act entitled, "An act pertaining to establishment, maintenance and operation of recreation districts" approved June 15, 1931, relating to recreation districts;

Assembly Bill No. 2405—An act amending section 4214 of the Political Code relating to salaries and compensation of officers in connection of the county government;

Assembly Bill No. 2452—An act to amend section 165 of the Vehicle Code relating to duplicate plates and documents of registration;

Assembly Bill No. 2646—An act to add sections 1686, 1684 and 1685 to the Labor Code, relating to free employment bureau fee schedule;

Assembly Bill No. 2704—An act to amend section 9671 of the Political Code relating to the compensation of members of the Social Welfare Board;

Assembly Bill No. 2705—An act to amend section 105 of the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2289 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2318 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2405 read first time, and referred to Committee on County Government.

Assembly Bill No. 2452 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2646 read first time, and referred to Committee on Education.

Assembly Bill No. 2704 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2705 read first time, and referred to Committee on Social Security.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 4, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 984—An act to repeal section 4.788 of the School Code and to add a new chapter to Part II of Division IV of said code to be known as Chapter 11a, relating to county elementary school superintendents;

Assembly Bill No. 1048—An act to add section 1595 to the Code of Civil Procedure, relating to peremptory challenges of judges;

Assembly Bill No. 1048—An act to provide for the adoption and use of a new form fire alarm code signal in all public, private or parochial schools;

Assembly Bill No. 1146—An act to repeal sections 2.125, 2.910, 2.911 and 3.612 of the School Code and to add a new section thereto to be numbered 4.102, all relating to the furnishing of facilities, supplies and services by county superintendents of schools for the education of pupils residing in the county;

Assembly Bill No. 1345—An act granting certain salt marsh, tide, overflowed and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Assembly Bill No. 1393—An act to amend section 6.531 of the School Code, relating to the operation of school district libraries as branch county libraries;

Assembly Bill No. 1625—An act to repeal Article II of Chapter I of Part I of Division III of the School Code and to add a new article to be known as Article II to Chapter I of Part I of Division III of the said School Code, relating to the care and education of Indian children attending the public schools, declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 984 read first time, and referred to Committee on Education.

Assembly Bill No. 1018 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1048 read first time, and referred to Committee on Education.

Assembly Bill No. 1146 read first time, and referred to Committee on Education.

Assembly Bill No. 1345 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1393 read first time, and referred to Committee on Education.

Assembly Bill No. 1625 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 117—An act to amend section 1054 of the Code of Civil Procedure, relating to extension of time for acts to be done;

Assembly Bill No. 121—An act to amend section 423 of the Probate Code, relating to nomination of administrators;

Assembly Bill No. 787—An act to amend section 318 of the Agricultural Code, relating to meat inspection;

Assembly Bill No. 840—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, as amended, relating to the furnishing of water to such districts;

Assembly Bill No. 860—An act to amend sections 484 and 485 of the Agricultural Code, relating to certified milk;

Assembly Bill No. 954—An act to amend section 4.974 of the School Code of the State of California, relating to the expenses for the issuance of school bonds;

Assembly Bill No. 1049—An act providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof;

Assembly Bill No. 1111—An act to empower the City and County of San Francisco to appropriate and pay over to Number One-a District Agricultural Association for its general use such sums of money as said city and county may from time to time determine.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 117 read first time, and referred to Committee on Education.

Assembly Bill No. 121 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 787 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 840 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 860 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 954 read first time, and referred to Committee on Education.

Assembly Bill No. 1049 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1111 read first time, and referred to Committee on Municipal Corporations.



## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1175—An act to amend sections 2876 and 2877 of the School Code, relating to school districts.

Assembly Bill No. 1400—An act to amend sections 11525, 11527, 11508, 11529, 11530 and 11531 of the Insurance Code, relating to insurance's distribution of incorporated insurers or departments thereof.

Assembly Bill No. 1494—An act to amend section 2 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, resulting in a system of unemployment reserves.

Assembly Bill No. 1588—An act to amend sections 1, 2, 4, 6, 9, 10, 14, 17, 18 and 33 of, and to add section 34 to, the Assembly Bond Redemption Act of 1932, relating to the refunding of indebtedness of special improvement districts, the payment and enforcement of redemption taxes, and the payment of refunding bonds, and declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 1618—An act to amend section 1619 of the Civil Code, relating to the merger and consolidation of corporations.

Assembly Bill No. 1610—An act to amend section 1619 of the Civil Code, relating to the amendment of articles of incorporation.

Assembly Bill No. 1623—An act to amend sections 1898 of, and to add sections 1897 to, and to repeal sections 1897a and 1897b of, the Evidence Code, relating to the sale of tax deeded lands.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR JAMES, Assistant Clerk.

Assembly Bill No. 1175 read first time, and referred to Committee on Education.

Assembly Bill No. 1400 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1494 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1588 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1618 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1610 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1623 read first time, and referred to Committee on Revenue and Taxation.

## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2375—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and therein published as "California Toll Bridge Authority Act," amending the title thereof and amending sections 13, 20 and 22 thereof and by adding therein said sections hereinafter 61, 68, 69, and 98, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges, and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and retiring outstanding bonds of toll bridge authorities and prescribing the form thereof and the amount for which the same may be issued, also providing that the California Toll Bridge Authority may execute, execute, execute or agreements containing provisions for the payment of, the terms, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded, and refunded, sinking funds, reserve requirements, and the redemption of such bonds for retirement the holders of such bonds, and providing that all bonds or debentures pertaining to any bonds issued under said act shall have to and continue for the benefit of any additional or funding or retiring bonds issued thereafter, also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes, also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately.



Assembly Bill No. 2621—An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2375 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 2621 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 88—An act to amend section 1600 of the Welfare and Institutions Code, relating to orphaned and abandoned children;

Assembly Bill No. 89—An act to repeal an act entitled "An act in relation to the care of orphans and abandoned children," approved March 7, 1874, relating to minor orphans and abandoned children;

Assembly Bill No. 265—An act to amend section 1970 of the Civil Code, relating to the responsibility of employers for injury to or death of employees;

Assembly Bill No. 266—An act to amend sections 376 and 377 of, and to add section 377.5 to, the Code of Civil Procedure, all relating to actions for wrongful death;

Assembly Bill No. 478—An act to amend section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917, relative to, and defining employees;

Assembly Bill No. 685—An act to amend section 942 of the Code of Civil Procedure, relating to undertakings on appeal;

Assembly Bill No. 830—An act to add section 956 to the Civil Code and to add sections 573 and 574 to the Probate Code, relating to survival of things in action.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 88 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 89 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 265 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 266 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 478 read first time, and referred to Committee on Insurance.

Assembly Bill No. 685 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 830 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters, declaring the urgency of this act, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 310 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 566—An act to repeal sections 2.2134, 2.2135 and 4.375 of the School Code, and to add thereto two new sections to be numbered 4.368 and 4.375,

all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately; And respectfully requests your honorable body to insure its rapid enactment.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 566 ordered placed on the unfinished business file.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Concurrent Resolution No. 38:** By Senator Knowland.—Relative to approving the charter of the city of Alameda a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twenty-ninth day of April, 1937.

### Consideration of Senate Concurrent Resolution No. 38

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 38, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 38.**—Relative to approving the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twenty-ninth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

### Call of the Senate

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLoe, Deane, Forney, Garrison, Gorman, Hallahan, Kenting, Knowland, Law, McBeck, McColl, McGowan, Morgan, Miller, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schmitke, Seawall, Senter, Seung, Wagy, Westover, and Young—29.

The Secretary announced the absentees.

Time, two o'clock and fifty-eight minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Report of Committee on Free Conference.

The following report of special committee was received and read:

#### Concerning Assembly Bill No. 2794.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Free Conference reporting.

Assembly Bill No. 2794—An act relating to alcoholic beverages, prohibiting licensees under the Alcoholic Beverage Control Act from transporting or importing

into this State, purchasing, receiving, possessing, or selling alcoholic beverages manufactured in any State, the laws, rules, or regulations of which discriminate against alcoholic beverages manufactured in this State or against persons selling or dealing therein, defining discriminatory laws, providing for the enforcement of the provisions hereof.

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Peyser, Sheehan and Lyon, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate recede from the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 6 of the printed bill, as amended in the Senate April 5, 1937, strike out line 49, and insert in lieu thereof the following: "September 1, 1938".

SWING.  
PARKMAN.  
TICKLE.

Senate Committee on Free Conference.

PEYSER.  
SHEEHAN.  
LYON.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Senator Nielsen in the Chair.

At three o'clock and seven minutes p.m., Senator Nielsen of the nineteenth district was called to the chair.

#### Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and Senate Concurrent Resolution No. 38 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 38 ordered transmitted to the Assembly.

#### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2557**—An act to amend section 1431 of the Penal Code, relating to change of venue.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2557 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack,

McGovern, Mixer, Nielsen, Olson, Piotrowski, Powers, Quinn, Rich, Sawall, Slater, Swing, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2557 ordered transmitted to the Assembly.

**Assembly Bill No. 1462**—An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued for public works projects and validating, ratifying, approving and confirming certain proceedings heretofore taken in connection with public works projects, by certain public bodies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1462 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Knowland, Lee, McBrink, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Piotrowski, Powers, Quinn, Rich, Schottky, Sawall, Slater, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1462 ordered transmitted to the Assembly.

**Assembly Bill No. 411**—An act to amend section 588 of the Vehicle Code, relating to parking.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Knowland, Lee, McBrink, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Piotrowski, Powers, Quinn, Rich, Schottky, Sawall, Slater, Wagy, and Westover—29.

NOES—None.

Title read and approved.

Assembly Bill No. 411 ordered transmitted to the Assembly.

**Assembly Bill No. 2788**—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of the said city.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2788 passed by the following vote:

AYES—Senators Baggett, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Knowland, Lee, McBrink, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Piotrowski, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2788 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 217**—An act to amend sections 2 and 3 of an act entitled "An act relating to the registration of vessels and requiring



a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 passed by the following vote:

AYES—Senators Allen, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Schottky, Seawell, Slater, Waggy, Williams, and Young—23.

NOES—Senators Biggar, Cunningham, Hays, Knowland, McBride, McColl, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Tickle, and Westover—14.

Title read and approved.

Assembly Bill No. 217 ordered transmitted to the Assembly.

### **Motion to Rescind.**

Senator McGovern moved to rescind the action of the Senate in adopting the urgency clause to Assembly Bill No. 2826.

The question being on the motion to rescind.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—35.

NOES—None.

### **Unfinished Business—(Resumed).**

**Assembly Bill No. 2826**—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof, to take effect immediately.

Bill read third time.

### **Amendment from the Floor.**

During third reading of Assembly Bill No. 2826, the following amendment, offered by Senator McGovern, was read and adopted:

#### **Amendment No. 1.**

On page 1, lines 2 and 3 of the title of the printed bill, as amended May 3, 1937, strike out the following: "to take effect immediately".

### **Consideration of Assembly Bill No. 2826, as Amended.**

**Assembly Bill No. 2826**—An act to add section 925a to the Penal Code, relating to grand juries and the public sessions thereof.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 2826 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Swing, Waggy, and Westover—29.

NOES—Senators Holohan, Law, Quinn, Slater, and Young—5.

Title read and approved, as amended.

Assembly Bill No. 2826 ordered transmitted to the Assembly.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2279**—An act to amend section 453 of the Fish and Game Code, relating to possession after season.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2279 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2279 ordered transmitted to the Assembly.

**Assembly Bill No. 501**—An act to amend section 954 of the Streets and Highways Code of the State of California, relating to the abandonment of highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McCall, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 501 ordered transmitted to the Assembly.

**Assembly Bill No. 1722**—An act to amend sections 1620, 1621, 1622, 1623, and 1624 of the Streets and Highways Code, relating to the use of road funds by counties and authorizing the acquisition of rights of way by purchase or condemnation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1722 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1722 ordered transmitted to the Assembly.

**Assembly Bill No. 1720**—An act to amend section 493.5 of the Fish and Game Code, relating to chumming in District 20.

Bill read third time.

The question being on the passage of the bill.

The roll as called, and Assembly Bill No. 1720 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McCall, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1720 ordered transmitted to the Assembly.

**Resolution.**

The following resolution was offered:

By Senator Seawell:

WHEREAS, The Senate of the State of California is now in session to consider the well-being of said State and the residents thereof; and

WHEREAS, It is the bounden duty of each and every Senator to represent this Sovereign State to his fullest ability and to devote each working hour to the benefit of his constituents and the State at large; and

WHEREAS, The daily file has assumed proportions of a stupendous task and creating a condition that calls for studious thinking and careful analysis and constant attendance of each member; and

WHEREAS, It has been necessary far beyond reasonableness to place a call of the Senate to obtain the attendance of certain recalcitrant members; and

WHEREAS, On May 5th there was ordered by the members of this august body a "Call of the Senate" to obtain the attendance of certain members before mentioned; and

WHEREAS, There were 33 votes present when said call was made; and

WHEREAS, Upon the call for absentee votes it was found that several members were missing; now be it

*Resolved*, That the President of the Senate appoint a Committee of Three members in good standing to investigate and report back to the Senate the reasons for the aforementioned discrepancy.

Resolution read, and on motion of Senator Seawell, adopted.

**Appointment of Special Committee.**

The acting President announced, in accordance with the above resolution, the appointment of Senators Seawell, Deuel and Young.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2023**—An act to amend section 4153 of the Political Code of the State of California, relating to the duties of the district attorney.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2023 passed by the following vote:

**AYES**—Senators Allen, DeLap, Garrison, Hays, Hollister, Jespersen, Keough, Knowland, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Phillips, Rich, Seawell, Slater, Swing, Wag, Williams, and Young—22.

**NOES**—Senators Cunningham, Deuel, Gordon, Holohan, Keating, Law, Metzger, Parkman, Pierovich, Powers, Tickle, and Westover—12.

Title read and approved.

Assembly Bill No. 2023 ordered transmitted to the Assembly.

**Assembly Bill No. 2024**—An act to amend section 4307 of the Political Code of the State of California, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2024 passed by the following vote:

**AYES**—Senators Allen, DeLap, Garrison, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Mixer, Nielsen, Phillips, Rich, Schottky, Seawell, Slater, Wag, Williams, and Young—22.

**NOES**—Senators Cunningham, Deuel, Holohan, Keating, Law, Metzger, Parkman, Pierovich, Powers, Tickle, and Westover—11.

Title read and approved.

Assembly Bill No. 2024 ordered transmitted to the Assembly.

**Assembly Bill No. 1084**—An act to amend section 7514 of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments relating to real property by a name other than that by which they acquired title.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1084 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Dovel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jospesen, Keating, Keough, Kneeland, Law, McClure, McCormack, McGovern, Metzger, Mixer, Nelson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Weyer, Williams, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1084 ordered transmitted to the Assembly.

**Assembly Bill No. 1466**—An act to amend section 1973 of the Code of Civil Procedure, and section 1624 of the Civil Code, relating to agreements required to be in writing and to be subscribed by the party to be charged.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1466 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Dovel, Fletcher, Garrison, Hays, Hollister, Holahan, Jospesen, Keating, Keough, Law, McClure, McCormack, McGovern, Mixer, Nelson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1466 ordered transmitted to the Assembly.

**Assembly Bill No. 2762**—An act to amend section 628 of the Fish and Game Code, relating to black bass.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2762, the following amendment, offered by Senator Schottky, was read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "black bass", and insert in lieu thereof the following: "fish".

#### Consideration of Assembly Bill No. 2762, as Amended.

**Assembly Bill No. 2762**—An act to amend section 628 of the Fish and Game Code, relating to fish.

Bill read third time.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 2762 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Dovel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jospesen, Keating, Keough, Law, McClure, McCormack, McGovern, Metzger, Mixer, Nelson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

NOES—None.



Title read and approved, as amended.

Assembly Bill No. 2762 ordered transmitted to the Assembly.

**Assembly Bill No. 1907**—An act imposing an excise tax on the use in this State of fuel as defined herein, providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 33. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Westover, and Young—34.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1907 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1907 ordered transmitted to the Assembly.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 478**—An act to add to the Political Code, new Article IIh of Chapter III of Title I of Part III thereof, creating a State Department of Social Welfare and Relief and transferring to it the property, powers, duties, and unexpended funds of the Department of Social Welfare and of the Relief Administrator and Relief Commission; and repealing sections 367 to 367g, inclusive, of the Political Code.

**Amendments from the Floor.**

During third reading of Senate Bill No. 478, the following amendments, offered by Senator DeLap, were read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed bill, as amended, before the word "dollars", insert the following: "six thousand".

**Amendment No. 2.**

On page 1, line 19, of the printed bill, as amended, before the word "dollars", insert the following: "twenty-five thousand".

**Amendment No. 3.**

On page 2, line 8, of the printed bill, strike out "at least once each month", and insert in lieu thereof the following: "as often as the needs of the business of the board may require".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Notice of Motion to Reconsider.

Senator Schwell gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 217 was passed.

### Re-reference of Senate Bill No. 1140.

Senator Mixer moved that Senate Bill No. 1140 be re-referred to Committee on Finance.

Motion carried, and such was the order.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 554—An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to enter into agreements with the Federal Government or other agencies for acquiring or lease, purchase or otherwise such lands as are desirable for State forests, to manage such land and to dispose of the products thereof, and providing for the distribution of forestry revenues, and to acquire land for development for State forestry purposes, to issue its appropriation therefor, and to report on or certified "An act authorizing the Director of Natural Resources to receive and hold land for forestry purposes, to manage such land and to dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes," approved June 15, 1936, as amended, the original thereof, and to provide that this act shall take immediate effect."

Senate Bill No. 1054—An act to amend section 1094, of the Political Code, relating to the conditions of employment at the State School of Industry.

Senate Bill No. 1071—An act validating the election and nomination of members of the sanitary board of sanitary districts reorganizational pursuant to section 41 of the act of the Legislature entitled "An act to provide for the formation, government, operation, reorganization, dissolution and reorganization of sanitary districts in any part of the State, for the construction of sewers, water tanks and other sanitary purposes," the reorganization of sanitary districts, the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes thereon, the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923, as amended, and providing that this act shall have retroactive effect. And reports that the same have been correctly enrolled and presented to the Governor on the fifth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 1072—An act to amend sections 9 and 31 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes, the maintenance of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes thereon, the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds, to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, as amended, relating to sanitary boards in sanitary districts.

Senate Bill No. 1123—An act to add section 41 to an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors thereby and to enable such irrigation districts to construct levees and to protect the lands within

such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts, and declaring the existing law, declaring the urgency hereof and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled and presented to the Governor on the fifth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 321—An act to amend sections 4, 15, 16, 30, 38b, 43, 51, 52, 63, 65, 65b, 65c, 65d, 67, 76, 79, 95, 101, 108, and 109 of and to add sections 23a, 23b, and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System;

Senate Bill No. 218—An act to add Part I, comprising sections 1690 to 2331, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 46—An act to amend sections 4.51 and 4.52 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain";

Senate Bill No. 69—An act making an appropriation to reimburse the San Diego Harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to Chapter 217, Statutes of 1931;

Senate Bill No. 83—An act to amend section 4.102 of the School Code, relating to an appropriation for vocational rehabilitation;

Senate Bill No. 222—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute;

Senate Bill No. 355—An act appropriating money for fireproof vault equipment in the office of the Secretary of State;

Senate Bill No. 373—An act to amend section 488 of the Vehicle Code, relating to accident reports;

Senate Bill No. 483—An act making an appropriation to provide land for the Sonoma State Home;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 443—An act to add section 12.5 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation;

Senate Bill No. 502—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor;

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents;

Senate Bill No. 536—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California;



Senate Bill No. 704—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the same; to create the California Greyhound Racing Board from the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide for the violation of the provisions of this act, and to make an appropriation therefor.

Senate Bill No. 1002—An act to amend an act entitled, "An act creating a revolving fund for the purchase of public utility stock," approved June 7, 1913, as amended, relating to the revolving fund, making an appropriation therefor, and providing that it shall go into immediate effect.

Senate Bill No. 1111—An act making an appropriation for the dredging of certain portions of San Diego Bay.

Senate Bill No. 1136—An act to amend sections 52 and 54 of the Civil Code, relating to denial of civil rights;

Senate Bill No. 1143—An act making an appropriation for the support of the University of California;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 21 to Article XI thereof, relating to hospitals maintained by cities, counties, or cities and counties;

Senate Bill No. 223—An act to amend section 1 of an act entitled, "An act fixing the price, terms and conditions of sale of state, fair goods shall be sold by the State, and providing for punishment of and attachment of officers under the same," approved May 19, 1935, relating to the price of state goods at fairs;

Senate Bill No. 1014—An act to amend section 647 of the Penal Code, relating to definitions of vagrants;

Senate Bill No. 755—An act to provide regulation of establishments slaughtering animals or preparing meat food products for removal of the same to other places;

Senate Bill No. 757—An act to amend section 20 of an act entitled, "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities, providing for the enforcement of said act and providing for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

President of the Senate in the Chair.

At four o'clock and thirty-four minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 951—An act making an appropriation for the purchase of property for State college at Chico;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 121—An act to amend section 100 of, and to add section 122 to, the Insurance Code, and to add Chapter 14 to Part 2 of Division 2 of said code, providing for the regulation of insurance against the need for medical and hospital services, defining such services, providing standard provisions for such insurance, maintenance of reserves for the protection of insureds under such insurance providing for the licensing of persons entering into such contracts and rendering such services and providing penalties for the violation thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote:

WILLIAMS, Chairman.  
HAYS.  
DEUEL.  
SEAWELL.  
SWING.  
JESPERSEN.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 773—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—7; noes—1; absent—1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2833—An act to amend sections 3630, 3651, 3655, and 3720 of the Political Code, relating to the assessment of property and collection of taxes;

Assembly Bill No. 2202—An act adding section 3671e to the Political Code, providing for enforcing tax liabilities imposed by States extending like county to this State and providing for bringing suit in other States to collect taxes due this State;

Assembly Bill No. 1152—An act to amend section 3747a of the Political Code, relating to segregation of valuation of property on the assessment roll;

Assembly Bill No. 1558—An act to amend section 3816 of the Political Code, relating to distribution of moneys received on account of redemption or purchase of lands sold to the State for nonpayment of taxes;

Assembly Bill No. 2369—An act to add section 3888b to the Political Code, relating to conveyance of land to a county in payment of taxes, penalties and interest due the county from the owner of the land;

Assembly Bill No. 2025—An act to repeal section 3819a of the Political Code and to add a new section 3819a thereto, relating to redemption of property from tax sales;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 971—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes;

Assembly Bill No. 1678—An act to provide that the property and things of housing authorities shall be exempt from taxation and assessments, to authorize certain payments in lieu of such taxes and assessments, and to provide that this act shall take effect immediately.

Assembly Bill No. 1339—An act to amend section 261 of the "Retail Sales Tax Act of 1933," relating to the preference of claims for personal services over claims for sales tax;

Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 43—An act to be known as the "Slot Machine Licensing Act" relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and punishing penalties for violating the provisions hereof.

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership: 9; committee vote: Ayes: 9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 2446—An act relating to gambling, second session, 1937, to the Retail Sales Tax Act of 1933 and section 4.3 of the Use Tax Act of 1935, providing for exemptions.

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership: 9; committee vote: Ayes: 7; nays: 1; absent: 1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1189—An act to amend section 5 of the Retail Sales Tax Act of 1933 as amended in 1935, relating to the exemption of houses.

Assembly Bill No. 1190—An act to amend section 4 of the Use Tax Act of 1935; Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 6; nays: 1; absent: 2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 2806—An act to amend the "Use Tax Act of 1935," approved June 25, 1935, by amending section 4 thereof relating to exemptions by issuing "newsprint" to the tangible personal property exempt from the tax imposed by such act.

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership: 9; committee vote: Ayes: 7; nays: 1; absent: 1.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1154—An act to amend sections 3738, 3821 and 3823 of the Political Code and to add to said code a new section to be numbered 3822, relating to the collection of unsecured taxes;

Assembly Bill No. 1243—An act to provide for the levy and collection of a tax upon the income of corporations and to provide for the disposition of monies therefrom;

Assembly Bill No. 2197—An act to amend sections 2, 3, 6, 7, 9, 10, 11, 12, 17, 19, 22, 23, 25, 27 and 29 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved June 25, 1935, to repeal sections 21, 22, 23, 24 and 32 of said act, to renumber sections 25, 26, 27, 28, 29, 30, 31, 33 and 34 as sections 21, 22, 23, 24, 25, 26, 27, 28 and 29, respectively, of said act; relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1761—An act to amend section 3817a of, and to add sections 3817.3 and 3817.4 to, the Political Code, relating to redemption;

Assembly Bill No. 1559—An act to repeal section 3897 of the Political Code and to add to said code a new section to be numbered 3897, relating to the sale of property deeded to the State for delinquent taxes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2196—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 33 of said act; to renumber section 32 as section 33 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 1593—An act to amend an act entitled "An act to be known as the 'Water Conservation Act of 1929' and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts," approved April 27, 1929, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts;

Assembly Bill No. 1594—An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 7, committee vote: Ayes: 7.

MINTNER, Chairman.

### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 807—An act to amend the Fish and Game Code by the addition thereto of a new section, designated 1990, relating to and regulating the catching of fish, crabs and fish and game, persons or licensees or persons not engaged in such business and lawfully possessing fish, crabs and game of the State, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Senate Bill No. 182—An act to add section 212 to the Fish and Game Code, relating to fish and game seasons.

Senate Bill No. 178—An act to add sections 27 to One Fish and Game Code, relating to fishing schools for children, enforcing fish and game laws.

Assembly Bill No. 2136—An act to add sections 59 to the Fish and Game Code, relating to the licensing of licensees, to correct form on other charges for the privilege of hunting on their land;

Assembly Bill No. 148—An act to amend sections 1015 of the Fish and Game Code, relating to poaching and collecting licenses.

Assembly Bill No. 61—An act to amend sections 67 and 68 of the Fish and Game Code, relating to fish and game districts.

Senate Bill No. 420—An act to amend sections 620 and 630 of the Fish and Game Code, relating to closing seasons.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9, committee vote: Ayes: 8, dissent: 1.

MCCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 82—An act to add sections 1215 to the Fish and Game Code, relating to fishing licenses.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be referred to this committee.

Committee membership: 9, committee vote: Ayes: 8, dissent: 1.

MCCOLL, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred

Senate Bill No. 781—An act to amend the title of, and to add section 18a to the State Medical Practice Act, relating to remedies for violations thereof;

Senate Bill No. 782—An act to add sections 2372.5, 2410 and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine;

Senate Bill No. 783—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 5, committee vote: Ayes: 5.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 2724—An act relating to the preservation, care and display of foods;

Assembly Bill No. 1334—An act to amend sections 3, 4, and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the trade thereon, providing penalties, establishing a State laboratory of foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health, in relation thereto;

Assembly Bill No. 1613—An act to amend sections 1, 10, 14 and 17 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for



violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to the practice of barbering:

Assembly Bill No. 1319—An act to amend section 1 of an act entitled "An act to provide against the selling, purchase, barter or bartering, the altering or the use of degrees, certificates or transcripts necessary for the practice of a healing art; a license or certificate to practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of applicants in examination required under the Medical Practice Act, the Osteopathic Initiative Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, or sections 580 and 581 of the Business and Professions Code, relating to the unlawful use of degrees, certificates or transcripts necessary for the practice of a healing art; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 2132—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 243—An act to amend sections 6 and 7 of the Dental Practice Act, relating to the qualifications and examination of applicants; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1253—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs, and devices and to the powers of the State Board of Public Health in relation thereto; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

DE LAP, Chairman.

### On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Assembly Bill No. 1610—An act to amend sections 1, 2, 3 and 4 and to amend the title of and to add section 5 to an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relating to civil service for counties and cities; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1

YOUNG, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred

Assembly Bill No. 290—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1935, as amended, by amending sections 2, 3, 4 and 16 and by adding thereto certain new sections to be designated sections 2a, 2b, 2c, 2d, 2e and 2f, respectively, relating to and providing for a civil service system for said district.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be passed as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

YOUNG, Chairman.

## On Agriculture.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 155—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural rates.

Assembly Bill No. 1091—An act to amend section 86 of the Agricultural Code, relating to the duties of county agricultural commissioners.

Assembly Bill No. 2385—An act to repeal Articles 1, 3 and 5 and to amend Article 4 of Chapter 8, Division V of the Agricultural Code, and to add a new article to be numbered 1 to Chapter 8, Division V of the Agricultural Code, all relating to eggs and egg products.

Assembly Bill No. 1318—An act to amend section 814 of the Agricultural Code, relating to the standardization of butter.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—2.

CRITTENDEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Senate Bill No. 880—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission, prescribing the powers, duties and authority of said commission, and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs, providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof, and making an appropriation therefor," approved June 5, 1933, as amended by amending sections 2, 8, 9, 10, 11, 18, 19, 21, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—6; absent—2.

CRITTENDEN, Chairman.

## On Labor and Capital.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred

Assembly Bill No. 103—An act to add section 207.5 to the Labor Code, relating to the payment of wages.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—1; not voting—1.

OLSON, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred

Assembly Bill No. 508—An act to add to the Labor Code sections 860, 861, 862 and 863, to be known as Chapter 7 of Part 2 of Division II thereof, relating to hours of labor of persons employed as personal or domestic workers and providing penalties. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

**Adjournment.**

At four o'clock and fifty-five minutes p.m., on motion of Senator Knowland, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, May 6, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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**IN SENATE.****SENATE CHAMBER.**

SACRAMENTO, Thursday, May 6, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tieble, Wagy, Westover, Williams, and Young—39.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Wednesday, May 5, 1937, the further reading was, on motion of Senator Denel, dispensed with.

**Leave of Absence.**

Senator Pierovich was, on motion of Senator McColl, granted leave of absence for this morning.

**Privilege of Floor of Senate Extended.**

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Eighth Grade Class of the Washington Elementary School of Turlock: Bernice Teulker, Mae Udo, Ellen Sinclair, Harriet Holms, Beverly Peterson, Marianna Johnson, Violet Hansen, Ruth Smitheamp, Elizabeth Jacobs, Bernice Widin, James Monroe, Willard Stevens, Willie Kay and Willis Van Natta; accompanied by Mrs. Lillian Warren, principal; Mr. Albert Peterson, trustee; and Mr. and Mrs. Ed Johnson.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Karl D. Muth of San Bernardino.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena Everett, teacher, and the following students of the High Eighth and Low Seventh Social Studies Classes of the Stanford Junior High of Sacramento: June Walker, Vera Latina, Donald Olaver, Bob Ballentine,

Doreen Olding, Marie Richardson, Jane Penhall, Phyllis Martin, James Hernandez, William Williams, Leonard Sachs, Donnyvan Waddams, Fred Loesch, Stanton Benjamin, Robert Just, Harry Powers, Earl Lovelett, Patsy Offer, Jay Matchand, Vito Cohen, Peter Marino, Shirley Johnson, Madeline Fisher, Grace DePaul, Catherine Costello, Mary Anable, Dorothy Cole, Ella Maude Taggart, Roberto Ballentine, Mildred Renner, Bob Ballentine, Louis Scotti, Robert Haddt, John Jeliuch, and Thomas Busby.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Edith Lorrard, violinist, of Budapest, Hungary.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Alexander Garlick, Director of the California Garden Club.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Heather Edmund, Instructor, Sacred Heart College High School, and the following students: I. Akinoff, C. Lesca, W. Eichel, E. McDonald, S. Bissetti, C. Roche, R. Mariaux, G. Gallagher, G. Burke, G. Pera, W. Egan, V. Schoenstein, R. Zaro, J. Cavanaugh, and E. O'Donnell.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major W. S. Post of Los Angeles.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 381—An act to add section 421.5 to the Fish and Game Code, relating to ocean fishing;

Assembly Bill No. 1267—An act to amend sections 792, 796, and 811 of the Agricultural Code, relating to fruits, nuts and vegetables, and declaring the emergency thereof;

Assembly Bill No. 1572—An act to add section 5406a to the School Code, relating to the employment of teachers and principals;

Assembly Bill No. 1951—An act to amend section 2804a of the Political Code, relating to cancellation of taxes.

JAMES G. SMYTH, Chief Clerk of Assembly.

Ry H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 381 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1267 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1572 read first time, and referred to Committee on Education.

Assembly Bill No. 1951 read first time, and referred to Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 38—Relative to approving the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twenty-ninth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

Ry H. ARTHUR DANIELS, Assistant Clerk.



Senate Concurrent Resolution No. 38 ordered to enrollment.

**Consideration of Daily File.  
Second Reading of Senate Bills.**

**Senate Bill No. 951**—An act making an appropriation for the purchase of property for State college at Chico.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 951 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "property", insert the following: "and for construction and improvements".

**Amendment No. 2.**

On page 2, in lines 12 and 13, of the printed bill, as amended, strike out "for use of", and insert in lieu thereof the following: "and to provide for construction and improvements at".

**Amendment No. 3.**

On page 2, line 14, of the printed bill, as amended, strike out "\$25,000", and insert in lieu thereof the following: "\$36,500".

**Amendment No. 4.**

On page 2, line 17, of the printed bill, as amended, strike out "to which reference is", and insert in lieu thereof the following: "and for construction and improvements to which references are".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 121**—An act to amend section 100 of, and to add section 122 to, the Insurance Code, and to add Chapter 14 to Part 2 of Division 2 of said code, providing for the regulation of insurance against the need for medical and hospital services, defining such services, providing standard provisions for such insurance, maintenance of reserves for the protection of insureds under such insurance providing for the licensing of persons entering into such contracts and rendering such services and providing penalties for the violation thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 121 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 4, and insert in lieu thereof the following:

"Chapter 14. Voluntary Health Service Insurance."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 8 to 20, inclusive; strike out all of pages 2 to 7, and insert in lieu thereof the following:

11540.11. This chapter is not intended to apply to contracts for the rendition of specific medical services which contracts arise only as the need for such services becomes apparent, and is not intended to interfere with the normal practice of medicine nor is it intended to apply to duly organized and existing employees' hospital associations or the hospital departments of any employer which are maintained in whole or in part by contributions from such employer and their employees.

11540.12. This chapter is intended to govern all contracts between physicians and surgeons and other persons, which provide that for certain regular sums, or for a stated sum for a stipulated period the physician and surgeon or association of physicians and surgeons will furnish all medical and surgical services, including hospitalization and nursing, which may be required by a beneficiary of the contract, irrespective of the actual value of the services furnished.

The execution of these contracts or the furnishing of services pursuant thereto, constitutes voluntary health service insurance, as defined by this chapter.

11540.13. As used in this chapter the words "physician and surgeon" mean those persons who hold an unrevoked license to practice medicine and surgery or a physician and surgeon certificate in this State.

11540.14. As used in this chapter the word "insured" means one who is insured by an insurer for or in any way participating in the insurance authorized by this chapter, whether formed a partnership, firm, association or corporation.

11540.15. As used in this chapter the word "insurer" means any and all physicians and surgeons or associations of physicians and surgeons, acting or entering into contracts for voluntary health service insurance, or transacting business under such contracts, as defined in this chapter.

11540.16. This chapter shall be liberally construed to effect its purposes which are to permit the establishment of voluntary health service insurance to enable the people of California to obtain adequate health service from physicians, surgeons and hospitals on a monthly basis, to enable them to obtain for the practice of a high standard of professional service and the maintenance of a high standard of professional ethics, and to provide sufficient guarantee of financial responsibility to assure adequate rendition of such services.

#### ARTICLE 2. Formation and Operation.

11540.20. After the expiration of 1937 any other law which is inconsistent with no insurer shall transact voluntary health service insurance except as has been amended with this chapter.

11540.21. Before transacting health service insurance every insurer shall:

- (a) Secure a certificate of authority from the commissioner pursuant to this chapter.

- (b) Comply with the reserve requirements of this chapter.

- (c) Have the policy of insurance, which he is issuing or intends to issue, approved by the commissioner.

- (d) Conform to all laws regarding persons engaged in, and the practice of, the services of which may be rendered pursuant to this chapter.

- (e) Conform to the provisions of this chapter.

11540.22. Every insurer desiring to transact voluntary health service insurance shall file a verified application as setting forth the commissioner.

11540.23. The application shall be in such form and contain such information as the commissioner may require and shall state:

- (a) The name and address of the applicant, and if the applicant consists of more than one person, the names and addresses of each of such persons.

- (b) The name under which the applicant is transacting or intends to transact voluntary health service insurance.

- (c) The location of the principal office of the applicant, and each branch thereof.

- (d) The geographical area within which the applicant is proposing or intends to transact voluntary health service insurance.

- (e) A schedule of premium rates which the applicant proposes to charge for policies issued pursuant to this chapter.

- (f) The types of services which applicant proposes to render pursuant to his policies.

- (g) The facilities which applicant proposes to use or is using in the discharge of its obligations pursuant to any policy of insurance issued.

- (h) The number of years applicant, and if the applicant consists of more than one person, the number of years each such person, has been practicing the profession for which he is licensed, in the geographical area in which he proposes to transact voluntary health service insurance.

11540.24. The application shall be accompanied by verified copies of the forms of policies and riders which the applicant is using or intends to use. No change may be made in such forms, without the consent of the commissioner.

11540.25. The application shall also be accompanied by a verified financial statement, together with evidence satisfactory to the commissioner, that the reserve requirements of this chapter have been met.

11540.26. The commissioner shall not approve any policy for voluntary health service insurance or grant a certificate of authority to any applicant unless the policy sets forth all of the following:

- (a) The amount payable to the physician and surgeon, and the times and manner in which such amount is to be paid.

- (b) The nature of the services to be rendered.

- (c) The nature of any services which will not be rendered pursuant to the contract.

- (d) A statement of the terms and conditions upon which the contract may be terminated.

If any provisions governed by subdivision (c) are placed in any policy, they shall be printed in 10-point black face type.

11540.27. Each insurer shall furnish security for the performance of its obligations. An insurer shall be required to maintain only the reserve required by this section or the reserves required by Article 3, whichever method of computation will

result in the maintenance of a larger reserve. In no event may an insurer be required to maintain both reserves.

The security reserve is a sum equal to the following minimum amounts in relation to the number of beneficiaries in whose favor contracts are in force:

Number of Beneficiaries	Amount of Security
1,000 or less	\$5,000 00
1,001 to 2,000 inclusive	7,500 00
2,001 to 3,000 inclusive	10,000 00
3,001 to 4,000 inclusive	12,500 00
4,001 to 6,000 inclusive	15,000 00
6,001 to 8,000 inclusive	17,500 00
8,001 to 10,000 inclusive	20,000 00
10,001 or more	25,000 00

The security required by this section shall be maintained as provided by, and is subject to the provisions of, sections 11540.34, 11540.35, 11540.36, 11540.38, 11540.39, and 11540.40.

11540.276. The commissioner shall not issue a certificate of authority to any applicant unless all the members thereof have been practicing the profession for which they are licensed, in the geographical area for which the certificate is issued, for at least two years immediately preceding the application.

11540.277. The commissioner shall not issue a certificate of authority to the applicant unless he finds that the premium rates at which it is proposed to issue policies of the applicant are reasonable and adequate.

11540.29. If the application conforms to the requirements of this chapter, and the commissioner is satisfied with the method to be used to insure the maintenance of the reserves required by this chapter, the commissioner shall issue to the applicant a certificate of authority to transact voluntary health service insurance pursuant to this chapter.

### Article 3. Regulations.

11540.30. An insurer shall not enter into any insurance contract or agreement pursuant to this chapter unless the insurer meets the requirements of this chapter and unless the form of the policy has been approved by the commissioner.

11540.301. An insurer shall not issue any policy at a premium rate which deviates from the rate fixed for that type of policy by the schedule of rates filed with and approved by the commissioner.

11540.302. If after hearing, either upon application, or upon his own motion, the commissioner finds that the premium rates for any type of policy issued by the insurer is inadequate or excessive, he may modify the schedule of premium rates accordingly, and thereafter a policy shall not be issued, renewed, or carried beyond the next anniversary date thereof at rates which do not conform to the rate fixed by the commissioner.

11540.303. Premium rates are inadequate if the annual report of the insurer indicates:

(a) That the rates are insufficient to provide the reserves required by this chapter, in addition to the expenses of operation of the insurer, and

(b) That the insurer has operated at a loss for the period covered by the annual statement.

11540.31. Any insurer rendering services pursuant to this chapter shall do so only through regularly licensed hospitals, institutions, or services, if such hospitals, institutions, or services are required to be licensed by this State, or any political subdivision thereof, and if the person with whom the contract is entered into, is entitled to personal services, such services may only be provided through a person regularly licensed to render such services if the licensing thereof is required by the State, or a political subdivision thereof.

11540.32. The commissioner shall prescribe, maintain and enforce such rules and regulations for the rendition of service pursuant to this chapter which are appropriate adequately to safeguard the beneficiaries of such service. These rules and regulations shall contain a high basic standard for professional services and shall include provisions to assure that the number of physicians and surgeons furnishing the services shall be in such ratio to the number of beneficiaries as is adequate to provide expedient service.

11540.325. If the policy issued by the insurer is for the benefit of a group of persons, it shall so state, and individual policies or certificates need not be issued to the persons for whose benefit the policy is issued.

11540.33. Each insurer authorized to insure pursuant to this chapter shall maintain the following reserves:

(a) At all times in each calendar month there shall be maintained as a stability reserve, a sum equal to fifty per centum of the premiums received by reason of insurance for the next preceding calendar month.

(b) At all times there shall be maintained a sum equal to one hundred per centum of all unearned or advance premiums which have been received. When these premiums are no longer unearned premiums, they shall be subject to the



provisions of subdivision (a) of this section. The reserve shall be computed as provided by this section only if the computation thereof will result in the maintenance of a larger reserve than is required by section 1154027.

1154034. To insure the maintenance of the reserves provided by this chapter the commissioner may require that a sum equal to said reserves be deposited in a bank or trust company of his selection subject to such conditions as he may deem proper.

1154035. In lieu of the requirements of section 1154034 the commissioner may accept a bond in favor of the commissioner as trustee for the beneficiaries of policies issued by the insurer.

1154036. The bond shall be executed by the insurer and some admitted insurer approved by the commissioner.

1154037. The commissioner shall fix the amount of the bond and he may, whenever he finds that the bond or bonds on file are insufficient to cover the liability of the insurer, require the filing of an additional bond.

1154038. Subject to the provisions governing the payment of a bond furnished pursuant to this article the commissioner may accept in lieu of a bond, a deposit with the State Treasurer of cash or securities of a value adequate to meet these reserve requirements. The deposit shall be in the name of the commissioner as trustee for the beneficiaries of the policies issued.

1154039. In the event the insurer fails, not a period of more than 10 days, or arrange for the meeting of its contractual obligations the commissioner may expend such portions of the impounded deposit, or the amount with the State Treasurer, as may be necessary to discharge the obligations of the insurer to any insured on all outstanding policies. The balance, if any, shall be refunded to the insurer.

1154040. If a surety bond has been filed with the commissioner he has, of the impounded deposit the commissioner shall proceed to enforce the obligation of the surety to the extent necessary to discharge the policy obligations of the insurer.

1154041. Each insurer licensed pursuant to this chapter shall, with respect to professional and ethical standards, be subject to the supervision of the agency of this State having jurisdiction to supervise or regulate any type of professional service rendered by the insurer pursuant to this chapter.

1154042. A member of a voluntary health service insurer and its agents and employees shall not engage, as individuals, or otherwise, in solicitation for patients or for beneficiaries under voluntary health service insurance policies and shall not in any manner advertise either their professional qualifications, or their membership in such insurer.

1154043. If any agency of this State revokes or suspends the professional license of any person whose name appears on the certificate for, or the certificate of authority, it shall notify the commissioner of such suspension or revocation and the commissioner shall immediately revoke or suspend the certificate of authority as to that person until his professional license is restored or reinstated.

#### Article 4. Reports.

1154044. Each insurer shall file with the commissioner monthly reports setting forth such information as the commissioner may require, including the number of outstanding contracts of insurance, the duration of each such contract and the premiums payable monthly or semi-monthly thereunder.

1154045. On or before the first Monday in March of each year the insurer shall file an annual report in the form required by the commissioner setting forth:

- (a) The number of contracts of each type and effect.
- (b) A statement of the services actually rendered under contracts during the previous year.
- (c) A financial statement for the previous year showing the profit resulting from contracts pursuant to this chapter.

#### Article 5. Health Service Insurance Standards Board.

1154046. There is hereby created the Health Service Insurance Standards Board, which is composed of the Dean of the School of Medicine of the University of California, the President of the State Board of Public Health, and the Chairman of the Industrial Accident Commission.

The board shall:

- (a) Be the adviser to the commissioner with respect to the standards of medical or other related services to be furnished under this chapter.
- (b) Report to the commissioner all matters pertaining to the scientific, technical or professional services rendered under this chapter, and shall advise the commissioner of any violation of any section of any professional practice act of the State of California by any one licensed to practice under these acts.



**Article 6. Review.**

11540.60. Any person adversely affected by any decision, ruling or action of the commissioner pursuant to this chapter shall have the right to ask for a rehearing of such decision, ruling or action.

11540.61. Upon application being made to him for such a rehearing, the commissioner shall fix a time and place for hearing, which shall not be less than twenty nor more than thirty days after filing of the petition for rehearing.

11540.62. A record shall be made of all proceedings at the hearing and the commissioner shall make a finding of facts upon which he bases his decision, ruling or action, and under his order thereon.

**Article 7. Violations.**

11540.70. Every person who enters into any contract of insurance in violation of this chapter is guilty of a misdemeanor.

11540.71. The commissioner may proceed in any court and obtain an injunction restraining any person from entering into contracts of insurance without complying with this chapter.

**Article 8. Miscellaneous.**

11540.80. This chapter shall not authorize any person to contract for the rendition of the services authorized hereby unless such person, at the time of contracting, holds an unrevoked license to practice medicine and surgery or a physician and surgeon certificate in this State.

11540.81. This chapter shall not affect any workmen's compensation or employers' liability law in this State, nor nonprofit hospital associations or hospital departments any of which are chiefly maintained by dues or contributions from employees of a common employer or of a group of affiliated employers, the services of which are confined to such employees, their dependents and members of their families and persons disabled in or by reason of the operations of the employer or group of employers.

11540.82. This chapter shall not affect fraternal orders, lodges, churches, labor unions, cooperative and nonprofit societies or organizations organized for mutual benefit of their members and families.

11540.83. This chapter shall not be deemed to supersede or conflict with any law regulating the practice of medicine or surgery.

Sec. 2. Section 122 is hereby added to the Insurance Code, to read as follows:  
122. Voluntary health service insurance means the insurance by duly licensed physicians and surgeons of other persons against the need for medical services, including hospitalization, nursing and medical and surgical services.

Sec. 3. Section 100 of the Insurance Code is hereby amended to read as follows:

100. Insurance in this State is divided into the following classes:

- (1) Life.
- (2) Fire.
- (3) Marine.
- (4) Title.
- (5) Surety.
- (6) Disability.
- (7) Plate glass.
- (8) Liability.
- (9) Workmen's compensation.
- (10) Common carrier liability.
- (11) Boiler and machinery.
- (12) Burglary.
- (13) Credit.
- (14) Sprinkler.
- (15) Team and vehicle.
- (16) Automobile.
- (17) Mortgage.
- (18) Aircraft.
- (19) Land value.
- (20) Miscellaneous.
- (21) Voluntary health service."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

**Senate Bill No. 773**—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immedi-

ately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 43**—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 807**—An act to amend the Fish and Game Code by the addition thereto of a new section designated 1009, relating to and regulating the granting of fish camping and fish reduction permits or licenses to plants not engaged in such business and lawfully processing fish resources of the State heretofore.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 182**—An act to add section 212 to the Fish and Game Code, relating to fish and game enforcement officers.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 178**—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 420**—An act to amend sections 629 and 630 of the Fish and Game Code, relating to closing streams.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 781**—An act to amend the title of, and to add section 18a to, the State Medical Practice Act, relating to remedies for violations thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 782**—An act to add sections 2372.5, 2410 and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 783**—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 243**—An act to amend sections 6 and 7 of the Dental Practice Act, relating to the qualifications and examination of applicants.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 243 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend sections 6 and 7 of the Dental Practice Act," and insert in lieu thereof the following: "add section 1628.5 to the Business and Professions Code,".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1 to 27, inclusive, and strike out all of pages 2 and 3, and insert in lieu thereof the following:

"SECTION 1. Section 1628.5 is hereby added to the Business and Professions Code, to read as follows:

1628.5. Prior to January 31, 1938, every person actually engaged as an apprentice to a regularly licensed dentist who has practiced in the State of California for ten years or more shall be eligible for examination, if, within thirty days after this section goes into effect, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination shall show to the satisfaction of the board that he has served an apprenticeship of at least five years."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 880**—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Senate Bill No. 880 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of the title, and insert in lieu thereof the following:

"An act making an appropriation for the support of the Agricultural Prorate Commission, and declaring the urgency thereof."

**Amendment No. 2.**

Strike out all of said printed bill, following the period in line 1 on page 1, and insert in lieu thereof the following:

"Out of the moneys in the State treasury the sum of thirteen thousand nine hundred and thirty dollars is hereby appropriated in addition to any other moneys otherwise appropriated, to be expended in accordance with law for the support of the Agricultural Prorate Commission. Said sum of thirteen thousand nine hundred

and thirty dollars is appropriated out of and payable from certain monies and funds as follows:

Out of the Agricultural Prorate Commission fund, three thousand nine hundred and thirty dollars; and the remainder out of moneys in the general fund not otherwise appropriated: provided, that the monies appropriated from the general fund shall become available only when and as ordered by the Agricultural Prorate Commission fund become available for the support of said Commission.

SEC. 2. This act enacted as it makes its appropriation for the usual running expenses of the State is hereby declared an urgent measure and shall within the provisions of section 1 of Article IV of the Constitution take effect immediately.

Bill read second time, ordered to report, and referred to Committee on Finance.

### Second Reading of Assembly Bills

**Assembly Bill No. 2833**—An act to amend sections 3630, 3651, 3655 and 3720 of the Political Code, relating to the assessment of property and collection of taxes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2202**—An act adding section 3671c to the Political Code, providing for enforcing tax liabilities incurred by States extending like comity to this State and providing for bringing suit in other States to collect taxes due this State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1152**—An act to amend section 3747a of the Political Code, relating to segregation of valuation of property on the assessment roll.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1558**—An act to amend section 3816 of the Political Code, relating to distribution of moneys received on account of redemption or purchase of lands sold to the State for nonpayment of taxes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2369**—An act to add section 3888a to the Political Code, relating to conveyance of land to a county in payment of taxes, penalties and interest due the county from the owner of the land.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2025**—An act to repeal section 3819a of the Political Code and to add a new section 3819a thereto, relating to redemption of property from tax sales.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 971**—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1678**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assess-



ments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1339**—An act to amend section 26½ of the "Retail Sales Tax Act of 1933," relating to the preference of claims for personal services over claims for sales tax.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2316**—An act relating to taxation, to add section 5.3 to the Retail Sales Tax Act of 1933 and section 4.3 to the Use Tax Act of 1935, providing for exemptions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1189**—An act to amend section 5 of the Retail Sales Tax Act of 1933, as amended in 1935, relating to the exemption of vessels.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1190**—An act to amend section 4 of the Use Tax Act of 1935.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2806**—An act to amend the "Use Tax Act of 1935," approved June 25, 1935, by amending section 4 thereof, relating to exemptions, by adding "newsprint" to the tangible personal property exempt from the tax imposed by such act.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1154**—An act to amend sections 3738, 3821 and 3831 of the Political Code and to add to said code a new section to be numbered 3832, relating to the collection of unsecured taxes.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1154 were read and adopted:

##### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out "On", and strike out line 7, and insert in lieu thereof "As of the close of the last business day in July, the assessor shall".

##### Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, after "him," insert "at such time and".

##### Amendment No. 3.

On page 1, line 9, of the printed bill, as amended, after "and", insert ", unless the taxes not a lien upon real property sufficient to secure the payment thereof are to be collected thereafter by the tax collector pursuant to section 3832 of this code, in which case the assessor".

##### Amendment No. 4.

On page 1, line 10, of the printed bill, as amended, after "July", insert ", the auditor shall furnish or reissue to the assessor blank "personal property" receipts and charge the assessor with the number of receipts issued".

##### Amendment No. 5.

On page 1, line 15, of the printed bill, as amended, strike out "the first day of August", and insert in lieu thereof "noon of the first Monday in March".

##### Amendment No. 6.

On page 1, line 19, of the printed bill, as amended, strike out "the right".

**Amendment No. 7.**

On page 1 of the printed bill, as amended, at the beginning of line 29, strike out "to".

**Amendment No. 8.**

On page 2, line 13, of the printed bill, as amended, after "may" insert: "if the county board of supervisors so order by a four-fifths vote of all the members thereof."

**Amendment No. 9.**

On page 2, line 13, of the printed bill, as amended after "thereof", insert: "which is for the purpose of the collection of such taxes levied with all powers conferred by law upon the assessor with respect to the collection of such taxes."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1243**—An act to provide for the levy and collection of a tax upon the income of corporations and to provide for the disposition of revenues therefrom.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1243 were read and adopted:

**Amendment No. 1.**

On page 2, line 2, of the printed bill, as presented on April 29th, strike out the word "centum", and insert in lieu thereof the word "one".

**Amendment No. 2.**

On page 3 of the printed bill, as presented on April 29th, strike out all of line 17 following the word "property", and reword out all of line 18 containing the word "which", and insert in lieu thereof the following: "Under the provisions of subsection under the provisions of subsection (c) of this section and section One thousand from corporations, fifty per cent or more of the outstanding stock of which is owned by the taxpayers."

**Amendment No. 3.**

On page 3, line 55 of the printed bill, as presented April 29th, after the word "commissioner", insert a comma.

**Amendment No. 4.**

On page 4, line 35, of the printed bill, as amended April 29th, after the word "herein" and before the period, insert the following: "provided, however, that the words 'with the approval of the secretary' in said sentence shall be deemed omitted".

**Amendment No. 5.**

On page 4 of the printed bill, as amended April 29th, between lines 56 and 57 insert the following: "corporation taxable under this act during such taxable year which has been taxed under the provisions of this act in the corporation holding the dividends, and dividends received during the taxable year from it."

**Amendment No. 6.**

On page 5 of the printed bill, as amended April 29th, between lines 21 and 22, insert the following:

"(1) In the case of a corporation, contributions or gifts made within the taxable year to or for the use of a corporation, trust, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or the prevention of cruelty to children; that only if such contributions or gifts are to be used within the United States exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, to an amount which does not exceed five per cent of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner."

**Amendment No. 7.**

On page 5 of the printed bill, as amended April 29th, between lines 34 and 35, insert the following:

"(d) Any amount otherwise allowable as a deduction which is allowable to one or more classes of income not included in the measure of the tax imposed by this act.

(e) Except in case of distributions in liquidation, losses from sales or exchanges of property directly or indirectly between an individual and a corporation in which such individual owns directly or indirectly more than fifty per cent in value of the outstanding stock. For the purpose of this subdivision an individual shall be considered as owning the stock owned directly or indirectly by his family and the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors and lineal descendants."

**Amendment No. 8.**

On page 6, line 36, of the printed bill, as amended April 20th, after the word "section", insert a comma.

**Amendment No. 9.**

On page 8, line 20, of the printed bill, as amended April 20th, strike out the comma after the word "income", and insert a comma after the word "shall".

**Amendment No. 10.**

On page 9, line 13, of the printed bill, as amended April 20th, after the period, add the following: "A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment."

**Amendment No. 11.**

On page 9, line 26, of the printed bill, as amended April 20th, after the word "then", insert a comma.

**Amendment No. 12.**

On page 9, line 41, of the printed bill, as amended April 20th, after the word "of", and before the word "paragraph", insert the following: "the preceding"; and strike out the following: "(1)".

**Amendment No. 13.**

On page 10, line 21, of the printed bill, as amended April 20th, strike out the word "inereest", and insert in lieu thereof the following: "interest".

**Amendment No. 14.**

On page 11, line 22, of the printed bill, as amended April 20th, after the word "board", insert a comma.

**Amendment No. 15.**

On page 11, line 50, of the printed bill, as amended April 20th, after the word "If", insert a comma.

**Amendment No. 16.**

On page 11, line 10, of the printed bill, as amended April 20th, after the word "therefor", strike out the comma and insert in lieu thereof a period; strike out the word "such", and insert in lieu thereof "Such".

**Amendment No. 17.**

On page 12, line 33, of the printed bill, as amended April 20th, strike out the comma, and insert in lieu thereof a period; strike out the word "such", and insert in lieu thereof the word "Such".

**Amendment No. 18.**

On page 12, line 42, of the printed bill, as amended April 20th, strike out the word "centum", and insert in lieu thereof the word "cent".

**Amendment No. 19.**

On page 13, line 2, of the printed bill, as amended April 20th, strike out "centum", and insert in lieu thereof "cent".

**Amendment No. 20.**

On page 13, line 4, of the printed bill, as amended April 20th, strike out the following: "Controller of the State", and insert in lieu thereof the following: "commissioner".

**Amendment No. 21.**

On page 13, line 7, of the printed bill, as amended April 20th, after the word "court", insert a comma; and in line 8, after the word "General", insert a comma, and strike out the word "order", and insert in lieu thereof the word "orders".

**Amendment No. 22.**

On page 14 of the printed bill, as amended April 20th, strike out all of lines 4 to 20, both inclusive, and insert in lieu thereof the following:

"SEC. 22. The taxes imposed by this act shall constitute a lien upon the real property of the taxpayer, which lien shall have the same force, effect and priority as a judgment lien and shall attach on the last day of the taxable year. The lien provided for in this section shall remain until the taxes are paid or the property subject to the lien is sold for the payment thereof; provided, however, that the

commissioner may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not constitute or constitute an extension of such taxes. A certificate by the commissioner to the effect that any property has been released from the lien herein provided for or that any lien has been subordinated to other liens shall be conclusive evidence that the property was being released or that the lien has been subordinated as provided in the amendments. No decree of dissolution shall be made and entered by any court but which the record shows of any county or the Secretary of State the day such decree, or the day after the day by which the term of existence of any taxpayer shall be reduced or terminated, nor shall the Secretary of State file and certificate of the incorporation of a foreign corporation of its right to do intrastate business in this State until the tax, penalties, and interest shall have been paid."

#### Amendment No. 23.

On page 14, line 30, of the printed bill, as amended April 20th, after the word "hereof", and before the period insert the following: "and provided further, that no such action shall be filed to recover any deficiency assessment, or any part thereof, if the taxpayer has at any time appealed to the State Board of Equalization from the action of the commissioner in overruling the taxpayer's protest to the commissioner's proposal of the said deficiency assessment."

#### Amendment No. 24.

On page 15, line 19, of the printed bill, as amended April 20th, strike out "centum", and insert in lieu thereof "cent".

#### Amendment No. 25.

On page 15, line 27, of the printed bill, as amended April 20th, strike out the following: "Controller of the State", and insert in lieu thereof the following: "commissioner".

#### Amendment No. 26.

On page 15, line 40, of the printed bill, as amended April 20th, strike out the following: "or by the Controller".

#### Amendment No. 27.

On page 15, line 48, of the printed bill, as amended April 20th, strike out the following: "Controller", and insert in lieu thereof the following: "commissioner".

#### Amendment No. 28.

On page 15, line 49, of the printed bill, as amended April 20th, strike out "Can".

#### Amendment No. 29.

On page 15, line 50, of the printed bill, as amended April 20th, strike out "person", and insert in lieu thereof the word "Commissioner", before the word "person", insert the word "personal", and strike out the words "held or personal".

#### Amendment No. 30.

On page 16, line 29, of the printed bill, as amended April 20th, strike out "Can", and in line 30, strike out "troller", and insert in lieu thereof the word "commissioner".

#### Amendment No. 31.

On page 16, line 31, of the printed bill, as amended April 20th, strike out the word "Controller", and insert in lieu thereof the word "commissioner".

#### Amendment No. 32.

On page 16, lines 32 and 33, of the printed bill, as amended April 20th, strike out the following: "for the personal property, and is due for any real property so sold," and insert in lieu thereof the following: "for the property so sold".

#### Amendment No. 33.

On page 16, line 33, of the printed bill, as amended April 20th, strike out the words "or deed".

#### Amendment No. 34.

On page 16, line 42, of the printed bill, as amended April 20th, strike out the word "Controller", and insert in lieu thereof the word "commissioner".

#### Amendment No. 35.

On page 16, line 43, of the printed bill, as amended April 20th, strike out the word "Controller", and insert in lieu thereof the word "commissioner".

#### Amendment No. 36.

On page 16, line 47, of the printed bill, as amended April 20th, strike out the word "Controller", and insert in lieu thereof the word "commissioner".



**Amendment No. 37.**

On page 17, line 3, of the printed bill, as amended April 20th, strike out the word "Controller", and insert in lieu thereof the word "commissioner".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2197**—An act to amend sections 2, 3, 6, 7, 9, 10, 11, 12, 17, 19, 22, 23, 25, 27 and 29 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal sections 21, 22, 23, 24 and 32 of said act; to renumber sections 25, 26, 27, 28, 29, 30, 31, 33 and 34 as sections 21, 22, 23, 24, 25, 26, 27, 28 and 29, respectively, of said act; relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 2197 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of the title, and insert in lieu thereof the following:

"An act to amend sections 2, 3, 6, 7, 9, 10, 11, 12, 17 and 19, to amend and renumber sections 25, 26, 27, 28, 29, 30, 31, 33 and 34, and to repeal sections 21, 22, 23, 24 and 32 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; relating to the taxation of storage, use, or other consumption of tangible personal property; and to provide that this act shall take effect immediately."

**Amendment No. 2.**

On page 3, line 29, of the printed bill, as amended, after "interest", insert "and"

**Amendment No. 3.**

On page 5, line 43, of the printed bill, as amended, after "or", strike out "of"; and in the same line after "payment", insert "of".

**Amendment No. 4.**

On page 7, lines 15 and 16, of the printed bill, as amended, strike out "or assessment".

**Amendment No. 5.**

On page 13 of the printed bill, as amended, strike out line 26, and insert in lieu thereof "and employees".

**Amendment No. 6.**

On page 13 of the printed bill, as amended, between lines 34 and 35, insert the following: "of the Use Tax Act of 1935 as they existed on January 1, 1937, are hereby continued in force until July 1, 1937, and that the provisions".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1761**—An act to amend section 3817a of, and to add sections 3817.3 and 3817.4 to, the Political Code, relating to redemption.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1761 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, before "hereafter", insert a comma.

**Amendment No. 2.**

On page 1, line 11, of the printed bill, as amended, strike out "as hereinafter provided".

**Amendment No. 3.**

On page 1, line 16, of the printed bill, as amended, strike out "of three each".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, strike out lines 21 to 28, inclusive, and on page 2, strike out lines 1 to 8, inclusive, and in line 1, strike out "any portion of one year. In", and insert in lieu thereof the following:

"Such payments shall be made in two equal payments as follows:

(a) The first payment shall consist of twenty per cent, or more, of the amount necessary to make a redemption under section 2847.

(b) Further payments shall be made not later than April 30th in each preceding fiscal year and each payment shall consist of twenty per cent, or more, of the total amount necessary to redeem under this section, together with interest at the rate of six per cent per annum from the date of the preceding payment, or an amount equal to the difference between such total amount and the total preceding payments excluding interest.

In".

**Amendment No. 5.**

On page 2, lines 11 and 12, of the printed bill, as amended, strike out "The right to pay such delinquent taxes in installments shall cease and terminate had".

**Amendment No. 6.**

On pages 2, lines 17 and 18, of the printed bill, as amended, strike out "unless the full amount has been paid, as computed under section 2847".

**Amendment No. 7.**

On page 2 of the printed bill, as amended, strike out lines 23 and 24, and insert in lieu thereof the following: "for the use and convenience of the certificate. Whenever a payment is to be made which is added to the payments necessary to make the full amount necessary to redeem, strike this section, and the words in the preceding payments, excluding interest."

**Amendment No. 8.**

On page 2, line 24, of the printed bill, as amended, strike out "of three each".

**Amendment No. 9.**

On page 2, line 25, of the printed bill, as amended, after "amount" insert the following: ", and redemption of the property but no such redemption shall take this section is made in the same manner as redemption under section 2847, except that the amount necessary to redeem shall be computed as of the date of the first payment of delinquent taxes in installments."

**Amendment No. 10.**

On page 2, line 27, of the printed bill, as amended, change out "as here" and strike out line 28, and insert in lieu thereof a period and the following: "One copy of the certificate shall be deliv-".

**Amendment No. 11.**

On page 2, line 30, of the printed bill, as amended, strike out "and portions" and insert in lieu thereof the following: "it".

**Amendment No. 12.**

On page 2, line 32, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "the".

**Amendment No. 13.**

On page 2, lines 33 and 34, of the printed bill, as amended, strike out "as in this subdivision hereinafter provided".

**Amendment No. 14.**

On page 2, line 38, of the printed bill, as amended, strike out "and" and strike out line 39, and insert in lieu thereof the following: "showing the name of the person making the payments."

**Amendment No. 15.**

On page 2, line 40, of the printed bill, as amended, strike out "for amounts".

**Amendment No. 16.**

On page 2 of the printed bill, as amended, strike out line 41, and insert in lieu thereof the following: "the years of delinquency, a descrip-".

**Amendment No. 17.**

On page 2, line 42, of the printed bill, as amended, after "property", insert the following: ", and any other information needed".

**Amendment No. 18.**

On page 3, line 9, of the printed bill, as amended, strike out "delinquent", and insert in lieu thereof the following: "due".

**Amendment No. 19.**

On page 3, line 23, of the printed bill, as amended, strike out "delinquent", and insert in lieu thereof the following: "due".

**Amendment No. 20.**

On page 3, line 27, of the printed bill, as amended, strike out "delinquent", and insert in lieu thereof the following: "due".

**Amendment No. 21.**

On page 3 of the printed bill, as amended, strike out line 30, and insert in lieu thereof the following: "taxes and penalties which would be due and collectible by".

**Amendment No. 22.**

On page 3, line 33, of the printed bill, as amended, after "Thereafter", insert a comma.

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1559**—An act to repeal section 3897 of the Political Code, and to add to said code a new section to be numbered 3897, relating to the sale of property deeded to the State for delinquent taxes.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1559 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "to said code a new section to be numbered 3897", and insert in lieu thereof the following: "sections 3897 and 3897.1 thereto".

**Amendment No. 2.**

On page 6 of the printed bill, as amended, following line 20, insert the following:

"Sec. 3. Section 3897.1 is hereby added to the Political Code to read as follows: 3897.1. In any case where the total sale price of the property sold in one transaction, at private sale or public auction, under section 3897 exceeds \$5,000, the board of supervisors may by resolution permit such sale to be by contract of sale instead of for cash.

Such contract of sale shall be on the following terms: One-tenth of the purchase price in cash at the time of sale, and the balance in nine annual installments thereafter, with interest on the unpaid balance of the purchase price at five per cent per year, payable annually and subject to the condition that all current taxes and assessments thereafter levied and assessed during the term of the contract shall be paid within the time allowed by law therefor."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 2196**—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 33 of

said act; to renumber section 324 as section 33 of said act, relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation the following amendments to Assembly Bill No. 2196 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and" and insert in lieu thereof a comma.

##### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, after "27", insert "and 29".

##### Amendment No. 3.

On page 4, line 5 of the printed bill, as amended, strike out "note", and insert in lieu thereof "Thereupon make an assessment of such tax, noting—"

##### Amendment No. 4.

On page 4, line 10 of the printed bill, as amended, after "assessment", insert ", such assessment becomes final at the expiration of such ten days, unless a petition for reassessment is filed within such ten days, and—"

##### Amendment No. 5.

On page 6 of the printed bill, as amended, between lines 21 and 22, insert the following:

"Sec. 8. Section 29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 29. All fees, taxes, interest and penalties imposed under this act shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California, and said board shall transmit payments to the State Treasurer to be deposited by the State Treasurer in the credit of the "retail sales tax fund." For expenditure by the board in carrying out the provisions of this act, in addition to any other appropriations, there is hereby appropriated a sum of money equal to one-quarter of one per cent, of the amount thereof as may be necessary, of all moneys deposited from and after July 1, 1937 in the retail sales tax fund. All moneys in the retail sales tax fund, unless otherwise appropriated shall, upon order of the State Controller, be applied therefrom for the purpose of refunding to the retailers hereunder or be transferred to the general fund of the State."

##### Amendment No. 6.

On page 6, line 22, of the printed bill, as amended, strike out "8" and insert in lieu thereof "9".

##### Amendment No. 7.

On page 6, line 28, of the printed bill, as amended, strike out "9", and insert in lieu thereof "10".

##### Amendment No. 8.

On page 6 of the printed bill, as amended, strike out line 29, and in line 30 strike out "tions", and insert in lieu thereof "and employees".

##### Amendment No. 9.

On page 6, line 34, of the printed bill, as amended, strike out "10", and insert in lieu thereof "11".

##### Amendment No. 10.

On page 6 of the printed bill, as amended, between lines 37 and 38, insert the following: "of the Retail Sales Tax Act of 1933 as they existed on January 1, 1937 are hereby continued in force until July 1, 1937, and that the provisions"

Bill read second time, and referred to Committee on Finance, without reference to reprint.

(NOTE.—The action of the Senate in amending Assembly Bill No. 2196 was rescinded May 10, 1937. J. A. Beek, Secretary of Senate.)

**Assembly Bill No. 1593**—An act to amend an act entitled "An act to be known as the 'Water Conservation Act of 1929' and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream



of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts," approved April 27, 1929, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Assembly Bill No. 1593 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 24 of the title of the printed bill, as amended, strike out "1, 3 and 6", and insert in lieu thereof the following: "1 and 3".

##### **Amendment No. 2.**

On page 1, lines 25 and 26 of the title of the printed bill, as amended, strike out "qualifications of petitioners and electors in".

##### **Amendment No. 3.**

On page 1, line 3, of the printed bill, as amended, before "Water", insert the following: "Section 1."

##### **Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out lines 6 to 8, inclusive, and insert in lieu thereof the following: "five hundred, or twenty per cent or more, of the qualified electors of a proposed water conservation district comprising the".

##### **Amendment No. 5.**

On page 2, line 11, of the printed bill, as amended, after "watersheds", insert a comma.

##### **Amendment No. 6.**

On page 2 of the printed bill, as amended, strike out lines 26 to 37, inclusive, and insert in lieu thereof the following: "All electors residing within the proposed district, whose names appear on the register of voters of the last general election, or any time within thirty days, preceding the presentation of a petition for the organization of a water conservation district under the provisions of this act shall be sufficient evidence that such signers of said petition are bona fide electors of said district."

##### **Amendment No. 7.**

On page 2, line 44, of the printed bill, as amended strike out "twenty-five", and insert in lieu thereof the following: "twenty".

##### **Amendment No. 8.**

On page 2, line 45, of the printed bill, as amended, strike out "owners of land", and insert in lieu thereof the following: "electors".

##### **Amendment No. 9.**

On page 3, line 3, of the printed bill, as amended, after "presented", insert a comma.

##### **Amendment No. 10.**

On page 3, line 12, of the printed bill, as amended, after "all", insert the following: "the".

**Amendment No. 11.**

On page 3 of the printed bill, as amended, strike out lines 21 to 32, inclusive.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1594**—An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Assembly Bill No. 1594 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 12 and 13 of the title, and insert in lieu thereof the following: "by amending sections 1 and 3 thereof, relating to water conservation."

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 11 and 12, and insert in lieu thereof the following: "signed by five hundred, or twenty per cent, or more of the qualified electors of a proposed water conservation district proposing

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 10 to 21, inclusive, and insert in lieu thereof the following: "two districts. All electors residing within the proposed district, whose names appear on the register of voters at the next general election, or at any time within forty days preceding the presentation of a petition for the organization of a water conservation district under the provisions of this act, shall be presumptively qualified signers of said petition and have full capacity of said district."

**Amendment No. 4.**

On page 2 of the printed bill, as amended, strike out line 28, and insert in lieu thereof the following: "signed by not less than twenty per cent or five hundred electors".

**Amendment No. 5.**

On page 2, line 29 of the printed bill, as amended, strike out "districts", and insert in lieu thereof the following: "district".

**Amendment No. 6.**

On page 2, line 39, of the printed bill, as amended, after "presented", insert a comma.

**Amendment No. 7.**

On page 2, line 48, of the printed bill, as amended, after "all", insert the following: "the".

**Amendment No. 8.**

On page 3 of the printed bill, as amended, strike out lines 5 to 15, inclusive.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 82**—An act to add section 421.5 to the Fish and Game Code, relating to fishing licenses.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 82 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 121 and".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, after "licenses", insert the following: ", and creating a new district for the purpose of exempting certain surf fishing from licensing requirements".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, as amended, strike out "421.5", and insert in lieu thereof the following: "121".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, between lines 2 and 3, insert the following:

"121. District 121. The following shall constitute fish and game district 121: The waters of the Pacific Ocean within the following boundaries: Beginning at the point of intersection of the common boundary of Orange and San Diego Counties, and maximum high water mark, thence west to minimum low water mark, thence southerly along the line of minimum low water mark to a point directly west of the junction of the southern boundary of San Diego County with maximum high water mark, thence east to said last mentioned junction, excepting therefrom the area comprising fish and game district 21.

Sec. 2. Section 421.5 is hereby added to the Fish and Game Code to read as follows:"

**Amendment No. 5.**

On page 1 of the printed bill, as amended, strike out lines 6 to 10, inclusive, and insert in lieu thereof the following: "surf waters of the Pacific Ocean in district 121."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

**Assembly Bill No. 2336**—An act to add Chapter 5 to Division I of the Fish and Game Code, relating to the licensing of land owners to collect fees or other charges for the privilege of hunting on their land.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 348**—An act to amend section 1015 of the Fish and Game Code, relating to packing and reduction licenses.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 61**—An act to amend sections 67 and 68 of the Fish and Game Code, relating to fish and game districts, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2724**—An act relating to the preservation, care and display of foods.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1334**—An act to amend sections 3, 4, and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs, and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health in relation thereto.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1613**—An act to amend sections 1, 10, 14 and 17 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to the practice of barbering.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1319**—An act to amend section 1 of an act entitled "An act to provide against the selling, purchasing, barter or bartering, the altering or the use of any fraudulent diploma, certificates or transcripts to be used in obtaining a license or certificate in practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of applicants in examinations required under the Medical Practice Act, the Osteopathic Initiative Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, or sections 580 and 581 of the Business and Professions Code, relating to the unlawful use of diploma, certificates or transcripts necessary for the practice of a healing art.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2132**—An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 2132 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 5 and 10," and insert in lieu thereof the following: "section 10."

##### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, after the word "and" insert a comma and the following: "and to add chapter 5.5 to."

##### Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, strike out "5 of said act is hereby amended", and insert in lieu thereof the following: "5.5 is hereby added to the act cited in the title hereof".

##### Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 3 to 24, inclusive, and on page 2, strike out lines 1 to 16 inclusive, and in line 17, before "Any" insert the following: "Sec. 5.5."

##### Amendment No. 5.

On page 2 of the printed bill, as amended, strike out lines 20 and 21, and insert in lieu thereof the following: "who have with the additional modifications set forth in section 5 of this act, may be permitted to take any regular or special examination."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1253**—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regu-



lating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs, and devices and to the powers of the State Board of Public Health in relation thereto.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine the following amendments to Assembly Bill No. 1253 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 5 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 3. The standard of purity of drugs shall be the U. S. Pharmacopoeia and National Formulary and the regulation and definitions adopted for the enforcement of the Food and Drugs Act of June 30, 1906, shall be adopted by the State Board of Health for the enforcement of this act."

**Amendment No. 2.**

On page 2, line 28, of the printed bill, as amended, after "thereof", insert the following: "and in addition it be labeled in bold face, 8-point type, "substandard", in a square block preceding the name of the substance".

**Amendment No. 3.**

On page 2, line 40, of the printed bill, as amended, after "thereof", insert the following: "and in addition it be labeled in bold face, 8-point type, "substandard", in a square block preceding the name of the substance".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

**Assembly Bill No. 1610**—An act to amend sections 1, 2, 3 and 4 and to amend the title of and to add section 5 to an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relating to civil service for counties and cities.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 1610 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 1.5, 1.6 and".

**Amendment No. 2.**

On page 1, line 8 of the title of the printed bill, as amended, strike out "activities" and insert in lieu thereof the following: "activities".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out line 5, and insert in lieu thereof the following: "the appoint".

**Amendment No. 4.**

On page 1, line 7, of the printed bill, as amended, strike out "said personnel officer or", and insert in lieu thereof the following: "the".

**Amendment No. 5.**

On page 2, line 1, of the printed bill, as amended, strike out "or personnel officer".

**Amendment No. 6.**

On page 2, lines 2 and 3, of the printed bill, as amended, strike out "or personnel officer".

**Amendment No. 7.**

On page 2 of the printed bill, as amended, between lines 17 and 18, insert the following:

"Sec. 2.5 Section 1.5 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 1.5 Every county civil service commission, so appointed shall consist of five members, each of whom shall hold office for a term of four years and upon his successor is appointed and qualified. One member shall be chosen from the legislative body of the county or city and county; one member shall be selected from among the employees or appointive officers of the county or city and county placed under the system; three members shall be selected from among the appointive officers of the county or city and county. Vacancies occurring in the commission shall be filled by appointment by the legislative body for the remainder of the unexpired term only. The term of office of the members of the civil civil service commission in a county or city and county shall be, for two, two, three, two and four years, respectively. The members thereof shall determine as for the relative order of the expiration of their terms.

Sec. 2.6 Section 1.6 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 1.6 The minimum qualifications prescribed by any statute for any class or grade of employment placed under the system shall not be less than those prescribed for similar or comparable classes or grades established by the Legislature in cases where the Legislature has specified the qualifications or manner of qualifying any county officer or his assistants or his employees under the system."

**Amendment No. 8.**

On page 2, line 44, of the printed bill, as amended, after the period insert the following: "The said legislative body may also employ such aid, under contract, agency to advise and assist the said legislative body or the civil service commission or other personnel agency of the county or city in the preparation of a civil service charter amendment or ordinance or to assist in the preparation of or giving of civil service examinations, or assist in the preparation or carrying of the personnel classification system or the civil service rules and regulations."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 290**—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending sections 2, 3, 4 and 16 and by adding thereto certain new sections to be designated sections 2a, 2b, 2c, 2d, 2e and 2f respectively, relating to and providing for a civil service system for said district.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 290 were read and adopted:

**Amendment No. 1.**

On page 1, line 5 of the title of the printed bill, after the word "and", insert the following: "the powers of said district."

**Amendment No. 2.**

On page 4, line 11, of the printed bill, as amended, strike out the following: "inspired in fee otherwise than by compensation."

**Amendment No. 3.**

On page 8, line 33, of the printed bill, as amended, after the word "powers", insert the following: "hereby granted or to carry out any of the objects and purposes".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 455**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1091**—An act to amend section 65 of the Agricultural Code, relating to the duties of county agricultural commissioner.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2385**—An act to repeal Articles 1, 3 and 5 and to amend Article 4 of Chapter 8, Division V of the Agricultural Code and to add a new article to be numbered 1 to Chapter 8, Division V of the Agricultural Code, all relating to eggs and egg products.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1318**—An act to amend section 814 of the Agricultural Code, relating to the standardization of lettuce.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 103**—An act to add section 207.5 to the Labor Code, relating to the payment of wages.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 508**—An act to add to the Labor Code sections 860, 861, 862 and 863, to be known as Chapter 7 of Part 2 of Division II thereof, relating to hours of labor of persons employed as personal or domestic workers and providing penalties.

#### **Amendments from the Floor.**

During second reading of Assembly Bill No. 508, the following amendments, offered by Senator Olson, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 8, of the printed bill, after the period, insert the following: "The working hours permitted by this chapter shall include all the time during which the employee is required to remain on the premises of the employer, or to be in any way responsible for any duties incidental to such employment."

##### **Amendment No. 2.**

On page 1, line 13, of the printed bill, strike out "1", and insert in lieu thereof the following: "860".

##### **Amendment No. 3.**

On page 1, line 17, of the printed bill, strike out "1", and insert in lieu thereof the following: "860".

##### **Amendment No. 4.**

On page 1, line 21, of the printed bill, strike out "act", and insert in lieu thereof the following: "chapter".

##### **Amendment No. 5.**

On page 1, line 24, of the printed bill, strike out "act", and insert in lieu thereof the following: "chapter".

Bill read second time, ordered to print, and on file for third reading.

#### **Invitation from the Assembly.**

Miss Eleanor Miller, of the Assembly, addressed the Senate and extended an invitation to join with the Assembly on Friday, May 7, 1937, at eleven o'clock a.m., to attend a Mother's Day program.

#### **Motion.**

Senator Rich moved that the Senate accept the invitation of the Assembly to attend the Mother's Day program.

Motion carried.

**Motion.**

On motion of Senator Knowland, Assembly Bill No. 2136 was ordered withheld from print, and referred to Committee on Finance.

**Re-reference of Senate Bill No. 425.**

Senator Swing moved that Senate Bill No. 425 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Knowland moved to reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused passage.

**Postponement of Reconsideration.**

On motion of Senator Knowland, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused passage was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Seawell moved to reconsider the vote whereby Assembly Bill No. 217 was passed.

**Postponement of Reconsideration.**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 217 was passed was continued until the next legislative day.

**Special Order.**

Senator DeLap moved that Senate Bill No. 773 be made a special order for Tuesday, May 11, 1937, at two o'clock and thirty minutes p.m.

Motion carried and such was the order.

**Introduction, First Reading and Reference of Bills**

The following bill was introduced

**Senate Constitutional Amendment No. 28:** By Senator Knowland—Proposed amendment to the Constitution, by adding Article XXVI thereto, relative to motor vehicle taxation and revenues.

Senate Constitutional Amendment No. 28 read, and referred to Committee on Constitutional Amendments.

**Notice of Consideration.**

Senator Gordon gave notice that he would ask consideration for final passage of Senate Bill No. 1101 now on the unfinished business file.

**Third Reading of Senate Bills.**

**Senate Bill No. 987**—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual



licenses to hold such amateur contests by the State Athletic Commission of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 987 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holchan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, and Westover 32.

**NOES**—None.

Title read and approved.

Senate Bill No. 987 ordered transmitted to the Assembly.

**Senate Bill No. 879**—An act to add section 6902a to the Labor Code, relating to train crews.

Bill read third time.

Further action of Senate Bill No. 879 temporarily deferred.

### **Recess.**

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Leave of Absence.**

Senator Pierovich was, on motion of Senator McColl, granted leave of absence for the balance of this legislative day.

### **Reports of Standing Committee.**

The following reports of standing committee were received and read:

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 420—An act to amend sections 629 and 630 of the Fish and Game Code, relating to closing streams;

Senate Bill No. 657—An act making an appropriation for the addition of another story to the building known as the annex to the State Printing Plant;

Senate Bill No. 773—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately;

Senate Bill No. 781—An act to amend the title of, and to add section 18a to, the State Medical Practice Act, relating to remedies for violations thereof;

Senate Bill No. 782—An act to add sections 2372.5, 2410, and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine;

Senate Bill No. 783—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof;

Senate Bill No. 1117—An act providing for the compilation of existing laws relating to publishing and distribution of a State Blue Book, and providing certain acts specified herein;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolled and Printing has examined:

Senate Bill No. 43—An act to be known as the "Slot Machine Licensing Act" relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

Senate Bill No. 178—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

Senate Bill No. 292—An act making no appropriation for the purchase and removal of the James W. Marshall gunsmith business collection, and the James W. Marshall blacksmith shop, and for the purchase of land and the construction of a water system to be used in connection with the James W. Marshall Park.

Senate Bill No. 359—An act to amend section 113 to read as follows: "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of such horse racing and wagering thereon, to provide penalties for the violation of this act, and to provide that this act shall take effect upon the adoption of the constitutional amendment authorizing such amendments," approved June 5, 1933, relating to horse racing, declaring the foregoing Senate Bill to take effect immediately.

Senate Bill No. 897—An act to amend the Fish and Game Code by the addition thereto of a new section designated 1060, relating to and regulating the catching of fish, crabs and fish, and the penalty for anyone who caught or engaged in such business and lawfully processing fish products of the State, otherwise.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrolled and Printing has examined:

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Call of the Senate.

Senator Deuel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, Deuel, Hays, Holstad, McGee, Schottky, Wagy, and Westover.—10

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty-one minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills—(Resumed).****Consideration of Senate Bill No. 879—(Resumed).**

**Senate Bill No. 879**—An act to add section 6902a to the Labor Code, relating to train crews.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 refused passage by the following vote:

AYES—Senators Allen, DeLap, Hollister, Jespersen, Keating, McGovern, Nielsen, Olson, Powers, Quinn, Seawell, Slater, Swing, and Wagy—14.

NOES—Senators Biggar, Crittenden, Cunningham, Deach, Fletcher, Gordon, Hays, Holohan, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Parkman, Phillips, Pierovich, Rich, Schottky, Tickle, Westover, Williams, and Young—25.

**Senate Bill No. 553**—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—33.

NOES—None.

**Title read and approved.**

Senate Bill No. 553 ordered transmitted to the Assembly.

**Senate Bill No. 171**—An act to amend section 156 of the Vehicle Code, relating to license plates.

**Amendment from the Floor.**

During third reading of Senate Bill No. 171, the following amendment, offered by Senator McBride, was read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, after the word "vehicle", strike out the words "which shall not include any letter," and in line 18, strike out the words "character, symbol or other designation", and insert a period.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

**Senate Bill No. 144**—An act relating to State lands, permitting the holders of certificates of purchase of certain State lands to complete purchases thereunder, notwithstanding any past forfeiture of such lands to the State for default in interest payments or taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hollister, Holahan, Keating, Keough, Lane, McBride, McCall, McCormack, McGovern, Metzger, Nielsen, Phillips, Parkinson, Pierovich, Quinn, Rich, Slater, Swing, Tickle, Swing, Tickle, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 144 ordered transmitted to the Assembly.

**Senate Bill No. 373**—An act to amend section 488 of the Vehicle Code, relating to accident reports.

**Amendment from the Floor.**

During third reading of Senate Bill No. 373, the following amendment offered by Senator McGovern, was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, following the word "department", and before the word "disclose", strike out the word "and", and insert in lieu thereof the word "shall".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 1014**—An act to amend section 647 of the Penal Code, relating to definitions of vagrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1014 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holahan, Keough, Keough, Lane, McBride, McCall, McCormack, Metzger, Mixer, Parkinson, Pierovich, Quinn, Rich, Slater, Swing, Tickle, Westover, and Williams—27.

**NOES**—Senators Crittenden, Hollister, Keating, McGovern, Nielsen, Olson, Powers, and Seawell—8.

Title read and approved.

Senate Bill No. 1014 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

**Senate Bill No. 1104**—An act to amend section 810 of the Agricultural Code, relating to artichokes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1104 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Keough, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkinson, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Williams—26.



NOES—Senators Garrison, Gordon, Hollister, Holohan, Jespersen, Kenting, McColl, Phillips, and Westover—9.

Title read and approved.

Senate Bill No. 1104 ordered transmitted to the Assembly.

### Unfinished Business—(Resumed).

**Senate Bill No. 1101**—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1101, the following amendments, offered by Senator Gordon, were read and adopted:

#### Amendment No. 1.

On page 1, line 23, of the printed bill, as amended, strike out "one or more fairs", and insert in lieu thereof the following: "a secondary fair for which not more than five thousand dollars may be expended".

#### Amendment No. 2.

On page 1, line 24, of the printed bill, as amended, strike out "a county fair", and insert in lieu thereof the following: "county fairs in any one county".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Quinn:

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act making an appropriation for capital improvements at Humboldt State College, located at Arcata, California.

Respectfully submitted.

SENATOR QUINN.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Quinn to introduce a bill entitled:

An act making an appropriation for capital improvements at Humboldt State College, located at Arcata, California:

Has had the same under consideration, and respectfully reports the same back, and recommends the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.  
MCCOLL.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Jespersen, Kenting, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

NOES—None.

### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, MAY 6, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 4239d, 4239h, and 4239i of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County.

Respectfully submitted

SENATOR CRITTENDEN.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 6, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Crittenden to introduce a bill entitled:

An act to amend sections 4239d, 4239h, and 4239i of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

ED. H. CHAIRMAN,  
SLATER,  
MCWILL,  
KNOWLAND,  
TUCKER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Dool, Fletcher, Gordon, Huns, Hollister, Holahan, Jorgensen, Keating, Kephart, Knowland, Latt, McBurn, McCall, McCormack, McGowan, Menger, Meyer, Nissen, Olson, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Sewell, Stone, Swing, Tucke, Wagar, Womack, and Young—35.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bills were introduced:

**Senate Bill No. 1147:** By Senator Quinn—An act making an appropriation for capital improvements at Humboldt State College, located at Arcata, California.

Senate Bill No. 1147 read first time, and referred to Committee on Finance.

**Senate Bill No. 1148:** By Senator Crittenden—An act to amend sections 4239d, 4239h, and 4239i of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County.

Senate Bill No. 1148 read first time, and referred to Committee on County Government.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning May 6, 1937, and the Controller is hereby directed to pay same:

	<i>Per day</i>
	<i>6 days per week</i>
Ada M. Pierce, Stenographer-----	\$ 5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

**Notice of Motion to Reconsider.**

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 879 was refused passage.

**Motion.**

On motion of Senator Metzger, Senate Bill No. 990 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Parkman, Senate Bill No. 812 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Fletcher, Senate Bills Nos. 69 and 1111 were placed on the unfinished business file.

**Motion.**

On motion of Senator Slater, Senate Bills Nos. 83, 355 and 483 were ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Holohan, Senate Bills Nos. 222 and 443 were ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Pierovich, Senate Bills Nos. 292 and 891 were ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Nielsen, Senate Bills Nos. 245, 246, 247, 248, 249, 504, 321, 704 and 24 were ordered placed on the unfinished business file.

**Motion.**

On motion of Senator McGovern, Senate Bill No. 536 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Crittenden, Senate Bill No. 1121 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Wagy, Senate Bill No. 502 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Knowland, Senate Bill No. 1143 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Swing, Senate Bill No. 1002 was ordered placed on the unfinished business file.

**Re-reference of Senate Bill No. 1136**

Senator Hays moved that Senate Bill No. 1136 be re-referred to the Committee on Judiciary.

Motion carried, and such was the order.

**Re-reference of Senate Constitutional Amendment No. 19**

Senator Garrison moved that Senate Constitutional Amendment No. 19 be re-referred to Committee on Irrigation.

Motion carried, and such was the order.

**Re-reference of Senate Bill No. 646**

Senator Westover moved that Senate Bill No. 646 be re-referred to the Committee on Commerce and Navigation.

Motion carried, and such was the order.

**Approval of Journals.**

The Senate Journals of Monday, April 19, 1937, Tuesday, April 20, 1937, Wednesday, April 21, 1937, Thursday, April 22, 1937, Friday, April 23, 1937, Monday, April 26, 1937, Tuesday, April 27, 1937, Wednesday, April 28, 1937, Thursday, April 29, 1937, and Friday, April 30, 1937, were, on motion of Senator Ruch, approved as corrected by the Journal Clerk and Minute Clerk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, MAY 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 55—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, repealing section 1 of an act entitled "An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements," and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, declaring the urgency hereof, and providing that it shall take effect immediately:

Senate Bill No. 90—An act to amend section 13406 of the Fish and Game Code relating to bears:

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.



SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 472—An act to add section 44.1 to the Vehicle Code, relating to motor vehicles;

Senate Bill No. 1097—An act to add section 4041.14a to the Political Code, relating to community theaters;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### Recess.

At four o'clock and forty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until nine o'clock p.m.

### Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Call of the Senate.

Senator McBride moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, Fletcher, Holoahan, Law, McBride, Mixter, Olson, and Young—8.

### Proceedings Under Call of the Senate.

The Secretary announced the absentees.

Time, nine o'clock and one minute p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 44—Relative to memorializing the Postmaster General to use California granite in the erection of the new post office for the city of Los Angeles.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 44 read, and ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 268—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to exemptions from the tax imposed upon tangible personal property by said act;

Assembly Bill No. 409—An act making unlawful certain discriminations in price, in services or facilities furnished, or in payment for services or facilities to be rendered, in connection with the sale of commodities in the course of trade or commerce, and providing certain remedies for violation;

Assembly Bill No. 2849—An act to amend sections 4 and 23 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining

the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended relating to voting machines.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 268 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 409 read first time and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2849 read first time, and referred to Committee on Elections.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2884—An act to amend and renumber sections 6 and 7, to repeal section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, including the district hereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2884 read first time, and referred to Committee on County Government.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2196—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of forwarding, transporting or moving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making no appropriation by the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1935, to repeal section 33 of said act; to renumber section 32 as section 33 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property, and to provide that this act shall take effect immediately.

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 6.9, 11a, 14.5, 16, 20, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26, 26a, 26b, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 40.5, 48.5, 48.6, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52, 54.5, 53.6, 54.5, 55.2, 55.5, 55.7, 55.8, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Has had the same under consideration, and respectfully requests the same be read and amendments, and recommends that the amendments be adopted, and that do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—1; noes—1.

SWING, Chairman.

### Second Reading of Senate Bills—(Out of Order).

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.7, 6.8, 6.9, 11a, 14.5, 16, 20, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e,

48½, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 425 were read and adopted:

**Amendment No. 1.**

On page 47, line 25, of the printed bill, as amended, strike out the comma after the word "wholesaler", and insert a period, and strike out balance of said line 25.

**Amendment No. 2.**

On page 47 of the printed bill, as amended, strike out lines 26 to 40, both inclusive.

**Amendment No. 3.**

On page 33, line 39, of the printed bill, as amended, strike out "one and one-half", strike out all of lines 40, 41 and 42, and insert in lieu thereof the following: "for expenditure by the board in carrying out the provisions of this act the sum of four hundred thousand dollars, or so much thereof as may be necessary, together with such amounts as may be made available pursuant to section 661 of the Political Code;"

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Unfinished Business—(Resumed).**

**Consideration of Senate Bill No. 133.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 133, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 133**—An act to add Chapter 5, comprising sections 2000 to 2496, inclusive, to Division 11 and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Fletcher, Holohan, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Swing, Waggy, Westover, and Young—23.

**NOES**—None.

Title read and approved.

Senate Bill No. 133 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 134.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 134, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 134**—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division 11 and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeJap, Fletcher, Holahan, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myxer, Nelson, Olson, Parkman, Phillips, Piersovich, Powers, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—27.  
NOES—None.

Title read and approved.

Senate Bill No. 134 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 289.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 289, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 289**—An act to add Chapter 10, comprising sections 4500 to 4531, inclusive, to Division II and to add section 20007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repeating acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeJap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myxer, Nelson, Olson, Parkman, Phillips, Piersovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.  
NOES—None.

Title read and approved.

Senate Bill No. 289 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 290.

Senator McGovern asked for, and was granted, unanimous consent for consideration of Senate Bill No. 290, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 290**—An act to add Article 2, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repeating acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeJap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myxer, Nelson, Olson, Parkman, Phillips, Piersovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—33.  
NOES—None.

Title read and approved.

Senate Bill No. 290 ordered transmitted to the Assembly.

#### Senator Hays in the Chair.

At nine o'clock and thirty-five minutes p.m., Senator Hays of the thirtieth district was called to the chair.



**Consideration of Senate Bill No. 291.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 291, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 291**—An act to add Article 3, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 291 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 288.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 288, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 288**—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 288 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 389.**

Senator Schottky asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 389, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 389**—An act to establish a Welfare and Institutions Code, whereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 389 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Cunningham, DeLap, Dewel, Fletcher, Garrison, Hollister, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Wagy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 389 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 390.

Senator Schottky asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 390, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 390**—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part 2 of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 390 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Cunningham, DeLap, Dewel, Fletcher, Garrison, Hollister, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGowan, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Senwell, Slater, Swing, Wagy, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 390 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 391.

Senator Schottky asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 391, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 391**—An act to add Chapter 1, comprising sections 2000 to 2225, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 391 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Cunningham, DeLap, Dewel, Fletcher, Garrison, Hollister, Holohan, Keough, Law, McBride, McColl, McGowan, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Senwell, Slater, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 391 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At nine o'clock and forty-five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Consideration of Senate Bill No. 392.**

Senator Schottky asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 392, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 392**—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part 1 of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 392 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 1078.**

Senator Garrison asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1078, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 1078**—An act to add section 737.5a to the Agricultural Code, relating to persons purchasing milk.

Bill read third time.

**Urgency Clause.**

**SEC. 3.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall therefore take effect immediately. The facts constituting such necessity are as follows:

The provisions of the Agricultural Code amended by this act relate to the marketing of fluid milk and fluid cream. The orderly production and marketing of such milk and cream is a matter of vital concern, particularly in relation to the public health. The sections of the code affected were amended by Chapter 3, Statutes of 1937, which is now in effect. In order to avoid such confusion as would arise should this act not take effect at once, it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1978 passed by the following vote:

AYES—Senators Allen, Baggot, Crutcher, Cunningham, DeLoe, Dodd, Fletcher, Garrison, Hays, Hollister, Houlton, Keough, Knowland, Lutz, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Spring, Tabor, Wade, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 1978 ordered transmitted to the Assembly.

**Senate Bill No. 245**—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 245 passed by the following vote:

AYES—Senators Allen, Baggot, Crutcher, Cunningham, DeLoe, Dodd, Fletcher, Garrison, Hays, Hollister, Houlton, Jernstrom, Keough, Knowland, Lutz, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Spring, Tabor, Wade, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 245 ordered transmitted to the Assembly.

**Senate Bill No. 246**—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Allen, Baggot, Crutcher, Cunningham, DeLoe, Dodd, Fletcher, Garrison, Hays, Hollister, Houlton, Jernstrom, Keough, Knowland, Lutz, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Spring, Tabor, Wade, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 246 ordered transmitted to the Assembly.

**Senate Bill No. 247**—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 247 ordered transmitted to the Assembly.

**Senate Bill No. 248**—An act to add Part 1, comprising sections 1690 to 3231, inclusive to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—Senator Pierovich—1.

Title read and approved.

Senate Bill No. 248 ordered transmitted to the Assembly.

**Senate Bill No. 249**—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 249 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 73.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 73, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 73**—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Lee, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piersbach, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swigg, Wagg, Westover, and Young. 35.  
 NOES—None.

Title read and approved.

Senate Bill No. 73 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 969.

Senator Westover asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 969 without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 969**—An act to amend sections 5892, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10 inclusive to, the Harbors and Navigation Code, relating to the management and control of harbors created, developed and improved under the provisions of Part 2 of Division VIII of said code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 969 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Lee, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piersbach, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swigg, Tinkle, Wagg, Westover, and Young. 35.  
 NOES—None.

Title read and approved.

Senate Bill No. 969 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 118.

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 118, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 118**—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and related laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to repeal Chapter 638, Statutes of 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Lee, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piersbach, Powers,

Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 118 ordered transmitted to the Assembly.

#### Consideration of Senate Bill No. 223.

Senator Crittenden asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 223, without reference to the committee on Finance, for purpose of passage.

**Senate Bill No. 223**—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pterovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 223 ordered transmitted to the Assembly.

**Senate Bill No. 372**—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to the practice of pharmacy.

#### Amendments from the Floor.

During third reading of Senate Bill No. 372, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1, line 9 of the title of the printed bill, as amended, after "1905," insert the following: "or to amend sections 4092 and 4256 of the Business and Professions Code,".

##### Amendment No. 2.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "the act cited in the title hereof", and insert in lieu thereof the following: "an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905,".

##### Amendment No. 3.

On page 3, lines 28 and 29, of the printed bill, as amended, strike out "the act cited in the title hereof", and insert in lieu thereof the following: "an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905,".

##### Amendment No. 4.

On page 3 of the printed bill, as amended, after line 48, insert the following: "SEC. 3. Section 4092 of the Business and Professions Code is hereby amended to read as follows:

4092. Except as is otherwise provided by section 4162, graduation from a school or college or pharmacy or department of pharmacy of a university shall not

be recognized by the board in regard to any applicant matriculating after January 1, 1938, unless the school or college of pharmacy or pharmacy department of a university requires a resident attendance of not less than eight calendar months of each year of its course. The course shall be distributed over a period of not less than four years and shall consist of a minimum of 1216 (thousand two hundred and sixteen) hours in pharmaceutical work, including one thousand three hundred hours of laboratory work predominantly related to pharmaceutical chemistry. Any student not, however, complete the required course of three thousand five hundred hours in a lesser period of time.

Sec. 4. Section 1256 of the Business and Professions Code is hereby amended to read as follows:

1256. The amount of fees and penalties prescribed by this chapter is paid by the following schedule:

(a) The fee for a permit to compound a pharmacy is one dollar for each pharmacy.  
(b) The fee for a renewal of the permit to practice a pharmacy is one dollar for each pharmacy.

(c) The annual fee for a permit for a general dealer in pharmacy is five dollars.

(d) The fee for any workman fee registered is ten dollars.

(e) The additional fee for the issuance of a duplicate or replacement to a permit, can't for registration for, or license, is five dollars more than the fee or renewal fee, or is fifteen dollars.

(f) The additional fee for the issuance of a certificate to any applicant who is found by the board on examination to be incompetent is ten dollars in five dollars.

(g) The fee for a temporary certificate is three dollars.

(h) The fee for the suspension of a certificate is three dollars.

(i) The amount payable for a registered pharmacist shall be paid by the board at an amount not to exceed the sum of three dollars.

(j) The annual renewal fee for a registered pharmacist agreement must be paid by the board at an amount not to exceed the sum of three dollars.

(k) The penalty for failure to pay any amount provided for by this chapter is an amount not to exceed the sum of ten dollars.

Sec. 5. Sections 1 and 2 of this act shall take effect only if an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," passed March 20, 1907, is not repealed and its provisions are not amended by the Business and Professions Code by the Legislature at its fifty-second session.

Sec. 6. Section 3 and 4 of this act shall take effect only if an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," passed March 20, 1907, is repealed and its provisions are incorporated in the Business and Professions Code by the Legislature at its fifty-second session.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Consideration of Senate Bill No. 456.

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 456, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 456**—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12976 and 12975.5 thereto, all relating to the Insurance Fund in the State treasury, making an appropriation, and providing the same shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

**AYES**—Senators Allen, Biggs, Crittenden, Cunningham, DeLong, Daniel, Fletcher, Garrison, Hays, Hollister, Hollister, Jorgensen, Kossuth, Knowlton, Lark, McHenry, McCall, McGovern, Metzger, Meyer, Nelson, Olsen, Patterson, Phillips, Pomeroy, Powers, Quinn, Rich, Schortky, Seawell, Slater, Sweng, Tucke, Wage, Westmore, and Young—36.

**NOES**—None.



Title read and approved.

Senate Bill No. 456 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 473.**

Senator Powers asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 473, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 473**—An act to amend sections 380.51, 380.52, 380.55 and 380.59, of the Agricultural Code, relating to live stock marks and brands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 473 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 637.**

Senator Jespersen asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 637, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 637**—An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 637 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 475.**

Senator Powers asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 475 without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 475**—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 354, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2, 363.3 and 378.5 thereto, relating to live stock marks and brands.

**Amendment from the Floor.**

During third reading of Senate Bill No. 475 the following amendment, offered by Senator Metzger, was read:

**Amendment No. 1.**

On page 5, lines 7 and 8, of the printed bill as amended, strike out the word "conveyance", and insert in lieu thereof the following: "or in a local jurisdiction, nor to transportation to another county for usage or feeding purposes."

**Motion.**

Senator Powers moved that the amendments be laid on the table. Motion carried.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

**AYES**—Senators Allen, Buggar, Crittenden, Cunningham, DeLong, Daniel, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Kneale, Kneeland, Linn, McEwen, McColl, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rich, Powers, Quinn, Rich, Schottky, Seawell, Swain, Tickle, Waggy, Westover, and Young—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 475 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 638.**

Senator Jepsen asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 638, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 638**—An act to amend sections 4064, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on transient vendors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

**AYES**—Senators Allen, Buggar, Crittenden, Cunningham, DeLong, Daniel, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Kneale, Kneeland, Linn, McEwen, McColl, Mixer, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swain, Tickle, Waggy, and Westover—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 638 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At ten o'clock and forty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Consideration of Senate Bill No. 942.**

Senator Jepsen asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 942, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 942**—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products.

Bill read third time.

**Urgency Clause.**

1300.29. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions of many agricultural producers throughout the State are such as to require immediate relief, if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of agricultural commodities and the issuance of marketing orders which assure stabilized and orderly distribution of agricultural commodities which can not otherwise be so marketed.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—35.

**NOES**—None.

**The question being on the passage of the bill.**

The roll was called, and Senate Bill No. 942 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—34.

**NOES**—None.

**Title read and approved.**

Senate Bill No. 942 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 757.**

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 757, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 757**—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 757 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 757 ordered transmitted to the Assembly.

**Consideration of Assembly Bill No. 2825.**

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2825, without reference to the Committee on Finance for purpose of passage.

**Assembly Bill No. 2825**—An act to amend section 737a of the Political Code, relating to salaries of judges of the superior court in and for the county of Alameda.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2825 passed by the following vote:

AYES—Senators Allen, Biggs, Christopher, Cunningham, DeLong, Dunn, Frazier, Garrison, Hays, Hollister, Hollister, Johnson, Keene, Knowland, Linn, McCall, McGovern, McManis, Milton, Nelson, Olson, Parkinson, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Slater, Tamm, Wagy, and Westervelt.

NOES—None.

Title read and approved.

Assembly Bill No. 2825 ordered transmitted to the Assembly.

**Consideration of Assembly Bill No. 811.**

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 811, without reference to the Committee on Finance, for purpose of passage.

**Assembly Bill No. 811**—An act amending section 103 of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 811 passed by the following vote:

AYES—Senators Allen, Biggs, Christopher, Cunningham, DeLong, Dunn, Frazier, Garrison, Hays, Hollister, Hollister, Johnson, Keene, Knowland, Linn, McCall, McGovern, McManis, Milton, Nelson, Olson, Parkinson, Phillips, Pomeroy, Powers, Quinn, Rich, Schortky, Seawell, Slater, Swang, Tamm, Wagy, and Westervelt.

NOES—None.

Title read and approved.

Assembly Bill No. 811 ordered transmitted to the Assembly.

**Senate Bill No. 466**—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060 and 11061 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

**Urgency Clause.**

Sec. 12. This act is hereby declared to be an urgency measure necessary to the preservation of the public peace, health and safety under the provisions of section 1 of Article IV of the Constitution of this State and shall therefore take effect immediately. The following is a statement of the facts constituting such necessity:

The moneys in the insurance fund in the State treasury are almost expended. The expense of supervision and regulation of insurers doing business in this State and of compiling the report of taxable gross premiums thereof is paid out of this fund by means of statutory appropriations therefrom. Unless additional revenues are made available for the replenishment of this fund, such supervision, regulation and compilation will be hampered, and a breakdown of this vital function of State



administration is thereby threatened. This act, by increasing the fees payable into such fund, will tend to avert such a threatened breakdown and will thereby enable the State to continue to efficiently supervise and regulate the insurance business therein. As a failure of such supervision and regulation to efficiently function might result in tremendous losses to the people of this State, it is therefore necessary to the immediate preservation of the public peace, health and safety that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Westover—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—35.

NOES—None.

Title read and approved.

Senate Bill No. 466 ordered transmitted to the Assembly.

**Senate Bill No. 566**—An act to repeal sections 2.2134, 2.2135 and 4.375 of the School Code, and to add thereto two new sections to be numbered 4.368 and 4.375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 566.

#### Amendment No. 1.

On page 2, line 30, of the printed bill, as amended, after the word "dollar", insert the words "and ten cents".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 566?

The roll was called, and Assembly amendment to Senate Bill No. 566 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Westover—32.

NOES—Senator Hays—1.

Senate Bill No. 566 ordered to enrollment.

#### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Knowland moved that the Senate, at this time, reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Constitutional Amendment No. 27 reconsidered by the following vote:

**AYES**—Senators Bigger, Crittenden, Cunningham, DeLay, Dool, Fletcher, Garrison, Hays, Hollister, Holshon, Jousseaume, Keough, Kewland, Lark, McFalls, McNeil, McGovern, Metzger, Minton, Nichols, Olson, Parkman, Phillips, Pomeroy, Progers, Quinn, Rich, Schottky, Sewell, Slater, Spring, Tinkle, Wagy, and Westerman—34.

**NOES**—None.

**Senate Constitutional Amendment No. 27**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

#### Amendments from the Floor.

During the reading of Senate Constitutional Amendment No. 27, the following amendments, offered by Senator Dool, were read and adopted:

##### Amendment No. 1.

On page 1, line 10, of the printed bill, strike out the words "of one" and insert in lieu thereof "involving the constitutionality of any act pending before the Legislature".

##### Amendment No. 2.

On page 1, line 11, of the printed bill, strike out the words "by the Governor of".

##### Amendment No. 3.

On page 1, line 11, of the printed bill, strike out the words "either house", and insert in lieu thereof "both houses".

##### Amendment No. 4.

On page 1, line 13, of the printed bill, strike out the word "such", and insert the word "each".

##### Amendment No. 5.

On page 1, line 13, of the printed bill, following the period after the word "house", insert the following: "Such opinion shall be rendered within one hour following the reception of such request and shall be filed upon the question submitted."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 812**—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation, to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits therefor, to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents, to prevent discriminations between various forms of transportation, to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers, to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

#### Amendment from the Floor.

During third reading of Senate Bill No. 812, the following amendment, offered by Senator Parkman, was read and adopted:

##### Amendment No. 1.

On page 3 of the printed bill, as amended April 28, 1937, strike out all of lines 13 to 17, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 387**—An act to amend section 737g of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Contra Costa.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Fletcher, Holohan, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Swing, Waggy, Westover, and Young—23.

**NOES**—None.

Title read and approved.

Assembly Bill No. 387 ordered transmitted to the Assembly.

**Senator Swing in the Chair.**

At eleven o'clock and seven minutes p.m., Senator Swing of the thirty-sixth district was called to the chair.

**Assembly Bill No. 1191**—An act to amend sections 4, 4d, 6, 15, 17b and 20 of the Juvenile Court Law, relating to the provision of care, custody and maintenance for minor persons through or under the supervision of the juvenile court.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1191, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after "inclusive of", insert the following: "section 1 of".

Bill read, ordered to reprint, and on file for third reading.

**Assembly Bill No. 1698**—An act to amend section 737kk of the Political Code, relating to the salary of judges of the superior court, in and for the county of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1698 passed by the following vote:

**AYES**—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1698 ordered transmitted to the Assembly.

**Assembly Bill No. 249**—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 249, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, as amended April 27, 1937, strike out the word "such", and insert in lieu thereof the word "any".

**Amendment No. 2.**

On page 2, line 37, of the printed bill, as amended April 27, 1937, strike out "81", and insert in lieu thereof "819".

**Amendment No. 3.**

On page 4 of the printed bill, as amended April 27, 1937, after line 17 add the following:

"(9) No grantee shall license or allow the erection of any dam, weir, breakwater, bulkhead or other such construction which shall impound water which might render any damage to lands owned by the State or California public lands of said grant, and any plan for such construction, before and after 1938, shall first be submitted to the Division of State Lands, Department of Finance. Plans involving the protecting or improvement of lands owned by the State, whether littoral, tidal, or submerged, shall in the future be submitted to the Chief of the Division of State Lands. He shall examine any such plans and advise with the State department concerned, or any grantee, with a view to achieving such engineering, consolidation and action as shall insure the best ultimate development of the entire shore line of the State."

Bill read, ordered to print, and on file for third reading.

**Notice of Motion to Reconsider.**

Senator Metzger gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 470 was refused passage.

**Re-reference of Senate Bill No. 72**

Senator Fletcher moved that Senate Bill No. 72 be referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1060—An act to amend Sections 1295, 1297, 1298, 1300 and 1301 of the Penal Code, all relating to larceny.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4, absent—1.

LAW, Chairman.

**On Prisons and Reformatories.**

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Senate Bill No. 353—An act to provide for the special treatment of insane and feeble-minded prisoners, for the construction of special housing and medical facilities, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—2, absent—1.

HOLAHAN, Chairman.



## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Assembly Bill No. 1368—An act to transfer the Folsom State Hospital from the Department of Institutions to the State Board of Prison Directors, to amend section 154 and to repeal Chapter 2 of Part 4 in Division VI, comprising sections 6850 to 6855, inclusive, of the Welfare and Institutions Code; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLOHAN, Chairman.

## On Public Utilities.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 1146—An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

PARKMAN, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 2441—An act to amend section 6906 of the Labor Code, relating to train crews;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

PARKMAN, Chairman.

## On Insurance.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 883—An act to amend section 5090 of the Insurance Code, relating to county mutual fire insurers;

Assembly Bill No. 1830—An act to amend section 12490 of the Insurance Code, relating to mortgage insurers, to take effect immediately;

Assembly Bill No. 1832—An act to amend sections 12421, 12481, 12486, 12488 and 12501 of the Insurance Code, and to add Article 13, consisting of section 12650, to Chapter 2, Part 6, Division 2, thereof, all relating to mortgage insurers;

Assembly Bill No. 2836—An act to add section 1280.5 to the Insurance Code, relating to reciprocal or interinsurance exchanges;

Assembly Bill No. 1753—An act to add Article 11.5 to Chapter 9, Part 2, Division 2 of the Insurance Code, relating to the conversion of mutual insurers to legal reserve companies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 1794—An act to add Chapter 8, comprising sections 1830 to 1830.42, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions, and providing penalties for the violation thereof; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 1132—An act to add Chapter 11a, comprising sections 11491 to 11519, inclusive, to Part 2, Division 2, of the Insurance Code, and to repeal Chapter 386 of the Statutes of 1935, all relating to nonprofit hospital service plans, including the regulation and control of corporations operating such plans;

Assembly Bill No. 1674—An act to amend sections 1170, 1172, 1173, 1174, 1175, 1178, 1191, 1192, and 1196 of the Insurance Code and to add sections 1180, 1181, and 1196.5 thereto, all relating to investments by insurers;

Assembly Bill No. 1831—An act to amend sections 12422, 12489 and 12929 of the Insurance Code, all relating to mortgage mortgages.

Assembly Bill No. 2424—An act to amend section 1941.27 of the Political Code relating to the authorizing of county boards of supervisors to borrow or receive of life, health and accident insurance of a hospital insurance plan for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county a part of the premium paid such insurance and to deduct from the compensation of employees a part of the premium of such insurance.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 1062—An act to amend sections 20 and 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, all relating to amounts and disposition thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 1617—An act to add section 414 to the Insurance Code relating to the issuing of life insurance policies by life insurance.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WILLIAMS, Chairman.

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 1144—An act to amend sections 1251 and 1252 and sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7, and 1264.8, in the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—8; committee vote: Ayes—8.

NIELSEN, Chairman.

### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 78—An act to add section 606 to the Streets and Highways Code, relating to State highways.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

MCCORMACK, Chairman.

### On Finance.

SENATE CHAMBER, SACRAMENTO, May 4, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 426—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 333—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 393—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor;

Senate Bill No. 844—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code;

Senate Bill No. 1140—An act to authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collection and to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds;

Senate Bill No. 1145—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—2.

SWING, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 326—An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

SWING, Chairman.

## On Municipal Corporations.

## SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 441—An act to amend the title of an act entitled "County Street Opening Act of 1923," approved May 11, 1923, as amended, and to add section 6, relating to the reassessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds therefor;

Assembly Bill No. 2392—An act providing for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas, providing for the duration and terms of such franchises and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith;



Assembly Bill No. 2426—An act to add a new section to be numbered section 12a to an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of street work and improvements made in and upon certain streets, alleys, courts, places, and sidewalks within municipalities and upon property and rights of easement owned by municipalities and for the laying out, opening, extending, widening, straightening or acquiring in whole or in part of public streets, squares, lanes, alleys, easements, courts and places within municipalities to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, relating to reassessment procedure and relief from special assessments.

Senate Bill No. 966—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the payment, and for payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the public works so constructed. Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership: 3; committee vote: Ayes—3; absent—2.

MCGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 374—An act granting in debt to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco as described in this act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds; and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and officers from the harbor of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board composed of public officers named with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Assembly Bill No. 1764—An act to amend sections 16 and 17 of the Improvement Act of 1911, approved April 7, 1911, as amended, relating to public improvements and the determination of the validity of certain proceedings taken in regard thereto;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 5; committee vote: Ayes—5; absent—2.

MCGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2659—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of estimating a special assessment limitation, and to authorize the payment of a part of the cost of such improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on taxation property, and to provide that a majority protest shall be a bar to any proceeding";

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be re-referred to this committee.

Committee membership: 5; committee vote: Ayes—3; absent—2.

MCGOVERN, Chairman.

### On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:



Senate Bill No. 935—An act to amend sections 4 and 5 and to add a new section 4(b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

METZGER, Chairman.

#### On Elections.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1728—An act to amend section 8 and to repeal sections 33 and 34 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class;

Assembly Bill No. 2219—An act to amend sections 2, 3, 5, and 6 of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class;

Assembly Bill No. 670—An act to amend sections 1278, 1280 and 1282 of the Political Code, relating to the canvass of the returns of elections and the declaration of the results thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 5, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 2773—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 3396—An act to add section 3308 to the Civil Code, relating to the measure of damages on the termination of a lease;

Assembly Bill No. 1501—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain and to provide that this shall take effect immediately;

Assembly Bill No. 1906—An act to amend section 146 of the Civil Code by adding a section thereto to be numbered 5, relating to homesteads on property held in joint tenancy;

Assembly Bill No. 1906—An act to amend section 1238 of the Civil Code, relating to homesteads;

Assembly Bill No. 2611—An act to amend section 690.11 of the Code of Civil Procedure, relating to the exemption of the earnings of judgment debtors for their personal services from execution or attachment;

Assembly Bill No. 2828—An act to amend section 58 of the Warehouse Receipts Act, relating to definition of terms;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1053—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1933; Has had the same under consideration, and respectfully reports the same back

with amendments, and recommends that the amendments be adopted and the bill be referred to this Committee.

Committee membership—9; committee vote—Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 446—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 2609—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Assembly Bill No. 2613—An act to add a new section to Chapter VII of Title XIV of Part II of the Code of Civil Procedure, in its amended 1933, and relating to terms of undertaking a civil action.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that said bill do pass as amended.

Committee membership—9; committee vote—Ayes—9.

HAYS, Chairman.

### Further Proceedings Under Call of the Senate Dispensed With

At eleven o'clock and twelve minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McBride.

### Adjournment.

At eleven o'clock and thirteen minutes p.m., on motion of Senator Rich, the Acting President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, May 7, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, May 7, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixter, Nielson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickie, Waggy, Westover, Williams, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, May 6, 1937, the further reading was, on motion of Senator Mixter, dispensed with.

### Leaves of Absence.

Senator Keating was, on motion of Senator McColl, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following:

Mr. F. V. Custer, Mr. G. E. Mortensen, Mr. I. Waugh, and Mrs. Ethel Levey, sponsors; and the following students of the Castlemont High School: Madeline Borges, Dorothea Breitweiser, Marjorie Brock, Ruby Brown, Bob Byrne, Jeanne Cox, Donald Craig, Robert Critchley, Kay Dethman, Margaret Fox, Georginia French, Arlyne Gladden, Rose Govea, Beatrice Gregg, Lorin Haagenzen, Dolores Hallert, Marie Hintz, Robert Holmes, Josephine Horacek, Catherine Jones, Jessie Kettle, Roberta Kiem, June Knobelauch, Theresa Knobelauch, Berna Knutsen, George Kraw, Lorraine Locke, Bob Lumley, Don MacDougall, Waldo Mackey, Margaret Manger, Berdett Manley, Letitia Martin, Bob Massonheimer, Willie Lee Matthews, Stewart McBrayer, George McCraig, Adele McFarland, Fred Meder, Beth Miller, Merle Miller, Dorothy Peterson, Dolores Putman, Norman Richards, Dorothy Schoenfeld, June Scozzafava, James Scully, Bill Stavosky, Aletha Swanson, Robert Sweetland, Silvana Texeira, Evelyn Tyler, Viola Waldron, Delford Walters, Joe Welshemeyer, Anita Wyhs, and Leslie Videll.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence C. Curtis, principal, Mrs. Elda Lindsay, and Miss Lila Rasmussen, teachers; and the following students of the Jefferson Union Elementary School: Illeen Adams, Bob Brown, Robert Cabral, Joe Cardoza, Clara Castro, George Chew, Manuel Darouze, Maxine Enborg, Dorothy Gardner, Marie Giadone, Marian Johnson, Akio Konoshima, Tom Malone, Alice Rodrigues, Clara Stayton, Yoshiye Tachibana, Fumiyo Tsurusaki, Lucine Walker, Frances Wilcox, James Yagi, Masao Yagi, William Briones, Frank Burges, Evelyn Cabral, Sally Cardoza, Beatrice Cintas, Danny Cunha, June Duckgeischel, Charles Gammell, Buck Foote, Nancy Imura, Bruce Johnson, Joe Luiz, Nick Mardesich, Kathleen Meyer, Florence Moriuchi, Hanley Murray, Clarence Narciso, Alvin Neves, Emil Nitshke, Donald Nunn, James Sadler, Cerina Sargenti, Anne Schurpf, Rokuro Shimada, Susumi Oba, James Soares, Lyman Swan, Albert Souza, William Simas, and Leo Cabral.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Thos. A. Brewer, Judge Philip Smith, and Judge Dean Sherry, all of San Diego.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nellie G. Latta, Mrs. Jane Gates, and the following students of the Coloma School: Margaret Boniface, Betty Lou Clark, Winona Dudley, Patricia Gillies, Verna Haman, Colleen Leahy, Elaine Loftus, Louella



Milano, Margaret Normington, Marion Stephenson, Margaret Vennard, Betty Wright, Barbara Harmon, Gloria Robertson, Richard Bortolucci, James Brooks, Peter Catti, Robert Carlson, John Faught, George Fallon, Richard Fields, Arthur Hauschildt, Bobby Kelly, Donald Mayberry, Buddy Murphy, Neal Peck, Helen Phillips, Edgar Sackett, George Senf, James Simpson, Richard Pierce, Jean Abel, Patty Ball, Mary Politto, Sally Grimsbaw, Elizabeth Harrington, Anita Heise, June Jenks, Carolyn Jensen, Leonore Kasparian, Shirley Knowles, Ardree Kurkowski, Eloise Martin, Jacqueline Smith, Amanda Waite, Donald Bachman, Peter Babosh, Paul Babich, Philip Bettens, Andy Callahan, Albert Cornick, Jimmie Duncan, Raymond Ghilardi, Walter Hart, Herbert Jacobs, Bobbie Keenan, Don Mastella, Frank Mezzanares, Carl Mugford, Wesley Pearson, Edward Strubbling, Donald Suggett, Earl Thomason, Robert Williams, Billie Whittington, Tommy Wittsche, and Milo Murphy.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to "High Point" Girls, D. A. R. Good Citizenship Pilgrimage, as follows: Mrs. Charles Hassell Danforth, Stanford; Wanda Fenton, Alameda; Margaret Ganser, Anaheim; Anette Parton, Arcata Union; Roberta Silva, Ballona, San Francisco; Peggy Stewart, Beverly Hills; Ruth Jones, Big Bear, Pine Knot; Dorothy Ane Werve, Calipatria Union; Mary Margaret Fleming, Chaffey Union, Ontario; Shirley Rought, Clovis Union; Alta Wyckoff, Compton Union; Faith Eyer, Coquille Union; Frances Hill, Corning Union; Mary Ganahl Copone, Sachi Tinsack, Corvallis; Margaret Jane Carpenter, Dixon Union; Eleanor Kellman, El Dorado Co., Phareville; Lorene Clem, El Monte Union; Ellen Jensen, Esparto Union; Marjorie Reineman, Fallbrook Union; Catherine Petersen, Fortuna Union; Betty Rice, Fowler Union; Josephine Mancino, Galilee, San Francisco; Barbara Dales, Garden Grove Union; Alfred Barnes, Gilroy; Jay Baleom, Girl's High, San Francisco; Mae Petardet, Glenn County High, Willows; Virginia Lapp, Glendale; Cora Bell Holden, Grant Union, Sacramento; Barbara Peabson, Grindley Union; Elise Menard, Gustine Union, Merced; Marjorie Hudson, Hanford Union; Ethel Walters, Hoopa Valley; Mary Alma Hutson, Julian Union; Edna Ashby, Kern County High Union; Bakersfield; Betty Tholake, King City Union; Gerda Range, La Jolla; Lucille Wilson, Linden Union; Bernice Tramontini, Lodi Union; Carolyn Gebb, Los Gatos; Fern Lacey, Mottomonds, Oakland; Edith Shack, McFarland; Dorothy Estep, Merced Union; Jeanne Karppi, Nordhoff Union, Ojai; Audrey Hawanek, Orange Union; Mary Elizabeth Beach, Oxnard Union; Barbara Stutzman, Pacific Grove; Jeanne Evans, Palo Alto; Louise Cuendet, Paso Robles Union; Jane Finlayson, Piedmont; Mary Irene Struckmeyer, Pierce Joint Union, Arbutle; Lois Griffin, Point Loma, San Diego; Billie Mae Thomas, Polytechnical, Riverside; Phyllis Learned, Polytechnic, San Francisco; Midge Ward, Princeton Joint Union; Almanor Hodges, Quincy; Jeanne Raymer, Redlands; Ruth Blackburn, Redley Joint Union; Gertrude Whitaker, Richmond Union; Dorothea Mae Schmidt, Ripon Union; Barbara Chapman, Sacramento Senior; Mary E. Curtis, San Benito County, Hollister; Kathryn Hewes, San Diego Union, Encinitas; Constance Grass, San Jose; Velma Ball, San Juan Union, Fair Oaks; Louise Gettemy, San Rafael; Eileen Reid, Santa Ana;



Josephine McBride, Santa Barbara; Hilda May Salmon, Santa Catalina, Avalon; Lois Funk, Santa Maria; Ruda Fryling, Santa Monica; Jane Eaken, Santa Paula Union; Sylvia Bredall, Santa Ynez Valley Union; Dorothea Fodrea, Sequoia, Redwood City; Aloha Marten, Sonora Union; Jane Hurst, South San Francisco; Helen Laff, Sweetwater U., National City; Harriett Harkness, Theodore Roosevelt, Fresno; Janet Lehman, Tracy Union; Christal Schneider, Turlock Union; Grace Kari, Van Nuys; Mary Pidduck, Ventura; Ellen Marthedal, Washington Union, Fresno; Frances Fisher, Westwood; Bethel Claire Brown, Woodland; and Long Beach, Woodrow Wilson.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following pupils of the eighth grade of the Empire Grammar School: Leonora Artz, Thelma Bates, Norma Bliss, Dick Brockway, Leonard Camp, Elizabeth Dunegan, Opal Ebic, Bob Frantz, Cecil Harms, Carol Holloway, Dorothy Heiny, Marlin Howard, Dick Hunter, John Irwin, Carol Anne Johnson, Neil Johnson, Alice Jean Little, Helen Metcalf, Carmen Moran, Mary Odell, Max Odneal, Richard Omi, Arnold Peters, Frank Romano, Harding Rose, Paul Saris, Dorothy Schutte, Derrel Sensenbaugh, Tom Shively, Wahlel Showalter, Marvin Strait, Betsy Sturtevant, Harold Van Dyke, Raymond Welch, Edward Wenger, Jack Werner, Lawrence Wollesen, Ernest Willson, Frank Wyatt, Yaeko Yamate, and Gertrude Gilbert, accompanied by Robert A. Hill, principal; Emma Bubbs and David Nielsen, teachers, and Marion Barklow, bus driver.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Pauline Shore, Mrs. Rose Segal, and Miss Sylvia Fox Segal, all of Los Angeles.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Jasper, Highway Commissioner of Fortuna.

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Pearl Chase, chairman of Plans and Planting and Roadside, and Safety Council, California Conservation Week, and Mrs. W. F. Kelley, Representative of Garden Club of America, both of Santa Barbara.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Peter Burke, of Carmel.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ford Hendricks, Tom Sylvias, Frank Butler, and R. R. Sleeper, all of Bishop.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1378—An act to amend section 9 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the

administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys thereof; approved June 25, 1935, to repeal section 11 and to add a new section 11 to be numbered 11 thereto, relating to taxation, providing for the appropriation of the moneys in the fund created by the act, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1378 read first time, and referred to Committee on Revenue and Taxation.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 478: An act to add to the Political Code, new Article II, of Chapter III of Title I of Part III thereof, creating a State Department of Social Welfare and Relief and transferring to it the property, powers, duties, and unexpended funds of the Department of Social Welfare, and of the Health Administrator and Relief Commission, and repealing sections 967 and 972, portions of the Political Code.

And reports that the same has been correctly engrossed.

KNOUGH, Chairman.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

**Senate Bill No. 353**—An act to provide for the special treatment of insane and feeble-minded prisoners, for the construction of special housing and medical facilities, and making an appropriation therefor.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 353 was read and adopted:

#### Amendment No. 1.

On page 1, line 9, of the printed bill, as amended, strike out the words "seven hundred", and in line 10, strike out the words "dred fifty thousand", and insert in lieu thereof the words "two hundred fifty thousand".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Senate Bill No. 1146**—An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1047**—An act to add section 414 to the Insurance Code, relating to the issuing of life insurance policies by life insurers.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 1047 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 3, beginning with the word "operating" and all following, and insert in lieu thereof the following: "unless governed by the provisions of section 986, with respect to reserves on life insurance policies issued by it and then in force, shall issue a policy of life insurance, insuring the life of any person, unless said person shall have passed a medical examination."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

**Senate Bill No. 1144**—An act to amend section 1251 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 78**—An act to add section 606 to the Streets and Highways Code, relating to State highways.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 78 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 606 to", and insert in lieu thereof the following: "repeal section 612 of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 612 of the Streets and Highways Code is hereby repealed."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 426**—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 426 were read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the printed bill, after the word "of", strike out the word "five", and insert in lieu thereof the word "two".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, after the word "thousand", and before the word "dollars", insert the words "five hundred".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 966**—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 374**—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the



act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and enabling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 374 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 9 to 11, inclusive, strike out all of pages 2 and 3, and on page 4, strike out lines 1 to 23, inclusive, and insert in lieu thereof the following:

"Commencing at the intersection of the center line of Lewis Street with the center line of Webster Street, running thence easterly along the corner of Lewis Street to a point distant 514.19 feet westerly from the westerly line of Van Ness Avenue; thence northerly 21.78 feet to a point distant 514.95 feet westerly from the westerly line of Van Ness Avenue; thence easterly 150.0 feet to a point distant 356.68 feet westerly from the westerly line of Van Ness Avenue and 514.95 feet northerly from the center line of Lewis Street; thence southerly 25.02 feet to a point on the center line of Lewis Street distant 358.16 feet westerly from the westerly line of Van Ness Avenue; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the corner of Polk Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to a point 275 feet west of the westerly line of Hyde Street measured at right angles thence; thence southerly parallel with the westerly line of Hyde Street to a point 225 feet north of the southerly line of Jefferson Street; thence easterly parallel with the northerly line of Jefferson Street to the westerly line of Hyde Street; thence southerly along the westerly line of Hyde Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to the center of Grant Avenue; thence southerly along the center of Grant Avenue to the center of North Point Street; thence easterly along the center of North Point Street to the southwestern line of the Embarcadero; thence southeasternly along the southwestern line of the Embarcadero to the center of Kearney Street; thence southerly along the corner of Kearney Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street.

Thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Steuart Street; thence southerly along the center of Steuart Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point 137.5 feet southerly from the southerly



line of Harrison Street, measured at right angles thereto; thence westerly parallel to Harrison Street to the center of Spear Street; thence southerly along the center line of Spear Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the center of Townsend Street; thence westerly along the center of Townsend Street to the center of Gale Street; thence southerly along the center of Gale Street to the center of King Street; thence westerly along the center of King Street to the center of Second Street;

Thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the northerly line of Channel Street to the easterly line of Seventh Street; thence southerly along the easterly line of Seventh Street to the southerly line of Channel Street; thence easterly along the southerly line of Channel Street to the center of Third Street; thence southerly along the center of Third Street to the center of Fourth Street; thence southeasterly along the center of Fourth Street to the center of Georgia Street; thence southerly along the center of Georgia Street to the center of Alameda Street; thence easterly along the center of Alameda Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point distant 130 feet easterly from the easterly line of Georgia Street, measured at right angles thereto; thence southerly, parallel with Georgia Street to the center of El Dorado Street; thence westerly along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the southerly line of Eighteenth Street; thence easterly along the southerly line of Eighteenth Street to the waterfront line established by the Board of State Tideland Commissioners; thence southerly along said last mentioned line to the northerly line of Tulare Street; thence westerly along the northerly line of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street produced to the southerly line of Islais Street produced westerly; thence easterly along the southerly line of Islais Street to the easterly line of Third Street; thence southerly along the easterly line of Third Street to the southwesterly line of Arthur Avenue; thence southeasterly along the southwesterly line of Arthur Avenue to the westerly line of India Street; thence southerly and easterly along the westerly and southerly lines of India Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the northwesterly line of China Street; thence southwesterly along the northwesterly line of China Street to the southwesterly line of Custer Street; thence southeasterly along the southwesterly line of Custer Street to the southeasterly line of Dry Dock Basin; thence northeasterly along the southeasterly line of Dry Dock Basin to the waterfront line established by the Board of State Tideland Commissioners; thence southerly along said last mentioned line to the northeasterly line of Evans Avenue produced; thence northwesterly along the northeasterly line of Evans Avenue produced, to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the northeasterly line of Shafter Avenue; thence northwesterly along the northeasterly line of Shafter Avenue to the northwesterly line of Alford Street; thence southwesterly along the northwesterly line of Alford Street to the northeasterly line of Wallace Avenue; thence northwesterly along the northeasterly line of Wallace Avenue to a point distant 239.32 feet southeasterly from the southeasterly line of Ingalls Street; thence southwesterly to a point on the southwesterly line of Yosemite Avenue distant 316.27 feet southeasterly from the southeasterly line of Ingalls Street; thence southeasterly along the southwesterly line of Yosemite Avenue to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement; thence south to the place of commencement, together with all other property or equipment of every kind and nature owned by the State and used in connection with the operation of the harbor, including the so-called Belt Line Railway now operated by the Board of State Harbor Commissioners, together with the tracks and equipment used in connection with the railway, to be forever held by".

#### Amendment No. 2.

On page 5 of the printed bill, between lines 15 and 16, insert the following

"Sec. 3. For the purpose of developing and advancing the agricultural interests of this State and of the harbor, and so as to provide facilities for the storage of

agricultural produce, live stock, dairy, viticultural and horticultural produce of every kind and description, for the purpose of providing cold storage and refrigeration facilities for such products, and for the purpose of providing facilities for the receipt and transshipment of such products, the City and County of San Francisco may acquire by purchase or condemnation, and the right of eminent domain is hereby expressly conferred upon the city and county for the purpose of acquiring any property in the city and county for the purpose of providing cold storage, refrigeration and transshipment facilities.

The right of eminent domain may be exercised by the city and county as set out in the manner of the City and County of San Francisco, and for the purposes and rights specified in, and in the manner provided in part three, with respect to the Code of Civil Procedure.

Such facilities may include, but are not restricted to, cold storage, cold storage refrigeration plants, shipping and field storage plants, receiving refrigeration and cold storage plants and receiving and transshipment facilities for agricultural, horticultural, dairy, cultural, farm, stock, or dairy products of every kind and description."

#### Amendment No. 3.

On page 5, line 16, of the printed bill, strike out "5" and insert in lieu thereof the following: "4".

#### Amendment No. 4.

On page 5, line 19, of the printed bill, strike out "7", and insert in lieu thereof the following: "5".

#### Amendment No. 5.

On page 5, line 23, of the printed bill, strike out "Harbor Board of Harbor Commissioners of San", and insert in lieu thereof the following: "Harbor Commission of the City and County of San".

#### Amendment No. 6.

On page 5, line 37, of the printed bill, strike out "and principal board of harbor commissioners", and insert in lieu thereof the following: "and harbor commission".

#### Amendment No. 7.

On page 5, line 46, of the printed bill, strike out "4. The Managing Board of Harbor Commissioners", and insert in lieu thereof the following: "6. The harbor commission".

#### Amendment No. 8.

On page 5, line 52, of the printed bill, strike out "11" and insert in lieu thereof the following: "13".

#### Amendment No. 9.

On page 9, line 10, of the printed bill, strike out "5" and insert in lieu thereof the following: "7".

#### Amendment No. 10.

On page 9, line 25, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

#### Amendment No. 11.

On page 9, line 36, of the printed bill, strike out "11", and insert in lieu thereof the following: "13".

#### Amendment No. 12.

On page 9, line 33, of the printed bill, strike out "6" and insert in lieu thereof the following: "8".

#### Amendment No. 13.

On page 9, line 37, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

#### Amendment No. 14.

On page 9, line 42, of the printed bill, strike out "municipal".

#### Amendment No. 15.

On page 9, line 44, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

#### Amendment No. 16.

On page 9, line 46, of the printed bill, strike out "7. The commission", and insert in lieu thereof the following:

"9. The harbor commission of the City and County of San Francisco".

#### Amendment No. 17.

On page 10, line 22, of the printed bill, strike out "8", and insert in lieu thereof the following: "10".

#### Amendment No. 18.

On page 11, line 26, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 19.**

On page 11, line 37, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 20.**

On page 11, line 38, of the printed bill, strike out "them", and insert in lieu thereof the following: "the commission".

**Amendment No. 21.**

On page 11, line 39, of the printed bill, before "countersigned", insert the following: "which drafts shall be".

**Amendment No. 22.**

On page 11, lines 44 and 45, of the printed bill, strike out "signatures of all three commissioners and of the secretary", and insert in lieu thereof the following: "approval".

**Amendment No. 23.**

On page 12, line 9, of the printed bill, strike out "9", and insert in lieu thereof the following: "11".

**Amendment No. 24.**

On page 12, line 18, of the printed bill, strike out "10. Whenever the mayor", and insert in lieu thereof the following: "12. Whenever the mayor and the harbor commission".

**Amendment No. 25.**

On page 12, line 26, of the printed bill, after "mayor", insert the following: "and the harbor commission".

**Amendment No. 26.**

On page 12 of the printed bill, strike out line 27, and insert in lieu thereof the following: "request; the mayor and the harbor commission shall request the sale only when in their".

**Amendment No. 27.**

On page 12, line 30, of the printed bill, strike out "11", and insert in lieu thereof the following: "13".

**Amendment No. 28.**

On page 12, line 36, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 29.**

On page 12, line 39, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 30.**

On page 12, line 47, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 31.**

On page 13 of the printed bill, strike out lines 6 to 32, inclusive, and insert in lieu thereof the following:

"SEC. 14. All persons actually employed in the operating service of the Board of State Harbor Commissioners and heads of departments and bureaus in such operating service at the time the City and County of San Francisco takes over and assumes the management and control of the harbor and the properties used in connection therewith and who at such date are entitled to the benefits of the civil service provisions of the State of California, in so far as the same may be applicable to the employees of the Board of State Harbor Commissioners, shall be continued in their respective positions and shall continue to hold their positions pursuant to the civil service provisions of the charter of the City and County of San Francisco and they shall be entitled to all of the rights, benefits and privileges which they might have or might have had, had they been originally appointed to their respective positions under certification from the Civil Service Commission of the City and County of San Francisco, and in the matter of seniority in service of the employees entitled to the benefits of the civil service provisions as herein provided, the seniority of each employee shall be reckoned from his first permanent appointment to employment under the Board of State Harbor Commissioners, and as to their respective positions these employees shall have preference over all other employees of the City and County of San Francisco.

SEC. 15. All persons who are in the employ of the State Harbor Commission on the date of the actual transfer to the City and County of San Francisco of the properties now under the control of that commission, and who are continued in accordance with this act in the employ of the commission vested by the City and County of San Francisco with the management and control of the harbor, shall become members of the San Francisco city and county employees' retirement system on that date. The contributions standing to the credit of these persons in the State Employees' Retirement System, at the close of the day immediately preceding this date, shall be transferred to the said San Francisco city and county employees' retire-



ment system, plus interest on the contributions at the rate of four per cent per annum from the first of the month following that in which the contribution was made, to the date of actual transfer, plus such value of income on which have been earned on such contributions in excess of four per cent. While in the State employees' retirement fund, through the June 30th next preceding the date of actual transfer, all interest to be computed at such June 30th contributions, with interest as described in the next preceding section, which shall have been made from the harbor fund to the State Employees' Retirement System to enable the same and derivative retirement allowances to be based on service rendered at that time after becoming members of the State Retirement System, shall be transferred to the San Francisco city and county employees' retirement system. At the time contributions are transferred as set forth herein, the amount equal to the difference between the contributions, with interest of employees received in the fiscal year of this section and the contributions referred to in the next preceding section, shall be paid from the harbor fund to the San Francisco city and county employees' retirement system; and for the purpose of meeting the requirements of that system, three-fourths of the employer's contributions shall be equal to the contributions of the employee. Those persons shall receive credit as prior service under the San Francisco city and county employees' retirement system, for all service rendered prior to January 1, 1932, as employees of the commission, in so far as the same system is the same as that which has been granted had such service been rendered as employees of an office or department of the City and County of San Francisco, the same as provided in the charter of the same as such service to be not by employees from the harbor fund.

Any person who shall have been retired under the State Employees' Retirement System from employment by the Harbor Commission, and shall be receiving a retirement allowance from such system, on the date of actual transfer, shall hereafter receive the retirement allowance from the San Francisco system. An amount equal to the actuarial value, at such date and according to the table shown by the Board of Administration of the State system, of the portion of the retirement allowance, as defined in Chapter 700, Statutes of 1931, which was accumulated on the basis of service rendered by the person after December 31, 1931, shall be transferred from the State Retirement System to the San Francisco system. The portion of the retirement allowance, which was accumulated on the basis of service rendered prior to January 1, 1932, shall be paid, together with the date of actual transfer, to the San Francisco retirement system and charged against the harbor fund. The status of the retired person under the San Francisco system shall be the same in all respects, except as to extent of retirement allowance and death benefit, as if he had been originally retired under that system.

Since it is the intent of this section that the memberships in the San Francisco city and county employees' retirement system of the persons herein referred to shall be the same as for as persons in it contributing under the same to the State Employees' Retirement System had been made, under the San Francisco system, the transfer of funds from the State Employees' Retirement System to the San Francisco city and county employees' retirement system shall be accomplished by the transfer of bonds owned by the former, with a book value as shown on the records of the State retirement system, equal to the amount of contributions, with interest, to be transferred. If it shall be determined by such bonds, with book value, cash equal to the difference, which shall not exceed \$1,000, by which the amount shall exceed the book value of bonds shown for transfer, shall be transferred in addition to the bonds. Such bonds shall be of such amount as the governing board of the San Francisco system for the investment of funds of the system and shall have an average effective maturity fixed in the certificate of such bonds at a rate, based on the book value, at least equal to the average rate of interest realized during the fiscal year ending on the June 30th next preceding the date of actual transfer, by the State Employees' Retirement System on the book value of bonds owned by it.

The records held in the office of the State Employees' Retirement System in connection with the memberships therein of persons referred to in this and several paragraphs of this section, shall be transferred to the San Francisco system in accordance with and to the extent of an agreement to be entered into between the governing boards of the two systems."

#### Amendment No. 32.

On page 13, lines 40 and 41, of the printed bill, strike out "and who have been employed at least one year prior to the date when this act goes into effect."

#### Amendment No. 33.

On page 14, line 1, of the printed bill, strike out "13.", and insert in lieu thereof the following:

"16. The harbor commission of the City and County of San Francisco shall be created and shall have a membership in accordance with the provisions of the charter of the City and County of San Francisco."

#### Amendment No. 34.

On page 14, line 9, of the printed bill, after "as", insert the following: "three of the".



**Amendment No. 35.**

On page 14, line 12, of the printed bill, strike out "Upon the expiration", and strike out lines 13 to 15, inclusive; and in line 16, strike out "San Francisco. Each commissioner hereafter", and insert in lieu thereof the following: "Each commissioner".

**Amendment No. 36.**

On page 14, lines 20 and 21, of the printed bill, strike out ". to be hereafter selected,".

**Amendment No. 37.**

On page 14, line 24, of the printed bill, strike out "13", and insert in lieu thereof the following: "17".

**Amendment No. 38.**

On page 14 of the printed bill, between lines 28 and 29, insert the following:

"SEC. 18. When the management and control of the properties now under the jurisdiction of the Board of State Harbor Commissioners, and heretofore referred to, is transferred to the City and County of San Francisco, in trust, as herein elsewhere provided, all control over the properties and over the revenue and income therefrom by the State of California shall cease and determine except as herein otherwise provided.

Nothing herein contained curtails or abridges the powers of the board of State Harbor Commissioners over these properties if the properties or the management or control thereof should revert to the State of California."

**Amendment No. 39.**

On page 14, line 29, of the printed bill, strike out "14", and insert in lieu thereof the following: "19".

**Amendment No. 40.**

On page 14, line 31, of the printed bill, strike out "15", and insert in lieu thereof the following: "20".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 935**—An act to amend sections 4 and 5 and to add a new section 4 (b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Building and Construction, the following amendments to Senate Bill No. 935 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended May 3, 1937, strike out the word "sections", and insert in lieu thereof the word "section".

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, as amended May 3, 1937, after the figure "4", and continuing to and including the word "entitled", in line 2, strike out the phrase reading "and 5 and to add a new section 4 (b) to an act entitled".

**Amendment No. 3.**

On page 1, line 9, of the printed bill, as amended May 3, 1937, strike out the sentence starting with the words "The Contractors' License Bureau", and ending with the phrase "as amended", in line 15.

**Amendment No. 4.**

On page 1, line 18, of the printed bill, as amended May 3, 1937, strike out the word "Bureau", and insert in lieu thereof the word "Board".

**Amendment No. 5.**

On page 1, line 19, of the printed bill, as amended May 3, 1937, strike out the word "bureau's", and insert in lieu thereof the word "board's".

**Amendment No. 6.**

On page 2, line 3, of the printed bill, as amended May 3, 1937, after the phrase "and who shall so continue", insert the words "in the".

**Amendment No. 7.**

On page 3, line 26, of the printed bill, as amended May 3, 1937, strike out the figures "\$25", and insert in lieu thereof the figures "\$20".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1053**—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1934.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 1053 was read and adopted:

**Amendment No. 1.**

On page 2, line 16, of the printed bill, strike out the period, and insert in lieu thereof the following: " provided that in the case mentioned in subdivisions (a) and (c) herein, such coupons, certificates, cards, postage labels, stamps, can covers, bottle caps, or other or similar devices shall be distributed or dispensed at only one address in a city, or city and county, which cover also be required to, or upon such coupons, certificates, cards, postage labels, stamps, can covers, bottle caps, or other or similar devices or upon a return card, prominently displayed in the premises where such coupons, certificates, cards, postage labels, stamps, can covers, bottle caps, or other or similar devices are distributed, given, sold or furnished."

Bill read second time, ordered to reprint, and referred to Committee on Judiciary.

**Senate Bill No. 446**—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 578**—An act to amend sections 1, 2, and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 578 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of lines 42 to 46, inclusive, and insert in lieu thereof the following: "he necessary, shall be expended upon executive order of the Director of Finance in the event that the".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 333**—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of

moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 393**—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 844**—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1140**—An act to authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collections and to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1145**—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 947**—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 326**—An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 326 was read and adopted:

#### Amendment No. 1.

On page 2, line 2, of the printed bill, as amended, strike out the word "general", and insert in lieu thereof the following: "unapportioned county elementary".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1060**—An act to amend sections 1295, 1297, 1298, 1300 and 1301 of the Penal Code, all relating to bail.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1060 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended strike out lines 12 to 20, inclusive, and insert in lieu thereof the following:

"When money has been deposited, a receipt shall be issued in the hand of the depositor. If the money remains on deposit at the expiration of the term for the payment of a fine, the county clerk must make the disposition of the money, except the money in satisfaction thereof, and after satisfying the fine and costs, must refund the surplus, if any, to the defendant. If the person is found the guilty for the deposit was made was not the defendant, the money after payment shall, upon surrender of the receipt, be returned to the holder thereof."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1368**—An act to transfer the Folsom State Hospital from the Department of Institutions to the State Board of Prison Directors, to amend section 154 and to repeal Chapter 2 of Part 4 of Division VI, comprising sections 6850 to 6853, inclusive, of the Welfare and Institutions Code.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2441**—An act to amend section 6906 of the Labor Code, relating to train crews.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Utilities, the following amendments to Assembly Bill No. 2441 were read and adopted:

**Amendment No. 1.**

On page 1, line 12, at the period, but after the period, from the following: "However, except in an emergency, a brakeman shall not be permitted to perform the rear end of a train as a brakeman, nor has any part of that act which actual service as a brakeman on steam or electric railroad after 1931 been obtained."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 13 to 15, inclusive.

Bill read second time, ordered to reprint, and referred to Committee on Public Utilities.

**Assembly Bill No. 883**—An act to amend section 5099 of the Insurance Code, relating to county mutual fire insurers.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1830**—An act to amend section 12490 of the Insurance Code, relating to mortgage insurers, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1832**—An act to amend sections 12421, 12484, 12486, 12488 and 12501 of the Insurance Code, and to add Article 13, consisting of section 12650, to Chapter 2, Part 6, Division 2, thereof, all relating to mortgage insurers.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 2836**—An act to add section 1280.5 to the Insurance Code, relating to reciprocal or interinsurance exchanges.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1753**—An act to add Article 11.5 to Chapter 9, Part 2, Division 2 of the Insurance Code, relating to the conversion of mutual insurers to legal reserve companies.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1794**—An act to add Chapter 8, comprising sections 1830 to 1830.42, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions, and providing penalties for the violation thereof.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1794 were read and adopted:

##### Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, strike out "7 of this part", and insert in lieu thereof the following: "5 of this part or Chapter 1, Part 4, Division 2 of this code".

##### Amendment No. 2.

On page 2, line 31, of the printed bill, as amended, strike out "1830.26", and insert in lieu thereof the following: "1830.25".

##### Amendment No. 3.

On page 2 of the printed bill, as amended, between lines 39 and 40, insert the following:

"1830.26. Unless previously revoked by the commissioner every permit issued under this article expires on July 1st of every year unless a renewal application is duly and properly filed with the commissioner on or before that date. If such renewal application is so filed such permit expires upon the date of issue of the new permit or of notice of denial thereof. The commissioner, in his discretion, may issue such a permit upon filing of renewal application and payment of fee therefor, without further investigation or requiring further information from the applicant.

1830.27. The commissioner shall require in advance the following fees:

(a) For filing the application for each permit to engage in the bail bond business, fifty dollars.

(b) For filing the application for each permit to act as agent or solicitor for any person engaged in the bail bond business, ten dollars."

##### Amendment No. 4.

On page 3 of the printed bill, as amended, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following:

"1830.34. Before granting any permit to engage in the bail bond business, the commissioner shall require the applicant to deposit with the"

##### Amendment No. 5.

On page 3, line 15, of the printed bill, as amended, strike out "as the case", and in line 16, strike out "may be".

##### Amendment No. 6.

On page 3 of the printed bill, as amended, strike out line 17, and insert in lieu thereof the following: "of California.

1830.36. Before granting any permit to act as agent or solicitor for any person engaged in the bail bond business, the commissioner shall require the applicant to deposit with the commissioner a bond having an admitted surety insurer as surety thereon in the penal sum of \$1,000, conditioned upon the proper application and deposit of all moneys collected or received by the permittee in favor of the people of the State of California.

1830.38. Any person suffering loss or damage on".

##### Amendment No. 7.

On page 3, line 18, of the printed bill, as amended, strike out "such permittee", and insert in lieu thereof the following: "permittee under this article in respect to business done or transactions occurring under or by virtue of authority granted by the permit,".

**Amendment No. 8.**

On page 3, line 19, of the printed bill, as amended, strike out "and bond", and insert in lieu thereof the following: "any bond ensuring such protection as provided by this article".

**Amendment No. 9.**

On page 3, line 6, of the printed bill, as amended, strike out "and been convicted of a felony, or that he".

**Amendment No. 10.**

On page 3 of the printed bill, as amended, strike out lines 33 to 35, inclusive.

**Amendment No. 11.**

On page 3 of the printed bill, as amended, after line 10, insert the following: "Sec. 2. If any section, subsection, clause, sentence or phrase of this act can be reasonably separated from the remaining portions of this act, so far as may be held to be unconstitutional, such division shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1132**—An act to add Chapter 11a, comprising sections 11491 to 11519, inclusive, to Part 2, Division 2, of the Insurance Code, and to repeal Chapter 386 of the Statutes of 1935, all relating to nonprofit hospital service plans, including the regulation and control of corporations operating such plans.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 1132 was read and adopted:

**Amendment No. 1.**

On page 12, lines 33 and 34, of the printed bill, as amended, strike out "passed by the Board of Medical Examiners of the State of California".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1674**—An act to amend sections 1170, 1172, 1173, 1174, 1175, 1178, 1191, 1192, and 1196 of the Insurance Code and to add sections 1180, 1181, and 1196.5 thereto, all relating to investments by insurers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1674 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "and 1196", and insert in lieu thereof the following: "1193 and 1196".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "and 1196.5", and insert in lieu thereof the following: "1194.5 and 1194.7".

**Amendment No. 3.**

On page 2 of the printed bill as amended, strike out lines 12 to 19, inclusive, and insert in lieu thereof the following: "1172 or 1174".

**Amendment No. 4.**

On page 3 of the printed bill, as amended, between lines 47 and 48, insert the following:

"Sec. 9.4. Section 1193 of the Insurance Code is hereby amended to read as follows:

1193. Excess funds investments may be made in bonds of any permanent road division, or any district of any State when such bonds are legal investments for savings banks of this State, or which the commissioner approves in writing as legal for investment of the funds of insurers. The commissioner in determining whether to approve any such bonds may, at the expense of the insurer requesting

the approval, make such investigation of such bonds and the security thereunder as he deems proper.

Sec. 9.5. Section 1194.5 is hereby added to the Insurance Code to read as follows:

1194.5. Excess funds investments may be made in bonds issued by any city or city and county of this State, or by any department or board of any such city and county, or by any district, State or governmental agency or authority, payable solely out of the revenues from a revenue producing utility owned, controlled or operated by the issuer of such bonds, if the particular bonds are legal investments for savings banks.

Sec. 9.6. Section 1194.7 is hereby added to the Insurance Code to read as follows:

1194.7. Excess funds investments may be made in the stock of a Federal home loan bank. Any domestic incorporated insurer investing in the stock of a Federal home loan bank and thereby becoming a member thereof shall have power (a) to obtain advances from, and (b) to pledge collateral as security for such advances from such Federal home loan bank."

#### Amendment No. 5.

On page 4 of the printed bill, as amended, strike out line 6, and strike out the balance of the page, and insert in lieu thereof the following: "loan, of the collateral taken as security."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1831**—An act to amend sections 12422, 12489 and 12629 of the Insurance Code, all relating to mortgage insurers.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1831 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "12489 and 12629", and insert in lieu thereof the following: "and 12489".

#### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, after "Code", insert the following: "and to amend section 12629 of said code and to incorporate it in a new article, numbered 11.5, to be added to Chapter 2 of Part 6, Division 2, thereof".

#### Amendment No. 3.

Strike out pages 2 to 8, inclusive, of the printed bill, as amended, and insert in lieu thereof the following:

"Sec. 3. Section 12629 of the Insurance Code is hereby amended and incorporated in a new article, numbered 11.5, which is hereby added to Chapter 2 of Part 6 of Division 2 of said code, embracing sections 12629 to 12629.48, inclusive, to read as follows:

#### Article 11.5. Rehabilitation.

12629. The provisions of this article shall apply to any mortgage insurer:

(a) The property, business and assets of which are in possession of the commissioner;

(b) Which is no longer able to conduct the normal business of a mortgage insurer;

(c) Which is unable to discharge its debts or other obligations as they become due;

(d) Which is in such condition that unless such insurer is liquidated or a plan of reorganization consummated a preference is likely to be obtained by some holders of mortgage participation certificates over other such holders, or by some creditors over other creditors of the same class;

(e) Which is in such condition that it will probably be necessary, unless a plan of reorganization is consummated, to liquidate such insurer or to sell or otherwise dispose of a substantial part of its assets at substantially less than the amount which might reasonably be expected to be realized therefrom in the ordinary and proper conduct of a going business.

The determination of the commissioner that a mortgage insurer is included in one or more of the foregoing classifications shall be prima facie evidence of such fact.

12629.21. In the case of a mortgage insurer which has issued mortgage participation certificates under mortgage participation trusts pursuant to the provisions of Chapter VIII, Title II, Part IV, Division I of the Civil Code, such mortgage participation trusts, the mortgage participation certificates issued thereunder and any policies of mortgage insurance issued in connection therewith shall be subject also to the provisions of this article whenever a revision, modification or termination of such trusts, certificates or policies is found by the court to be necessary or advantageous in connection with any plan submitted to it as hereinafter provided.



12629.22. The term "plan" as used in this article means any plan for the rehabilitation, readjustment or reorganization of such mortgage insurer or of all or any part of the business, properties and assets of such insurer, or for the liquidation, reclassification or reorganization of the rights or interests of any or all of the holders of mortgage participation certificates or other certificates or securities or business of mortgage insurance of such insurer, or of any creditors of such insurer and other persons, if any, interested thereby.

12629.23. Without limiting the generality of section 12629.22, a plan may provide for any one or more of the following:

(a) For the delivery of all or any part of the business, properties or assets of such insurer to the commissioner and the return thereof to such insurer after the plan is fully consummated;

(b) For the transfer of all or any part of the business, properties or assets of such insurer to another corporation or to two or more other corporations, which corporation or corporations, one or any of them, may, but need not be, a mortgage insurer or a national trust/savings association;

(c) For the modification, revision or termination of any mortgage participation trusts which have been created by such insurer;

(d) For the issuance of new mortgage participation certificates or assigned mortgage participation certificates or stock, bonds, debentures or other securities of such insurer or of any other corporation or corporations to which the business, properties or assets, or any part thereof, of such insurer have been transferred, and for the exchange thereof to the holders of mortgage participation certificates issued by such insurer or to other creditors of such insurer for the outstanding mortgage participation certificates or other obligations of such insurer or for the full or partial disposition of such new certificates, stock, bonds, debentures or other securities.

12629.24. Any new mortgage insurer formed pursuant to a plan to continue the business of an existing insurer may adopt and continue to use the name of such existing insurer or any part of such name.

12629.25. A plan may be proposed

(a) By the commissioner; or

(b) Subject to the approval of the commissioner by any existing insurer through action of its board of directors.

12629.26. No plan shall be proposed or approved by the commissioner unless the commissioner is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of certificate holders, investors, creditors or other persons affected thereby, and is feasible.

12629.27. A plan if proposed or approved by the commissioner, shall be submitted by the proposer to the superior court of the county in which the principal office of such insurer is located, with a petition that the court determine the fairness of such plan and the approvals necessary to such plan becoming operative, which petition shall set forth such plan and the facts that it has been proposed or submitted by the commissioner and any other facts which such proposer shall deem material to a consideration of the fairness of the plan.

12629.28. Thereupon the court shall fix the time and place for the hearing of such petition and shall direct that notice thereof shall be served on each of the known certificate holders, investors and creditors of such insurer affected by such plan and to the trustee or depository under all mortgage participation trusts created by such insurer and then in execution, together with copies of such plan or a summary thereof, which summary shall be either prepared or approved by the commissioner. If the commissioner shall be the proposer of such plan, the court shall direct such insurer to deliver to the commissioner a list of the names and addresses of all certificate holders, creditors, investors and other persons persons affected by such plan. Said notices shall be mailed, postage prepaid, to the respective addresses as shown on such list, or if no address be there shown, to the last known address.

12629.29. In addition the proposer of such plan shall cause notice of the time and place fixed for such hearing to be posted in three public places in said county not less than twenty days before the day fixed for such hearing and to be published at least once, not less than twenty days nor more than thirty days before the day fixed for such hearing in a newspaper of general circulation published in said county.

12629.30. At the time and place fixed for such hearing or at the time and place to which such hearing may be continued by the court, the court shall hear the parties interested therein and if it finds it necessary may take testimony relative thereto and may accept proof in affidavit form as to any fact or circumstance material thereto.

12629.31. Such hearing shall be, among other things, upon the fairness of the terms and conditions of the issuance of all new or amended mortgage participation certificates, stock, bonds, debentures or other securities to be issued pursuant to such plan and of the exchange thereof for outstanding mortgage participation certificates, claims or property interests, or partly for such exchange and partly for cash, and all persons to whom it is proposed to issue such certificates, stock, bonds, debentures or other securities in such exchange shall have the right to appear and be heard at such hearing.



12629.32. No plan shall be approved by the court unless the court is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors, creditors, certificate holders or other persons affected thereby and is feasible. In case an insurer has outstanding mortgage participation certificates issued under one or more than one mortgage participation trust, the holders of mortgage participation certificates in each of such trusts may be considered as one class.

12629.33. After the completion of such hearing the court shall approve, modify or disapprove such plan. No such plan shall become operative unless and until it shall have been approved in its original form or, if modified, in its modified form, by such court and the commissioner, nor unless and until such plan shall have been consented to either in person or by a duly appointed agent, attorney or committee by the following persons:

(a) If the plan affects the stockholders of such insurer, then by the holders of a majority in amount of the outstanding stock of such insurer;

(b) If the plan affects mortgage participation trusts or the holders of mortgage participation certificates issued thereunder, then by the holders of two-thirds in interest of all mortgage participation certificates outstanding under each or all, as the court may determine, of the mortgage participation trusts which may be so affected;

(c) If such insurer shall have creditors, then by two-thirds of each class of creditors of such insurer; and

(d) By two-thirds in amount of each class of other known persons, if any, affected by the plan.

12629.34. Consent shall not be required in the case of any stockholder, mortgage participation certificate holder, creditor or other person, or any class thereof, if:

(a) The rights of such person or class shall not be materially affected by such plan; or

(b) Such plan shall provide for the payment in cash of the value of the right or interest of such person or class.

Such consents shall not be required from stockholders of any insurer if the value of the assets of such insurer shall be less than the liabilities thereof (mortgage participation certificates and policies of mortgage insurance not being included as liabilities), or if the business, properties and assets of such insurer be then in the possession of the commissioner.

12629.35. For the purpose of this article real property, contracts for the sale of real property, loans and all other assets (whether like or unlike the foregoing) shall be valued at what may reasonably be expected to be realized therefrom in the ordinary and proper conduct of a going business.

12629.36. The consents required by this article may be given before the plan is presented to the court or after such presentation and before the court has approved it or after such approval.

12629.37. If at such time as the plan is approved by the court the proportions above required of the stockholders, certificate holders, creditors and other persons, if any, affected thereby shall not have consented to the plan, the order of court may provide that upon satisfactory proof of the fact that such consents have been given a further order may be entered ex parte providing that such plan shall become operative, which further order shall be binding upon the commissioner, the insurer and all such stockholders, certificate holders, creditors and other persons, if any, affected thereby.

12629.38. The superior court in which such petition is pending is hereby given jurisdiction to determine all questions required to be determined pursuant to this article including, without limiting the generality of the foregoing, the following: Whether the insurer subject to such plan is included in one or more of the classes specified in section 12629; whether any such plan, either in its original or modified form is fair and equitable; whether it discriminates in favor of any class of certificate holders, creditors or other persons affected thereby; whether it is feasible; whether the terms and conditions of any proposed issuance and exchange of stock, mortgage participation certificates, bonds, notes, debentures or other securities thereunder are fair, and to approve or disapprove such terms and conditions; the total liabilities and total assets of such insurer; the approvals requisite under this article to such plan becoming operative, including jurisdiction to determine, for the purposes of the plan and the consents, the division of the creditors and other known persons, if any, affected by the plan into classes according to the nature of their respective claims and interests.

12629.39. When the plan shall have been approved by the court and the commissioner, as hereinbefore provided, and shall have been consented to by or on behalf of the respective proportions herein required of stockholders, certificate holders, creditors and other persons, if any, affected thereby, such plan shall be binding upon the commissioner, the mortgage insurer affected thereby, all the stockholders, certificate holders and creditors of such insurer, and all other persons, if any, affected thereby; and such insurer, the trustees and depositaries under all mortgage participation trusts affected thereby and all stockholders, certificate holders, creditors and other

persons shall be conclusively deemed to have consented to all the terms and conditions of such plan whether or not all of such persons shall actually have consented thereto and whether or not all of them shall have received notice of such plan or of such hearing, as hereinbefore provided.

12629.40. Thereupon such steps shall be taken by the commission, the trustee and all persons affected by the plan, and all acts shall be done or instruments executed and all new or amended certificates, notes, bonds, debentures, notes or other securities issued as may be required by such plan as proposed and as may be necessary or desirable for the consummation of such plan.

12629.41. In all cases where the plan intended for the redemption, participation or liquidation of mortgage participation trusts and so on including clauses for transfer of the title to trust assets, the title to and management of such trust assets pending the hearing on such plan and its approval by the court and the court may extend for such further period as the court may prescribe and subject to such reserve powers as may be granted by the trust agreement to the trustee or contained in the notes, shall continue in the trustee or depository under the respective mortgage participation trusts affected. Upon the approval of such plan by the court and on completion the trust assets of all such trusts shall be transferred, conveyed, assigned, delivered, or otherwise dealt with, conformably to such plan, as the court may order and direct, upon application of the proponent of such plan.

12629.42. The superior court shall retain jurisdiction of all parties to said proceedings until the plan approved is fully carried out and consummated and the carrying out and consummation of such plan shall be subject to the review and control of such court. In execution thereof the court may make all orders and decrees by way of instruction or otherwise as may be necessary, proper and legal in order to carry out and consummate such plan and secure the ends here intended.

12629.43. No appeal from an order of the superior court approving or modifying a plan shall be effected for any party as herein stated within thirty days after the entry of such order by the appellant or appellants, and within the time so fixed there shall be filed executed on the part of the appellant or appellants by or from one or more of them to the effect that the appellant or appellants, or the court as directed in affirmed or reversed, will pay all of respondent's costs, expenses and reasonable attorney's fees incurred from such appeal, and also all losses and damages to the mortgage holders, insured and other persons, if any affected by such plan, arising from any delay in consummating such plan during the pendency of such appeal. The time of such bond shall be approved and the amount thereof fixed by the superior court but in no event shall such bond be for an amount greater than one per cent of the total liabilities of such insurer, provided that if mortgage participation certificates are affected by such plan such bond shall be for an amount not more than one per cent of the total liabilities of the insurer plus one per cent of the aggregate face amount of all mortgage participation certificates of such insurer outstanding.

12629.44. Appeals from orders approving plans shall be given precedence in the hearing on appeal over all other appeals except criminal criminal cases and cases in which the people of the State are parties.

12629.45. The term "securities" as used in this article shall include not only stock of one or more classes issuable by corporations generally but also notes of national mortgage associations or other Federal agencies, debentures and securities under Federal authority, whose purposes include the financing of income on real estate and also mortgage participation certificates, bonds, notes, debentures, debentures or evidences of indebtedness of (hereafter) banks or other financial institutions.

12629.46. A mortgage insurer may issue and may receive in cash, may sell, exchange or otherwise dispose of pursuant to a plan authorized under this article any one or more of the above mentioned kinds of securities, provided that no provisions of the laws of this State to the contrary. None of the provisions of the Unemployment Securities Act shall apply to any securities issued pursuant to a plan authorized under this article, whether or not such securities are issued by a mortgage insurer, broker or brokers, as defined in said act, shall be subject to the provisions of said act with respect to all transactions involving such securities.

12629.47. Any executor, administrator, guardian or trustee and any person of any kind or nature, and any insurer, bank, banking institution or trust company, and any officer of the State of California, holding any securities or certificates of a mortgage insurer as a legal investment or as a fund or deposit required by law to be made by the State of California, may, without the necessity of obtaining any specific court approval (a) consent to any plan which has been authorized by the court pursuant to sections 12629.30 to 12629.38 including the exchange and mortgage participation certificates or other securities or notes or bonds for certificates, amended certificates or securities issued pursuant to such plan; and (b) may continue to hold as a legal investment or as a fund or deposit required by law to be made with the State of California any certificates, amended certificates or securities so received.

12629.48. No plan shall be operative pursuant to this article unless approved by the court and consented to as required by this article during the emergency period, which period, for the purposes of this article, shall commence with the effective date of this article and shall expire April 1, 1939, or at such earlier date as the commissioner shall find and declare that such emergency period has terminated; provided,

however, that if, prior to the expiration or termination of said emergency period, such plan shall have been approved by the superior court, and shall have been consented to as required by this article, such plan shall become operative unless such approval be set aside on appeal, notwithstanding the fact that such approval of the superior court was not final at the expiration or termination of such emergency period."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2423**—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance or a hospital service plan for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 2423 were read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, as amended, after "health", insert a comma and the following: "annuity,".

**Amendment No. 2.**

On page 1, line 14, of the printed bill, as amended, after "employees", insert the following: "who elect in writing to participate in the plan,".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1062**—An act to amend sections 20 and 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, relative to awards and disposition thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1062 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "20 and 24 of the Workmen's Com.", and strike out line 2 of the title, and insert in lieu thereof the following: "4902, 4903 and 5801 of the Labor Code,".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1 to 6, inclusive, and in line 7, strike out "(b)", and insert in lieu thereof the following:

"SECTION 1. Section 5801 of the Labor Code is hereby amended to read as follows:  
5801."

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 17 to 28, and on page 2, strike out lines 1 to 21, inclusive, and insert in lieu thereof the following:

"Sec. 2. Section 4902 of the Labor Code is hereby amended to read as follows:  
4902. No compensation,".

**Amendment No. 4.**

On page 2, line 22, of the printed bill, as amended, insert a comma after paid".

**Amendment No. 5.**

On page 2, line 24, of the printed bill, as amended, strike out "to the same," and insert in lieu thereof the following: "thereto".

**Amendment No. 6.**

On page 2, line 25, of the printed bill, as amended, strike out "Any", and insert in lieu thereof the following: "No".

**Amendment No. 7.**

On page 2, line 28, of the printed bill, as amended, strike out "not".



**Amendment No. 8.**

On page 2, line 29, of the printed bill, as amended, strike out "ch", and insert in lieu thereof the following:  
 "SEC. 2. Section 4903 is hereby added to the Labor Code to read as follows:  
 4903."

**Amendment No. 9.**

On page 2, line 31, of the printed bill, as amended, strike out "1", and insert in lieu thereof the following:  
 "(2)"

**Amendment No. 10.**

On page 2, line 37, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following:  
 "(3)"

**Amendment No. 11.**

On page 2, of the printed bill, as amended, strike out lines 38 and 39, and insert in lieu thereof the following:  
 "The provisions of this section shall not apply to any person who is employed in any business as provided in Article 2 of Chapter 2 of Part 2 of this division."

**Amendment No. 12.**

On page 2, line 40, of the printed bill, as amended, strike out "(3)", and insert in lieu thereof the following:  
 "(4)"

**Amendment No. 13.**

On page 2, line 42, of the printed bill, as amended, strike out "(4)", and insert in lieu thereof the following:  
 "(5)"

**Amendment No. 14.**

On page 2, line 44, of the printed bill, as amended, strike out "(5)", and insert in lieu thereof the following:  
 "(6)"

**Amendment No. 15.**

On page 2 of the printed bill, as amended, strike out lines 50 to 52, inclusive.

**Amendment No. 16.**

On page 3 of the printed bill, as amended, strike out lines 1 to 36, inclusive.

Bill read second time, ordered to reprint, and referred to Committee on Insurance.

**Assembly Bill No. 441**—An act to amend the title of an act entitled "County Street Opening Act of 1923," approved May 11, 1923, as amended, and to add section 6, relating to the reassessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2392**—An act providing for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas providing for the duration and terms of such franchises and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2426**—An act to add a new section to be numbered section 12a to an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities and for the laying out, opening, extending, widening, straightening or acquiring in whole or in part of public streets, squares, lanes, alleys, easements, courts and places within municipalities to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued."



approved June 11, 1915, relating to reassessment procedure and relief from special assessments.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1764**—An act to amend sections 16 and 75 of the "Improvement Act of 1911," approved April 7, 1911, as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 1764 were read and adopted:

**Amendment No. 1.**

On page 2, line 14, of the printed bill, as amended, strike out the words "or invalidity"; in line 15, strike out the words "or invalidity"; in line 19, strike out the word "would", and insert in lieu thereof the word "might"; in line 20, strike out the words "or invalidity"; in line 30, strike out the word "each", and insert in lieu thereof the word "such"; and in line 34, following the period, insert the following sentence: "In the event the contractor brings the action the summons shall be served upon the city council and superintendent of streets personally, and they shall have the right to appear and contest the validity of the proceedings and contract, or uphold the same."

**Amendment No. 2.**

On page 3 following line 32 of the printed bill, as amended, insert the following language:

"Within sixty (60) days after the sale mentioned in section 70 hereof, the purchaser at such sale may send to the person to whom the property is assessed for purposes of taxation as shown upon the last equalized assessment roll of the county in which the property lies, and to the person in whom on the date the sale is made appears the legal title to the property as shown by deed duly recorded in the office of the county recorder of the county in which the property lies, by registered mail, postage prepaid, a copy of the certificate of sale."

**Amendment No. 3.**

On page 3, line 33, of the printed bill, as amended, strike out the word "No", and insert in lieu thereof the following language: "In the event that a copy of the certificate of sale has been sent as provided in this section no".

**Amendment No. 4.**

On page 3, line 35, of the printed bill, as amended, strike out the words "or to quiet title to", and strike out all of line 36; in line 37, strike out the words "at such sale"; and on page 3, line 39, strike out the words "of the certificate".

**Amendment No. 5.**

On page 3, line 45, of the printed bill, as amended, strike out the period, and insert in lieu thereof the word "and"; and in line 46, strike out the word "Any", and insert in lieu thereof the word "any".

**Amendment No. 6.**

On page 2, line 14, of the printed bill, as amended, strike out the words "or invalidity"; in line 15, strike out the words "or invalidity"; in line 19, strike out the word "would", and insert in lieu thereof the word "might"; in line 20, strike out the words "or invalidity"; in line 30, strike out the word "each", and insert in lieu thereof the word "such"; and in line 34, following the period, insert the following sentence: "In the event the contractor brings the action the summons shall be served upon the city council and the superintendent of streets personally, and they shall have the right to appear and contest the validity of the proceedings and contract, or uphold the same."

**Amendment No. 7.**

On page 3 of the printed bill, as amended, following line 32, insert the following language: "Within sixty (60) days after the sale mentioned in section 70 hereof, the purchaser at such sale may send to the person to whom the property is assessed for purposes of taxation as shown upon the last equalized assessment roll of the county in which the property lies, and to the person in whom on the date the sale is made appears the legal title to the property as shown by deed duly recorded in the office of the county recorder of the county in which the property lies, by registered mail, postage prepaid, a copy of the certificate of sale."

**Amendment No. 8.**

On page 3, line 33, of the printed bill, as amended, strike out the word "No", and insert therein in lieu thereof the following language: "In the event that a copy of the certificate of sale has been sent as provided in this section, and"

**Amendment No. 9.**

On page 3, line 35, of the printed bill, as amended, strike out the words "or quiet title to", strike out all of line 36, in line 37, strike out the words "at such sale"; and in line 39, strike out the words "of the certificate"

**Amendment No. 10.**

On page 3, line 45, of the printed bill, as amended, strike out the period and insert in lieu thereof the word "and"; and in line 46, strike out the word "Any", and insert in lieu thereof the word "you"

Bill read second time, ordered to print, and on file for third reading

**Assembly Bill No. 2659**—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding."

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 2659 was read and adopted:

**Amendment No. 1.**

On page 5 of the printed bill strike out lines 35, 36, 37, 38 and 39, and insert in lieu thereof the following: "officer of the city instituting such proceedings as necessary as a health measure, given in writing and signed upon the petition of the legislative body thereof, and such necessity is found to exist by resolution adopted by the affirmative vote of two-fifths of the members thereof; provided, however, that before adopting the resolution or ordinance of intention to make such improvement, said legislative body shall also find by resolution adopted by a two-thirds vote in its opinion the contemplated acquisition and/or improvement is one in which the probable assessments will not exceed the limitations set up in this act" and provided further, that the majority protest provisions thereof shall apply."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations

**Assembly Bill No. 1728**—An act to amend section 8 and to repeal sections 33 and 34 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2219**—An act to amend sections 2, 3, 5, and 6 of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2773**—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Bill No. 2773 were read and adopted:

**Amendment No. 1.**

On page 2, line 35, of the printed bill, as amended, strike out the period and "County clerks may", and strike out lines 36 to 39, inclusive; and in line 40, strike out "such meeting or", and insert in lieu thereof a comma and the following: "and".

**Amendment No. 2.**

On page 2, line 43, of the printed bill, as amended, strike out "Provided further, that said", and strike out lines 44, 45 and 46.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 670**—An act to amend sections 1278, 1280 and 1282 of the Political Code, relating to the canvass of the returns of elections and the declaration of the results thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 396**—An act to add section 3308 to the Civil Code, relating to the measure of damages on the termination of a lease.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1501**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1905**—An act to amend section 146 of the Civil Code by adding a section thereto to be numbered 5, relating to homesteads on property held in joint tenancy.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1906**—An act to amend section 1238 of the Civil Code relating to homesteads.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2611**—An act to amend section 690.11 of the Code of Civil Procedure, relating to the exemption of the earnings of judgment debtors for their personal services from execution or attachment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2828**—An act to amend section 58 of the Warehouse Receipts Act, relating to definition of terms.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2609**—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 2609 was read and adopted:

**Amendment No. 1.**

On page 2, line 37, of the printed bill, as amended, strike out "with or without notice as the court directs", and insert in lieu thereof the following: "after due notice".



Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2613**—An act to add a new section to Chapter VII of Title XIV of Part II of the Code of Civil Procedure, to be numbered 1011, and relating to forms of undertaking in civil actions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 2613 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 29, add the following:

"Every provision of this code with reference to the qualification and disqualification of sureties on undertakings instituted or required by any law of this State shall apply to this section."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2196**—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to repeal section 33 of said act; to renumber section 32 as section 33 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2196 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "and", and insert in lieu thereof a comma.

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, after "27", insert "and 29".

**Amendment No. 3.**

On page 4, line 5, of the printed bill, as amended, strike out "there", and insert in lieu thereof "thereupon make an assessment of such tax, among".

**Amendment No. 4.**

On page 4, line 10, of the printed bill, as amended, after "assessment", insert "such assessment becomes final at the expiration of such ten days, unless a petition for reassessment is filed within such ten days, and".

**Amendment No. 5.**

On page 6 of the printed bill, as amended, between lines 21 and 22, insert the following:

"SEC. 8. Section 29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 29. All fees, taxes, interest and penalties imposed under this act must be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California, and said board shall transmit such payments to the State Treasurer to be deposited in the State treasury to the credit of the "retail sales tax fund." For expenditures by the board in carrying out the provisions of this act, in addition to any other appropriations, there is hereby appropriated out of the retail sales tax fund the sum of \$400,000, or so much thereof as may be necessary, together with such amounts as may be made available pur-



suant to Section 661 of the Political Code, provided, that the amounts thus made available under said section shall not increase the total amount available for expenditure by the board in carrying out the provisions of this act during any fiscal year to an amount which exceeds two and one-half per cent of the total of the amounts deposited in said fund during such year. All moneys in the retail sales tax fund, unless otherwise appropriated shall, upon order of the State Controller, be drawn therefrom for the purpose of refunding to the retailers hereunder or be transferred to the general fund of the State."

**Amendment No. 6.**

On page 6, line 22, of the printed bill, as amended, strike out "8", and insert in lieu thereof "9".

**Amendment No. 7.**

On page 6, line 28, of the printed bill, as amended, strike out "9", and insert in lieu thereof "10".

**Amendment No. 8.**

On page 6 of the printed bill, as amended, strike out line 29, and in line 30, strike out "tions", and insert in lieu thereof "and employees".

**Amendment No. 9.**

On page 6, line 34, of the printed bill, as amended, strike out "10", and insert in lieu thereof "11".

**Amendment No. 10.**

On page 6 of the printed bill, as amended, between lines 37 and 38, insert the following: "of the Retail Sales Tax Act of 1933 as they existed on January 1, 1937, are hereby continued in force until July 1, 1937, and that the provisions".

Bill read second time, ordered to print, and on file for third reading.

**Unfinished Business.**

**Senate Bill No. 222**—An act to amend section 1 of an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the revolving fund from the manufacture and sale of jute.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hollister, Holohan, Keough, Law, McBride, McCall, McGovern, Metzger, Mixter, Olson, Parkman, Pierovich, Rich, Seawell, and Westover—21.

The Secretary announced the absentees.

Time, ten o'clock and forty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to the bar of the Senate.

**Proceedings Under Call of the Senate.**

**Third Reading of Assembly Bills.**

**Assembly Bill No. 2336**—An act to add Chapter 5 to Division I of the Fish and Game Code, relating to the licensing of land owners to collect fees or other charges for the privilege of hunting on their land.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2136, the following amendment, offered by Senator McCall, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 16 and 17, and insert in lieu thereof the following:

"505. No license under the provisions of this chapter shall be subject to the provisions of Articles 7 and 8 of Chapter 3, Part 3, Division IV. No person required to be licensed under said Articles 7 and 8 shall be licensed under this chapter."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1757**—An act to regulate the operation, conduct, sanitation, use and maintenance of tourist camps and tourist trailers.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1757, the following amendments, offered by Senator Allen, were read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out the period and strike out lines 13 to 15, inclusive, and insert in lieu thereof the following: "or where space is rented or held out for rent to owners of motor vehicles parked on free camping is permitted to owners or users of trailers parked on the premises of securing their trade."

**Amendment No. 2.**

On page 1, line 41, of the printed bill, as amended, strike out "health department" and insert in lieu thereof the following: "Department of Industrial Relations acting through the Division of Investigation and Housing."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2092**—An act to amend sections 2 and 3 of an act entitled "An act declaring *Low-Forth* the eastern boundaries of Reclamation District No. 108; situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, be subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district, also authorizing the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that cer-

tain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect."

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2092, the following amendments, offered by Senator Metzger, were read and adopted:

##### Amendment No. 1.

On page 2, line 6 of the title of the printed bill, strike out "effect," and insert in lieu thereof the following: "effect," approved May 7, 1919, relating to Reclamation District No. 108."

##### Amendment No. 2.

On page 2, line 1, of the printed bill, strike out "an act entitled," and strike out lines 2 to 38, inclusive, and insert in lieu thereof the following: "the act cited in the title hereof is hereby amended to read as follows:"

Bill read, ordered to print, and on file for third reading.

#### Unfinished Business—(Resumed).

**Senate Bill No. 443**—An act to add section 12.5 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 443 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 443 ordered transmitted to the Assembly.

**Senate Bill No. 483**—An act making an appropriation to provide land for the Sonoma State Home.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl,

McGovern, Metzger, Meyer, Nathan, Olson, Thompson, Phillips, Pomeroy, Quinn, Rich, Seawell, Slater, Swagg, Wagg, Westcott, Williams, and Young—34.  
 Nays—None.

Title read and approved.

Senate Bill No. 483 ordered transmitted to the Assembly.

**Senate Bill No. 83**—An act to amend section 4102 of the School Code, relating to an appropriation for vocational rehabilitation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 83 passed by the following vote:

AYES—Senators Allen, Bigger, Catterdale, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Johnson, Kough, Lane, McBurn, McColl, McGovern, Metzger, Meyer, Nathan, Olson, Pomeroy, Phillips, Pomeroy, Quinn, Quinn, Rich, Seawell, Slater, Swagg, Wagg, Westcott, Williams, and Young—34.  
 Nays—None.

Title read and approved.

Senate Bill No. 53 ordered transmitted to the Assembly.

**Senate Bill No. 504**—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans and making an appropriation for aid to veterans' dependents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Allen, Bigger, Catterdale, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Johnson, Kough, Kough, Lane, McColl, McGovern, Metzger, Meyer, Nathan, Olson, Pomeroy, Phillips, Pomeroy, Quinn, Quinn, Rich, Seawell, Slater, Swagg, Wagg, Westcott, Williams, and Young—35.  
 Nays—None.

Title read and approved.

Senate Bill No. 504 ordered transmitted to the Assembly.

**Senate Bill No. 355**—An act appropriating money for fireproof vault equipment in the office of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Senators Allen, Bigger, Catterdale, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Johnson, Kough, Kough, Lane, McColl, McGovern, Metzger, Meyer, Nathan, Olson, Pomeroy, Phillips, Pomeroy, Quinn, Quinn, Rich, Seawell, Slater, Swagg, Wagg, Westcott, and Williams—34.  
 Nays—None.

Title read and approved.

Senate Bill No. 355 ordered transmitted to the Assembly.

**Senate Bill No. 536**—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 536 ordered transmitted to the Assembly.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At eleven o'clock and ten minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The names of the absentees were called, and Senate Bill No. 222 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 222 ordered transmitted to the Assembly.

### **Resolution.**

The following resolution was offered:

By Senator Pierovich:

*Resolved by the Senate of the State of California, That enactment of Senate Bill No. 1117 is anticipated during the fifty-second session of the Legislature through approval by the Governor of California and thus authorize the compiling, printing, binding and distribution of the State Blue Book, for use of the members of the Senate of the State of California; therefore, be it further*

*Resolved, That the Secretary of the Senate is authorized to order 175 copies of the State Blue Book for delivery in accordance with the provisions set forth in Senate Bill No. 1117, and the cost thereof, not to exceed \$2,000, shall be payable from the legislative printing appropriation.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Seawell, Westover, and Williams—24.

NOES—None.

### **Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Metzger moved to reconsider the vote whereby Senate Bill No. 745 was passed.

### **Postponement of Reconsideration.**

On motion of Senator Metzger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 745 was passed was continued until the next legislative day.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 879 was refused passage.

**Postponement of Reconsideration.**

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 879 was refused passage was continued until the next legislative day.

**Postponement of Reconsideration.**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 217 was passed was continued until the next legislative day.

**Committee from the Assembly.**

Assemblymen Breed, Andreas and Meehan appeared at the bar of the Senate, and announced that they were a special Committee of Three to escort the Senate to the Assembly Chambers to attend the Mother's Day program.

**Special Order Reset.**

Senate Bill No. 304, heretofore set as a special order for eleven o'clock a.m., was reset for two o'clock and thirty minutes p.m.

**Leaves of Absence.**

Senator Allen was granted leave of absence for the balance of this legislative day.

Senator Cunningham was granted leave of absence for the balance of this legislative day.

**Recess.**

At eleven o'clock and twelve minutes a.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, to the chair.

Secretary Joseph A. Beck at the desk

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended,

Senate Bill No. 252: An act to provide for the disposition of land and the construction and equipment of buildings, offices and facilities for various state commissions and State agencies supported from sources other than the general fund, declaring the urgency thereof and providing that it shall take effect immediately. And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 252 ordered placed on the unfinished business file.

**Call of the Senate.**

Senator Duvel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Dane, Fletcher, Gordon, Hollister, Holahan, Jepsen, Phillips, Pirovich, Senotky, Slater, Wagy, and Westover—12

The Secretary announced the absentees.

Time, two o'clock and twelve minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Motion.

Senator Phillips moved that the remarks, offered by Lieutenant Governor George J. Hatfield during the Mother's Day program, be printed in the Journal.

Motion carried.

#### Remarks.

In accordance with the above motion, the following address by Lieutenant Governor George J. Hatfield was ordered printed in the Journal:

#### 1937 MOTHER'S DAY ADDRESS

#### BY LIEUTENANT GOVERNOR GEORGE J. HATFIELD.

(Delivered Before the Assembly and Senate in Joint Session.)

No matter how we may disagree politically—and even our disagreements are the signs of a healthy democracy—there is a common bond in America which binds us inseparably.

There are simple precepts which guide us: fundamental ones which bind us.

I speak of them today because they are the first principle of Americanism—the principles handed down, from generation to generation, by the mothers of America to the children of America.

They are basic rules of life and conduct in an orderly, democratic society—rules laid down by our forefathers; rules perpetuated and idealized by our mothers; given us in childhood, blended into our consciousness by those who have given us our finest example of unselfish devotion and true unswerving Americanism—our mothers!

We may disagree as to methods or procedure; we may place new interpretations on old truths; we may be conservative or radical, middle-of-the-road or liberal, but as American citizens, each and every one of us subscribes to these principles:

We believe in freedom of worship; in freedom of speech; in a free press and a free ballot.

We believe in rule of right, rather than rule of might.

We believe in rule of the majority, but we are willing to fight for the right of the minority to be heard—no matter how violently we may oppose what they have to say!

We believe in liberty, but we do not condone license.

We recognize that our own rights and liberties shall be measured, in the final analysis, by our respect for the rights and liberties of others.

We believe in equality of opportunity; we believe, in so far as possible, in wiping out the inequalities of birth and inheritance by equalities of education and preparation for life's battles.

We believe that "the laborer is worthy of his hire."

And we believe that his employer is entitled to a fair measure of the fruits of his accomplishment.

We have regard for the strong, who have pioneered our commonwealth—who have rolled away barriers and opened up new opportunities.

But we have compassion for the weak; we have a regard for the humanities which freely and proudly acknowledge that we are "our brother's keeper", which recognizes that but for the weak circumstances, he might be strong and we might be weak.

We have a certain measure of tolerance; something of kindness; much, I believe, of innate honesty and integrity.

And all of these things which are the backbone of our society are not matters of politics; they are not matters of government in the ordinary sense. They are the principles our mothers have taught us. They have taught us to want to be just, hoping that we would one peace month and take better government, hoping that we would find true happiness, that we would find the true meaning of success in human accomplishment, rather than in dollars in the bank or mortgages on real estate.

And as we honor our mothers today, let us honor, too, the great wisdom which they gave us.

Our mothers would not be interested at all in the bills passed or lost in the motives which motivated them. The only way which they were offered. They might not understand the tricks of parliamentary procedure, but they would be quick to detect our dishonesty. They would indicate opposition when they found we were in defeat; they would be persuaded and sure if they found us winning and victorious in victory.

The mothers of America have made us Americans; they have taught us tolerance and understanding; they have taught us honesty and square-dealing; they have taught us reverence and a regard for human rights; they have given us a standard of success which is far superior with American Mothers.

As we pay tribute to our mothers today, I hope we will do it bravely, bravely and intelligently. We owe it not alone to our mothers, but to ourselves, to rededicate ourselves to the simple principles of honesty and courage, tolerance and self-reliance, free play and free expression, which will build a better Nation—and which will justify the faith of the women who gave us birth and the great principles of mankind and democracy.

In mother's absence, motherhood has been so beautiful and prophetic at times, but it glows with peace, it glows with hope. The peace is in us, the hope is in us. And that today we as a people realize, that with hope and faith in faith, as we look for understanding and strive for justice, we are building a new world.

Let's try to remember the fundamental principles of our Americanism—the principles handed down to us—let's try to let that trust and that sense of endeavor in all the world. MARY R.

### Consideration of Special Order.

Senate Bill No. 204 heretofore set as a second order for two o'clock and thirty minutes p.m. the same was, on motion of Senator Gordon, replaced on the Senate third reading file.

### Consideration of Daily File—(Resumed)

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1086**—An act to amend section 5716 of the Political Code, relating to the lien of taxes on real and personal property and providing that such lien shall cease to exist after 90 years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1086 passed by the following vote:

**AYES**—Senators DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holman, Jorgensen, Kesting, Law, Metzger, Nielsen, Phillips, Perryell, Quinn, Rick, Schlotky, Slater, Tickle, Wagy, Westover, and Young—22.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1086 ordered transmitted to the Assembly.

**Assembly Bill No. 13**—An act to add sections 5.5, 8.6 and 12.5 to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to county fire protection districts.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—23.

**NOES**—None.

**Title read and approved.**

Assembly Bill No. 13 ordered transmitted to the Assembly.

**Senator Schottky in the Chair.**

At two o'clock and thirty-three minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

**Assembly Bill No. 483**—An act to amend sections 3 and 9 of the Inheritance Tax Act of 1935, relating to the lien of inheritance taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 483 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—27.

**NOES**—None.

**Title read and approved.**

Assembly Bill No. 483 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At two o'clock and thirty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 2845**—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause.**

**SEC. 2.** This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall therefore take effect immediately.

The following is the statement of facts constituting such necessity:

It is intended that there shall be erected and constructed on certain of the lands referred to in this act to be conveyed by the city of Santa Barbara to the State, an athletic field and stadium for Santa Barbara State College, and it is necessary that the lands be conveyed as soon as possible in order that work may be commenced promptly so that this athletic field and stadium will be available for use during the fall semester of the present year. The prompt completion of an adequate athletic plant at Santa Barbara State College will be of substantial benefit both to the students at the college and to the residents of the city of Santa Barbara.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hollman, Jørgensen, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Tucke, Wagy, Westover, and Young—29.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2845 passed by the following vote:

**AYES**—Senators Biggar, DeLap, Deuel, Fletcher, Gordon, Hays, Hollman, Hollister, Jørgensen, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Mixer, Nielsen, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tucke, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2845 ordered transmitted to the Assembly.

### Unfinished Business—(Resumed).

Assistant Secretary Howard McIntire at the Desk.

**Senate Bill No. 502**—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-type-writer system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 502 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollman, Jørgensen, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Mixer, Nielsen, Phillips, Quinn, Rich, Seawell, Slater, Tucke, Wagy, Westover, Williams, and Young—27.

**NOES**—None.

Title read and approved.

Senate Bill No. 502 ordered transmitted to the Assembly.

**Senate Bill No. 321**—An act to amend sections 4, 15, 16, 39, 38b, 43, 51, 52, 63, 65, 65b, 65e, 65d, 67, 76, 79, 95, 101, 108, and 109 of and to add sections 23a, 23b, and 113 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jørgensen, Keating, Keough, Knowland, Law, McCall, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Tucke, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 321 ordered transmitted to the Assembly.

**Senate Bill No. 704**—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Crittenden, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 704 ordered transmitted to the Assembly.

**Senate Bill No. 1143**—An act making an appropriation for the support of the University of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1143 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 1143 ordered transmitted to the Assembly.

**Senate Bill No. 69**—An act making an appropriation to reimburse the San Diego Harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to Chapter 217, Statutes of 1931.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Crittenden, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 69 ordered transmitted to the Assembly.

**Senate Bill No. 1111**—An act making an appropriation for the dredging of certain portions of San Diego Bay.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1111 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Westover, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 1111 ordered transmitted to the Assembly.

**Senate Bill No. 1002**—An act to amend an act entitled "An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor" approved June 7, 1913, as amended, relating to the revolving fund, making an appropriation therefor, and providing that it shall go into immediate effect.

Bill read third time.

#### Urgency Clause.

Sec. 2. This act, whenever it may be approved, shall be operative for the payment of the current expenses of the State shall, under the provisions of section 3 of Article 13 of the Constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holshien, Jorgensen, Keith, Knight, Kuykendall, Lee, McPherson, McCall, Metzger, Mixter, Olson, Pavy, Patten, Quinn, Rick, Seawell, Shaw, Spring, Tickle, Wagy, Westover, Williams, and Young—41.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1092 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holshien, Jorgensen, Keith, Knight, Kuykendall, Lee, McPherson, McCall, Metzger, Mixter, Olson, Pavy, Patten, Quinn, Rick, Seawell, Shaw, Spring, Tickle, Wagy, Westover, Williams, and Young—41.

**NOES**—None.

Title read and approved.

Senate Bill No. 1002 ordered transmitted to the Assembly.

### Report of Special Committee.

The following report of Special Committee was received:

MR. PRESIDENT: Your Special Committee, organized in pursuance of a resolution introduced by Senator Seawell and adopted by the Senate on May 5, 1937, as printed in the Senate Journal of that day, has honor to report as follows:

The committee believes the attendance rules in the journals of the Senate, that it is the duty of each and every Senator to devote all his working time to conscientious endeavor to meet the responsibilities imposed by virtue of his office and of his obligations to constituents. This includes, of course, his attendance at all sessions and a refusal to absent himself because of personal whim or passing inconvenience. The Senate never discloses its exact a character when personal affairs necessitate his absence.

No member is ever justified in an evasion of his delegated responsibilities and particularly so when important business is being transacted under call of the Senate. Your committee believes that all Senators will agree fully this premise.

The status of Senators and the duties of the chosen officers of the Senate, under the call of the Senate, and otherwise, are clearly set out in Rule 73 and Rule 74, Rules of the Senate. We recommend that the President of the Senate, in the presence of the Senators and in the presence of the elected officers, have read and Rule 73 and Rule 74, Rules of the Senate.

Your committee considers it unnecessary to further inquire into the matter of the roll call of May 5th, referred to in the resolution, as the committee is convinced that if violations of Rule 74 then occurred, such violations were not because of deliberate design to interfere with or thwart the business of the Senate.

SEAWELL, Chairman.  
DUELL.  
YOUNG.



Report of Special Committee read.

The question being the adoption of the report of the Special Committee.

The report of the Special Committee adopted on motion of Senator Seawell.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 807**—An act to amend the Fish and Game Code by the addition thereto of a new section designated 1069, relating to and regulating the granting of fish canning and fish reduction permits or licenses to plants not engaged in such business and lawfully processing fish resources of the State heretofore.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 807 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Westover, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 807 ordered transmitted to the Assembly.

**Senate Bill No. 178**—An act to add section 37 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 178 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Olson, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 178 ordered transmitted to the Assembly.

**Senate Bill No. 472**—An act to amend sections 44 and 130 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 472 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—Senator Tickle—1.

Title read and approved.

Senate Bill No. 472 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 810**—An act to amend section 1142 of the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 810 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McCall, Metzger, Mixer, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 810 ordered transmitted to the Assembly.

**Assembly Bill No. 444**—An act to amend the Political Code of the State of California by amending section 1142 thereof, by adding a new section to be designated section 1142½ to provide for the publication of the designated polling places in a newspaper of general circulation or in one or more newspapers of general circulation at various places in the county, and by amending section 4018 to provide for publication of the notice of election in the same manner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 444 passed by the following vote:

AYES—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBrade, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 444 ordered transmitted to the Assembly.

**Assembly Bill No. 669**—An act to amend section 22 of the Direct Primary Law, relating to the canvass of the returns of primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 669 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBrade, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—Senator Keating—1.

Title read and approved.

Assembly Bill No. 669 ordered transmitted to the Assembly.

**Assembly Bill No. 2688**—An act to amend section 1946 of the Civil Code, relating to notices of intention to terminate hiring of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2688 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBrade, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2688 ordered transmitted to the Assembly.

**Assembly Bill No. 2689**—An act to amend section 1862 of the Civil Code, relating to the sale of unclaimed baggage or other personal property in the possession of the keeper of any hotel, inn, boarding or lodging house, furnished apartment house or furnished bungalow court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2689 passed by the following vote:

AYES—Senators Biggar, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, Metzger, Mixer, Olsen, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—Senator McBride—1.

Title read and approved.

Assembly Bill No. 2689 ordered transmitted to the Assembly.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

**Assembly Bill No. 1118**—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Bill No. 1118.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1118, without reference to committee for purpose of passage.

**Assembly Bill No. 1118**—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one fourth class, and declaring the urgency thereof, the act to take effect immediately.

Bill read first time.

### Resolution.

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That Assembly Bill No. 1118 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowlton, Lane, McRobie, Mixer, Mossey, Mixer, Olson, Phillips, Penevich, Powers, Rich, Seawell, Satter, Swing, Tickle, Wagz, Westover, Williams, and Young—31.

NOES.—None.

#### Second Reading of Assembly Bill No. 1118.

**Assembly Bill No. 1118.**—An act to amend section 2 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of judges therein," approved May 23, 1925, relating to municipal courts in cities of cities and counties of the second and one-fourth class, and declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

#### Third Reading of Assembly Bill No. 1118.

**Assembly Bill No. 1118.**—An act to amend section 2 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of judges therein," approved May 23, 1925, relating to municipal courts in cities of cities and counties of the second and one-fourth class, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

#### Urgency Clause.

Sec. 3. This act is hereby declared to be an urgent measure within the meaning of section 1 of Article IV of the Constitution, and shall take effect immediately.

The clerk constituting each municipality in violation of the provisions of the second and one-fourth class, majority of the municipal courts of the city, being upon the question of the establishment of a municipal court, have voted to leave thereof, notwithstanding and being that action, such a court should not be established by this amendment, to come into operation on July 1, 1937. A change from inferior courts to a municipal court on July 1, 1937, is followed, change thereon, by a further change in salary and compensation of such court, would cause expense, confusion, loss of time and dissatisfaction, which are and shall be avoided if this act takes effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES.—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowlton, Lane, McRobie, McCall, Mossey, Mixer, Olson, Phillips, Penevich, Powers, Rich, Seawell, Satter, Swing, Tickle, Wagz, Westover, and Young—29.

NOES.—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1118 passed by the following vote:



AYES—Senators Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1118 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and fifty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

### Leaves of Absence.

Senator Schottky was, on motion of Senator Mixer, granted leave of absence for the balance of this legislative day.

Senator Law was, on motion of Senator McBride, granted leave of absence for the balance of this legislative day.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 6.9, 11a, 14.5, 16½, 20½, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 40.5, 48.5, 48.6, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 53.6, 54.5, 55.2, 55.5, 55.7, 55.8, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately; And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

#### Senator Hays in the Chair.

At four o'clock p.m., Senator Hays of the thirtieth district was called to the chair.

### Third Reading of Senate Bills—(Resumed).

Senate Bill No. 425—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto section 6.5, 6.7, 8.5, 11a, 16½, 20½, 22a, 22b, 22c, 22d, 22e, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 48½, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 55.5, 55.7, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl,

Metzger, Mixer, Phillips, Piotrowski, Powers, Quinn, Roth, Seawell, Slater, Stringer, Tinkle, Waggy, Williams, and Young—29

Nones—None.

Title read and approved.

Senate Bill No. 425 ordered transmitted to the Assembly.

### **Withdrawal from Committee of Assembly Constitutional**

#### **Amendment No. 4**

Senator Seawell moved that Assembly Constitutional Amendment No. 4 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried, and such was the order.

### **Second Reading of Assembly Constitutional Amendment No. 4—**

#### **(Out of Order).**

**Assembly Constitutional Amendment No. 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

#### **Amendments from the Floor.**

During second reading of Assembly Constitutional Amendment No. 4 the following amendments, offered by Senator Seawell, were read and adopted:

#### **Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, after "Sec 9 (a)", insert the following:

"A State Board of Equalization, consisting of one member from each of the five equalization districts in this State, as such districts are defined in the section of this section, shall be redefined pursuant to this section, shall be elected by the qualified electors of their respective districts, as hereinafter provided.

(b) The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, and it shall be the duty of said boards of equalization to equalize the valuation of the taxable property in their respective counties for purposes of taxation. The county boards of equalization are hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the valuation of any property contained in the assessment rolls of their respective counties except such property as is assessed by the State Board of Equalization.

(c) The State Board of Equalization is hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the entire assessment roll of any county, except such property contained therein as is assessed by said board, so as to equalize the valuation of the taxable property assessed by county assessors with that assessed by the said board.

(d)".

#### **Amendment No. 2.**

On page 1, lines 9 and 10, of the printed bill, as amended, after "districts", insert "defined and constituted".

#### **Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out all of lines 3 to 36, inclusive, and insert in lieu thereof the following:

"(e) The terms of office of the members of the State Board of Equalization shall be for four years each, commencing on the first Monday after the first day of January following their election, and shall continue until their successors have qualified. The members of the State Board of Equalization representing the four equalization districts existing when this section is adopted shall continue in office until the end of their terms and shall represent respectively the equalization districts as herein defined in which they reside. The persons elected in 1938 to represent the First, Second and Third Equalization Districts, as such districts were constituted prior to the adoption of this section, shall represent the districts of corresponding number as herein defined. If the member representing the Fourth Equalization District as constituted prior to the adoption of this section shall have been a resident of the Fourth Equalization District as herein defined for not less than one year prior to the adoption of this section, such member shall continue in office as the

representative of the Fourth Equalization District as herein defined until his successor qualifies on or after the first Monday after the first day of January in 1941. Otherwise the term of office of such member shall expire upon the qualification of his successor on or after the first Monday after the first day of January in 1939. Such successor shall be appointed by the Governor, whose term of office shall begin on the first Monday after the first day of January in 1939, and the term of such member shall be for two years continuing, however, until a successor has qualified. The State Controller shall continue as an ex officio member of the State Board of Equalization until the Governor, whose term of office shall begin the first Monday after the first day of January in 1939, shall appoint a member to represent the Fifth Equalization District as herein defined. The compensation of the members of the State Board of Equalization and of the State Controller shall be fixed and the payment thereof prescribed by the Legislature. The term of the member so appointed shall be for two years and shall continue until his successor has qualified. In 1940, members to represent the Fourth and Fifth Equalization Districts shall be elected for terms of four years each commencing on the first Monday after the first day of January in 1941. In the event a vacancy occurs in the State Board of Equalization, the Governor shall appoint a member from the equalization district in which the vacancy occurs. Any member so appointed shall hold office for the remainder of the unexpired term as prescribed herein.

(f) All the provisions of this section are self-executing. The Legislature, two-thirds of all of the members elected to each of the two houses voting in favor thereof, may redefine the five equalization districts defined herein."

Assembly Constitutional Amendment No. 4 read, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2690**—An act to amend section 827 of the Civil Code, relating to notice of change in terms of leases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2690 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McColl, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2690 ordered transmitted to the Assembly.

**Assembly Bill No. 2057**—An act to amend sections 794, 828, and 829 of the Agricultural Code, relating to the standardization of containers for cherries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2057 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McColl, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2057 ordered transmitted to the Assembly.

**Assembly Bill No. 1446**—An act to amend section 882 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1446 passed by the following vote:

AYES—Senators Critchfield, Delap, Deane, Fletcher, Gordon, Hays, Keough, Knowlton, McBurne, McLean, Morgan, Murray, Olson, Packman, Phillips, Sawyer, Tilden, Westmore, Williams, and Young—11.

NOES—Senator Sewell—1.

Title read and approved.

Assembly Bill No. 1446 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At four o'clock and twenty-five minutes p.m., Hon. William P. Hall, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 1616**—An act to authorize cities, counties, or county fire protection districts to perform services for such other in extinguishing fires and providing for the payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1616 passed by the following vote:

AYES—Senators Barger, Critchfield, Delap, Deane, Gordon, Hall, Hays, Keating, Knowlton, Knowlton, McCall, Morgan, Murray, Olson, Packman, Phillips, Pomeroy, Powers, Ross, Sewell, Slaton, Slaton, Tilden, Westmore, and Young—20.

NOES—None.

Title read and approved.

Assembly Bill No. 1616 ordered transmitted to the Assembly.

**Assembly Bill No. 1364**—An act to amend section 10 of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities hereby created under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1893 (Statutes 1893, p. 210), relating to manner of making redemption of property sold to cities for nonpayment of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1364 passed by the following vote:

AYES—Senators Barger, Critchfield, Deane, Deane, Fletcher, Hall, Hall, Holobar, Keating, Keating, Knowlton, McCall, Morgan, Murray, Olson, Packman, Phillips, Pomeroy, Ross, Sewell, Slaton, Slaton, Tilden, Westmore, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1364 ordered transmitted to the Assembly.

**Assembly Bill No. 890**—An act to amend the title and sections 1, 3, 4, and 4a of, and to add sections 6 and 7 to an act entitled "An act in relation to and regulating the commencement and continuation of pro-



ceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately," approved February 1, 1935, relating to the foreclosure of special assessment bonds, validating the commencement and prosecution of proceedings heretofore taken, and declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of the facts constituting such necessity: The peace, safety and welfare of the citizens of this State are dependent upon immediate relief from the payment of the principal or installments thereof due upon said special assessment bonds. Because of the special economic crisis, the owners of property upon which such special assessment bonds are a lien are unable to pay the principal due thereon and unless foreclosure and enforcement of such bonds are delayed where such principal or installments thereof are unpaid, such owners will lose their property and will suffer great financial loss.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Rich, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 890 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Rich, Seawell, Slater, Swing, Tickle, Westover, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 890 ordered transmitted to the Assembly.

#### Senator Knowland in the Chair.

At four o'clock and forty minutes p.m., Senator Knowland of the sixteenth district was called to the chair.

**Assembly Bill No. 1151**—An act to amend section 76 of the Improvement Act of 1911, relating to the treasurer's list of bonds upon which payments have not been made and to notice of delinquency.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1151 passed by the following vote:

AYES—Senators Biggar, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Rich, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1151 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

**Assembly Bill No. 285**—An act to amend sections 92 and 122 of, and to add section 108 to, the Civil Code, relating to grounds of divorce and defenses thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 passed by the following vote:

**AYES**—Senators Bigger, DeLar, Dond, Fletcher, Hays, Holsten, Hollister, Johnson, Knecht, Knechtel, McHugh, Metzger, Olson, Peterson, Phillips, Powers, Powers, Rich, Senwell, Slater, Swing, Walker, and Young.

**NOES**—Senators Gordon, Keating, Mixer, and Westerman.

Title read and approved.

Assembly Bill No. 285 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At four o'clock and fifty minutes p.m. Hon. William F. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 1918**—An act to amend section 776 of the Code of Civil Procedure, relating to foreclosure of mortgages.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Chittenden, DeLar, Dond, Fletcher, Garrison, Hays, Hollister, Holsten, Johnson, Keating, Knecht, Knechtel, McHugh, Metzger, Mixer, Nielsen, Olson, Peterson, Phillips, Powers, Powers, Rich, Senwell, Slater, Swing, Tinkle, Wager, Westerman, and Westerman.

The Secretary announced the absentees.

Time, five o'clock and thirty minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 455**—An act to amend section 22 of the Agricultural Code, relating to county and district agricultural fairs.

Amendments from the Floor.

During third reading of Assembly Bill No. 455, the following amendments, offered by Senator Swing, were read and adopted.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 19 to 21 inclusive, and insert in lieu thereof the following: "one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, as amended, after the word "appropriated", insert a comma and the following: "except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1864**—An act to amend sections 1205, 1357, and 1359 of the Political Code, relating to absentee voters and marking of ballots.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1864 the following amendment, offered by Senator Powers, was read and adopted:

**Amendment No. 1.**

On page 2, line 27, of the printed bill, as amended, after "disability", insert the following: "or for any other reason, found by the officer herein mentioned to exist, and in the judgment of such officer to constitute good cause for delivering to such voter a ballot of his election precinct,".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2378**—An act to add section 211.5 to the Labor Code, relating to deductions from wages or salary of employee and prescribing a penalty for violation thereof.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2378, the following amendment, offered by Senator Tickle, was read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, after "employees", strike out the comma and add the following: "and deductions expressly authorized in writing by employees to cover insurance premiums, hospital or medical dues, or other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute,".

Bill read, ordered to print, and on file for third reading.

(NOTE. The action of the Senate in amending Assembly Bill No. 2378 was reconsidered and the amendment withdrawn. J. A. Beek, Secretary of Senate.)

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 356**—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

**Amendments from the Floor.**

During third reading of Senate Bill No. 356, the following amendments, offered by Senator Nielsen, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "add", and insert in lieu thereof the word "amend".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 13 of the act cited in the title hereof is hereby amended to read as follows:".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and Assembly Bill No. 1918 passed by the following vote:

**AYES.** Senators Piggan, Cuthbertson, Fletcher, Garrison, Gordon, Hays, Hoffman, Jepsen, Keating, Knowland, Metzger, Newmyer, Olson, Parnham, Phillips, Pierovich, Powers, Quinn, Senator, Sargent, Tamm, and Williams—34.

**NOTES.** Senators Delap, Finch, Hansen, Keene, McGinn, Minor, Rick, Wray, Williams, and Young—10.

### Title read and approved.

Assembly Bill No. 1918 ordered transmitted to the Assembly.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, May 7, 1937.

To the Honorable Members of the Senate:

I am returning herewith, without my approval, Senate Bill No. 323, the same being:

"An act to add section 4618 to the Political Code, relating to the payment of claims against the State and recovery of amounts thereof."

This bill would authorize a disbursing officer who had made a cash advance from a revolving fund to endorse a warrant payable to any such person who had received the advance from the revolving fund.

Believing it poor public policy to authorize a disbursing officer or anyone other than the person to whom the warrant is issued to make such endorsement, I am returning Senate Bill No. 323 without my approval.

Respectfully submitted,

FRANK P. MERRIAM, Governor of California.

Senate Bill No. 323 ordered placed on the unfinished business file.

### Notice of Motion to Reconsider.

Senator Tickle gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1616 was passed.

### Notice of Motion to Reconsider.

Senator Metzger gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 178 was passed.

### Notice of Motion to Reconsider.

Senator Westover gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1446 was passed.

### Leaves of Absence.

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for the balance of this legislative day.

Senator Gordon was granted leave of absence for the balance of this legislative day.

### Recess.

At five o'clock and forty-four minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate declared recess until eight o'clock p.m.



**Reconvened.**

At eight o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Leave of Absence.**

Senator Jespersen was, on motion of Senator Phillips, granted leave of absence for the balance of this legislative day.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 182—An act to add section 21.2 to the Fish and Game Code, relating to fish and game enforcement officers;

Senate Bill No. 240—An act to amend sections 2, 3, 3½, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors;

Senate Bill No. 243—An act to add section 1628.5 to the Business and Professions Code, relating to the qualifications and examination of applicants;

Senate Bill No. 323—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 393—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor;

Senate Bill No. 446—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 951—An act making an appropriation for the purchase of property and for construction and improvements for State college at Chico;

Senate Bill No. 966—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements;

Senate Bill No. 1144—An act to amend section 1251 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises;

Senate Bill No. 1145—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund;

Senate Bill No. 1146—An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 373—An act to amend section 488 of the Vehicle Code, relating to accident reports;

Senate Bill No. 171—An act to amend section 156 of the Vehicle Code, relating to license plates;

Senate Bill No. 1101—An act to amend section 92 of the Agricultural Code, relating to agricultural districts;

And reports that the same have been correctly reengrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 310—An act to amend section 482 of the Fish and Game Code, relating to pollution of waters, declaring the urgency of this act, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the seventh day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

### Message from the Assembly.

The following message from the Assembly was received and read:

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly requests the return of:

Assembly Bill No. 2621—An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from securities owners or holders for the purpose of protecting, enhancing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof.

For further action by the Assembly.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Motion.

On motion of Senator Slater, Assembly Bill No. 2621 was ordered returned to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Powers:

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Respectfully submitted.

SENATOR POWERS.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Powers to introduce a bill entitled:

An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.  
MCCOLL.

The question being on the adoption of the report.  
The roll was called.

### Call of the Senate.

Senator Swing moved a call of the Senate.  
Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Garrison, Hays, Hollister, Keating, Knowland, McColl, Phillips, Rich, Slater, Swing, Waggy, Westover, and Williams—14.

The Secretary announced the absentees.

Time, eight o'clock and twelve minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 7, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 362, the same being:

"An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance."

Under the present law the acquisition of land by the San Joaquin Drainage District for any purposes for which said district is or may be hereafter authorized to acquire land, must be approved on behalf of the State by the Director of Finance.

Senate Bill No. 362 would amend the law, removing the provision for such approval by the Director of Finance. Believing this hesitation or restriction is of value and should not be denied, I am returning Senate Bill No. 362 without my approval.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 362 ordered placed on the unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 7, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 968, the same being:

"An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act becomes effective immediately."

Senate Bill No. 968 seeks to legalize the bonds of the Toll Bridge Authority now issued or to be issued in the future, for investment for all trust funds, and for funds of all insurance companies, banks, both commercial and savings, and trust companies and for State school funds and whenever any moneys or funds now, by law now or hereafter created, be invested in bonds of the State, cities, cities and counties, counties, school districts, or municipalities in the State of California, such moneys or funds may be invested in the said bonds issued by said California Toll Bridge Authority.

The Banking Law of the State provides for the authorization and certification of bonds which upon investigation are found to be suitable for such investments. If as is contended there is any doubt as to whether the bonds of the Toll Bridge Authority are included in the authorization above mentioned, then the banking law should be amended so including such bonds, rather than the passage of a special act, providing the bonds are legal investment without the investigation, certification and power of revocation granted the Banking Department by the general banking law.

I have discussed this matter with members of the Toll Bridge Authority and those interested in the bonds, and it has been agreed this bill should be vetoed and

a further measure will be presented to the Legislature amending the banking law to obtain the object desired.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 968 ordered placed on the unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, MAY 7, 1937.

To the Honorable Members of the Senate:

I am returning herewith, without my approval, Senate Bill No. 973, the same being:

"An act to add section 176 to the Political Code, relating to salaries or wages of State officers and employees."

Under Senate Bill No. 979, it is provided that when in the payment of wages or salaries, where the State government funds the salary or employee would be required to execute a power of attorney in connection to the disbursing officer who would be empowered to deposit the amount of such salaries from any money due or to become due to the employee.

It appears to me that it is impracticable method of handling such business, and that employees should not be required to execute a power of attorney in connection to the disbursing officer.

I am, therefore, returning Senate Bill No. 979 without my approval.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 679 ordered placed on the unfinished business file.

### Consideration of Daily File—(Resumed).

#### Unfinished Business—(Resumed).

**Assembly Bill No. 1245**—An act to amend sections 4, 6, 8, 9, 12, 14, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13, 14 to the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1245, the following amendments, offered by Senator Kewland, were read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, as amended April 29, 1937, strike one lines 22 to 27, both inclusive, and insert in lieu thereof the following:

"(6) The following corporations shall be exempt from taxation under this act if their organization or activities are not primarily for and do not result in financial or pecuniary gain to the shareholders or members thereof:

(a) Corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation;

(b) Incorporated clubs organized and operated exclusively for pleasure and recreation;

(c) Incorporated fraternal beneficiary societies, orders or associations (1) operating under the lodge system or (2) the exclusive benefit of the members of a fraternity itself operating under the lodge system; (2) Providing for the payment of life, sick, accident, or other benefits to the members of such society, order or association or their dependents;

(d) Cemetery corporations owned and operated exclusively for the benefit of their members or which are not organized for profit, and any corporation organized solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose;

(e) Corporations operated exclusively for civic purposes.

Before any exemption may be granted to a corporation under this subsection, such corporation must file an affidavit with the commissioner specifying such facts as he may by rule or otherwise require in order to carry out the provisions of this subsection.

To such affidavit should be attached a copy of the copies of incorporation, the bylaws of the corporation and the latest financial statement, showing the assets, liabilities, receipts and disbursements of the corporation."



**Amendment No. 2.**

On page 6 of the printed bill, as amended April 29, 1937, strike out lines 22 to 25, both inclusive, and insert in lieu thereof the following: "them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers."

**Amendment No. 3.**

On page 6 of the printed bill, as amended April 29, 1937, strike out lines 27 to 30, both inclusive, and insert in lieu thereof the following: "in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis."

Bill read, ordered to print, and on file for third reading.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1879**—An act relating to the Department of Social Welfare, and its organization, powers, duties, and jurisdiction, repealing Chapter 1 of Division 1 of the Welfare and Institutions Code, embracing sections 100 to 116, inclusive, thereof, and adding a new Chapter 1 to said division, embracing sections 100 to 123, inclusive.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1879, the following amendments, offered by Senator McColl, were read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, as amended, strike out lines 47 to 52, inclusive.

**Amendment No. 2.**

On page 4, line 1, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(c)".

Bill read, ordered to reprint, and on file for third reading.

**Assembly Bill No. 2808**—An act to add section 1098 to the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2808 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Quinn, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 2808 ordered transmitted to the Assembly.

**Assembly Bill No. 1834**—An act to amend section 2167b of the Political Code, relating to persons mentally disordered and bordering on insanity but not dangerously insane.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1834 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Quinn, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1834 ordered transmitted to the Assembly.

**Assembly Bill No. 841**—An act to amend section 5 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, providing for the adoption of the merit system by the governing boards of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Holister, Keating, Knowland, Law, McBride, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, Williams, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 841 ordered transmitted to the Assembly.

**Assembly Bill No. 1736**—An act to amend section 4178 of the Political Code, providing that the county clerk, acting as clerk of the superior court, shall assist the judges and commissioners of such court in the transaction of judicial business.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1736 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Holister, Keating, Knowland, Law, McBride, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, Williams, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1736 ordered transmitted to the Assembly.

**Assembly Bill No. 1737**—An act to amend section 204a of the Code of Civil Procedure of the State of California relating to the salary of the jury commissioner, for the superior court in counties, or cities and counties having a population of 900,000 inhabitants or more.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1737 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Holister, Holohan, Keating, Knowland, Law, McBride, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1737 ordered transmitted to the Assembly.

**Assembly Bill No. 1268**—An act to amend sections 1, 2, 3, 6, and 8 of an act entitled "An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing

that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments," approved May 24, 1929.

Bill read third time.

**The question being on the passage of the bill.**

The roll was called, and Assembly Bill No. 1268 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Quinn, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—23.

NOES—Senator Fletcher—1.

Title read and approved.

Assembly Bill No. 1268 ordered transmitted to the Assembly.

**Assembly Bill No. 1409**—An act to add a new section to be numbered 11a to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to qualifications of county sealer of weights and measures.

Bill read third time.

**The question being on the passage of the bill.**

The roll was called, and Assembly Bill No. 1409 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1409 ordered transmitted to the Assembly.

**Assembly Bill No. 2694**—An act to add sections 221, 222, 223, 224, and 225 to the Labor Code, relating to wages and prescribing a penalty for violation thereof.

Bill read third time.

**The question being on the passage of the bill.**

The roll was called, and Assembly Bill No. 2694 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—23.

NOES—None

Title read and approved.

Assembly Bill No. 2694 ordered transmitted to the Assembly.

**Assembly Bill No. 1533**—An act to amend the Political Code of the State of California by adding *Section 3* and section to be designated section 3346, to authorize county fire marshal county officers charged with the duty of preventing or controlling forest brush or grass fire, or any officers of a county fire protection district, to summon any able-bodied person, within the county, or within the fire protection district, to assist in combating a forest, brush, or grass fire.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1533 passed by the following vote:

AYES—Senators Bigger, Cretchen, DeLag, Fletcher, Garrison, Hays, Hoffman, Holahan, Knowland, Law, McBrine, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Wagz, Westover, and Young—23.

NOES—Senators Keating, Keough, Swing, and Williams—4.

Title read and approved.

Assembly Bill No. 1541 ordered transmitted to the Assembly.

**Assembly Bill No. 2789**—An act to add section 4056 to the Political Code, relating to wild flower reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2789 passed by the following vote:

AYES—Senators Bigger, Cretchen, DeLag, Fletcher, Garrison, Hays, Hoffman, Holahan, Keating, Keough, Knowland, Law, McBrine, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Swing, Wagz, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2789 ordered transmitted to the Assembly.

**Assembly Bill No. 386**—An act to amend section 224 of, and to add section 227b to the Civil Code, relating to the adoption of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 passed by the following vote:

AYES—Senators Bigger, Cretchen, DeLag, Fletcher, Hays, Hoffman, Holahan, Keating, Keough, Knowland, Law, McBrine, McCall, Miller, Olson, Phillips, Quinn, Rich, Slater, Swing, Wagz, Westover, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 386 ordered transmitted to the Assembly.

**Assembly Bill No. 1224**—An act to amend section 109 of the Code of Civil Procedure, relating to justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1224 passed by the following vote:



AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1224 ordered transmitted to the Assembly.

**Assembly Bill No. 1734**—An act to amend section 261a of the Code of Civil Procedure of the State of California, to authorize the appointment of two additional assistant secretaries, one additional stenographic secretary, a phonographic reporter to assist the superior court in any county, or city and county having a population of 900,000 inhabitants or over, and fixing the compensation therefor, and authorizing mileage for such employees under certain circumstances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1734 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Mixer, Olson, Phillips, Quinn, Rich, Seawell, Slater, Wagy, Westover, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1734 ordered transmitted to the Assembly.

**Assembly Bill No. 1231**—An act to amend section 621 of the Agricultural Code, relating to factory licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1231 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1231 ordered transmitted to the Assembly.

**Assembly Bill No. 1232**—An act to amend section 483 of the Agricultural Code, relating to the serving of milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1232 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1232 ordered transmitted to the Assembly.

**Assembly Bill No. 2815**—An act to amend section 603 of the Vehicle Code, relating to vehicles and animals on certain property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2815 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Miller, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tackie, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2815 ordered transmitted to the Assembly.

**Assembly Bill No. 1078**—An act granting certain salt marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1078 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Miller, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1078 ordered transmitted to the Assembly.

**Assembly Bill No. 1341**—An act to amend sections 1000 of the Streets and Highways Code, relating to county road taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1341 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Miller, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1341 ordered transmitted to the Assembly.

**Assembly Bill No. 930**—An act to amend section 2182 of the Political Code, relating to the discharge of patients from State institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 930 passed by the following vote:

**AYES**—Senators Crittenden, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, Metzger, Miller, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tackie, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 930 ordered transmitted to the Assembly.

**Assembly Bill No. 2723**—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An

act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2723 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2723 ordered transmitted to the Assembly.

**Assembly Bill No. 1335**—An act to amend section §13.5 of the Agricultural Code, relating to celery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1335 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1335 ordered transmitted to the Assembly.

**Assembly Bill No. 2834**—An act to amend sections 11, 12, 20, 21 and 22 of the "General Cemetery Act" and adding section 21a thereto, relating to cemeteries and powers of cemetery corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2834 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2834 ordered transmitted to the Assembly.

**Assembly Bill No. 399**—An act to amend section 1261, 1263, 1265, 1268, 1269 and 1273 and to repeal section 1272.5, as added by Chapter

715, Statutes of 1933, of the Agricultural Code, relating to produce dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 720 passed by the following vote:

AYES—Senators Baggett, Cretchenberg, DeLoach, Daniel, Garrison, Hays, Hollister, Holahan, Keating, Kewigat, Knowlton, Law, McBrine, McCall, McManis, Mixer, Nelson, O'Brien, Phillips, Quinn, Rice, Seawell, Sizer, Sizing, Sizer, Sizing, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 399 ordered transmitted to the Assembly.

**Assembly Bill No. 1263**—An act to amend sections 61 and 61a of the Bank Act, relating to legal investments for savings banks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1263 passed by the following vote:

AYES—Senators Baggett, Cretchenberg, DeLoach, Daniel, Garrison, Hays, Hollister, Holahan, Keating, Kewigat, Knowlton, Law, McBrine, McCall, McManis, Mixer, Nelson, O'Brien, Phillips, Quinn, Rice, Seawell, Sizer, Sizing, Sizer, Sizing, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1263 ordered transmitted to the Assembly.

**Assembly Bill No. 1647**—An act to amend section 139d of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1647, the following amendment, offered by Senator Daniel, was read and adopted:

#### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, strike out the words "and insert in lieu thereof the following" relating to bank stock and the retirement thereof.

#### Consideration of Assembly Bill No. 1647, as Amended.

**Assembly Bill No. 1647**—An act to amend section 139d of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, relating to bank stock and the retirement thereof.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 1647 passed by the following vote:

AYES—Senators Baggett, Cretchenberg, DeLoach, Daniel, Phillips, Garrison, Hollister, Holahan, Keating, Knowlton, Law, McBrine, McCall, McManis, Mixer, Nelson, Parkman, Phillips, Quinn, Rice, Seawell, Sizer, Sizing, Sizer, Sizing, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1647 ordered transmitted to the Assembly.



**Assembly Bill No. 1719**—An act to amend an act entitled "An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances of credit, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of national mortgage associations or similar credit institutions, the act to take effect immediately," approved January 30, 1935, by amending sections 1, 2, 3 and 4, thereof and by adding a new section thereto to be known as section 5a, so as to make notes and bonds secured by mortgages insured, and debentures issued, by the Federal Housing Administrator, and obligations of national mortgage associations eligible for deposit where securities must be deposited pursuant to any law of the State of California; and for clarification purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1719 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1719 ordered transmitted to the Assembly.

**Assembly Bill No. 2730**—An act to amend section 104 of the Bank Act, relating to participation certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2730 passed by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2730 ordered transmitted to the Assembly.

#### **Withdrawal from Committee of Assembly Constitutional Amendment No. 4.**

Senator Seawell moved that Assembly Constitutional Amendment No. 4 be withdrawn from Committee on Governmental Efficiency.

Motion carried, and such was the order.

#### **Motion to Reconsider.**

Senator Seawell moved to reconsider the vote whereby his amendments to Assembly Constitutional Amendment No. 4 were adopted.

The question being on the adoption of the motion to reconsider.

The roll was called, and the amendments reconsidered by the following vote:

**AYES.**—Senators Crittenden, DeTapp, Donel, Fletcher, Garbison, Hays, Hollister, Holahan, Keating, Keough, Knowland, Lacy, McBrayle, McCull, Munger, Miller, Olson, Parkman, Phillips, Quinn, Rock, Scovell, Stacey, Strong, Tamm, Wiley, Westover, Williams, and Young—29.

**NOES.**—None.

#### **Consideration of Assembly Constitutional Amendment No. 4.**

Assembly Constitutional Amendment No. 4. A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

#### **Amendments from the Floor.**

During the reading of Assembly Constitutional Amendment No. 4 the following amendments, offered by Senator Scovell, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 11, of the printed measure, insert "San Luis Obispo" and the word "of".

##### **Amendment No. 2.**

On page 1, line 16, of the printed measure, before the word "San", insert "Kern, Ventura, Santa Barbara".

##### **Amendment No. 3.**

On page 1 of the printed measure, between lines 22 and 23, insert:

"(4) The county of Los Angeles constitutes the Fourth Equalization District."

##### **Amendment No. 4.**

On page 1, line 25, of the printed measure, strike out "4" and insert "5".

##### **Amendment No. 5.**

On page 1 of the printed measure, strike out lines 26, 27 and 28 and insert "Orange and San Bernardino counties constitute the Fifth Equalization District."

##### **Amendment No. 6.**

On page 2 of the printed measure, strike out lines 1 and 2.

##### **Amendment No. 7.**

On page 2 of the printed measure, strike out lines 13 to 18, inclusive, and insert: "The terms of office of the members of the State Board of Equalization shall be for four years, commencing on the first Monday after the last day of January following their election, and shall continue until their successors have qualified. The members of the State Board of Equalization representing the present equalization districts shall continue in office until the end of their terms. The Governor shall appoint a board member from the Fifth District who shall hold office until the next election by the people. In the event a vacancy occurs in the State Board of Equalization, the Governor shall appoint a board member from the equalization district in which the vacancy occurs. Any member so appointed shall hold office for the remainder of the unexpired term as prescribed herein."

All the provisions of this section are self-executing. The Legislature, by means of all of the members elected in each of the two houses voting in *joint session*, may amend and redefine the five equalization districts defined herein."

Assembly Constitutional Amendment No. 4 read, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

#### **Motion to Reconsider.**

Senator Tickle moved to reconsider the vote whereby the amendment to Assembly Bill No. 2378 was this day adopted.

Reconsideration granted and the amendment withdrawn.

#### **Re-reference of Assembly Bill No. 1754.**

Senator Phillips moved that Assembly Bill No. 1754 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 420**—An act to amend sections 629 and 630 of the Fish and Game Code, relating to closing streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 420 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Fletcher, Garrison, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, Mixer, Phillips, Quinn, Rich, Slater, Swing, Wagy, Westover, Williams, and Young—21.

**NOES**—None.

Title read and approved.

Senate Bill No. 420 ordered transmitted to the Assembly.

**Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and thirteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The names of the absentees were called, and the report of the Committee on Rules adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tiedle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

**Introduction, First Reading and Reference of Bills.**

The following bills were introduced:

**Senate Bill No. 1149:** By Senator Powers—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Senate Bill No. 1149 read first time, and referred to Committee on Finance.

**Senate Concurrent Resolution No. 39:** By Senator Wagy—Relative to the establishment of a public park and memorial museum at Fort Tejon.

Senate Concurrent Resolution No. 39 ordered held at the desk.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 472**—An act to amend section 1500 of the Civil Code, relating to the extinction of pecuniary obligations.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 472, the following amendment, offered by Senator Olson, was read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, strike out the word "clerk", and insert in lieu thereof the word "Treasurer".

Bill read, ordered to print, and on file for third reading.

**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

## On Social Security.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred Senate Bill No. 607—An act to amend sections 40444 of the Political Code relating to the care, treatment, transportation and physical rehabilitation of physically defective and handicapped persons. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—2; committee vote, Ayes—2.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred Assembly Bill No. 1491—An act to amend sections 2, 3 and 4 of the Political Code relating to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 500—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of the term "employer";

Assembly Bill No. 1525—An act to amend sections 90 and 91 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1519—An act to amend sections 22 and 23 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—2; committee vote, Ayes—2.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Bill No. 2495—An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2493—An act to amend section 75 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2498—An act to amend sections 12 and 54 of, and to repeal sections 14 and 53 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2501—An act to add sections 6.5, 8.5, 9.5 and 9.7 to, and amend sections 7, 9, 37, and 38 of, and to repeal section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote, Ayes—3.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1513—An act to add sections 3, 501.5 and 101.6 and amend sections 61, 65, 66, 67, 68, 69, 70, 71, 90 and 100 of, and to repeal section 2.6 of Article V of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1518—An act to add section 56.5 to, and to amend sections 13 and 56 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1521—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;



Assembly Bill No. 1524—An act to amend section 60 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to part-time workers; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Assembly Bill No. 2090—An act to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v and 26w to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the acquisition and condemnation of rights of way or easements to gain access to said State lands, repealing all acts or parts of acts inconsistent or in conflict herewith;

Assembly Bill No. 2149—An act to recover damages for and to defend trespasses against certain land belonging to the State situate in Orange County and to confirm, validate and ratify certain agreements of easements or permits in and to said lands granted in the name of the State to persons paying consideration therefor, to prohibit the granting of additional easements, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; noes—2.

WAGY, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Bill No. 1141—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—7; committee vote: Ayes—7.

WAGY, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2117—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, relating to the duties of the State Fire Marshal;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1171—An act to add section 2409 to the Business and Professions Code, relating to unprofessional conduct in the practice of chiroprody;

Assembly Bill No. 1173—An act to add section 14.3 to the State Medical Practice Act, relating to unprofessional conduct in the practice of chiroprody;

Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; nays—1; absent—1.  
SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1139—An act to amend section 109 of the Optometric Law, relating to the unlawful practice of optometry.

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; nays—2; absent—1.  
SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1425—An act to amend section 1296 of the Political Code, relating to official service without fee;

Assembly Bill No. 1576—An act relating to disposition of funds by the hands of the fiscal agent of the State;

Assembly Bill No. 2575—An act to amend sections 1 and 8 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering;

Assembly Bill No. 2673—An act to amend section 16 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to exemptions from the provisions of the act;

Assembly Bill No. 2785—An act relating to entry of communications between the State and the several counties in the State and authorizing the State and the counties to enter into agreements in respect thereto and to defray the cost of such service.

Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.  
SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 722—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13, and to repeal sections 14, 14a, 14b, 15, 16 and 18 of the Planning Act; to add sections 2.2, 2.4, 2.6, 4.3, 4.6, 5.5, 6.3, 6.6 and 17 thereto, and to renumber and amend sections 17, 19 and 20 thereof so sections 14, 15 and 16, respectively, relating to State, regional, county and city planning;

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—2.  
SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 802—An act to amend section 373e of and to add sections 373e1 and 373e2 to the Political Code, relating to the development of natural resources.

Has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; nays—1; absent—2.  
SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1135—An act to add section 433.6 to the Political Code to authorize the State Controller to make rules and regulations governing the full deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance.

Senate Bill No. 1138—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof.

Has had the same under consideration and respectfully reports the same back and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.  
SEAWELL, Chairman.

**On Military Affairs.**

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 2581—An act to amend sections 1 and 3 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or when an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 6, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred: Assembly Bill No. 2232—An act to amend section 1 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to the State Athletic Commission; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

**On County Government.**

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 996—An act to amend section 737w, of the Political Code, relating to the salary of judges of the county of Sonoma;

Senate Bill No. 842—An act to amend section 4140 of the Political Code, relating to the duties and rights of county recorders;

Senate Bill No. 1038—An act to add section 4041.29 to the Political Code, relating to reports relating to financial statements by county supervisors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Senate Bill No. 300—An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County;

Senate Bill No. 1043—An act to amend section 4272 of the Political Code, relating to compensation of officers, officials and deputies in counties of the forty-third class;

Senate Bill No. 1044—An act to amend section 4260 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 442—An act to amend the title of an act entitled the "County Improvement Act of 1921," approved June 3, 1921, as amended, and to add section 12, relating to the reassessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds therefor;

Assembly Bill No. 777—An act to amend section 3a of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts and in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to the formation of such districts;



Assembly Bill No. 778—An act to amend sections 5 and 6 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State to facilitate the extermination of mosquitoes, flies and other insects, and to provide for the assessment, levy, collection and disbursement of taxes thereon," approved May 29, 1915, relating to officers of such districts.

Assembly Bill No. 2821—An act to amend sections 1160 and 1161 of the Political Code, and to add a new section thereto, to be numbered 41743, relating to the liability and duties of sheriffs.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on County Government, to which this resolution, Assembly Bill No. 289—An act to add a new section to the Political Code, to be numbered 4076a, relating to provisions for public allowances and payment or rejection of claims in counties governed by "provisional" officers.

Assembly Bill No. 2194—An act to amend section 4041 2) of the Political Code relating to powers and duties of boards of supervisors and governing bodies of supervisors to rent or lease space in county courthouses for their stored, stored and lunch room purposes.

Assembly Bill No. 2831—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, MAY 5, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which were referred:

Assembly Bill No. 578—An act to add sections 164 to, and to amend sections 9, 12, 19, 20, 30, 65 and 67 of, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to compensation and insurance of workmen.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; dissent—1.

WILLIAMS, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, MAY 7, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1623—An act to amend section 3898 of, to add section 3897 A to, and to repeal sections 3897a and 3897b of, the Political Code, relating to the sale of tax delinquent lands.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; dissent—3.

KNOWLAND, Chairman.

#### Adjournment.

At ten o'clock and seventeen minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, May 10, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, May 10, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.



Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal.**

During the reading of the Journal of Friday, May 7, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leaves of Absence.**

Senator Deuel was, on motion of Senator Knowland, granted leave of absence for this day.

Senator DeLap was, on motion of Senator Phillips, granted leave of absence for this morning.

### **Privilege of Floor of Senate Extended.**

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. W. Fox of Woodland, Harry Silver of San Jose, and A. G. Bailey of Woodland.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Burton W. Baker and H. E. Harris of Ventura.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor George R. Cadan, Councilman John P. Overton, City Attorney Edward T. Koford, and City Assessor John Hawkes of Santa Rosa, Judge J. T. Coffman and Emmet Sonnikson of Healdsburg.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel Frank Lynch and Mrs. Lynch of San Diego.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his father, former Senator J. R. Knowland, of Oakland.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Vic Cassidy of Downieville.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. L. A. Anthony, Mrs. Blood and Mrs. Smith.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clyde E. Haley, tax collector of Humboldt County, Eureka.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James B. Abbey, Deputy District Attorney, of San Diego; H. B. David, Assistant City Attorney, of San Diego, and E. E. Dotson, M.D. and Mrs. E. E. Dotson of Ramona.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Carter and Lucile Carter of Riverdale.

### Reports of Standing Committee.

The following reports of standing committee were read and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 78—An act to repeal section 612 of the Streets and Highways Code, relating to State highways.

Senate Bill No. 326—An act to regulate the distribution of money received from the United States Government under the provision of the act of Congress of June 28, 1934, known as the Taylor Grazing Act, and any act amendatory thereof.

Senate Bill No. 426—An act making an appropriation to pay the fees of the disbursing officer of the Fish and Game Commission, of the State of California.

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add new sections to be numbered 3 and 5 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making its amendments therein.

Senate Bill No. 965—An act to amend section 4—An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method for revocation and cancellation of such licenses; and prescribing the procedure for revocation of the payment of any act, approved June 13, 1929, as amended.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 812—An act to regulate the use of motor carriers for common civil purposes by motor carriers of passengers, operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the licensing of carriers thereof; to confer powers upon the Railroad Commission of California, with respect to motor carriers of passengers and their agents, to prevent discrimination between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates, or stickers, to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be preserved as open spaces, commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

Senate Bill No. 372—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board of pharmacy as the California State Board of Pharmacy," approved March 20, 1905, or to amend sections 4092 and 4256 of the Business and Professions Code, relating to the practice of pharmacy.

Senate Bill No. 356—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 59—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the adoption of charters by cities, and cities and counties.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 59 read, and referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein;

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 271—An act to add section 381742 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 245, 246, 247, 248, 249 and 271 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 4—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 1.5 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind;

Assembly Bill No. 124—An act making an appropriation for construction of buildings and other improvements at the Veterans' Home of California;

Assembly Bill No. 271—An act to amend section 4225a of the Political Code, relating to cities of first and one-half class;

Assembly Bill No. 427—An act relating to the acquisition by the State of a site or sites in the city of Fresno, the erection thereon of a building or buildings to house all State offices and agencies, maintaining headquarters in that city, and making an appropriation therefor;

Assembly Bill No. 490—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans;

Assembly Bill No. 491—An act to amend section 1507 of the Welfare and Institutions Code, relating to needy children;







## ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1251—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing to the sterilization of bottles and containers used for foods, drugs and liquors;

Assembly Bill No. 1399—An act to amend section 763 of the Insurance Code, relating to insurance;

Assembly Bill No. 1431—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately;

Assembly Bill No. 1813—An act to amend section 762 of the Agricultural Code, relating to quality of tomatoes for canning purposes;

Assembly Bill No. 1849—An act to amend sections 1, 2, 5, 7, 9, 10, 14, 16, 25, 29 and 30 of, and to add a new section to be numbered section 18 to an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, and declaring the urgency of this act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1251 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1399 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1431 read first time, and referred to Committee on Education.

Assembly Bill No. 1813 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1849 read first time, and referred to Committee on Municipal Corporations.

## ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1859—An act to add Chapter 9, comprising sections 4000 to 4256, inclusive, to Division II and to add section 20000 to Division XXX of the Business and Professions Code, relating to the practice of pharmacy and the sale of drugs, and repealing acts and parts of acts specified herein;

Assembly Bill No. 1875—An act to amend section 9 of "An act to provide for needy blind persons, not inmates of any institutions supported in whole or in part by this State or any of its political subdivisions, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act," approved May 28, 1929, relating to aid to the needy blind, this act to take effect immediately;

Assembly Bill No. 1883—An act making an appropriation to be expended by and under the direction of the Department of Finance in cooperation with the city of Long Beach for the purpose of rectifying, improving, and protecting Alamitos Bay in the county of Los Angeles;

Assembly Bill No. 1896—An act to amend section 441 of the Political Code and to add a new section to the Political Code, to be known as section 443, relating to the transfer of moneys from special funds and other State moneys to the creation and reimbursement of the general cash revolving fund and the issuance of warrants against such fund, the issuance, endorsement, sale, rate of interest upon and payment of registered warrants payable out of the general fund providing for the obtaining of legal opinions relative to the legality of State moneys and seeking appropriations therefor, confirming the validity of warrants heretofore registered pursuant to section 441 of the Political Code and now outstanding including warrants issued, registered and sold under the plan relating to such warrants provided for by resolution of the State Board of Control adopted November 24, 1935, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIEL, Assistant Clerk.

Assembly Bill No. 1859 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1875 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1883 read first time, and referred to Committee on Finance.

Assembly Bill No. 1896 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2419—An act to amend section 13901 of the Agricultural Code, relating to processors of farm products and the licensing thereof.

Assembly Bill No. 2403—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to the use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act;

Assembly Bill No. 2404—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units;

Assembly Bill No. 2440—An act to add section 21 to the Public Utilities Act, relating to public utilities.

Assembly Bill No. 2708—An act making an appropriation for the construction, maintenance and support of an industrial workshop and classroom for the blind in San Diego;

Assembly Bill No. 2805—An act relating to the creation of the first unit of the Southern California prison and making an appropriation therefor.

Assembly Bill No. 2827—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Advisory Committee and defining its duties and authority, providing procedure for the organization, management and disbanding of soil conservation districts and defining their powers; providing for cooperation between the State Soil Conservation Advisory Committee, the United States, the State, counties and conservation districts, other public districts and individuals and corporations, and making an appropriation for paying the expenses of the State Soil Conservation Advisory Committee.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIEL, Assistant Clerk.

Assembly Bill No. 2119 read first time and referred to Committee on Agriculture.

Assembly Bill No. 2403 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2404 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2410 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 2708 read first time, and referred to Committee on Finance.

Assembly Bill No. 2805 read first time, and referred to Committee on Finance.

Assembly Bill No. 2827 read first time, and referred to Committee on Conservation.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2832—An act to amend section 35 of, and to add section 98 to, an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts;

Assembly Bill No. 2850—An act to amend sections 3 and 5 of an act entitled "An act to require owners of forest lands to provide a fire patrol therefor," approved June 6, 1923, relating to forest land fire patrols;

Assembly Bill No. 2858—An act providing for, and prescribing the duties and compensation of, the position of bailiff for the appellate department of the superior court;

Assembly Bill No. 2860—An act making an appropriation for the support of the University of California;

Assembly Bill No. 2867—An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal Bankruptcy Courts therein, and to provide for the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not consenting to the refunding proceedings and for the acquisition of any security of such obligations consisting of real property situated in the State of California or any rights therein.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2832 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2850 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2858 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2860 read first time, and referred to Committee on Finance.

Assembly Bill No. 2867 read first time, and referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2871—An act to add section 4054e to the Political Code, relating to the issuance of bonds by counties for the purpose of providing for county exhibits at domestic or foreign expositions;

Assembly Bill No. 1264—An act to add Chapter 11, comprising sections 4800 to 4897, inclusive, to Division II and to add section 30008 to Division XXX of the Business and Professions Code, relating to the practice of veterinary medicine and surgery and repealing acts and parts of acts specified herein.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2871 read first time, and referred to Committee on County Government.



Assembly Bill No. 1264 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1. An act to amend sections 2, 3, 4, 13, 17 and 18, to add sections 14, 15, and 25, and to repeal sections 8 and the Old Age Security Act of the State of California, relating to aid to the aged.

Assembly Bill No. 98. An act to amend section 2290 of the Penal Code, relating to age of minor offender, and repealing and amending existing laws.

Assembly Bill No. 524. An act to amend section 4 of the Old Age Security Act of the State of California, approved May 28, 1930, by inserting, relating to the signing of notices of aid which are to be furnished, as follows:

JAMES G. SMYTH, Clerk of Assembly.  
By H. ALBERT DOWD, Assistant Clerk.

Assembly Bill No. 1 read first time, and referred to Committee on Social Security.

Assembly Bill No. 98 read first time, and referred to Committee on Social Security.

Assembly Bill No. 524 read first time, and referred to Committee on Social Security.

### Motion to Rescind.

Senator Swing moved that the action of the Senate in adopting certain amendments to Assembly Bill No. 7106 on May 6, 1937, as recorded on page 19 of the Senate Journal on that date, be rescinded.

Motion carried, and such was the order.

### Consideration of Assembly Joint Resolution No. 44.

Senator McCormack asked for, and was granted, leave absent himself for the consideration of Assembly Joint Resolution No. 44, without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 44.

Relative to memorializing the Postmaster General of the United States in the creating of the new post office for the city of Los Angeles.

WHEREAS, California granite has been designated by the specifications for the new post office for the city of Los Angeles, and

WHEREAS, It is altogether fitting and proper that a Federal Building built at the State of California, should not only be built in California material, but also with California raw material, in so far as the same can be done without undue expense or inconvenience to the Government; and

WHEREAS, The use of California granite in the new Los Angeles Post Office would give additional work to hundreds of California stone masons and others; and

WHEREAS, California granite is superior in many respects to Minnesota, Massachusetts and Texas granite, which are included in the specifications for the Los Angeles Post Office; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, meeting That the Postmaster General of the United States be memorialized to provide for and require the use of California granite in the erection of the new Los Angeles Post Office; and be it further*

*Resolved, That the Governor be requested to transmit copies of this resolution to the Postmaster General and to the Senators and Representatives of the State of California in the Congress of the United States.*

. Resolution read.

The question being on the adoption of the resolution:

The roll was called, and Assembly Joint Resolution No. 44 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBain, McCall, McCormack, McGovern, Metzger, Minton, Nelson, Olson, Parovich, Powers, Rich, Searles, Sewell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

149—45260



Assembly Joint Resolution No. 44 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Concurrent Resolution No. 40:** By Senator Slater—Relative to granting leave of absence to the Honorable Thomas McCormack, member of the Senate of the fifty-second session of the Legislature of the State of California.

### Consideration of Senate Concurrent Resolution No. 40.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 40, without reference to committee, for purpose of adoption

#### Senate Concurrent Resolution No. 40.

Relative to granting leave of absence to the Honorable Thomas McCormack, member of the Senate of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That leave of absence from the State of California is hereby granted to the Honorable Thomas McCormack, member of the Senate, during the remainder of the fifty-second session of the Legislature, from and after the fourteenth day of May, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 40 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—30.

**NOES**—None.

Senate Concurrent Resolution No. 40 ordered transmitted to the Assembly.

### Consideration of Senate Concurrent Resolution No. 39.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 39, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 39.

Relative to the establishment of a public park and memorial museum at  
Fort Tejon

**WHEREAS**, Old Fort Tejon in Kern County on the highway between Bakersfield and Los Angeles, was founded on June 30, 1854; and

**WHEREAS**, Fort Tejon was erected to deal with what was then a most vital problem, the protection of the citizens of this State from hostile Indians, bandits, and cattle thieves; and

**WHEREAS**, Fort Tejon and the area surrounding it and all of Kern County is rich in the lore and traditions of the early history and romance of the development of the State of California; and

**WHEREAS**, Few of the buildings now stand on the site of the fort, and the ravages of time will soon destroy all traces of this historical site unless prompt action is taken for their preservation and restoration; and

**WHEREAS**, It is desirable, in the interest of the people of the State, that a historical museum be established in Kern County for the collection of objects of historical interest pertaining to the early days of the State of California; and

**WHEREAS**, Fort Tejon is convenient and accessible; and

WHEREAS, It is most fitting and appropriate that such a museum be established upon this historical spot, now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Natural Resources, through the Park Commission of the State of California, is hereby requested to purchase the grounds on which Old Fort Tejon is situated, to preserve and restore the buildings thereon, to maintain such grounds for the public benefit as a memorial park, and to maintain thereon a historical museum.*

Resolution read.

The question being on the adoption of the resolution,

The roll was called, and Senate Concurrent Resolution No. 39 adopted by the following vote:

AYES—Senators Allen, Biggio, Crittenden, Cunningham, Frazier, Gordon, Hollister, Hays, Hollister, Jepsen, Keating, Keweenaw, Lyle, McElroy, McElroy, McCormick, McGovern, Morgan, Murray, Nelson, Olson, Powers, Powers, Powers, Quinn, Rich, Schottky, Seawell, Slater, Sving, Tinkle, Wagg, Williams, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 39 adopted transmitted by the Assembly.

### Unfinished Business.

#### Consideration of Senate Bill No. 1372

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1372, without reference to the Committee on Finance, for purpose of passage.

**Senate Bill No. 372**—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof," and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1903, relating to the practice of pharmacy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 372 passed by the following vote:

AYES—Senators Allen, Biggio, Crittenden, Cunningham, Frazier, Gordon, Hollister, Hollister, Jepsen, Keating, Keweenaw, Lyle, McElroy, McCormick, McGovern, Morgan, Murray, Nelson, Olson, Powers, Powers, Piovovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Sving, Tinkle, Wagg, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 372 ordered transmitted to the Assembly.

**Senate Bill No. 1101**—An act to amend section 92 of the Agricultural Code, relating to agricultural districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Gordon moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holoban, Jaspersen, Keating, Keough, Knowland, Laaw, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Skater, Tickle, Waggy, Westover, and Young—35.

The Secretary announced the absentees.

Time, twelve o'clock and seventeen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Unfinished Business—(Resumed).**

**Senate Bill No. 252**—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund, declaring the urgency thereof and providing that it shall take effect immediately.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 252.

##### **Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended, after "fund", insert a comma and the following: "declaring the urgency thereof and providing that it shall take effect immediately".

##### **Amendment No. 2.**

On page 2, line 2, of the printed bill, after the word "jurisdiction", strike out the period, and insert in lieu thereof the following: ", provided, however, that the balance in any fund of any board in division number one shall not be reduced to an amount less than twenty-five thousand dollars as of July 1, 1937."

##### **Amendment No. 3.**

On page 2 of the printed bill, as amended, after line 28, insert the following:

"SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: Owing to the aftermath of the financial depression, the diminution of taxes and the consequent lack of money and funds wherewith to defray the expenses of State governmental functions and duties it is imperative for the immediate preservation of the public peace, health and safety that the State conserve its moneys and funds, and in particular that its costs and expenses for maintaining, housing and furnishing office space for its boards, commissions, officers, funds, agents and employees be reduced to the most economical figure to the end that it may be able to maintain and discharge its governmental functions and duties. That by acquiring land and constructing and equipping buildings, offices and facilities at the present time by means of the transfer under the existing provisions of law hereinbefore mentioned, and using the land, buildings and equipment as authorized in this act, the State will be enabled to obtain land, buildings and equipment at a figure compatible and commensurable with the exigencies of the present financial crisis and financial ability of the State to pay therefor. Unless the land is now acquired, buildings constructed and equipped, so that use may be made of them the State will be unable to discharge its duties properly, nor will it be able properly to house, care for and protect its property, and as a result its said governmental functions and duties will be seriously impaired."

##### **Amendment No. 4.**

On page 2 of the printed bill, insert the following:

"SEC. 7. The authority vested in the director by section 2 of this act shall be effective and operative until July 1, 1939."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 252?

The roll was called, and Assembly amendments to Senate Bill No. 252 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Kneass, Kuykendall, Lamm, McHugh, McMill, McCormack, McGovern, Metzger, Minor, Noyes, Quinn, Perkins, Phillips, Povich, Powers, Quinn, Rife, Seawell, Senter, Sevier, Wagon, Westerman, and Young—54.  
**NOES**—Senators Cunningham and Tickle—2.

Senate Bill No. 252 ordered to engrossment.

### Resolution.

The following resolution was offered:

By Senator Phillips:

**WHEREAS**, The United States Census of the year 1930 provided that there were then residing in the State of California 375,470 aliens; and

**WHEREAS**, It is important to the taxpayers, in and the citizens of the State of California, and is essential to the members of the Legislature in their consideration of appropriation bills, that information and data be furnished the Legislature from various public officials in order that all bills relating to public and social policy that have heretofore been or may be introduced at this session, may be properly and informatively considered; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Secretary of the Senate be instructed to obtain, as soon as possible within five days after the adoption of this resolution, information as follows:

(a) That he request the Department of Institutions to inform the Senate in so far as it is able to do so, as to the number of aliens residing and in State institutions and the cost of such aid in the following way:

Nationality, men, women, children, total number, total cost of them, amount for one year, total aid to institutions, percentage of aid to given to institutions, grand total.

(b) That he request the Department of Prisons to inform the Senate in so far as it is able to do so, as to the number of aliens dealt with in the administration of its various divisions, the ratio between said number and the number of aliens dealt with and the cost of dealing with such aliens for one year.

(c) That he request the Department of Public Health to inform the Senate in so far as it is able to do so, as to the number of aliens dealt with in the administration of its various divisions, the ratio between said number and the number of citizens dealt with, and the cost of dealing with such aliens for one year.

(d) That he request the Department of Social Welfare to inform the Senate in so far as it is able to do so, as to the number of aliens dealt with in the administration of its various divisions, the ratio between said number and the number of citizens dealt with, the cost of dealing with such aliens for one year, and the cost of the National Social Security Act in its cost of operation.

(e) That he request the Department of Industrial Relations to inform the Senate in so far as it is able to do so, as to the number of aliens dealt with in the administration of its various divisions, the ratio between said number and the number of citizens dealt with, and the cost of dealing with such aliens for one year, and the effect of the National Social Security Act in its cost of operation, and be it further

*Resolved*, That the Secretary of the Senate be instructed to request from the chairman of the board of supervisors of each county and city and county in the State, information in so far as they are able to furnish the same, as to

(a) The number of aliens of each nationality, of men, women, and children, receiving aid in public institutions and outside public institutions in those counties;

(b) The total cost of such aid to each nationality for one year;

(c) What effect the National Social Security Act has had on the budgets of those counties; and

(d) Desirable legislation with respect to problems concerning aliens.

*Resolved*, That the Secretary of the Senate be instructed to request each department above named to propose desirable legislation with respect to problems concerning aliens.

Resolution read, and on motion of Senator Phillips, adopted.

### Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and thirty-three minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Gordon.



The names of the absentees were called, and Senate Bill No. 1101 refused passage by the following vote:

**AYES**—Senators Allen, Biggar, Fletcher, Gordon, Jespersen, Keating, Knowland, McCormack, McGovern, Olson, Phillips, Rich, Seawell, Swing, and Westover—15.

**NOES**—Senators Crittenden, Cunningham, Garrison, Hays, Hollister, Holohan, Keough, Law, McBride, McColl, Metzger, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Slater, Tickle, Wagy, Williams, and Young—22.

### **Re-reference of Senate Bill No. 476.**

Senator Williams moved that Senate Bill No. 476 be re-referred to Committee on Revision of Criminal Law and Procedure.

Motion carried, and such was the order.

### **Motion to Reconsider Waived.**

Senator Crittenden waived reconsideration of Senate Bill No. 879. Senate Bill No. 879 ordered transmitted to the Assembly.

### **Notice of Consideration.**

Senator McBride gave notice that on the next legislative day he would ask consideration for final passage of Senate Bill No. 186 now on the unfinished business file.

### **Recess.**

At twelve o'clock and thirty-four minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Consideration of Daily File.**

#### **Second Reading of Senate Bills.**

**Senate Bill No. 607**—An act to amend section 4041d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1135**—An act to add section 433.6 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1138**—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 996**—An act to amend section 737w of the Political Code, relating to the salary of judges of the county of Sonoma.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 842**—An act to amend section 4140 of the Political Code, relating to the duties and rights of county members.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1038**—An act to add section 4011.20 to the Political Code, relating to reports relating to financial statements by county supervisors.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 300**—An act to amend section 747B of the Political Code, relating to the compensation of the judges of the superior court, Plumas County.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 300 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "737B" and insert in lieu thereof the following: "737r".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, strike out "Thomas", and insert in lieu thereof the following: "Lassen".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "737B", and insert in lieu thereof the following: "737r".

**Amendment No. 4.**

On page 1, line 3, of the printed bill, strike out "737B", and insert in lieu thereof the following: "737r".

**Amendment No. 5.**

On page 1, line 4, of the printed bill, strike out "Plumas is five thousand four hundred", and insert in lieu thereof the following: "Lassen is six thousand".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1043**—An act to amend section 4272 of the Political Code, relating to compensation of officers, officials and deputies in counties of the forty-third class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1043 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend section 4272 of the Political Code", and insert in lieu thereof the following: "repeal section 9a31 of the County Free Library Act".

**Amendment No. 2.**

On page 1, strike out line 3 of the title of the printed bill, and insert in lieu thereof a period.

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out everything following the period, and strike out line 2, and insert in lieu thereof the following:

"Section 9a31 of the County Free Library Act is hereby repealed."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1044**—An act to amend section 4260 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1044 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "amend section 4260 of", and insert in lieu thereof the following: "add section 4260.5 to and to repeal section 2322x31 of".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out everything following the period, and strike out line 2, and insert in lieu thereof the following: "Section 4260.5 is hereby added to the Political Code, to read as follows:

4260.5. In counties of the thirty-first class the district attorney shall receive two thousand seven hundred fifty dollars per annum as compensation for the services required of him by law or by virtue of his office.

This section shall apply upon the commencement of the term of office next succeeding the effective date of this section.

SEC. 2. Section 2322x31 of the Political Code is hereby repealed."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 802**—An act to amend section 373g of, and to add sections 373g1 and 373g2 to the Political Code, relating to the development of natural resources.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1141**—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands.

Bill read second time, ordered to engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1492**—An act to amend section 2 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 506**—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State,

and making an appropriation therefor "approved June 25, 1935, relating to the definition of the term "employer."

Bill read second time and ordered on file for third reading.

**Assembly Bill No. 1525**—An act to amend sections 90 and 91 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read second time and ordered on file for third reading.

**Assembly Bill No. 1519**—An act to amend sections 72 and 73 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read second time and ordered on file for third reading.

**Assembly Bill No. 2495**—An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Consideration of Committee Amendments

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 2495 were read and adopted:

##### Amendment No. 1.

On page 1, line 9, of the printed bill, as amended, after "before", insert "or the period, and insert the following: "as provided here."

##### Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out the word "and" and insert in lieu thereof the following: "or."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2496**—An act to amend section 55 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Social Security, the following amendment to Assembly Bill No. 2496 was read and adopted:

##### Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after "year", strike out "the benefit year next ensuing," and in line 6, strike out "beginning the first week in which any such case occurs", and insert in lieu thereof the following: "the first two weeks following the occurrence of such a case."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2498**—An act to amend sections 12 and 54 of, and to repeal sections 14 and 53 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.



**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 2498 were read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, as amended, after "unemployed", insert the following: "in any week subsequent to January 1, 1938,".

**Amendment No. 2.**

On page 1, lines 12 and 13, of the printed bill, as amended, strike out "during any week whenever", and insert in lieu thereof the following: "in which".

**Amendment No. 3.**

On page 1, line 14, of the printed bill, as amended, strike out "amount of weekly benefits", and insert in lieu thereof the following: "weekly benefit amount".

**Amendment No. 4.**

On page 1, line 15, of the printed bill, as amended, after "unemployed", insert the following: "and eligible".

**Amendment No. 5.**

On page 1 of the printed bill, as amended, between lines 15 and 16, insert the following:

"(c) An individual's week of unemployment shall be deemed to commence only after his registration at a public employment office or such other place as the commission approves, in accordance with such special rules as the commission shall prescribe."

**Amendment No. 6.**

On page 1, line 16, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

**Amendment No. 7.**

On page 2, line 16, of the printed bill, as amended, before "The", insert the following: "Sec. 54."

**Amendment No. 8.**

On page 2, lines 20 and 21, of the printed bill, as amended, strike out "twelve successive calendar months", and insert in lieu thereof the following: "fifty-two consecutive weeks".

**Amendment No. 9.**

On page 2, line 22, of the printed bill, as amended, strike out "or partial unemployment benefit", and insert in lieu thereof the following: "unemployment benefits".

**Amendment No. 10.**

On page 2, line 23, of the printed bill, as amended, after "benefits", insert the following: "for total unemployment".

**Amendment No. 11.**

On page 2, line 24, of the printed bill, as amended, after "weeks of", insert the following: "total".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2501**—An act to add sections 6.5, 8.5, 9.5 and 9.7 to, and amend sections 7, 9, 37, and 38 of, and to repeal section 8, of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 2501 were read and adopted:

**Amendment No. 1.**

On page 2, line 41, of the printed bill, as amended, strike out "Employment," and insert in lieu thereof the following: "Service".

**Amendment No. 2.**

On page 3, line 1, of the printed bill, as amended, strike out "subsequent to January 1, 1937," and insert in lieu thereof the following: ", or subsequent to January 1, 1936, had,".

**Amendment No. 3.**

On page 4, line 16, of the printed bill as amended, strike out "rules and regulations", and insert in lieu thereof the following: "general rules".

**Amendment No. 4.**

On page 4, line 29, of the printed bill as amended, strike out "During", and insert in lieu thereof the following: "For".

**Amendment No. 5.**

On page 4, line 30, of the printed bill as amended, after "him", insert the following: "during such year".

**Amendment No. 6.**

On page 4, line 32, of the printed bill as amended, strike out "During", and insert in lieu thereof the following: "For".

**Amendment No. 7.**

On page 4, line 33, of the printed bill as amended, after "him", insert the following: "during each such year".

**Amendment No. 8.**

On page 4 of the printed bill, as amended, after line 34 insert the following: "Sec. 10. Nothing contained herein shall operate to impose or confer existing rights and liabilities."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1515**—An act to add sections 3, 101.5 and 101.6 to amend sections 61, 65, 66, 67, 68, 69, 70, 71, 96 and 100 of, and to repeal section 50 of Article V of an act entitled "An act to establish a system of unemployment reserves for this State and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1515 were read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed bill, as amended, after "eligible", insert the following: "and qualified".

**Amendment No. 2.**

On page 2, line 6, of the printed bill, as amended, after "as", insert the following: "the".

**Amendment No. 3.**

On page 2, line 7, of the printed bill, as amended, after "such", insert the following: "special".

**Amendment No. 4.**

On page 2, line 22, of the printed bill, as amended, after "shall be", insert the following: "special".

**Amendment No. 5.**

On page 2, line 24, of the printed bill, as amended, strike out "general", and insert in lieu thereof the following: "special".

**Amendment No. 6.**

On page 2, line 25, of the printed bill, as amended, after "claim", insert the following: "for benefits for total unemployment".

**Amendment No. 7.**

On page 2, line 26, of the printed bill, as amended, strike out "or compensation".

**Amendment No. 8.**

On page 2, lines 26 and 27, of the printed bill, as amended, strike out "employment", and insert in lieu thereof the following: "work".

**Amendment No. 9.**

On page 2, line 28, of the printed bill, as amended, after the period, insert the following: "If benefits for total unemployment to which any claimant is not entitled are paid to him, the amount of such benefits shall be deducted from any benefits to which the claimant may subsequently become entitled. If the amount of such

benefits can not be so deducted from benefits to which the claimant subsequently became entitled in the benefit year in which such benefits were erroneously paid, no employer's account shall be charged therewith."

**Amendment No. 10.**

On page 2, line 28, of the printed bill, as amended, after "any", insert the following: "wilful".

**Amendment No. 11.**

On page 2, line 30, of the printed bill, as amended, strike out "statements", and insert in lieu thereof the following: "statement".

**Amendment No. 12.**

On page 2, lines 30 and 31, of the printed bill, as amended, strike out "for four weeks from date of such statement", and insert in lieu thereof the following: "with respect to four weeks of total unemployment".

**Amendment No. 13.**

On page 2, line 32, of the printed bill, as amended, strike out "penalty", and insert in lieu thereof the following: "disqualification".

**Amendment No. 14.**

On page 2, lines 32 and 33, of the printed bill, as amended, strike out "as it deems proper and equitable".

**Amendment No. 15.**

On page 2, lines 33 and 34, of the printed bill, as amended, strike out "any such misstatement was not intentional and was made under such", and insert in lieu thereof the following: "the".

**Amendment No. 16.**

On page 2, lines 34 and 35, of the printed bill, as amended, strike out "that it believes the penalty should be lessened or remitted", and insert in lieu thereof the following: "make the application of such disqualification inequitable".

**Amendment No. 17.**

On page 2, line 35, of the printed bill, as amended, after the period, insert the following: "In all cases of such disqualification the claimant shall be given notice and an opportunity for a fair hearing, as provided for in this act with respect to such disqualification."

**Amendment No. 18.**

On page 2, line 45, of the printed bill, as amended, strike out "in", and insert in lieu thereof the following: "with".

**Amendment No. 19.**

On page 2, line 47, of the printed bill, as amended, strike out "duration thereof", and insert in lieu thereof the following: "total amount of benefits".

**Amendment No. 20.**

On page 3, line 2, of the printed bill, as amended, strike out "rule or regulation", and insert in lieu thereof the following: "special rule".

**Amendment No. 21.**

On page 3, line 3, of the printed bill, as amended, strike out "reasons thereof", and insert in lieu thereof the following: "the reasons therefor".

**Amendment No. 22.**

On page 3, line 11, of the printed bill, as amended, strike out "the", and insert in lieu thereof the following: "a".

**Amendment No. 23.**

On page 3, line 12, of the printed bill, as amended, strike out the second "the", and insert in lieu thereof the following: "a".

**Amendment No. 24.**

On page 3, line 16, of the printed bill, after "paid", insert the following: "as to which the decision was reversed".

**Amendment No. 25.**

On page 3, line 33, of the printed bill, as amended, after "findings", insert the following: "or decision".

**Amendment No. 26.**

On page 3, line 34, of the printed bill, as amended, strike out "him", and insert in lieu thereof the following: "such referee".

**Amendment No. 27.**

On page 4, line 15, of the printed bill, as amended, strike out "the employer", and insert in lieu thereof the following: "any employing unit".

**Amendment No. 28.**

On page 4, line 16, of the printed bill, as amended, strike out "the rules and regulations", and insert in lieu thereof the following: "special rules".

**Amendment No. 29.**

On page 4, line 17, of the printed bill, as amended, strike out "and regulations".

**Amendment No. 30.**

On page 5, line 25, of the printed bill, as amended, strike out "reserve".

**Amendment No. 31.**

On page 5, lines 27 and 28, of the printed bill, as amended, strike out "and such amount shall be deposited in said fund".

**Amendment No. 32.**

On page 5, line 33, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "the commission".

**Amendment No. 33.**

On page 5, line 34, of the printed bill, as amended, after "deputy" insert the following: ", referee,".

**Amendment No. 34.**

On page 5, line 39, of the printed bill, as amended, after "commissioner," insert the following: "referee, or deputy,".

**Amendment No. 35.**

On page 5, line 43, of the printed bill, as amended, strike out "employer", and insert in lieu thereof the following: "employing unit".

**Amendment No. 36.**

On page 5, line 44, of the printed bill, as amended, strike out "tires", at the beginning of the line, and insert in lieu thereof the following: "tire".

**Amendment No. 37.**

On page 6, line 4, of the printed bill, as amended, after "themselves" strike out the period, and insert in lieu thereof the following: "providing that in all cases in which such presumptions shall apply, of the amount hereinafter mentioned for more than one employer during his term period, the amount of the employer or employers who have properly so kept and furnished such required records or reports shall not be charged with benefits in or through amounts that such said accounts would have been charged had the amount been omitted only in quarters determined by the total of the wages earned and the number of calendar quarters worked for them and all benefits paid in excess thereof shall be charged solely against the accounts of the employer or employers who have failed to keep or furnish such required records or reports."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1518**—An act to add section 56.5 to, and to amend sections 13 and 56 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 23, 1915, relating to a system of unemployment reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1518 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, after "Sec. 13," insert the following: "(a)".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, as amended, after "means", strike out the colon.

**Amendment No. 3.**

On page 1, line 4, of the printed bill, as amended, strike out "can" and after "Employment" (in strike-out type), strike out "Work" and insert "work", and after "usual", strike out "employ" (in strike-out type), and strike out lines 5 to 21, inclusive, and on page 2, strike out lines 1 to 13, inclusive, and insert in lieu thereof the following: "occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this act."



In determining whether the work is work for which the individual is reasonably fitted, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Any work offered under such conditions is suitable if it gives to the individual wages at least equal to his weekly benefit amount for total unemployment.

In any particular case in which the commission finds it impracticable to apply one of the foregoing standards, the commission may apply any standard set by it which is reasonably calculated to determine what is suitable employment.

(b) Notwithstanding any other provisions of this act, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization."

#### **Amendment No. 4.**

On page 2, line 29, of the printed bill, as amended, after "(c)", strike out line 29, and strike out lines 30 to 33, inclusive, and insert in lieu thereof the following: "If he has not earned wages in employment for employers in at least two calendar quarters in his base period and if he has not earned wages in any two or more such calendar quarters in a total amount for which a weekly benefit amount for total unemployment of seven dollars (\$7.00) or more is determinable under the provisions of section 58(a) of this act."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1521**—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Social Security, the following amendment to Assembly Bill No. 1521 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 7, of the printed bill, as amended, after "1938," insert the following: "and after his employer has satisfied the conditions set forth under section 9 of this act with respect to becoming an employer,".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1524**—An act to amend section 60 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to part-time workers.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1524 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, after "workers", strike out the comma.

#### **Amendment No. 2.**

On page 1, line 5, of the printed bill, as amended, after "wage", (in strike out type), strike out "installment", and insert the word "benefit"; and after "amount", strike out the comma, and insert in lieu thereof the following: "for total unemployment".

#### **Amendment No. 3.**

On page 1, line 6, of the printed bill, as amended, after "wages", insert a comma, and strike out "for", and insert in lieu thereof the following: "earned in".

**Amendment No. 4.**

On page 1, line 6, of the printed bill, as amended after "and/or" strike out "by", and insert the word "for", and after "compensate", insert a comma.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2090**—An act to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v and 26w to an act entitled "An act to reserve and minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 23, 1921, relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the acquisition and redemption of rights of way or easements to gain access to said State lands repealing all acts or parts of acts inconsistent or in conflict herewith.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2149**—An act to recover damages for and to defend trespasses against certain land belonging to the State situate in Orange County and to confirm, validate and ratify certain agreements of easements or permits in and to said lands granted in the name of the State to persons paying consideration therefor, to prohibit the granting of additional easements, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2117**—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1921, relating to the duties of the State Fire Marshal.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1171**—An act to add section 2409 to the Business and Professions Code, relating to unprofessional conduct in the practice of chiropody.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1173**—An act to add section 143 to the State Medical Practice Act, relating to unprofessional conduct in the practice of chiropody.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1139**—An act to amend section 10½ of the Optometry Law, relating to the unlawful practice of optometry.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1425**—An act to amend section 4295 of the Political Code, relating to official service without fee.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1576**—An act relating to disposition of funds in the hands of the fiscal agent of the State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2575**—An act to amend sections 1 and 8 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2673**—An act to amend section 16 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to exemptions from the provisions of the act.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2785**—An act relating to radio intercommunication service between the State and several counties in the State and authorizing the State and the counties to enter into agreements in respect thereto and to defray the cost of such service.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 722**—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13, and to repeal sections 14, 14a, 14b, 15, 16 and 18 of the Planning Act; to add sections 2.2, 2.4, 2.6, 4.3, 4.6, 5.5, 6.3, 6.6 and 17 thereto, and to renumber and amend sections 17, 19 and 20 thereof as sections 14, 15 and 16, respectively, relating to State, regional, county and city planning.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2581**—An act to amend sections 1 and 3 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2232**—An act to amend section 1 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to the State Athletic Commission.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 442**—An act to amend the title of an act entitled the "County Improvement Act of 1921," approved June 3, 1921, as amended, and to add section 12, relating to the reassessment, refunding repayment or adjustment of assessments or bonds and the contribution of public funds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 777**—An act to amend section 3a of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to the formation of such districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 778**—An act to amend sections 5 and 6 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to efforts of such districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2821**—An act to amend sections 4160 and 4161 of the Political Code, and to add a new section therein, to be numbered 4174a, relating to the liability and duties of sheriffs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 298**—An act to add a new section to the Political Code, to be numbered 4076a, relating to procedure for audit, allowance and payment or rejection of claims in counties governed by freeholders' charters.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 298 was read and adopted:

#### Amendment No. 1.

On page 1, lines 12 and 13, of the printed bill, as amended in the Assembly March 17, strike out "approved by the board of supervisors or by a majority thereof", and insert in lieu thereof: "issued by the purchasing agent or other officer authorized by the board of supervisors to issue purchase orders, or when such purchase or furnishing of articles and services or articles or services."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2194**—An act to amend section 4041.21 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stand, cigar stand and lunch room purposes.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2194 was read and adopted:



**Amendment No. 1.**

On page 2, line 33, of the printed bill, after the word "purposes", strike out the comma, and the balance of the line; and in line 34, strike out "erence".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2831**—An act to provide for the creation, establishment, and readjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2831 were read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended, before the word "consisting", insert the following: "and attaches of municipal courts,".

**Amendment No. 2.**

On page 4, line 6, of the printed bill, as amended, after the word "by", insert the following: "a majority vote of the electors voting upon such acceptance proposition at any special or general election at which the proposition of accepting the provisions of this act may be submitted and an".

**Amendment No. 3.**

On page 4 of the printed bill, as amended, between lines 19 and 20, insert the following:

"SEC. 42.5. Except as otherwise provided all officers and attaches of any municipal court established within the county under the provisions of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved on May 23, 1925 (Statutes 1925, p. 648), other than judges or other than officers or attaches who are participants in any system established under that act referred to in section 48 hereof, shall become members of the association on the first day of the month after the board of supervisors has adopted by four-fifths vote a resolution providing for the inclusion of such officers or attaches in the retirement association and thereafter each person entering such employ becomes a member on the first day of the month after his entrance into the service of such court.

The board of supervisors and all other officers shall have the power to make the appropriations and perform the duties herein specified with reference to such officers and attaches in the same manner as herein specified for county or district officers or employees. The deductions herein provided for may be made from the salaries of such officers or attaches in the same manner as for officers or employees of the county or districts.

As used in this act the term "employee" shall be deemed to include officers or attaches of any such municipal court when such court has been brought within the operation of this act as herein specified."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 578**—An act to add section 16½ to, and to amend sections 9, 12, 19, 20, 30, 65 and 67 of, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to compensation and insurance of workmen.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 578 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 16½ to, and to amend sections 9, 12, 19,"; strike out line 2, and in line 3 of said title, strike out "ance and Safety Act of 1917," and insert in lieu thereof the

following: "4057, 4058, 4702.5, 5800.5, 5801.5, and 5801.6 to, and to amend sections 4452, 4450, 4652, 4702, 5603, and 5950 of, the Labor Code."

#### Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "and to amend sections in the title hereof", and insert in lieu thereof the following: "4650 of the Labor Code".

#### Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 24 inclusive, strike out all of pages 2 to 7, inclusive, and on page 8 of said bill strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"4650. If an injury causes temporary disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury.

If the injury causes permanent disability, a disability payment shall be made for two weeks in advance as wages on the eighth day after injury.

SEC. 1.1. Section 4652 of the Labor Code is hereby amended to read as follows: 4652. If the period of disability exceeds 49 days from the day the employee leaves work as a result of the injury the disability payment shall be computed from the date of disability. In all other cases no disability payment is reasonable for the disability suffered during the first seven days after the employee leaves work as a result of the injury.

SEC. 1.2. Section 4702 of the Labor Code is hereby amended to read as follows:

4702. The death benefit shall be a sum sufficient to equal:

(a) In case of total dependency, three times the average annual earnings of the deceased employee.

(b) In a case of partial dependency only, three times the amount actually devoted to support of the dependents by the employee.

The death benefit shall be paid in installments in the same manner and amounts as disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders.

SEC. 1.3. Section 4702.5 is hereby added to the Labor Code to read as follows:

4702.5. Except as provided in sections 4554 and 4554.1 in no case shall the death benefit, when added to all accrued disability indemnity, exceed three times the average annual earnings of the employee as limited in section 4452, nor may it exceed:

(a) The sum of \$5,000, if the death of the employee occurs on or before March 31, 1938.

(b) The sum of \$6,000, if the death of the employee occurs after March 31, 1938."

#### Amendment No. 4.

On page 8, line 4, of the printed bill, as amended, strike out "12 of said act", and insert in lieu thereof the following: "4452 of the Labor Code".

#### Amendment No. 5.

On page 8 of the printed bill, as amended, strike out lines 6 to 52 inclusive, and on page 9, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"4452. Three times the average annual earnings shall be taken, at one time, that \$1,000 nor more than \$5,999.76 in disability cases, and in death cases shall be taken at not less than \$1,000, nor more than:

(a) \$5,000, if the death of the employee occurs on or before March 31, 1938.

(b) \$6,000, if the death of the employee occurs after March 31, 1938."

#### Amendment No. 6.

On page 9 of the printed bill, as amended, strike out lines 21 to 41, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 4057 is hereby added to the Labor Code to read as follows:

4057. The commission shall employ not less than three physicians one of whom shall act as medical director, and two of whom shall devote their full time to the duties of their employment, and shall not during such employment accept or participate in any fee in connection with any industrial accident case.

A full time physician shall be located at the San Francisco office and the other at the Los Angeles office of the commission."

#### Amendment No. 7.

On page 9 of the printed bill, as amended, strike out lines 42 to 52, inclusive; strike out all of pages 10 and 11, and on page 12, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SEC. 4. Section 4058 is hereby added to the Labor Code to read as follows:

4058. Within five days after written notice of the filing of an application for compensation, copies of all hospital and medical records and reports, including all radiographs pertaining thereto, in the possession of any physician treating or who has treated such injured or deceased employee, or in the possession of any insur-

ance carrier or employer or in the possession of the applicant, in connection with such employee's hospitalization or treatment, shall be delivered to and filed with the commission and shall be open to the inspection of the applicant and the defendant. In case any new or additional medical reports or radiographs are taken, the same or copies thereof shall be so filed within ten days after such examination unless otherwise ordered by the commission. Such reports and radiographs when filed shall be immediately available to all parties. Any such records and reports, copies of which have not been so filed with the commission, unless otherwise ordered by the commission, may not be introduced in evidence by the party to the proceeding who is responsible for the failure to file such records and reports or at whose instance they were prepared."

#### Amendment No. 8.

On page 12 of the printed bill, as amended, strike out lines 6 to 52, inclusive, and on page 13, strike out lines 1 to 23, inclusive, and insert in lieu thereof the following:

"Sec. 5. Section 5800.5 is hereby added to the Labor Code, to read as follows: 5800.5. Except as provided in section 5811, all awards of the commission either for the payment of compensation or for the payment of death benefits shall carry interest at the legal rate applicable to judgments on all due and unpaid payments from the date of the making of the awards.

Sec. 6. Section 5801.5 is hereby added to the Labor Code, to read as follows:

5801.5. If a rehearing is granted, and if the applicant, as defined in section 5503, prevails upon such rehearing, the commission may grant in addition to any award, a reasonable attorney's fee for the services of an attorney at law rendered in connection with the rehearing and application therefor. This attorney's fee shall be in addition to the award made and shall be paid to the attorney at law entitled thereto by the employer or his insurance carrier.

Sec. 7. Section 5801.6 is hereby added to the Labor Code, to read as follows:

5801.6. If a writ of review is granted upon the petition of the applicant, as defined in section 5503, and if the order, decision or award of the commission is set aside or the case is remanded for further proceedings before the commission, the commission may, if the applicant receives an award out of such further proceedings where no award was originally obtained, or if the applicant receives an award which is greater than the original award, if any, grant in addition to any award a reasonable attorney's fee for the services of an attorney at law rendered in connection with the writ of review, the application therefor and the further proceedings held before the commission.

This attorney's fee shall be in addition to the award made and shall be paid to the attorney at law entitled thereto by the employer or his insurance carrier."

#### Amendment No. 9.

On page 13 of the printed bill, as amended, strike out lines 24 to 52, inclusive; strike out all of pages 14 and 15, and on page 16, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"Sec. 8. Section 5903 of the Labor Code is hereby amended to read as follows:

5903. At any time within fifteen days after the service of any final order, decision, or award of the commission granting or denying compensation, or arising out of or incidental thereto, any person aggrieved thereby may petition for a rehearing upon one or more of the following grounds, and no other:"

#### Amendment No. 10.

On page 16, line 9, of the printed bill, as amended, strike out "(1)", and insert in lieu thereof the following: "(a)".

#### Amendment No. 11.

On page 16, line 11, of the printed bill, as amended, strike out "(2)", and insert in lieu thereof the following: "(b)".

#### Amendment No. 12.

On page 16, line 13, of the printed bill, as amended, strike out "(3)", and insert in lieu thereof the following: "(c)".

#### Amendment No. 13.

On page 16, of the printed bill, as amended, strike out line 14, and insert in lieu thereof the following:

"(d) That the petitioner has discovered new evidence, mate".

#### Amendment No. 14.

On page 16, line 17, of the printed bill, as amended, strike out "(5)", and insert in lieu thereof the following: "(e)".

#### Amendment No. 15.

On page 16 of the printed bill, as amended, strike out lines 19 to 21, inclusive, and insert in lieu thereof the following:

"Nothing contained in this section shall limit the grant of continuing jurisdiction contained in sections 5803 to 5805, inclusive."



**Amendment No. 16.**

On page 16 of the printed bill, as amended, strike out lines 22 to 52, inclusive, strike out lines 1 to 20, inclusive, on page 17, and insert in lieu thereof the following:

"SEC. 9. Section 5950 of the Labor Code is hereby amended to read as follows:  
5950. Within twenty days after the application for a rehearing is denied, or, if the petition is granted, within twenty days after the rendition of the decision on the rehearing, any person affected thereby may apply to the Supreme Court or to the District Court of Appeal of the Appellate District in which he resides, for a writ of review, for the purpose of requiring into and determining the lawfulness of the original order, decision, or award, or of the order, decision, or award on rehearing."

Bill read second time, ordered to reprint, and referred to Committee on Insurance.

**Assembly Bill No. 1623**—An act to amend section 3898 of, to add section 3897.3 to, and to repeal sections 3897A and 3897B of, the Political Code, relating to the sale of tax deeded lands.

Bill read second time, and ordered on file for third reading.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 374—An act granting in trust to the City and County of San Francisco the interest of the State in, and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor, including for the sale of bonds authorized but not sold, providing for the payment of interest on bonds, and for the redemption of bonds, fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor, providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board commission on police affairs created with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 566—An act to repeal sections 22194, 22195 and 4375 of the School Code, and to add thereto two new sections to be numbered 4368 and 4375, all relating to maximum school district tax rates and school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately. And reports that the same has been correctly engrossed, and presented to the Governor on the tenth day of May, 1937, at eleven o'clock and thirty minutes a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 607—An act to amend section 4041d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons;

Senate Bill No. 802—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the development of natural resources;

Senate Bill No. 842—An act to amend section 4140 of the Political Code, relating to the duties and rights of county recorders;

Senate Bill No. 996—An act to amend section 737ww, of the Political Code, relating to the salary of judges of the county of Sonoma;

Senate Bill No. 1038—An act to add section 4041.29 to the Political Code, relating to reports relating to financial statements by county supervisors;

Senate Bill No. 1135—An act to add section 433.6 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of



paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1138—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof;

Senate Bill No. 1141—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Young:

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors.

Respectfully submitted.

SENATOR YOUNG.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Young to introduce a bill entitled:

An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
KNOWLAND.  
McCOLL.  
TICKLE.

The question being on the adoption of the report.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Slater moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Phillips, Pierovich, Rich, Schottky, Slater, Wagy, Westover, and Young—24.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

Assistant Secretary Howard McIntire at the Desk.

#### Third Reading of Assembly Bills.

**Assembly Bill No. 1123**—An act to amend sections 3 330, 3 331, 3 332, 3 334, 3 335, 3 336, 3 337 and 3 338 of the School Code, relating to high school students residing in this State and attending high school in an adjoining State.

##### Amendments from the Floor.

During third reading of Assembly Bill No. 1123, the following amendments, offered by Senator Law, were read and adopted:

##### Amendment No. 1.

On page 2, line 48, of the printed bill, as amended, strike out the following: "not in excess of", and insert in lieu thereof the following: "which shall be sufficient to raise".

##### Amendment No. 2.

On page 2, line 52, of the printed bill, as amended, strike out the following: "nor shall such rate be less than", and insert in lieu thereof a comma and the following: "or the board of supervisors may levy a tax the rate of which shall be".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1370**—An act to add a new section to the Agricultural Code, to be numbered 810.6, relating to the standardization of Brussels sprouts.

##### Amendments from the Floor.

During third reading of Assembly Bill No. 1370, the following amendments, offered by Senator Hohmann, were read and adopted:

##### Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "add a new section to the Agricultural Code, to be numbered 810.6" and insert in lieu thereof the following: "amend section 790 of, and to add section 810.6 to the Agricultural Code,".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of line 1, and insert in lieu thereof the following:

"SECTION 1. Section 790 of the Agricultural Code is hereby amended to read as follows:

790. There are hereby established standards for fruits, nuts and vegetables which shall include apricots, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "wonderful" pomegranates, quinces, walnuts, artichokes, asparagus, Brussels sprouts, cantaloupes, carrots, cauliflower, celery, head lettuce, melons, onions, peas, potatoes, sweet potatoes, tomatoes and apples.

SEC. 2. A new section is hereby added to the Agricul".

Bill read, ordered to print, and on file for third reading.

#### Third Reading of Senate Bills.

**Senate Bill No. 755**—An act to add Article 1a to Chapter 1 of Division III of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the canine or feline species.

**Amendments from the Floor.**

During third reading of Senate Bill No. 755 the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out the balance of the title which reads: "or preparing meat food products for animals of the canine or feline species", and insert in lieu thereof the following: "for use in canned dog food and cat food or preparing meat food products for canned dog food and cat food".

**Amendment No. 2.**

On page 4, lines 19 and 20, of the printed bill, strike out the words: "horses or other".

**Amendment No. 3.**

On page 4, line 20, of the printed bill, strike out "otherwise", and insert in lieu thereof the following: "meat and meat products are".

**Amendment No. 4.**

On page 4, line 24, of the printed bill, strike out "means all domestic and wild animals", and insert in lieu thereof the following: "cattle, calves, swine, sheep, goats, horses and reindeer".

**Amendment No. 5.**

On page 4, line 25, of the printed bill, strike out the words "for animal food", and insert in lieu thereof the following: "meat food products and meat by-products".

**Amendment No. 6.**

On page 4, line 26, of the printed bill, strike out the balance of the sentence after "(d)", and also strike out all of lines 27 and 28, and insert in lieu thereof the following: "Meat" is the properly dressed flesh derived from cattle, calves, swine, sheep, goats, horses or reindeer sufficiently mature and in good health at time of slaughter, but is restricted to that part of the striated muscle which is skeletal or that which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and does not include that found in the lips, in the snout, or in the ears; with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the flesh and which may not have been separated from it in the process of dressing it for sale."

**Amendment No. 7.**

On page 4, line 29, of the printed bill, after "(e)", strike out the remainder of the line, and strike out all of lines 30 and 31, and insert in lieu thereof the following: "'Fresh meat' is meat which has undergone no substantial change in character since the time of slaughter."

**Amendment No. 8.**

On page 4, line 32, of the printed bill, after "(f)", strike out the remainder of the line, and also strike out all of line 33, and insert in lieu thereof the following: "'Meat food products' are any articles of food or any articles that enter into the composition of food which are not prepared meats but which are derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, calves, swine, sheep, goats, if such manufacture be all, or a considerable and definite portion, of the articles, except such preparations as are for medicinal purposes only."

**Amendment No. 9.**

On page 4, line 34, of the printed bill, after "(g)", strike out the remainder of the line, and also strike out all of lines 35 and 36, and insert in lieu thereof the following: "'Meat by-products' are any clean, sound, and properly dressed edible portions, other than meat, which have been derived from one or more carcasses of cattle, calves, swine, sheep, goats, horses, or of reindeer sufficiently mature and in good health at time of slaughter."

**Amendment No. 10.**

On page 4 of the printed bill, following line 38, add the following new subsections:

"(i) 'Federal inspection' means inspection maintained by the Bureau of Animal Industry of the United States Department of Agriculture.

"(j) 'State inspection' means inspection maintained by the State Department of Agriculture.

"(k) 'Approved municipal inspection' means inspection maintained by municipalities, which inspection has been approved by the State Department of Agriculture."

**Amendment No. 11.**

On page 4, line 39, of the printed bill, strike out the remainder of the sentence after the numeral two "(2)", and also strike out all of lines 40 and 41, and insert

in lieu thereof the following: "All establishments preparing meat, meat food products and meat by-products for use in animal dog food and cat food must operate under Federal inspection, State inspection, approved municipal inspection, or State Department of Health inspection."

**Amendment No. 12.**

On page 4, line 42, of the printed bill after the words "and meat" insert the word "food", and in the same line after the word "products" insert the words "and meat by-products".

**Amendment No. 13.**

On page 4, line 49, of the printed bill, after the words "All meat", insert a comma and the following words: "meat food products".

**Amendment No. 14.**

On page 4, line 51, of the printed bill, strike out the words: "as fit for animal food".

**Amendment No. 15.**

On page 5 of the printed bill, strike out all of lines 12 to 30, inclusive.

**Amendment No. 16.**

On page 5, line 31, of the printed bill, change the section number "10" to "9".

**Amendment No. 17.**

On page 5, line 35, of the printed bill, change the section number "11" to "10".

**Amendment No. 18.**

On page 5, line 38, of the printed bill, strike out the words "animal food", and insert in lieu thereof the words "meat food products and meat by-products".

**Amendment No. 19.**

On page 5, line 42, of the printed bill, strike out "found to be fit for animal food shall be", and insert in lieu thereof the following: "that have been".

**Amendment No. 20.**

On page 5, line 43, of the printed bill, strike out "marked with the phrase", and in lines 43 and 44, strike out "only for animal food".

**Amendment No. 21.**

On page 5, line 44, of the printed bill, after the word "Health", strike out the comma, and insert the following words to be included within the inspection marks: "inspection, Federal inspection, State inspection, or municipal approved inspection."

**Amendment No. 22.**

On page 5, line 46, of the printed bill, strike out "for animal food".

**Amendment No. 23.**

On page 5, line 47, of the printed bill after the word "Health", insert the following: "inspection, Federal inspection, State inspection, or municipal approved inspection."

**Amendment No. 24.**

On page 5, line 49, of the printed bill, strike out "for animal food", and insert in lieu thereof the following: "for dog food or cat food".

**Amendment No. 25.**

On page 5, line 50, of the printed bill, change the section number "12" to "11".

**Amendment No. 26.**

On page 6, line 1, of the printed bill, strike out "animal food", and insert in lieu thereof the following: "meat by-products".

**Amendment No. 27.**

On page 6, line 5, of the printed bill, change the section number "13" to "12", and strike out the words "animal food", and insert in lieu thereof "meat and meat by-products".

**Amendment No. 28.**

On page 6 of the printed bill, strike out lines 12 to 18, inclusive.

**Amendment No. 29.**

On page 6, line 19, of the printed bill, change the section number "15" to "13".

**Amendment No. 30.**

On page 5, line 21, of the printed bill, after the word "article", insert the words: "who does not operate an establishment having Federal, State or municipal approved service".



**Amendment No. 31.**

On page 6, line 20, of the printed bill, strike out "for animal food", and insert in lieu thereof the following: ", meat food products or meat by-products".

**Amendment No. 32.**

On page 6, line 23, of the printed bill, strike out "for animal food," and insert in lieu thereof the following: "for meat food products or meat by-products are".

**Amendment No. 33.**

On page 6, line 31, of the printed bill, insert a period after "number", and strike out "to be used to make the animal food prepared or manufactured therein."

**Amendment No. 34.**

On page 6, line 33, of the printed bill, strike out the words "animal food".

**Amendment No. 35.**

On page 6, line 38, of the printed bill, strike out the word "prevailing", and insert in lieu thereof the word "traveling".

**Amendment No. 36.**

On page 6, line 43, of the printed bill, strike out the period, and add the following words: "except establishments having Federal, State or municipal approved inspection service."

**Amendment No. 37.**

On page 6, line 44, of the printed bill, change the section number "16" to "14".

**Amendment No. 38.**

On page 6, line 48, of the printed bill, change the section number "17" to "15".

**Amendment No. 39.**

On page 6, line 49, of the printed bill, after the word "meat", insert a comma, and also strike out the word "is", and insert in lieu thereof the following: "meat food products or meat by-products are".

**Amendment No. 40.**

On page 6, line 49, of the printed bill, strike out the words "for animal food".

**Amendment No. 41.**

On page 7, line 3, of the printed bill, strike out the period, and insert in lieu thereof the following: "except establishments having Federal, State or municipal approved inspection service."

**Amendment No. 42.**

On page 7, line 4, of the printed bill, change the section number "18" to "16", and after the words "and dog food", insert the words "prepared and/or".

**Amendment No. 43.**

On page 7, line 10, of the printed bill, change the section number "19" to "17".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 935**—An act to amend sections 4 and 5 and to add a new section 4 (b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

**Amendment from the Floor.**

During third reading of Senate Bill No. 935, the following amendment, offered by Senator McColl, was read and adopted:

**Amendment No. 1.**

On page 1, line 9 of the title of the printed bill, as amended, strike out "as amended", and insert in lieu thereof the following: "relating to the Contractors' State License Board".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 585**—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years," etc., approved June 5, 1915, Statutes of 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2974-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

#### Amendments from the Floor.

During third reading of Senate Bill No. 585, the following amendments, offered by Senator Olson, were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 551 and 700 of the Welfare and Institutions Code, relating to the Juvenile Court Law."

#### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 23, inclusive, and strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 551 of the Welfare and Institutions Code is hereby amended to read as follows:

551. This chapter shall be liberally construed, to the end that the care, custody, and discipline of a ward of the juvenile court, as defined in this chapter, shall approximate as nearly as possible that which should be given by any parent and for the protection of childhood and youth generally. In all cases where it can be properly done, the ward of the juvenile court shall be placed in an appropriate family, with people of the same religious belief, and shall become a member of the family, by legal adoption or otherwise.

SEC. 2. Section 700 of the Welfare and Institutions Code is hereby amended to read as follows:

700. The jurisdiction of the juvenile court extends to any person under the age of twenty-one years who comes within any of the following descriptions:

(a) Who is found begging, receiving or gathering alms, or who is found in any street, road, or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or of singing or playing on any musical instrument, or of giving his public entertainment or accompanying or being used in and of any person so doing.

(b) Who has no parent or guardian, or who has no parent or guardian willing to exercise or capable of exercising proper parental control, or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control.

(c) Who is destitute, or who is not provided with the necessities of life by his father, and who has no other means of obtaining such necessities.

(d) Whose home is an unfit place for him, by reason of neglect, cruelty or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(e) Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.

(f) Who is a vagrant or who frequents the company of criminals, vagrants, or prostitutes, or persons so reputed; or who is in any house of prostitution or assignation.

(g) Who habitually enters, without parent or guardian, a public billiard room or public poolroom, or a saloon or a place where any spirituous, vinous, or malt liquors are sold, bartered, exchanged, or given away, and purchases or drinks any liquors in any such place; or who takes part in any gambling game when anything of value may be won or lost in any place where gambling is carried on.

(h) Who habitually uses intoxicating liquors, or habitually uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.

(i) Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian; or who is beyond the control of such person.

(j) Who is an habitual truant from school within the meaning of any law of this State.

(k) Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd, or immoral life.

(l) Who is insane, feeble-minded, or so far mentally deficient that his parents or guardian is unable to exercise proper parental control over him, or whose mind is so far deranged or impaired as to endanger the health, person, or property of himself or others.

(m) Who violates any law of this State or any ordinance of any town, city, or county, of this State defining crime."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 373**—An act to amend section 488 of the Vehicle Code, relating to accident reports.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 373 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Law, McCall, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—30

**NOES**—None.

Title read and approved.

Senate Bill No. 373 ordered transmitted to the Assembly.

**Senate Bill No. 729**—An act limiting the hours of labor of personal and domestic employees.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 729, the following amendments, offered by Senator Fletcher, were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, as amended April 15, strike out all of lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. Except by agreement between employer and employee, in which it is shown that the nature of the employment prevents the application of this section, no person shall be employed as a personal or domestic worker by any employer in the State of California more than forty-eight hours during one calendar week, if the worker lives off the premises of the employer. If the worker lives on the premises of the employer such worker may be employed not to exceed sixty hours a week."

##### **Amendment No. 2.**

On page 1, line 15, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "2".

##### **Amendment No. 3.**

On page 1, line 16, of the printed bill, following the word "follow", insert the words "his or".

##### **Amendment No. 4.**

On page 1, line 18, of the printed bill, strike out the words "property, or children", and insert in lieu thereof the following: "or property".

##### **Amendment No. 5.**

On page 1, line 19, of the printed bill, strike out the words "or any other person".

##### **Amendment No. 6.**

On page 1, line 21, of the printed bill, strike out the comma, and insert in lieu thereof a period, and strike out lines 22 and 23.

##### **Amendment No. 7.**

On page 1, line 20, of the printed bill, change the numeral "4" to "3"; on page 2, line 1, change the numeral "5" to "4"; on page 2, line 7, change the numeral "6" to "5"; on page 2, line 12, change the numeral "7" to "6".

##### **Amendment No. 8.**

On page 2 of the printed bill, following line 14, insert the following:

"SECTION 7. This chapter shall in no way affect any person employed in the care or management of children, or employed as a graduate, undergraduate or practical nurse, or attendant chiefly in care of the sick, nor shall it affect students."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Slater.

The names of the absentees were called, and in accordance with the provisions of section 2 of Article IV of the Constitution, the report of the Committee on Rules adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34

**NOES**—None.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bills were introduced:

**Senate Bill No. 1150:** By Senator Young—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors.

Senate Bill No. 1150 read first time, and referred to Committee on Judiciary.

**Unfinished Business—(Resumed).**

**Senate Bill No. 292**—An act making an appropriation for the purchase and removal of the James W. Marshall pioneer museum collection and the James W. Marshall blacksmith shop, and for the purchase of land and the construction of a water system to be used in connection with the James W. Marshall Park.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32

**NOES**—None.

Title read and approved.

Senate Bill No. 292 ordered transmitted to the Assembly.

**Senate Bill No. 362**—An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 362, read previously.

The question being: Shall Senate Bill No. 362 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—Senator DeLap—1.

**NOES**—Senators Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.



**Senate Bill No. 968**—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 968, read previously.

The question being: Shall Senate Bill No. 968 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.

**Secretary Joseph A. Beek at the Desk.**

**Withdrawal from Committee of Assembly Bill No. 538.**

Senator Olson moved that Assembly Bill No. 538 be withdrawn from Committee on Labor and Capital for purpose of passage.

The question being on the adoption of the motion to withdraw.

The roll was called, and the motion to withdraw refused adoption by the following vote:

**AYES**—Senators Cunningham, DeLap, Hollister, Jespersen, McGovern, and Olson—6.

**NOES**—Senators Crittenden, Fletcher, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—28.

**Re-reference of Senate Bill No. 304.**

Senator Gordon moved that Senate Bill No. 304 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

**Postponement of Reconsideration.**

On motion of Senator Tickle, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1616 was passed was continued until the next legislative day.

**Motion to Reconsider Waived.**

Senator Westover waived reconsideration of Assembly Bill No. 1446. Assembly Bill No. 1446 ordered transmitted to the Assembly.

**Motion to Reconsider Waived.**

Senator Metzger waived reconsideration of Senate Bill No. 178. Senate Bill No. 178 ordered transmitted to the Assembly.

**Postponement of Reconsideration.**

On motion of Senator Metzger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 475 was passed was continued until the next legislative day.

### Postponement of Reconsideration.

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 217 was passed was continued until the next legislative day.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 684—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project and to further amend the title of said act relating to payment of expenses resulting from interference with State property or State activities;

Assembly Bill No. 2388—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to contract with the United States of America for the purchase of project works and properties and for the reimbursement of the cost thereof, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes, 4, absent, 3.

MIXTER, Chairman.

#### On Education.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 101—An act to amend sections 2411, 2418 and 2419 of the School Code, relating to disincorporation of high school districts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes, 9.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 982—An act to amend section 5302 of the School Code, all relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 428—An act to add a new section to the School Code to be numbered 4192, relating to the insuring of employees of county superintendents of schools against liabilities imposed by law;

Assembly Bill No. 440—An act to repeal section 5743 of the School Code, to add thereto a new section to be numbered 5743 and to amend sections 5744 and 5745 thereof, all relating to the payment of salaries of persons employed by school districts in positions requiring certification qualifications;

Assembly Bill No. 1868—An act to add a new article to Chapter I of Part II of Division II of the School Code to be known as Article X, relating to the attendance of school trustees at state-wide educational meetings;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1244—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32, 33 and 34 of "The Personal Income Tax Act of 1935," relating to the taxation of income of individuals, estates and trusts; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

KNOWLAND, Chairman.

#### On Public Morals.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 1934—An act to add section 61.1 to the Alcoholic Beverage Control Act, relating to minors;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

FLETCHER, Chairman.

#### Adjournment.

At four o'clock and eleven minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Tuesday, May 11, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, May 11, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—40.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

#### Reading of the Journal.

During the reading of the Journal of Monday, May 10, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. D. Williamson of Suisun, and daughter, Eleanore Williamson.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. E. Rice of Modesto.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the University High School: Al Albrecht, Josephine Allara, Dan Amicus, Elizabeth Brewer, John Buckingham, Martha Castoris, Ruth Cone, Rosellen Frank, Lenore Greenberg, Muriel Grenelle, Betty Howden, Ruth Hurt, Arch Brown, Martha Kase, Elizabeth Kelley, Betty Irwin, Dorothy Maran, Arden Mayhew, Mary Pat McCollum, Harvey Morton, Joe Poli, Graham Snyder, Marysue Spicer, Lucile Tagert, Fred Wood, Perry Wood, Mary Wales, Eleanor Coy, Arch Brown, and Louis Swenson.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth E. Morley of Merced.

On request of Senator Scawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary J. Northey, Mrs. Mary Hoskins, Mrs. Ester Tremaine of Nevada City, and Mrs. Phillips Chapman of Sacramento.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

**Senate Bill No. 684**—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project and to further amend the title of said act relating to payment of expenses resulting from interference with State property or State activities.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 684 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend the title of, and to add section 15a to the 'Central Valley Project Act of 1933,' relating to the powers and duties of the Water Project Authority."

##### Amendment No. 2.

On page 2, line 5, of the printed bill, before the semicolon, insert the following: "or for the acquisition of project works and properties and for the repayment of the cost thereof".

##### Amendment No. 3.

On page 2, line 6, of the printed bill, strike out "perform duties", and insert in lieu thereof the following: "conform to such requirements".



**Amendment No. 4.**

On page 2, line 7, of the printed bill, strike out "and", and insert in lieu thereof the following: "or".

**Amendment No. 5.**

On page 2, line 13, of the printed bill, strike out "rights of way", and insert in lieu thereof the following: "real property and rights of way belonging to the State".

**Amendment No. 6.**

On page 2, line 18, of the printed bill, before the word "authorizing", insert the following: "defining the term "State agency" and".

**Amendment No. 7.**

On page 2, line 21, of the printed bill, strike out "certain", and in line 22, strike out "organizations", and insert in lieu thereof the following: "State agencies".

**Amendment No. 8.**

On page 2 of the printed bill, at the end of line 22, insert a semicolon, and strike out all of line 23, and insert in lieu thereof the following: "granting certain preferences to State agencies and certain other organizations in contracting with said authority, and providing for certain powers and duties of any such contracting State agency and its governing body or board and officers; authorizing the".

**Amendment No. 9.**

On page 2, line 28, of the printed bill, strike out the word "and".

**Amendment No. 10.**

On page 2, line 30, of the printed bill, change the period to a semicolon, and add the following: "and repealing all acts or parts of acts in conflict with this act."

**Amendment No. 11.**

On page 2, line 34, of the printed bill, strike out "and", and strike out all of line 35, and insert in lieu thereof the following: "to make and enter into contracts".

**Amendment No. 12.**

On page 2, line 38, of the printed bill, strike out the words "or the whole".

**Amendment No. 13.**

On page 2, line 39, of the printed bill, strike out "may perform such duties", and insert in lieu thereof the following: "to make and enter into contracts for the acquisition by said authority of the works and properties of said Central Valley Project or any part thereof and for the repayment of said authority of the cost thereof to the United States or to conform to such requirements".

**Amendment No. 14.**

On page 2, line 43, of the printed bill, strike out "may", and insert in lieu thereof the following: "to".

**Amendment No. 15.**

On page 2 of the printed bill, strike out all of lines 45 and 46, and insert in lieu thereof the following: "California may receive the benefits to be derived from the construction, maintenance and operation of said project."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 101**—An act to amend sections 2.411, 2.418 and 2.419 of the School Code, relating to disincorporation of high school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 101 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to add a new section to the School Code to be numbered 2.481a, relating to the transfer of an elementary school district from one high school district to another."

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1 to 24, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the School Code to be numbered 2.481a and to read as follows:

2.481a. Whenever an elementary school district is included in a joint union high school district and is situated entirely outside the county in which the remainder of the high school district is situated, the elementary school district may be excluded from the high school district as provided in this article, except that the nearest part of the elementary school district need not be more than six miles by traveled road from the high school building of the high school district, and the board of supervisors hearing the petition for the exclusion of the elementary school district from the high school district shall not be bound by the provisions of School Code section 2.481."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 2388.** An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to contract with the United States of America for the purchase of project works and properties and for the repayment of the cost thereof, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Irrigation, the following amendments to Assembly Bill No. 2388 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend the title of, and to add section 15a to the "Central Valley Project Act of 1933," relating to the powers and duties of the Water Project Authority."

**Amendment No. 2.**

On page 2, line 6, of the printed bill, strike out "purchase", and insert in lieu thereof the following: "acquisition".

**Amendment No. 3.**

On page 2, line 8, of the printed bill, strike out "perform duties", and insert in lieu thereof the following: "conform to such requirements".

**Amendment No. 4.**

On page 2 of the printed bill, strike out all of lines 15 to 19, both inclusive, and insert in lieu thereof the following: "and occupation of certain real property and rights of way belonging to the State; defining the term "State agency" and".

**Amendment No. 5.**

On page 2 of the printed bill, strike out all of lines 23 to 25, both inclusive, and insert in lieu thereof the following: "and providing for the repayment therefor: authorizing State agencies to contract with the Water Project Authority; granting certain preferences to State agencies and certain other organizations in contracting with said authority, and providing for certain powers and duties of any such contracting State agency and its governing body or board and officers; authorizing".

**Amendment No. 6.**

On page 2, line 30, of the printed bill, strike out the following: "and".

**Amendment No. 7.**

On page 2, line 32, of the printed bill, change the period to a semicolon, and add the following: "and repealing all acts or parts of acts in conflict with this act."

**Amendment No. 8.**

On page 2, line 37, of the printed bill, strike out the word "contract", and insert in lieu thereof the following: "make and enter into contracts".

**Amendment No. 9.**

On page 2, line 39, of the printed bill, strike out all of lines 39 to 42, both inclusive, and insert in lieu thereof the following: "operation of said Central Valley Project or any part thereof or to make and enter into contracts for the acquisition by said authority of the works and properties of said Central Valley Project or any part thereof, and for the repayment by said authority of the cost thereof to the United States or to conform to such requirements, not otherwise inconsistent".

**Amendment No. 10.**

On page 2 of the printed bill, strike out all of lines 48 and 49, and insert in lieu thereof the following: "California may receive the benefits to be derived from the construction, maintenance and operation of said project."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 982**—An act to amend section 5.502 of the School Code, relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 428**—An act to add a new section to the School Code to be numbered 4.192, relating to the insuring of employees of county superintendents of schools against liabilities imposed by law.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 428 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "4.192", and insert in lieu thereof the number "4.194".

**Amendment No. 2.**

On page 1, line 2, of the printed bill, as amended, strike out "4.192", and insert in lieu thereof the number "4.194".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, as amended, strike out "4.192", and insert in lieu thereof the number "4.194".

**Amendment No. 4.**

On page 1, line 3, of the printed bill, as amended, strike out "must", and insert in lieu thereof the word "may".

**Amendment No. 5.**

On page 1, line 4, of the printed bill, as amended, strike out "persons", and insert in lieu thereof the words "any person".

**Amendment No. 6.**

On page 1, line 7, of the printed bill, as amended, strike out "employees", and insert in lieu thereof the following: "employee as a result of the negligent operation of a motor vehicle by such employee while acting within the scope of his employment".

**Amendment No. 7.**

On page 1, line 9, of the printed bill, as amended, strike out the word "employees", and insert in lieu thereof the following: "employee against such liability".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 440**—An act to repeal section 5.743 of the School Code, to add thereto a new section to be numbered 5.743 and to amend sections 5.744 and 5.745 thereof, all relating to the payment of salaries of persons employed by school districts in positions requiring certification qualifications.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 440 were read and adopted:

**Amendment No. 1.**

On page 3, line 16, of the printed bill, as amended, strike out "employees", and insert in lieu thereof the word "employee".

**Amendment No. 2.**

On page 3, line 18, of the printed bill, as amended, strike out "any", and insert in lieu thereof the word "only".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1868**—An act to add a new article to Chapter I of Part II of Division II of the School Code to be known as Article X, relating to the attendance of school trustees at state wide educational meetings.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 1868 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 14, add the following:  
"In no event shall such expenses exceed the sum of fifty (\$50) dollars."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1244**—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 25, 26, 27, 32, 33 and 34 of "The Personal Income Tax Act of 1935," relating to the taxation of income of individuals, estates and trusts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1244 were read and adopted:

**Amendment No. 1.**

On page 7, line 51, of the printed bill, as amended April 29th, after the word "Act", insert the following: "of 1936 or prior Federal Revenue Acts".

**Amendment No. 2.**

On page 8, line 2, of the printed bill, as amended April 29th, after the word "Act", insert the following: "of 1936 or prior Federal Revenue Acts".

**Amendment No. 3.**

On page 15, line 1, of the printed bill, as amended April 29th, after the word "number", insert the words "and interest".

**Amendment No. 4.**

On page 26, line 4, of the printed bill, as amended April 29th, strike out the comma.

**Amendment No. 5.**

On page 26, line 28, of the printed bill, as amended April 29th, strike out the comma.

**Amendment No. 6.**

On page 30, line 18, of the printed bill, as amended April 29th, after the numeral "33", and before "(a)", insert the following: "Secrecy Required of Officials, Penalty for Violation".

**Amendment No. 7.**

On page 2, line 25, of the printed bill, as amended April 29th, strike out the word "six", and insert in lieu thereof the word "nine".



**Amendment No. 8.**

On page 26 of the printed bill, as amended April 29th, between lines 39 and 40, insert the following:

"(c) For the purposes of this section an estate or trust shall be considered a resident of the State or country which taxes the income of the estate or trust irrespective of whether the income is derived from sources within such State or country. If an estate or trust is a resident of this State and also a resident of another State or country, it shall, notwithstanding the limitations contained in subsection (a) and (b) of this section, be allowed a credit, subject to the following conditions, against the taxes imposed by this act for net income taxes imposed by and paid to such other State or country:

(1) Credit shall be allowed only for such proportion of the taxes paid to such other State or country as the income taxable under this act and also subject to tax in such other State or country bears to the entire income upon which the taxes paid to such other State or country are imposed;

(2) The credit shall not exceed such proportion of the tax payable under this act as the income subject to tax in such other State or country and also taxable under this act bears to the entire income taxable under this act.

(d) A resident beneficiary of an estate or trust who is taxable on the income of the estate or trust pursuant to the provisions of subsection (c) of section 12 shall, subject to the following conditions, be allowed a credit against the taxes imposed by this act on such income for net income taxes paid by the estate or trust to another State or country on such income:

(1) Credit shall be allowed only for such proportion of the tax paid to such other State or country by the estate or trust as the income of the estate or trust which is taxable to the beneficiary under this act and also taxed to the estate or trust in such other State or country bears to the entire income of the estate or trust upon which the taxes paid to such other State or country were imposed;

(2) The credit shall not exceed such proportion of the tax payable under this act as the income of the estate or trust which is taxable to the beneficiary under this act and also taxed to the estate or trust in such other State or country bears to the beneficiary's entire income upon which the tax is imposed by this act."

**Amendment No. 9.**

On page 26, line 40, of the printed bill, as amended April 29th, strike out "(c)", and insert in lieu thereof "(e)".

**Amendment No. 10.**

On page 27 of the printed bill, as amended April 29th, between lines 4 and 5, insert the following:

"The credit against the taxes imposed by this act on any taxpayer or any class or classes of taxpayers for net income taxes paid to another State or country shall not be allowed if the allowance of such credit will result in an invalid or illegal discrimination against another taxpayer or another class or classes of taxpayers."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1934**—An act to add section 61.1 to the Alcoholic Beverage Control Act, relating to minors.

Bill read second time, and ordered on file for third reading.

**Messages from the Governor.**

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 10, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 218, the same being:

"An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants."

This bill would authorize the boards of supervisors of the various counties to levy an additional tax not to exceed 4 cents on the \$100 of assessed valuation of all property within the county, to provide a fund to be used by the boards of supervisors for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties.

Since I am committed to a program of economy, and one that will not increase the taxes in the State of California, I am returning this measure without my approval. If this small increase in taxes were to be used for advertising, it would not be so objectionable. The measure, however, would permit exploiting and promoting, which activities may not be classified as beneficial to all the people.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 218 ordered placed on the unfinished business file

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 7, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 140, the same being:

"An act to add a new section to the California Irrigation District Act to be numbered section 47 1, relating to actions concerning land devoted to irrigation districts for delinquent irrigation district taxes or assessments."

The present law provides that any person may bring an action to set aside, cancel or question the validity or regularity of any agreement of sale, deed, lease or apportionment executed by the district in disposing of land theretofore devoted to the district by its collector for delinquent taxes or assessments, such person being allowed three years within which to commence such action.

Senate Bill No. 140 would reduce this time to six months. Relieving such limitation is not justified, and that a person should be allowed the three years within which to bring action regarding real estate transactions in the State of California, I am returning Senate Bill No. 140 without my approval.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 140 ordered placed on the unfinished business file

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 10, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 58, the same being:

"An act to amend section 4 of an act entitled 'An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy,' approved May 17, 1927,' approved April 30, 1929, relating to employees of the Division of Narcotic Enforcement."

Since several provisions appear in this bill which do not have the approval of the author, nor my approval, I am returning Senate Bill No. 58 without my approval.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

### **Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 58, read.

The question being: Shall Senate Bill No. 58 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Cunningham, Gordon, Hays, Hollister, Holohan, Keating, Keough, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Powers, Rich, Schottky, Slater, Swing, Tickle, Westover, and Young—22.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, May 10, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 379, the same being:

"An act to authorize boards of trustees of school districts to pay certain claims."

Attorneys who have analyzed this bill pronounce it unconstitutional, in that it appears to be a violation of section 31 of Article IV of the Constitution, which prohibits the Legislature from authorizing the giving or lending of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State, in aid of or to any person, association or corporation.

For the reasons above given, I am returning Senate Bill No. 379 without my approval.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

### Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 379, read previously.

The question being: Shall Senate Bill No. 379 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Fletcher, and Keough—2.

NOES—Senators Allen, Cunningham, DeLap, Garrison, Gordon, Hays, Holohan, Law, McBride, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Williams, and Young—24.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 880—An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein;

Assembly Bill No. 2048—An act to add section 538ee to the Penal Code, relating to secondhand goods;

Assembly Bill No. 2857—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing of property of such districts.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 880 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2048 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2857 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 743—An act to amend sections 2 and 3 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, oint-



ments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to itinerant vendors.

Assembly Bill No. 744—An act to amend sections 4061, 4062, 4065, 4066 and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

Assembly Bill No. 1185—An act to make an appropriation for the support of the California Nautical School for the eighty-ninth and sixtieth fiscal years;

Assembly Bill No. 1873—An act to authorize and direct the Director of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 743 read first time and referred to Committee on Revenue and Taxation.

Assembly Bill No. 744 read first time and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1185 read first time and referred to Committee on Finance.

Assembly Bill No. 1873 read first time and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Concurrent Resolution No. 39—Relative to the establishment of a public park and memorial museum at Fort Tejon.

Senate Concurrent Resolution No. 40—Relative to granting leave of absence to the Honorable Thomas McCormack, member of the Senate of the fifty-second session of the Legislature of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 39 and 40 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 411—An act to amend section 588 of the Vehicle Code, relating to parking.

Assembly Bill No. 1084—An act to amend section 751a of the Code of Civil Procedure, relating to the adjudication of the liability of persons executing judgments relating to real property by a name other than that by which they execute title;

Assembly Bill No. 1907—An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the owner of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately;

Assembly Bill No. 2024—An act to amend section 4307 of the Political Code of the State of California, relating to county charges;

Assembly Bill No. 2557—An act to amend section 1431 of the Penal Code, relating to change of venue;

Assembly Bill No. 2762—An act to amend section 698 of the Fish and Game Code, relating to fish;

Assembly Bill No. 2788—An act granting to the city of Los Angeles the tide lands and submerged lands of the State within the boundaries of the said city.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 48—Relative to approving a certain amendment to the charter of the city of Fresno in the county of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the twelfth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.



**Consideration of Assembly Concurrent Resolution No. 48.**

Senator Hays asked for, and was granted unanimous consent for the consideration of Assembly Concurrent Resolution No. 48, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 48**—Relative to approving a certain amendment to the charter of the city of Fresno, in the county of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the twelfth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 48 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover Williams and Young—34.

**NOES**—None.

Assembly Concurrent Resolution No. 48 ordered transmitted to the Assembly.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment and Enrollment.**

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 38—Approving the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twenty-ninth day of April, 1937:

And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of May, 1937, at ten o'clock a.m.

KEOUGH, Chairman.

**Resolution.**

The following resolution was offered:

By Senator Slater:

WHEREAS, The Legislature in 1927 created the California School Code Commission for the purpose of codifying all existing laws relating to the public schools; and  
WHEREAS, The said commission was not empowered to revise said laws, but was required to codify all said laws as they existed; and

WHEREAS, Said commission did prepare and submit to the Legislature in 1929 a School Code which was adopted by the Legislature and enacted into law; and

WHEREAS, The School Code contained a number of defects which the said commission because of the limitations upon its authority was unable to prevent, which seriously impair an understanding and the proper application of the provisions of the School Code, and which have become intensified since the enactment of the School Code; and

WHEREAS, It now appears that a revision of the School Code is imperative for the purpose of making the laws of the State relating to the public schools more readily understood and accessible; now, therefore, be it

*Resolved by the Senate of the State of California.* That the California Code Commission is hereby authorized and directed to prepare a revision of the School Code which shall be presented in bill form, to the Legislature at its fifty-third session in 1939; and be it further

*Resolved.* That when the proposed revision is completed not exceeding 1,500 copies thereof shall be printed, together with such explanatory notes, tables and indices as the Code Commission believes desirable, the printing to be done on the order of the Secretary of the Senate or the Chief Clerk of the Assembly, or both, and the cost thereof to be paid from the legislative printing appropriation.

Resolution read, and on motion of Senator Slater, adopted.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Concurrent Resolution No. 41:** By Senator Parkman—Relative to approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936.

### Consideration of Senate Concurrent Resolution No. 41

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 41, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 41**—Relative to approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 41 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McPherson, Merrill, McCormick, McGovern, Morgan, Myer, Nichols, Quinn, Powers, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Senter, Tule, Wagon, and Westerman, 30.

**NOES**—None.

Senate Concurrent Resolution No. 41 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Concurrent Resolution No. 42:** By Senator Fletcher—Relative to granting leave of absence to the Honorable Ed Fletcher, member of the Senate of the fifty-second session of the Legislature of the State of California.

### Consideration of Senate Concurrent Resolution No. 42.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 42, without reference to committee for purpose of adoption.

### Senate Concurrent Resolution No. 42.

Relative to granting leave of absence to the Honorable Ed Fletcher, member of the Senate of the fifty-second session of the Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That leave of absence from the State of California for the period from May 17, 1937, to May 18, 1937, inclusive, is hereby granted to the Honorable Ed Fletcher, member of the Senate, during the fifty-second session of the Legislature for said period.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 42 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law,

McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 42 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

### Unfinished Business.

**Senate Bill No. 1105**—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1105, the following amendments, offered by Senator Hays, were read and adopted:

##### Amendment No. 1.

On page 2, line 14, of the printed bill, strike out "ten", and insert in lieu thereof the following: "three".

##### Amendment No. 2.

On page 2, line 19, of the printed bill, strike out "three dollars", and insert in lieu thereof the following: "one dollar".

Bill read, ordered to reprint, re-engrossment, and on file.

**Senate Bill No. 1121**—An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1121, the following amendments, offered by Senator Crittenden, were read and adopted:

##### Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "four".

##### Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, after "officers", insert the following: "placed under the system".

##### Amendment No. 3.

On page 1, line 22, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "four".

##### Amendment No. 4.

On page 3, line 4, of the printed bill, as amended, strike out "or any competent agency".

##### Amendment No. 5.

On page 3, line 8, of the printed bill, as amended, after the period, insert the following: "The said legislative body also may contract with any other competent agency to advise and assist the said legislative body, or the civil service commission or other personnel agency of the county or city, in the preparation of a civil service



charter amendment or ordinance, or to assist in the preparation of or giving of civil service examinations, or assist in the preparation or revision of the personnel classification system or the civil service rules and regulations."

Bill read, ordered to reprint, re-engrossment, and on file

### **Re-reference of Senate Constitutional Amendment No. 5.**

Senator Crittenden moved that Senate Constitutional Amendment No. 5 be re-referred to Committee on Constitutional Amendments.

Motion carried, and such was the order.

### **Re-reference of Senate Bill No. 990.**

Senator Metzger moved that Senate Bill No. 990 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

### **Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 217 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 217 reconsidered by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Tickle, Wagy, and Westover—27.

**NOES**—Senators Fletcher, and Young—2.

### **Re-reference of Assembly Bill No. 217.**

Senator Seawell moved that Assembly Bill No. 217 be re-referred to Committee on Commerce and Navigation.

Motion carried, and such was the order.

### **Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Metzger moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 475 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 475 refused reconsideration by the following vote:

**AYES**—Senators Metzger, Olson, and Pierovich—3.

**NOES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nelson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

Senate Bill No. 475 ordered transmitted to the Assembly.

### **Senator Knowland in the Chair.**

At twelve o'clock and four minutes p.m., Senator Knowland of the sixteenth district was called to the chair.

### **Third Reading of Senate Bills.**

**Senate Bill No. 171**—An act to amend section 156 of the Vehicle Code, relating to license plates.



**Amendment from the Floor.**

During third reading of Senate Bill No. 171, the following amendment, offered by Senator McBride, was read and adopted:

**Amendment No. 1.**

On page 1, line 26, of the printed bill, after the word "black", strike out the words "the bead-"; strike out all of line 27; and in line 28, strike out the words "the field".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 356**—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

The facilities of existing buildings and equipment at State, county and agricultural district fairs and at State educational institutions devoted to agricultural and vocational training in animal husbandry are inadequate due to influx of visitors to the State of California by reason of state-wide celebrations planned during the coming years and increased enrollments in such educational institutions, and it is necessary to provide facilities for the safety and convenience of persons attending such fairs or persons enrolled in such educational institutions.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Westover, and Young—28.

**NOES**—Senators Gordon, Hays, Keating, McBride, McColl, Olson, Parkman, Tickle, and Waggy—9.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—38.

The Secretary announced the absentees.

Time, twelve o'clock and thirty-six minutes p.m.

The acting President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 243**—An act to amend sections 6 and 7 of the Dental Practice Act, relating to the qualifications and examination of applicants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 243 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Knight, Knowland, Law, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 243 ordered transmitted to the Assembly.

#### **Further Proceedings Under Call of the Senate Dispensed With.**

At twelve o'clock and forty-two minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The names of the absentees were called, and Senate Bill No. 356 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Keating, Law, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—34.

**NOES**—Senators Delap, Gordon, Keating, Knowland, McBride, McColl, Tacke, and Westover—8.

Title read and approved.

#### **Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 356 was passed.

#### **Re-reference of Senate Bill No. 1097.**

Senator Hollister moved that Senate Bill No. 1097 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

#### **Recess.**

At twelve o'clock and forty-five minutes p.m., on motion of Senator Rich, the acting President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Call of the Senate.**

Senator Schottky moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Fletcher, Gordon, Hays, Law, Mixer, Rich, Schottky, Slater, Wagy, Westover, and Williams—13.

The Secretary announced the absentees.

Time, two o'clock and three minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Unfinished Business—(Resumed).**

**Assembly Bill No. 1245**—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13(a) to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1245, the following amendments, offered by Senator McColl, were read and adopted:

**Amendment No. 1.**

On page 2, line 47, of the printed bill, as amended May 7, 1937, after the word "profit", insert the following: ", meaning nonprofit corporations".

**Amendment No. 2.**

On page 2, line 46, of the printed bill, as amended, after the word "members", insert a semicolon.

**Amendment No. 3.**

On page 2, line 47, of the printed bill, as amended, strike "solely", and the word "burial", and in lieu of the latter, insert the word "cemetery".

**Amendment No. 4.**

On page 2, lines 48 and 49, of the printed bill, as amended, strike out the words "permitted by its charter to".

**Amendment No. 5.**

On page 2, line 49, of the printed bill, as amended, to the word "engage", add a "d", and in the same line, strike out the word "necessarily".

Bill read, ordered to print, and on file for third reading.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 182**—An act to add section 21.2 to the Fish and Game Code, relating to fish and game enforcement officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

**AYES**—Senators Biggar, Crittender, Cunningham, DeLage, Donald, Fletcher, Hollister, Holahan, Jepsen, Keating, Lusk, McCall, McCoskey, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seaman, Swing, Thirkle, Wagy, Westover, Williams, and Young—29

**NOES**—None.

Title read and approved.

Senate Bill No. 182 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

### Third Reading of Assembly Bills.

**Assembly Bill No. 1190**—An act to amend section 4 of the Use Tax Act of 1935.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1190, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "that" insert a comma and the following: "relating to conditions upon the tax imposed by said act."

##### Amendment No. 2.

On page 2 of the printed bill, as amended, following line 32 insert the following: "(h) Newsprint."

Bill read, ordered to print, and on file for third reading.

(Note.—The action of the Senate in amending Assembly Bill No. 1190 was rescinded May 13, 1937. J. A. Beck, Secretary of Senate.)

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Concurrent Resolution No. 43:** By Senator Biggar—Relating to the appointment of a Conservation Committee.

#### Consideration of Senate Concurrent Resolution No. 43.

Senator Biggar asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 43, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 43 ordered placed on the unfinished business file.

#### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty-nine minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Schottky.

#### Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 773, heretofore set as a special order for two o'clock and thirty minutes p. m., the same was taken up for consideration.

**Senate Bill No. 773**—An act to amend the title and sections 1, 3 and 12 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation



of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

**NOES**—Senators Garrison, McColl, Metzger, and Powers—4.

Title read and approved.

Senate Bill No. 773 ordered transmitted to the Assembly.

### **Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 717**—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 717, the following amendment, offered by Senator Metzger, was read and adopted:

#### **Amendment No. 1.**

On page 1 of the printed bill, as amended, after line 27, insert the following:

"8. Insufficiency of the evidence to justify the verdict or other decision.

When a new trial is granted for this cause on all or part of the issues, the order shall so specify; otherwise, on appeal from such order it will be presumed that the order was not based upon that ground.

No more than two new trials shall be granted in any one action upon the ground of the insufficiency of the evidence to justify the verdict or other decision."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 657**—An act making an appropriation for the addition of another story to the building known as the annex to the State Printing Plant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, and Westover—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 657 ordered transmitted to the Assembly.

**Senate Bill No. 1117**—An act providing for the compilation of, printing, binding, publishing and distribution of a State Blue Book, and repealing certain acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Knecht, Kneppel, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—37.

**NOES**—None.

Title read and approved.

Senate Bill No. 1117 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 27.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 4d to Article VI, relating to advisory opinions of the Supreme Court.

*Resolved by the Senate, the Assembly and the people, That the Legislature of the State of California, at its Fifty-second Regular Session, commencing on the twenty-day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby propose to the people of the State of California that the Constitution of the State be amended by adding section 4d to Article VI of the Constitution to read as follows:*

*Sec. 4d. The Justices of the Supreme Court shall give their written opinion upon any question involving the constitutionality of any act coming before the Legislature whenever requested by resolution of both houses of the Legislature adopted by a three-fourths vote of all the members elected to each house. Such opinion shall be rendered within ten days following the reception of such request and shall be final upon the constitutional question involved in the question submitted.*

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 27 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hollister, Holahan, Jepsen, Keating, McBride, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

**NOES**—Senators Allen, DeLap, Hays, Keating, Law, Mixer, Quinn, Rich, and Schottky—9.

Senate Constitutional Amendment No. 27 ordered transmitted to the Assembly.

**Senate Bill No. 951**—An act making an appropriation for the purchase of property for State college at Chico.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 951 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 951 ordered transmitted to the Assembly.

**Senate Bill No. 781**—An act to amend the title of, and to add section 18a to, the State Medical Practice Act, relating to remedies for violations thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 781 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 781 ordered transmitted to the Assembly.

**Senate Bill No. 782**—An act to add sections 2372.5, 2410, and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 782 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Williams—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 782 ordered transmitted to the Assembly.

**Senate Bill No. 783**—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 783 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Williams—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 783 ordered transmitted to the Assembly.

**Senator Knowland in the Chair.**

At four o'clock and thirteen minutes p.m., Senator Knowland of the sixteenth district was called to the chair.

**Senate Bill No. 46**—An act to amend section 4.51 and 4.52 of the School Code, relating to the distribution of funds received by the State under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 46 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, Law, McBride, McCarroll, McGovern, Metzger, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tinkle, Wagy, Westover, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 46 ordered transmitted to the Assembly.

**Senate Bill No. 1144**—An act to amend section 1251 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1144 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Deuel, Goshen, Hollister, Keating, Knowland, Law, McBride, Metzger, Olson, Parkman, Powers, Quinn, Rich, Seawell, Schottky, Swing, Wagy, Westover, and Williams—24.

NOES—Senators Bigger, Hays, Holahan, Meyer, Schottky, and Tinkle—6.

Title read and approved.

Senate Bill No. 1144 ordered transmitted to the Assembly.

**Senate Bill No. 1146**—An act to amend section 10 of the "Highway Carriers' Act," relating to highways carriers, including rates chargeable by such carriers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1146 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLay, Deuel, Goshen, Hays, Hollister, Holahan, Keating, Knowland, Law, McBride, McCarroll, McGovern, Metzger, Mixter, Parkman, Powers, Quinn, Schottky, Seawell, Swing, Wagy, Westover, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 1146 ordered transmitted to the Assembly.

**Senate Bill No. 426**—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

#### Amendment from the Floor.

During third reading of Senate Bill No. 426, the following amendment, offered by Senator Allen, was read and adopted:

#### Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "five hundred", and insert in lieu thereof the following: "two hundred seventy-five".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 966**—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the



acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 966 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Wagy, and Westover—27.

NOES—Senator Hays—1.

Title read and approved:

Senate Bill No. 966 ordered transmitted to the Assembly.

**Senate Bill No. 333**—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the State to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation; and to carry out the duties designated with due regard to the peace, health and safety of employees and of the public.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Slater, Wagy, and Westover—28.

NOES—None.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 333 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Wagy, and Westover—28.

NOES—None.

Title read and approved.

Senate Bill No. 333 ordered transmitted to the Assembly.

**Senate Bill No. 393**—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 403 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deneil, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBrade, McColl, McCormack, Metzger, Mixer, Olson, Parkhurst, Pomeroy, Powers, Reed, Seawell, Slater, Wagv, and Westover. 28.

**NOES**—None.

Title read and approved.

Senate Bill No. 403 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

**Senate Bill No. 844**—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 844 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deneil, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBrade, McColl, McCormack, Metzger, Mixer, Olson, Parkhurst, Pomeroy, Powers, Quinn, Reed, Schottky, Seawell, Slater, Wagv, Westover, and Young. 28.

**NOES**—None.

Title read and approved.

Senate Bill No. 844 ordered transmitted to the Assembly.

**Senate Bill No. 1140**—An act to authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collection and to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1140 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deneil, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBrade, McColl, McCormack, Metzger, Mixer, Olson, Parkhurst, Pomeroy, Powers, Quinn, Schottky, Seawell, Slater, Wagv, Westover, and Young. 30.

**NOES**—None.

Title read and approved.

Senate Bill No. 1140 ordered transmitted to the Assembly.

**Senate Bill No. 1145**—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1145 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deneil, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBrade,

McColl, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 1145 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 1138.**

Senator McBride asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1138, without reference to the Committee on Finance for purpose of passage.

**Senate Bill No. 1138**—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1138 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1138 ordered transmitted to the Assembly.

**Senate Bill No. 996**—An act to amend section 737ww of the Political Code, relating to the salary of judges of the county of Sonoma.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 996 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McColl, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 996 ordered transmitted to the Assembly.

**Senate Bill No. 1038**—An act to add section 4041.29 to the Political Code, relating to reports relating to financial statements by county supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1038 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 1038 ordered transmitted to the Assembly.

**Senate Bill No. 300**—An act to amend section 737r of the Political Code, relating to the compensation of the judge of the superior court, Lassen County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 300 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLay, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, McBride, McColl, Metzger, Myer, Olson, Parkman, Parovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Williams and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 300 ordered transmitted to the Assembly.

**Senate Bill No. 1043**—An act to amend section 4272 of the Political Code, relating to compensation of officers, officials and deputies in counties of the forty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1043 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLay, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, McBride, McColl, Metzger, Myer, Olson, Parkman, Parovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1043 ordered transmitted to the Assembly.

**Senate Bill No. 1044**—An act to amend section 4260 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1044 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLay, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Knowland, McBride, McColl, Metzger, Myer, Olson, Parkman, Parovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1044 ordered transmitted to the Assembly.

### Unfinished Business—(Resumed).

**Senate Bill No. 186**—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State.



**Amendment from the Floor.**

During third reading of Senate Bill No. 186, the following amendment, offered by Senator DeLap, was read and adopted:

**Amendment No. 1.**

On page 2, line 51, of the printed bill, after "act", insert the following: "and excepting those whose preliminary budgets do not exceed the limitations prescribed in this act".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1757**—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1757, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 4, line 43, of the printed bill, as amended, strike out "may", and insert in lieu thereof the following: "shall".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12 and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 3, the following amendments, offered by Senator Crittenden, were read and adopted:

**Amendment No. 1.**

On page 1, line 17, of the printed bill, as amended, after "quality", insert the following: "or quantity".

**Amendment No. 2.**

On page 1, lines 18 and 19, of the printed bill, as amended, strike out "or, quantity or", and insert in lieu thereof, the following: "or in".

**Amendment No. 3.**

On page 2, line 18, of the printed bill, as amended, after "corporation", insert the following: "; or installation and repair services rendered in connection with such services, articles or products; or to any service, article or product sold or furnished by a publicly owned public utility and upon which the rates would have been established under the jurisdiction of the Railroad Commission of the State of California if such service, article or product had been sold or furnished by a public utility corporation, or installation and repair services rendered in connection with such services, articles or products."

**Amendment No. 4.**

On page 4, line 29, of the printed bill, as amended, after "quality", insert the following: "or quantity".

**Amendment No. 5.**

On page 4, lines 30 and 31, of the printed bill, as amended, strike out "or, quantity or", and insert in lieu thereof the following: "or in".

**Amendment No. 6.**

On page 5, line 45, of the printed bill, as amended, strike out "three times".

**Amendment No. 7.**

On page 5, line 46, of the printed bill, as amended, after "sustained", insert the following: "by him".

**Amendment No. 8.**

On page 2, line 26, of the printed bill, as amended, after the word "section", insert the following: "; provided, however, that nothing in this section shall be construed to prohibit the meeting in good faith of a competitive price."

**Amendment No. 9.**

On page 3, line 42, of the printed bill, as amended, strike out the words "Other than a consumer,".

**Amendment No. 10.**

On page 5, line 10, of the printed bill, as amended, after the period, add the following "Nothing in this section shall be construed to prohibit the meeting in good faith of a competitive price."

**Amendment No. 11.**

On page 5, line 25, of the printed bill, as amended, strike out the words "the same"; and insert in lieu thereof the word "an".

**Amendment No. 12.**

On page 5, line 27, of the printed bill, as amended, strike out the words "and manner".

Bill read, ordered to print, and on file for third reading.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Tuttle moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1616 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

**AYES**—Senators Crittenden, Cunningham, Hays, McCormack, Percy, Quinn, Rich, Senwell, Slater, Swing, Tickle, and Wags—12.

**NOES**—Senators Allen, Baggar, DeLap, Deuel, Garrison, Gordon, H. Hunter, Keating, Knowland, McBride, McCall, Mixer, Olson, Parkman, Powers, Westover, and Williams—17.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2861—An act providing for the acquisition of lands for and the construction, maintenance and operation of buildings at the Pacific Exposition and Mercade to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, specimens of and other matters pertaining to the State of California at said Pacific Exposition and Mercade, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Assembly Bill No. 252—An act providing for a State Exhibit at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, providing for the construction of a State Building therefor and the gardening and improvement of its surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and Building, defining its powers and duties and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2861 read first time, and referred to Committee on Finance.

Assembly Bill No. 252 read first time, and referred to Committee on Finance.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 300—An act to amend section 737r of the Political Code, relating to the compensation of the judge of the superior court, Lassen County:

Senate Bill No. 1044—An act to add section 4260.5 to and to repeal section 2322x31 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class;

Senate Bill No. 1043—An act to repeal section 9a31 of the County Free Library Act, relating to compensation of officers, officials and deputies in counties; And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 252—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies supported from sources other than the general fund, declaring the urgency thereof and providing that it shall take effect immediately;

Senate Bill No. 271—An act to add section 3817d2 to the Political Code, relating to taxation and assessment, including tax delinquencies, and tax sales and declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 729—An act limiting the hours of labor of personal and domestic employees;

Senate Bill No. 935—An act to amend section 4 "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the Contractors' State License Board;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### Report.

The following report by the California Toll Bridge Authority, pursuant to Senate Concurrent Resolution No. 17, was received, and ordered printed in the Journal:

#### REPORT ON DUMBARTON TOLL BRIDGE.

##### Senate Concurrent Resolution No. 17.

STATE OF CALIFORNIA. DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO, May 8, 1937.

To the Honorable Members of the State Legislature of California, Session of 1937.

Pursuant to the provisions of Senate Concurrent Resolution No. 17 (Chapter 40, Statutes 1937), which provides for a survey and investigation by the California Toll Bridge Authority concerning the feasibility and practicability of the acquisition by the State or the authority of the Dumbarton Toll Bridge across San Francisco Bay, we have the honor to transmit to you the results of such survey and investigation in the accompanying report.

Respectfully submitted.

CALIFORNIA TOLL BRIDGE AUTHORITY.  
By EARL LEE KELLY, Secretary.

900. April 30, 1937.

MR. KELLY: Senate Concurrent Resolution No. 17 directs that the California Toll Bridge Authority make a survey and investigation of the Dumbarton Toll Bridge across San Francisco Bay to obtain specified information to be delivered to the Assembly prior to April 27, 1937. In connection therewith there is submitted the following preliminary engineering data.

The resolution directs that the survey and investigation be made with a view to the feasibility and practicability of its acquisition as of October 1, 1937, and as of July 1, 1938, either by purchase, or condemnation, by the State or California Toll Bridge Authority, and that it shall comprehend the following items:

(1) "the appraisal of the value of the structure in case of its acquisition." The value of this right is here appraised on the basis of the present worth of its estimated net earnings during the remaining life of the franchise.

(2) "the amount of compensation to the owner which \* \* \* should be paid on the basis of the value of this structure and the length of time which the franchise has yet to run."

The present value of its estimated future earnings capitalized at 8 and 10 per cent. is computed as shown on the attached table of past and estimated future earnings. Future earnings follow a trend generally proportional to an expected population increase in the adjacent counties. The uncertainties connected with the future



effect upon this bridge of changes in tolls on the Bay Bridge or the San Mateo Bridge, the important changes in highway connections that are possible and the long period covered by the franchise makes a rate of capitalization of 10 per cent appear reasonable.

(3) "The feasibility of providing funds for such acquisition by issuing and selling revenue bonds."

The providing of funds by issuing revenue bonds is provided for by the Toll Bridge Authority Act. The feasibility of issuing such bonds bearing a 3 1/2 per cent or lower rate of interest is doubtful under the present condition of the bond market. Conditions may change materially before proceedings to acquire the bridge are completed.

(4) "The rate of tolls by it estimated as necessary to collect pending the retirement of such revenue bonds."

The franchise to collect tolls on this bridge was granted November 20, 1924, for a 50-year period. It is not believed that a 100-year period under State operation could be considered and that the tabulated rate of tolls required for a 20-year period of operation, which this resolution also requests, will serve to answer the above question.

(5) "The reduction, if any, in the rate of tolls which may be effected immediately upon the acquisition of said toll bridge."

From the attached table of necessary toll rates for a 20-year operation period, it is seen that for a bond issue of \$1,500,000, a satisfactory interest rate of 3 per cent and including operating costs, an average toll of \$0.47 to \$0.50 is required. If operating costs are paid out of highway funds, the necessary tolls are approximately \$0.14 less. The average toll now for the year 1936 under private operation was \$0.53 showing that a saving is possible under State operation, even at this time at the end of 20 years. Toll rates for trucks have been and are likely to be charged in the future in order to meet competition from the San Mateo or Bay Bridges. Toll rates for passenger vehicles have remained fairly constant.

The resolution also requests the following information:

(a) "Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20-year period together with interest computed thereon computed at 3 per cent, and with interest computed at 4 per cent."

The average tolls necessary to retire various amounts of bonds in 20 years after date based on 3 per cent, 3 1/2 per cent and 4 per cent rates of interest are shown in the attached table already mentioned.

(b) "Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of annual volume of traffic and the receipts from each class at the present toll rates together with the amount of the amount of annual traffic over said bridge at the present rate of tolls from the first of January, 1937, to the expiration of the franchise on said bridge."

The estimated future traffic is given in the table mentioned in connection with question No. 2 above. A table is attached showing past traffic by classes. There is also shown the receipts from the various classes of traffic for the years 1934, 1935 and 1936. It was necessary to go through the daily traffic records to obtain this last information requiring a considerable amount of time and labor and it was also found that daily records of traffic previous to 1934 had been destroyed so it is impossible to furnish the data requested for 1932 and 1933.

(c) "Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collection costs from the gas tax fund."

The average future cost of operation is estimated as follows:

Item	Drumheller Bridge
Office salaries-----	\$2,400.00
Toll collection-----	10,800.00
Power, light, phone-----	1,000.00
Insurance-----	5,800.00
Maintenance-----	20,000.00
	\$40,000.00
Contingencies and miscellaneous-----	5,000.00
	\$45,000.00

County taxes amounting to approximately \$5,050 are not included. Toll collection is based on an average of six toll collectors at \$150 per month. The cost of maintenance of the road approaches which cross the toll flats each side of the bay is heavy and considerable expense would be necessary to bring the road up to State highway standards. Nothing is known at this time as to the condition of the left span or machinery. A careful and thorough inspection of the bridge would be necessary to determine its actual condition. Owing to the limited time available it was not possible to make a complete engineering investigation of the structure prior to the submission of this report.



(d) "a report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge."

Origin-destination counts of transbay traffic taken May 15-21, 1936, in connection with traffic studies for the San Francisco-Oakland Bay Bridge show only about 3 per cent of the passenger traffic and less than 2 per cent of the truck traffic terminating in a general way as follows:

West Bay side—

San Mateo County and lower peninsula.

San Francisco, south of the Civic Center and the business district.

East Bay side—

Alameda County.

San Joaquin County.

San Joaquin Valley.

It is now some eighteen miles longer from the Civic Center in San Francisco to Livermore Junction via the Dumbarton Bridge and Niles Canyon than it is via the San Francisco-Oakland Bridge, and eight miles longer via the San Mateo Bridge and Dublin Canyon. It appears, therefore, that the effect of lowering tolls on the Dumbarton Bridge would have a negligible effect on passenger traffic over the Bay Bridge and affect less than 2 per cent of the truck traffic, even if made toll free.

A relative reduction of tolls on the Bay Bridge would, on the other hand, draw a like amount of traffic from the San Mateo and Dumbarton Bridges which loss in traffic would be a relatively larger per cent of the total traffic on these bridges.

There is attached for general information and reference the following data published by the Dumbarton Bridge Company:

Balance Sheet as of December 31, 1936

Income Account for 1936

C. H. PURCELL

**Dumbarton Bridge—Past and Estimated Future Traffic and Earnings.**

Year	Total vehicles	Total revenue	Ops. & Maint. cost & taxes	Net revenue
1927	378,419	\$119,875	\$28,919	\$129,996
8	419,458	215,174	48,082	267,192
9	406,805	162,412	46,786	215,626
1930	322,206	166,400	45,556	120,844
1	372,789	169,074	45,114	123,960
2	290,887	149,680	44,285	105,395
3	277,049	135,292	43,697	91,595
4	265,764	142,691	44,071	98,620
5	282,024	155,006	49,298	105,708
6	282,674	156,775	50,008	106,767
Average				
1927-36	323,778	\$160,556	\$44,439	\$116,017
Average toll, cents		53		
1937	288,300	159,600	49,200	110,400
8	294,000	162,000	49,200	112,800
9	290,000	161,700	49,200	112,500
1940	265,500	160,500	49,200	111,300
1	309,400	168,000	49,200	118,800
2	342,900	170,000	49,200	120,800
3	346,700	171,000	49,200	121,800
4	320,600	175,000	49,200	125,800
5	324,500	177,200	49,200	128,000
6	328,200	179,500	49,200	130,300
7	322,000	178,000	49,200	128,800
8	334,000	180,200	49,200	131,000
9	339,600	181,800	49,200	132,600
1950	343,500	183,000	49,200	133,800
1	345,700	184,700	49,200	135,500
2	348,000	185,400	49,200	136,200
3	350,200	186,400	49,200	137,200
4	352,400	187,400	49,200	138,200
5	354,700	188,400	49,200	139,200
6	356,900	189,400	49,200	140,200
7	359,200	190,400	49,200	141,200
8	361,400	191,200	49,200	142,000
9	363,700	192,200	49,200	143,000
1960	365,900	193,200	49,200	144,000
1	367,100	194,200	49,200	145,000
2	368,300	194,700	49,200	145,500
3	369,600	194,900	49,200	145,700
4	370,800	195,400	49,200	146,200
5	372,000	195,900	49,200	146,700
6	373,200	196,500	49,200	147,300
7	374,400	196,900	49,200	147,700
8	375,600	197,400	49,200	148,200
9	376,800	198,000	49,200	148,800
1970	378,000	198,500	49,200	149,300
1	378,600	198,800	49,200	149,600
2	379,200	199,000	49,200	149,800
3	379,800	199,200	49,200	150,000
1974	380,400	199,600	49,200	150,400

Present worth as of January 1, 1938, capitalized at 8 per cent. \$1,552,000

Present worth as of January 1, 1938, capitalized at 10 per cent. \$1,293,600

Due to long time period of amortization, figures for October 1, 1937, and July 1, 1938, do not change appreciably from the figures as of January 1, 1938.

Past data from Presidents' Annual Reports and Financial Statements.

**Dumbarton Bridge Company—Necessary Tolls Under State Operation.**  
**20-YEAR AMORTIZATION PERIOD REVENUE BOND AMOUNTS AND**  
**RATES OF INTEREST AS SHOWN**

Bond amounts -----	\$750,000			\$1,000,000		
Interest rates -----	3%	3.5%	4%	3%	3.5%	4%
Interest -----	\$22,500	\$26,250	\$31,500	\$30,000	\$35,000	\$40,000
Amortize bonds -----	27,920	26,520	25,170	37,220	35,360	33,560
Operating expenses -----	45,000	45,000	45,000	45,000	45,000	45,000
Gross charges -----	\$95,420	\$97,770	\$101,670	\$112,220	\$115,360	\$118,560
Necessary <sup>1</sup> -----	0.29	0.30	0.31	0.34	0.35	0.36
Tolls <sup>2</sup> -----	0.30	0.31	0.32	0.35	0.36	0.37
<sup>3</sup> -----	0.16	0.17	0.18	0.21	0.22	0.23
Bond amounts -----	\$1,250,000			\$1,500,000		
Interest rates -----	3%	3.5%	4%	3%	3.5%	4%
Interest -----	\$37,500	\$43,750	\$50,000	\$45,000	\$52,500	\$60,000
Amortize bonds -----	46,530	44,200	41,950	55,830	53,040	50,340
Operating expenses -----	45,000	45,000	45,000	45,000	45,000	45,000
Gross charges -----	\$129,030	\$132,950	\$136,950	\$145,830	\$150,540	\$155,340
Necessary <sup>1</sup> -----	0.39	0.40	0.42	0.44	0.46	0.47
Tolls <sup>2</sup> -----	0.40	0.42	0.43	0.44	0.47	0.49
<sup>3</sup> -----	0.26	0.27	0.29	0.31	0.33	0.35
Bond amounts -----	\$1,750,000			\$2,000,000		
Interest rates -----	3%	3.5%	4%	3%	3.5%	4%
Interest -----	\$52,500	\$61,250	\$70,000	\$60,000	\$70,000	\$80,000
Amortize bonds -----	65,130	61,880	58,730	74,410	70,720	67,120
Operating expenses -----	45,000	45,000	45,000	45,000	45,000	45,000
Gross charges -----	\$162,630	\$168,130	\$173,730	\$179,440	\$185,720	\$192,120
Necessary <sup>1</sup> -----	0.49	0.51	0.53	0.54	0.56	0.58
Tolls <sup>2</sup> -----	0.51	0.53	0.54	0.56	0.58	0.60
<sup>3</sup> -----	0.37	0.39	0.40	0.42	0.44	0.46

<sup>1</sup>Tolls based on average of 330,000 vehicles per year.

<sup>2</sup>Tolls based on average of 320,000 vehicles per year.

<sup>3</sup>Same as No. 2 except omitting operating expense.

(1927-36 incl.)

(Future 20 yrs.)

**Dumbarton Bridge—Table Showing Traffic by Classes and Receipts from Each Class.**

DATA TAKEN FROM DAILY TRAFFIC RECORDS OF THE TOLL BRIDGE COMPANY.  
RECORDS FOR YEARS 1932 AND 1933 HAVE BEEN DESTROYED.

<i>1934</i>	<i>Number vehicles</i>	<i>Revenue</i>	<i>Average toll</i>
Automobiles .....	216,110	\$169,182	\$0.51
Trucks .....	41,917	29,855	0.67
Others .....	4,892	2,297	0.57
<b>Totals .....</b>	<b>262,919</b>	<b>\$141,334</b>	<b>0.53</b>
<i>1935</i>	<i>Number vehicles</i>	<i>Revenue</i>	<i>Average toll</i>
Automobiles .....	221,033	\$119,878	\$0.50
Trucks .....	48,021	35,669	0.74
Others .....	4,959	2,422	0.49
<b>Totals .....</b>	<b>274,013</b>	<b>\$148,969</b>	<b>0.54</b>
<i>1936</i>	<i>Number vehicles</i>	<i>Revenue</i>	<i>Average toll</i>
Automobiles .....	235,945	\$117,850	\$0.50
Trucks .....	41,499	29,679	0.71
Others .....	5,297	2,496	0.47
<b>Totals .....</b>	<b>282,741</b>	<b>\$150,025</b>	<b>0.53</b>

"Automobiles" include automobiles, auto passengers and commuters.

"Trucks" include trucks, truck trailers and team passengers.

"Others" include auto trailers, buses, motorcycles and passengers.

NOTE.—In preparing table showing past and estimated future earnings the total traffic and receipts taken from the published annual reports of the company has been used. The figures are seen to differ somewhat from the above total receipts from traffic and differences could not be checked in limited time allowed for the investigation.

**Dumbarton Bridge Traffic.**

<i>Year</i>	<i>Autos</i>	<i>Trucks</i>	<i>Motor buses</i>	<i>Total vehicles</i>	<i>Passenger vehicles</i>	<i>Total revenue</i>	<i>Toll Vehicle</i>
1927 .....	356,733	19,884	1,802	378,419	947,288	\$158,855	\$0.42
1928 .....	380,921	29,141	9,396	419,458	986,796	245,176	0.51
1929 .....	276,610	24,162	6,622	307,394	767,612	162,442	0.53
1930 .....	287,194	24,875	10,237	322,306	697,320	166,400	0.52
1931 .....	293,049	27,701	11,639	332,389	716,698	169,974	0.51
1932 .....	252,399	29,591	8,897	290,887	619,459	143,680	0.51
1933 .....	211,188	37,159	8,762	257,109	525,679	131,502	0.52
1934 .....	215,995	47,939	1,830	265,764	620,116	141,659	0.54
1935 .....	220,227	50,922	1,875	282,024	765,116	155,806	0.55
1936 .....	235,892	44,561	2,221	282,674	522,326	156,775	0.53

<sup>1</sup> 11.6 months. Bridge opened January 14, 1927.

<sup>2</sup> San Mateo Bridge opened March 1, 1929.



**Balance Sheet—Dumbarton Bridge Company.**  
**AT THE CLOSE OF BUSINESS DECEMBER 31, 1936.**

<i>Assets.</i>			
<b>Current—</b>			
Cash—			
On hand .....	\$1,125.53		
On deposit .....	52,464.28	\$53,589.81	
Accounts receivable—			
Interest on treasury bonds.....	\$2,551.25		
Customers .....	829.56	3,380.81	
			\$56,970.62
Cash deposited with trustee for retire- ment of bonds maturing January 1, 1937 .....			33,000.00
<b>Other assets—</b>			
Deposit on insurance policy.....			140.00
<b>Permanent—</b>			
Right of way.....		\$25,895.00	
Dumbarton Bridge .....	\$2,067,440.49		
Less: Allowance for depreciation..	430,400.20		
		1,637,040.29	
Equipment and tools .....	\$10,619.80		
Less: Allowance for depreciation..	7,112.98		
		3,506.82	
Bridge fixtures .....	\$7,196.46		
Less: Allowance for depreciation..	6,950.40		
		246.06	
Office furniture and fixtures.....	\$1,004.75		
Less: Allowance for depreciation..	877.06		
		127.69	
			1,666,815.86
<b>Deferred—</b>			
Stock discount—unamortized.....		\$1,195,760.00	
Unamortized portion of deferred ex- penses:			
Bond discount and expense.....	\$17,871.56		
Right of way expense.....	11,892.45		
Electric signs .....	80.06		
		29,844.07	
Unexpired portion of insurance premiums .....		4,407.32	
Prepaid taxes .....		1,441.29	
Prepaid expenses .....		214.42	
			1,231,667.10
			<b>\$2,988,593.58</b>

**Balance Sheet—Dumbarton Bridge Company—Continued**

AT THE CLOSE OF BUSINESS DECEMBER 31, 1936

*Liabilities*

## Current—

Accounts payable	
For expenses, etc.	\$2,154.25
County taxes	2,087.22
Federal income and undistributed profits taxes	726.76
Federal capital stock tax	204.00
Unemployment insurance tax	115.44

\$5,287.67

## Accrued—

Federal tax on bond interest	782.93
------------------------------	--------

\$5,070.60

## First mortgage 6½% serial gold bonds—

due January 1, 1937-1949

Issued	\$900,000.00
--------	--------------

Less—

Retired	\$270,000.00
---------	--------------

Held in treasury	61,500.00
------------------	-----------

Delivered to trustee for retirement January 1, 1937

17,000.00

551,500.00

508,500.00

## Capital stock and surplus—

## Capital stock—

Authorized	\$2,500,000.00
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Less: Unissued	108,350.00
----------------	------------

\$2,391,670.00

## Surplus—

Balance, December 31, 1935	\$18,977.68
----------------------------	-------------

Add: Net profit for year ended December 31, 1936, as shown by statement of income and expense

2,375.20

22,352.98

2,414,022.98

\$2,688,592.98

We hereby certify that we have audited the books of account and record of Dumbarton Bridge Company, San Francisco, for the year ended December 31, 1936 and that, in our opinion, based upon the records examined and information obtained by us, the foregoing balance sheet correctly sets forth the financial position of the company at the date named.

ERNST &amp; ERNST, Certified Public Accountants.

## Income and Expense—for the Year Ended December 31, 1936.

		<i>Income.</i>	
Tolls -----			\$150,774.54
		<i>Expense.</i>	
Operating—			
Salaries and wages -----	\$13,450.00		
Maintenance and repairs -----	22,762.87		
Insurance -----	5,696.75		
Taxes -----	5,046.29		
Electric signs -----	2,101.16		
Light and power -----	486.54		
Automobile and truck expense -----	409.45		
Amortization of right of way expense -----	314.04		
Bridge supplies -----	283.22		
Telephone -----	76.28		
Unclassified -----	656.52		
			<u>51,283.12</u>
Gross operating profit -----			\$99,491.42
General and administrative—			
Salary -----	\$3,100.00		
Advertising -----	2,545.77		
Legal and professional -----	2,469.87		
Directors' fees -----	790.00		
Rent -----	600.00		
Stationery, printing and supplies -----	188.57		
Telephone and telegraph -----	114.05		
Postage -----	87.92		
Unclassified -----	75.99		
			<u>9,972.17</u>
Operating profit -----			\$89,519.25
Other deductions—			
Federal tax on bond interest -----	\$390.00		
Trustee fees -----	321.13		
Amortization of organization expense -----	49.77		
			<u>\$760.90</u>
Less: Other income—			
Discount earned -----	390.16		
			<u>370.74</u>
Profit before provision for depreciation, bond interest and expense, and Federal income tax -----			\$89,148.51
Depreciation -----	\$45,179.42		
Bond interest and expense -----	39,867.03		
Provision for Federal taxes—			
Income tax -----	\$439.60		
Undistributed profits tax -----	287.16		
			<u>\$726.76</u>
			<u>\$85,773.21</u>
Net profit -----			\$3,375.30

## Dumbarton Bridge—Annual Operating Expense, January 14, 1927, to December 31, 1936.

Year	1927	1928	1929	1930	1931	1932	1933	1935	1936
Salaries and wages-----	\$16,094.00	\$15,970.00	\$14,564.00	\$14,427.00	\$14,570.00	\$11,069.00	\$13,919.00	\$13,309.00	\$13,450.00
Supplies and expense-----	813.00	1,057.00	776.00	872.00	598.00	855.00	686.00	763.00	1,016.00
Power and light-----	523.00	534.00	644.00	744.00	714.00	739.00	726.00	799.00	486.00
Advertising (signs)-----	183.00	1,426.00	1,359.00	1,779.00	2,202.00	2,116.00	1,986.00	1,972.00	2,101.00
Maintenance-----	194.00	12,000.00	12,439.00	12,420.00	12,420.00	12,420.00	12,295.00	13,771.00	23,172.00
Insurance-----	6,223.00	7,541.00	7,541.00	7,480.00	7,220.00	7,128.00	7,198.00	6,961.00	5,842.00
Taxes-----	4,589.00	11,761.00	9,472.00	7,824.00	7,550.00	6,948.00	7,187.00	4,643.00	5,046.00
Yearly totals-----	\$28,919.00	\$48,982.00	\$46,786.00	\$45,556.00	\$45,414.00	\$44,285.00	\$43,997.00	\$43,208.00	\$50,908.00



## REPORT ON SAN MATEO-HAYWARD TOLL BRIDGE.

## Senate Concurrent Resolution No. 17.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO, May 8, 1937.

*To the Honorable Members of the State Legislature of California, Session of 1937.*

Pursuant to the provisions of Senate Concurrent Resolution No. 17, (Chapter 40, Statutes 1937), which provides for a survey and investigation by the California Toll Bridge Authority concerning the feasibility and practicability of the acquisition by the State or the Authority of the toll bridge across San Francisco Bay between San Mateo and Hayward, we have the honor to transmit to you the results of such survey and investigation in the accompanying report.

Respectfully submitted.

CALIFORNIA TOLL BRIDGE AUTHORITY.

By EARL LEE KELLY, Secretary.

900. April 27, 1937.

MR. KELLY: Senate Concurrent Resolution No. 17 directs that the California Toll Bridge Authority make a survey and investigation of the toll bridge across San Francisco Bay between San Mateo and Hayward to obtain specified information to be delivered to the Assembly prior to April 27, 1937. In connection therewith there is submitted the following preliminary engineering data.

The resolution directs that the survey and investigation be made with a view to the feasibility and practicability of its acquisition as of October 1, 1937, and as of July 1, 1938, either by purchase, or condemnation, by the State or California Toll Bridge Authority, and that it shall comprehend the following items:

(1) "the appraisal of the value of the structure in case of its acquisition".

The value of the structure is the value of its franchise right to take tolls. The value of this right is here appraised on the basis of the present worth of its estimated net earnings during the remaining life of the franchise.

(2) "the amount of compensation to the owner which should be paid on the basis of the value of this structure and the length of time which the franchise has yet to run."

The present value of its estimated future earnings capitalized at 8 and 10 per cent, is computed as shown on the attached table of past estimated future earnings. Future earnings follow a trend proportional to an expected population increase in the adjacent counties. The uncertainties connected with the future effect upon this bridge of changes in the tolls on the Bay Bridge or the Dumbarton Bridge, the important changes in highway connections that are possible and the long period covered by the franchise makes a rate of capitalization of 10 per cent, appear reasonable.

(3) "the feasibility of providing funds for such acquisition by issuing and selling revenue bonds."

The providing of funds by issuing revenue bonds is provided for by the Toll Bridge Authority Act. The feasibility of selling such bonds bearing a 3½ per cent or lower rate of interest is doubtful under the present condition of the bond market. Conditions may change materially before proceedings to acquire the bridge are completed.

(4) "the rate of tolls by it estimated as necessary to collect pending the retirement of such revenue bonds."

The franchise to collect tolls on this bridge was granted July 11, 1927, for a 50-year period. It is not believed that a like period under State operation need be considered and that the tabulated rate of tolls required for a 20-year amortization period, which this resolution also requests, will serve to answer the above question.

(5) "the reduction, if any, in the rate of tolls which may be effected immediately upon the acquisition of said toll bridge."

From the attached table of necessary toll rates for a 20-year amortization period it is seen that even for a bond issue of \$5,000,000, a maximum interest rate of 4 per cent and including operating costs, an average toll of \$0.74 to \$0.82 is required. If operating costs are paid out of highway funds, the necessary tolls are approximately \$0.15 less. The average toll rate for the year 1936 under private operation is \$0.86 showing that a saving is possible under State operation even if tolls cease at the end of 20 years. On February 1, 1937 the passenger car toll was reduced to 50 cents per car and several other changes in tolls were made previously. A statement covering toll rates has been prepared by the San Francisco Bay Toll Bridge Company and is attached hereto.

The resolution also requests the following information:

(a) "Itemized tables of the annual amounts estimated as necessary to retire such revenue bonds over a 20-year period together with interest computed thereon computed at 3 per cent, and with interest computed at 3½ per cent."

The average tolls necessary to amortize various amounts of bonds in 20 years after date based on 3 per cent, 3½ per cent and 4 per cent rates of interest are shown in the attached table already mentioned.

(b) "Itemized tables of the traffic over said bridge for the years 1932 to 1936, inclusive, showing by years the amount of different classes of traffic and the receipts from each class at the present toll rates together with an estimate of the amount of annual traffic over said bridge at the present rate of tolls from the first of January, 1937, to the expiration of the franchise on said bridge."

Two attached tables furnish the above requested information.

(c) "Itemized tables, by years, showing the estimated cost of the operation and maintenance of said bridge and of the estimated cost of collecting tolls thereon for a period of twenty years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collection costs from the gas tax fund."

The average future cost of operation is estimated as follows:

Item	San Mateo Bridge
Office salaries	\$2,400.00
Toll collection	14,400.00
Power, light, phone	4,000.00
Insurance	12,000.00
Maintenance	20,000.00
	\$72,800.00
Contingencies and miscellaneous	7,000.00
	\$79,800.00

County taxes amounting to approximately \$15,100 are not included. Toll collection is based on an average of eight toll collectors at \$150 per month. The cost of maintenance of the road approaches which cross the tide flats each side of the bay was about \$2,500 per mile in 1936 and considerable expense will be necessary to bring the road up to State highway standards. Nothing is known at this time as to the condition of the lift span or machinery. A careful and thorough inspection of the bridge would be necessary to determine its actual condition. Owing to the limited time available it has not been possible to make such an investigation prior to the preparation of this report.

(d) "a report upon the effect the lowering of tolls upon said bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge."

Origin-destination counts of transbay traffic taken May 15-21, 1936 in connection with traffic studies for the San Francisco-Oakland Bay Bridge, show that about 3 per cent of the passenger traffic and less than 2 per cent of the truck traffic terminating in a general way as follows:

West Bay side—

San Mateo County and lower peninsula.

San Francisco, south of the Civic Center and the business district.

East Bay side—

Alameda County.

San Joaquin County.

San Joaquin Valley.

Since it is now some ten miles longer from the Civic Center in San Francisco to Hayward and the entrance to the Dublin Canyon via the San Mateo Bridge than via the San Francisco-Oakland Bridge, it is seen that tolls and other conditions being equal the dividing point for economic length of haul would be along the San Mateo-San Francisco County line. If the San Mateo Bridge was made entirely free and tolls on the Bay Bridge did not change, passenger vehicles could economically travel some 15 miles extra to avoid the tolls and trucks a matter of 20 miles or more. From this it would appear that traffic over the San Francisco-Oakland Bay Bridge might be decreased a maximum of 2 or 3 per cent under the most extreme assumption.

A relative reduction of tolls on the Bay Bridge would on the other hand, draw a like amount of traffic from the San Mateo and Dumbarton Bridges which loss in traffic would be a relatively larger per cent of the total traffic on these bridges.

There is attached for general information and reference the following data furnished by the San Francisco Bay-Toll Bridge Company.

Balance Sheet as of December 31, 1936.

Income Account 1935 and 1936.

Details of Expenses Shown on Income Account.

C. H. PURCELL.

Attach.

## San Mateo-Hayward Toll Bridge—Past and Estimated Future Traffic and Earnings.

Year	Automobiles			Other Vehicles			Totals		Operating Maintenance Insurance Taxes		Net Revenue Before Bond Interest and Dividends	
	Vehicles	Revenue	Number	Revenue	Vehicles	Revenue	Revenue					
1929	687,250	\$415,063.00	29,279	\$ 34,349.00	716,529	\$449,412.00	\$122,405.00	\$327,007.00				
1930	---	---	56,955	63,440.00	611,542	510,944.00	122,397.00	387,917.00				
1931	---	447,504.00	82,976	93,433.00	652,987	513,870.00	141,915.00	371,955.00				
1932	---	417,937.00	92,897	100,524.00	569,131	464,708.00	137,705.00	327,003.00				
1933	---	355,184.00	85,957	100,093.00	454,994	375,972.00	116,353.00	259,619.00				
1934	---	275,879.00	90,970	111,271.00	465,665	388,993.00	118,357.00	270,636.00				
1935	---	277,722.00	108,519	135,621.00	494,537	421,866.00	119,062.00	302,804.00				
1936	---	286,245.00	120,622	155,962.00	504,533	458,601.00	131,963.00	326,638.00				
Average 1929-36	476,118	347,272.00	83,409	100,774.00	559,527	448,046.00	128,845.00	319,201.00				
Average toll cents	73			121								
1937	418,100	309,400.00	123,000	162,400.00	541,100	471,800.00	129,800.00	342,000.00				
1938	426,300	315,500.00	125,400	166,800.00	551,700	482,300.00	129,800.00	352,500.00				
1939	434,500	321,500.00	127,800	171,300.00	562,300	492,800.00	129,800.00	363,000.00				
1940	442,700	327,600.00	130,200	175,800.00	572,900	503,400.00	129,800.00	373,600.00				
1941	448,200	331,700.00	131,900	179,400.00	580,100	511,100.00	129,800.00	381,300.00				
1942	453,800	335,800.00	133,500	181,600.00	587,300	517,400.00	129,800.00	387,600.00				
1943	459,300	339,900.00	135,100	183,700.00	594,400	523,600.00	129,800.00	393,800.00				
1944	461,900	344,000.00	136,700	185,900.00	601,600	529,900.00	129,800.00	400,100.00				
1945	470,400	348,100.00	138,300	188,100.00	608,700	536,200.00	129,800.00	406,400.00				
1946	475,900	352,200.00	140,000	190,400.00	615,900	542,600.00	129,800.00	412,800.00				
1947	481,400	356,200.00	141,700	192,700.00	623,100	548,900.00	129,800.00	419,100.00				
1948	486,900	360,300.00	143,300	194,900.00	630,200	555,200.00	129,800.00	425,400.00				
1949	492,500	364,500.00	144,900	197,100.00	637,400	561,600.00	129,800.00	431,800.00				
1950	498,000	368,500.00	146,600	199,400.00	644,600	567,900.00	129,800.00	438,100.00				
1951	501,300	370,900.00	147,500	200,600.00	648,800	571,500.00	129,800.00	441,700.00				
1952	501,600	373,400.00	148,100	201,800.00	653,000	575,200.00	129,800.00	445,400.00				
1953	507,800	375,800.00	149,400	203,200.00	657,200	579,000.00	129,800.00	449,200.00				
1954	511,100	378,200.00	150,300	204,400.00	665,400	582,600.00	129,800.00	452,800.00				
1955	514,300	380,600.00	151,300	205,800.00	665,600	586,400.00	129,800.00	456,600.00				
1956	517,600	383,000.00	152,200	207,000.00	669,800	590,000.00	129,800.00	460,200.00				
1957	520,800	385,400.00	153,300	208,500.00	674,100	593,900.00	129,800.00	464,100.00				
1958	524,100	387,800.00	154,200	209,700.00	678,300	597,500.00	129,800.00	467,700.00				
1959	527,400	390,300.00	155,100	210,900.00	682,500	601,200.00	129,800.00	471,400.00				
1960	530,600	392,600.00	156,100	212,300.00	686,700	604,900.00	129,800.00	475,100.00				
1961	532,400	394,000.00	156,600	213,000.00	689,000	607,000.00	129,800.00	477,200.00				

## San Mateo-Hayward Toll Bridge—Past and Estimated Future Traffic and Earnings—Continued.

Year	Automobiles			Other Vehicles			Totals		Operating Maintenance Insurance Taxes	Net Revenue Before Bond Interest and Dividends
	Vehicles	Revenue	Number	Revenue	Vehicles	Revenue	Vehicles	Revenue		
1962	534,100	\$235,200.00	157,200	\$213,800.00	691,300	\$449,000.00			\$129,800.00	\$479,200.00
1963	555,900	396,600.00	157,600	214,300.00	713,500	610,900.00			129,800.00	481,100.00
1964	557,600	397,800.00	158,200	215,200.00	715,800	613,000.00			129,800.00	482,800.00
1965	559,400	399,200.00	158,700	215,800.00	718,100	615,000.00			129,800.00	484,000.00
1966	541,100	400,400.00	159,200	216,500.00	700,300	616,900.00			129,800.00	487,100.00
1967	542,900	401,700.00	159,700	217,200.00	702,600	618,900.00			129,800.00	489,100.00
1968	544,700	403,100.00	160,200	217,900.00	704,900	621,000.00			129,800.00	491,200.00
1969	546,400	404,500.00	160,700	218,600.00	707,100	623,000.00			129,800.00	493,300.00
1970	548,200	405,900.00	161,200	219,300.00	709,400	625,100.00			129,800.00	495,400.00
1971	549,900	406,300.00	161,600	219,800.00	711,500	626,600.00			129,800.00	497,500.00
1972	551,600	407,600.00	162,000	220,200.00	713,600	628,800.00			129,800.00	499,600.00
1973	553,300	408,900.00	162,400	221,500.00	715,700	630,300.00			129,800.00	501,700.00
1974	555,000	410,200.00	162,800	221,800.00	717,800	631,800.00			129,800.00	503,800.00
1975	556,700	411,500.00	163,200	222,100.00	719,900	633,300.00			129,800.00	505,900.00
1976	558,400	412,800.00	163,600	222,400.00	721,000	634,800.00			129,800.00	508,000.00
1977	560,100	414,100.00	164,000	222,700.00	723,100	636,300.00			129,800.00	510,100.00

Present worth as of January 1, 1938

Present worth as of October 1, 1937 :

Present worth as of July 1, 1938 :

Capitalized at 8 per cent

Present worth as of January 1, 1938

Present worth as of October 1, 1937 :

Present worth as of July 1, 1938 :

Capitalized at 10 per cent

\* Including passengers.

\* Franchise expires July 11, 1977.

\* Due to long time period of amortization, figures for October 1, 1937, and

July 1, 1938, do not change appreciably from the figures as of January

1, 1938.

Bridge Department  
April 27, 1937



**San Francisco Bay Toll Bridge Company—San Mateo-Hayward Bridge—  
Necessary Tolls Under State Operation.**

**20-YEAR AMORTIZATION PERIOD.**

Revenue Bond Amounts and Rates of Interest as Shown. Average Tolls Based on Average Traffic for Years 1930-1936, Inclusive, and for Estimated Future Traffic.

Bond amounts	\$4,000,000			\$4,500,000		
Interest rates	3%	3.5%	4%	3%	3.5%	4%
Interest	\$120,000	\$140,000	\$160,000	\$135,000	\$157,500	\$180,000
Amortize bonds	148,880	141,440	134,240	167,490	159,120	151,020
Operating expenses	80,000	80,000	80,000	80,000	80,000	80,000
Gross charges	\$348,880	\$361,440	\$374,240	\$382,490	\$396,620	\$411,020
Necessary <sup>1</sup>	0.63	0.65	0.67	0.68	0.71	0.73
Tolls <sup>2</sup>	0.56	0.58	0.60	0.62	0.64	0.66
<sup>3</sup>	0.43	0.45	0.47	0.49	0.51	0.53

Bond amounts	\$5,000,000			\$5,500,000		
Interest rates	3%	3.5%	4%	3%	3.5%	4%
Interest	\$150,000	\$175,000	\$200,000	\$165,000	\$192,500	\$220,000
Amortize bonds	186,100	176,800	167,800	204,710	194,480	184,580
Operating expenses	80,000	80,000	80,000	80,000	80,000	80,000
Gross charges	\$416,100	\$431,800	\$447,800	\$449,710	\$466,980	\$484,580
Necessary <sup>1</sup>	0.74	0.77	0.80	0.80	0.83	0.86
Tolls <sup>2</sup>	0.67	0.69	0.72	0.73	0.75	0.78
<sup>3</sup>	0.54	0.57	0.59	0.60	0.62	0.65

<sup>1</sup> Tolls based on average of 559,500 vehicles per year. (1930-36 incl.)

<sup>2</sup> Tolls based on average of 620,000 vehicles per year. (Future)

<sup>3</sup> Same as No. 2, except omitting operating expense.

**San Francisco Bay Toll Bridge Company—San Mateo-Hayward Bridge.  
Traffic and Revenue Statistics.**

(MARCH 2, 1929, TO DECEMBER 31, 1936.)

Year	1929 (10 mos.)			1930		
	Number vehicles	Revenue	Av. toll	Number vehicles	Revenue	Av. toll
Autos	687,250	\$415,063.00	0.60	554,587	\$447,504.00	0.81
Others	29,279	34,349.00	1.17	56,955	63,440.00	1.11
Totals	716,529	\$449,412.00	0.63	611,542	\$510,944.00	0.84

Year	1931			1932		
	Number vehicles	Revenue	Av. toll	Number vehicles	Revenue	Av. toll
Autos	550,011	\$417,937.00	0.76	476,234	\$355,184.00	0.74
Others	82,976	95,933.00	1.16	92,897	109,524.00	1.18
Totals	632,987	\$513,870.00	0.81	569,131	\$464,708.00	0.82

Year	1933			1934		
	Number vehicles	Revenue	Av. toll	Number vehicles	Revenue	Av. toll
Autos	369,937	\$275,879.00	0.74	374,695	\$277,722.00	0.74
Others	85,057	100,093.00	1.18	90,970	111,271.00	1.22
Totals	454,994	\$375,972.00	0.83	465,665	\$388,993.00	0.84

Year	1935			1936		
	Number vehicles	Revenue	Av. toll	Number vehicles	Revenue	Av. toll
Autos	386,318	\$286,245.00	0.75	409,911	\$302,639.00	0.74
Others	108,519	135,621.00	1.25	120,622	155,062.00	1.29
Totals	494,837	\$421,866.00	0.85	530,533	\$458,601.00	0.86

**Statement Covering Tolls Charged on the San Mateo-Hayward Bridge Furnished by W. A. Deuel, President, S. F. Bay Toll Bridge Company, April 1, 1937.**

**PASSENGER CAR TRAFFIC**

The original franchise fixed the toll on passenger cars at 45 cents per car and 5 cents per person. On November 4, 1929, by advice of a representative of New York bankers the rates were revised to 60 cents per car and 10 cents per person. As this increase was coincident with the stock market crash, preventing the depression period, the exact effect of the increase could not be determined.

On July 7, 1930, a 50 cent return trip price was made effective. This is usually made the toll each way on round trips 55 cents per car and 5 cents per person. These rates remained in effect until November 13, 1930, when with the opening of the San Francisco-Oakland Bridge, the toll was reduced to 45 cents per car and \$1.20 round trip with no charge for persons. On February 1, 1937, the toll over the new bridge was reduced to 50 cents per car, but as yet this bridge has made no further reduction.

On January 13, 1930, a monthly commute rate of \$25, regardless of the number of trips made during the month, was granted. Later this rate was reduced to \$15 with a 60-trip book for students at \$13.50.

**COMMERCIAL CAR TRAFFIC**

The original franchise established a rate on empty trucks based on their commercial rating with 50 cents each ton trucks and a flat rate of 50 cents per ton of freight carried. On June 3, 1929, the toll on freight was reduced to 25 cents per ton for the first six tons and 10 cents per ton for all load in excess of six tons. Later a flat rate was adopted for commercial vehicles which have loadable capacity in the scales, such as live stock and gasoline. There were also certain special vehicles whereby a shipper of large lots of merchandise could arrange the toll charges on a flat tonnage basis. Otherwise the commercial tolls have not been changed.

**MISCELLANEOUS TRAFFIC**

Very little change has been made in tolls for motorcycles, tractors, buses, ferries, etc., and the receipts from these sources are too small to be accounted in itemized receipts.

**San Francisco Bay Toll Bridge Company—(a Delaware Corporation)—  
Balance Sheet, December 31, 1936.**

*Assets*

Current—		
Cash		\$12,860 92
Certificates of deposit due April 26, 1937, including accrued interest		70,077 08
Accounts receivable, tolls	\$11,100 40	
Less, provision for losses	700 00	
		10,400 40
Operating supplies		1,722 80
Total current assets		\$94,241 20

	<i>Proportion to Depreciation and amortization</i>		
	<i>Cost</i>		<i>Net</i>

Property—			
Bridge and approaches	\$6,360,932 21	\$1,029,029 45	\$5,340,902 76
Fifty-year franchise, expiring 1977	98,000 00	15,861 13	82,138 87
Rights of way	67,612 84	10,937 90	56,674 94
Equipment	24,697 48	13,136 90	11,560 52
	\$6,560,242 53	\$1,068,965 44	\$5,491,277 09
Deferred charges—			
Unamortized balances of financing expenses:			
Bond discount and expense			\$246,875 46
Debt discount and expense			76,458 64
Debt adjustment expense			92,239 62
Insurance, taxes, etc.			9,778 91
			425,352 63
			<u>\$6,016,671 22</u>

**San Francisco Bay Toll Bridge Company—(a Delaware Corporation)—  
Balance Sheet, December 31, 1936—Continued.**

<i>Liabilities.</i>	
<b>Current—</b>	
Accounts payable .....	\$ 15,980 91
First mortgage bond coupon matured November 1, 1936 .....	139,847 50
Accrued interest on first mortgage bonds, payable May 1, 1937 .....	46,615 76
<b>Total current liabilities .....</b>	<b>\$202,444 17</b>
<b>Funded debt:</b>	
First mortgage 6½ per cent sinking fund bonds, due November 1, 1957; authorized and issued \$4,500,000; outstanding (See note 1) .....	\$4,303,000 00
Fifteen-year participating sinking fund 7 per cent debentures, due November 1, 1942:	
Authorized and issued .....	2,000,000 00
Accrued interest, deferred in accordance with agreement of readjustment dated September 1, 1931 .....	793,333 32
	<b>7,096,333 32</b>
<b>Total liabilities .....</b>	<b>\$7,298,777 49</b>
<b>Capital Deficiency.</b>	
<b>Capital stock—</b>	
Preferred 8 per cent cumulative, par value \$100 per share; authorized 25,000 shares, issued and outstanding 8,705 shares .....	\$870,500 00
Common, par value 1 cent per share; authorized 175,000 shares, issued and outstanding 128,650 shares .....	1,286 50
	<b>\$871,786 50</b>
Capital surplus resulting from the reduction of the par value of the common stock to 1 cent per share .....	62,213 50
	<b>\$934,000 00</b>
<b>Deficit:</b>	
Balance, December 31, 1935 .....	\$1,928,351 60
Less, reversal of provision as at December 31, 1935 for interest on deferred payments of first mortgage coupons, not required .....	6,060 08
	<b>\$1,922,291 52</b>
Add, net loss for year ended December 31, 1936, details annexed .....	299,614 75
<b>Balance, December 31, 1936 .....</b>	<b>2,221,906 27</b>
<b>Capital deficiency .....</b>	<b>\$1,287,906 27</b>
	<b>\$6,010,871 22</b>

**NOTES—**

(1) We are informed that the holders of more than 75 per cent of the par value of the first mortgage bonds have agreed to waive the sinking fund payments which, under the original trust indenture, dated November 1, 1927, were required to have been made from August 1, 1932 to August 1, 1937, both dates inclusive, aggregating \$480,900; provided, however, that such sinking fund payments shall be cumulative and that the aggregate amount thereof shall be paid before any payments of principal, interest, or dividends to the holders of junior securities.

(2) Cumulative unpaid dividends on preferred stock accrued to December 31, 1936 amounted to \$494,300, as follows:

<i>Shares</i>	<i>Cumulative from</i>	<i>Per share</i>	<i>Total</i>
7,205	July 1, 1929	\$60 00	\$432,300 00
1,500 <sup>1</sup>	November 1, 1931	41 33½	62,000 00
<b>8,705</b>			<b>\$494,300 00</b>

<sup>1</sup> Issued November 1, 1931 and, by agreement with purchaser, entitled to cumulative dividends from that date.

## Comparative Income Account—For the Years Ended December 31, 1936 and 1935.

Revenues—	Year ended December 31	
	1936	1935
Tolls .....	\$458,601 05	\$421,866 26
Other revenues, net .....	893 58	367 43
	<hr/>	<hr/>
	\$459,494 63	\$422,173 69
Less, provision for uncollectible accounts .....	336 20	560 05
	<hr/>	<hr/>
	\$459,158 43	\$421,613 64
<hr/>		
Expenses:		
Salaries and wages .....	\$ 48,589 03	\$ 46,947 30
Directors' fees .....	329 00	346 00
Insurance .....	12,577 14	13,646 14
Taxes .....	15,075 23	13,729 84
Telephone and telegraph .....	481 30	532 22
Office supplies and expenses .....	1,049 16	951 36
Traveling .....	493 70	770 49
Professional services .....	3,395 75	3,484 77
Advertising .....	22,704 23	19,554 92
Registration and coupon payment .....	2,425 37	2,446 67
Light and power .....	4,264 87	4,972 32
Maintenance and repairs .....	37,980 93	12,345 34
Operating supplies .....	1,873 90	1,742 24
Unemployment insurance .....	541 17	—
Interest on current loans .....	—	1,490 42
Advisory committee expense .....	195 80	320 08
	<hr/>	<hr/>
	\$151,963 52	\$119,092 72
Profit available for interest on funded debt .....	\$307,194 91	\$302,520 92
<hr/>		
Interest on funded debt:		
First mortgage bonds .....	\$279,095 00	\$279,095 00
Debentures .....	140,000 00	140,000 00
	<hr/>	<hr/>
	\$419,095 00	\$419,095 00
Loss before amortization, depreciation, etc. ....	<hr/>	<hr/>
	\$112,500 00	\$117,144 08
<hr/>		
Add:		
Amortization and depreciation of property .....	\$137,819 46	\$136,938 67
Amortization of bond and debenture discount and expense .....	49,295 20	49,762 03
	<hr/>	<hr/>
	\$187,114 66	\$186,700 70
	<hr/>	<hr/>
Net loss .....	\$299,614 75	\$303,844 78

<sup>1</sup> Net loss after giving effect to reversal of provision as at December 31, 1935 for interest on deferred payments of first mortgage coupons, as shown in deficit account on annexed balance sheet.



**San Francisco Bay Toll Bridge Company—  
Details of Items of Expenses Shown in the Preceding Audit.**

<b>Salaries and wages—</b>		
Executive .....	\$12,500 00	
Operating .....	36,089 63	
		\$48,589 63
<b>Directors' fees .....</b>		320 00
<b>Insurance—</b>		
All risk .....	\$7,101 67	
Deductible .....	1,500 00	
Use and occupancy .....	1,380 00	
Workmen's compensation .....	713 17	
P. L. and P. D. ....	677 93	
Automobile .....	384 58	
Fidelity bonds .....	241 51	
Burglary .....	150 35	
Interest on premiums .....	218 29	
Employee group insurance .....	135 29	
Bond to San Mateo County .....	50 00	
Miscellaneous .....	20 35	
		12,573 14
<b>Property taxes and licenses:</b>		
County taxes .....	\$9,568 33	
County license-collect tolls .....	1,200 00	
Federal .....	3,982 48	
Others .....	324 42	
		15,075 23
Telephone and telegraph expense .....		481 30
Office supplies and miscellaneous expenses .....		1,049 10
Traveling .....		493 70
<b>Professional services—</b>		
Accounting .....	\$1,200 00	
Legal .....	1,800 00	
Miscellaneous .....	395 25	
		3,395 75
Advertising (road signs and publicity) .....		22,704 23
Registration of stocks and bonds and payment of coupons .....		2,425 37
Lights and power .....		4,264 87
<b>Maintenance and repairs—</b>		
Roads .....	\$10,625 84	
Dikes .....	656 54	
Repairs, all others .....	26,697 95	
		37,980 33
Operating supplies .....		1,873 90
Advisory committee expense .....		195 80
Unemployment insurance .....		541 17
		<b>\$151,963 52</b>

San Francisco Bay Toll Bridge Company (San Mateo-Hayward Bridge)—  
Annual Operating Expense March 2, 1929, to December 31, 1936.

Year	1929	1930	1931	1932	1933	1934	1935	1936
Salaries and wages	\$70,262.00	\$55,887.00	\$45,388.00	\$42,870.00	\$41,225.00	\$41,846.00	\$43,947.00	\$49,131.00
Head office expense	16,893.00	19,360.00	19,523.00	11,310.00	6,443.00	7,116.00	4,304.00	5,566.00
Light, power and supplies	12,125.00	19,215.00	9,065.00	7,125.00	5,787.00	5,162.00	5,795.00	6,139.00
Advertising	8,555.00	53,348.00	27,006.00	22,021.00	29,370.00	19,140.00	19,565.00	22,704.00
Current interest and expense	1,463.00	6,309.00	6,971.00	7,576.00	8,166.00	9,632.00	3,817.00	5,425.00
Maintenance	5,354.00	12,024.00	7,949.00	14,263.00	1,032.00	3,308.00	12,447.00	37,980.00
Insurance	18,476.00	15,429.00	13,415.00	12,720.00	11,085.00	15,141.00	13,306.00	12,573.00
Taxes	9,147.00	21,319.00	21,300.00	19,571.00	19,080.00	16,205.00	13,530.00	13,075.00
Yearly totals	\$122,405.00	\$176,198.00	\$141,917.00	\$137,705.00	\$116,354.00	\$118,356.00	\$119,061.00	\$151,963.00

## Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 490—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans;

Assembly Bill No. 491—An act to amend section 1507 of the Welfare and Institutions Code, relating to needy children;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

### On Conservation.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 510—An act to amend the title and sections 1, 2, 3, 4, 5, 7, 8, and 11 of, and to add sections 12, 13 and 14 to, an act entitled "An act to establish a board to be known as the Rector Dam Authority; to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the department of public works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1935, and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and to be re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—3.

BIGGAR, Chairman.

### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 501—An act to amend sections 735.1, 735.4, 736.1, of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 860—An act to amend sections 484 and 485 of the Agricultural Code, relating to certified milk;

Assembly Bill No. 1228—An act to amend sections 510, 511, 512, 513, 515 and 593 of the Agricultural Code, relating to ice cream and similar frozen products;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 1748—An act to amend section 471 of the Agricultural Code, relating to definitions of milk;

Assembly Bill No. 787—An act to amend section 318 of the Agricultural Code, relating to meat inspection;

Has had the same under consideration, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

POWERS, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1029—An act to amend section 995 of the Penal Code, relating to indictments and informations;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4, noes—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1094—An act to amend section 487 of the Penal Code, relating to grand theft;

Has had the same under consideration, and respectfully reports the same back with out recommendation.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1097—An act to repeal section 488a of the Penal Code, relating to theft of avocados, citrus or deciduous fruit;

Assembly Bill No. 1035—An act to amend sections 518 and 519 of the Penal Code, relating to extortion;

Assembly Bill No. 1162—An act to amend section 1191 of the Penal Code, relating to time for pronouncement of judgment;

Assembly Bill No. 1164—An act to amend sections 12031 and 12033 of the Penal Code, relating to power of the court to fix conditions of probation;

Assembly Bill No. 1759—An act amending section 111 of the Penal Code, relating to expense of trial of convicts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

**On County Government.**

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Senate Bill No. 1148—An act to amend sections 42284, 42286 and 42284 of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 2842—An act to amend section 7377a of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Santa Clara;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 461—An act to amend section 1640 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, all relating to bail licenses;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.



## SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 939—An act to amend sections 9c and 9d of, and to add sections 9e and 9f to, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to workmen's compensation;

Assembly Bill No. 2714—An act to require all applicants for construction and improvement permits to prove compliance with the "Workmen's Compensation, Insurance and Safety Act of 1917";

Assembly Bill No. 2289—An act to add section 900.5 to the Insurance Code, relating to financial statement of insurers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 460—An act to amend sections 10112, 10113, 10204, 10209, 10213, 10241 and 10511 of the Insurance Code, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 873—An act to amend section 26 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to subrogation procedure;

Assembly Bill No. 1271—An act to add two new sections to the Insurance Code to be numbered 11665 and 11666, relating to requirement that all licensed employers be insured for workmen's compensation;

Assembly Bill No. 1400—An act to amend sections 11525, 11527, 11528, 11529, 11530 and 11531 of the Insurance Code, relating to voluntary mutualization of incorporated insurers or departments thereof;

Assembly Bill No. 1420—An act to amend section 10151 of the Insurance Code, relating to policy provisions required in life insurance policies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.

## On Prisons and Reformatories.

## SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Assembly Bill No. 308—An act to amend section 171a of the Penal Code, relating to the conduct of prisons, jails, and reformatories;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

HOLOHAN, Chairman.

## On Judiciary.

## SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2062—An act to add section 2225 to the Civil Code, relating to trusts;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 378—An act to amend section 400 of the Vehicle Code, relating to negligence, upon the part of officers, agents, and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation

districts, districts established by law, and political subdivisions of the State, and authorizing suits relative thereto and providing the place of trial of such actions and prescribing the period of time within which such suits may be commenced.

**Assembly Bill No. 618**—An act to amend sections 117j, 117k and 117l, of the Code of Civil Procedure, relating to small claims courts.

**Assembly Bill No. 1018**—An act to add section 170.5 to the Code of Civil Procedure, relating to peremptory challenges of judges.

**Assembly Bill No. 1310**—An act to amend section 1149 of the Penal Code, authorizing notations of revenue stamps by county recorder and the affixing of such stamps by registrar of land titles.

**Assembly Bill No. 2568**—An act to add section 1920a to the Code of Civil Procedure, relating to evidence.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7, absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 11, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

**Senate Bill No. 1053**—An act to amend section 1 of An act relating to the use and furnishing of stamps, coupons, tickets, and various similar apparatus and similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or in aid of the sale of goods, wares or merchandise and providing a penalty for violation thereof, approved June 15, 1933:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7, absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 11, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

**Assembly Bill No. 2576**—An act to amend section 14 of An act, approved June 14, 1929, relating to the practice of civil engineering, approved June 14, 1929, relating to the definition of civil engineering:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7, absent—2.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 11, 1937.

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred:

**Assembly Bill No. 265**—An act to amend section 1970 of the Civil Code, relating to the responsibility of employers for injury to or death of employees.

**Assembly Bill No. 266**—An act to amend sections 376 and 377 of, and to add section 377.5 to, the Code of Civil Procedure, all relating to actions for wrongful death:

**Assembly Bill No. 830**—An act to add section 956 to the Civil Code and to add sections 573 and 574 of the Probate Code, relating to survival of things in action. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7, absent—2.

HAYS, Chairman.

### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, May 7, 1937.

**MR. PRESIDENT:** Your Committee on Drainage, Swamp, and Overflowed Lands, to which was referred:

**Assembly Bill No. 1888**—An act to amend section 3493 of the Penal Code, relating to the dissolution of reclamation districts:

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2, absent—1.

GARRISON, Chairman.

### On Finance.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

**MR. PRESIDENT:** Your Committee on Finance, to which was referred:

**Assembly Bill No. 1754**—An act to create a board of examiners for certification of real estate appraisers and prescribe its duties and powers, to provide for the

examination of and issuance of certificates to qualified applicants, with the designation of certified public real estate valuator; and to provide the grade of penalty for violations of the provisions hereof;

Senate Bill No. 892—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California;

Senate Bill No. 1149—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization;

Senate Bill No. 880—An act making an appropriation for the support of the Agricultural Prorate Commission, and declaring the urgency thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2805—An act relating to the erection of the first unit of the Southern California prison and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 681—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes 7; noes—1; absent—1.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 672—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment;

Senate Bill No. 673—An act making an appropriation for office accommodations for the Bureau of Registration of Nurses;

Senate Bill No. 674—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Paroles, Department of Penology;

Senate Bill No. 675—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments;

Senate Bill No. 676—An act making an appropriation for office accommodations for the superintendent of collection agencies;

Senate Bill No. 1029—An act making an appropriation to the State Printing Plant;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

#### On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 925—An act to provide armory facilities for the National Guard and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to the Committee on Finance.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

#### Adjournment.

At five o'clock and forty-four minutes p.m., on motion of Senator Rich, the acting President of the Senate declared the Senate adjourned, until ten o'clock a.m., Wednesday, May 12, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.



**IN SENATE.****SENATE CHAMBER.**

SACRAMENTO, Wednesday, May 12, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate in the chair.

Secretary Joseph A. Beck at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Baggot, Cretchen, Cunningham, DeJoy, Deuel, Freeman, Garrison, Gordon, Hays, Hollister, Holohan, Jepperson, Keating, Keweenaw, Knowland, Lusk, McBride, McColl, McCormick, McCoskey, Morgan, Murrie, Nathan, Quinn, Parkman, Phillips, Pionovich, Quinn, Rich, Schatzky, Seawell, Slater, Spring, Teller, Wagy, Westover, Williams, and Young. 39.

Quorum present.

**Prayer.**

Prayer was offered by Rev. Charles E. Kircher.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, May 11, 1937, the further reading was, on motion of Senator Dexter, dispensed with.

**Leave of Absence.**

Senator Powers was, on motion of Senator McColl, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. Fred Anderson of Upland.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Governor and Mrs. C. C. Young.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. L. Freeman of Los Angeles.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. W. West of Trinidad, British West Indies.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Principal E. G. England, teacher; and the following eighth grade students of the Durham Grammar School: Yvonne Charlton, Andree Crandall, Dorothy Franklin, Juanita Garner, Cleo Kendall, Lorraine Poddicord, Marie Peirano, Betty Stephens, Reola Swar, Rosaline Taylor, Jane Wageman, Jeane Wageman, Mary White, Fred Biggers, James Boyles, Bob Bronson, Edgar Griffith, Donald Gunzburger, Howard Kerr, Martin Lemeke, Danny Lewis, Ray McLane, Jack Miguel, Norman Noordhoff, Jacky Pyle, Dempsey Snelson, and Douglass Watt; and Mrs. Miguel, Mrs. J. R. Kerr, Mrs. D. C. Crandall, and Clifton Crandall.



**Consideration of Daily File.  
Second Reading of Senate Bills.**

**Senate Bill No. 501**—An act to amend sections 735.1, 735.4, 736.1, of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 501 were read and adopted:

**Amendment No. 1.**

On page 2, line 39, of the printed bill, after the word "producers", insert a comma.

**Amendment No. 2.**

On page 2, line 44, of the printed bill, after the word "distributors", insert a comma.

**Amendment No. 3.**

On page 2, line 46, of the printed bill, after the word "distributors", insert a comma.

**Amendment No. 4.**

On page 4, line 46, of the printed bill, strike out the following: "and retail stores".

**Amendment No. 5.**

On page 5, line 4, of the printed bill, strike out the following: "and retail stores".

**Amendment No. 6.**

On page 7, line 36, of the printed bill, after the word "hearing," insert the following:

"Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and tax paying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries."

Bill read second time, ordered to reprint, and re-referred to Committee on Live Stock and Dairying.

**Senate Bill No. 1148**—An act to amend sections 4239d, 4239h and 4239l of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 461**—An act to amend section 1640 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, all relating to bail licenses.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 460**—An act to amend sections 10112, 10113, 10204, 10209, 10213, 10241 and 10511 of the Insurance Code, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 460 were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "and to add", and strike out all of line 4, and in line 5, strike out "Chapter 5, Part 2, Division 2 of said code."

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 25 to 29 inclusive.

**Amendment No. 3.**

On page 5 of the printed bill, as amended, strike out lines 14 to 18 inclusive, and on page 6, strike out lines 5 to 20 inclusive.

**Amendment No. 4.**

On page 6, line 21, of the printed bill, as amended, strike out "9" and insert in lieu thereof the following: "8".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 892**—An act making an appropriation to pay the claim of Anthony Cammerla, Jr., against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1149**—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 880**—An act making an appropriation for the support of the Agricultural Prostate Commission, and ~~defining the urgency~~ thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 681**—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 672**—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 672 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "8", and insert in lieu thereof the following: "seventy-five thousand dollars (\$75,000)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 673**—An act making an appropriation for office accommodations for the Bureau of Registration of Nurses.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 673 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "\$", and insert in lieu thereof the following: "fifteen thousand dollars (\$15,000)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 674**—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Parole, Department of Penology.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 674 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "\$", and insert in lieu thereof the following: "fifteen thousand dollars (\$15,000)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 675**—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 675 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "\$", and insert in lieu thereof the following: "seventy-five thousand dollars (\$75,000)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 676**—An act making an appropriation for office accommodations for the superintendent of collection agencies.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 676 was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "twenty thousand dollars (\$20,000)", and insert in lieu thereof the following: "fifteen thousand dollars (\$15,000)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1029**—An act making an appropriation to the State Printing Plant.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1029 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after the word "plant", insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "\$" and insert in lieu thereof the following: "one hundred thousand dollars (\$100,000)."

**Amendment No. 3.**

On page 1 of the printed bill, following line 2 insert the following:

"Sec. 2 The money herein appropriated shall be used to make cash payments when necessary and at any time upon demand of the State Controller must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

Sec. 3 This act, inasmuch as it provides for an appropriation for the annual current expenses of the State shall, under the provisions of section 1 of Article IV of the Constitution of the State of California, take effect immediately."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1053**—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1933.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 1053 was read and adopted:

**Amendment No. 1.**

On page 2, line 19, of the printed bill, as amended, strike out "one" and insert in lieu thereof the word "two."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 490**—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 491**—An act to amend section 1507 of the Welfare and Institutions Code, relating to needy children.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 860**—An act to amend sections 484 and 485 of the Agricultural Code, relating to certified milk.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 860 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of line 11, and all of line 12 preceding the period, and insert in lieu thereof the following: "the California Medical Association".



**Amendment No. 2.**

On page 1, line 14, of the printed bill, as amended, after "with", insert the following: "and while he complies with".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1228**—An act to amend sections 510, 511, 512, 513, 515 and 593 of the Agricultural Code, relating to ice cream and similar frozen products.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 1228 were read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, after the word "manufacturer", insert the words "or retailer".

**Amendment No. 2.**

On page 1, line 14, of the printed bill, strike out "150,000", and insert in lieu thereof the figure "75,000".

**Amendment No. 3.**

On page 2, line 1, of the printed bill, after the word "manufacturer", insert the words "or retailer".

**Amendment No. 4.**

On page 2, line 12, of the printed bill, strike out "150,000", and insert in lieu thereof the figure "75,000".

**Amendment No. 5.**

On page 2, line 13, of the printed bill, after the word "manufacturer", insert the words "or retailer".

**Amendment No. 6.**

On page 2, line 51, of the printed bill, strike out "100,000", and insert in lieu thereof the figure "75,000".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1748**—An act to amend section 471 of the Agricultural Code, relating to definitions of milk.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 787**—An act to amend section 318 of the Agricultural Code, relating to meat inspection.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1029**—An act to amend section 995 of the Penal Code, relating to indictments and informations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1094**—An act to amend section 487 of the Penal Code, relating to grand theft.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1097**—An act to repeal section 488a of the Penal Code, relating to theft of avocados, citrus or deciduous fruit.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1035**—An act to amend sections 518 and 519 of the Penal Code, relating to extortion.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1162**—An act to amend section 1191 of the Penal Code, relating to time for pronouncement of judgment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1164**—An act to amend sections 1203.1 and 1203.3 of the Penal Code, relating to power of the court to fix conditions of probation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1759**—An act amending section 111 of the Penal Code, relating to expense of trial of convicts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2842**—An act to amend section 7979q of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Santa Clara.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 939**—An act to amend sections 9e and 9d of, and to add sections 9e and 9f to, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to workmen's compensation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 939 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "the act of, and to add sections 9e", and strike out line 2, and on line 3 of the title, strike out "Safety Act of 1917," and insert in lieu thereof the following: "4802 and 4803 of, and to add sections 4804 and 4805 to the Labor Code."

##### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "the act of the act of the title hereof", and insert in lieu thereof the following: "4802 of the Labor Code."

##### Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "See 9e", and insert in lieu thereof the following: "4802."

##### Amendment No. 4.

On page 1 of the printed bill, strike out line 7, and insert in lieu thereof the following: "prescribed by this division as part of the compensation for personal."

##### Amendment No. 5.

On page 1, line 9, of the printed bill, strike out "by the provisions of that act."

##### Amendment No. 6.

On page 1, line 13, of the printed bill, strike out "of said act", and insert in lieu thereof the following: "4803 of the Labor Code."

##### Amendment No. 7.

On page 1, line 15, of the printed bill, strike out "See 9d", and insert in lieu thereof the following: "4803."

##### Amendment No. 8.

On page 1, line 20, of the printed bill, strike out "act", and insert in lieu thereof the following: "division".

##### Amendment No. 9.

On page 1, line 21, of the printed bill, strike out "the", and insert in lieu thereof the following: "4800".

##### Amendment No. 10.

On page 1, line 27, of the printed bill, strike out "said act", and insert in lieu thereof the following: "the Labor Code".

##### Amendment No. 11.

On page 1, line 28, of the printed bill, strike out "9e", and insert in lieu thereof the following: "4804".

##### Amendment No. 12.

On page 2, line 1, of the printed bill, strike out "See 9e", and insert in lieu thereof the following: "4804."

##### Amendment No. 13.

On page 2, line 5, of the printed bill, strike out "said act", and insert in lieu thereof the following: "the Labor Code".

**Amendment No. 14.**

On page 2, line 6, of the printed bill, strike out "96", and insert in lieu thereof the following: "4805".

**Amendment No. 15.**

On page 2 of the printed bill, strike out line 7, and insert in lieu thereof the following:

"4805. No benefits shall be awarded under this division on".

**Amendment No. 16.**

On page 2, line 15, of the printed bill, strike out "act", and insert in lieu thereof the following: "division".

**Amendment No. 17.**

On page 2, line 16, of the printed bill, strike out "act", and insert in lieu thereof the following: "division".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2714**—An act to require all applicants for construction and improvement permits to prove compliance with the "Workmen's Compensation, Insurance and Safety Act of 1917."

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 2714 were read and adopted:

**Amendment No. 1.**

On page 1, lines 17 and 18, of the printed bill, as amended May 3, 1937, strike out "secure the payment of compensation benefits to his employees", and insert in lieu thereof the following: "procure a certificate of insurance from an insurer authorized to write compensation insurance within the State of California or comply with the self-insurance provisions of any workmen's compensation law of this State."

**Amendment No. 2.**

On page 2, lines 3, 4 and 5, of the printed bill, as amended May 3, 1937, strike out "secure the payment of workmen's compensation benefits to his employees engaged in", and insert in lieu thereof the following: "procure a certificate of insurance from an insurer authorized to write compensation insurance within the State of California or comply with the self insurance provisions of any workmen's compensation law of this State in connection with".

**Amendment No. 3.**

On page 2 of the printed bill, as amended May 3, 1937, strike out lines 17 and 18, and insert in lieu thereof the following: "procure a certificate of insurance from an insurer authorized to write compensation insurance within the State of California or comply with the self-insurance provisions of any workmen's compensation law of this State in connection with the performance of any work under said permit."

**Amendment No. 4.**

On page 2, lines 27 and 28, of the printed bill, as amended May 3, 1937, strike out "secure the payment of compensation benefits to his employees engaged therein," and insert in lieu thereof the following: "procure a certificate of insurance from an insurer authorized to write compensation insurance within the State of California or comply with the self insurance provisions of any workmen's compensation law of this State in connection with the performance of any work under said permit."

**Amendment No. 5.**

On page 2, lines 37 and 38, of the printed bill, as amended May 3, 1937, strike out "secure the payment of compensation benefits," and insert in lieu thereof the following: "procure a certificate of insurance from an insurer authorized to write compensation insurance within the State of California or comply with the self-insurance provisions of any workmen's compensation law of this State in connection with the performance of any work under said permit."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2289**—An act to add section 900.5 to the Insurance Code, relating to financial statement of insurers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 2289 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "7".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "7".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "7".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 873**—An act to amend section 26 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to subrogation procedure.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1271**—An act to add two new sections to the Insurance Code to be numbered 11665 and 11666, relating to requirement that all licensed employers be insured for workmen's compensation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1400**—An act to amend sections 11525, 11527, 11528, 11529, 11530 and 11531 of the Insurance Code, relating to voluntary mutualization of incorporated insurers or departments thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1420**—An act to amend section 10151 of the Insurance Code, relating to policy provisions required in life insurance policies.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 308**—An act to amend section 171a of the Penal Code, relating to the conduct of prisons, jails, and reformatories.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Assembly Bill No. 308 was read and adopted:

**Amendment No. 1.**

On page 1, line 10, of the printed bill, after the word "felony", insert the following: "and shall be imprisoned in the State prison not less than one nor more than twenty-five years".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2062**—An act to add section 2225 to the Civil Code, relating to trusts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 378**—An act to amend section 400 of the Vehicle Code, relating to negligence, upon the part of officers, agents, and employees of the State, counties, cities and counties, municipal corpo-



rations, school districts, irrigation districts, districts established by law, and political subdivisions of the State, and authorizing suits relative thereto and providing the place of trial of such actions and prescribing the period of time within which such actions may be commenced.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 618**—An act to amend sections 117j, 117k and 117l, of the Code of Civil Procedure, relating to small claims courts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1018**—An act to add section 170.5 to the Code of Civil Procedure, relating to peremptory challenges of judges.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1310**—An act to amend section 4140 of the Political Code, authorizing notations of revenue stamps by county recorder and the affixing of said stamps by registrar of land titles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2568**—An act to add section 1920a to the Code of Civil Procedure, relating to evidence.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2576**—An act to amend section 1a of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the definition of civil engineering.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2576 were read and adopted:

##### **Amendment No. 1.**

On page 1, in line 4, of the printed bill, strike out "or all".

##### **Amendment No. 2.**

On page 1, line 5, of the printed bill, strike out "and/or activities;" and insert in lieu thereof "or activities-".

##### **Amendment No. 3.**

On page 1, line 9, of the printed bill, strike out the "and", following the word "appraisals", and insert in lieu thereof the word "or".

##### **Amendment No. 4.**

On page 1, line 10, of the printed bill, strike out the comma following the word "valuations", and insert in lieu thereof a dash.

##### **Amendment No. 5.**

On page 1, line 16, of the printed bill, strike out the word "and", and insert the word "or".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 265**—An act to amend section 1970 of the Civil Code, relating to the responsibility of employers for injury to or death of employees.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 265 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "1970 of the Civil Code", and insert in lieu thereof the following: "2803 of the Labor Code".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, as amended, strike out "1970 of the Civil Code", and insert in lieu thereof the following: "2803 of the Labor Code".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 1 to 27, inclusive, and on page 2, strike out lines 1 to 9, inclusive, and in line 10, before "When", insert the following: "2803."

**Amendment No. 4.**

On page 2, line 11, of the printed bill, as amended, strike out "required as above said", and insert in lieu thereof the following: "caused in the course of duty or reasonable care of an employer or of any other, agent, or servant of the employer".

**Amendment No. 5.**

On page 2 of the printed bill, as amended, strike out lines 15 to 24, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 266**—An act to amend sections 376 and 377 of, and to add section 377.5 to, the Code of Civil Procedure, all relating to actions for wrongful death.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 266 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out ", and to add section".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "377.5 to,".

**Amendment No. 3.**

On page 1, line 3, of the title of the printed bill, as amended, before "death", insert the following: "injury and".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, strike out lines 20 to 22, inclusive, and insert in lieu thereof the following: "his personal representative. If any person, natural or corporate, is responsible for such act or the wrongful death, the action may also be maintained against such person or his personal representative in case of his death. The".

**Amendment No. 5.**

On page 2 of the printed bill, as amended, strike out lines 12 to 17, inclusive, and insert in lieu thereof the following: "of the injured party. If any person, natural or corporate, is responsible for such act or the wrongful death, the action may also be maintained against such person or his personal representative in the case of his death."

**Amendment No. 6.**

On page 3, line 3, of the printed bill, as amended, after "maintenance", insert the following: ", services".

**Amendment No. 7.**

On page 3, line 6, of the printed bill, as amended, after "medical", insert the following: ", hospital, nursing".

**Amendment No. 8.**

On page 3 of the printed bill, as amended, strike out line 16, and insert in lieu thereof the following: "bringing the suit. If the jury shall find a homo causa verdict, the respective shares of the beneficiaries in any award of damages may be equitably determined by the judge before whom the action was tried after verdict or in a subsequent action, or in the event of his inability to act, before any judge of the superior court. If any such action be separately brought".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 830**—An act to add section 956 to the Civil Code and to add sections 573 and 574 of the Probate Code, relating to survival of things in action.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 830 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "add".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 2 of the title, and insert in lieu thereof the following: "amend sections 573, 574 and 707 of the Probate Code,".

**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, as amended, after "action", insert the following: "and rights of action and to actions and claims by and against the personal representative of a deceased person".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, after line 27, insert the following: "SEC. 4. Section 707 of the Probate Code is hereby amended to read as follows: 707. All claims arising from an obligation or liability of the decedent, whether upon contract, injury or otherwise, whether they are due, not due, or contingent, and all claims for funeral expenses, must be filed or presented within the time limited in the notice or as extended by the provisions of section 702 of this code; and any claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the State, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the amount and character of the claim, the rate of interest, if any, and the date of filing."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 1888**—An act to amend section 3493 of the Political Code, relating to the dissolution of reclamation districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1754**—An act to create a Board of Examiners for Certification of Real Estate Appraisers and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public real estate valuator; and to provide the grade of penalty for violations of the provisions hereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2805**—An act relating to the erection of the first unit of the Southern California prison and making an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2805 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "erection of the".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, as amended, after "Prison", insert the following: ", including the purchase of land therefor,".

**Amendment No. 3.**

On page 1, line 8, of the printed bill, as amended, after "heretofore", insert the following: "been".

**Amendment No. 4.**

On page 1, line 19, of the printed bill, as amended, after "1935", insert the following: "and of this act".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Call of the Senate.**

Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, Donel, Fletcher, Garrison, Gordon, Hollister, Kenting, Law, Metzger, Mixer, Nielsen, Parkman, Phillips, Rich, Tickle, Wagy, and Westover—19.

The Secretary announced the absentees.

Time, ten o'clock and twenty-four minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the list of the Senate.

**Proceedings Under Call of the Senate.****Third Reading of Senate Bills.**

**Senate Bill No. 446**—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 446 passed by the following vote:

**AYES:** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Kenting, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, Williams, and Young—35.

**NOES:** None.

Title read and approved.

Senate Bill No. 446 ordered transmitted to the Assembly.

**Senate Bill No. 578**—An act to amend sections 1, 2, and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 passed by the following vote:

**AYES:** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Kenting, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Phillips, Quinn, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES:** None.

Title read and approved.

Senate Bill No. 578 ordered transmitted to the Assembly.



**Senate Bill No. 326**—An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 326 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Tickle, Waggy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 326 ordered transmitted to the Assembly.

**Senate Bill No. 1135**—An act to add section 433.6 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1135 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 1135 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Senate Bill No. 842**—An act to amend section 4140 of the Political Code, relating to the duties and rights of county recorders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 842 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Williams—34.

**NOES**—None.

Title read and approved.

Senate Bill No. 842 ordered transmitted to the Assembly.

### **Re-reference of Senate Bill No. 78.**

Senator Seawell moved that Senate Bill No. 78 be re-referred to Committee on Roads and Highways.

Motion carried, and such was the order.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and four minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Metzger.

#### Senator Knowland in the Chair.

At eleven o'clock and thirty-six minutes p.m., Senator Knowland of the sixteenth district was called to the chair.

### Consideration of Senate Concurrent Resolution No. 43.

Senator Biggar asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 43, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 43.

Relating to the appointment of a Conservation Committee.

WHEREAS, Nature's gifts to the people of California—our natural and wild life, our forests, our beaches, parks, the scenic beauties, groves of oak in our lakes and streams and the adjacent ocean waters, our wild flowers, farms and meadows and other natural resources comprise our State's greatest heritage; and

WHEREAS, These wonderful natural resources belong to our single generation, regardless of the stage of its social or political or economic development; and

WHEREAS, Future generations are at each generation to the enjoyment of these gifts of nature as we of today, it becomes our moral duty to preserve and protect the natural resources of the State so that we may pass on to those who come after us the same measure of beauty and value that we ourselves have enjoyed; and

WHEREAS, California's vast timberlands and watersheds, her parks and beaches attract thousands of tourists and nature lovers into our State annually; and

WHEREAS, Our natural resources if protected and not wasted, will for many years to come, supply materials and employment to thousands of our citizens and make permanent our farms and our industrial; and

WHEREAS, Ignorance and abuse and misuse are threaten the extinction of some of our most valuable resources, thus endangering the future welfare of the State; and

WHEREAS, If proper information on how to protect and enhance our natural resources was disseminated among the people, particularly if the youth is properly educated to the need of conserving and protecting our natural resources the future wellbeing of the State will be assured; and

WHEREAS, Several of our State departments have in their records and reports much valuable information which if properly disseminated would be of great value to the public, especially if this information were made available for use in our schools, therefore be it

*Resolved, by the Senate, with the Assembly concurring:* That the Governor be, and he is hereby requested, to appoint a committee to be composed of the California State Conservation Committee to be composed of the State Superintendent of Public Instruction, the Director of Natural Resources, the President of the Fish and Game Commission, the Director of Agriculture, the Director of Public Works and the Chairman of the State Planning Board, who shall use such facilities of their respective departments which may properly be used for the purpose of compiling and disseminating data and information dealing with conservation to the end that such data and information shall be usable in our schools and available to the general public.

#### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 43 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Kneech, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Pirovich, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Concurrent Resolution No. 43 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills.

**Assembly Bill No. 455**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Williams—33.

NOES—None.

Title read and approved.

Assembly Bill No. 455 ordered transmitted to the Assembly.

**Assembly Bill No. 1290**—An act to add three new sections to the Political Code, to be numbered 4041.30, 4041.31 and 4041.32, relating to sale of lands dedicated for public parks.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1290, the following amendment, offered by Senator Nielsen, was read and adopted:

##### Amendment No. 1.

On page 2, line 25, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "nor shall any such abandonment or sale affect or impair any right, easement or interest owned or under the control of any other governmental agency for public use other than park purposes."

Bill read, ordered to print, and on file for third reading.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 972**—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14, and 15, to add sections 11 $\frac{1}{2}$ , 13 $\frac{1}{2}$ , 13 $\frac{3}{4}$ , 14 $\frac{1}{2}$ , 14 $\frac{3}{4}$ , 20 $\frac{1}{4}$ , 20 $\frac{1}{2}$  and 21 $\frac{1}{2}$ , and to repeal section 9 of the Highway Carriers' Act relative to the use of public highways for commercial purposes by motor vehicles.

#### Amendment from the Floor.

During third reading of Senate Bill No. 972, the following amendment, offered by Senator Hays, was read and adopted:

##### Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 46 and 47, insert the following: "It is hereby declared to be the policy of the State of California, in rate making to be pursued by the Railroad Commission of the State of California, to establish such rates as will promote the freedom of movement by carriers of the products of agriculture, including live stock, at the lowest lawful rate compatible with the maintenance of adequate transportation service."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Unfinished Business.

**Senate Bill No. 891**—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

**Amendment from the Floor.**

During third reading of Senate Bill No. 891, the following amendment, offered by Senator Pierovich, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, beginning with line 39 strike out all of section 6, and insert in lieu thereof the following:

"Sec. 6. The commission shall have the power to make rules and regulations governing the registration of the dogs to be raced and to the holding of the racing meeting licensed under the provisions of this act, provided that all participants permitted to compete shall be registered in a Greyhound Stud Book which is recognized as a registry of purebred greyhounds for breeding, racing, marketing and importation purposes, and such registration certificate showing the record thereof shall be deposited during such meet with the track secretary and shall be presented as evidence of registration and pure breeding for the purpose of entry.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Concurrent Resolution No. 44:** By Senator Hollister—Relative to approving the amendments to the charter of the city of Santa Barbara.

**Consideration of Senate Concurrent Resolution No. 44.**

Senator Hollister asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 44, with out reference to committee for purpose of a adoption.

**Senate Concurrent Resolution No. 44**—Relative to approving the amendments to the charter of the city of Santa Barbara.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 44 adopted by the following vote:

**AYES:** Senators Cretenden, Cunningham, Delap, Doud, Garrison, Hays, Hollister, Holahan, Keating, Keough, Knowland, Lave, MacCormack, McCortese, Maxwell, Nielsen, Olson, Parkman, Pierovich, Rich, Sawwell, Slater, Swing, Trickle, Wagy, Westover, Williams, and Young—28.

**NOES:** None.

Senate Concurrent Resolution No. 44 ordered transmitted to the Assembly.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 356 was passed.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 356 was passed was continued until the next legislative day.

**Reports of Standing Committees.**

The following reports of standing committee were received and read:



**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 755—An act to provide regulation of establishments slaughtering animals for use in canned dog food and cat food or preparing meat food products for canned dog food and cat food;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

**On Constitutional Amendments.**

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX and by adding section 23 thereto, relating to alcoholic beverages;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

**Second Reading of Senate Bills—(Out of Order).**

**Senate Constitutional Amendment No. 17**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Constitutional Amendment No. 17 were read and adopted:

**Amendment No. 1.**

On page 2, line 26, of the printed measure, after the word "Monterey", strike out the comma and the words "San Luis Obispo".

**Amendment No. 2.**

On page 2, line 31, of the printed measure, before the word "Inyo", insert "San Luis Obispo, Santa Barbara, Ventura,".

**Amendment No. 3.**

On page 2, line 39, of the printed measure, strike out "The counties of Santa Barbara, Ven-", and in line 40, strike out "barn and", and insert "The county of"

**Amendment No. 4.**

On page 3, of the printed measure, following line 10, insert the following:

"(f) The Legislature shall provide for the election of the members of the board but not more than three of such members shall be elected at any one time."

Senate Constitutional Amendment No. 17 read, ordered to print, engrossment, and on file.

**Senate Constitutional Amendment No. 15**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX and by adding section 23 thereto, relating to alcoholic beverages.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Senate Constitutional Amendment No. 15 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed measure, strike out lines 3 to 15, inclusive, and insert in lieu thereof the following:

"(b) The commission shall succeed in all powers heretofore vested in and conferred upon the State Board of Equalization with respect to alcoholic beverages. On and after the effective date of said act, the management, control of all moneys appropriated to the State Board of Equalization for the purpose of administration and enforcement of the Alcoholic Beverage Control Act is hereby made available for the support and maintenance of the commission, limited funds and all books, documents and records of the State Board of Equalization relating to the administration and enforcement of said act shall be transferred to and become a part of the records of said commission. Until a majority of the members of the Alcoholic Beverage Commission have been elected and have qualified, the State Board of Equalization shall be authorized to administer the Alcoholic Beverage Commission, except that the members thereof shall exercise no additional commission for such services."

"(c) All persons serving in the State civil service on the effective date of said act, engaged in the administration of the Alcoholic Beverage Control Act shall continue so to serve as employees of the Alcoholic Beverage Commission, subject to the provisions of Article XXIV of this Constitution, and laws continued in force thereby or adopted pursuant thereto."

"(d) The State of California shall have the exclusive power to license, tax and regulate the manufacture, sale, purchase, consumption, transportation, the importation into and exportation from the State of alcoholic beverages. The provisions of all statutes of this State relating to alcoholic beverages and not inconsistent with the provisions hereof are continued in force until changed by the Legislature, subject to the referendum, or by the people under the initiative power."

Senate Constitutional Amendment No. 15 read, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

**Second Reading of Assembly Bills—(Out of Order).**

**Assembly Constitutional Amendment No. 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Constitutional Amendment No. 4 were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, after "Sec. 9. (a)", insert the following:

"A State Board of Equalization, consisting of one member from each of the five equalization districts in this State, as said districts are defined in this section."

or may be redefined pursuant to this section, shall be elected by the qualified electors of their respective districts, as hereinafter provided.

(b) The board of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, and it shall be the duty of said boards of equalization to equalize the valuation of the taxable property in their respective counties for purposes of taxation. The county boards of equalization are hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the valuation of any property contained in the assessment rolls of their respective counties except such property as is assessed by the State Board of Equalization.

(c) The State Board of Equalization is hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the entire assessment roll of any county, except such property contained therein as is assessed by said board, so as to equalize the valuation of the taxable property assessed by county assessors with that assessed by the said board.

(d)".

#### **Amendment No. 2.**

On page 1, line 10, of the printed bill, as amended, after "tricts", insert "defined and constituted".

#### **Amendment No. 3.**

On page 1, line 11, of the printed bill, as amended, strike out "San Luis Obispo,".

#### **Amendment No. 4.**

On page 1, line 17, of the printed bill, as amended, after "Kern," insert "San Luis Obispo,".

#### **Amendment No. 5.**

On page 2, line 1, of the printed bill, as amended, strike out "4".

#### **Amendment No. 6.**

On page 2 of the printed bill, as amended, strike out all of lines 8 to 17, both inclusive, and insert in lieu thereof "(e)".

#### **Amendment No. 7.**

On page 2, line 38, of the printed bill, as amended, insert at the beginning of said line "(f)".

#### **Amendment No. 8.**

On page 2, line 41, of the printed bill, as amended, strike out the period after "herein", and add the following: ". may change the terms of office of the members of the State Board of Equalization and may provide for the staggering of such terms of office."

#### **Amendment No. 9.**

On page 2 of the printed bill, as amended, strike out all of lines 42 to 52, both inclusive, and on page 3, strike out all of lines 1 to 7, both inclusive.

Assembly Constitutional Amendment No. 4 read, ordered to print, and on file.

### **Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### **On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1761—An act to amend section 3817a of, and to add sections 3817.3 and 3817.4 to, the Political Code, relating to redemption;

Assembly Bill No. 1762—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls;

Assembly Bill No. 1951—An act to amend section 3804a of the Political Code, relating to cancellation of taxes;

Assembly Bill No. 743—An act to amend sections 2 and 3 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to itinerant vendor;

Assembly Bill No. 744—An act to amend sections 4061, 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.



## SENATE CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 304—An act to repeal an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation," preventing discrimination between various forms of transportation, conferring priority upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles, providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act, approved May 27, 1935 relating to highway carriers.

Assembly Bill No. 942—An act to amend section 3897½ of the Political Code relating to lands sold to the State for delinquent taxes;

Assembly Bill No. 1559—An act to repeal section 3597 of the Political Code and to add to said code a new section to be numbered 3597, relating to the sale of property deeded to the State for delinquency taxes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

## On Agriculture.

## SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1267—An act to amend sections 702, 706, and 841 of the Agricultural Code, relating to fruits, nuts and vegetables, and declaring the intent thereof.

Assembly Bill No. 2798—An act relating to the definition of tax upon the purchase of farm products;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6, absent—2.

CRITTENDEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 602—An act to amend section 80 of the Agricultural Code relating to agricultural districts;

Assembly Bill No. 1813—An act to amend section 762 of the Agricultural Code relating to quality of tomatoes for canning purposes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6, absent—3.

CRITTENDEN, Chairman.

## On Corporations and Financial Institutions.

## SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Assembly Bill No. 1023—An act to add a new section to be numbered 605½ to the Civil Code, relating to the liability of members of unincorporated nonprofit associations;

Assembly Bill No. 1618—An act to amend section 361a of the Civil Code, relating to the merger and consolidation of corporations;

Assembly Bill No. 1619—An act to amend section 362a of the Civil Code, relating to the amendment of articles of incorporation;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—2, absent—1.

HOLLISTER, Chairman.

## On Commerce and Navigation.

## SENATE CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 1666—An act to amend sections 2906, 2907, 2908, 2910, 2911, 2914, 2915, 2917, 2919 and 2920 of the Political Code, and repealing sections 2916 and 2918, relating to franchises to construct and maintain public and private wharves, chutes, piers and slips;

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2; absent—1.

NIELSEN, Chairman.

### On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 682—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units;

Senate Bill No. 683—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act;

Senate Bill No. 685—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 1872—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act;

Assembly Bill No. 2403—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act;

Assembly Bill No. 2404—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 1008—An act to add section 640 to the Streets and Highways Code, repealing section 612 of the Streets and Highways Code;

Has had the same under consideration, and respectfully reports the same back, and recommends it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

McCORMACK, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Assembly Bill No. 1059—An act to amend sections 100.5, 117, 130, 185, 188, 190, 202, 673, 680, 720, 722, 730, 761, 825, 1622 and 1624 of the Streets and Highways Code, and to add new sections, to be numbered 103.5, 110.5 and 823.5, to said code, all relating to public highways and to the acquisition of rights of way for the administration, control, construction, and regulation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

McCORMACK, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1054—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7

SEAWELL, Chairman.

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, MAY 10, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 1569—An act to permit the State, counties, cities and counties, and cities to do work and expend funds to protect the navigation from erosion on the effects of erosion and to permit cooperation with other governmental agencies.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2, Absent—1

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 10, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 2375—An act to amend Chapter 760, Statutes of 1926, approved June 10, 1926, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 13, 20 and 22, thereof, and by adding sections, new sections numbered 61, 68, 69, and 98, relating to and governing additional duties, powers and limitations regarding the construction and financing of toll bridges, and providing for the authorization of the issuance of bonds to be used for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which and when they be issued, also providing that the California Toll Bridge Authority may enter into mortgages or agreements constituting evidence for the same, time, maturity, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded and refunded, creating funds, minimum reserve requirements, and the appointment of a trustee to represent the holders of such bonds, and providing that no provision or regulation pertaining to any bonds issued under said act shall have in and continue for the benefit of any additional or funding or refunding bonds issued thereafter; also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes, and providing for the acquisition of eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease and easements in other property of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2, Absent—1

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 11, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 287—An act to amend section 2649 of the Political Code, relating to navigable streams and public waterways.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—3; committee vote: Ayes—2, Absent—1

NIELSEN, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 24, relative to the investigation and settlement of disputes between employers and employees.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Assembly Constitutional Amendment No. 59—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the adoption of charters by cities, and cities and counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto a new article to be numbered XXVI, embracing sections 1 to 4, inclusive, relating to motor vehicle taxation and revenues;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

### Adjournment.

At twelve o'clock and eight minutes p.m., on motion of Senator Rich, the acting President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, May 13, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

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SENATE CHAMBER,

SACRAMENTO, Thursday, May 13, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—40.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Wednesday, May 12, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James R.



Fauver of Exeter, Chairman Tulare County Water Commission, Mr. and Mrs. Ernest G. Dudley of Exeter, Mr. Walter S. Hunsicker, Mr. John A. Chase, Mr. Charles A. Whitmore, and Mr. J. J. Phillippi, all of Visalia.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John H. Palmer, principal; Miss Ruth Henson, and Miss Eleanor Scherrer, teachers; and the following students of Placerville Grammar School: Bobby Allen, Helen Bathurst, Wilma Beam, Frances Beattie, Ethyl Butler, Eleanor Chalder, Isabell Clarkson, Colleen Clayton, Jack Clifton, Florence Collins, Frank Dayton, Leo Del Carlo, Jack Ferrari, Charles Gilmore, Maxine Hockett, Helen Jeung, Earl Killham, Dale Mart, Mamie Means, Maxine Miller, Barbara Moore, Raymond Muller, Annee Neeley, Shirley Pacheco, Emmeline Pont, Beta Porter, Selma Prier, Mildred Rakish, Gladys Robinson, Jean Roddan, William Ruple, Wilma Schroth, Eileen Slater, Edna Mae Smith, Wilma Stroup, Clifford Swezey, Johnny Tacket, Dorothy Jean Thatcher, Billy Tingle, Rex Tingle, Doris Toombs, Harry Westdahl, Elsie Wilberg, Lealand Wigglesworth, Gladys Williams, Edith Young, and Robert Zuerger.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernest Twesselmann of Paso Robles.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Brian Benalack, Ken League, Vernon Crispin, and Lawrence Baker.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. J. Collins, instructor, and the following students of the Yuba County Junior College, Marysville: George Wood, John Sutton, Carl Remelsbacker, Robert Benedict, Maire Clark, Kathryn Sullivan, Enelda Deusterer, Bernice Nutley, Sylvia Francis, Margaret Walsh, and Winifred Madigan.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Reginald Foster, City Attorney, Mrs. Reginald Foster, Miss Barbara Foster and Mr. Erwin Davies, City Manager of Pacific Grove.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary Harley Jenks, principal, and history instructor; Mrs. Charles Mel and Mrs. Louise de Fremery, mothers of students, and the following students of the Bentley School, Berkeley: class in United States history and government: Sue Agnew, Barbara Mel, Mary Sutherland, Patty Hopkins, Jane Gray, Roberta Wynne, Elizabeth Worthington, Lorraine Gottschall, Allison Hudnut, Betty Hyde, Florence Deuprey, Christine Hjul, Phyllis Kennedy, Katherine de Fremery, and Robin Parker.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Ridgeway, and Norman Johnson, both of Riverside, and Mr. and Mrs. Webster Johnson of Modesto.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Duke Cole, of Linden.



On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. F. M. Conway of Stockton.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles L. Dodge, County Treasurer, Contra Costa County, and Wilbur Smith of Crockett.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Noale Nagler and Jack Kirby, both of Marysville.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. Redsted Pedersen of San Francisco.

### **Reports of Standing Committees.**

The following reports of standing committees were received and read :

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 186—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State, declaring the urgency thereof and providing that it shall go into immediate effect;

Senate Bill No. 171—An act to amend section 156 of the Vehicle Code, relating to license plates;

Senate Bill No. 585—An act to amend sections 551 and 700 of the Welfare and Institutions Code, relating to the Juvenile Court Law;

Senate Bill No. 717—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial;

Senate Bill No. 1105—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 461—An act to amend section 1640 of the Insurance Code and to add Chapter 7, comprising sections 1800 and 1815, to Part 2, Division 1, of said code, all relating to bail licenses;

Senate Bill No. 681—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor;

Senate Bill No. 684—An act to amend the title of, and to add section 15a to the Central Valley Project Act of 1933, relating to the powers and duties of the Water Project Authority;

Senate Bill No. 880—An act making an appropriation for the support of the Agricultural Prorate Commission, and declaring the urgency thereof;

Senate Bill No. 892—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California;

Senate Bill No. 1148—An act to amend sections 4239d, 4239h and 4239l of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County;

Senate Bill No. 1149—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1121—An act relating to the creation of a permanent system of merit system of civil service system in California, and does not amend.

Senate Bill No. 426—An act making an appropriation to pay the salary of the disbursing officer of the Fish and Game Commission of the State of California. And reports that the same have been correctly reengrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to prevent smuggling on the same. Passed, to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and dogging tracks. To provide penalties for the violation of the provisions of this act, and to make an appropriation therefor. And reports that the same has been correctly reengrossed.

KEOUGH, Chairman.

### On Finance.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 252—An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it pass as amended.

Committee membership—9. Committee vote—Ayes—9.

SWING, Chairman.

### Second Reading of Assembly Bill No. 252—(Out of Order)

**Assembly Bill No. 252**—An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 252 was read and adopted:

#### Amendment No. 1.

On page 2, line 32, of the printed bill, as amended, after the word "greats", strike out the comma and the balance of said line 32 and the words "school children" in line 33, and insert in lieu thereof the words "and others."

Bill read second time, ordered to print, and on file for third reading.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 44—Relative to approving the amendments to the charter of the city of Santa Barbara.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 44 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 41—Relative to approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936;

Senate Concurrent Resolution No. 42—Relative to granting leave of absence to the Honorable Ed Fletcher, member of the Senate of the fifty-second session of the Legislature of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 41 and 42 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 21—An act to repeal sections 273, 274, 275, 276, 277, 278, 279, 280, 281, 282 and 283 of the Political Code, relating to the contesting of elections for members of the Legislature;

Assembly Bill No. 1004—An act to amend section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine;

Assembly Bill No. 1005—An act to amend section 581 of the Business and Professions Code, relating to the unlawful use of any diploma, certificate or transcript necessary for the practice of a healing art;

Assembly Bill No. 1247—An act to add a new chapter to Part I of Division IV of the School Code to be known as Chapter IV, to add to Chapter II of Part IV of Division IV of said code a new article to be known as Article IIa and to add to said code two new sections to be numbered 2.1224 and 4.766-1, all relating to the support of kindergartens;

Assembly Bill No. 1258—An act to amend section 1678 of the Business and Professions Code, relating to the suspension and revocation of dental licenses;

Assembly Bill No. 1259—An act to amend section 1748 of the Business and Professions Code, relating to dental hygienists;

Assembly Bill No. 1260—An act to amend sections 1626 and 1635 of the Business and Professions Code, relating to the practice of dentistry.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 21 read first time, and referred to Committee on Elections.

Assembly Bill No. 1004 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1005 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1247 read first time, and referred to Committee on Education.

Assembly Bill No. 1258 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1259 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1260 read first time, and referred to Committee on Public Health and Quarantine.

## ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1261—An act to amend sections 1650, 1651, 1654, and 1655, and repealing sections 1656 and 1657, of the Business and Professions Code, relating to registration of licenses with county clerks;

Assembly Bill No. 1448—An act to amend sections 143, 185, and 378 of the Vehicle Code, relating to the registration of vehicles;

Assembly Bill No. 1707—An act to amend section 670 of the Code of Civil Procedure, relating to the judgment roll;

Assembly Bill No. 1779—An act making an appropriation for the support of the Sales Tax Division of the Board of Equalization during the eighty-eighth fiscal year, and to take effect immediately;



Assembly Bill No. 1870—An act for the relief of certain assessment districts and for that purpose empowering incorporated cities to render assistance and to such districts and to declare the urgency of this act, to take effect immediately.

Assembly Bill No. 2178—An act to amend section 632 of the Agricultural Code, relating to records.

Assembly Bill No. 2309—An act to amend section 1298 of the Penal Code, relating to bail.

Assembly Bill No. 2343—An act making it unlawful in any meeting or other ordinance of any city or city and county to prohibit the erection and/or maintenance of a private school or schools in any residential or other district in such city or city and county in which the erection and/or maintenance of a public school or schools is permitted.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1261 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1448 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1707 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1779 read first time, and referred to Committee on Finance.

Assembly Bill No. 1870 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2178 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2309 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2343 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2677—An act to add a new section to be numbered 1041.34 to the Political Code, relating to powers of boards of supervisors.

Assembly Bill No. 2841—An act to amend sections 4 and 8 of an act entitled "An act to provide for the organization and government of public elementary districts," approved July 31, 1921, relating to the creation and operation of elementary districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2677 read first time, and referred to Committee on County Government.

Assembly Bill No. 2841 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 210—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately.

Assembly Bill No. 307—An act to amend section 7 of the California Nautical School Act, relating to admission fees.

Assembly Bill No. 379—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego.

Assembly Bill No. 380—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego.

Assembly Bill No. 471—An act making an appropriation to meet a deficiency in an appropriation for the support of the Department of Motor Vehicles, and providing that this act shall take effect immediately.



Assembly Bill No. 617—An act to amend sections 8 and 8½ and 9 of the Retail Sales Tax Act of 1933, and section 6 of the Use Tax Act of 1935, and to add section 6½ thereto, relating to advertising and requiring posted or advertised sales prices to be exclusive of retail sales tax or the use tax and providing for tokens required in the payment of such retail sales tax or use tax;

Assembly Bill No. 817—An act relating to the installation of concession stands in the public buildings of this State, and providing for their operation by licensed blind persons, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 210 read first time, and referred to Committee on Finance.

Assembly Bill No. 307 read first time, and referred to Committee on Education.

Assembly Bill No. 379 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 380 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 471 read first time, and referred to Committee on Finance.

Assembly Bill No. 617 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 817 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1195—An act to repeal an act entitled "An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind or the semisighted," approved April 6, 1929, to repeal an act entitled "An act relating to retirement salaries of teachers and other employees employed in the public schools of the State and educational institutions supported in whole or in part by the State," approved June 19, 1929, to repeal Part IV of Division V of the School Code, and to add to said Division V of said School Code, a new part to be known as Part IV, all relating to a retirement system for the retirement of officers and employees of the State, counties and school districts rendering service of an educational nature, declaring the urgency thereof and providing that this act shall take effect immediately;

Assembly Bill No. 1201—An act making an appropriation to the Department of Motor Vehicles to pay claims against the State of California and declaring the urgency thereof;

Assembly Bill No. 1203—An act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in this State, and by resident dealers purchasing, handling and selling used motor vehicles received or acquired from nonresident dealers; requiring the registration of all used cars brought into this State for the purpose of sale to be registered with the Department of Motor Vehicles, and requiring all such dealers to execute and deliver to each purchaser of each used motor vehicle a bond indemnifying the purchaser against failure of title or breach of warranty or fraudulent misrepresentations; requiring the delivery of a certificate of title to the vendee; defining the term dealer and vendor, and providing penalties for the violation of the provisions of this act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1195 read first time, and referred to Committee on Education.

Assembly Bill No. 1201 read first time, and referred to Committee on Finance.

Assembly Bill No. 1203 read first time, and referred to Committee on Motor Vehicles.

## ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1296—An act to add sections 147, 149, 151, 147.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the appropriation of certain flammable liquids upon highways as follows:

Assembly Bill No. 1295—An act to regulate the loading, unloading and securing of cargo and floor coverings, providing for the licensing of persons subject to the provisions of the act and providing for the enforcement of the act by the Department of Professional and Vocational Standards.

Assembly Bill No. 1498—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1516—An act to add sections 6.5 to and repeal section 7 of and to repeal section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1526—An act to amend section 93 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1935, relating to the Division of State Employment Agencies;

Assembly Bill No. 1685—An act to amend sections 4, 8, 9, 12, 25, 26, 28, 30, 42, 49, 67, 78, 83, 85a, 86, and 108 of and to add sections 42a, 73a, 75a and 80a to an act entitled "An act to provide for the creation, establishment and maintenance of, and other such systems of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1934, relating to payment of employees of the University of California and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1206 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1295 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1498 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1516 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1526 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1685 read first time, and referred to Committee on Finance.

## ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2447—An act making an appropriation for the purpose of providing for a National egg laying contest.

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, equipment and operation of cleaning and dyeing shops or stores, and spotting, sparging and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sparging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing;

Assembly Bill No. 2733—An act to amend the title and sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to regulate the location, construction, equipment and operation of cleaning and dyeing shops or stores, and spotting, sparging and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sparging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved June 2, 1927, as amended, relating to clothes cleaning establishments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2447 read first time, and referred to Committee on Finance.

Assembly Bill No. 2732 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2733 read first time, and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1745—An act to amend section 5.853 of the School Code, relating to the teachers' permanent fund;

Assembly Bill No. 1886—An act to provide for salary adjustments for certain employees in the State civil service, making an appropriation therefor and providing that this act shall take effect immediately;

Assembly Bill No. 1935—An act making an appropriation for the encouragement of agriculture and the breeding of better poultry stock, and providing for the payment of premiums at the National egg laying contest at Modesto, California;

Assembly Bill No. 2051—An act making an appropriation to the State Department of Finance for the purchase and improvement of real property, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 2058—An act to amend section 1144 of and to add sections 1143a, 1145a and 1145b to the Agricultural Code, relating to egg products and providing for the keeping and giving of information in reference thereto, regulating the delivery thereof from public warehouses, regulating the containers in which egg products are packed, providing for the seizure of egg products and food products manufactured using egg products and providing an appropriation for the enforcement of Article 4 of Chapter 8 of Division V of the Agricultural Code;

Assembly Bill No. 2070—An act to add sections 9 and 10 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, making an appropriation for said commission and adding a short title to said act.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1745 read first time, and referred to Committee on Education.

Assembly Bill No. 1886 read first time, and referred to Committee on Finance.

Assembly Bill No. 1935 read first time, and referred to Committee on Finance.

Assembly Bill No. 2051 read first time, and referred to Committee on Finance.

Assembly Bill No. 2058 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2070 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2789—An act to add section 4056 to the Political Code, relating to wild flower reserves;

Assembly Bill No. 2834—An act to amend sections 11, 12, 20, 21 and 22 of the "General Cemetery Act" and adding section 21a thereto, relating to cemeteries and powers of cemetery corporations;

Assembly Bill No. 2845—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately;



Assembly Bill No. 2694—An act relating to unauthorized collection of fees by employers from employees.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 386—An act to amend section 224 of and to add section 227½ to the Civil Code, relating to the adoption of children.

Assembly Bill No. 1978—An act granting certain city marsh, tide and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof.

Assembly Bill No. 1986—An act to amend section 3716 of the Political Code, relating to the lien of taxes on real and personal property and providing that such liens shall cease to exist after 30 years.

Assembly Bill No. 1268—An act to amend sections 1, 2, 3, 6, and 8 of an act entitled "An act authorizing counties to declare nuisances or dangerous weeds growing upon the streets or sidewalks or upon private property or nuisances to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisances relate for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments," approved May 24, 1929, relating to abatement of weed nuisances.

Assembly Bill No. 2722—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed, regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things, declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1929, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2057—An act to amend sections 794, 804, 823, 827, 828 and 829 of, and to add section 829½ to the Agricultural Code, relating to the standardization of containers for fruit.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 389—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, and as a case of urgency:

Senate Bill No. 390—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part 2 of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Senate Bill No. 391—An act to add Chapter 1, comprising sections 2000 to 2228, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately.



Senate Bill No. 392—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part 1 of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

### **Consideration of Urgency Clause to Senate Bill No. 389.**

25000. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the code on this subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—35.

NOES—None.

### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 389.

#### **Amendment No. 1.**

On page 1, line 5 of the title of the printed bill, as amended, strike out the period after "herein", and insert in lieu thereof a comma and the following: "declaring the urgency hereof, and providing that this act shall take effect immediately."

#### **Amendment No. 2.**

On page 51 of the printed bill, as amended, strike out lines 22 to 51, inclusive; strike out all of pages 52, 53, 54 and 55; and on page 56, strike out lines 1 to 22, inclusive.

#### **Amendment No. 3.**

On page 102 of the printed bill, as amended, after line 49, insert the following: "6739. In the event that Assembly Bill 930 is finally enacted by the Legislature at its fifty-second session, notwithstanding the provisions of section 6729, 6734, and 6735 of this code, no county clerk of any county shall be required under the provisions of this article to record any of the following documents:

(a) The certificate of discharge, when any person is discharged as recovered from a State hospital.

(b) The certificate of recovery issued to any person by the medical superintendent of a State hospital.

(c) The order of a court adjudging any person to be sane.

In the event above-mentioned, and references in sections 6729, 6734, and 6735 to the recordation of any such document, and to the record thereof, shall be null and of no effect."

#### **Amendment No. 4.**

On page 117, line 40, of the printed bill as amended, strike out "1933: 761:2005".

**Amendment No. 5.**

On page 118 of the printed bill, as amended, after line 38, insert the following:

**"DIVISION XXV. URGENCY.**

25000. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the provisions of this act. Wherefore, to avoid the confusion and added expense that would otherwise ensue, it is necessary that this act take effect immediately."

**Amendment No. 6.**

On page 68, line 17, of the printed bill, as amended, strike out "Chapter 2 of Division IV of this code," and insert in lieu thereof the following: "An act entitled 'An act to provide for the aid and relief of indigents,' approved June 5, 1933, as amended."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 389?

The roll was called, and Assembly amendments to Senate Bill No. 389 concurred in by the following vote:

**AYES.**—Senators Allen, Bigger, Crittenden, Cunningham, DeLag, Garrison, Gordon, Gordon, Hays, Hollister, Holden, Jorgensen, Keating, Kossuth, Kossuth, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schwartz, Seaver, Slater, Slater, Slater, Wagner, Westover, and Young—37.

**NOES.**—None.

Senate Bill No. 389 ordered to enrollment.

**Consideration of Urgency Clause to Senate Bill No. 390.**

SEC. 4. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately, in the event mentioned in Section 3 herein.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the Code on this subject. Wherefore, to avoid the confusion and added expense that would otherwise ensue, it is necessary that this act take effect immediately.

**Urgency clause read.**

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

**AYES.**—Senators Allen, Bigger, Crittenden, Cunningham, DeLag, Garrison, Gordon, Hollister, Holden, Jorgensen, Keating, Kossuth, Law, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schwartz, Slater, Wagy, Westover, Williams, and Young—50.

**NOES.**—None.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 390.

**Amendment No. 1.**

On page 1, line 6 of the title of the printed bill, as amended, strike out the period after "herein", and insert in lieu thereof a comma and the following: "declaring the urgency hereof, and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 6 of the printed bill, as amended, after line 41, insert the following: "SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately, in the event mentioned in section 3 hereof.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the code on this subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 390?

The roll was called, and Assembly amendments to Senate Bill No. 390 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, Williams, and Young—32.

NOES—None.

Senate Bill No. 390 ordered to enrollment.

**Consideration of Urgency Clause to Senate Bill No. 391.**

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately in the event mentioned in section 3 hereof.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the code on this subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Wagy, Westover, Williams, and Young—33.

NOES—None.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 391.

**Amendment No. 1.**

On page 1, line 6 of the title of the printed bill, as amended, strike out the period after "herein", and insert in lieu thereof a comma and the following: "declaring the urgency hereof, and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 9 of the printed bill, as amended, after line 34, insert the following:

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately in the event mentioned in section 3 hereof.



The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the same on the subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 391?

The roll was called, and Assembly amendments to Senate Bill No. 391 concurred in by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Hollister, Hollman, Keating, Keough, Kewland, Law, McBrade, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Phillips, Plummer, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagg, Westover, and Young—33.

**NOES**—None.

Senate Bill No. 391 ordered to enrollment.

### Consideration of Urgency Clause to Senate Bill No. 392.

**SEC. 4.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately, in the event mentioned in section 3 hereof.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the same on the subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLay, Fletcher, Garrison, Gordon, Hays, Keating, Keough, Kewland, Law, McBrade, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Phillips, Plummer, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagg, Westover, and Young—33.

**NOES**—None.

### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 392.

#### Amendment No. 1.

On page 1, line 8 of the title of the printed bill, strike out the period after "herein", and insert in lieu thereof a comma and the following: "declaring the urgency hereof, and providing that this act shall take effect immediately."

#### Amendment No. 2.

On page 5, line 23, of the printed bill, after "physician", insert the following: "skilled in diseases of the eye".

#### Amendment No. 3.

On page 7 of the printed bill, after line 29, insert the following:

"Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately, in the event mentioned in section 3 hereof.

The facts constituting the necessity are as follows:

There are before the Legislature for consideration many legislative bills, including a number of urgency measures, dealing with various phases of the statutory



law codified in the Welfare and Institutions Code, hence affected by and dependent upon prior enactment and immediate effectiveness of the code on this subject. Wherefore, to avoid the confusion and added expense that would otherwise occur, it is necessary that this act take effect immediately."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 392?

The roll was called, and Assembly amendments to Senate Bill No. 392 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Senate Bill No. 392 ordered to enrollment.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 51—Approving a certain amendment to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a certain special election held therein on the fourth day of May, 1937:

Assembly Concurrent Resolution No. 54—Approving a certain amendment to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a certain special election held therein on the fourth day of May, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 51.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 51, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 51—Approving a certain amendment to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a certain special election held therein on the fourth day of May, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 51 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Assembly Concurrent Resolution No. 51 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 54.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 54, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 54—Approving a certain amendment to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a certain special election held therein on the fourth day of May, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 54 adopted by the following vote:

AYES—Senators Allen, Baggot, Craftenden, Cunningham, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holdman, Keating, Keough, Knowland, Lane, McBride, McColl, Metzger, Myer, Olson, Parkin, P. Pierrucci, Quinn, Ross, Schottky, Senwell, Slater, Tickle, Wagy, Westover, Williams, and Young—42.

NOES—None.

Assembly Concurrent Resolution No. 54 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$575.29 to pay the bills and for the expenses set forth below, and the Treasurer is hereby directed to pay the same:

Pac. Tel. & Tel. Co.	\$100.85
Railway Express Co.	100.85
Postage	100.00
Tidoff Lighting Fixture Co.	11.59
	<hr/> \$575.29

ROCH.  
LAW,  
McGORMACK

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Craftenden, Cunningham, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holdman, Jepsen, Keating, Keough, Knowland, Lane, McBride, McColl, Metzger, Myer, Olson, P. Pierrucci, P. Pierrucci, Quinn, Ross, Schottky, Senwell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—43.

NOES—None.

### Resolution.

The following resolution was offered:

By Senator Slater:

WHEREAS, It has been proposed that a certain highway within the State be added to the State highway system, and it is necessary and desirable that said highway be surveyed; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Department of Public Works is hereby requested to survey a route for a highway conforming as nearly as possible to the following description:

Beginning at a point on the State highway known as the Geysers highway leading from Geyserville to Calistoga, at a point about four miles southeast of Geyserville, near the Guilford school house, thence running in a north and northeasterly direction a distance of approximately 15 miles to the Geysers, thence from a point where said road intersects what is known as Sulphur Creek Road to the Geysers, westerly down Sulphur Creek to its intersection with the State Highway Route 1, at Preston.

Resolution read, and on motion of Senator Slater, adopted.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Knowland:

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately.

Respectfully submitted.

SENATOR KNOWLAND

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Knowland to introduce a bill entitled:

An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL.  
TICKLE.  
KNOWLAND.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

NOES—None.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Waggy:

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to pay the claim of J. A. Beek against the State of California.

Respectfully submitted.

SENATOR WAGGY.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Waggy to introduce a bill entitled:

An act making an appropriation to pay the claim of J. A. Beek against the State of California.  
Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL,  
TICKLE,  
KNOWLAND,  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, Deach, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Kough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Slater, Swing, Tickle, Westover, Williams, and Young—34.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Westover:

SENATE CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C.

Respectfully submitted

SENATOR WESTOVER

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Westover to introduce a bill entitled:

An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL,  
TICKLE,  
SLATER,  
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, Deach, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Kough, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Westover, and Young—33.

NOES—None.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:



**Senate Constitutional Amendment No. 29:** By Senators Hollister, Mixer, Quinn, Hays, Allen, and McCormack—Proposed amendment to Article IV of the Constitution, by adding section 2a thereto, relative to the introduction of bills in the Legislature.

Senate Constitutional Amendment No. 29 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 30:** By Senators Slater, Hays, Keating, Young, Denel, Schottky, and Holohan—Proposed amendment to Article IV of the Constitution, by adding section 15a thereto relative to enactment of legislation.

Senate Constitutional Amendment No. 30 read, and referred to Committee on Constitutional Amendments.

**Senate Bill No. 1151:** By Senator Knowland—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately.

Senate Bill No. 1151 read first time, and referred to Committee on Finance.

**Senate Bill No. 1152:** By Senator Wagy—An act making an appropriation to pay the claim of J. A. Beek against the State of California.

Senate Bill No. 1152 read first time, and referred to Committee on Finance.

**Senate Bill No. 1153:** By Senator Westover—An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C.

Senate Bill No. 1153 read first time, and referred to Committee on Fish and Game.

Assistant Secretary Howard McIntire at the Desk.

### Unfinished Business.

**Senate Bill No. 1121**—An act relating to the creation of a personnel system, merit system or civil service system in counties and cities and counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1121 refused passage by the following vote:

AYES—Senators DeLap, Denel, Garrison, Knowland, McBride, McGovern, Metzger, Nielsen, Olson, Phillips, Pterovich, Seawell, Williams, and Young—14.

NOES—Senators Allen, Bizzar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keogh, Law, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, and Westover—24.

### Consideration of Senate Bill No. 1105.

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1105, without reference to the Committee on Finance for purpose of passage.

**Senate Bill No. 1105**—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public

highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1105 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLong, Dwyer, Fletcher, Gordon, Gordon, Hays, Holahan, Jorgensen, Keating, Keough, Law, McReich, McCosack, Metzger, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Sewall, Slater, Swick, Tucke, Wagy, Westover, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 1105 ordered transmitted to the Assembly.

**Senate Bill No. 186**—An act relating to and imposing limitations on expenditure by counties, cities and counties, municipalities, districts, and other political subdivisions under authority of section 20 of Article XI of the Constitution of the State.

Bill read third time.

#### Urgency Clause.

SEC. 10. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV and shall therefore go into effect immediately.

The facts constituting such necessity are as follows:

Due to the aftermath of the widespread depression many taxpayers are unable to pay their taxes or to reduce their property taxes due to the State the delinquency. This not is intended to secure and property from the economy and impose burden of taxation to which it has been subjected by imposing the responsibility of the local governmental units thereby requiring economy in those administrations. Unless this act goes into immediate effect there will be no provision of law limiting these expenditures of local governmental units when budgets and appropriation ordinances are being enacted for the ensuing fiscal year with the result that the salutary purposes of this act will be lost, the necessity of the emergency, biological and public peace, health and safety threatened by wasteful extravagance, profligacy resulting in the impairment of all governmental functions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLong, Dwyer, Garrison, Hays, Holahan, Jorgensen, Keough, Knowland, Law, McReich, McCosack, McCosack, Metzger, Metzger, Mixer, Nelson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Sewall, Slater, Tucke, Westover, Williams, and Young—28.

NOES—Senators Cunningham, Gordon, Metzger, and Olson—4.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator McBride moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dencl, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—39.

The Secretary announced the absentees.

Time, twelve o'clock and twenty-nine minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Consideration of Daily File.**

#### **Third Reading of Senate Bills.**

**Senate Bill No. 43**—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 43, the following amendment, offered by Senator Williams, was read and adopted:

#### **Amendment No. 1.**

On page 4 of the printed bill, as amended April 8, 1937, between lines 7 and 8, insert the following:

"Sec. 16. Nothing in this act shall be deemed to preclude the electors of any city or city and county from causing to be submitted to the registered electors therein through initiative petition the proposition as to whether or not the operation of any of the devices proposed to be licensed under this act shall thereafter be prohibited within such city or city and county. Such proposition may be submitted at any general or special election and in the event that a majority of all of the voters voting on any said proposition vote in favor of prohibiting the operation of such devices within such city or city and county, it shall thereafter be unlawful for any person to operate same within such city or city and county."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### **Message from the Assembly.**

The following message from the Assembly was received and read:

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 52—Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of May, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Consideration of Assembly Concurrent Resolution No. 52.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 52, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 52** Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of May, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 52 adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeJoy, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Hunsaker, Jorgensen, Keating, Knecht, Kneeland, Lane, McBride, McCall, McGovern, McCormack, Metzger, Meyer, Nielsen, Olson, Parkman, Petrovich, Powers, Quinn, Rich, Schottky, Sewall, Slater, Swing, Tinkle, Wagy, Westover, and Williams—28.

**NOES**—None.

Assembly Concurrent Resolution No. 52 ordered transmitted to the Assembly.

### **Motion to Rescind.**

Senator McGovern moved that the action of the Senate, in adopting certain amendments numbered 1 and 2 to Assembly Bill No. 1199, as recorded on page 18 of the Senate Journal of May 11, 1937, be rescinded.

Motion carried, and such was the order.

### **Notice of Motion to Reconsider**

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1111 was refused passage.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At twelve o'clock and forty seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McBride.

The names of the absentees were called, and Senate Bill No. 186 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeJoy, Doud, Garrison, Hays, Hollahan, Jorgensen, Keating, Knecht, Kneeland, Lane, McBride, McCall, McCormack, McGovern, Nielsen, Parkman, Phillips, Petrovich, Powers, Quinn, Schottky, Slater, Tinkle, Wagy, and Williams—28.

**NOES**—Senators Bigger, Fletcher, Gordon, Hollister, Metzger, Meyer, Olson, Rich, Schottky, Swing, Westover, and Young—12.

Title read and approved.

Senate Bill No. 186 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and fifty minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate, declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.



**Consideration of Daily File—(Resumed).****Second Reading of Senate Bills.**

**Senate Bill No. 304**—An act to repeal an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 304 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "repeal", and insert in lieu thereof the following: "Amend section 1 and to add a new section to be numbered 10½ to".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 29 and 30, and insert in lieu thereof the following:

"SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Section 1. (a) The term "corporation" when used in this act includes a corporation, a company, an association and a joint stock association.

(b) The term "person" when used in this act includes an individual, a firm or a copartnership.

(c) The term "public highway" when used in this act includes every public street, road or highway in this State.

(d) The term "Railroad Commission" when used in this act means the Railroad Commission of the State of California.

(e) The term "motor vehicle" when used in this act means every motor truck, tractor, or other self-propelled vehicle used for transportation of property over the public highways, otherwise than upon fixed rails or tracks, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.

(f) The term "highway carrier" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever engaged in transportation of property for compensation or hire as a business over any public highway in this State by means of motor vehicle or other vehicles. However, it does not include the following:

(1) Carriers operating exclusively within the limits of a single incorporated city or city and county;

(2) Any farmer who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration;

(3) Persons or corporations hauling their own property;

(4) Any farmer operating a motor vehicle or vehicles used exclusively in the transportation of his live stock and agricultural commodities or in the transportation of supplies to his farm;

(5) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division VI of the Agricultural Code to the extent only that it may be engaged in transporting its own property or the property of its members.

(g) The term "highway common carrier" when used in this act means every highway carrier operating as a common carrier subject to regulation as such by the Railroad Commission under the Public Utilities Act of the State of California as amended.

(h) The term "radial highway common carrier" when used in this act means every highway carrier operating as a common carrier not heretofore subject to regulation as such by the Railroad Commission under the Public Utilities Act of the State of California, as amended.

(i) The term "highway contract carrier" when used in this act means every highway carrier other than a highway common carrier as defined in subsection (g) and every radial highway common carrier as defined in subsection (h).

Sec. 2. A new section to be numbered 103 is hereby added to the act cited in the title hereof to read as follows:

Sec. 103. It is hereby declared to be the policy of the State of California to rate making to be pursued by the Railroad Commission of the State of California to establish such rates as will promote the freedom of movement by carriers of agricultural commodities, including live stock, at the lowest tariff rates compatible with the maintenance of adequate transportation service. It was recognized when more than one type of carrier or means of transportation is involved, the commission shall consider all such types of carriers, including rates for each type of carrier, pursuant to the provisions of this act or the Public Utilities Act, and award the public the benefit of the lowest rates so determined.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 682**—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 683**—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds and section 21, relating to use of money appropriated by said act.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 685**—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1008**—An act to add Section 640 to the Streets and Highways Code, repealing section 612 of the Streets and Highways Code.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1054**—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Constitutional Amendment No. 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 11 were read and adopted:

**Amendment No. 1.**

On page 2, line 2, of the printed bill, strike out the comma and the words "and which compensation shall", and in line 3, strike out the words "not to exceed \$8,000 per year each."

**Amendment No. 2.**

On page 2 of the printed bill, strike out all of lines 4 to 10, inclusive.

Bill read second time, ordered to print, engrossment, and on file.

**Senate Constitutional Amendment No. 28**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto a new article to be numbered XXVI, embracing sections 1 to 4, inclusive, relating to motor vehicle taxation and revenues.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 28 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed measure, strike out lines 12 to 23, inclusive, and insert in lieu thereof the following: "vehicles, motor vehicles or the operation thereof, except as may otherwise be provided in section 4 of this article, shall be used for the following purposes:

1. For costs of collection and for the administration and enforcement of all laws now in effect or hereafter enacted, regulating or concerning the use, operation or registration of vehicles used upon the public streets and highways of this State and for the exercise of those powers and for the performance of those duties now imposed upon the California Highway Patrol.

2. For street and highway purposes as specified in paragraph (1) of subdivision (a) of section 1 of this article.

(b) The moneys referred to in subdivision (a) of this section allocated to the counties and any city and county may also be used as now or hereafter provided by the Legislature for the following additional purposes, provided such use will not in any manner cause the loss of Federal highway funds to this State:"

**Amendment No. 2.**

On page 2, line 46, of the printed measure, strike out "section 1", and insert in lieu thereof the following: "sections 1 or 2".

**Amendment No. 3.**

On page 2, lines 48 and 49, of the printed measure, strike out "State highway fund", and insert in lieu thereof the following: "funds from which so borrowed".

**Amendment No. 4.**

On page 2, line 49, of the printed measure, strike out "section 1", and insert in lieu thereof the following: "sections 1 or 2".

**Amendment No. 5.**

On page 3, line 1, of the printed measure, strike out the semicolon, and insert in lieu thereof the following: ", nor to any tax which is now or may hereafter be imposed by the "Retail Sales Tax Act of 1933," as amended, or the "Use Tax Act of 1935," as amended, in so far as either or both of such acts apply to the sale of any vehicle of a type subject to registration;"

Senate Constitutional Amendment No. 28 read, ordered to print, engrossment, and on file.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1761**—An act to amend section 3817a of, and to add sections 3817.3 and 3817.4 to, the Political Code, relating to redemption.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 1762**—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1951**—An act to amend section 3804a of the Political Code, relating to cancellation of taxes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 743**—An act to amend sections 2 and 3 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, iturpes or deformities," approved March 20, 1903, as amended, relating to itinerant vendor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 744**—An act to amend sections 4061, 4062, 4063, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 942**—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 942 were read and adopted:

##### Amendment No. 1.

On page 4, line 21, of the printed bill, after the word "California", insert the following: ", and all existing liens represented in the deed to the State of California".

##### Amendment No. 2.

On page 4, lines 32 and 33, of the printed bill, strike out the words "as provided in section 3898 of this code", and insert in lieu thereof the following: "between the taxing agencies, the liens of which are represented by the deed to the State, pro rata in the proportion which the amount of the taxes and assessments due to each such taxing agency bears to the total amount of taxes and assessments due to such taxing agencies".

##### Amendment No. 3.

On page 5 of the printed bill, strike out all of lines 2, 3, and 4, and insert in lieu thereof the following: "one year after the execution of such instrument, and cause after all persons".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1559**—An act to repeal section 3897 of the Political Code and to add sections 3897 and 3897.1 thereto, relating to the sale of property deeded to the State for delinquent taxes.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Assembly Bill No. 1559 was read and adopted:

##### Amendment No. 1.

On page 5, line 30, of the printed bill, as amended, strike out "three months", and insert in lieu thereof the following: "one year".

Bill read second time, ordered to print, and on file for third reading.



**Assembly Bill No. 1267**—An act to amend sections 792, 796 and 811 of the Agricultural Code, relating to fruits, nuts and vegetables, and declaring the urgency thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2798**—An act relating to the deduction of tare upon the purchase of farm products.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 662**—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Assembly Bill No. 662 was read and adopted:

**Amendment No. 1.**

On page 2, line 2, of the printed bill, strike out "District 21. The counties of Fresno and Madera.", and insert in lieu thereof the following: "District 21. The county of Fresno.

District 21A. The county of Madera."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1813**—An act to amend section 762 of the Agricultural Code, relating to quality of tomatoes for canning purposes.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 1813 were read and adopted:

**Amendment No. 1.**

On page 2, line 11, of the printed bill, strike out the period, and insert in lieu thereof a semicolon.

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 12 and 13, and insert in lieu thereof the following: "; provided that tomatoes of the earliana variety, for canning purposes, shall be considered to be fairly well colored when they show two-thirds good red color as such color is illustrated as 'U. S. No. 2' in any color chart for the earliana variety, issued by the United States Department of Agriculture, Bureau of Agricultural Economics."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1023**—An act to add a new section to be numbered 605e½ to the Civil Code, relating to the liability of members of unincorporated nonprofit associations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1618**—An act to amend section 361a of the Civil Code, relating to the merger and consolidation of corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1619**—An act to amend section 362a of the Civil Code, relating to the amendment of articles of incorporation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1666**—An act to amend sections 2906, 2907, 2908, 2910, 2911, 2914, 2915, 2917, 2919 and 2920 of the Political Code, and repealing sections 2916 and 2918, relating to franchises to construct and maintain public and private wharves, chutes, piers and slips.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 1666 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "Sections 2906, 2907, 2908, 2910, 2911, 2914, 2915, 2917, 2919 and 2920 of the Political Code", and insert in lieu thereof the following: "Section 4016 of the Harbors and Navigation Code".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, strike out the words "Sections 2916 and 2918", and insert in lieu thereof the following: "Section 4012 thereof".

**Amendment No. 3.**

On page 1, line 1 of the printed bill, strike out that portion of the bill beginning with the words, "Section 2906", to and including the word "Political" at line 47, page 4, and insert in lieu thereof the following: "Section 4016 of the Harbors and Navigation".

**Amendment No. 4.**

On page 5, line 3, of the printed bill, strike out "districts", and insert in lieu thereof the word "district".

**Amendment No. 5.**

On page 5, lines 8 and 9, of the printed bill, strike out the words "confer franchises and grant franchises as in the chapter entitled and".

**Amendment No. 6.**

On page 5, line 10, of the printed bill, after the word "payment", strike out the remainder of the sentence, and insert in lieu thereof the following: "therein provided".

**Amendment No. 7.**

On page 5, line 23, of the printed bill, strike out "Sec. 11. Section 2916 and 2918 of the Political Code are", and insert in lieu thereof the following: "Sec. 2. Section 4012 of the Harbors and Navigation Code is".

**Amendment No. 8.**

On page 2 of the printed bill, after line 8, insert the following: "In like manner such boards of supervisors may grant franchises or construction rights, wharves or piers on any lands bordering on any navigable bay, lake, river, pond, creek, channel or arm of the sea situated in or bounding their counties, respectively, for private purposes."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

**Assembly Bill No. 1872**—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2403**—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2404**—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act, and section 4, relating to project units.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1059**—An act to amend sections 1005, 117, 130, 185, 188, 190, 202, 673, 680, 720, 722, 730, 761, 825, 1622 and 1624 of the Streets and Highways Code, and to add new sections, to be num-

bered 103.5, 140.5 and 823.5, to said code, all relating to public highways and to the acquisition of rights of way for the administration, control, construction, and regulation thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 287**—An act to amend section 2349 of the Political Code, relating to navigable streams and public waterways.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 287 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "2349 of the Political", and insert in lieu thereof the following: "105 of the Harbors and Navigation".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "2349 of the Political", and insert in lieu thereof the following: "105 of the Harbors and Navigation".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 3 to 27, inclusive; on page 2, strike out lines 1 to 50, inclusive; and on page 3, strike out lines 1 to 37, inclusive, and insert in lieu thereof the following:

"105. The following streams and waters are also navigable and are public ways: Sacramento River, between its mouth and a point one hundred feet below Reid's Ferry, in Shasta County.

Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth to a point as far up as tidewater flows.

San Joaquin River, between its mouth and Sycamore Point.

San Leandro Bay, in the county of Alameda, the waters included in the estuary of San Antonio and the tidal canal connecting it with San Leandro; and the airport channel extending from the bay.

San Rafael Creek, in Marin County, from its mouth to a point as far as tide-water flows therein.

Sonoma River, between its mouth and a point opposite Fowler's hotel in the town of San Luis.

Stockton Slough, between its mouth and the west line of El Dorado Street in Stockton.

Suisun River, between its mouth and the town of Suisun embarcadero.

Tuolumne River, between its mouth and Dickinson's Ferry.

Yuba River, between its mouth and a point at the mouth of the slough at the foot of F Street, in the city of Marysville."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

**Assembly Bill No. 1569**—An act to permit the State, counties, cities and counties, and cities to do work and expend funds to protect the beaches from erosion or the effects of erosion and to permit cooperation with other governmental agencies.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2375**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 13, 20 and 22½ thereof and by adding thereto new sections numbered 6½, 6.8, 6.9, and 9.8, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also providing that



the California Toll Bridge Authority may enter into indentures or agreements containing provisions for the amount, form, maturities, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded, and refunded, sinking funds, minimum reserve requirements, and the appointment of a trustee to represent the holders of such bonds, and providing that all benefits or obligations pertaining to any bonds issued under said act shall inure to and continue for the benefit of any additional or funding or refunding bonds issued thereafter, also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes, also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge, and providing that this act become effective immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 2476 were read and adopted:

##### Amendment No. 1.

On page 1, line 8 of the title of the printed bill, as amended, after the words "construction", insert the following: ", acquisition".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out line 10 of the title, and insert in lieu thereof the following: "sinking funds, funds to reserve and disburse revenues, minimum reserve requirements, and the".

##### Amendment No. 3.

On page 3, line 33, of the printed bill, as amended, after the words, insert the following: "and for the designation of trustees to manage and disburse the revenues of such bridges and for the qualifications, duties and powers of such trustees."

##### Amendment No. 4.

On page 5 of the printed bill, as amended, strike out lines 30 to 32, inclusive, and insert in lieu thereof the following: "through, over, under, on or across State property, including highways, and streets, alleys, lanes and roads within any city, town."

##### Amendment No. 5.

On page 7 of the printed bill, as amended, strike out line 37, and insert in lieu thereof the following: "ments for such bonds, and designating a trustee or trustees which shall be a bank or trust company or banks or trust companies duly qualified to do business in this State, to receive and disburse the revenues of such toll bridge works or improvement, providing that as long as any of such."

##### Amendment No. 6.

On page 8, line 5, of the printed bill, as amended, after the period, insert the following: "The California Toll Bridge Authority shall in its absolute discretion fix the terms and conditions upon which such trustee or trustees shall receive, hold and disburse such revenues and may prescribe the powers and duties of such trustee or trustees."

##### Amendment No. 7.

On page 8 of the printed bill, as amended, strike out lines 51 and 52 and on page 9, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "through, over, under, on or across any property of this State, including highways, now or hereafter owned, opened, or dedicated to or for public use and hereafter acquired, and through, over, under, on or across the streets, alleys, lanes, and ponds now or hereafter opened or dedicated to".



**Amendment No. 8.**

On page 9 of the printed bill, as amended, strike out lines 35 to 39, inclusive, and insert in lieu thereof the following: "the California Toll Bridge Authority shall be entitled to the benefit of such reservation or grant."

Bill read second time, ordered to print, and on file for third reading.

**Call of the Senate.**

Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Keating, Knowland, Law, McCall, McGovern, Metzger, Mixter, Phillips, Pierovich, Schottky, Seawell, Slater, and Wagy—21.

The Secretary announced the absentees.

Time, two o'clock and fifty minutes p.m.

The acting President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 461** An act to amend section 1640 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, all relating to bail licenses.

**Amendments from the Floor.**

During third reading of Senate Bill No. 461, the following amendments, offered by Senator Hays, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 1640", and insert in lieu thereof the following: "sections 1640 and 1830".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 18, and insert in lieu thereof the following:

"(g) Persons whose employment does not include the solicitation, negotiation, or effecting of contracts of insurance and who do not sign policies or other evidences of insurance.

(h) Salaried traveling employees or officers of insurers, of the type commonly known as special agents, while performing duties and exercising functions such as are commonly performed by special agents, if such persons:

(1) Do not effect insurance.

(2) Solicit or negotiate insurance only as a part of and in connection with the business of an insurance agent licensed under this chapter.

(i) Persons directly employed by an insurer at its home or branch office, who do not solicit or negotiate insurance and who receive no commissions, and who may as part of their regular employment sign policies or other evidences of insurance.

(j) Bail agents and bail solicitors.

**SEC. 2.** Section 1830 of the Insurance Code is hereby amended to read as follows:

1830. This chapter shall not affect the solicitation of, negotiation for, or the execution or delivery of an undertaking of bail which is subject to Chapter 7 of this part."

**Amendment No. 3.**

On page 1, line 19, of the printed bill, strike out "Sec. 2" and insert in lieu thereof the following: "Sec. 3".

**Amendment No. 4.**

On page 1, line 23, of the printed bill, strike out "6", and insert in lieu thereof the following: "7".

**Amendment No. 5.**

On page 2, line 11, of the printed bill, strike out the words

**Amendment No. 6.**

On page 2, line 12, of the printed bill, strike out "license", and insert in lieu thereof the following "license"

**Amendment No. 7.**

On page 2, line 18, of the printed bill, strike out "his agent", and insert in lieu thereof the following "the licensee therein named"

**Amendment No. 8.**

On page 2, line 21, of the printed bill, strike out "\$5,000", and insert in lieu thereof the following "\$1,000".

**Amendment No. 9.**

On page 2, line 28, of the printed bill, after the period, insert the following: "Any person suffering loss or damage as a result of the making of any bad agent in respect to transactions involving money or by virtue of a liability assumed by the bad license, may bring action against his principal and money on the bond or either of them in any court having jurisdiction of the amount of damages claimed, either in the county where such damage occurred or where such person resides or has his principal place of business to the same extent as if such person so damaged was named in said bond."

The bond herein provided may be continued in force, and if continuous in force shall remain in effect until expired by its own terms in writing given by the surety to the commissioner. Cancellation shall not affect any liability incurred prior to the effective date of such cancellation."

**Amendment No. 10.**

On page 2 of the printed bill, between lines 39 and 40, insert the following:

"Before the issuance of a bad license in license, the applicant shall file a bond in the penal sum of \$1,000 conditioned upon the better application and deposit of all moneys collected or received by the applicant in favor of the people of the State of California. Any person suffering loss or damage as a result of the actions of any solicitor or money transactions involving money or by virtue of authority granted by his solicitor's license, may bring action against the principal and surety on this bond or either of them in any court having jurisdiction to the amount of damages claimed, either in the county where such damage occurred or where such licensee resides or has his principal place of business to the same extent as if the person damaged was named in the bond."

The bond herein provided may be continued in force, and if continuous in force shall remain in effect until expired by its own terms in writing given by the surety to the commissioner. Cancellation shall not affect any liability incurred prior to the effective date of such cancellation."

**Amendment No. 11.**

On page 3 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"1805. The commissioner may decline to issue a bad license until he is advised that:"

**Amendment No. 12.**

On page 3 of the printed bill, strike out line 7, and insert in lieu thereof the following: "which indicated lack of honesty or integrity, or which shows incapacity"

**Amendment No. 13.**

On page 3 of the printed bill, strike out lines 19 and 20

**Amendment No. 14.**

On page 3, line 21, of the printed bill, strike out "(c)", and insert in lieu thereof the following: "(f)".

**Amendment No. 15.**

On page 3, line 25, of the printed bill, strike out "(d)", and insert in lieu thereof the following: "(g)".

**Amendment No. 16.**

On page 3 of the printed bill, between lines 26 and 27, insert the following:

"1806. The commissioner may suspend, revoke or refuse to issue any license under this chapter whenever it is made to appear to him that the holder of such permit is not a fit or proper person to be permitted to continue to hold or receive such license."

**Amendment No. 17.**

On page 3, line 27, of the printed bill, strike out "1806", and insert in lieu thereof the following: "1807".

**Amendment No. 18.**

On page 3, line 29, of the printed bill, strike out "1807", and insert in lieu thereof the following: "1808".

**Amendment No. 19.**

On page 3, line 31, of the printed bill, strike out "December", and insert in lieu thereof the following: "June".

**Amendment No. 20.**

On page 3, line 32, of the printed bill, strike out "November", and insert in lieu thereof the following: "June".

**Amendment No. 21.**

On page 3, line 38, of the printed bill, strike out "1808", and insert in lieu thereof the following: "1809".

**Amendment No. 22.**

On page 3, line 45, of the printed bill, strike out "1809", and insert in lieu thereof the following: "1810".

**Amendment No. 23.**

On page 3, line 47, of the printed bill, strike out "1810", and insert in lieu thereof the following: "1811".

**Amendment No. 24.**

On page 3 of the printed bill, strike out lines 49 to 52, inclusive, and on page 4, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following: "sioner shall charge and collect a fee of \$10 at the time of application or request; except that in the case of such application or request during the fiscal year commencing July 1, 1937, for a license to be issued covering any portion of that fiscal year, the commissioner shall charge and collect the following fee:

- (a) For filing an application or request for such license by the holder of a license to act as an insurance agent or solicitor, \$6.
- (b) For filing an application or request for such license by the holder of a license to act as an insurance broker, \$1.
- (c) For filing an application or request for license by any other person, \$10."

**Amendment No. 25.**

On page 4 of the printed bill, strike out line 21, and insert in lieu thereof the following: "\$10,000, or by imprisonment in the State prison not exceeding ten years or in the county jail not exceeding one year, or by both".

**Amendment No. 26.**

On page 4, line 23, of the printed bill, after "Commissioner", insert the following: "shall".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 607**—An act to amend section 4041d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons.

**Amendments from the Floor.**

During third reading of Senate Bill No. 607, the following amendments, offered by Senator Schottky, were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, before "The", insert the following: "4041d."

**Amendment No. 2.**

On page 1, line 17, of the printed bill, strike out "Cooperation."

**Amendment No. 3.**

On page 1, line 24, of the printed bill, strike out "Tax levy."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Schottky.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 426** An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holahan, Keating, Kough, Knowland, Law, McCall, McGovern, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 426 ordered transmitted to the Assembly.

**Senate Bill No. 1141**—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of the act; and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of advertising this act," approved May 25, 1921, relating to State lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1141 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holahan, Jepsen, Keating, Kough, Knowland, Law, McCall, McGovern, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 1141 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At three o'clock and five minutes p. m., Hon. William P. Rish, President pro tempore of the Senate, in the chair.

**Senate Bill No. 755**—An act to add Article 1a to Chapter 1 of Division III of the Agricultural Code, relating to establishments slaughtering animals or preparing meat food products for animals of the canine or feline species.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 755 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holahan, Jepsen, Keating, Kough, Law, McBeale, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—Senators Knowland, and Slater—2.



Title read and approved.

Senate Bill No. 755 ordered transmitted to the Assembly.

**Senate Bill No. 684**—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project and to further amend the title of said act relating to payment of expenses resulting from interference with State property or State activities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Senate Bill No. 684 ordered transmitted to the Assembly.

**Senate Bill No. 935**—An act to amend sections 4 and 5 and to add a new section 4 (b) to an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 935 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Waggy, Westover, and Young—27.

**NOES**—None.

Title read and approved.

Senate Bill No. 935 ordered transmitted to the Assembly.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

**MR. PRESIDENT:** Your Committee on Finance, to which was referred:

Assembly Bill No. 2861. An act providing for the acquisition of lands for, and the construction, maintenance and operation of buildings at the Pacific Exposition and Mercado to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition and Mercado, creating the Cali-

fornia Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Has had the same under consideration, and respectfully requests the same back with amendments, and recommends that the amendments be adopted, and that it pass as amended.

Committee membership, 9; committee vote, Affirmative.

SWING, Chairman.

### Second Reading of Assembly Bill No. 2861—(Out of Order)

**Assembly Bill No. 2861**—An act providing for the acquisition of lands for, and the construction, maintenance and operation of buildings at the Pacific Exposition and Mercade to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition and Mercade, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

#### Consideration of Committee Amendments

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2861 were read and adopted:

##### Amendment No. 1.

On page 1, line 2, of the printed bill, strike out the word "one" and insert "twenty one".

##### Amendment No. 2.

On page 1, lines 6 and 7, of the printed bill, strike out the comma and the words "and the remainder being reserved to the State of California."

##### Amendment No. 3.

On page 2, line 27, of the printed bill, following the word "insert" the following sentence: "The Director of Finance is authorized to make in part of the transactions of the commission as in his judgment seems desirable."

##### Amendment No. 4.

On page 2, line 38, of the printed bill, striking the word "and" strike out the comma and the words "including the acquisition of lands for."

Bill read second time, ordered to print, and on file for third reading.

### Third Reading of Senate Bills—(Resumed)

**Senate Bill No. 802**—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the development of natural resources.

#### Amendment from the Floor.

During third reading of Senate Bill No. 802, the following amendment, offered by Senator Seawell, was read and adopted:

##### Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out "development", and insert in lieu thereof the following: "development."

#### Consideration of Senate Bill No. 802, as Amended.

**Senate Bill No. 802**—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the Department of Natural Resources.

The question being on the passage of the bill, as amended:

The roll was called, and Senate Bill No. 802 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deed, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, McCall, McCracken, McGowan, Nelson, Olson, Pierovich, Schottky, Seawell, Slater, Tinkle, Wagy, Westmore, and Young—25.

**NOES**—None.

Title read and approved, as amended.

Senate Bill No. 802 ordered transmitted to the Assembly.

**Senate Bill No. 1148**—An act to amend sections 4239d, 4239h and 4239l of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1148 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McCormack, McGovern, Nielsen, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—27.

**NOES**—None.

Title read and approved.

Senate Bill No. 1148 ordered transmitted to the Assembly.

**Senate Bill No. 892**—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 892 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—35.

**NOES**—Senator Westover—1.

Title read and approved.

Senate Bill No. 892 ordered transmitted to the Assembly.

**Senate Bill No. 1149**—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1149 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

**NOES**—None.

Title read and approved.

Senate Bill No. 1149 ordered transmitted to the Assembly.

**Senate Bill No. 681**—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Kough, Law, McBrine, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 681 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Senate Bill No. 672**—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 672 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kough, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 672 ordered transmitted to the Assembly.

**Senate Bill No. 673**—An act making an appropriation for office accommodations for the Bureau of Registration of Nurses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 673 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Kough, Knowland, Law, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 673 ordered transmitted to the Assembly.

**Senate Bill No. 674**—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Paroles, Department of Penology.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Kough, Knowland, Law, McGovern, Metzger, Nielsen, Olson, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

**NOES**—None.



Title read and approved.

Senate Bill No. 674 ordered transmitted to the Assembly.

**Senate Bill No. 675**—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 675 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Wag, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 675 ordered transmitted to the Assembly.

**Senate Bill No. 676**—An act making an appropriation for office accommodations for the superintendent of collection agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 676 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Rich, Seawell, Slater, Swing, Wag, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 676 ordered transmitted to the Assembly.

**Senate Bill No. 1029**—An act making an appropriation to the State Printing Plant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1029 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wag, Westover, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1029 ordered transmitted to the Assembly.

**Senate Bill No. 891**—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

**Amendment from the Floor.**

During third reading of Senate Bill No. 891, the following amendment, offered by Senator Olson, was read:

**Amendment No. 1.**

On page 7, line 20, of the printed bill, strike out "four", and insert the word "six".

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Gordon on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Jepsen, Knowland, McColl, McGovern, Olson, Phillips, Quinn, Schottky, Slater, and Westover—14.

**NOES**—Senators Allen, Crittenden, Hays, Hollister, Keough, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Young—18.

**Further Amendment from the Floor.**

During third reading of Senate Bill No. 891, the following amendment, offered by Senator Olson, was read:

**Amendment No. 1.**

On page 7, line 20, strike out the word "four", and insert the word "six".

**Motion to Table.**

Senator Pierovich moved that the amendment be laid on the table.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Gordon on the adoption of the motion to table.

The roll was called, and the motion to table refused adoption by the following vote:

**AYES**—Senators Allen, Crittenden, Hays, Law, McColl, McCormack, Metzger, Nielsen, Parkman, Pierovich, Quinn, Rich, Seawell, Swing, Tickle, Wagy, and Young—17.

**NOES**—Senators Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Hollahan, Jepsen, Keating, Keough, Knowland, McGovern, Mixer, Olson, Phillips, Powers, Schottky, Slater, and Westover—20.

The question being on the adoption of the amendment.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Westover and Gordon on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keough, Knowland, McGovern, Nielsen, Olson, Phillips, Quinn, Schottky, Slater, and Westover—18.

**NOES**—Senators Allen, Crittenden, Hays, Hollahan, Keating, Law, McBride, McColl, McCormack, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Young—20.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 891 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Donel, Fletcher, Gordon, Hays, Hollister, Keating, Keough, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Young—27.

**NOES**—Senators DeLap, Garrison, Hollahan, Jepsen, Knowland, McGovern, Olson, Phillips, Quinn, Slater, and Westover—11.

Title read and approved.

Senate Bill No. 891 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules.

### Report of Standing Committee

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Slater to introduce a bill entitled:

An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
MCCOLL.  
KNOWLAND.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Sewall to introduce a bill entitled:

An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation thereof, making an appropriation, and securing its urgency.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL,  
KNOWLAND,  
SLATER,  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES: Senators Allen, Cunningham, DeLoe, Dixon, Fletcher, Gentry, Hays, Hollister, Holohan, Keating, Keweenaw, Knowland, Lyle, McColl, McQuinn, Miller, Olson, Parkman, Petrovich, Powers, Quinn, Rich, Schwartz, Sewall, Slater, Slatyer, Tickle, Wagy, Westover, and Young. 30.

NOES: None.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented by Senator Quinn:

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to tide, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto.

Respectfully submitted

SENATOR QUINN.

Request referred to Committee on Rules.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Quinn to introduce a bill entitled:

An act relating to tide, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
McCOLL,  
KNOWLAND,  
SLATER,  
TICKLE.

The question being on the adoption of the report.



The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holister, Holohan, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

### **Introduction, First Reading and Reference of Bills.**

The following bills were introduced:

**Senate Bill No. 1154:** By Senator Slater—An act to add section 544.5 to the Political Code relating to disbursing officers' accounts.

Senate Bill No. 1154 read first time, and referred to Committee on Judiciary.

**Senate Bill No. 1155:** By Senator Seawell—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency.

Senate Bill No. 1155 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1156:** By Senator Quinn—An act relating to tide, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto.

Senate Bill No. 1156 read first time, and referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 31:** By Senator Slater—A resolution to propose to the people of the State of California an amendment to the Constitution by adding section 29 to Article IV of the Constitution, relating to State money.

Senate Constitutional Amendment No. 31 read, and referred to Committee on Constitutional Amendments.

**Senate Concurrent Resolution No. 45:** By Senator Tickle—Approving a certain amendment to the charter of the city of Pacific Grove, a municipal corporation in the county of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1937.

### **Consideration of Senate Concurrent Resolution No. 45.**

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 45, without reference to committee for purpose of adoption.

**Senate Concurrent Resolution No. 45**—Approving a certain amendment to the charter of the city of Pacific Grove, a municipal corporation in the county of Monterey, State of California, voted for and rati-

fied by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 45 adopted by the following vote:

AYES—Senators Allen, Carpenter, Cunningham, DeLoe, Dool, Edwards, Gannon, Gordon, Hays, Hollister, Holman, Keating, Kneale, Krenshaw, Lamm, McEwen, McColl, McGovern, Metzger, Meyer, Olson, Perkins, Pritchett, Pritchett, Quinn, Rich, Sewell, Slater, Swain, Tamm, Wagy, Westover, and Youngblood.

NOES—None.

Senate Concurrent Resolution No. 45 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 293—An act to amend sections 2, 3, 31, 4, 5, 6, 7, 8, 9, 9a, and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor, providing for method of securing license to engage in the business of contracting, and setting the fee for such license, providing the method of suspension and revocation of such license, and providing the punishment for violation of the provisions of this act," approved June 15, 1935, relating to the business of contracting, and the registration and licensing of contractors.

Assembly Bill No. 987—An act to amend Chapters II, III and IV and Articles II and III of Chapter V of Part I of Division V of the School Code, to read sections 5341, 5342, 5343, 5300, 5301, 5302, 5303 and 5340 of the said code; to amend sections 5293, 5313, 5314 and 5315 of said code; and to add to Part II of Division V of said code a new chapter to be known as Chapter II, all relating to certificates and credentials for employment in the public school system.

Assembly Bill No. 1629—An act to amend Chapters V and VI of Part III, and Chapter V and VI of Part V of Division III of the School Code, to add to Part III of Division III of said code a new chapter to be known as Chapter V, to add to Part V of Division III of said code a new chapter to be known as Chapter V; to amend sections 4291, 4271, 4272, 4284 and 4285 of said code, all relating to secondary schools, declaring the urgency thereof, and providing that this act shall take effect immediately.

Assembly Bill No. 1897—An act to add Article 2a, Chapter 2, Division II to the Agricultural Code, relating to the inspection of eggs.

Assembly Bill No. 2422—An act to add Article 2a and Article 4 to Chapter 10 of Division IV of the Agricultural Code, relating to the establishment of maximum wholesale and retail prices of milk.

Assembly Bill No. 2599—An act to add section 6 to an act entitled "An act to create a State Medical Library under the direction of the Regents of the University of California, providing for the establishment of libraries of said university and for the administration, maintenance and support of the same, and making an appropriation therefor," approved June 9, 1931, or to amend section 5.5 to the Business and Professions Code, relating to fixed and traveling exhibits.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 293 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 987 read first time, and referred to Committee on Education.

Assembly Bill No. 1629 read first time, and referred to Committee on Education.

Assembly Bill No. 1897 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2422 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2599 read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 50—Relative to approving certain amendments to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, voted for and ratified by the qualified electors of such city at a special election held therein on the twenty-eighth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 52—Relative to the approval of the charter of the city of Huntington Beach, a municipal corporation, in the county of Orange, State of California, as voted for and ratified by the electors of the city of Huntington Beach, at an election held therein on the twenty-ninth day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

### **Consideration of Assembly Concurrent Resolution No. 50.**

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 50, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 50**—Relative to approving certain amendments to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, voted for and ratified by the qualified electors of such city at a special election held therein on the twenty-eighth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 50 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Waggy, Westover, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 50 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 53.**

Senator Westover asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 53, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 53**—Relative to the approval of the charter of the city of Huntington Beach, a municipal corporation, in the county of Orange, State of California, as voted for and ratified by the electors of the city of Huntington Beach, at an election held therein on the twenty-ninth day of April, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 53 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride,



McColl, McGovern, Metzger, Mixer, Nielson, Olson, Powers, Quinn, Rich, Slater, Swing, Wags, Westover, and Young—30.  
 None—None.

Assembly Concurrent Resolution No. 53 ordered transmitted to the Assembly.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined:

Senate Bill No. 672—An act making an appropriation for other accommodations for the Division of Real Estate Department of Investments.

Senate Bill No. 673—An act making an appropriation for other accommodations for the Bureau of Registration of Nurses.

Senate Bill No. 674—An act making an appropriation for other accommodations for the Detective License Bureau, Division of Prisons and Parole, Department of Penology.

Senate Bill No. 675—An act making an appropriation for other accommodations for the Division of Corporations, Department of Investments.

Senate Bill No. 676—An act making an appropriation for other accommodations for the Superintendent of Collection Agencies.

Senate Bill No. 1029—An act making an appropriation to the State Printing Plant, declaring the urgency thereof and providing that this act shall take effect immediately:

Senate Bill No. 1052—An act to amend section 4 of "An act relating to the use and furnishing of stamps, coupons, tickets, train tickets, health tags, or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1935. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 39—Relative to the establishment of a public park and memorial museum at Fort Tejon.

Senate Concurrent Resolution No. 40—Relative to granting leave of absence to the Honorable Thomas McCormack, member of the Senate of the forty-second session of the Legislature of the State of California.

And reports that the same have been correctly enrolled and presented to the Governor on the thirteenth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined:

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 114, 131, 134, 141, 144, 201, 205 and 211, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX and by adding section 23 thereto, relating to alcoholic beverages.

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

Senate Bill No. 682—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units:



Senate Bill No. 683—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act;

Senate Bill No. 685—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act;

Senate Bill No. 1054—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Third Reading of Assembly Bills.

#### Assembly Constitutional Amendment No. 4.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its fifty-second regular session, commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 9 of Article XIII of the Constitution of said State be amended to read as follows:

Sec. 9. (a) A State Board of Equalization, consisting of one member from each of the five equalization districts in this State, as said districts are defined in this section or may be redefined pursuant to this section, shall be elected by the qualified electors of their respective districts, as hereinafter provided.

(b) The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, and it shall be the duty of said boards of equalization to equalize the valuation of the taxable property in their respective counties for purposes of taxation. The county boards of equalization are hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the valuation of any property contained in the assessment rolls of their respective counties except such property as is assessed by the State Board of Equalization.

(c) The State Board of Equalization is hereby authorized and empowered, under such rules of notice as may be prescribed by law, to increase or lower the entire assessment roll of any county, except such property contained therein as is assessed by said board, so as to equalize the valuation of the taxable property assessed by county assessors with that assessed by the said board.

(d) The State is divided into five equalization districts defined and constituted as follows:

(1) The counties of San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, and the City and County of San Francisco constitute the First Equalization District.

(2) The counties of Alameda, Contra Costa, San Joaquin, Sacramento, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, San Luis Obispo, Ventura, Santa Barbara, Inyo, Mono, Mariposa, Tuolumne, Calaveras, Amador, and Alpine constitute the Second Equalization District.

(3) The counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, Trinity, Humboldt, Mendocino, Tehama, Plumas, Sierra, Butte, Glenn, Lake, Colusa, Sutter, Yuba, Nevada, Placer, El Dorado, Yolo, Solano, Napa, Sonoma, and Marin constitute the Third Equalization District.

(4) The county of Los Angeles constitutes the Fourth Equalization District.

(5) The counties of San Diego, Imperial, Riverside, Orange and San Bernardino counties constitute the Fifth Equalization District.

(e) The terms of office of the members of the State Board of Equalization shall be for four years, commencing on the first Monday after the first day of January following their election, and shall continue until their successors have qualified. The members of the State Board of Equalization representing the present equalization districts shall continue in office until the end of their terms. The Governor shall appoint a board member from the Fifth District who shall hold office until the next election by the people. In the event a vacancy occurs in the State Board of Equalization, the Governor shall appoint a board member from the equalization district in which the vacancy occurs. Any member so appointed shall hold office for the remainder of the unexpired term as prescribed herein.

(f) All of the provisions of this section are self-executing. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may redefine the five equalization districts without reason, may change the terms of office of the members of the State Board of Equalization, and may provide for the staggering of such terms of office.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 4 adopted by the following vote:

**AYES.** Senators Allen, Crittenden, Cunningham, DeLoe, DeLoe, Flanagan, Garrison, Hays, Holahan, Jepsen, Keating, Knecht, Law, McFadden, McCormack, McCormack, McGovern, Metzger, Mixer, Nason, Olson, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Sewell, Slater, Sargent, Weger, and Westcott—32.  
**NOES.** Senator Gordon—1.

Assembly Constitutional Amendment No. 4 ordered transmitted to the Assembly.

**Assembly Bill No. 1794.**—An act to add Chapter 8, comprising sections 1830 to 1830 12, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions, and providing penalties for the violation thereof.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1794 the following amendment, offered by Senator Hays, was read and adopted:

#### Amendment No. 1.

On page 3, line 42, of the printed bill as amended strike out "insert" and insert in lieu thereof the following: "inserted."

Bill read, ordered to print, and on file for third reading.

### Unfinished Business—(Resumed).

**Assembly Bill No. 2376.**—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2376, the following amendments, offered by Senator McGovern, were read and adopted:

#### Amendment No. 1.

On page 1, line 3 of the title of the printed bill as amended strike out the punctuation after the word "purposes", and insert in lieu thereof the following: "and providing that the Superintendent of Banks shall have power to certify such bonds as a proper investment for savings banks in this State:".

#### Amendment No. 2.

On page 1, line 5, of the printed bill, as amended, after "amended" insert the following: "and which shall have been first certified by the Superintendent of Banks as hereinafter provided,".

#### Amendment No. 3.

On page 1 of the printed bill, as amended, between lines 19 and 20 insert the following: "The Superintendent of Banks shall have power to investigate and ascertain the status or sufficiency of investments for savings banks in this State of any such bonds, and if upon investigation it shall be determined in his opinion that such bonds constitute a proper investment for savings banks in this State he shall so certify. Any such certificate issued by the Superintendent of Banks may be revoked at any time in his discretion."

Bill read, ordered to print, and on file for third reading.

### Postponement of Reconsideration.

On motion of Senator Knowland, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 356 was passed, was continued until the next legislative day.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 769—An act to add section 2527.5 to the Political Code, relating to the State Board of Harbor Commissioners for San Francisco Harbor; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 271—An act to amend section 4225a of the Political Code, relating to cities of first and one-half class;

Assembly Bill No. 2867—An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal bankruptcy courts therein, and to provide for the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not consenting to the refunding proceedings and for the acquisition of any security of such obligations consisting of real property situated in the State of California or any rights therein;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—5.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1588—An act to amend sections 1, 2, 4, 6, 9, 10, 14, 17, 31 and 33 of, and to add section 34 to, the Assessment Bond Refunding Act of 1933, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, and the issuance of refunding bonds, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 1849—An act to amend sections 1, 2, 5, 7, 9, 10, 14, 16, 25, 29 and 30 of, and to add a new section to be numbered section 18 to an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, and declaring the urgency of this act; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

McGOVERN, Chairman.



**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1150—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

**On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Senate Bill No. 1021—An act to add section 13a to the Dental Practice Act, relating to places of practice;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

DE LAP, Chairman.

**On Finance.**

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 925—An act to provide primary financing for the National Guard and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 4779—An act making an appropriation for the support of the Sales Tax Division of the Board of Equalization during the eighty-eighth fiscal year, and to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 4—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 1.5 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind;

Assembly Bill No. 2805—An act relating to the creation of the first unit of the Southern California Prison and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1142—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; noes—3.

SWING, Chairman.



**On Military Affairs.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 747—An act to amend section 841 of the Military and Veterans' Code, relating to veterans' farm and home purchase funds;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman

**On Public Utilities.**

SENATE CHAMBER, SACRAMENTO, May 12, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 689—An act to repeal section 131, to amend section 32 and to repeal section 32½ of the Public Utilities Act, relating to public utility rates;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

PARKMAN, Chairman.

**On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1859—An act to add Chapter 9, comprising sections 4000 to 4256, inclusive, to Division 11 and to add section 30000 to Division XXX of the Business and Professions Code, relating to the practice of pharmacy and the sale of drugs, and repealing acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

DELAP, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 2048—An act to add section 538ee to the Penal Code, relating to secondhand goods;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes 5.

LAW, Chairman.

**Adjournment.**

At five o'clock and twenty minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate, declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Friday, May 14, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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**IN SENATE.**

SENATE CHAMBER,

SACRAMENTO, Friday, May 14, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hallister, Holahan, Jannasch, Keating, Keating, Knapik, Law, McBride, McCall, McGowan, Metzger, Miller, Norman, O'Connell, Powers, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, May 13, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Powers was, on motion of Senator McCall, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Victoria T. Leggett, and Mrs. Frances L. McCann.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. L. Loy S. Sifton, Victorian Council Decoration, Knights Council, chairman, Board of Revenue Commissioners, Public Service Commissioner, chairman, Public Service Superannuation Board; Premier of Saskatchewan, Regina, Canada.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. R. Adell, chairman, Madera County Board of Supervisors, H. M. Scott, director, Department of Public Welfare of Madera County, Dr. Lee A. Stone, County Health Officer, Madera County, and Claude Baker, Superintendent, Madera County Hospital.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leland S. Cutler.

On request of President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. W. Fox of Woodland, and Mr. J. H. Braden of Zamora, in attendance at I. O. O. F. Convention.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry Treupe of San Francisco, and Mr. Jack Stoll of Sacramento.

### Communications.

The following communications were received:

#### I.

From the Building Owners and Managers Association of Los Angeles, giving unanimous endorsement to Senate Bill No. 186 designed to limit increases in annual governmental budgets.

#### II.

From the Building Owners and Managers Association of Los Angeles, voicing its opposition to any legislation that would amend the present Sales Tax Law in a manner that would reduce current income derived from that source.

## III.

From the Municipal Housing Commission of the City of Los Angeles, endorsing Assembly Bill No. 1500, Housing Authority Act; Assembly Bill No. 1501, eminent domain amendment; Assembly Bill No. 1573, Housing Cooperation Act; and Assembly Bill No. 1678, Tax Exemption Act.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 37—Relative to adjournment sine die of the fifty-second session of the Legislature of the State of California;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 37 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 123—An act to make an appropriation for the purchase or construction of a dam and water distribution system in Napa County;

Assembly Bill No. 513—An act making an appropriation for river bank protection;

Assembly Bill No. 614—An act to authorize the purchase of certain real property for Fresno State College and making an appropriation therefor;

Assembly Bill No. 1490—An act to amend sections 1, 2, 12, 13, 16 and 17 of, and to add sections 12.5 and 21 to, an act entitled "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control," approved July 20, 1935, relating to structural pest control;

Assembly Bill No. 1575—An act making an appropriation for support of the Veterans' Home of California for the eighty-ninth and ninetieth fiscal years and providing that this act shall take effect immediately;

Assembly Bill No. 1577—An act authorizing the State Treasurer to pay certain coupons of bonds issued by the State of California;

Assembly Bill No. 1606—An act to abolish the licensed surveyors fund and to transfer the money remaining to the civil engineers fund;

Assembly Bill No. 1608—An act making an appropriation to meet a deficiency in the appropriation for printing constitutional amendments, Secretary of State's office, for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 1609—An act to add section 37.5 to the Alcoholic Beverage Control Act, relating to moneys heretofore appropriated for administration and enforcement.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 123 read first time, and referred to Committee on Finance.

Assembly Bill No. 513 read first time, and referred to Committee on Finance.

Assembly Bill No. 614 read first time, and referred to Committee on Finance.

Assembly Bill No. 1490 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 1575 read first time, and referred to Committee on Finance.

Assembly Bill No. 1577 read first time, and referred to Committee on Finance.

Assembly Bill No. 1606 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1608 read first time, and referred to Committee on Finance.

Assembly Bill No. 1609 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1618—An act to provide for and to regulate the construction of libraries.

Assembly Bill No. 1721—An act relating to the sale, disposition of, and control through licensing and otherwise of prophylactics.

Assembly Bill No. 1789—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceedings brought by the Attorney General in the court of claims of the United States on behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 643.

Assembly Bill No. 1828—An act to add Section 1396.5 to the Labor Code, relating to the sale of goods made or manufactured with child labor.

Assembly Bill No. 2180—An act to amend Article 1894 of the Political Code and to add to said code a new section to be numbered 1894, relating to the refund of taxes erroneously or illegally collected and to credit be reflect of erroneously or illegally collected taxes against current taxes.

Assembly Bill No. 2753—An act relating to the development and improvement of plants, disease resistant and superior in quality, authorizing the State Director of Agriculture to enter into and perform agreements with qualified persons in respect thereto, and making an appropriation therefor.

Assembly Bill No. 2790—An act relating to the cure and control of venereal diseases, granting other and further powers to various officers of the State Board of Public Health and its subordinate agencies, authorizing the acceptance of Federal Social Security funds and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANDLER, Assistant Clerk.

Assembly Bill No. 1648 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1721 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1780 read first time, and referred to Committee on Finance.

Assembly Bill No. 1828 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2180 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2753 read first time, and referred to Committee on Finance.

Assembly Bill No. 2790 read first time, and referred to Committee on Finance.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 880—An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein:

Assembly Bill No. 1264—An act to add Chapter 11, comprising sections 4800 to 4897, inclusive, to Division II and to add section 20008 to Division XXX of the Business and Professions Code, relating to the practice of veterinary medicine and surgery and repealing acts and parts of acts specified herein:

Assembly Bill No. 2843—An act to create a Commission to Study Existing Public and Private Arboreta and Botanic Gardens and make recommendations for the



establishment of a publicly owned arboretum and botanic garden, and making an appropriation therefor;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

### **Second Reading of Assembly Bill No. 880—(Out of Order).**

**Assembly Bill No. 880**—An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein.

Bill read second time, and ordered on file for third reading.

### **Resolution.**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 880 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

### **Call of the Senate.**

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, DeLap, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Parkman, Schotky, Seawell, Slater, Wag, Westover, and Young—23.

The Secretary announced the absentees.

Time, nine o'clock and fifty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Consideration of Daily File.**

#### **Third Reading of Assembly Bills.**

**Assembly Bill No. 1191**—An act to amend sections 4, 4d, 6, 15, 17b and 20 of the Juvenile Court Law, relating to the provision of care, custody and maintenance for minor persons, through or under the supervision of the juvenile court.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1191, the following amendments, offered by Senator Knowland, were read and adopted:

#### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, after "Law," insert the following: "or to amend sections 604, 638, 643, 701, 726, 825, 826 and 827 of the Welfare and Institutions Code,".

## Amendment No. 2.

On page 7 of the printed bill, as amended, after line 20, insert the following:

"SEC. 7. Section 604 of the Welfare and Institutions Code is hereby amended to read as follows:

604. The probation committee shall also make to the court an annual report to be filed as a public document within thirty days after the thirty-first day of December of the calendar year for which such report is made, copies of which shall be filed with the county board of supervisors and the State Department of Social Welfare.

SEC. 8. Section 638 of the Welfare and Institutions Code is hereby amended to read as follows:

638. Whenever application for the drawing of a petition under the provisions of this chapter is made to the district attorney of the county or to the probation officer, the probation officer shall make such investigation as may be requested by the district attorney, or whenever a report or complaint is made to the probation officer, that any person comes within the provisions of any of the subdivisions of section 700, and the probation officer shall make such investigation as to him may seem necessary, for the purpose of determining the necessity of filing a petition. The probation officer shall make and keep a record in writing of such investigation. Such record shall not be open to public inspection nor shall any person be permitted to read such record, or any part thereof, except upon approval of the probation officer or the judge of the juvenile court. If, after such investigation it appears to the district attorney or to the probation officer to whom report or complaint has been made that a petition should not be drawn such district attorney or probation officer may refuse to draw such petition.

SEC. 9. Section 643 of the Welfare and Institutions Code is hereby amended to read as follows:

643. Every probation officer, within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the county board of supervisors and to the State Department of Social Welfare a copy thereof. Such report, without giving names, shall state the exact number of wards of the juvenile court that remain under commitment to the care and custody of the probation officer, and the exact number of such wards of whose cases other disposition has been made, including all cases dismissed or discharged as reformed, or where such ward has passed the age of twenty-one years upon such thirty-first of December, segregating such wards as to sex, the subdivision of section 700 under which they were adjudged wards and the year they were so adjudged up to and including the calendar year for which such report is made and filed.

SEC. 10. Section 701 of the Welfare and Institutions Code is hereby amended to read as follows:

701. The jurisdiction of the juvenile court extends also to any person who should be declared free from the custody and control of his parents. The words "persons who should be declared free from the custody and control of his parents" include any person who comes within any of the following descriptions:

(a) Who has been left by his parent or parents in the care and custody of another without any provision for his support, or without communication from such parent or parents, for the period of one year with the intent to abandon such person; such failure to provide, or such failure to communicate for the period of one year shall be presumptive evidence of the intent to abandon, and such person shall be deemed and called an abandoned person.

(b) Who has been cruelly treated or neglected by his parent or parents; but no petition shall be filed praying that any such person be declared free from the custody and control of his parents unless for the period of one year continuously immediately prior to the filing of such petition, he has been a ward of the juvenile court and the parents deprived of his custody because of such cruel treatment or neglect.

(c) Whose parent or parents are habitually intemperate or morally depraved but no petition shall be filed praying that any such person be declared free from the custody and control of his parents unless for the period of one year continuously immediately prior to the filing of such petition, he has been a ward of the juvenile court and such parent or parents deprived of his custody because of such intemperance or moral depravity.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if, after investigation and service of citations as prescribed in this chapter upon the parent or parents who are imprisoned, the court decides that the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of the parent or parents to have the future custody and control of the child, or that the term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have been divorced on the ground of adultery, if the court, after service of citations as prescribed in this chapter upon such parent or parents and the presentation of all the evidence, finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be feeble-minded or insane, of the State Director of Institutions and the superintendent of the State hospital of which, if any, the parent or parents are inmates or patients, certify that the parent or parents will not be capable of supporting or controlling the child in a proper manner.

SEC. 11. Section 726 of the Welfare and Institutions Code is hereby amended to read as follows:

726. Upon the filing of a petition alleging that a person comes within any of the provisions of section 700 of this code, a citation shall issue, directing the parent, guardian or other person having the custody or control of the person, concerning whom the petition has been filed, and who resides within or is within the county and whose place of residence is known to the petitioner or to the probation officer to appear at the time and place for which hearing of the petition has been set. Such citation may further direct that such parent, guardian or other person bring with him the person concerning whom the petition has been filed. Service of the citation shall be made at least twenty-four hours before the time stated therein for such appearance.

If such parent, guardian or other person is not within the county in which the petition has been filed nor residing therein and his residence or address is known to the petitioner or probation officer, he shall be served with notice of the time and place for which hearing of the petition has been set by registered mail. The probation officer shall serve such notice which shall be done and the proof thereof made in accordance with the provisions of section 1013 and 1013a of the Code of Civil Procedure together with the filing of a registered mail receipt from such parent, guardian or other person showing that such notice has been received by him.

In the absence from the county of any such parent, guardian or other person and the presence within the county of some relative of the person concerning whom the petition has been filed, whose address is known to the petitioner or probation officer, citation shall issue to and be served on such relative. Service of citation may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service of citation filed with the clerk of the court at or prior to the hearing. In any case, the court may appoint some suitable person to act in behalf of the person concerning whom the petition has been filed and may order such further notice of the proceedings to be given as the court may deem proper.

SEC. 12. Section 825 of the Welfare and Institutions Code is hereby amended to read as follows:

825. No court shall have jurisdiction to try the case of any person under the age of eighteen years at the time of the alleged commission of a public offense or crime unless the matter has first been submitted to the juvenile court by petition as provided in Article 7 of this chapter, or by certificate of any other court as provided in this article, and said juvenile court has made an order therein directing that such person be prosecuted under the general law.

SEC. 13. Section 826 of the Welfare and Institutions Code is hereby amended to read as follows:

826. Whenever a deposition, or complaint indictment or information is filed in any court charging a person with a crime, and it is suggested or appears to the judge, justice or recorder before whom such person is brought that the person charged was, at the date the offense is alleged to have been committed, under the age of eighteen years, such judge, justice or recorder, shall immediately suspend all proceedings against such person on such charge; he shall examine into the age of such person, and if, from such examination, it appears to his satisfaction that such person was at the date the offense is alleged to have been committed under the age of eighteen years, he shall forthwith certify to the juvenile court of his county:

(a) that such person (naming him) is charged with such crime (briefly stating its nature);

(b) that such person appears to be under the age of eighteen years, giving date of birth when known;

(c) that proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension.

Immediately thereupon all proceedings against such person on such charge shall be suspended until the juvenile court issues its mandate, as provided in sections 831 and 832, directing the court before which the charge was made to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of the county for consideration and proceedings under this chapter.

SEC. 14. Section 827 of the Welfare and Institutions Code is hereby amended to read as follows:

827. To such certification the judge, justice or recorder, or the clerk of the court shall attach a certified copy of the original deposition, complaint, indictment or information and when the person charged with crime is brought before the judge of the juvenile court, that judge shall direct the probation officer to file a petition as provided in sections 721 and 722 of this code, except that such petition need not be verified; and the probation officer shall forthwith comply with such directions.

SEC. 15. Sections 1 to 6, inclusive, of this act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature of California.



**Sec. 16.** Sections 7 to 14, inclusive, of this act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1818**—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1818, the following amendments, offered by Senator Knowland, were read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the words, insert the following: "on to amend sections 869, 880, 881, 882, 883, and 884 of, and to add section 868 10 to the Welfare and Institutions Code."

#### Amendment No. 2.

On page 5 of the printed bill, as amended, after line 48, insert the following: "Sec. 4. Section 869 of the Welfare and Institutions Code is hereby amended to read as follows:

869. No order for payment from the county treasurer of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than twelve months, and no order for payment from the county treasurer of the expense of support and maintenance of a minor committed under a commitment which has been filed in accordance with the provisions of sections 731 and 732 of this code, other than a ward of the court, shall be effective for more than six months. Upon all hearings of the case of any ward of the juvenile court the court shall determine on the calendar, but in no instance to exceed twelve months. For each person committed to any State school, however, there shall be paid monthly to the State Treasurer the sum of twenty dollars by the county from which such person is committed for and during each month or part of month such person is committed remains in such State school or in any other State school within the State to which such person may be transferred. Each county auditor shall include in his State settlement report, rendered to the Controller in the month of January with item, the amount due under the provisions of this article, and the county treasurer, at the time of the settlement with the State in such month, shall pay to the State Treasurer, upon the order of the Controller, the amount due to be due by reason of such commitments.

**Sec. 5.** Section 880 of the Welfare and Institutions Code is hereby amended to read as follows:

880. (a) Except as provided in subdivision (b) of this section whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever subsequent to the filing of a petition in the juvenile court of the county where such person resides, the residence of such person is changed to another county, the state clerk shall be immediately transferred to the juvenile court of the county where such person then resides, and the juvenile court of the county where such person then resides shall take jurisdiction of the case upon the filing with it of an order transferring the case.

(b) In any case, however, in which the petition alleges that the person therein named comes within the provisions of subdivision (a) of section 700 of this code, whether or not such person has been declared a ward of the juvenile court, the transfer of such case to the juvenile court of the county where such person or ward then resides may be made after the determination that the residence of such person or ward has continued in the transferee county for the period of one year, and whenever any person has been declared a ward of the juvenile court and the county has been directed to pay toward the expense of his support and maintenance and he is found to be a resident of another county by subsequent change or otherwise, the transfer of his case may be made only if his residence has continued in the transferee county for the period of one year.

**Sec. 6.** Section 881 of the Welfare and Institutions Code is hereby amended to read as follows:

881. The expense of the transfer of such person shall be paid from the county treasury, and the court ordering the transfer shall also pay all expenses in connection with the transfer until the acceptance of the transfer by the transferee county.

The judge shall inquire into the financial condition of such person and of the parent, parents, guardian, or other person charged with his support and maintenance, and if he finds such person, parent, parents, guardian, or other person able, in whole or in part, to pay the expense of such transfer, he shall make a further order requiring such person, parent, parents, guardian, or other person to repay to the county such part, or all, of such expense of transfer as, in the opinion of the court, is proper. Such repayment shall be made to the probation officer, who shall



keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.

SEC. 7. Section 882 of the Welfare and Institutions Code is hereby amended to read as follows:

882. Whenever a case is transferred as provided in section 880, the order of transfer shall recite (a) each and all of the findings, order or modification of orders that have been made in the case, and (b) that the person transferred resides in the county to which the matter has been transferred. A certified copy of the original petition in the matter shall be attached to the order of transfer. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or probation officer covering the history of the person.

SEC. 8. Section 883 of the Welfare and Institutions Code is hereby amended to read as follows:

883. Whenever an order of transfer from another county is filed with the clerk of any juvenile court, the clerk shall place the transfer order on the calendar of the court, and it shall have precedence over all actions and civil proceedings not specifically given precedence by other provisions of law, and shall be heard by the court at the earliest possible moment following the filing of the order.

SEC. 9. Section 884 is hereby added to the Welfare and Institutions Code to read as follows:

884. Whenever it appears that any person concerning whom a petition has been filed is in need of medical or surgical care, and there is no parent or guardian capable or willing to authorize such care, the court shall cause such person to be examined by two qualified physicians and on the written statements that such person is in need of medical attention or surgical care the court may, after due notice, enter an order therefor.

SEC. 10. Section 868.10 is hereby added to the Welfare and Institutions Code to read as follows:

868.10. In any case where a county has expended money for the support and maintenance of any ward or other minor person and the court has not made an order of reimbursement to the county, in whole or in part, as provided in this article, or the court has made and subsequently revoked such an order, if the ward or other minor person or parent, guardian or other person liable for the support of the ward or other minor person acquires property, money or estate subsequent to the date the juvenile court assumed jurisdiction over the ward or minor person or subsequent to the date the order of reimbursement was revoked, the county shall have a claim against the ward or other minor person or parent, guardian or other person liable for the support of the ward or other minor person to the amount of a reasonable charge for money so expended. Such claim shall be enforced by action of the district attorney on request of the board of supervisors.

SEC. 11. Sections 1 to 3, inclusive, of this act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second session of the Legislature of California.

SEC. 12. Sections 4 to 10, inclusive, of this act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second session of the Legislature of California."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1228**—An act to amend sections 510, 511, 512, 513, 515 and 593 of the Agricultural Code, relating to ice cream and similar frozen products.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1228, the following amendment, offered by Senator Biggar, was read and adopted:

#### Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, strike out "one hundred fifty thousand", and insert in lieu thereof the following: "75,000".

Bill read, ordered to print, and on file for third reading.

#### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Joint Resolution No. 22:** By Senator Slater—Relative to memorializing the President and the Congress of the United States to acquire the Petrified Redwood Forest in Sonoma County, as a permanent National monument.

### Consideration of Senate Joint Resolution No. 22.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 22 without reference to committee for purpose of adoption.

#### Senate Joint Resolution No. 22.

**Relative to memorializing the President and the Congress of the United States to acquire the Petrified Redwood Forest in Sonoma County, as a permanent national monument.**

WHEREAS, There is located in Sonoma County, the Petrified Redwood Forest, which is of great interest and scientific value to all citizens of the United States; and

WHEREAS, The protection of this forest against inroads of commerce and against the inroads of irresponsible persons can best be handled by the Federal Government; now, therefore, be it

*Resolved, by the Senate and the Assembly of the State of California, jointly:* That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to acquire the Petrified Redwood Forest in Sonoma County, in the State of California, and by appropriate legislation make same a national monument; and be it further

*Resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and the National Park Service, to the Secretary of the Interior and the Smithsonian Institution, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and such Senators and members of the House of Representatives from California are respectfully urged to support this project.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 22 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Keweenaw, Lay, McBride, McColl, Mixer, Nielsen, Olson, Parkman, Quinn, Rich, Seawell, Slater, Wags, Westover, Williams, and Young—29.

**NOES**—None.

Senate Joint Resolution No. 22 ordered transmitted to the Assembly.

### Unfinished Business.

**Senate Bill No. 812**—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits therein; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents, to prevent discriminations between various forms of transportation, to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

#### Amendments from the Floor.

During third reading of Senate Bill No. 812, the following amendment, offered by Senator Parkman, was read and adopted:

#### Amendment No. 1.

On page 7 of the printed bill, as amended, strike out lines 48 to 52, inclusive, and on page 8, strike out lines 1 to 45, inclusive, and insert in lieu thereof the following:

"SEC. 17. No such permit shall be issued unless and until the applicant therefor shall file with the commission proof of ability to respond in damages resulting from the ownership or operation of the motor vehicles to be operated pursuant to the permit, arising by reason of personal injury to, or death of, any one person, of at least \$5,000, and subject to the limitation of \$5,000 for each person injured or killed, of at least \$15,000 for such injury to, or death of, two or more persons in any one accident, and for damage to property of at least \$2,000 resulting from any one accident.

If the capacity of any motor vehicle to be operated under said permit is in excess of 12 passengers, then, subject to the limitation of \$5,000, for each person injured or killed, such proof of ability to respond in damages shall be as follows:

(a) For each such motor vehicle having a seating capacity between 12 and 20 passengers, at least \$25,000, for injury to or death of two or more persons in any one accident.

(b) For each such motor vehicle having a seating capacity between 20 and 30 passengers, at least \$40,000, for injury to or death of two or more persons in any one accident.

(c) For each such motor vehicle having a seating capacity in excess of 30 passengers, at least \$50,000, for injury to or death of two or more persons in any one accident.

Such proof of ability to respond in damages shall consist of the written certificate or certificates of any admitted insurer that it has issued to or for the benefit of the person named therein, a motor vehicle liability policy or policies, as hereinafter defined, which, at the date of the certificate or certificates is in full force and effect. Each certificate shall, by explicit description or by other appropriate reference, designate all motor vehicles with respect to which coverage is granted by the policy certified to.

The commission shall not accept any certificate or certificates unless all motor vehicles to be operated under such permit are covered thereby. Additional certificates shall be required as a condition precedent to the operation of any additional motor vehicle or motor vehicles in the name of the person required to furnish such proof. The certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled except upon 10 days prior written notice to the commission.

"Motor vehicle liability policy," as used in this section, means a policy of insurance against loss arising from liability imposed by law upon such highway carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, and against property damage. Each policy shall, by explicit description or by appropriate reference, designate all motor vehicles with respect to which coverage is intended to be granted and shall insure the insured named therein, and any other person using or responsible for the use of any such motor vehicle, with the consent, express or implied, of such insured, against loss from the liability imposed upon such insured or upon such other person by law, for injury to, or death of, any person, other than such person or persons as may be covered, as respects such injury or death by any workmen's compensation law; or damage to property, except property of others in charge of the insured or the insured's employees, growing out of the maintenance, use or operation of any such motor vehicle in the United States of America. This section shall not prevent any admitted insurer from granting any lawful insurance in excess of or in addition to the insurance herein provided for, nor from embodying in any policy any agreements, provisions or stipulations not contrary to law.

No."

#### Further Amendments from the Floor.

During third reading of Senate Bill No. 812, the following amendments, offered by Senator Gordon, were read:

##### Amendment No. 1.

On page 2, line 49, of the printed bill, as amended, strike out "used", and insert in lieu thereof the following: "regularly engaged".

##### Amendment No. 2.

On page 3, line 12, of the printed bill, as amended, following the word "California", add a semicolon and the following:

"(c) while operated by the registered owner of a pleasure vehicle or by any member of his family in the transportation of persons to the same destination as that of the operator or to a place through which the operator passes on the way to his destination, whether any consideration is paid to the operator or not, if the operation of the motor vehicle is for purposes other and additional to that of carrying the persons paying the compensation and is not in the regular course of business".

##### Amendment No. 3.

On page 4, line 1, of the printed bill, as amended, strike out "fifty dollars (\$50)", and insert in lieu thereof the following: "ten dollars (\$10)".



**Amendment No. 4.**

On page 4 of the printed bill, as amended, strike out lines 42 to 50 inclusive.

**Amendment No. 5.**

On page 4, line 51, of the printed bill, as amended, strike out "ed)", and insert in lieu thereof the following: "(b)".

**Amendment No. 6.**

On page 5, line 2, of the printed bill, as amended, strike out "cc)", and insert in lieu thereof the following "(c)".

**Amendment No. 7.**

On page 5, line 5, of the printed bill, as amended, strike out "ff)", and insert in lieu thereof the following: "(d)".

**Amendment No. 8.**

On page 5, line 8, of the printed bill, as amended, strike out "gg)", and insert in lieu thereof the following: "(e)".

**Amendment No. 9.**

On page 5, line 10, of the printed bill, as amended, strike out "hh)", and insert in lieu thereof the following: "(f)".

**Amendment No. 10.**

On page 5, line 12, of the printed bill, as amended, strike out "ii)", and insert in lieu thereof the following: "(g)".

**Amendment No. 11.**

On page 5, line 14, of the printed bill, as amended, strike out "jj)", and insert in lieu thereof the following: "(h)".

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Gordon, Garrison and McColl on the adoption of Amendment No. 2.

The roll was called, and Amendment No. 2 adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Holbster, Holahan, Janssen, Keating, Keough, Knowland, Law, McColl, Metzger, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawall, Slater, Swing, Tickle, Wagg, Westover, and Young—21.

**NOES**—Senators Fletcher, McBride, Parkman, and Williams—4.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Gordon, Garrison and McColl on the adoption of Amendment No. 3.

The roll was called, and Amendment No. 3 refused adoption by the following vote:

**AYES**—Senators Garrison, Gordon, Keating, Law, McColl, Metzger, Nielsen, Olson, Rich, and Slater—10.

**NOES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Holahan, Janssen, Keough, Knowland, McBride, McGowan, Meixner, Parkman, Phillips, Pierovich, Quinn, Seawall, Swing, Westover, Williams, and Young—24.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Gordon, Garrison and McColl on the adoption of Amendments Nos. 1, 4, 5, 6, 7, 8, 9, 10 and 11.

The roll was called, and Amendments Nos. 1, 4, 5, 6, 7, 8, 9, 10 and 11 adopted by the following vote:

**AYES**—Senators Bigger, Crittenden, Garrison, Gordon, Holbster, Holahan, Janssen, Keating, Keough, Law, McColl, Metzger, Nielsen, Olson, Phillips, Rich, Slater, Westover, and Mr. President—19.

**NOES**—Senators Allen, Cunningham, DeLap, Denel, Fletcher, Hays, Knowland, McBride, McGowan, Mixer, Parkman, Quinn, Schottky, Seawall, Swing, Tickle, Williams, and Young—18.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.



**Senate Concurrent Resolution No. 37**—Relative to adjournment sine die of the fifty-second session of the Legislature of the State of California.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Concurrent Resolution No. 37.

**Amendment No. 1.**

On page 1, line 4, of the printed resolution, strike out "14", and insert in lieu thereof "28".

The question being: Shall the Senate concur in Assembly amendments to Senate Concurrent Resolution No. 37?

The roll was called, and Assembly amendments to Senate Concurrent Resolution No. 37 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—Senator Biggar—1.

Senate Concurrent Resolution No. 37 ordered to enrollment.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 252**—An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 252, the following amendment, offered by Senator Olson, was read and withdrawn:

**Amendment No. 1.**

On page 2, line 18, of the printed bill, as amended, strike out the words "five million", and insert in lieu thereof the following: "two million five hundred thousand".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES**—None.

Title read and approved.

Assembly Bill No. 252 ordered transmitted to the Assembly.

**Assembly Bill No. 2861**—An act providing for the acquisition of lands for, and the construction, maintenance and operation of buildings at the Pacific Exposition and Merceado to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at

said Pacific Exposition and Mercado, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2861 passed by the following vote:

AYES—Senators Allen, Buggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Kossuth, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Quinn, Rust, Schottky, Seawell, Slater, Spring, Tuck, Wager, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 2861 ordered transmitted to the Assembly.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 460. An act to amend sections 10112, 10113, 10204, 10209, 10213, 10241 and 10511 of the Insurance Code, to add section 10200.5 thereto, and relating to insurance;

And reports that the same has been correctly engrossed.

KEELIGH, Chairman.

### Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and thirty one minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

The names of the absentees were called, and the resolution suspending the Constitution for purpose of considering Assembly Bill No. 880 adopted by the following vote:

AYES—Senators Allen, Buggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Kossuth, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Quinn, Rust, Schottky, Seawell, Slater, Spring, Tuck, Wager, Westover, Williams, and Young—38.

NOES—None.

### Third Reading of Assembly Bill No. 880—(Out of Order).

**Assembly Bill No. 880**—An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 880 passed by the following vote:

AYES—Senators Allen, Buggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Holahan, Jaspersen, Keating, Kossuth, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips,

Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Assembly Bill No. 880 ordered transmitted to the Assembly.

### **Second Reading of Senate Bills.**

**Senate Bill No. 769**—An act to add section 2527.5 to the Political Code, relating to the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1150**—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 1150 was read and adopted:

##### **Amendment No. 1.**

On page 1, line 30, of the printed bill, after the period, add the following paragraph:

"The provisions of this section shall not apply to jurors summoned under the provisions of sections 226 or 227 of this code."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1021**—An act to add section 13a to the Dental Practice Act, relating to places of practice.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 1021 were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 13a to", and insert in lieu thereof the following: "amend section 1602 of".

##### **Amendment No. 2.**

On page 1 of the printed bill, strike out all of line 2 of the title, and insert in lieu thereof the following: "to members of the State Board of Dental Examiners."

##### **Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 1 to 11, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1602 of the Dental Practice Act is hereby amended to read as follows:

1602. All of the members of the board shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment, shall be eligible to membership in California or Southern California State Dental Association at the time the appointment is made, and none of them shall be a member of the faculty of any dental college or dental department in any medical college in the State of California, or shall have any financial interest in any such college."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 925**—An act to provide armory facilities for the National Guard and making an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 925 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "to provide armory facilities for the", and insert in lieu thereof the following: "making an appropriation for construction, improvements and equipment of armories, armory ranges, rifle ranges and camp sites, The Adjutant General and California".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 2 of the title and insert in lieu thereof the following: "during the eighth month and nineteenth fiscal years, and providing that this act shall take effect immediately."

**Amendment No. 3.**

On page 1, line 1, of the printed bill, strike out "\$2,000" and insert in lieu thereof the following: "seventy nine thousand dollars (\$79,000)".

**Amendment No. 4.**

On page 1 of the printed bill, strike out lines 4 to 5 inclusive and insert in lieu thereof the following: "priced to be expended by The Adjutant General for construction, improvements and equipment of armories, armory ranges, rifle ranges and camp sites for the California National Guard, during the eighth month and nineteenth fiscal years."

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately.

A statement of the facts constituting such necessity is as follows: There is here an insufficient number of armories and training facilities to house and train adequately the California National Guard units, and several existing California National Guard Armories are in need of immediate repairs. It is necessary to repair those armories at once to avoid serious depreciation and deterioration, and it is necessary immediately to build new armories and training facilities for the use of new units assigned to the California National Guard.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1142**—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 747**—An act to amend section 841 of the Military and Veterans' Code, relating to veterans' farm and home purchase funds.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Military Affairs, the following amendments to Senate Bill No. 747 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "of", insert the following: ", and to add section 841a to,".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, after "funds", insert the following: "hereafter".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, after "chapter", insert the following: ", or any portion or portions thereof,".



**Amendment No. 4.**

On page 1, line 8, of the printed bill, after "and", insert the following: "estimated".

**Amendment No. 5.**

On page 1 of the printed bill, strike out line 9, and insert in lieu thereof the following: "future obligations shall inure to the benefit of veteran beneficiaries and, with the written approval of the".

**Amendment No. 6.**

On page 1 of the printed bill, strike out line 11, and insert in lieu thereof the following: "board may be returned, by".

**Amendment No. 7.**

On page 1, line 12, of the printed bill, strike out "application", and insert in lieu thereof the following: "applications".

**Amendment No. 8.**

On page 1 of the printed bill, strike out lines 13 to 16, inclusive, and insert in lieu thereof the following: "advisable by the board, to veteran beneficiaries, or the heirs or devisees of deceased veteran beneficiaries in amounts commensurate with the veteran beneficiaries' payments to the board and the elapsed terms of their contracts."

**Amendment No. 9.**

On page 1 of the printed bill, strike out lines 18 to 20, inclusive, and insert in lieu thereof the following: "tion, a veteran beneficiary is any veteran who has entered into any existing contract, or who shall enter into a contract, with the board under the provisions of this code and is not in default thereunder."

SEC. 2. Section 841a is hereby added to said code to read as follows:

841a. Out of any money available in the veterans' farm and home building fund, the board may advance to any purchaser upon his application, and under such regulations as the board may, from time to time, prescribe, sums for the purpose of keeping in good order or repair, or for painting, redecorating or remodeling, all buildings, fences or other permanent improvements on, or the insuring against fire or other hazards, any building, fence or other permanent improvements or crops on the property being purchased from the board, or the board may advance to any such purchaser moneys actually expended in so doing.

All moneys advanced to a purchaser by the board shall be added to the deferred principal of the purchaser's account and bear interest at the same rate and shall be repaid by the purchaser to the board under such conditions as it may prescribe.

The moneys advanced may, in the discretion of the board, be in addition to the maximum purchase price of a farm or home as limited by the provisions of section 815 of this code.

The board shall be the sole judge of the need and desirability of making such advances."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 689**—An act to repeal section 13 $\frac{1}{2}$ , to amend section 32 and to repeal section 32 $\frac{1}{2}$  of the Public Utilities Act, relating to public utility rates.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 689 were read and adopted:

**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "repeal section 13 $\frac{1}{2}$ , to amend section 32 and to repeal section 32 $\frac{1}{2}$ ", and insert in lieu thereof the following: "amend section 32".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 and 2.

**Amendment No. 3.**

On page 1, line 3, of the printed bill, strike out the first "2", and insert in lieu thereof the following: "1".

**Amendment No. 4.**

On page 2 of the printed bill, strike out lines 18 to 26, inclusive, and insert in lieu thereof the following:

"(d) It is hereby declared to be the policy of the State of California, in rate making to be pursued by the Railroad Commission of the State of California, to

establish such rates as will promote the freedom of movement by carriers of agricultural commodities, including live stock, at the lowest lawful rates compatible with the maintenance of adequate transportation services. In any proceeding where more than one type of carrier or means of transportation is involved, the commission shall consider all such types of carriers, determine rates for each type of carrier pursuant to the provisions of this act or the Highway Carriers' Act, and award the policy the benefit of the lowest rates so determined."

Bill read second time, ordered to print, engrossment, and on file for third reading.

### Second Reading of Assembly Bills.

**Assembly Bill No. 271**—An act to amend section 4225a of the Political Code, relating to cities of first and one-half class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2867**—An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal Bankruptcy Courts therein, and to provide for the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not consenting to the refunding proceedings and for the acquisition of any security of such obligations consisting of real property situated in the State of California or any rights therein.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1588**—An act to amend sections 1, 2, 4, 6, 9, 10, 14, 17, 31 and 33 of, and to add section 34 to, the Assessment Bond Refunding Act of 1933, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, and the issuance of refunding bonds, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1849**—An act to amend sections 1, 2, 5, 7, 9, 10, 14, 16, 25, 29 and 30 of, and to add a new section to be numbered section 18 to an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and

assessment or reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding," approved July 20, 1935, and declaring the urgency of this act.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1779**—An act making an appropriation for the support of the Sales Tax Division of the Board of Equalization during the eighty-eighth fiscal year, and to take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 1779 were read and adopted:

##### Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "to the credit and in augmentation of", and insert in lieu thereof the following: "from the retail sales tax fund to meet the deficiency in".

##### Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out the word "specified", and strike out all of lines 11 to 19, inclusive, and insert in lieu thereof the following: "for the eighty-eighth fiscal year."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 4**—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 1.5 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2805**—An act relating to the first unit of the Southern California prison and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2048**—An act to add section 538ee to the Penal Code, relating to second hand goods.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1859**—An act to add Chapter 9, comprising sections 4000 to 4256, inclusive, to Division II and to add section 30006 to Division XXX of the Business and Professions Code, relating to the practice of pharmacy, the sale of drugs, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered on file for third reading.

#### Resolution.

The following resolution was offered:

By Senator Mixter:

*Resolved*, That Assembly Bill No. 1859 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES:** Senators Allen, Baggat, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon Hays, Hollister, Holdman, Jorgensen, Keating, Keough, Kneeland, Law, McCall, McGovern, Metzger, Mixer, Nilsson, Olson, Pirkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tackie, Wage, Westover, Williams, and Young—37.

**NOES:** None.

### **Third Reading of Assembly Bill No. 1859—(Out of Order).**

**Assembly Bill No. 1859**—An act to add Chapter 2, comprising sections 4000 to 4256, inclusive, to Division II and to add section 4000 to Division XXX of the Business and Professions Code, relating to the practice of pharmacy and the sale of drugs, and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1859 passed by the following vote:

**AYES:** Senators Allen, Baggat, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holdman, Jorgensen, Keating, Keough, Kneeland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nilsson, Olson, Pirkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tackie, Wage, Westover, Williams, and Young—36.

**NOES:** None.

**Title read and approved.**

Assembly Bill No. 1859 ordered transmitted to the Assembly.

### **Motion to Reconsider Waived.**

Senator Crittenden waived reconsideration of Senate Bill No. 1171.

### **Recess.**

At twelve o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hathfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### **Call of the Senate.**

Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Holdman, Jorgensen, Keating, Keough, Kneeland, Metzger, Mixer, Nilsson, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tackie, Wage, and Westover—23.

The Secretary announced the absentees.

Time, two o'clock and four minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.



**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and fifty-four minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

**Assistant Secretary Howard McIntire at the Desk.**

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 356 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 356 reconsidered by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Knowland, Law, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

**NOES**—Senators Crittenden, Keough, McGovern, Nielsen, and Quinn—5.

**Re-reference of Senate Bill No. 356.**

Senator Rich moved that Senate Bill No. 356 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Consideration of Daily File—(Resumed).****Third Reading of Senate Bills.**

**Senate Bill No. 972**—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 11½, 13½, 13½, 14½, 14½, 20½, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 972 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 972 ordered transmitted to the Assembly.

**Senate Bill No. 171**—An act to amend section 156 of the Vehicle Code, relating to license plates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jaspersen, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Williams—30.

**NOES**—Senators Keating, McColl, and Seawell—3.

Title read and approved.

Senate Bill No. 171 ordered transmitted to the Assembly.

**Senate Bill No. 585**—An act to amend section 1 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 7966 of Title 290, pages 2074-5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Delap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McCall, McGovern, Metzger, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing Tickle, Wagy, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 585 ordered transmitted to the Assembly.

**Senate Bill No. 717**—An act to amend section 657 of the Code of Civil Procedure, relating to grounds for new trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 717 refused adoption by the following vote:

**AYES**—Senators Keough, and Metzger—2.

**NOES**—Senators Allen, Crittenden, Cunningham, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Law, McCall, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing Tickle, Wagy, Westover, Williams, and Young—27.

**Senate Bill No. 729**—An act limiting the hours of labor of personal and domestic employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Crittenden, Cunningham, Delap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Keowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—35.

The Secretary announced the absentees.

Time, three o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## Proceedings Under Call of the Senate. Reports of Standing Committee.

The following reports of standing committee were received and read:

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 769—An act to add section 2527.5 to the Political Code, relating to the State Board of Harbor Commissioners for San Francisco Harbor;

Senate Bill No. 1142—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended;

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto a new article to be numbered XXVI, embracing sections 1 to 4, inclusive, relating to motor vehicle taxation and revenues;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees;

Senate Bill No. 43—An act to be known as the "Slot Machine Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof;

Senate Bill No. 304—An act to amend section 1 and to add a new section to be numbered 10½ to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

Senate Bill No. 607—An act to amend section 4011d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons;

Senate Bill No. 802—An act to amend section 373g of and to add sections 373g1 and 373g2 to the Political Code, relating to the Department of Natural Resources;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 245—An act to establish an Harbors and Navigation Code, thereby consolidating and revising the law relating to harbors, ports, and navigation, and matters incidental thereto, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 246—An act to add Chapter 3, comprising sections 1250 to 1292, inclusive, to Division V and to add sections 10006 and 10007 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for Humboldt Bay, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 247—An act to add Chapter 4, comprising sections 1350 to 1399, inclusive, to Division V and to add section 10008 to Division XX of the Harbors and Navigation Code, relating to Pilots and Pilot Commissioners for San Diego Harbor, and to repeal certain acts specified herein;

Senate Bill No. 248—An act to add Part 1, comprising sections 1690 to 3231, inclusive, to Division VI and to add sections 10004, 10005, and 10005.5 to, the Harbors and Navigation Code, relating to the harbor of San Francisco and the Board of State Harbor Commissioners for San Francisco Harbor, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 249—An act to add Part 2, comprising sections 3500 to 3752, inclusive, to Division VI and to add sections 10009 and 10010 to Division XX

of the Harbors and Navigation Code, relating to San Diego Harbor and the Board of State Harbor Commissioners for the Bay of San Diego and to repeal certain acts and parts of acts specified herein;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 461—An act to amend sections 1840 and 1880 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1 of said code, all relating to land licenses.

And reports that the same has been correctly re-enrolled.

KEOUGH, Chairman.

Secretary Joseph A. Beek at the Desk.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 1068**—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13½, 13½ and 13½ to the City Carriers' Act.

#### Amendment from the Floor.

During third reading of Senate Bill No. 1068, the following amendment, offered by Senator Hays, was read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill as amended strike out "12½, 13½, 13½," and insert in lieu thereof the following: "12½, 12½, 13½."

#### Consideration of Senate Bill No. 1068, as Amended.

**Senate Bill No. 1068**—An act to amend sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 12½, 13½, 13½ and 13½ to the City Carriers' Act.

Bill read third time.

The question being on the passage of the bill as amended.

The roll was called, and Senate Bill No. 1068 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved, as amended.

Senate Bill No. 1068 ordered transmitted to the Assembly.

**Senate Bill No. 607**—An act to amend section 4041d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 607 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Tickle, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 607 ordered transmitted to the Assembly.



**Motion.**

On motion of Senator McBride, Senate Bill No. 548 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Williams, Senate Bill No. 43 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator DeLap, Senate Bill No. 240 was ordered placed on the unfinished business file.

**Motion.**

On motion of Senator Phillips, Senate Bill No. 947 was ordered placed on the unfinished business file.

**Re-reference of Senate Bill No. 283.**

Senator Phillips moved that Senate Bill No. 283 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

**Notice of Motion to Reconsider.**

Senator Knowland gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 171 was passed.

**Further Proceedings Under Call of the Senate Dispensed With.**

At three o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The names of the absentees were called, and Senate Bill No. 729 refused passage by the following vote:

**AYES**—Senators DeLap, Fletcher, Hollister, Keating, Keough, McColl, McGovern, Nielsen, Olson, Parkman, Pierovich, Quinn, Seawell, Slater, Tickle, Westover, and Young—17.

**NOES**—Senators Allen, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Holohan, Knowland, Law, McBride, Metzger, Mixer, Phillips, Rich, Schottky, and Swing—17.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 460**—An act to amend sections 10112, 10113, 10204, 10209, 10213, 10241 and 10511 of the Insurance Code, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

**Amendments from the Floor.**

During third reading of Senate Bill No. 460, the following amendments, offered by Senator Hays, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "10113,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "10241".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 14 to 30, inclusive.

**Amendment No. 4.**

On page 3 of the printed bill, as amended, strike out lines 45 to 51, inclusive and on page 4, strike out lines 1 to 7, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 880**—An act making an appropriation for the support of the Agricultural Prorate Commission, and declaring the urgency thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 880 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deneb, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keogh, Knowland, Law, McCall, McColl, Mixter, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tinkle, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 880 ordered transmitted to the Assembly.

**Senate Bill No. 304**—An act to repeal an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation, preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles, providing penalties for the violation of this act," approved May 27, 1935, relating to the highway carriers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deneb, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keogh, Knowland, Law, McCall, McColl, Mixter, Olson, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tinkle, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 304 ordered transmitted to the Assembly.

**Senate Bill No. 682**—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act and section 4, relating to project units.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keogh, Knowland, McColl, Mixter, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tinkle, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Senate Bill No. 682 ordered transmitted to the Assembly.

**Senate Bill No. 683**—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 683 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, Mixter, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 683 ordered transmitted to the Assembly.

**Senate Bill No. 685**—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, Mixter, Olson, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 685 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**President Pro Tempore in the Chair.**

At four o'clock and seventeen minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

#### **Senate Constitutional Amendment No. 28.**

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto a new article to be numbered XXVI, embracing sections 1 to 4, inclusive, relating to motor vehicle taxation and revenues.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding thereto a new article to be numbered XXVI, embracing sections 1 to 4, inclusive, to read as follows:

#### **ARTICLE XXVI. MOTOR VEHICLE TAXATION AND REVENUES.**

**SECTION 1.** (a) From and after the effective date of this article, all moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, over and above the costs of collection, and any refunds authorized by law shall be used exclusively and directly for the following purposes:

(1) The construction, improvement, repair and maintenance of public streets and highways, whether in incorporated or unincorporated territory, for the payment for property, including but not restricted to rights of way, taken or damaged for such purposes and for administrative costs necessarily incurred in connection with the foregoing.

(2) As now or hereafter may be provided by law, the net revenue from not more than 20 per cent of 1 cent per gallon tax on such motor vehicle fuel may be



expended under any act of the Legislature for the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued for street or highway purposes as set forth in this section and which special assessment districts were initiated by an ordinance or resolution of intention adopted prior to January 1, 1933.

SEC. 2. (a) From and after the effective date of this article, all moneys collected from motor vehicle and other vehicle registration license fees and from any other tax or license for now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except as may otherwise be provided in section 4 of this article, shall be used for the following purposes:

1. For costs of collection and for the administration, and enforcement of all laws now in effect or hereafter enacted, regulating or concerning the use, operation or registration of vehicles used upon the public streets and highways of this State and for the exercise of these powers and for the performance of those duties now imposed upon the California Highway Patrol.

2. For street and highway purposes as specified in paragraph (1) of subdivision (a) of section 1 of this article.

(b) The moneys referred to in subdivision (a) of this section, allocated to the counties and any city and county may also be used as now or hereafter provided by the Legislature for the following additional purposes, provided such use will not in any manner cause the loss of Federal highway funds to this State:

(1) For the payment of any portion of the principal or interest of, or for the purchase or redemption at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of bonds voted at any election prior to January 1, 1935, and issued by a city, city and county, or county, the proceeds of which have been used for the purposes specified in paragraph (1) of subdivision (a) of section 1 of this article.

(2) For the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued to implement such special assessments, which assessments were imposed when the ordinance or resolution of intention was adopted prior to January 1, 1933, for the improvement of rights of way or easements for or for the construction or improvement of public streets, highways or parks.

SEC. 3. The provisions of this article are self-executing but the Legislature shall have full power to appropriate said moneys and to provide the manner of their expenditure by the State, counties, cities and counties or cities for the purposes specified and to enact legislation not in conflict with this article. This article shall not prevent any part of the moneys referred to in sections 1 or 2 hereof from being temporarily loaned to the State general fund upon condition that the amount so loaned shall be repaid therefrom to the funds from which so loaned to be used for the purposes specified in sections 1 or 2 hereof.

SEC. 4. This article shall not affect or apply to any license fee or taxes imposed by Chapter 339, Statutes of 1933 as amended, nor to any law which is now or may hereafter be imposed by the "Retail Sales Tax Act of 1935," as amended, or the "Use Tax Act of 1935," as amended, in so far as either or both of such acts apply to the sale of any vehicle of a type subject to registration, nor shall it affect or repeal any provision of the "Unemployment Relief Bond Act of 1933," Chapter 207, Statutes of 1933, as approved by section 9 of Article XVI of this Constitution, nor shall it affect or invalidate Chapter 362, Statutes of 1935 as amended, imposing a motor vehicle license fee based upon value. The Legislature may continue in effect the tax imposed by Chapter 362, Statutes of 1935 as amended, provided that the continuation of, or any amendment to, said Chapter 362 shall provide that the revenue from said tax, excluding the costs of collection and subscriptions to counties, cities and counties, and cities, shall first be applied to the payment of principal and interest on all State highway bonds outstanding on the effective date of this article. In the event the tax imposed by said Chapter 362, Statutes of 1935 as amended, is repealed, the Legislature may make provision for such payment of said State highway bonds by means of any fees or taxes of the types mentioned in this article, whether now or hereafter imposed, provided such payment will not in any manner cause the loss of Federal highway funds to this State.

Nothing in this article shall be construed as repealing, suspending or modifying that provision of section 15 of Article XIII of this Constitution, reading as follows:

"Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the public school system and the State university."

In the event, however, moneys are transferred to the general fund of the State from the funds referred to in this article for the support of the public schools and the State university, pursuant to section 15 of Article XIII of this Constitution, the moneys so transferred shall be returned to the funds from which they were transferred from the first moneys available in the general fund in excess of those



required under section 15 of Article XIII of this Constitution for the support of the public schools and the State university.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—31.

NOES—None.

Senate Constitutional Amendment No. 28 ordered transmitted to the Assembly.

**Senate Bill No. 461**—An act to amend section 1640 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, all relating to bail licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 461 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

### **Message from the Governor.**

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, May 14, 1937.

*To the Honorable Members of the Senate.*

I am returning herewith, without my approval, Senate Bill No. 139, the same being:

"An act to add sections 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments."

The reasons set forth for refusing approval of Senate Bill No. 140, apply likewise to Senate Bill No. 139.

I am therefore withholding approval of Senate Bill No. 139.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Senate Bill No. 139 ordered placed on the unfinished business file.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1243**—An act to provide for the levy and collection of a tax upon the income of corporations and to provide for the disposition of revenues therefrom.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1243, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended May 6th, strike out lines 16 to 21, both inclusive, and insert in lieu thereof the following:

"SEC. 4. The following corporations shall be exempt from taxation under this act, if their organization or activities are not designed for, and do not result in financial or pecuniary gain or profit to the stockholders or members thereof:

(a) Corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(b) Incorporated clubs organized and operated exclusively for pleasure and recreation;

(c) Incorporated fraternal beneficiary societies, orders or associations (1) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, (2) providing for the payment of life, sick, accident, or other benefits to the members of such society, order or association or their dependents;

(d) Cemetery corporations owned and operated exclusively for the benefit of their members or which are not operated for profit, and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose;

(e) Corporations operated exclusively for civic purposes.

Before any exemption may be granted to a corporation under this subsection, such corporation must file an affidavit with the commissioner certifying that those who may by rule or otherwise require in order to carry out the provisions of this subsection.

To such affidavit should be attached a copy of the articles of incorporation, the bylaws of the corporation and the latest financial statement, showing the assets, liabilities, receipts and disbursements of the corporation."

**Amendment No. 2.**

On page 5 of the printed bill, as amended on May 6th, strike out all that portion of line 22 following "expenses", strike out all of lines 23 and 24, inclusive, and insert in lieu thereof the following: "all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers."

**Amendment No. 3.**

On page 5 of the printed bill, as amended on May 6th, strike out all that portion of line 27 following "basis", strike out all of lines 28 and 29, inclusive, and insert in lieu thereof the following: "all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis."

**Amendment No. 4.**

On page 5, line 30, of the printed bill as amended May 6th, strike out the subsection letter "(i)", and insert in lieu thereof the following: "(j)".

**Amendment No. 5.**

On page 19 of the printed bill, as amended May 6th, strike out lines 6 to 13, both inclusive, and insert in lieu thereof the following: "be transmitted promptly to the State Treasurer, and copies of the schedule covering such transmittals shall be furnished at the same time to the State Controller.

All moneys and remittances so received, and so transmitted shall be deposited, after clearance of remittances, in the State treasury and credited to the "franchise and corporation franchise tax fund". The moneys in said fund shall, upon order of the State Controller, be drawn therefrom for the purpose of making refunds hereunder or be transferred to the general fund of the State.

For expenditure by the commissioner in carrying out the provisions of this act, there is hereby appropriated a sum of money equal to fifteen thousand dollars, or so much thereof as may be necessary; said fifteen thousand dollars being payable out of moneys in the general fund not otherwise appropriated."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2331**—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 4041.29 relating to agricultural research by counties.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2331, the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "4041.29", and insert in lieu thereof the following: "4041.29a".

**Amendment No. 2.**

On page 1, line 2, of the printed bill, strike out "4041.29", and insert in lieu thereof the following: "4041.29a".

**Amendment No. 3.**

On page 1, line 4, of the printed bill, strike out "4041.29", and insert in lieu thereof the following: "4041.29a".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1868**—An act to add a new article to Chapter I of Part II of Division II of the School Code to be known as Article X, relating to the attendance of school trustees at state-wide educational meetings.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1868 the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: "and to amend section 2.1232 of the School Code, both".

**Amendment No. 2.**

On page 1, in the title of the printed bill, as amended, strike out all of lines 3 and 4, and insert in lieu thereof the following: "ing to the traveling expenses of certain public officers."

**Amendment No. 3.**

On page 1, line 3, of the printed bill, as amended, strike out the following: "Chapter 10", and insert in lieu thereof the following: "Article X".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, after line 16, insert the following: "Sec. 2. Section 2.1232 of the School Code is hereby amended to read as follows:

2.1232. Each county school superintendent shall also receive his actual and necessary traveling expenses when he attends any convention or conference to which he is called by the State Board of Education, or the Superintendent of Public Instruction, and when the board of supervisors delegates him to perform services outside of his county.

In no event shall the expenses incurred by reason of attendance upon any such convention or conference exceed the sum of fifty (\$50.00) dollars."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2025**—An act to repeal section 3819a of the Political Code and to add a new section 3819a thereto, relating to redemption of property from tax sales.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2025 the following amendments, offered by Senator McBride, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, between lines 18 and 19, insert the following:

"The note and date of redemption, required by section 3776 to be made by the auditor on the margin of the delinquent list, shall be made by the tax collector;"

**Amendment No. 2.**

On page 3, lines 35 and 36, of the printed bill, as amended, strike out "sections 3817c, 3817c2 and 3817i or any other section or sections of said code", and insert in lieu thereof the following: "any section".

**Amendment No. 3.**

On page 3, line 38, of the printed bill, strike out "and payments author-", and strike out lines 39 to 43, inclusive, and insert in lieu thereof a period.

**Amendment No. 4.**

On page 3 of the printed bill, between lines 45 and 46, insert the following: "The certificate required by section 22 of Chapter 827 of the Statutes of 1929 to be made by the county auditor shall be made by the tax collector."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 3, the following amendments, offered by Senator Crittenden, were read and adopted:

**Amendment No. 1.**

On page 2, line 16 of the printed bill, strike out the word "said" and insert in lieu thereof the following: "any".

**Amendment No. 2.**

On page 2, line 23, of the printed bill, strike out the word "such", and insert in lieu thereof the following: "any".

**Amendment No. 3.**

On page 1, line 2 of the title of the printed bill, as amended, following the word "section", insert the following: "8 and".

**Amendment No. 4.**

On page 5 of the printed bill, as amended, after line 21, and before line 22, insert the following:

"Sec. 42. Section 8 of the act cited in the title hereof is hereby repealed."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2090**—An act to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v and 26w to an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the acquisition and condemnation of rights of way or easements to gain access to said State lands, repealing all acts or parts of acts inconsistent or in conflict herewith.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2090, the following amendments, offered by Senator Wagy, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "26a," insert the following: "26aa,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "26q", and insert in lieu thereof the following: "26q",.



**Amendment No. 3.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "and 26w", and insert in lieu thereof a comma and the following: "26w, 27, 28, 29, 30 and 31".

**Amendment No. 4.**

On page 2, line 10, of the printed bill, as amended, after "west", insert the following: "to the high water mark of the Pacific Ocean; thence south 41° 20' west".

**Amendment No. 5.**

On page 2, line 11, of the printed bill, as amended, after "thence", insert the following: "north".

**Amendment No. 6.**

On page 2 of the printed bill, as amended, between lines 22 and 23, insert the following:

"SEC. 2.5. Section 26aa is hereby added to said act to read as follows:

Sec. 26aa. There is hereby created a State Oil and Gas Commission, herein-after referred to as the commission, to consist of the Director of Finance, Director of Natural Resources and the State Controller.

The commission shall administer the provisions of sections 26 to 29, inclusive, hereof through the Department of Finance, by the Division of State Lands."

**Amendment No. 7.**

On page 2, line 25, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 8.**

On page 2, line 29, of the printed bill, as amended, after the period, add the following: "No part of this act shall limit, effect or control the provisions of sections 26 to 26w, inclusive, hereof and no other provisions of this act shall be construed as applying to the lands to which reference is made in said sections."

**Amendment No. 9.**

On page 2, line 38, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 10.**

On page 3, line 38, of the printed bill, as amended, strike out "Township 3", and insert in lieu thereof the following: "Township 6".

**Amendment No. 11.**

On page 5, line 48, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "26e".

**Amendment No. 12.**

On page 6, line 6, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 13.**

On page 6, line 12 of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "26e".

**Amendment No. 14.**

On page 6, lines 15 and 16, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 15.**

On page 6, line 18, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 16.**

On page 6, line 40, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 17.**

On page 7, line 1, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 18.**

On page 7, line 4, of the printed bill, as amended, strike out "Director of Finance he", and insert in lieu thereof the following: "commission it".

**Amendment No. 19.**

On page 7, line 6, of the printed bill, as amended, strike out "his", and insert in lieu thereof the following: "its".

**Amendment No. 20.**

On page 7, line 8, of the printed bill, as amended, strike out "director", and insert in lieu thereof the following: "commissioner".

**Amendment No. 21.**

On page 7, line 11, of the printed bill, as amended, strike out "he" and insert in lieu thereof the following: "it".

**Amendment No. 22.**

On page 7 of the printed bill, as amended, strike out line 18, and in line 19, strike out "Finance", and insert in lieu thereof the following: "commission, as heretofore provided, the commission".

**Amendment No. 23.**

On page 7, line 20, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "26".

**Amendment No. 24.**

On page 7, lines 23 and 24, of the printed bill, as amended, strike out "Director of Finance shall be sent by him", and insert in lieu thereof the following: "Commission shall be sent by it".

**Amendment No. 25.**

On page 7, line 29, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 26.**

On page 8, line 7, of the printed bill, as amended, strike out the period and insert in lieu thereof a comma and the following: "and as to any wells or springs as is being paid to the State, provided, that no more than one of them situated in section 26e which are situated north of 2nd Street in the city of Hastings, Minn., separate bids may be submitted for any of such parcels by the owner or the lessee of the owner of the littoral lands or lands adjacent thereto opposite such parcel, for leases providing for wells to be drilled from such littoral lands or lands adjacent thereto in lieu of development by means of grout. If in the opinion of the commission, any such parcel may be so improved and therefore developed under such a lease and operation existing or to be so improved, upon application to the means of wells drilled from parcels of grout on such parcel, and the lessee has qualified under sections 26e, 26b, and 26c of this act, the commission shall, with the consent of the Governor, consider any such bid for lease of the said parcel together with bids submitted by any other bidder on the said parcel for construction of the highest bidder."

**Amendment No. 27.**

On page 8, line 29, of the printed bill, as amended, strike out "Director of Finance," and insert in lieu thereof the following: "commission, protection of valid existing rights or easements in the premises."

**Amendment No. 28.**

On page 8, line 32, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 29.**

On page 9, line 2, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 30.**

On page 9, line 23, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 31.**

On page 9, line 26, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 32.**

On page 9, line 44, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 33.**

On page 10, line 6, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 34.**

On page 10, lines 13 and 14, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 35.**

On page 10, line 26, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 36.**

On page 10, line 30, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 37.**

On page 10, lines 31 and 32, of the printed bill, as amended, strike out "Director of Finance", and insert in lieu thereof the following: "commission".

**Amendment No. 38.**

On page 10 of the printed bill, as amended, strike out lines 37 to 48, inclusive, and insert in lieu thereof the following:

"Sec. 26v. Neither the right to bid for nor any lease awarded hereunder shall be capitalized for the sale of any interest thereunder or for the issuance or sale of stock in any corporation or any unit of interest in any trust or other entity or person holding such right or lease.

SEC. 24. Section 26w is hereby added to said act to read as follows:

SEC. 26w. In the event bids for leases of any of said parcels are not received by the commission in accordance with the foregoing requirements, the commission may and it is hereby authorized to again call for bids for leases thereof in the manner provided for in this act, or the commission may, with the consent and approval of the Governor, proceed immediately with the drilling of wells thereon for and on behalf of the State, for the production, removal and disposal of oil, gas and other hydrocarbon substances therefrom. The work of drilling and construction work in connection therewith, if done by the State, may be performed under contract or award to the lowest responsible bidder or by day labor; provided, that if done by contract the commission may reject any and all bids and call for new bids.

In the event the development of any or all of said parcels by drilling and other operations is carried on directly by the State, the same shall be done in accordance with the requirements of this act and of lease requirements herein with reference to the location and number of wells to be drilled, methods of development and other provisions so far as applicable. All necessary equipment and materials for the prosecution of said work, construction of piers, groins or islands, drilling, producing and other operations shall be purchased by the commission.

All oil, gas and other hydrocarbon substances produced shall be sold by the commission at best obtainable prices and at such times as it shall deem proper for securing maximum cash returns to the State therefor. All funds received from operations under this act shall be immediately reported to the Controller and paid into the general fund, except as otherwise provided by law.

SEC. 25. Section 27 is hereby added to said act, to read as follows:

SEC. 27. In order to protect the interests of the State and subject only to the provisions of sections 28 and 29 of this act, all that certain land situate in the county of Los Angeles, State of California, and more particularly described as follows, to wit:

Beginning at the southeast corner of Section 35, T. 4 S., R. 13 W., S. B. M., and running thence south 5,280 feet, thence east 5,280 feet, thence south 10,560 feet, thence west 21,120 feet, thence north 5,280 feet, thence west 5,280 feet, thence north 10,560 feet to the south line of T. 4 S., R. 13 W., S. B. M.; thence east 5,280 feet, thence north 5,280 feet, thence east 15,840 feet and thence south 5,280 feet, more or less, to the point of beginning; said land being the property of the State of California, is hereby transferred and set over from the jurisdiction of the Surveyor General or the Division of State Lands of the Department of Finance to the jurisdiction of the commission for the use of the State under such rules and restrictions as provided for herein.

SEC. 26. Section 28 is hereby added to said act to read as follows:

SEC. 28. Immediately upon the effective date of this act, said commission shall, through the Attorney General, take appropriate proceedings by legal action to determine the title and ownership in and to any part of said lands to which the State may claim an interest, and if the title to said lands is quieted in the State said lands shall be subject to the provisions of this act as provided for herein. Pending the determination of such suit as to any part of said lands, the commission may, without filing bond, through the Attorney General, bring suit to enjoin any person trespassing in or on said land, either by overground or underground trespass, or those taking, removing, abstracting, or receiving oil, gas, or other hydrocarbon substances from the State lands described.

SEC. 27. Section 29 is hereby added to said act to read as follows:

SEC. 29. The State lands described in section 27, other than those to which a political subdivision of the State or municipality claims title, where the title to said land between the State and such political subdivision or municipality has not been adjudicated, under the provisions of section 28, shall be subject to lease



by said commission for the purpose of development of said lands for the production of oil, gas, or other hydrocarbons under such rules and regulations as said commission may promulgate. In any event, however, any lease of said lands for the purposes herein named shall be subject to the following restrictions:

(1) Said land shall be divided into parcels as determined by said commission but no parcel shall exceed forty acres in area.

(2) No lease of any of said parcels shall be made without said commission calling for and receiving bids by qualified bidders after notice published for at least once each week for three successive weeks in the county wherein said lands are situated.

(3) All leases shall provide for payment for said lease on the basis of royalty on oil, gas, or other hydrocarbon substances obtained, and no lease shall be executed unless the royalty or payment to be made thereon is not less than 20 per cent of the net proceeds of the production of oil and gas from and upon all wells drilled upon said lease.

SEC. 28. Section 30 is hereby added to and set to read as follows:

Sec. 30. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, and each and every section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 29. Section 31 is hereby added to and set to read as follows:

Sec. 31. All acts and parts of acts inconsistent or conflicting with this act are hereby repealed."

Bill read, ordered to print and on file for third reading.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 12, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 22—Relative to the participation by the State of California in the Swedish-American Tercentenary celebration of 1938.

Senate Concurrent Resolution No. 45—Appropriation to the city of Pacific Grove, a municipal corporation in the county of Monterey, State of California, voted for and adopted by the qualified electors of said city at a general municipal election held therein on the TWENTH day of April, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 22 and 45 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 57—Relative to labor relations legislation.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 57 read, and ordered laid at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 116—An act making an appropriation for the enforcement of standards, quality and identity, in the manufacture and sale of California wines and brandy;

Assembly Bill No. 272—An act to appropriate eight hundred thousand dollars for flood control, including conservation and the relief of unemployment, in San Bernardino County and the Santa Ana River Basin;

Assembly Bill No. 353—An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts;

Assembly Bill No. 473—An act to amend section 658 of the Fish and Game Code, relating to salmon;

Assembly Bill No. 641—An act providing for a record of the ownership of street improvement bonds, fixing the time within which such recording should be made, and providing for the effect of failure to so record;



Assembly Bill No. 672—An act to amend section 1626 of the Streets and Highways Code;

Assembly Bill No. 986—An act to amend section 4360 of the School Code, relating to the preparation and submission of school district budgets;

Assembly Bill No. 1184—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose, and to make an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 116 read first time, and referred to Committee on Finance.

Assembly Bill No. 272 read first time, and referred to Committee on Finance.

Assembly Bill No. 353 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 473 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 641 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 672 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 986 read first time, and referred to Committee on Education.

Assembly Bill No. 1184 read first time, and referred to Committee on Social Security.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1250—An act to add Article XXI, consisting of sections 721 to 723.11, to Chapter III of Title I of Part III of the Political Code, relating to the establishment of the Department of Self-help Cooperatives of the State of California to provide an alternative to charity, relief, and work-relief;

Assembly Bill No. 1520—An act to amend section 41 of, and to repeal section 59 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1605—An act to amend the title and section 1 of an act entitled "An act appropriating money to create a revolving fund for the State Purchasing Department and repealing an act entitled 'An act appropriating money to create a revolving fund for the State Purchasing Department,' approved May 15, 1917," approved May 22, 1919, relating to the revolving fund for State purchases;

Assembly Bill No. 1725—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 8 of an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal Bankruptcy Courts therein," approved June 5, 1933;

Assembly Bill No. 1821—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1250 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1520 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1605 read first time, and referred to Committee on Finance.

Assembly Bill No. 1725 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1821 read first time, and referred to Committee on Public Health and Quarantine.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2136—An act to amend section 64 of the Fish and Game Code, relating to fish and game districts;

Assembly Bill No. 2140—An act to amend section 2 of an act entitled "An act to provide for the proper sanitary conditions of factories and workshops, and for the preservation of the health of employees," approved February 6, 1889, relating to sanitation of work places;

Assembly Bill No. 2358—An act to amend sections 1 and 2 of an act originally entitled "An act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvement," approved April 26, 1909, the title of which as amended by act approved July 20, 1935, reads as follows: "An act to authorize municipal corporations to issue bonds for the purpose of acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts therein or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act," as amended;

Assembly Bill No. 2391—An act to add a new section to the School Code, to be numbered 4452, relating to transfers of funds by county superintendents of schools;

Assembly Bill No. 2499—An act to amend sections 57 and 58 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2863—An act making an appropriation to the Division of Fish and Game, Department of Natural Resources.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2136 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2140 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2358 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2391 read first time, and referred to Committee on Education.

Assembly Bill No. 2499 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2863 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2868—An act to amend "An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately," approved August 7, 1933, by amending section 11, relating to the borrowing of money and the levy and collection of taxes to repay the same, and section 21, relating to the levy and collection of taxes, and to declare the urgency hereof;

Assembly Bill No. 2872—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately;

Assembly Bill No. 2878—An act providing ways and means for liquidating, refinancing and readjusting defaulted bonds and warrants secured by, or payable out of proceeds derived from, special assessments and special taxes; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain; for the acquisition and cancellation of such obligations of such bonds and warrants held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately;

Assembly Bill No. 2882—An act making an appropriation for the support of the State Board of Prison Directors and the divisions and agencies comprising it, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2868 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2872 read first time, and referred to Committee on Finance.

Assembly Bill No. 2878 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2882 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests the return for further action by the Assembly of:

Assembly Bill No. 2857—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing of property of such districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### **Withdrawal from Committee of Assembly Bill No. 2857.**

Assembly Bill No. 2857 was ordered withdrawn from Committee on Agriculture, and returned to the Assembly, pursuant to request.

### **Withdrawal and Re-reference of Assembly Bill No. 72.**

Senator Hays moved that Assembly Bill No. 72 be withdrawn from Committee on Public Morals, and referred to Committee on Judiciary.

Motion carried, and such was the order.

### **Motion.**

On motion of Senator DeLap, Senate Bill No. 478 was ordered placed on the unfinished business file.

### **Motion.**

On motion of Senator Swing, Senate Bill No. 1008 was ordered placed on the unfinished business file.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Constitutional Amendment No. 32:** By Senator Nielsen—A resolution to propose to the people of the State of California an amendment to section 31 of Article IV of the Constitution of said State, relating to the lending of public credit.

Senate Constitutional Amendment No. 32 read, and referred to Committee on Constitutional Amendments.



## Reports of Standing Committees.

The following reports of standing committees were received, read and the bills reported therein were ordered on file for second reading:

### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1876—An act for the relief of certain assessment districts and for that purpose empowering incorporated cities to render financial aid to such districts and to declare the urgency of this act, to take effect immediately.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 5; committee vote: Ayes—3; absent—2.

MCGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2659—An act to amend sections 13, 14, 14 1/2 and 15 1/2 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments, to provide a basis for valuation of property for the purpose of establishing a special assessment district, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding."

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 5; committee vote: Ayes—3; absent—2.

MCGOVERN, Chairman.

### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1—An act to amend sections 2, 2 1/2, 3, 4, 14, 15, 16, 17, 18, 18 1/2 and 24, to add sections 3 1/2, 4 1/2, 5 and 25, and to repeal section 8 of the Old Age Security Act of the State of California, relating to the need.

Assembly Bill No. 98—An act to amend section 2283, and to repeal sections 2284, 2287 and 2288 of, and to add sections 2284 and 2284 1/2, of the Political Code, relating to minor orphans, half-orphans and abandoned children, declaring the urgency thereof and providing that it shall take effect immediately.

Assembly Bill No. 524—An act to amend section 15 of the Old Age Security Act of the State of California, approved May 28, 1929, relating to and to the need, this act to take effect immediately.

Assembly Bill No. 1875—An act to amend section 9 of "An act to provide for needy blind persons, not inmates of any institutions supported in whole or in part by this State or any of its political subdivisions, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act," approved May 28, 1929, relating to and to the needy blind, this act to take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills do pass as amended.

Committee membership: 3; committee vote: Ayes—3.

WESTOVER, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1137—An act to add Chapter 7, comprising sections 3000 to 3152, inclusive, to Division II and to add section 30005 to Division XXX of the Business and Professions Code, relating to the practice of optometry and repealing acts and parts of acts specified herein;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.



SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 944—An act relating to the acceptance of insurance policies by State departments, boards, commissions and officers;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Insurance.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

Senate Bill No. 944 ordered re-referred to Committee on Insurance.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 771—An act to amend section 473a of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State;

Senate Bill No. 866—An act to amend sections 4, 8, 9, 12, 25, 33, 38a, 39, 42, 49, 67, 78, 83, 85a, 86 and 108 of, and to add sections 3a, 33a 75a and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California;

Senate Bill No. 952—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 20 and 22½ thereof and by adding thereto new sections numbered 6½ and 9½a, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

SEAWELL, Chairman.

#### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Senate Bill No. 40—An act to add section 319 to the Agricultural Code, relating to the sale of meat;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

WAGY, Vice Chairman.

#### On County Government.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:  
Senate Bill No. 1074—An act to amend section 4279 of the Political Code, relating to compensation for public service in counties of the fiftieth class;

Senate Bill No. 1075—An act to amend section 4262 of the Political Code, relating to counties of the thirty-third class;

Senate Bill No. 531—An act to amend section 4307 of the Political Code, relating to county charges;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2854—An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county officers and employees, namely county foresters and fire wardens as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—5; committee vote—Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred

Assembly Bill No. 550—An act to amend sections 6 and 11 of the original section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and changing of boundaries of sanitary districts in any part of the State for the construction of sewers, septic tanks, and other sanitary disposal of sewage; surface, the improvement of property thereby, the calling and conducting of elections in such districts, the assessment, levying, collection, custody, and management of rates thereon, the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

Assembly Bill No. 2884—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 13, 15, and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, during the urgency hereof and providing that this act shall have effect immediately.

Assembly Bill No. 1121—An act to amend sections 737, and 439 of the Political Code, relating to the compensation of public officers.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—6; committee vote—Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred

Assembly Bill No. 2405—An act amending section 1244 of the Political Code, relating to salaries and compensation of officers in counties of the fourteenth class. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote—Ayes—3; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred

Assembly Bill No. 1871—An act to amend section 4282 of the Political Code relating to the compensation of county and township officers in counties of the fifty-third class;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote—Ayes—3; absent—2.

GORDON, Chairman.

## On Finance.

## SENATE CHAMBER, SACRAMENTO, MAY 13, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred

Assembly Bill No. 2860—An act making an appropriation for the support of the University of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

SWING, Chairman.  
RICH.  
FLETCHER.  
HAYS.  
WAGY.  
McGOVERN.  
SCHOTTKY.  
KNOWLAND.  
SLATER.

**On Constitutional Amendments.**

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 2a to Article IV thereof, relating to the introduction of bills in the Legislature;

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 15a to Article IV thereof, relating to enactment of legislation;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

**On Drainage, Swamp and Overflowed Lands.**

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Bill No. 2832—An act to amend section 35 of, and to add section 98 to, an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

GARRISON, Chairman.

**On Education.**

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1629—An act to repeal Chapters V and VI of Part III, and Chapter V and VI of Part V, of Division III of the School Code; to add to Part III of Division III of said code a new chapter to be known as Chapter V; to add to Part V of Division III of said code a new chapter to be known as Chapter V; to amend sections 3.291, 4.871, 4.873, 4.884 and 4.885 of said code, all relating to secondary schools, declaring the urgency thereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1079—An act to amend section 2.1204 of the School Code, relating to the powers and duty of the county superintendents of the schools of California;

Assembly Bill No. 2851—An act to renumber Article 11a of Chapter I, Part IV, Division II of the School Code, to be Article 11a, and to renumber and amend sections 2.1365 and 2.1366 of the School Code, to be sections 2.1405 and 2.1406 respectively, relating to the State Council of Educational Planning and Coordination;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 13, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1465—An act to amend sections 2.876, 2.878, 2.885, 2.890, 2.891, to repeal section 2.886 of the School Code, to repeal an act entitled "An act relating to the opening and closing of polls at school elections," approved May 14, 1929, and to add sections 2.876½, and 2.877 to the School Code, relating to school district elections;

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 1431—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 1745—An act to amend section 5823 of the School Code, relating to the teachers' permanent fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—9

TICKLE, Chairman.

Assembly Bills Nos. 1431 and 1745 ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 954—An act to amend section 4974 of the School Code of the State of California, relating to the expenses for the issuance of school bonds;

Assembly Bill No. 983—An act to repeal Article II of Chapter II of Part II of Division II of the School Code, relating to the governing board of a newly organized school district;

Assembly Bill No. 984—An act to repeal section 4788 of the School Code and to add a new chapter to Part II of Division IV of said code to be known as Chapter IIa, relating to county elementary school supervision funds;

Assembly Bill No. 985—An act to repeal Article X of Chapter I of Part I of Division II of the School Code and to add to Chapter I of Part I of Division II of the School Code a new article to be known as Article VIII, all relating to the formation, annexation, uniting and changing of boundaries of school districts;

Assembly Bill No. 988—An act to add a new section to the School Code to be known as section 2492, relating to gifts, donations, bequests and devises to school districts;

Assembly Bill No. 1048—An act to provide for the adoption and use of a uniform fire alarm code signal in all public, private or governmental schools;

Assembly Bill No. 978—An act to amend sections 2879 and 2880 of the School Code, relating to elections for members of governing boards of school districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 2646—An act to add sections 1683, 1684, and 1685 to the Labor Code, relating to free employment bureaus for teachers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; noes—2

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1937

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 1146—An act to repeal sections 2,123, 3,610, 3,611 and 3,612 of the School Code and to add a new section thereto to be numbered 4,192, all relating to the furnishing of facilities, supplies and services by county superintendents of schools for the education of pupils residing in the county;

Senate Bill No. 1139—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning;

Assembly Bill No. 1195—An act to repeal an act entitled "An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind, or the semi-sighted," approved April 6, 1929, to repeal an act entitled "An act relating to retirement salaries of teachers and other employees employed in the public schools of the State and educational institutions supported in whole or in part by the State," approved June 19, 1929, to repeal Part IV of Division V of the School Code, and to add to



said Division V of said School Code, a new part to be known as Part IV, all relating to a retirement system for the retirement of officers and employees of the State, counties and school districts rendering service of an educational nature, declaring the urgency thereof and providing that this act shall take effect immediately:

Assembly Bill No. 1175—An act to amend sections 2.876 and 2.877 of the School Code, relating to school districts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

TICKLE, Chairman.

### **Adjournment.**

At five o'clock and five minutes p.m., on motion of Senator Knowland, the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, May 17, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### **IN SENATE.**

SENATE CHAMBER,

SACRAMENTO, Monday, May 17, 1937.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Garison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### **Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### **Reading of the Journal**

During the reading of the Journal of Friday, May 14, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### **Leave of Absence.**

Senator McGovern was, on motion of Senator Gordon, granted leave of absence for this day.

### **Privilege of Floor of Senate Extended.**

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. G. Wettlin of Santa Ana.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mae Jones Parrish of Shelbyville, Indiana.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Jane Northy of Nevada City, and Mrs. Mary Medlin and Mr. William Medlin, both of Sacramento.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wallace P. Rouse of Indio.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard Lake, and Charles de B. Haseltine of Ross.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. D. C. Knickerbocker, teacher, and the following students of the fourth grade of Fremont School of Sacramento: Joyce Kimler, Emmett Rhoads, Harold Thames, Daniel Lopez, Paul Gomez, Kenneth Farnsworth, Ray Sules, Bobby McCart, Bob Smith, Matthew Goetz, Dan Daniel Rouse, Charles Kerr, Billy Moore, Lillian Landauer, June Morrison, Jack Jewell, Elias Elliott, Alfred Louzon, Richard Fox, Beatrice Song, Bessie Rotas, Eleanor Wilberg, Virginia Lee Maddox, Sharon Ruth Haley, Gloria Jean Carswell, Aubrey Marvin Anderson, Verda Belle Schultzy, Donald Walker, Genevieve Alice Dumas, Christine Louise Smith, Odetta Jean Frye, Billie Embree, Dorothy May Windy, Dorothy May Walker, Donna Lou Goff, and Phyllis Berke.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Constitutional Amendments No. 4—Proposed amendment to Article XIII, section 9, of the Constitution, relative to State and county boards of equalization.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2671—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Park Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making no appropriation therefor.

Assembly Bill No. 2747—An act requiring various agencies to be certified as such, specifying qualifications, rules and regulations therefor, creating a fund, establishing a fund, and providing penalties.

Assembly Bill No. 2820—An act to provide for the conduct of investigations to determine in cooperation with the Federal Government suitable methods of beach protection and restoration and to promote and encourage the healthful recreation of the people, and providing an appropriation therefor.

Assembly Bill No. 2844—An act to authorize municipal corporations to plow, plant, park and sell and convey the land embraced therein.

Assembly Bill No. 2853—An act to add section 347 to the Civil Code and to amend section 362 of the Civil Code, all relating to corporations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2671 read first time, and referred to Committee on Finance.

Assembly Bill No. 2747 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2820 read first time, and referred to Committee on Finance.

Assembly Bill No. 2844 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2853 read first time, and referred to Committee on Corporations and Financial Institutions.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1826—An act making an appropriation for the eradication of bovine tuberculosis and to amend section 239 of the Agricultural Code, relating to the payment of indemnities, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 2150—An act to add a new article to Chapter 1, Part 1, Division II of the Labor Code to be known as Article 3, relating to farm labor contractors;

Assembly Bill No. 2176—An act defining farm labor contractors, providing for the licensing thereof and for the issuance of permits to such farm labor contractors by the Division of Labor Statistics and Law Enforcement, before such farm labor contractors can contract with any crop owner to cultivate, plant, tend, irrigate, harvest, pack or process crops belonging to or in which such crop owner has any interest and providing that the violation of such act shall be a misdemeanor;

Assembly Bill No. 2298—An act to amend section 24 of the Direct Primary Law, relating to party conventions, membership and organization of State central committees and county central committees;

Assembly Bill No. 2548—An act to provide for the acquisition of the Muir Wood Toll Road by the State and the inclusion thereof in the county road system of the county of Marin, and making an appropriation therefor;

Assembly Bill No. 2584—An act appropriating money for the repairs, improvements, equipment and furnishing of Sutter's Fort in Sacramento and providing for the use thereof;

Assembly Bill No. 2621—An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1826 read first time, and referred to Committee on Finance.

Assembly Bill No. 2150 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2176 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2298 read first time, and referred to Committee on Elections.

Assembly Bill No. 2548 read first time, and referred to Committee on Finance.

Assembly Bill No. 2584 read first time, and referred to Committee on Finance.

Assembly Bill No. 2621 read first time, and referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1479—An act to amend section 981a of the Code of Civil Procedure, respecting dismissal of appeals from justice court;

Assembly Bill No. 1480—An act to amend section 976 of the Code of Civil Procedure, respecting appeal on questions of fact, or law and fact;

Assembly Bill No. 1481—An act to amend section 975 of the Code of Civil Procedure, respecting appeals from justice's or police courts on questions of law;

Assembly Bill No. 1482—An act to amend section 981 of the Code of Civil Procedure, respecting filing fee on appeal;

Assembly Bill No. 1483—An act to amend section 980 of the Code of Civil Procedure, respecting powers of superior court on appeal;

Assembly Bill No. 1484—An act to amend section 978 of the Code of Civil Procedure, respecting appeal bonds;



Assembly Bill No. 1645—An act to amend section 499 of the Civil Code of California, relating to the voluntary winding up and dissolution of corporations.

Assembly Bill No. 1646—An act to amend section 404 of the Civil Code, relating to the involuntary winding up and dissolution of corporations and appointment of provisional director thereof.

Assembly Bill No. 1801—An act making an appropriation to pay the salary of the Chief Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1479 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1480 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1481 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1482 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1483 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1484 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1645 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1646 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1801 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 566—An act to amend the title, and sections 1, 2, 3 and 5, and to repeal section 4, of an act entitled "An act authorizing and providing for sums for the collection of delinquent taxes due upon personal property," approved March 13, 1903, as amended, to provide for sums for the collection of delinquent taxes and assessments due upon all property not a lien on real property, or not a lien on real property sufficient to secure payment thereof, together with all penalties thereon.

Assembly Bill No. 646—An act to amend section 1031 of the Code of Civil Procedure, relating to costs in municipal courts and justice courts.

Assembly Bill No. 697—An act to amend section 56 of the Labor Code and to add to Division I thereof Chapter 6, consisting of sections 150, 151 and 152, relating to the Division of the Deaf in the Department of Industrial Relations, and making an appropriation therefor.

Assembly Bill No. 702—An act to amend section 19x24 and to repeal section 19x31 of the Juvenile Court law, relating to the probation officer.

Assembly Bill No. 848—An act making an appropriation for the purchase of real property for the San Jose State College.

Assembly Bill No. 849—An act making an appropriation for the purchase of land for the Agnews State Hospital in Santa Clara County.

Assembly Bill No. 850—An act making an appropriation for the purchase and improvement of land for Agnews State Hospital in Santa Clara County.

Assembly Bill No. 1402—An act to amend sections 1101, 1102, 1103, 1104 and 1106 of the Insurance Code, relating to transactions between an insurer and its officers, directors, trustees and other persons.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 566 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 646 read first time, and referred to Committee on Judiciary.



Assembly Bill No. 697 read first time, and referred to Committee on Finance.

Assembly Bill No. 702 read first time, and referred to Committee on County Government.

Assembly Bill No. 848 read first time, and referred to Committee on Finance.

Assembly Bill No. 849 read first time, and referred to Committee on Finance.

Assembly Bill No. 850 read first time, and referred to Committee on Finance.

Assembly Bill No. 1402 read first time, and referred to Committee on Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 22.—Relative to memorializing the President and the Congress of the United States to acquire the Petrified Redwood Forests in Sonoma County, as a permanent national monument.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 22 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1119.—An act to amend section 7379 of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 1119 ordered to enrollment.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add Division IIa, comprising Chapter 1, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children.

Respectfully submitted.

SENATOR OLSON.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Olson to introduce a bill entitled:

An act to add Division IIa, comprising Chapter 1, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children: Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.  
MCCOLL.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Fletcher, Gordon, Hays, Hollister, Holobog, Jorgensen, Keating, Keough, Kneeland, Law, McBride, McGill, Metzger, Mixter, Nathan, Olson, Parkman, Phillips, Pomeroy, Powers, Rich, Schottky, Senwell, Slater, Tickle, Wagy, Westcott and Young—63.  
**NOES.** None.

### Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Bill No. 1157.** By Senator Olson—An act to add Division 11a, comprising Chapter I, sections 1700 to 1744 inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children.

Senate Bill No. 1157 read first time, and referred to Committee on Social Security.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of Senators-at-large, and her name be stricken from the pay roll of the Senate, to take effect on completion of work May 15, 1937:

Maryann Reid, Assistant Engraving Clerk

Pay roll  
of Senators-at-large  
\$5,000

Resolution read, and on motion of Senator Tickle adopted.

### Consideration of Daily File.

#### Second Reading of Senate Bills.

**Senate Bill No. 40.** An act to add section 319 to the Agricultural Code, relating to the sale of meat.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 771.**—An act to amend section 473a of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 771 were read and adopted:

##### Amendment No. 1.

On page 1, line 9, of the printed bill, after the words "Division of State Lands," add the following words: "Veterans' Welfare Board."

##### Amendment No. 2.

On page 2, line 20, of the printed bill, following the word "attorney", and before the period, insert the following: "whose salary shall not exceed \$5,000 per annum".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 866.**—An act to amend sections 4, 8, 9, 12, 25, 33, 38a, 39, 42, 49, 67, 78, 83, 85a, 86 and 108 of, and to add sections 3a, 33a, 75a and 83b to an act entitled "An act to provide for the creation, establish-

ment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 866 were read and adopted:

**Amendment No. 1.**

On page 1, line 8 of the title of the printed bill, after "California", insert the following: "and making an appropriation therefor".

**Amendment No. 2.**

On page 2, line 9, of the printed bill, strike out "service for", and insert in lieu thereof the following: "all State service rendered as an employee of".

**Amendment No. 3.**

On page 2, line 10, of the printed bill, strike out "rendered".

**Amendment No. 4.**

On page 2, line 25, of the printed bill, strike out the comma, and insert a comma before "provided".

**Amendment No. 5.**

On page 3, line 9, of the printed bill, strike out "members", and insert in lieu thereof the following: "member".

**Amendment No. 6.**

On page 3 of the printed bill, strike out lines 51 and 52, and insert in lieu thereof the following: "credited, however, to be one-half year less than the total prior service rendered by him".

**Amendment No. 7.**

On page 4, line 23, of the printed bill, strike out "section 65 of".

**Amendment No. 8.**

On page 7, line 29, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "seventy".

**Amendment No. 9.**

On page 7, line 35, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "seventy".

**Amendment No. 10.**

On page 7, line 39, of the printed bill, after "fund", insert the following: "or the vocational rehabilitation fund".

**Amendment No. 11.**

On page 8 of the printed bill, after line 7, insert the following:  
"SEC. 21. Out of any moneys in the State treasury not otherwise appropriated, the sum of five thousand dollars is hereby appropriated for the support of the Board of Administration. The board may withdraw, without at the time furnishing vouchers and itemized statements, a sum not to exceed five hundred dollars to be used as a revolving fund. At the close of the biennium or at any other time upon the demand of the Department of Finance, such sum must be returned to the State treasury."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 952**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 20 and 22½ thereof and by adding thereto new sections numbered 6¾ and 9¾a, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions

and prescribing the form thereof and the amount for which the same may be issued; also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge, and providing that this act become effective immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 952 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 4 to 20, inclusive, of the title, and insert in lieu thereof the following: "Act for amending section 5 thereof relating to the financing of the acquisition or construction of toll bridges."

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and strike out all of pages 2 to 8, inclusive, and insert in lieu thereof the following:

SECTION 1. Section 5 of the California Toll Bridge Authority Act is hereby amended to read as follows:

Sec. 5. Whenever the Department of Public Works determines that it is for the best interests of the public highways in the State that a new toll bridge or bridges or other highway crossing be constructed and operated by the State, the director of said department shall submit its recommendation to that effect to the California Toll Bridge Authority, together with preliminary estimates of the cost of such construction and an estimate of the amount required to be issued for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources to aid in such construction. If a majority of the members of the California Toll Bridge Authority concur in the recommendation of the Department of Public Works, the authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges or other highway crossing and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction.

In the event that any toll bridge or bridges or other highway crossing is to be acquired by negotiation and purchase or through eminent domain, the preliminary estimates as to the cost of such acquisition or the amount of revenue bonds required therefor need be submitted to the California Toll Bridge Authority and the California Toll Bridge Authority may authorize the issuance of revenue bonds for the purposes of such acquisition at such times and in such amounts as in its judgment may be best. The California Toll Bridge Authority shall, however, before issuing any bond or bonds issued for the purpose of acquiring any portion of bridge, bridges, highway crossings or other property, by resolution specify the maximum amount of bonds to be issued for the purposes of such acquisition and bonds shall not be issued or sold in an amount exceeding such specified maximum amount.

The issuance of bonds for the acquisition or construction of more than one toll bridge or other highway crossing may be included in a single authorization.

All such bonds so authorized shall be issued in the name of the California Toll Bridge Authority and shall constitute obligations only of said California Toll Bridge Authority and shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges or other highway crossing for the acquisition or construction of which the bonds are issued and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt, liability or obligation of the State of California."

Bill read second time, ordered to print, engrossment, and on file for third reading.



**Senate Bill No. 1074**—An act to amend section 4279 of the Political Code, relating to compensation for public service in counties of the fiftieth class.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1075**—An act to amend section 4262 of the Political Code, relating to counties of the thirty-third class.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 531**—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1139**—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 1139 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 46 and 47, and insert in lieu thereof the following: "No corporation hereafter incorporated under this title, whose articles of incorporation authorize it to confer such degrees or to issue such certificates or diplomas, and no corporation whose articles of incorporation are hereafter amended so as to give it such authority, shall have".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1870**—An act for the relief of certain assessment districts and for that purpose empowering incorporated cities to render financial aid to such districts and to declare the urgency of this act, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2659**—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding."

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 2659 was read and adopted:

**Amendment No. 1.**

On page 5 of the printed bill, strike out line 18, and insert in lieu thereof the following: "the limitations set up in this act, and the actual amendments thereafter made therein shall be subject to the dele limitation provisions of section 19 hereof, and provided further, that".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1.** An act to amend sections 2, 2½, 3, 4, 14, 15, 16, 17, 18, 18½ and 21, to add sections 3½, 4½, 5, and 25, and to repeal section 18 of the Old Age Security Act of the State of California, relating to aid to the aged.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1 were read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, as amended, after the comma, insert the following: "or to amend sections 2020, 2024, 2149, 2199, 2199½, 2199, 2181, 2182, 2183, 2185, 2186, 2187, 2188, 2189, 2200, 2221, 2224, and 2225 of, to add sections 2009 and 2025 to, and to repeal sections 2143, 2226 and 2227 of the Welfare and Institutions Code,".

**Amendment No. 2.**

On page 6 of the printed bill, as amended, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following: "which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended as old age assistance under this act, not counting so much of such expenditures with respect to any individual for any month as exceeds \$30, and (2) two and one-half per centum of said amount which shall be used for paying the costs of administering this act and for no other purpose."

**Amendment No. 3.**

On page 8 of the printed bill, as amended, after line 17, insert the following: "Sec. 14. Section 2009 is hereby added to the Welfare and Institutions Code to read as follows:

2009. No person receiving aid under the provisions of this chapter shall be deemed a pauper by reason thereof. No warrant drawn in payment of the aid given under the provisions of this chapter shall contain any reference to indigency or pauperism.

Sec. 15. Section 2020 of the Welfare and Institutions Code is hereby amended to read as follows:

2020. The amount of aid to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, \$25 per month. The value of the use and occupancy of premises owned and occupied by applicants shall not be deemed income. Income from any of the following sources of a combined total value not exceeding \$15 per month shall not be considered for any purpose:

(a) Income from the applicant's labor or service; or rent from the premises owned and occupied by applicants;

(b) The value of foodstuffs produced by the applicant for the use of himself or his family;

(c) The value of firewood or water produced on the premises of the applicant or given to him by another;

(d) The value of gifts other than regular contributions by relatives legally responsible under this chapter.

Sec. 16. Section 2024 of the Welfare and Institutions Code is hereby amended to read as follows:

2024. During such times as grants in aid are provided or made available to the States by the United States Government as assistance to aged persons, the Governor of the State of California is hereby authorized and empowered to enter into and execute on behalf of this State all necessary agreements in connection therewith which may be required by the United States Government. Any money received under the provisions of section 2223 of this code shall be repaid to the county, to the State, and to the United States Government in the following proportions: One-half to the United States Government and the remainder equally to the county and the State.

SEC. 17. Section 2025 is hereby added to the Welfare and Institutions Code to read as follows:

2025. If, when, and during such times as the United States Government increases its contributions in assistance of the aged in this State the aid provided for in section 2020 of this code shall be increased by the amount equal to such increase by the United States Government, but in no event shall the total aid granted under this chapter exceed \$40 per month.

SEC. 18. Section 2140 of the Welfare and Institutions Code is hereby amended to read as follows:

2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter, and not inconsistent therewith. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

SEC. 19. Section 2160 of the Welfare and Institutions Code is hereby amended to read as follows:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years.

(b) Who is a citizen of the United States; registration as a voter shall be accepted as prima facie evidence of citizenship.

(c) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application. During such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until he gains such county residence.

(e) Who is not, at the time of receiving such aid, an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a hospital not exceeding 30 days in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. Payment of the aid granted shall commence within one month following such approval and the applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month, or requiring the payment of any sum of money other than for room or board.

(f) Who is not receiving adequate support from a husband, wife, or child, able and responsible under the law of this State to furnish such support.

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 20. Section 2162 of the Welfare and Institutions Code is hereby amended to read as follows:

2162. For the purpose of determining the age of an applicant for aid under this chapter any of the following documents shall be sufficient proof of the age of the applicant:

(a) Certificate of birth;

(b) Certificate of baptism;

(c) Statement of age as recorded on marriage license or certificate;

(d) Statement of age of the applicant as shown by the record of registration of voters in any political subdivision of this State, at least five years prior to the date of such application;

(e) Entries in a family Bible or other genealogical record or memorandum of the family of such applicant;



(f) The returns of the United States Census taken at least five years prior to the date of such application;

(g) The affidavit of a reputable person if it is based upon his personal knowledge of facts which would determine the probable age of the applicant and is not merely a statement of belief based on applicant's personal assurance. Such affidavits shall contain statements of the circumstances upon which such person's knowledge is based;

(h) Such other evidence as the State Department of Social Welfare may approve.

Sec. 21. Section 2163 of the Welfare and Institutions Code is hereby amended to read as follows:

2163. No aid under this chapter shall be granted or paid to any person who owns personal property the value of which exceeds \$500.

The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies of insurance as in his contract not exceeding \$1,000.

Sec. 22. Section 2181 of the Welfare and Institutions Code is hereby amended to read as follows:

2181. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed within 90 days after receipt of the application unless for good cause an extension of time for investigation is declared necessary by the board of supervisors. Said extension shall be subject to the approval of the State Department of Social Welfare.

The board shall, upon receipt of the report of the investigator, decide upon the amount of aid, if any.

Sec. 23. Section 2182 of the Welfare and Institutions Code is hereby amended to read as follows:

2182. If any applicant or recipient is dissatisfied with the action of the board of supervisors with respect to his application or receipt of aid, he shall upon filing a petition with the State Department of Social Welfare have the right of appeal and shall be accorded an opportunity for a full hearing. The Chief of the Division for the Aged in the State Department of Social Welfare shall set such appeal for hearing before the State Social Welfare Board and shall give and publish written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person, with counsel of his own choosing, or in person and with such counsel.

The State Social Welfare Board shall consider the appeal and shall affirm the appeal or award aid as prescribed in this chapter. The county board of supervisors shall then pay to such aged person the sum awarded, if any, by the State Social Welfare Board. Payments of aid shall be commenced as of the first day of the month in which the application is granted, but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until two expiration of one year from the date of the previous application, except with the consent of the county.

Sec. 24. Section 2183 of the Welfare and Institutions Code is hereby amended to read as follows:

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county. Such payments shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of aid age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

Sec. 25. Section 2185 of the Welfare and Institutions Code is hereby amended to read as follows:

2185. All necessary expense incurred by county boards of supervisors in carrying out the provisions of this chapter shall be paid by the county in the same manner as other expenses of the county are paid.

Sec. 26. Section 2186 of the Welfare and Institutions Code is hereby amended to read as follows:

2186. When and during such time as grants in aid are provided or made available by the United States Government for and to the needy aged in this State, the State Treasurer shall pay to each county from the sums granted by the United States Government to the State of California for old age assistance, (1) an amount



which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended as old age assistance under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) two and one-half per centum of said amount which shall be used for paying the costs of administering this chapter and for no other purpose.

SEC. 27. Section 2187 of the Welfare and Institutions Code is hereby amended to read as follows:

2187. From the sums appropriated therefor by the State of California in section 2021 of this chapter, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to needy aged equal to one-half of the amount paid by each county after deducting one-half of the amount paid to said county under subdivision (1) of section 2186 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting one-half of the amount paid under subdivision (1) of section 2186 of this code.

SEC. 28. Section 2188 of the Welfare and Institutions Code is hereby amended to read as follows:

2188. The method of computing and paying the amounts provided for in sections 2187 and 2186 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of sections 2186 and 2187, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if such amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by each such county, the source or sources from which the difference is expected to be derived, (2) records showing the number of aged individuals receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the State Department of Social Welfare may find necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

SEC. 29. Section 2189 of the Welfare and Institutions Code is hereby amended to read as follows:

2189. (1) Reports of aid to aged paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of section 2188. (3) The clerk of the board of supervisors of each county shall report monthly to the said State department in such manner and form as the latter may prescribe, the number of applications granted, and the grants of aid changed, revoked, or suspended under this chapter by the board of supervisors, during the preceding calendar month, together with copies of all applications received and a statement of the action of the board thereon.

SEC. 30. Section 2200 of the Welfare and Institutions Code is hereby amended to read as follows:

2200. Any recipient of aid under this chapter who removes from one county to another county in this State shall be entitled to aid, after residence of one year in the county to which he has so removed; and the removal of any person receiving aid hereunder from one county to another within this State shall not work a forfeiture during such one year period of the aid previously awarded under this chapter. The county to which such person has removed shall provide the necessary medical or hospital, or both, care if needed during the one year period of establishment of residence under this section. The county providing such medical or hospital, or both, care may demand payment of the county granting the aid in an amount not in excess of the cost thereof and it shall be a proper charge and the duty of the county granting the aid under the provisions of this section to pay such medical or hospital charges, or both.

SEC. 31. Section 2221 of the Welfare and Institutions Code is hereby amended to read as follows:

2221. If, at any time, the State department has reason to believe that aid to the aged has been obtained improperly, it shall cause special inquiry to be made

and may suspend payment of any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears upon inquiry that the aid was obtained improperly, it shall be obtained by the State Department, and if it appears that aid was obtained properly, the suspending payments shall be repealed.

Sec. 32. Section 2224 of the Welfare and Institutions Code is hereby amended to read as follows:

2224. If the person receiving aid has within the State a spouse or adult child pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting aid not to proceed against the kindred as the cause of their responsibility to support. If such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action in the superior court of the county granting such aid against said relatives, in the same manner, to recover for said county such portion of the aid granted as said relative is able to pay. Any sum so recovered shall be credited by the county to the county and to the State in proportion to the contribution of the county and the State respectively.

The granting of or continued receipt of aid shall not be contingent upon such recovery.

Sec. 33. Section 2225 of the Welfare and Institutions Code is hereby amended to read as follows:

2225. Aid granted under the provisions of this chapter shall not constitute a lien upon any property of the recipient until all loans and mortgages, now or hereafter created under the provisions of this chapter are hereby assumed and the board of supervisors of such county is hereby directed and authorized to execute and record appropriate instruments of release.

Sec. 34. Section 2244 of the Welfare and Institutions Code is hereby repealed.

Sec. 35. Sections 2226 and 2227 of the Welfare and Institutions Code are hereby repealed.

Sec. 36. This amendment act shall become effective on the first day of the month next succeeding the twentieth day after the final adjournment of the fifty-second Legislature of California.

Sec. 37. Sections 1 to 13, inclusive, of this amendment act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California.

Sec. 38. Sections 14 to 35, inclusive, of this amendment act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 98**—An act to amend section 2284, and to repeal sections 2284, 2287 and 2288 of, and to add sections 2284 and 2284a to, of the Political Code, relating to minor orphans, half-orphans and abandoned children, declaring the urgency thereof and providing that it shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 98 were read and adopted:

##### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, after "Code," insert the following: "or to amend sections 1503, 1518, 1519, and 1520 of and to add sections 1520 1 and 1520 2 to the Welfare and Institutions Code."

##### Amendment No. 2.

On page 4 of the printed bill, as amended, strike out line 32, and insert in lieu thereof the following: "Section 2284a of the Political Code or section 1520 of the Welfare and Institutions Code.

Sec. 6. Section 1503 of the Welfare and Institutions Code is hereby amended to read as follows:

1503. In addition to the amount paid by the State for each needy child maintained in a private home or in an institution, the county, city, or town may pay for the support of such needy child an amount equal to the sum paid by the State.

Sec. 7. Section 1518 of the Welfare and Institutions Code is hereby amended to read as follows:

1518. When and during such time as grants in aid are provided or made available by the United States Government for aid to dependent children in this State, the State Treasurer shall, from the sums so granted pay to each county (a) an amount which shall be used exclusively as aid to dependent children who come within the definition of dependent children under Title IV of the Federal Social Security Act, equal to one-third of the total sums expended as aid to such

dependent children under this chapter, not counting so much of such expenditure with respect to any child for any month as exceeds the maximum provided in said Title IV, and (b) an additional amount equal to one-third of the total of the sums expended as administrative costs for aid to such dependent children.

SEC. 8. Section 1519 of the Welfare and Institutions Code is hereby amended to read as follows:

1519. From the sums appropriated therefor by the State of California in section 1501 of this code, the State Treasurer shall pay to each county an additional amount which shall be used exclusively as aid to needy children eligible under this code, equal to the amount provided to be paid by the State as aid for each child under said section after deducting therefrom that portion of the amount, if any, allowed under subdivision (a) of section 1518 of this code which such State aid bears to the total amount of aid granted under this code to each child.

From the sums appropriated therefor by the State of California in section 1501 of this code, the State Treasurer shall pay to each institution entitled thereto under this chapter aid in the amount provided in section 1501.

SEC. 9. Section 1520 of the Welfare and Institutions Code is hereby amended to read as follows:

1520. The method of computing and paying the amount provided for in sections 1501, 1518 and 1519 of this code for each quarter, beginning with the quarter commencing April 1, 1937, shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of sections 1501, 1518 and 1519 of this code, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditure in such quarter, (2) records showing the number of needy children receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the State Department of Social Welfare may find necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amount so estimated by it, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less, than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to the audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

SEC. 10. Section 1520.1 is hereby added to the Welfare and Institutions Code to read as follows:

1520.1. Reports of aid to needy children paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county as a credit to apply against advances made under subdivision (a) of section 1520.

SEC. 11. Section 1520.2 is hereby added to the Welfare and Institutions Code to read as follows:

1520.2. Claims for aid to needy children in institutions eligible under section 1501 of this code shall be presented by the institutions at times and in the form prescribed by the State Department of Social Welfare. Such claims shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, the State Controller shall draw the necessary warrants for the amount allowed in favor of the institution, and the State Treasurer shall pay the same on presentation.

SEC. 12. Sections 1 to 4, inclusive, of this amendatory act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature of California.

SEC. 13. Sections 6 to 11, inclusive, of this amendatory act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California."

#### Amendment No. 3.

On page 4, line 33, of the printed bill, as amended, strike out "Sec. 6", and insert in lieu thereof the following: "Sec. 14".

Bill read second time, ordered to print, and on file for third reading.



**Assembly Bill No. 524**—An act to amend section 15 of the Old Age Security Act of the State of California, approved May 28, 1929, relating to aid to the aged, this act to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 524 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, after "1929" insert the following: "or sections 2186, 2187, 2188 and 2189 of the Welfare Institutions Code."

**Amendment No. 2.**

On page 3, line 25, of the printed bill, after the comma, insert the following: "or in section 2188 of the Welfare and Institutions Code."

**Amendment No. 3.**

On page 3 of the printed bill, as amended, between lines 25 and 26, insert the following:

"Sec. 3. Section 2186 of the Welfare and Institutions Code is hereby amended to read as follows:

2186. When and during such time as grants in aid are provided or made available by the United States Government for aid to the needy aged in this State, the State Treasurer shall pay to each county, from the sums granted by the United States Government to the State of California for old age assistance, (1) an amount which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended as old age assistance under this chapter, and (2) an amount in full of such expenditure with respect to any individual for any month as exceeds \$20 and (3) two and one-half per centum of said amount which shall be used for paying the costs of administering this chapter and for any other purpose.

SEC. 4. Section 2187 of the Welfare and Institutions Code is hereby amended to read as follows:

2187. From the sums appropriated therefore to the State of California in section 2024 of this chapter, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to the needy aged, equal to one-half of the amount paid by each county after deducting the amount paid to said county under subdivision (1) of section 2186 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no monthly income, after deducting the amount paid under subdivision (1) of section 2186 of this code.

SEC. 5. Section 2188 of the Welfare and Institutions Code is hereby amended to read as follows:

2188. The method of computing and paying the amounts provided for in sections 2187 and 2188 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of sections 2186 and 2187. Such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if such amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by such county, the source or sources from which the difference is expected to be derived, (2) records showing the number of aged individuals receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the State Department of Social Welfare may find necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

SEC. 6. Section 2189 of the Welfare and Institutions Code is hereby amended to read as follows:

2189. (1) Reports of aid to aged paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Depart-



ment of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of section 2188. (3) The clerk of the board of supervisors of each county shall report monthly to the said State department in such manner and form as the latter may prescribe, the number of applications granted, and the grants of aid changed, revoked, or suspended under this chapter by the board of supervisors during the preceding calendar month, together with copies of all applications received and a statement of the action of the board thereon.

SEC. 7. Section 1 of this amendatory act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature of California.

SEC. 8. Sections 3 to 6, inclusive, of this amendatory act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California."

#### **Amendment No. 4.**

On page 3, line 26, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 9".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1875**—An act to amend section 9 of "An act to provide for needy blind persons, not inmates of any institutions supported in whole or in part by this State or any of its political subdivisions, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act," approved May 28, 1929, relating to aid to the needy blind, this act to take effect immediately.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 1875 were read and adopted:

#### **Amendment No. 1.**

On page 1, line 6 of the title of the printed bill, as amended, after "1929," insert the following: "or to amend section 3087 of, and to add sections 3087.1, 3087.2 and 3087.3 to the Welfare and Institutions Code,".

#### **Amendment No. 2.**

On page 3 of the printed bill, as amended, strike out line 19, and insert in lieu thereof the following: "or in section 3087.2 of the Welfare and Institutions Code,".

#### **Amendment No. 3.**

On page 3 of the printed bill, as amended, after line 19, insert the following: "SEC. 3. Section 3087 of the Welfare and Institutions Code is hereby amended to read as follows:

3087. During such time as grants in aid are made available by the United States Government under the provisions of Title X of the Federal Social Security Act for aid to the needy blind in this State, the State Treasurer, shall, from the sums so granted, pay to each county an amount, which shall be used exclusively as aid to the needy blind under this chapter, equal to one-half of the total sums expended as aid to the blind under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30.

SEC. 4. Section 3087.1 is hereby added to the Welfare and Institutions Code to read as follows:

3087.1. From the sums appropriated in section 3025 of this code the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for aid to the needy blind under this chapter, equal to one-half of the amount paid by such county after deducting one-half of the amount paid to the county under section 3087 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting one-half of the amount paid under section 3087.

SEC. 5. Section 3087.2 is hereby added to the Welfare and Institutions Code to read as follows:

3087.2. The method of computing and paying the amounts provided for in sections 3087 and 3087.1 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under sections 3087 and 3087.1. This estimate shall be based on a report which shall be filed by each county containing (1) its estimate of the total sum to be

expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditure in such quarter, and if the amount is less than that portion of the total amount of such estimated expenditures which is allocated under this chapter to be paid by each such county, the source or sources from which the difference is expected to be derived, (2) records showing the number of such individuals receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the State Department of Social Welfare may feel necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, and if the amount as the case may be, by any sum by which it finds that its estimate for each quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

SEC. 6. Section 3087.3 is hereby added to the Welfare and Institutions Code to read as follows:

3087.3. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at three o'clock in the afternoon to the State Department of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when not in the amount quartered, shall be allowed to said county or city and county as a credit to apply against advances made under the terms of section 3087.2.

SEC. 7. Section 1 of this amendatory act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature of California.

SEC. 8. Sections 3 to 6 inclusive of this amendatory act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California.

#### Amendment No. 4.

On page 3, line 42, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 9".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1137**—An act to add Chapter 7, comprising sections 3000 to 3152, inclusive, to Division 41 and to add sections 3000 to Division XXX of the Business and Professions Code, relating to the practice of optometry and repealing acts and parts of acts specified herein.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1137 were read and adopted:

#### Amendment No. 1.

On page 2, line 43, of the printed bill, as amended, strike out "and", and strike out lines 44, 45 and 46, and insert in lieu thereof a period.

#### Amendment No. 2.

On page 2, line 50, of the printed bill, as amended, strike out "twice", and insert in lieu thereof the following: "once".

#### Amendment No. 3.

On page 6 of the printed bill, as amended, strike out lines 21, 22 and 23, and insert in lieu thereof the following: "once a year with such additional examinations as the board desires to hold. The time and place of any examination shall be fixed by the board at least thirty days prior to the date that it is to be held. One examination shall be held, com-".

#### Amendment No. 4.

On page 6, line 24, of the printed bill, as amended, strike out "Add-", and strike out lines 25 and 26.

**Amendment No. 5.**

On page 8, line 47, of the printed bill, as amended, after "name", insert the following: "without using the word "optometrist" as a suffix to his name or in connection with it".

**Amendment No. 6.**

On page 9 of the printed bill, as amended, strike out lines 15, 16, and 17, and insert in lieu thereof the following: "company or corporation constitutes unprofessional conduct."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1264**—An act to add Chapter 11, comprising sections 4800 to 4897, inclusive, to Division II and to add section 30008 to Division XXX of the Business and Professions Code, relating to the practice of veterinary medicine and surgery and repealing acts and parts of acts specified herein.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2843**—An act to create a Commission to Study Existing Public and Private Arboreta and Botanic Gardens and make recommendations for the establishment of a publicly owned arboretum and botanic garden, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2854**—An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county officers and employees, namely, county foresters and fire wardens as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2854 was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, after the word "supervisors", insert the following: "in any county which has established a retirement or pension system for county employees or officers, or by a majority vote of the electors of such county voting upon the proposition of accepting the provisions hereof at any special or general election at which such proposition may be submitted."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 550**—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2884**—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8,



9, 10, 11, 12, 14, 15, and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1121**—An act to amend section 7376 and 4240 of the Political Code, relating to the compensation of public officers.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2860**—An act making an appropriation for the support of the University of California.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2405**—An act amending section 4243 of the Political Code, relating to salaries and compensation of officers in counties of the fourteenth class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1871**—An act to amend section 4282 of the Political Code, relating to the compensation of county and township officers in counties of the fifty-third class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2832**—An act to amend section 35 of, and to add section 98 to, an act entitled "An act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1079**—An act to amend section 21204 of the School Code, relating to the powers and duty of the county superintendents of the schools of California.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2851**—An act to renumber Article 11a of Chapter I, Part IV, Division II of the School Code, to be Article 11a, and to renumber and amend sections 21365 and 21366 of the School Code, to be sections 21405 and 21406 respectively, relating to the State Council of Educational Planning and Coordination.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1629**—An act to repeal Chapters V and VI of Part III, and Chapter V and VI of Part V, of Division III of the School Code; to add to Part III of Division III of said code a new chapter to be known as Chapter V; to add to Part V of Division III of said code a new chapter to be known as Chapter V; to amend sections 3,291, 4,871, 4,873, 4,884 and 4,885 of said code, all relating to secondary schools, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 1465**—An act to amend sections 2.876, 2.878, 2.885, 2.890, 2.891, to repeal section 2.886 of the School Code, to repeal an act entitled "An act relating to the opening and closing of polls at school elections," approved May 14, 1929, and to add sections 2.876½, and 2.877 to the School Code, relating to school district elections.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1465 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of lines 3, 4, 5 and 6 of the title, and insert in lieu thereof the following: "and to add section 2.876½ to".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, as amended, after the word "election", insert the following: "serving at any school district election the polls at which are required to be opened at the same hour and kept open until the same hour as were the polls at the last general election".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out all of lines 8 to 17, both inclusive.

**Amendment No. 4.**

On page 1, line 18, of the printed bill, as amended, strike out the figure "3", and insert in lieu thereof the figure "2".

**Amendment No. 5.**

On page 3, line 1, of the printed bill, as amended, strike out the figure "4", and insert in lieu thereof the figure "3".

**Amendment No. 6.**

On page 3, line 16, of the printed bill, as amended, strike out the figure "5", and insert in lieu thereof the figure "4".

**Amendment No. 7.**

On page 3, line 18, of the printed bill, as amended, strike out the figure "6", and insert in lieu thereof the figure "5".

**Amendment No. 8.**

On page 3, line 26, of the printed bill, as amended, strike out the figure "7", and insert in lieu thereof the figure "6".

**Amendment No. 9.**

On page 3, line 37, of the printed bill, as amended, strike out the figure "8", and insert in lieu thereof the figure "7".

**Amendment No. 10.**

On page 3 of the printed bill, as amended, strike out all of lines 46, 47 and 48.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 954**—An act to amend section 4.974 of the School Code of the State of California, relating to the expenses for the issuance of school bonds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 983**—An act to repeal Article II of Chapter II of Part II of Division II of the School Code, relating to the governing board of a newly organized school district.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 984**—An act to repeal section 4.788 of the School Code and to add a new chapter to Part II of Division IV of said code to be known as Chapter IIa, relating to county elementary school supervision funds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 985**—An act to repeal Article X of Chapter I of Part I of Division II of the School Code and to add to Chapter I of Part I of Division II of the School Code a new article to be known as Article VIIa, all relating to the formation, annexation, uniting and changing of boundaries of school districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 988**—An act to add a new section to the School Code to be known as section 2 992, relating to gifts, donations, bequests and devises to school districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1048**—An act to provide for the adoption and use of a uniform fire alarm code signal in all public, private or parochial schools.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 978**—An act to amend sections 2 879 and 2 880 of the School Code, relating to elections for members of governing boards of school districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2646**—An act to add sections 1683, 1684, and 1685 to the Labor Code, relating to free employment bureaus for teachers.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 2646 was read and adopted:

##### Amendment No. 1.

On page 1, line 13, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may in their discretion."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1146**—An act to repeal sections 2 123, 3 610, 3 611 and 3 612 of the School Code and to add a new section thereto to be numbered 4 192, all relating to the furnishing of facilities, supplies and services by county superintendents of schools for the education of pupils residing in the county.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1146 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive, of the title and insert in lieu thereof the following:

"An act to amend section 4 192 of the School Code as enacted by Chapter 216, Statutes 1937, and to repeal section 4 193 of the School Code, as enacted by Chapter 216, Statutes of 1937, both relating to the furnishing."

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4 192 of the School Code, as enacted by Chapter 216, Statutes of 1937, is hereby amended to read as follows:"

##### Amendment No. 3.

On page 2 of the printed bill, as amended, after line 6, insert the following:

"SEC. 2. Section 4 193 of the School Code, as enacted by Chapter 216, Statutes 1937, is hereby repealed."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1195**—An act to repeal an act entitled "An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind, or the semisighted," approved April 6, 1929, to repeal an act entitled "An act relating to retirement salaries of teachers and other employees employed in the public schools of the State and educational institutions supported in whole or in part by the State," approved June 19, 1929, to repeal Part IV of Division V of the School Code, and to add to said Division V of said School Code, a new part to be known as Part IV, all relating to a retirement system for the retirement of officers and employees of the State, counties and school districts rendering service of an educational nature, declaring the urgency thereof and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1195 were read and adopted:

**Amendment No. 1.**

On page 5, line 14, of the printed bill, as amended, strike out the word "membership", and insert in lieu thereof the word "members".

**Amendment No. 2.**

On page 5, line 14, of the printed bill, as amended, beginning in said line 14, strike out the following: "identical with".

**Amendment No. 3.**

On page 5, line 15, of the printed bill, as amended, after the word "the", insert the words "members of".

**Amendment No. 4.**

On page 5, line 15, of the printed bill, as amended, strike out the word "which", and insert in lieu thereof the following: "the appointive members of the Retirement Investment Board. The teachers retirement board".

**Amendment No. 5.**

On page 12, line 2, of the printed bill, as amended, after the word "filed", insert the following: "or such payment has been made".

**Amendment No. 6.**

On page 12, line 6, of the printed bill, as amended, beginning in said line 6, strike out the following: "or such payment has been made".

**Amendment No. 7.**

On page 13 of the printed bill, as amended, strike out all of lines 17 and 18, and insert in lieu thereof the following: "i.e., without interruption. The retirement board by rule may modify the method,".

**Amendment No. 8.**

On page 17, line 41, of the printed bill, as amended, after the word "is", insert the following: "or has been".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1175**—An act to amend sections 2.876 and 2.877 of the School Code, relating to school districts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1175 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out the word "sections", and insert in lieu thereof the word "section".

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, strike out the following: "and 2.877".

**Amendment No. 3.**

On page 1, line 1 of the title of the printed bill, after the words "insert the following," to repeal section 2 877 thereof, to repeal is not entitled. An act relating to the opening and closing of polls at school elections," approved May 14, 1929, and to add to the School Code a new section to be numbered 2 877, and

**Amendment No. 4.**

On page 1, line 2 of the title of the printed bill, strike out the word "insert" and insert in lieu thereof the following: "insert elections".

**Amendment No. 5.**

On page 1 of the printed bill, strike out all of lines 15 and 16 and insert in lieu thereof the following:

"Sec. 2. Section 2 877 of the School Code is hereby repealed."

"Sec. 3. An act entitled, "An act relating to the opening and closing of polls at school elections," approved May 14, 1929, as hereby amended."

"Sec. 4. A new section is hereby added to the School Code to be numbered 2 877 and to read as follows:"

Bill read second time, ordered to print, and on file for third reading.

**Consideration of Assembly Concurrent Resolution No. 57.**

Senator Seawell asked for and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 57, without reference to committee for purpose of adoption.

**Assembly Concurrent Resolution No. 57.**

Relative to labor relations legislation.

WHEREAS, There are pending before the Legislature at the present time many bills with regard to labor relations, including bills relating to the right of labor to organize and bargain collectively, and the conciliation, adjustment and mediation of labor disputes; and

WHEREAS, There is in the minds of the legislators some doubt as to what legislation should be enacted in this field; and

WHEREAS, The members of the Legislature desire that more rapid action be given to the various legislative proposals in this field, now pending, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That a committee be appointed to consist of seven Senators designated by the President of the Senate, and seven Assemblymen to be designated by the Speaker of the Assembly, which committee shall make an immediate and careful study of the proposed legislation above referred to, and do it further.

*Resolved,* That such committee submit to the Legislature at this session thereof at the earliest possible date its recommendations concerning proposed labor relations legislation now pending.

**Resolution read**

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 57 adopted by the following vote:

AYES—Senators Allen, Biggar, Crutcher, Cunningham, Delap, Fletcher, Garrison, Gordon, Hays, Hollister, Houston, Jaspersen, Keating, Knight, Knowland, Law, McBride, McCall, Metzger, Minter, Nielsen, Olson, Parkman, Phillips, Piatovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tinkle, Waga, Westover, and Young—36.

NOES—None.

Assembly Concurrent Resolution No. 57 ordered transmitted to the Assembly.

**Unfinished Business.**

**Senate Bill No. 947**—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing



for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 947, the following amendments, offered by Senator Phillips, were read and adopted:

##### **Amendment No. 1.**

On page 3, line 24, of the printed bill, as amended, after the period, insert the following: "Only such land as has been approved by the State Department of Agriculture or the College of Agriculture of the University of California as to its fitness for the particular purpose for which it is to be used shall be purchased by the association. Land to be purchased for agricultural purposes shall be approved as to soil condition and adequacy of water supply."

##### **Amendment No. 2.**

On page 3 of the printed bill, as amended, strike out lines 50 and 51, and insert in lieu thereof the following: "unemployment relief purposes the sum of two million".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

**Senate Bill No. 1008**—An act to add section 640 to the Streets and Highways Code, repealing section 612 of the Streets and Highways Code.

#### **Amendments from the Floor.**

During third reading of Senate Bill No. 1008, the following amendments, offered by Senator Swing, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "to add section 640 to the Streets and Highways Code,".

##### **Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1, 2 and the figure 640 in line 3, and insert in lieu thereof the following: "Section 1."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

#### **Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Knowland moved to reconsider the vote whereby Senate Bill No. 171 was passed.

#### **Postponement of Reconsideration.**

On motion of Senator Knowland, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 171 was passed was continued until the next legislative day.

#### **Third Reading of Senate Bills.**

**Senate Bill No. 460**—An act to amend sections 10112, 10113, 10204, 10209, 10213, 10241 and 10511 of the Insurance Code, to add section 10203.5 thereto, and to add Article 4, comprising sections 10490 to 10496, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Kennard, Law, McCall, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 460 ordered transmitted to the Assembly.

**Senate Bill No. 1150**—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1150 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Kennard, McBeck, Mixer, Nelson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—27.

**NOES**—Senators Donel, Garrison, Gordon, Law, McCall, Metzger, Olson, Powers, and Tickle—9.

Title read and approved.

Senate Bill No. 1150 ordered transmitted to the Assembly.

### Re-reference of Senate Constitutional Amendment No. 17.

Senator Swing moved that Senate Constitutional Amendment No. 17 be re-referred to Committee on Drainage, Swamp and Overflowed Lands.

Motion carried, and such was the order.

### Motion.

On motion of Senator Biggar, Senate Constitutional Amendment No. 11 was ordered placed on the unfinished business file.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 2a to Article IV thereof, relating to the introduction of bills in the Legislature:

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 15a to Article IV thereof, relating to enactment of legislation:

Senate Bill No. 689—An act to amend section 32 of the Public Utilities Act, relating to public utility rates.

Senate Bill No. 747—An act to amend section 841 of, and to add section 841a to, the Military and Veterans' Code, relating to veterans' farm and home purchase funds:

Senate Bill No. 925—An act making an appropriation for construction, improvements and equipment of armories, arsenals, rifle-ranges and camp sites, The Adjutant General and California National Guard during the ninety-ninth and ninetieth fiscal years, and providing that this act shall take effect immediately:

Senate Bill No. 1150—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors:

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 460—An act to amend sections 10112, 10204, 10209, 10213, and 10511 of the Insurance Code, to add section 10203.5 thereto, all relating to insurance;

Senate Bill No. 1021—An act to amend section 1602 of the Dental Practice Act, relating to members of the State Board of Dental Examiners; And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 389—An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately;

Senate Bill No. 390—An act to add Chapter 1, comprising sections 1500 to 1575, inclusive, to Part 2 of Division II of the Welfare and Institutions Code, and to add section 20100 to Division XX thereof, relating to and providing for aid to needy children, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately;

Senate Bill No. 391—An act to add Chapter 1, comprising sections 2000 to 2228, inclusive, to Division III of the Welfare and Institutions Code, and to add section 20200 to Division XX thereof, relating to and providing for the protection, welfare, and assistance of needy aged persons resident in the State, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately;

Senate Bill No. 392—An act to add Chapter 1, comprising sections 3000 to 3090, inclusive, to Part 1 of Division V of the Welfare and Institutions Code, and to add section 20300 to Division XX thereof, relating to and providing for needy blind persons not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, and repealing certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately;

Senate Bill No. 1052—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1937, at ten o'clock a.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 37—Relative to adjournment sine die of the fifty-second session of the Legislature of the State of California;

Senate Concurrent Resolution No. 41—Approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of June, 1936;

Senate Concurrent Resolution No. 42—Relative to granting leave of absence to the Honorable Ed. Fletcher, member of the Senate of the fifty-second session of the Legislature of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1937, at ten o'clock a.m.

KEOUGH, Chairman.

### Recess.

At twelve o'clock and thirty-two minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Concurrent Resolution No. 57 was passed.

#### Motion.

Senator Seawell moved that Assembly Concurrent Resolution No. 57 be returned from the Assembly for further action.

Motion carried, and such was the order.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Bogert, Cunningham, DeLoach, Donald, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kuchel, Ladd, McCall, Montgomery, Olson, Patterson, Powers, Rich, Seawell, Tinkle, Wagon, Westover, Williams and Young. 25

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate

#### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills.

##### Consideration of Assembly Concurrent Resolution No. 45.

Senator Powers asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 45, without reference to the Committee on Contingent Expenses, for purpose of adoption.

##### Assembly Concurrent Resolution No. 45.

Relative to the appointment of a Joint Legislative Committee to attend the dedicatory ceremonies in connection with the opening of the "Feather River Highway."

WHEREAS, At the special election held on July 1, 1919, the people of the State of California adopted section 2 of Article XVI of the State Constitution, authorizing the issuance of State bonds in the amount of \$40,000,000, to be used in part for the construction of certain highways, including a State highway along the Feather River Route from Oroville to Quincy; and

WHEREAS, In conformity with this authorization State bonds were issued and sold to the public and a portion of the proceeds therefrom was set aside for the construction of a State highway along the Feather River Route from Oroville to Quincy; and

WHEREAS, The actual work upon this project, which has been given the picturesque name of "Feather River Highway," was commenced in the year 1928; and

WHEREAS, Construction has progressed to the stage where the highway will soon be formally dedicated to the people of the State of California; and

WHEREAS, The work entailed in this construction has been both spectacular and difficult, necessitating:

(1) The construction of 4,298 feet of bridging, including a 350-foot steel arch span across the Feather River Canyon;

(2) The carving of a road out of the canyon walls through the Arch Rock and Grizzly Dome sections; and

(3) The construction of three tunnels of a total length of 784 feet; and

WHEREAS, When completed, the "Feather River Highway" will constitute a public investment of more than \$7,500,000, in 77.8 miles of excellent roadway; and



WHEREAS, The "Feather River Highway" will afford a year-round accessibility to a country which is renowned for its unrivished, rugged and primeval grandeur, and will be the "Open Sesame" to a recreational area of unlimited capacity and distinctive beauty; and

WHEREAS, It links with the "Sierra Way," a highway which threads through the Sierra Nevada Mountain Range and through the various national parks and vacation playgrounds that attract many thousands of people yearly from all the four corners of the globe; and

WHEREAS, It will facilitate and foster uninterrupted commercial intercourse between the county seats of Oroville and Quincy and between the Sacramento Valley and Reno, Nevada; and

WHEREAS, The "Feather River Highway" is another golden rung in the ladder of progress and constitutes an achievement which all Californians can point to with pardonable pride and paeans of praise; and

WHEREAS, It is most fitting and proper that the Legislature of the State of California be represented at the ceremonies planned to be held at the city of Oroville, Butte County, and at the city of Quincy, Plumas County, which ceremonies will inaugurate the opening and dedication of this highway to public use; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That a Joint Committee consisting of five members of the Assembly, to be appointed by the Speaker of the Assembly, and five members of the Senate, to be appointed by the President of the Senate, be appointed to attend the dedicatory ceremonies in connection with the opening of the "Feather River Highway"; and be it further

*Resolved.* That the sum of \$400, or so much thereof as may be necessary, is hereby appropriated, one-half to be paid from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, for the purpose of paying the expenses of the committee and its members in attending such ceremonies, the funds to be expended as in the judgment of the Joint Committee may be deemed proper and necessary. Payment shall be made by warrants of the State Controller drawn against the contingent fund of each house upon the written order of the chairman of the committee, and the State Treasurer shall pay the same.

#### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 45 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, Mixer, Nielsen, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Assembly Concurrent Resolution No. 45 ordered transmitted to the Assembly.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Denel, Powers, McColl, Rich and Seawell.

#### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 1021**—An act to add section 13a to the Dental Practice Act, relating to places of practice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1021 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olsen, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1021 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

**Senate Bill No. 925**—An act making an appropriation for construction, improvements and equipment of armories, arsenals, rifle ranges and camp sites, the Adjutant General and California National Guard during the eighty ninth and ninetieth fiscal years, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

A statement of the facts constituting such necessity is as follows: There is now an insufficient number of armories and training facilities to house and train adequately the California National Guard units, and several existing California National Guard armories are in need of immediate repairs. It is necessary to repair these armories at once to avoid serious deterioration and destruction, and it is necessary immediately to build new armories and training facilities for the use of new units assigned to the California National Guard.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dond, Garrison, Gordon, Hays, Hollister, Hoshorn, Jorgensen, Keating, Keene, Knowland, Low, McBride, McColl, Metzger, Mixer, Nelson, Parkin, Parnish, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tucker, Wagy, Westover, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, DeLap, Dond, Garrison, Gordon, Hays, Hollister, Hoshorn, Jorgensen, Keating, Keene, Knowland, Low, McBride, McColl, Metzger, Mixer, Nelson, Parkin, Parnish, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tucker, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 925 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At two o'clock and thirty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Senate Bill No. 1035**—An act to exempt the State of California, counties, cities and counties, municipalities, districts and other political subdivisions thereof, from the provisions of the "Unfair Practices Act," "Highway Carriers' Act," "City Carriers' Act," and all acts designed to establish and enforce minimum prices for services to be rendered in California and for products or merchandise produced, manufactured or processed in California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1035 refused passage by the following vote:

AYES—Senators Hays, Metzger, Nielsen, Olson, Quinn, Rich, and Tucker—7.

NOES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dond, Fletcher,

Garrison, Gordon, Hollister, Jespersen, Keating, Keough, Knowland, McBride, McColl, Mixer, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Wagy, Westover, and Young—27.

**Senate Bill No. 747**—An act to amend section 841 of the Military and Veterans' Code, relating to veterans' farm and home purchase funds.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 747 ordered transmitted to the Assembly.

**Senate Bill No. 689**—An act to repeal section 131½, to amend section 32 and to repeal section 32½ of the Public Utilities Act, relating to public utility rates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 689 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—Senator Parkman—1.

Title read and approved.

Senate Bill No. 689 ordered transmitted to the Assembly.

#### President of the Senate in the Chair.

At two o'clock and fifty-one minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

#### Senate Constitutional Amendment No. 29.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 2a to Article IV thereof, relating to the introduction of bills in the Legislature.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 2a be added to Article IV of the Constitution of the State of California, to read as follows:

**SEC. 2a.** During any regular session of the Legislature each member may introduce 12 bills. Not more than 2 of these 12 bills may be introduced by each member after the expiration of the first 40 calendar days following the commencement of the session. Besides said 12 bills, members may have their names on additional bills in conjunction with another member of the same house as coauthor, whose quota is not exceeded thereby, either of 12 bills for the entire session or of two bills for the period subsequent to its first 40 days.

When a member has introduced his full quota of bills as provided in this section, any subsequent bill presented by him shall not be accepted for introduction. For the purpose of computing the number of bills introduced at any session, a bill bearing the names of two or more members shall be considered as having been introduced by the member whose name first appears thereon.

Committee bills, numbering not more than thirty for each house, may also, in addition to the number of bills provided above, be introduced at any time during the ses-



sion. The Legislature, either by statute or by legislative rules, may furnish the procedure for carrying out the provisions of this section; but the total number of bills introduced into both houses at any regular legislative session shall not exceed 1,500.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 29 refused adoption by the following vote:

**AYES**—Senators Allen, Gordon, Hays, Hollister, Keating, Keough, McReade, Mixer, Pierovich, Quinn, Seawell, Slater, Tickle, Williams, and Young—17.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Holohan, Jespersen, Knowland, Law, McCall, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Rich, Schottky, Swing, Wagz, and Westover—23.

#### Senate Constitutional Amendment No. 30.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 15a to Article IV thereof, related to enactment of legislation.

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 15a be added to Article IV of the Constitution of the State of California, to read as follows:*

**SEC. 15a.** A bill may not be introduced in either house in such fragmentary or skeleton form that it could have no clear meaning or effect if enacted as proposed; introduced, and unless the text thereof reasonably indicates the legislation proposed to be enacted thereby, or, if a bill is so introduced, it may not be thereafter amended.

An amendment to a bill may not be allowed in either house unless it has a clear relation to the subject of the original bill.

A bill which is passed by the Legislature in violation of the provisions of this section shall not be certified for presentation to the Governor by the presiding officer of either house, and it shall not be signed by the Governor.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 30 refused adoption by the following vote:

**AYES**—Senators Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McReade, McCall, Metzger, Mixer, Nielsen, Quinn, Schottky, Slater, Wagz, Westover, and Young—22.

**NOES**—Senators Allen, Biggar, Crittenden, DeLap, Gordon, Law, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Swing, Tickle, and Williams—16.

**Senate Bill No. 1142.** An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the dual conduit work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1142 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keating, Keough, Law, McReade, McCall, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—33.

**NOES**—Senator Hays—1.

Title read and approved.

Senate Bill No. 1142 ordered transmitted to the Assembly.



### Reports of Standing Committee.

The following reports of standing committee were received and read :

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution by adding section 29 to Article IV of the Constitution, relating to State money;

Senate Bill No. 40—An act to add section 319 to the Agricultural Code, relating to the sale of meat;

Senate Bill No. 531—An act to amend section 4307 of the Political Code, relating to county charges;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 22—Relative to the participation by the State of California in the Swedish-American Tercentenary Celebration of 1938;

Senate Concurrent Resolution No. 44—Approving amendments to the charter of the city of Santa Barbara;

Senate Concurrent Resolution No. 45—Approving a certain amendment to the charter of the city of Pacific Grove, a municipal corporation in the county of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1937; And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 628**—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 628, the following amendment, offered by Senator Powers, was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 4 to 11, inclusive, and insert in lieu thereof the following:

"Except as provided in section 217, every nonresident, including any foreign corporation, having an established place of business within this State and owning and regularly operating in such business any vehicle of a type subject to registration hereunder shall register each such vehicle. The same fees shall be collected therefor as is required with reference to like vehicles owned by residents of this State, in addition to any other registration fees required upon registration of a vehicle previously registered outside this State."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1619**—An act to amend section 362a of the Civil Code, relating to the amendment of articles of incorporation.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1619, the following amendments, offered by Senator Pierovich, were read and adopted:

#### Amendment No. 1.

On page 3, line 18, of the printed bill, as amended, after "priority", insert ", preferences, rights, or restrictions"; and strike out "with respect to outstanding", and all of line 19, and insert in lieu thereof the following: "of shares and shares outstanding."

#### Amendment No. 2.

On page 3 of the printed bill, as amended, following line 24, insert the following: "(7) If any such amendment would reduce the authorized number of directors of

a stock corporation below five such amendment must be approved by resolution of the board of directors and by the vote or consent of the holders of more than eighty per cent of the voting shares.

(8) Any provision of the articles, not inconsistent with the law under which the corporation exists, which has been superseded or changed by any certificate, instrument or proceeding pursuant to any statute which did not expressly provide that such certificate, instrument or proceeding amended the articles, may be modified and restored by resolution of the board of directors and the vote or written consent of shareholders holding at least a majority of the voting power. The resolution of the board of directors and the resolution or written consent of the shareholders shall identify such provision in the manner hereafter provided and which governs for the redemption and restoration thereof. If the redemption and restoration of such provision would have the same effect as an amendment of the statutes included in subdivisions (3), (4), (5), (6) or (7) hereof, then the vote or written consent of shareholders required for the redemption and restoration thereof shall include the vote or written consent of shareholders specified in such subdivisions, respectively, representing the number and classes of shares therein prescribed.

#### **Amendment No. 3.**

On page 3, line 39, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof "subdivisions".

#### **Amendment No. 4.**

On page 4 of the printed bill, as amended, strike out all of one lines 11 to 15 inclusive.

#### **Amendment No. 5.**

On page 4, line 24, of the printed bill, as amended, strike out the word:

#### **Amendment No. 6.**

On page 4, line 25, of the printed bill, as amended, after "consent", insert "or writing".

#### **Amendment No. 7.**

On page 4, line 26, of the printed bill, as amended, strike out: "The wordings", also strike out all of line 27, and insert in lieu thereof the following:

"The wording of any provision proposed to be amended or changed from the articles or redeemed and restored shall be deemed."

Bill read, ordered to print, and on file for third reading.

### **Further Proceedings Under Call of the Senate Dispensed With**

At four o'clock p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

### **Notice of Consideration.**

Senator DeLap gave notice that on the next legislative day he would ask consideration for final passage of Senate Bill No. 240 now on the unfinished business file.

### **Withdrawal and Re-reference of Assembly Bill No. 1250.**

Senator Olson moved that Assembly Bill No. 1250 be withdrawn from Committee on Judiciary, and referred to Committee on Social Security. Motion carried, and such was the order.

### **Withdrawal and Re-reference of Assembly Bill No. 2343.**

Senator McColl moved that Assembly Bill No. 2343 be withdrawn from Committee on Education, and referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 14, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution by adding section 29 to Article IV of the constitution, relating to State money;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted:

Committee membership—3; committee vote: Ayes—3.

KEATING, Chairman.

#### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Assembly Bill No. 101—An act to amend section 1680 of the Labor Code, relating to the establishment of free employment bureaus;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Senate Bill No. 830—An act to amend sections 3, 4 and 6 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, and to amend sections 7, 8, 9, 11, 12, 18, 29, 30, and 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to workmen's compensation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Assembly Bill No. 933—An act to add a new section to the Labor Code, to be numbered 3862, relating to employer's writ of execution as lien claimant;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

OLSON, Chairman.

#### On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Assembly Bill No. 1490—An act to amend sections 1, 2, 12, 13, 16 and 17 of, and to add sections 12.5 and 21 to, an act entitled "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control," approved July 20, 1935, relating to structural pest control;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

METZGER, Chairman.

### Adjournment.

At four o'clock and seven minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Tuesday, May 18, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

## SENATE CHAMBER

SACRAMENTO, Tuesday, May 18, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Kuehnelt, Law, McBrat, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Peterson, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tinkle, Wagg, Westover, Williams, and Young—38.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Kirsher.

**Reading of the Journal.**

During the reading of the Journal of Monday, May 17, 1937, the further reading was, on motion of Senator Slater, dispensed with.

**Leave of Absence.**

Senator Holohan was, on motion of Senator Keating, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roy L. Dyrgers, Visalia, superintendent of schools, Tulare County, and Mr. H. W. Kelly, Visalia, deputy superintendent of schools, Tulare County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elisabeth Ball of San Diego.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. O. Talbott, Wilma Hamilton, Edith Zaluski, Lella Conway, Maxine Beaumont, Ivan Bennett, E. E. Beach, Dorothy Beach, Isabelle Abendinger, Josephine Iregoyen, Karen Hansen, Dorothy Petkin, Florence Austin, Dallan Austin, Ernest Simmons, Gordon Blair, Bill Clawson, James McDaniels, Mrs. G. W. Rooney, Elwyn Rooney, Clifford Brown, Bruce Simpson, Donald Spires, and Orwin Talbott.

On request of Senator Jaspersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Bert Turnbow of San Miguel.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Gertrude Cross of Oakland, Miss Ellen Breen of San Diego, Miss Madeline Veverka of Los Angeles, and Mrs. Portia Moss, superintendent of schools of Placer County.



### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns herewith, pursuant to your request:

Assembly Concurrent Resolution No. 57—Relative to labor relations legislation.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 57 ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 46—Relative to memorializing the President and Congress of the United States to enact legislation to relieve California champagne makers from discriminatory regulations of the Federal Alcohol Administration.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 46 ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 47—Relative to memorializing the President of the United States to extend to the governments and dominions of the world invitations to participate in the Pacific Exposition and Mercado at Los Angeles in 1940.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Joint Resolution No. 47 ordered held at the desk.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 50—An act to amend sections 451, 458, 491 and 492 of, and to add section 490.4 to, the Agricultural Code, relating to dairies and dairy products:

Assembly Bill No. 119—An act to amend sections 4, 5, 8 and 11 of, and to add sections 4a and 4b to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to the payment and collection of taxes, and the suspension of licenses, to take effect immediately:

Assembly Bill No. 134—An act to amend section 105 of an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and make an appropriation therefor," approved June 9, 1931, as amended, relating to part time employment of retired employees;

Assembly Bill No. 175—An act to abolish the death penalty as a punishment for crime and to provide for the punishment for crimes in cases where the death penalty is abolished;

Assembly Bill No. 383—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor;

Assembly Bill No. 580—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles;

Assembly Bill No. 717—An act to amend sections 667 and 688 of the Political Code, relating to claims and actions against the State.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 50 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 119 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 134 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 175 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 383 read first time, and referred to Committee on Finance.

Assembly Bill No. 580 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 717 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 189—An act providing for completion of investigation and report by the Division of Water Resources, Department of Public Works on flood control, hydro electric development and conservation and utilization of water supply of Salinas River Basin.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 189 read first time, and referred to Committee on Irrigation.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 839—An act to add section 12a to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, as amended, relating to the furnishing of water to such towns and villages.

Assembly Bill No. 1012—An act to amend sections 4, 11 and 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the pension of county and township peace officers;

Assembly Bill No. 1179—An act to amend section 4325 of the Fish and Game Code, relating to fee for boat owners transporting fishermen;

Assembly Bill No. 1180—An act to amend sections 471, 478 and 480 of the Agricultural Code, relating to milk;

Assembly Bill No. 1209—An act to amend sections 770 and 777 of the Vehicle Code, relating to the disposition of fees, fines and forfeitures;

Assembly Bill No. 1280—An act to add section 1395 to the Agricultural Code, relating to the suppression of rodents, and to make an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 839 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1012 read first time, and referred to Committee on County Government.

Assembly Bill No. 1179 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1180 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1209 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1280 read first time, and referred to Committee on Finance.

## ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1299—An act to add a new article to be numbered Article 6 to Chapter 1 of Division III of the Agricultural Code, relating to the registration of stallions and jacks and the service thereof;

Assembly Bill No. 1455—An act relating to State lands, authorizing the Director of Finance on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other disposition of oil, gas and other hydrocarbons from such lands by lease or contract or by the State, providing for the exercise of the powers of eminent domain in connection therewith, and repealing all acts or parts of acts inconsistent or in conflict herewith;

Assembly Bill No. 1495—An act to add section 391.5 to the Agricultural Code, relating to straying animals;

Assembly Bill No. 1570—An act to amend section 4041.6 of the Political Code, relating to the appropriation and expenditure of funds by boards of supervisors;

Assembly Bill No. 1617—An act to amend sections 595, 596 and 605e of the Civil Code, relating to nonprofit corporations;

Assembly Bill No. 1658—An act to add a new section to the School Code to be numbered 4.353, relating to the manner of disbursing funds of school districts;

Assembly Bill No. 1750—An act to add sections 2.1, 2.4, 2.5, 10.5, 10.6, 10.7 and 10.8 to, The Personal Income Tax Act of 1935, relating to taxation and earned income credits;

Assembly Bill No. 1788—An act to add sections 47.1, 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1299 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1455 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 1495 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1570 read first time, and referred to Committee on County Government.

Assembly Bill No. 1617 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 1658 read first time, and referred to Committee on Education.

Assembly Bill No. 1750 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1788 read first time, and referred to Committee on Irrigation.

## ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1899—An act to add sections 154.1 to 154.6, inclusive, to the Agricultural Code, relating to the control of weed pests;

Assembly Bill No. 1944—An act to add a new section to the Fish and Game Code to be known as section 840.5, relating to nets and lines;

Assembly Bill No. 2013—An act to add section 735.5 to the Vehicle Code, relating to procedure upon arrest;

Assembly Bill No. 2034—An act to amend section 5.1004½ of the School Code, relating to contributions to pension funds by school districts;

Assembly Bill No. 2046—An act to amend sections 4307 and 4308 of the Political Code, relating to county charges and the district attorney's special fund;

Assembly Bill No. 2407—An act to amend section 4041.16 of the Political Code, or to amend section 202 of the Welfare and Institutions Code, relating to county care of indigents;

Assembly Bill No. 2414—An act to amend section 736.3 of the Agricultural Code, relating to marketing of fluid milk and fluid cream;

Assembly Bill No. 2869—An act making an appropriation for the support of the Third District Court of Appeal;



Assembly Bill No. 2859—An act to amend sections 303, 304 and 312 of the Civil Code, relating to directors of corporations.

Assembly Bill No. 2873—An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner, making an appropriation and authorizing contributions by certain agencies for the purpose of carrying out the provisions of the act, and creating the Colorado River fund.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1899 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1944 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2013 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2034 read first time, and referred to Committee on Education.

Assembly Bill No. 2046 read first time, and referred to Committee on County Government.

Assembly Bill No. 2407 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2414 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2869 read first time, and referred to Committee on Finance.

Assembly Bill No. 2859 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 2873 read first time, and referred to Committee on Irrigation.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2875—An act making an appropriation for the printing, publication, purchasing and transportation of text books.

Assembly Bill No. 2879—An act making an appropriation for the support of the State colleges, to take effect immediately.

Assembly Bill No. 2881—An act to amend section 1030 of the Political Code, relating to office hours.

Assembly Bill No. 2888—An act relating to the appropriation to carry out the provisions of the Public Welfare Act, and declaring the effect of item 185 of Chapter 157 of the Statutes of 1937 in relation thereto.

Assembly Bill No. 2893—An act relating, releasing and quitclaiming to the Regents of the University of California certain real property in the county of Humboldt.

Assembly Bill No. 2895—An act to add section 385 to, and to amend sections 6, 10, 11, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 45, 51, 52, 62, 95, 97, and 101 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2875 read first time, and referred to Committee on Finance.

Assembly Bill No. 2879 read first time, and referred to Committee on Finance.

Assembly Bill No. 2881 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2888 read first time, and referred to Committee on Finance.



Assembly Bill No. 2893 read first time, and referred to Committee on Universities and State Colleges.

Assembly Bill No. 2895 read first time, and referred to Committee on Finance.

### Resolution.

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of Senate attaches and his name stricken from the pay roll of the Senate, to take effect upon completion of the work of May 15, 1937.

	<i>Per day</i>
	<i>6 days per week</i>
Andrew Schottky, Jr.-----	\$2 50

Resolution read, and on motion of Senator Tickle, adopted.

### Introduction, First Reading and Reference of Bills.

The following resolution was introduced:

**Senate Concurrent Resolution No. 46:** By Senator Tickle—Relative to the appointment of a Joint Legislative Committee to attend the dedicating ceremonies in connection with the opening of the "Carmel-San Simeon Highway."

### Consideration of Senate Concurrent Resolution No. 46.

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 46, without reference to the Committee on Contingent Expenses, for purpose of adoption.

#### Senate Concurrent Resolution No. 46.

Relative to the appointment of a Joint Legislative Committee to attend the dedicatory ceremonies in connection with the opening of the "Carmel-San Simeon Highway."

WHEREAS, At the special election held on July 1, 1919, the people of the State of California adopted section 2 of Article XVI of the State Constitution, authorizing the issuance of State bonds in the amount of \$40,000,000, to be used in part for the construction of certain highways, including a State highway along the coast from Carmel to San Simeon; and

WHEREAS, In conformity with this authorization State bonds were issued and sold to the public and a portion of the proceeds therefrom was set aside for the construction of a State highway from Carmel to San Simeon; and

WHEREAS, Actual work upon this project was commenced in the year 1921; and

WHEREAS, Construction has progressed to the stage where the highway will soon be formally dedicated to the people of the State of California; and

WHEREAS, The work entailed in this construction has been both spectacular and difficult; and when completed, the "Carmel-San Simeon Highway" will constitute a public investment of more than \$7,000,000, in 102 miles of excellent roadway; and

WHEREAS, The "Carmel-San Simeon Highway" will afford a new through route between the cities of San Francisco and Los Angeles of unparalleled beauty and great tourist lure; and

WHEREAS, The "Carmel-San Simeon Highway" reflects the highest degree of engineering skill and constitutes another great achievement in the progress of the State of California; and

WHEREAS, It is fitting and proper that the Legislature of the State of California be represented at the ceremonies to be held in the vicinity of the county line of Monterey and San Luis Obispo counties, at which time ceremonies will inaugurate the opening and dedication of this magnificent highway to public use; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That a Joint Committee consisting of five members of the Assembly, to be appointed by the Speaker of the Assembly, and five members of the Senate to be appointed by the President of the Senate, be appointed to attend the dedicatory ceremonies in connection with the opening of the "Carmel-San Simeon Highway"; and be it further

*Resolved*, That the sum of \$400, or so much thereof as may be necessary, is hereby appropriated, one-half to be paid from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, for the purpose of defraying the expenses of the committee and its members in attending such hearings, the funds to be expended as in the judgment of the Joint Committee may be deemed proper and necessary. Payment shall be made by warrants on the State Treasury drawn against the contingent fund of each house upon the written order of the chairman of the committee, and the State Treasurer shall pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 46 adopted by the following vote:

*Ayes*.—Senators Allen, Canfield, Egan, DeLong, Dunn, Fitchner, Gorman, Graham, Hays, Hollister, Jorgensen, Keating, Keough, Kinnear, Lamm, McBrink, Munger, Mixer, Parkman, Peterson, Peck, R. Schmitt, Scott, Sherrill, Smith, Wagoner, Williams, and Young—27.

*Nays*.—None.

Senate Concurrent Resolution No. 46 referred transmitted to the Assembly.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Ticker, Jorgensen, McBrink, Young and Parkman.

#### Consideration of Daily File.

#### Second Reading of Senate Bills.

**Senate Bill No. 830**—An act to amend sections 3, 4 and 6 of the Workmen's Compensation, Insurance and Safety Act approved May 29, 1913, and to amend sections 7, 8, 9, 11, 12, 18, 19, 20, and 20 of the Workmen's Compensation, Insurance and Safety Act of 1917, approved May 23, 1917, relating to workmen's compensation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 830 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1 to 4 inclusive of the title, in line 5, strike out "Act of 1917, approved MAY 23, 1917," and insert in lieu thereof the following:

"An act to add sections 3605, 4058, 4600 1/2, 4600 1/3, 4600 1/4, 4600 1/5, 4600 1/6, 4600 1/7, 4600 1/8, 4702 1/5, 5800 1/5, 5801 1/5 and 5802 1/6 to the Labor Code, to amend sections 3353, 5755, 4451, 4452, 4453, 4650, 4652, 4702, 5401, 5903, and 5950 thereof; to repeal sections 4454, 4455, 4601, 4602 and 4603, of the Labor Code, and to amend sections 11658, and 11659 of the Insurance Code."

#### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 23 inclusive; strike out all of pages 2 to 24, inclusive; on page 25 strike out lines 1 to 42, inclusive, and in line 43 strike out "Sec. 14," and insert in lieu thereof the following:

"SECTION 1. Section 3353 of the Labor Code is hereby amended to read as follows:

3353. "Independent contractor" means any person who renders service for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished. As a means to provide security for payment of compensation, award, such independent contract imports, and is conclusively presumed to contain a provision by the principal to the independent contractor, for the expressed benefit of employees of the latter who perform service in execution of the contract, and of dependents of killed employees, which promise need not be in writing, that he will guarantee that the independent contractor will meet fully his obligations to said employees incurred in the execution of said contract and under this division, and will answer to said employees and dependents and each of them for the independent contractor's debt, default or miscarriage with respect thereto. The condition of the guaranty

shall be such that if the independent contractor shall pay any award, or if more than one, then all awards which shall be rendered against him by the Industrial Accident Commission of the State of California, for the injury or death arising out of and occurring in the course of the execution of said contract and under this division within thirty days after the same becomes or become final, then the above guaranty shall be void, otherwise to remain in full force and effect. Such promise may be enforced by such employee or dependent by application to and award by the Industrial Accident Commission in favor of the beneficiary and against the guarantor, without notice to the guarantor, for the amount of the unpaid portion of said award against the independent contractor, and shall exclude liability for added penalty which the commission may impose against the independent contractor for wilful misconduct or wilful uninsurance.

SEC. 2. Section 3605 is hereby added to the Labor Code, to read as follows:

3605. The compensation due a minor may be paid to him until his parent or guardian gives the employer or the latter's compensation insurance carrier written notice that he claims such compensation.

SEC. 3. Section 3755 of the Labor Code is hereby amended to read as follows:

3755. If it be made to appear in any proceedings before the Industrial Accident Commission that the employer was at the time of the injury complained of insured with any insurance carrier against liability for compensation, said carrier may be joined forthwith and said proceedings shall not abate because of said joinder but shall be continued against both the employer and the carrier. An employer insured with State Compensation Insurance Fund shall thereby become relieved from all liability for personal injuries or death sustained by his employees, and the persons entitled to compensation shall have recourse therefor only to the State Compensation Insurance Fund and not to the employer. An employer shall not otherwise be relieved from liability for compensation except by the payment thereof by himself or his insurance carrier, and shall be entitled to a provisional discharge predicated upon payment in full, and the Industrial Accident Commission shall have continuing jurisdiction to reinstate the employer in the event of nonpayment by said insurance carrier without any limitation of time whatsoever.

SEC. 4. Section 4058 is hereby added to the Labor Code to read as follows:

4058. Within five days after written notice of the filing of an application for compensation, copies of all hospital and medical records and reports, including all radiographs pertaining thereto, in the possession of any physician treating or who has treated such injured or deceased employee, or in the possession of any insurance carrier or employer or in the possession of the applicant, in connection with such employee's hospitalization or treatment, shall be delivered to and filed with the commission and shall be open to the inspection of the applicant and the defendant. In case any new or additional medical reports or radiographs are taken, the same or copies thereof shall be so filed within ten days after such examination unless otherwise ordered by the commission. Such reports and radiographs when filed shall be immediately available to all parties. Any such records and reports, copies of which have not been so filed with the commission, unless otherwise ordered by the commission, may not be introduced in evidence by the party to the proceeding who is responsible for the failure to file such records and reports or at whose instance they were prepared.

SEC. 5. Section 4451 of the Labor Code is hereby amended to read as follows:

4451. The average annual earnings shall be taken as three hundred times the daily wage received by the employee at the time of his accident, and the average weekly earnings shall be two per cent of his average annual earnings.

SEC. 6. Section 4452 of the Labor Code is hereby amended to read as follows:

4452. Three times the average annual earnings shall be taken at not less than \$2,000 nor more than \$5,999.76 in disability cases, and in death cases shall be taken at not less than \$2,000, nor more than:

(a) \$5,000, if the death of the employee occurs on or before March 31, 1938.

(b) \$6,000, if the death of the employee occurs after March 31, 1938.

SEC. 7. Section 4453 of the Labor Code is hereby amended to read as follows:

4453. In no case may average weekly earnings be computed at less than \$10 per week nor more than \$38.46 per week.

(a) Where the employee is working for two or more employers at or about the time of the injury, the average daily earnings shall be the aggregate of such earnings from all employments computed into terms of one day; provided that the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate received at the time of the injury.

(b) In determining such average daily there shall be included overtime and the market value of board, lodging, fuel and other advantages received by the injured employee as part of his remuneration, which can be estimated in money, but such average daily earnings shall not include any sum which the employer may pay to the injured employee to cover any special expenses entailed on him by the nature of his employment. In the absence of a specific agreement or satis-



factory evidence therefor, the value of lodging shall be fifty cents per day, and the value of board on the basis of three meals per day shall be \$1 per day.

(c) If the injured employee is under 21 years of age, and his incapacity is permanent, his average daily wages shall be deemed within the limits fixed to be the daily sum that under ordinary circumstances he would probably be able to earn after attaining the age of 21 years in the occupation in which he was employed at the time of the injury, or in any occupation to which he would reasonably have been promoted if he had not been injured, and if such probable earnings after attaining the age of 21 years cannot reasonably be determined, such earnings shall be based upon \$3 a day.

(d) Where for any reason the foregoing method of arriving at average daily earnings of the injured employee can not reasonably and fairly be applied, such average daily earnings shall be fixed at such sum as shall reasonably represent the average daily earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources, earnings and activities.

Sec. 8. Sections 4454 and 4455 of the Labor Code are hereby repealed.

Sec. 9. Section 4600.12 is hereby added to the Labor Code, to read as follows:

4600.12. All fees and other charges for treatment and services shall be limited to the charges which prevail in the same community for similar treatment of persons of a like standard of living.

Sec. 10. Section 4600.13 is hereby added to the Labor Code, to read as follows:

4600.13. The commission shall prepare and establish a schedule for the State, or schedules limited to defined compensation districts, of minimum charges and fees for such medical treatment and care, to be determined in accordance with and to be subject to change pursuant to rules promulgated by the commission. The amounts payable by the employer for such treatment and services shall in no case be less than the fees and charges established by such schedule.

Sec. 11. Section 4600.14 is hereby added to the Labor Code, to read as follows:

4600.14. This article does not prevent voluntary payment of amounts higher than the fees and charges fixed by schedule, but no physician rendering medical treatment or care may receive payment in any higher amount unless such increased amount has been authorized by the employer, or by decision of the commission. This article does not prevent the employment of a duly authorized physician on a salary basis by an authorized compensation medical bureau or laboratory.

Sec. 12. Section 4600.15 is hereby added to the Labor Code, to read as follows:

4600.15. The commission may require examination of any applicant by a physician especially qualified with respect to the diagnosis or treatment of the disability for which compensation is claimed and may require a report from such physician on the diagnosis, the causal relationship between the alleged injury and subsequent disability, proper treatment, and the extent of the disability of such applicant. The physician to conduct such examination shall be designated by the commission from a panel of especially qualified physicians to be selected by the commission. The employer or his insurance carrier shall pay for such examination in an amount to be directed by the commission.

Sec. 13. Section 4600.16 is hereby added to the Labor Code, to read as follows:

4600.16. An injured employee may when care is required select to treat him any physician authorized by the commission to render treatment as hereafter provided. If for any reason during the period when a physician's treatment and care is required, the employee wishes to transfer his treatment and care to another authorized physician, he may do so in accordance with rules prescribed by the commission. In such instance the remuneration of the physician whose services are being dispensed with shall be limited to the value of treatment rendered at minimum fees as established in the schedule for his district, unless payment in higher amounts has been approved as authorized herein. If the employee is unable due to the nature of the injury to select such authorized physician and the emergency nature of the injury requires immediate treatment and care, or if he does not desire to select a physician, and in writing so advises the employer, the employer shall promptly provide him with the necessary physician's care. The employee, when subsequently able to do so, may select for continuance of any treatment or care required, any physician authorized by the commission to render medical care as herein provided.

Sec. 14. Section 4600.17 is hereby added to the Labor Code, to read as follows:

4600.17. The commission shall authorize physicians licensed to practice in the State of California to render treatment and care under this article. No person shall render treatment or care under this article without such authorization of the commission; provided, that emergency care may be rendered under this article by any physician licensed to practice medicine in the State of California without authorization by the commission and:

(a) A licensed physician who is a member of a constituted medical staff of any hospital may render medical care under this article while an injured employee remains a patient in such hospital; and

(b) Under the active and personal supervision of an authorized physician medical care may be rendered by a registered nurse, registered physiotherapist or other person trained in laboratory or diagnostic technics within the scope of such persons' specialized



training and qualifications. This supervision shall be evidenced by signed records of instructions for treatment and signed records of the patient's condition and progress. Reports of such treatment and supervision shall be made by such physician to the commission on such forms and at such times as the commission may require.

SEC. 15. Section 4600.18 is hereby added to the Labor Code, to read as follows:

4600.18. The commission may authorize and license bureaus operated by qualified physicians wholly or principally for the diagnosis and treatment of industrial injuries or illness in respect of which they are authorized to render physician's care under this article. The commission may authorize and license separate laboratories and bureaus engaged in X-ray diagnosis or treatment, in clinical diagnosis or in physiotherapy or other therapeutic procedures, which participate in the diagnosis or treatment of injured workmen under this article. Application for such authorization shall be made on forms to be furnished by the commission and shall disclose in full the nature of the personnel and equipment of such bureaus. No such authorization shall be made in the absence of recommendation from an appropriate society or board. Each such bureau or laboratory which receives such authorization shall:

(a) Make reports on its personnel and equipment in such form and at such times as may be required by the commission; and

(b) Be subject to inspection by the commission or the medical society of the county in which such bureau or laboratory is located; and

(c) Pay to the commission a license fee of \$100 per annum for each office of such bureau or laboratory.

SEC. 16. Sections 4601, 4602, and 4603 of the Labor Code are hereby repealed.

SEC. 17. Section 4650 of the Labor Code is hereby amended to read as follows:

4650. If an injury causes temporary disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury.

If the injury causes permanent disability, a disability payment shall be made for two weeks in advance as wages on the eighth day after injury.

SEC. 18. Section 4652 of the Labor Code is hereby amended to read as follows:

4652. If the period of disability exceeds 49 days from the day the employee leaves work as a result of the injury the disability payment shall be allowed from the date of disability. In all other cases no disability payment is recoverable for the disability suffered during the first seven days after the employee leaves work as a result of the injury.

SEC. 19. Section 4702 of the Labor Code is hereby amended to read as follows:

4702. The death benefit shall be a sum sufficient to equal:

(a) In case of total dependency, three times the average annual earnings of the deceased employee.

(b) In a case of partial dependency only, three times the amount annually devoted to support of the dependents by the employee.

The death benefit shall be paid in instalments in the same manner and amounts as disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders.

SEC. 20. Section 4702.5 is hereby added to the Labor Code to read as follows:

4702.5. Except as provided in sections 4553 and 4554, in no case shall the death benefit, when added to all accrued disability indemnity, exceed three times the average annual earnings of the employee as limited in section 4452, nor may it exceed:

(a) The sum of \$5,000, if the death of the employee occurs on or before March 31, 1938.

(b) The sum of \$6,000, if the death of the employee occurs after March 31, 1938.

SEC. 21. Section 5405 of the Labor Code is hereby amended to read as follows:

5405. The periods within which may be commenced proceedings for the collection of medical, disability or other benefits provided by either Article 2 or 3, or both, of Chapter 2, of Part 2 of this division are, except as otherwise provided in this division, as follows:

(a) Twelve months from the date of injury, or from the date of the last payment of any compensation, or agreement therefor, or the expiration of any period covered by such payment.

(b) Two years from the date of injury, in cases where agreement for a release or compromise, which has not been approved by the commission, is made for an amount less than the full compensation or benefit to which an employee, or his dependents, are entitled under this division.

SEC. 22. Section 5800.5 is hereby added to the Labor Code, to read as follows:

5800.5. Except as provided in section 5811, all awards of the commission either for the payment of compensation or for the payment of death benefits shall carry interest at the legal rate applicable to judgments on all due and unpaid payments from the date of the making of the awards.

SEC. 23. Section 5801.5 is hereby added to the Labor Code, to read as follows:

5801.5. If a rehearing is granted, and if the applicant, as defined in section 5503, prevails upon such rehearing, the commission may grant in addition to any

award, a reasonable attorney's fee for the services of an attorney it has retained in connection with the rehearing and application therefor. This attorney's fee shall be in addition to the award made and shall be paid to the attorney at law entitled thereto by the employer or his insurance carrier.

Sec. 24. Section 5801 G of the Labor Code is hereby amended to read as follows:

5801 G. If a writ of review is granted upon the petition of the applicant, as defined in section 5503, and if the order, decision or award of the commission is set aside or the case is remanded for further proceedings before the commission, the commission may, if the applicant recovers an award out of such further proceedings where no award was originally obtained, or if the applicant recovers an award which is greater than the original award, if any, grant in addition to any award a reasonable attorney's fee for the services of an attorney at law rendered by consultation with the writ of review, the application thereto and the further proceedings held before the commission.

This attorney's fee shall be in addition to the award made and shall be paid to the attorney at law entitled thereto by the employer or his insurance carrier.

Sec. 25. Section 5903 of the Labor Code is hereby amended to read as follows:

5903. At any time within fifteen days after the notice of this writ of review, decision, or award of the commission granting or denying compensation, or setting out of or incidental thereto, any person aggrieved thereby may petition for a rehearing upon one or more of the following grounds, and no other:

(a) That the commission acted without or in excess of its powers.

(b) That the order, decision or award was procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has shown new evidence, material to him, which he could not, with reasonable diligence, have discovered and presented at the hearing.

(e) That the findings of fact do not support the order, decision or award.

Nothing contained in this section shall limit the grant of continuing jurisdiction contained in sections 5801 to 5805, inclusive.

Sec. 26. Section 5950 of the Labor Code is hereby amended to read as follows:

5950. Within twenty days after the application for a rehearing is denied, if, if the petition is granted, within twenty days after the rendering of the decision on the rehearing, any person aggrieved thereby may apply to the Supreme Court or to the District Court of Appeal of the Appellate District in which he resides, for a writ of review, for the purpose of annulling, setting aside and determining the lawfulness of the original order, decision, or award, or of the order, decision, or award on rehearing.

Sec. 27. Section 11658 of the Insurance Code is hereby amended to read as follows:

11658. No limitation other than those specified by section 11659 shall be valid, unless the employer shall obtain and maintain a certificate of endorsement or shall maintain insurance with an authorized insurance carrier for the portion of the liability excluded by limitation.

Sec. 28. Section 11659 of the Insurance Code is hereby amended to read as follows:

11659. A policy may be limited or restricted only by indorsement, and by one or more of the following exclusions and no others:

(a) Officers of the assured corporation.

(b) Members of the assured firm, association or partnership.

(c) The spouse of the assured, and

(d) Relatives of assured and spouse within the third degree of consanguinity of either or both.

Such an indorsement shall be void unless its form as to name, style and order of lettering, and its language, has been approved by the Industrial Accident Commission and such approval entered in its minutes.

Sec. 29.

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

### Second Reading of Assembly Bills.

**Assembly Bill No. 101**—An act to amend section 1680 of the Labor Code, relating to the establishment of free employment bureaus.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 101 was read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, as amended, after the word "Sacramento", strike out the comma and the words "and, whenever the chief of the", strike out all of line 7, and insert in lieu thereof a period.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1490**—An act to amend sections 1, 2, 12, 13, 16 and 17 of, and to add sections 12.5 and 21 to, an act entitled "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control," approved July 20, 1935, relating to structural pest control.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 933**—An act to add a new section to the Labor Code, to be numbered 3862, relating to employer's writ of execution as lien claimant.

Bill read second time, and ordered on file for third reading.

**Unfinished Business.**

**Senate Bill No. 43**—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof.

**Amendment from the Floor.**

During third reading of Senate Bill No. 43, the following amendment, offered by Senator Olson, was read:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, as amended, after the word and numeral "Section 1.", strike out all of the rest of the page, and all of pages 2, 3 and 4, inclusive, and insert in lieu thereof the following: "Slot machines or any mechanical device the operation of which depends upon the insertion therein of a coin or other thing or representative of value and upon which money or other thing of value or representative of value is hazarded, paid or played, and upon the action of which money or other thing of value or representative of value is bet, won or lost is prohibited.

SEC. 2. Any person furnishing, maintaining and any person permitting slot machines or mechanical device defined in section 1, to be maintained on any premises in his possession or under his control shall be guilty of a felony.

SEC. 3. All slot machines or mechanical devices defined in section 1, shall be seized, confiscated and destroyed."

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Westover on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Jespersen, Knowland, Law, McBride, Mixter, Nielsen, Olson, Phillips, Quinn, Schottky, Swing, Westover, and Young—20.

**NOES**—Senators Biggar, Crittenden, Deuel, Hays, Keating, Keough, McColl, McGovern, Metzger, Pierovich, Powers, Rich, Seawell, Slater, Tickle, Waggy, and Williams—17.



Bill read, ordered to reprint, re-engrossment, and on file for third reading.

### Statement by the Secretary.

The Secretary of the Senate, J. A. Book, made the following statement which was ordered printed in the Journal:

*Mr. President and Members of the Senate:*

At about six o'clock last evening (Monday, May 17, 1937), when I was alone in the Senate Chamber, Mr. Mark Lee Magliabery, Jr., Private Secretary to the Governor, entered the Chamber and handed to me a communication from the Governor, such communication being a veto message concerning Senate Bill No. 1051.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, MAY 17, 1937.

*To the Honorable Members of the Senate:*

I am returning herewith, without my approval, Senate Bill No. 1051, the same being:

"An act to add section 3693 to the Political Code, relating to the conditions of employment at the Preston School of Industry."

Senate Bill No. 1051 would provide that no employee of the State at the Preston School of Industry should work more than 44 hours in any week, not receive a less minimum salary than \$100 per month, and that such employee of the school shall be allowed, in addition to the salary above mentioned, the sum of \$25 a month as a maintenance allowance.

Without considering the merits of this measure, I am not approving it. For the reason that the Personnel Board has already ordered a thorough study of salary ranges for all classes of employees in the State service, for the purpose of ascertaining and equalizing salary ranges to the present economic conditions.

The technicians of the Civil Service Department have already commenced the survey and study of this question in an effort to adjust and equalize the salaries of the State's approximately 20,000 employees. To select one institution and make those changes, without reference to the other institutions and employees of the State, will not be helpful in undertaking to realize for all employees and institutions of the State the objects sought in this bill for one institution.

I am, therefore, returning Senate Bill No. 1051 without my approval.

Respectfully submitted,

FRANK P. MERRIAM, Governor of California.

Senate Bill No. 1051 ordered placed on the unfinished business file.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Hollister:

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 78.7 to an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and make an appropriation therefor," approved June 9, 1931, as amended, relating to retirement of State employees, declaring the urgency hereof and providing that this act shall take effect immediately.

Respectfully submitted,

SENATOR HOLLISTER.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Hollister to introduce a bill entitled:

An act to add section 78.7 to an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and



make an appropriation therefor, approved June 9, 1931, as amended, relating to retirement of State employees, declaring the urgency hereof and providing that this act shall take effect immediately"; Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
MCCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—31.

NOES—None.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Deuel:

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 3817d of the Political Code, relating to moratorium on tax sales.

Respectfully submitted.

SENATOR DEUEL.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Deuel to introduce a bill entitled:

An act to amend section 3817d of the Political Code, relating to moratorium on tax sales;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
MCCOLL.  
SLATER.  
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—32.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bills were introduced:

**Senate Bill No. 1158:** By Senator Hollister—An act to add section 78.7 to an act entitled "An act to establish a retirement system to pro-

vide for the retirement of employees of the State of California, and make an appropriation therefor approved June 2, 1931, as amended, relating to retirement of State employees, declaring the urgency hereof and providing that this act shall take effect immediately.

Senate Bill No. 1158 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 1159:** By Senator Dench. An act to amend section 3817d of the Political Code, relating to moratorium on tax sales.

Senate Bill No. 1159 read first time, and referred to Committee on Revenue and Taxation.

### Third Reading of Assembly Bills.

**Assembly Bill No. 1267:** An act to amend sections 792, 799, and 811 of the Agricultural Code, relating to fruits, nuts and vegetables, and declaring the urgency thereof.

Bill read third time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State, and shall therefore take effect immediately. A statement of the facts constituting such emergency as so follows:

The changes in quality standards made by this act are necessary in order to raise the standards and conform to existing conditions of producing and marketing. In order to insure the consumer of proper quality and to protect the producer during the present growing season it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES:** Senators Allen, Baggart, Crittenden, Cunningham, DeLay, Deuel, Fawcett, Gordon, Hays, Hollister, Jorgensen, Keating, Keough, Knowland, Lyle, McBrine, McCall, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover. 32.

**NOES:** None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1267 passed by the following vote:

**AYES:** Senators Allen, Baggart, Crittenden, Cunningham, DeLay, Deuel, Fawcett, Gordon, Hays, Hollister, Jorgensen, Keating, Keough, Knowland, Lyle, McBrine, McCall, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young. 33.

**NOES:** None.

Title read and approved.

Assembly Bill No. 1267 ordered transmitted to the Assembly.

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Seawell moved to reconsider the vote whereby Assembly Concurrent Resolution No. 57 was passed.

#### Postponement of Reconsideration.

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Concurrent Resolution No. 57 was passed was continued until the next legislative day.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1008—An act repealing section 612 of the Streets and Highways Code;

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

#### Recess.

At twelve o'clock and twenty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

#### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 455—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 134—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein;

Senate Bill No. 289—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein;

Senate Bill No. 290—An act to add Article II, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein;

Senate Bill No. 291—An act to add Article III, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 134, 289, 290 and 291 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 17, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 53.—An act to amend sections 1195c and 1197 of, and to add sections 1195c, 1197.01, and 1197.25 to, the Political Code, relating to the printing of constitutional amendments and propositions, to be submitted to the vote of the electors;

Assembly Bill No. 999.—An act to amend section 1142 of the Political Code to authorize precinct election boards consisting of four members only where not more than one tally book is used at the elections;

Assembly Bill No. 1266.—An act to repeal Chapter 11, comprising sections 4800 to 4897, inclusive, of Division II of the Business and Professions Code, and to add Chapter 11, comprising sections 4800 to 4905, inclusive, to Division II of the Business and Professions Code, relating to the practice of veterinary medicine and surgery;

Assembly Bill No. 1320.—An act to add section 14.5 to the State Medical Practice Act, relating to unprofessional conduct;

Assembly Bill No. 1928.—An act to repeal section 23 and to add a new section, to be numbered 23, to the Retail Sales Tax Act of 1933, relating to national revenue;

Assembly Bill No. 2622.—An act to define business opportunity brokers and salesmen, to provide for the regulation, supervision and licensing thereof by the State Real Estate Division and the Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof;

Assembly Bill No. 2847.—An act to define commercial brokers and associated salesmen, to provide for the regulation, supervision, examination and licensing thereof by the State Real Estate Division and the Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 53 read first time, and referred to Committee on Elections.

Assembly Bill No. 999 read first time, and referred to Committee on Elections.

Assembly Bill No. 1266 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1320 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1928 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2622 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2847 read first time, and referred to Committee on Public Health and Quarantine.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 18, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2892.—An act to provide a unified and centralized program of construction, repair and improvement of State buildings, and making an appropriation for the purposes of this act, declaring the urgency thereof, and providing this act shall take effect immediately;

Assembly Bill No. 2874.—An act making an appropriation for the support of the State Controller, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2892 read first time, and referred to Committee on Finance.

Assembly Bill No. 2874 read first time, and referred to Committee on Finance.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 31.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State



by amending section 14 of Article XIII, relating to exemptions of property on account of military service;

Assembly Joint Resolution No. 45—Relative to memorializing the President and Congress to enact such legislation as shall be necessary to acquire the petrified redwood forest in Sonoma County, California, for the purpose of establishing it as a national park and monument.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 31 read, and referred to Committee on Military Affairs.

### Consideration of Assembly Joint Resolution No. 45.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 45, without reference to committee for purpose of adoption.

#### Assembly Joint Resolution No. 45.

Relative to memorializing the President and Congress to enact such legislation as shall be necessary to acquire the petrified redwood forest in Sonoma County, California, for the purpose of establishing it as a national park and monument.

WHEREAS, There is existent in the county of Sonoma, State of California, one of nature's great phenomena in the form of a redwood forest which has become petrified; and

WHEREAS, It is a matter of almost common knowledge that but one other petrified forest exists in the United States, it consisting of trees other than redwood; and

WHEREAS, Countless numbers of people from the entire length and breadth of the land visit the forest by reason of its great natural interest; and,

WHEREAS, The establishment of the area embracing the trees as a park and monument would require a great amount of excavation by manual labor and thereby provide work for a considerable number of men; and,

WHEREAS, There would result a great benefit to science and the study of paleontology by adding the area to our permanently preserved institutions; and,

WHEREAS, The virtue of preserving and developing the area containing the forests in the interests of the people of this State and of those of all other States is almost self-evident; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President and the Congress of the United States to enact legislation for the purpose of creating the petrified redwood forest as a national park and monument; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and member of the House of Representatives from California in the Congress of the United States, to the Secretary of the Interior, the Director of the Smithsonian Institution, the California State Park Commission and the Department of Paleontology at the University of California, and that such Senators and members from California and others be urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Slater moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Phillips, Rich, Schottky, Slater, Tickle, Westover, and Young—23.

The Secretary announced the absentees.

Time, two o'clock and twelve minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Unfinished Business—(Resumed).

**Assembly Bill No. 1245**—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13(a) to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

#### Amendments from the Floor.

During the reading of Assembly Bill No. 1245, the following amendments, offered by Senator Knowland, were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, as amended May 11, 1937, strike out all of lines 26 to 31, both inclusive.

##### Amendment No. 2.

On page 3 of the printed bill, as amended May 11, 1937, strike out all of lines 1 to 7, both inclusive, and insert in lieu thereof the following:

"(6) Corporations organized for religious, charitable, social, cemetery, scientific, educational, recreational, literary, fraternal or other purposes, if their organization or activities are not designed for, and do not result in financial or pecuniary gain or profit to the stockholders or members thereof, shall not be taxed under this act."

Bill read, ordered to print, and on file for third reading.

### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1243**—An act to provide for the levy and collection of a tax upon the income of corporations and to provide for the disposition of revenues therefrom.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1243, the following amendments, offered by Senator Knowland, were read and adopted:

##### Amendment No. 1.

On page 2 of the printed bill, as amended May 14, 1937, strike out all of lines 24 to 32, both inclusive.

##### Amendment No. 2.

On page 3 of the printed bill, as amended May 14, 1937, strike out all of lines 1 to 3, both inclusive, and insert in lieu thereof the following:

"Sec. 4. Corporations organized for religious, charitable, social, cemetery, scientific, educational, recreational, literary, fraternal or other purposes, if their organization or activities are not designed for, and do not result in financial or pecuniary gain or profit to the stockholders or members thereof, shall not be taxed under this act."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 249**—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 249, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

On page 1, line 23, of the printed bill, strike out "provided that such protective structure shall", and strike out all of lines 24 and 25, and in line 26, strike out "of, or damage adjoining littoral property.", and insert in lieu thereof the following: "if at the time of the construction or alteration the same do not unreasonably interfere with the uses and purposes reserved to the people of the State or interfere with the use of, or damage adjoining littoral property."

Bill read, ordered to print, and on file for third reading.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty-four minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Slater.

The names of the absentees were called, and Assembly Joint Resolution No. 45 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Westover, and Young—29.

NOES—None.

Assembly Joint Resolution No. 45 ordered transmitted to the Assembly.

**Consideration of Motion to Reconsider.**

Pursuant to his motion given on a previous day, Senator Knowland moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 171 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called and Senate Bill No. 171 reconsidered by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, Mixer, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, Westover, and Young—26.

NOES—None.

**Re-reference of Senate Bill No. 171.**

Senator McBride moved that Senate Bill No. 171 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

Assistant Secretary Howard McIntire at the Desk.

**Unfinished Business—(Resumed).**

**Senate Bill No. 240**—An act to amend sections 2, 3, 3½, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dunn, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Kennell, Law, McBrink, Merrill, McGovern, Metzger, Mixer, Nielson, Peterson, Phillips, Quinn, Rich, Seppala, Shuter, Swing, Tickle, Wagdy, Westover, Williams, and Young—42.

NOES—None.

Title read and approved.

Senate Bill No. 240 ordered transmitted to the Assembly.

### Re-reference of Senate Bill No. 1008.

Senator Swing moved that Senate Bill No. 1008 be re-referred to Committee on Roads and Highways.

Motion carried, and such was the order.

### Re-reference of Senate Bill No. 531.

Senator Metzger moved that Senate Bill No. 531 be re-referred to Committee on County Government.

Motion carried, and such was the order.

### Third Reading of Senate Bills.

**Senate Bill No. 374**—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds; and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the Charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

#### Amendments from the Floor.

During third reading of Senate Bill No. 374, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 17, line 11, of the printed bill, as amended, strike out "operating".

##### Amendment No. 2.

On page 17, line 13, of the printed bill, as amended, strike out "operating".

##### Amendment No. 3.

On page 17, lines 31 and 32, of the printed bill, as amended, strike out "Board of State Harbor Commissioners", and insert in lieu thereof the following: "State of California".

##### Amendment No. 4.

On page 18, line 22, of the printed bill, as amended, strike out "commission", and insert in lieu thereof the following: "State of California".

##### Amendment No. 5.

On page 19, line 31, of the printed bill, as amended, strike out "operating".

##### Amendment No. 6.

On page 19, line 40, of the printed bill, as amended, strike out "operating".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.



**Senate Bill No. 40**—An act to add section 319 to the Agricultural Code, relating to the sale of meat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 40 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Senate Bill No. 40 ordered transmitted to the Assembly.

#### **Senate Constitutional Amendment No. 31.**

A resolution to propose to the people of the State of California an amendment to the Constitution by adding section 29 to Article IV of the Constitution, relating to State money.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

Section 29 is hereby added to Article IV of the Constitution to read as follows:

Sec. 29. The Legislature may provide that any money belonging to the State in the control of any State agency or department or any money collected under the authority of this State from any source whatever shall be held in trust by the State Treasurer prior to its deposit in the State treasury by the State agency or department as may be required by law. Any money held in trust may be disbursed by the State Treasurer upon the order of the State agency or department in the manner permitted by law and money held in trust may be deposited in banks to the same extent that money in the State treasury may be deposited in banks.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 31 adopted by the following vote:

**AYES**—Senators Allen, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—28.

**NOES**—None.

Senate Constitutional Amendment No. 31 ordered transmitted to the Assembly.

#### **Senate Bills Nos. 1074 and 1075 Stricken from the File.**

By order of the President, Senate Bills Nos. 1074 and 1075 were stricken from the file because they were ruled to be skeleton bills.

#### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1748**—An act to amend section 471 of the Agricultural Code, relating to definitions of milk.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1748, the following amendments, offered by Senator Garrison, were read and adopted:

#### **Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "amend section 471 of", and insert in lieu thereof the following: "add section 471.5 to".

**Amendment No. 2.**

On page 1 of the printed bill as amended, strike out lines 1 to 25 inclusive, and strike out all of page 2, and insert in lieu thereof the following:

"Section 1. Section 4715 is hereby added to the Agricultural Code, to read as follows:

4715. Except as otherwise provided in this code or in the rules and regulations of the director, all of the provisions of this code relating to milk, butter and cream shall apply to goat's milk, goat cheeses and goats."

Bill read, ordered to print, and on file for third reading.

**Consideration of Assembly Joint Resolution No. 46.**

Senator Swing asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 46, without reference to committee for purpose of adoption.

**Assembly Joint Resolution No. 46.**

Relative to memorializing the President and Congress of the United States to enact legislation to relieve California champagne makers from discriminatory regulations of the Federal Alcohol Administration.

WHEREAS, The Federal Alcohol Administration, under the requirements of Regulations No. 4, relating to labeling and advertising of wine, has discriminated against California champagne, which derives its effervescent nature from the secondary fermentation of the wine within containers of greater than one gallon capacity; and

WHEREAS, By such regulation California champagne, deriving its effervescence solely from the secondary fermentation of the wine in containers of greater than one gallon capacity, is denied interstate selling privileges; and

WHEREAS, The California grape and wine industry is in great jeopardy because of the use of modern methods of making champagne; and

WHEREAS, The State of California is injured by the Federal Alcohol Administration the right of continuing this industry industry by this discrimination against the State of California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly:* That the President and Congress of the United States are respectfully urged to enact legislation that would bring about a modification of Regulation No. 4, Federal Alcohol Administration so that California champagne, deriving its effervescence solely from the secondary fermentation of the wine within containers of greater than one gallon capacity, will not be discriminated against in the treatment of the United States outside of the State of California; and be it further

*Resolved:* That a copy of this resolution be transmitted to the President of the United States, and the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each of the members from California of the Senate and House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 46 adopted by the following vote:

AYES—Senators Allen, Bigger, Catterdale, Cunningham, DeLap, David, Fletcher, Garrison, Gordon, Jespersen, Keating, Knowland, Law, McBrat, McCall, Meyer, Mixer, Nielsen, Olson, Parkner, Pionevich, Quinn, Seawell, Senter, Swing, Tucke, Wagy, Westover, and Young—29.

NOES—None.

Assembly Joint Resolution No. 46 ordered transmitted to the Assembly.

**Consideration of Assembly Joint Resolution No. 47.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 47, without reference to committee for purpose of adoption.

**Assembly Joint Resolution No. 47.**

Relative to memorializing the President of the United States to extend to the governments and dominions of the World invitations to participate in the Pacific Exposition and Mercado at Los Angeles in 1940.

WHEREAS, The Nations of North, Central and South America today face the dawn of a new era and the world looks to the nations of the Western Hemisphere and the Orient, along whose shores live two-thirds of the people of the entire World, as the theater of its future activities, especially in the fields of industry and commerce; and

WHEREAS, The 42 Nations which comprise this Pacific Littoral are faced with similar problems and possessed of identical opportunities and ideals, and, to an unusual degree, must depend upon one another for the achievement of these opportunities and for the fulfillment of the ideals, particularly from the standpoint of industry and commerce; and

WHEREAS, The destiny of this country lies largely in its ability to coordinate its forces and to meet with the other Nations of the Western Hemisphere on a basis of mutual friendship and cooperation for the equal benefit of all; and

WHEREAS, The establishment of a permanent world mart and exhibition, including in its scope all the Nations in the Western Hemisphere, will promote, to the largest possible degree, a spirit of friendship and cooperation between these Nations who today trade with each other on a steadily increasing scale; and

WHEREAS, Such a permanent world mart and exposition—designated—Pacific Mercado—has, after years of persistent study, now moved out of the sphere of contemplation into process of completion, in the city of Los Angeles; and

WHEREAS, The Pacific Mercado is of a permanent character, and every year after its inaugural there will be set aside a period of time wherein the Nations may assemble their exhibits in a special and comprehensive display to which the entire World may be invited; and

WHEREAS, During the remainder of the year, the Pacific Mercado will be what its name implies—a meeting place for the merchants, manufacturers and traders of the peoples who participate—a permanent trade mart; and

WHEREAS, The Pacific Mercado, at Los Angeles, will be the first permanent exhibit held in the Pacific Littoral, as well as the first World mart which will display the products, not primarily of one Nation, but of more than 40 nations; and

WHEREAS, The assembled exhibits will represent not only industry and commerce alone, but art and culture as well—the fruits of the labor and genius of the various Nations involved; and

WHEREAS, The Pacific Mercado, in its landscape structures and equipment will be of enduring character and will justify each invited Nation in erecting permanent structure for the housing of its exhibits, and a general meeting place between its officials and between its merchants and their customers; and

WHEREAS, Among the features planned will be special facilities to house the consulates of the various Nations; and

WHEREAS, The ensemble will constitute a symmetry of beautifully designed steel and concrete structures and landscaping that will be without parallel in the history of World exhibitions; and

WHEREAS, The Pacific Mercado has the unqualified indorsement of the Governor of California, the Legislature and other public officials as well as outstanding groups of business executives as furnishing a gathering-place on our shores where the civilizations of the Western Hemisphere and of the Orient may meet for an exchange of ideas and commodities, thus helping all to solve common problems and weld all together in a common cause; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California hereby respectfully urge the President to extend, on behalf of the Pacific Exposition and Mercado of Los Angeles, invitations to the governments and dominions of the World to participate in the Pacific Exposition and Mercado of 1940; and be it further

*Resolved.* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 47 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Jepsen, Kenting, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Assembly Joint Resolution No. 47 ordered transmitted to the Assembly.



**Withdrawal from Committee of Senate Bill No. 1155.**

Senator Seawell moved that Senate Bill No. 1155 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried, and such was the order.

**Second Reading of Senate Bill No. 1155—(Out of Order).**

**Senate Bill No. 1155**—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency.

**Amendments from the Floor.**

During third reading of Senate Bill No. 1155, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 3, line 19, of the printed bill, strike out "ten", and insert in lieu thereof the following: "five".

**Amendment No. 2.**

On page 3, line 26, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "ten".

**Amendment No. 3.**

On page 4, line 28, of the printed bill, strike out "one thousand", and insert in lieu thereof the following: "two hundred and fifty".

**Amendment No. 4.**

On page 4, line 29, of the printed bill, strike out "twenty", and insert in lieu thereof the following: "one".

**Amendment No. 5.**

On page 5, line 32, of the printed bill, strike out "National", and insert in lieu thereof the following: "State-wide".

**Amendment No. 6.**

On page 5, line 38, of the printed bill, strike out "thirty", and insert in lieu thereof the following: "fifteen".

**Amendment No. 7.**

On page 5, line 40, of the printed bill, strike out "following", and insert in lieu thereof the following: "desiring".

**Amendment No. 8.**

On page 7, line 13, of the printed bill, strike out "costs", and insert in lieu thereof the following: "cause".

**Amendment No. 9.**

On page 8, line 27, of the printed bill, strike out "1938", and insert in lieu thereof the following: "1939".

**Amendment No. 10.**

On page 8, line 28, of the printed bill, strike out "1939", and insert in lieu thereof the following: "1941".

**Amendment No. 11.**

On page 11, line 37, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the following: "fifteen".

**Amendment No. 12.**

On page 11, line 43, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the following: "fifteen".

**Amendment No. 13.**

On page 16, line 20, of the printed bill, strike out "district", and insert in lieu thereof the following: "superior".

**Amendment No. 14.**

On page 16, line 30, of the printed bill, strike out "District Court of Appeals", and insert in lieu thereof the following: "superior court".

**Amendment No. 15.**

On page 16, line 46, of the printed bill, strike out "President", and insert in lieu thereof the following: "Governor".



**Amendment No. 16.**

On page 17, line 2, of the printed bill, strike out "President", and insert in lieu thereof the following: "Governor".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2843**—An act to create a Commission to Study Existing Public and Private Arboreta and Botanic Gardens and make recommendations for the establishment of a publicly owned arboretum and botanic garden, and making an appropriation therefor.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2843, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, lines 4 and 5 of the title of the printed bill, as amended, strike out the comma and "and making an appropriation therefor".

**Amendment No. 2.**

On page 2, line 4, of the printed bill, as amended, strike out "prior to", and insert in lieu thereof the following: "at".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, after line 10, insert the following: "SEC. 7. On June 1, 1939, the commission established by this act shall have no further authority and shall cease to exist."

Bill read, ordered to print, and on file for third reading.

**Assembly Constitutional Amendment No. 6.**

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its fifty-second regular session, commencing on the third day of January, 1937, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

First—That section 1a of Article VI of the Constitution of the State of California be amended to read as follows:

Section 1a. There shall be a Judicial Council. It shall consist of the Chief Justice or acting Chief Justice, and of two Associate Justices of the Supreme Court, two Justices of District Courts of Appeal, three judges of trial courts, one of whom shall be a judge of an inferior court, assigned by the chief justice to sit thereon for terms of two years; provided, that if any judge so assigned shall cease to be a judge of the court from which he is assigned, his term shall forthwith terminate; three members of the State Bar of California appointed by the Board of Governors of the State Bar to sit thereon for terms of two years; two lay members appointed by the Governor of this State to sit thereon for terms of two years; the chairman then in office of the Judiciary Committee of the Senate, and the chairman then in office of the Judiciary Committee of the Assembly; provided, that whenever there shall be more than one Judiciary Committee in either the Senate or the Assembly, the President of the Senate and the Speaker of the Assembly, respectively, shall designate the chairman of a Judiciary Committee who shall be a member of the Judicial Council. The Chief Justice or acting chief justice shall be chairman. No act of the council shall be valid unless concurred in by eight members.

The Judicial Council shall from time to time:

- (1) Meet at the call of the chairman or as otherwise provided by it.
- (2) Survey the condition of business in the several courts with a view to simplifying and improving the administration of justice.
- (3) Submit such suggestions to the several courts as may seem in the interest of uniformity and the expedition of business.
- (4) Report to the Governor and Legislature at the commencement of each regular session with such recommendations as it may deem proper.
- (5) Adopt or amend rules of practice and procedure for the several courts not inconsistent with laws that are now or that may hereafter be in force; and the council shall submit to the Legislature, at each regular session thereof, its recommendations with reference to amendments of, or changes in, existing laws relating to practice and procedure.

(6) Adopt or amend rules of judicial conduct governing all judges in this State.

(7) Exercise such other functions as may be provided by law.

The chairman shall seek to expedite judicial business and to equalize the work of the judges, and shall provide for the assignment of any judge to another court of a like or higher jurisdiction to assist a court or judge whose calendar is congested, to act for a judge who is disqualified or unable to act, or to sit and hold court where a vacancy in the office of judge has occurred.

The clerk of the Supreme Court shall act as secretary of the council.

The several judges shall cooperate with the council, shall sit and hold court as assigned, and shall report to the chairman at such times and in such manner as he shall request respecting the condition and manner of disposal of judicial business in their respective courts.

No member of the council shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such. Any judge assigned to a court whereon a judge's compensation is greater than his own shall receive while sitting thereon the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment.

Bill read.

Amendment from the Floor.

During the reading of Assembly Constitutional Amendment No. 6, the following amendment, offered by Senator Olson, was read and refused adoption:

**Amendment No. 1.**

On page 2 of the printed bill as amended strike out lines 22 and 23 and in line 24 strike out figure "7", and insert "6".

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 6 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cretzschmar, Cunningham, DeLap, Daniel, Gordon, Hays, Hollister, Keating, Knepp, Kneeland, Low, Menger, Miller, Paffmar, Phillips, Piotrowski, Powers, Quinn, Schaefer, Sewall, Slater, Swing, Tinkle, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Assembly Constitutional Amendment No. 6 ordered transmitted to the Assembly.

Senator DeLap in the Chair.

At three o'clock and thirty-six minutes p.m., Senator DeLap of the seventeenth district was called to the chair.

**Assembly Bill No. 98**—An act to amend section 2283, and to repeal sections 2284, 2287 and 2288 of, and to add sections 2284 and 2284a to, of the Political Code, relating to minor orphans, half orphans and abandoned children, declaring the urgency thereof and providing that it shall take effect immediately.

Bill read third time.

**Urgency Clause.**

**SEC. 14.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately.

The following is a statement constituting such necessity:

Under present law actual payment to the counties in reimbursement of the aid allotted under this act is not possible until from three to twelve months after said aid has been paid out by such counties. The financial burden imposed by this waiting period has forced many counties to register warrants or borrow from banks in order to obtain the necessary funds. It is necessary that this measure, providing for payment of State and Federal reimbursement to the counties quarterly in advance, go into immediate effect so as to relieve the counties from the necessity and the cost of such borrowing.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Title read and approved.

Assembly Bill No. 98 ordered transmitted to the Assembly.

**Assembly Bill No. 524**—An act to amend section 15 of the Old Age Security Act of the State of California, approved May 28, 1929, relating to aid to the aged, this act to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately.

The following is a statement of facts constituting such necessity:

Under present law actual payment to the counties in reimbursement of the aid granted under this act is not possible until from three to twelve months after said aid has been paid out by such counties. The financial burden imposed by this waiting period has forced many counties to register warrants or borrow from banks in order to obtain the necessary funds. It is necessary that this measure, providing for payment of State and Federal reimbursement to the counties quarterly in advance, go into immediate effect so as to relieve the counties from the necessity and the cost of such borrowing.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 524 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Title read and approved.

Assembly Bill No. 524 ordered transmitted to the Assembly.

**Assembly Bill No. 1875**—An act to amend section 9 of "An act to provide for needy blind persons, not inmates of any institutions sup-



ported in whole or in part by this State or any of its political subdivisions, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act," approved May 28, 1929, relating to aid to the needy blind, this act to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately.

The following is a statement of facts constituting such necessity:

Under present law actual payment to the counties in reimbursement of the aid granted under this act is not possible until from three to twelve months after said aid has been paid out by such counties. The financial burden imposed by this waiting period has forced many counties to register requests for loans from banks in order to obtain the necessary funds. It is necessary that this measure, providing for payment of State and Federal reimbursement to the counties promptly in advance, go into immediate effect so as to remove the counties from the necessity and the cost of such borrowing.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, DeLay, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Koenig, Kneeland, Lutz, McCall, Mixer, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schmitz, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young. 31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1875 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, DeLay, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Koenig, Kneeland, Lutz, McCall, Metzger, Mixer, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schmitz, Seawell, Slater, Tickle, Wagy, Williams, and Young. 31.

NOES—None.

Title read and approved.

Assembly Bill No. 1875 ordered transmitted to the Assembly.

**Assembly Bill No. 2028**—An act to amend an act entitled "An act to authorize and control the deposit in banks and money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, by amending section 1 thereof and by adding a new section thereto to be numbered section 3a, relating to the deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. There is hereby added to said act a new section to be numbered section 3a to read as follows:

Sec. 3a. Notwithstanding any of the provisions of this act the treasurer may, and he is hereby expressly authorized, to deposit funds and to enter into contracts relating thereto with any State or national bank in compliance with and subject to such provisions and conditions relating to the payment of interest on public funds as are now or may hereafter be prescribed by any act of the Congress of the United States or rules or regulations of any department or agency of the Federal Government adopted pursuant thereto and which said acts, rules or regulations impose



lawful and binding regulations governing the payment of interest on deposits of public funds by member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal deposit insurance corporation and which acts, rules or regulations governing the payment of interest are in conflict with the provisions of this act. Such treasurer may, during the existence of such conflicting provisions between such Federal law or regulations and the provisions of this act, with the consent of the governing body of the county, city and county, city, town, municipality or other public or municipal corporation, determine what amount of money shall be deposited as inactive deposits and the rate or rates of interest thereon, and shall determine what amount of money shall be deposited as active deposits and shall enter into such contract or contracts with such depository or depositories as in his judgment will be to the public advantage so to do, which contract or contracts shall fix the duration of deposits and the rate or rates of interest thereon, if any, and provide conditions for the withdrawal and repayment thereof and, within the requirements of section 4 of this act, prescribe the security therefor. Upon the enactment by the United States of any law removing restrictions imposed upon banks by the laws of the United States or by any regulation thereunder relative to the payment of interest upon public funds, any such agreement theretofore entered into by any treasurer and any bank shall be subject to termination by either party thereto.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting such necessity are as follows: Upon the expiration of two years after the enactment by Congress of the Banking Act of 1935, signed by the President August 23, 1935, said act prohibits all banks, members of the Federal Reserve System, from paying any interest upon any deposit in the United States, including deposits of public funds made by or on behalf of any State, county, school district, or other subdivision or municipality, which is payable on demand, and makes the payment of interest by such banks on all such deposits, other than those payable on demand, subject to limitation by regulation by the Board of Governors of the Federal Reserve System. Said Banking Act of 1935 also authorizes the Board of Governors of the Federal Reserve System to define "demand" and "time" deposits and to determine what will be deemed to be a payment of interest and to prescribe such rules and regulations as it may deem necessary, and also requires that no such bank shall pay any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the said board.

Unless the laws of the United States and of the State of California be brought into harmony, in this respect, on or before August 23, 1937, it will become mandatory that very large sums of public money be withdrawn from deposit with banks and that all amounts so withdrawn be held by the treasurer in his own possession and handled in currency.

It is necessary that the withdrawal of such an amount of currency from circulation at one time be prevented and that the radical and objectionable changes in the handling of public financial transactions that would immediately ensue, as an inevitable consequence of such withdrawal and holding of currency, be obviated and that the means of deriving revenue from the depositing of public funds be impeded as little as possible. This act will permit deposits of public moneys to be made in such manner as to comply with the Federal requirements. This act is necessary in order to provide for the economical, orderly and safe handling of such moneys.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—32.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2028 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Keating, Keough, Knowland, Law, McColl,

**Amendment No. 3.**

On page 1 of the printed bill, as amended, beginning in line 2 of the title strike out the following: "payment of"

**Amendment No. 4.**

On page 2 of the printed bill, as amended, following line 15, insert the following: "SEC. 5. A new section is hereby added to the School Code to be numbered 5752 and to read as follows:

5752. The provisions of School Code section 5751, as enacted by Chapter 241, Statutes of 1937, shall not be construed as applying to substitute employees of a school district."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2215**—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2215 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dench, Garrison, Gordon, Hays, Jorgensen, Keating, Knudsen, Low, McRae, McCall, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2215 ordered transmitted to the Assembly.

**Assembly Bill No. 1290**—An act to add three new sections to the Political Code, to be numbered 4041.30, 4041.31 and 4041.32, relating to sale of lands dedicated for public parks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1290 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Dench, Garrison, Gordon, Hays, Jorgensen, Low, McCall, Metzger, Nielsen, Olson, Parkman, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1290 ordered transmitted to the Assembly.

**Assembly Bill No. 955**—An act to amend section 4041.20 of the Political Code, relating to insurance by counties.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 955, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, strike out "authorized", and insert in lieu thereof the following: "duly admitted".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 338**—An act to add a new section to the Labor Code to be numbered 1682, relating to free employment bureaus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 338 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—Senators Mixer, Phillips, and Schottky—3.

Title read and approved.

Assembly Bill No. 338 ordered transmitted to the Assembly.

**Assembly Bill No. 2378**—An act to add section 211.5 to the Labor Code, relating to deductions from wages or salary of employee and prescribing a penalty for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2378 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Keating, Keough, Knowland, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2378 ordered transmitted to the Assembly.

**Assembly Bill No. 2055**—An act relating to real estate subdivisions and the making and recording of maps, and granting limited powers to cities, cities and counties, and counties in connection therewith, making certain acts misdemeanors, prescribing penalties therefor, and repealing acts or portions of acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—31.

NOES—Senator Parkman—1.

Title read and approved.

Assembly Bill No. 3 ordered transmitted to the Assembly.

**Assembly Bill No. 1615**—An act to amend sections 10 and 12 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau and for the appointment and duties

of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1615 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBrabe, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quigg, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, Williams, and Young—41.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1615 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Keating

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act to amend sections 359 and 362 of the Code of Civil Procedure, relating to limitation of actions.

Respectfully submitted,

SENATOR KEATING

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Keating to introduce a bill entitled:

An act to amend sections 359 and 362 of the Code of Civil Procedure, relating to limitation of actions.

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
KNOWLAND  
McCOLL  
SLATER  
TICKLE

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBrabe, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quigg, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.



### Introduction, First Reading and Reference of Bills—(Resumed).

The following bills were introduced:

**Senate Bill No. 1160:** By Senator Keating—An act to amend sections 359 and 362 of the Code of Civil Procedure, relating to limitation of actions.

Senate Bill No. 1160 read first time, and referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 33:** By Senator Keating—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to exemptions of property on account of military service.

Senate Constitutional Amendment No. 33 read, and referred to Committee on Constitutional Amendments.

**Senate Constitutional Amendment No. 34:** By Senator Keating—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 1a, 1½ and 1½a of Article XIII, relating to the exemption of certain property from taxation.

Senate Constitutional Amendment No. 34 read, and referred to Committee on Constitutional Amendments.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 771—An act to amend section 473a of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State;

Senate Bill No. 1139—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning;

Senate Bill No. 952—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act" by amending section 5 thereof, relating to the financing of the acquisition or construction of toll bridges;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor;

And reports that the same has been correctly re-engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1119—An act to amend section 757q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake;

Senate Joint Resolution No. 22—Relative to memorializing the President and the Congress of the United States to acquire the Petrified Redwood Forest in Sonoma County, as a permanent National monument;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

**Re-reference of Assembly Bill No. 1667.**

Senator Knowland moved that Assembly Bill No. 1667 be re-referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 1225.**

Senator Seawell moved that Assembly Bill No. 1225 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

**Motion to Reconsider.**

Senator Swing moved to reconsider the vote whereby the amendments to Senate Bill No. 43 were adopted.

**Postponement of Reconsideration.**

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby the amendments to Senate Bill No. 43 were adopted was continued until the next legislative day.

**Reports of Standing Committees.**

The following reports of standing committees were received, read and the bills reported therein were ordered on file for second reading:

**On Social Security.**

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Bill No. 1526—An act to amend section 63 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to the Division of State Employment Agencies;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Bill No. 1184—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—3; committee vote: Ayes—2.

WESTOVER, Chairman.

Assembly Bill No. 1184 ordered re-referred to Committee on Finance.

**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 204—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage;

Assembly Bill No. 1346—An act to amend sections 690.22 and 690.23 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Assembly Bill No. 2858—An act providing for, and prescribing the duties and compensation of, the position of bailiff for the appellate department of the superior court;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1740—An act to amend section 718 of the Code of Civil Procedure, relating to witnesses;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1154—An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 283—An act to repeal section 685 of the Code of Civil Procedure, relating to the execution of judgments;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without further recommendation as to final disposition of the bill.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 946—An act to amend the title to Article IV, Chapter 14, Division 3 of the Probate Code and to amend sections 201.5, 541.5, 645, 646, 752, 770, 772, 780, 830, 860, 1480, 1482, 1531, 1532, and 1533 of the Probate Code, to repeal section 930.5 of the Probate Code, and to add sections 578a, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent persons, and minors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 931—An act to amend section 396b of the Code of Civil Procedure, relating to transfer of civil actions;

Assembly Bill No. 1024—An act to add section 171b to the Civil Code, relating to the separate property of the wife;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HAYS, Chairman.

## On Insurance.

## SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 1399—An act to amend section 763 of the Insurance Code, relating to insurance;

Assembly Bill No. 1402—An act to amend sections 1101, 1102, 1103, 1104 and 1106 of the Insurance Code, relating to transactions between an insurer and its officers, directors, trustees and other persons;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

WILLIAMS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 1274—An act to add section 5803.5 to the Labor Code, relating to termination of liability for workmen's compensation benefits;

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5, nays—2

WILLIAMS, Chairman

### On Finance.

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 26—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5, nays—4

SWING, Chairman

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1151—An act making an appropriation for the payment of the Railroad Commission of the State of California, to take effect immediately;

Senate Bill No. 1152—An act making an appropriation to pay the claim of J. A. Beck against the State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9

SWING, Chairman

SENATE CHAMBER, SACRAMENTO, MAY 18, 1937

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2790—An act relating to the name and control of venereal diseases, granting other and further powers to relation thereto to the State Board of Public Health and its subordinate agencies, authorizing the investment of Federal Social Security funds and making an appropriation thereon;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—9; committee vote: Ayes—9

SWING, Chairman

### On Conservation.

SENATE CHAMBER, SACRAMENTO, MAY 17, 1937

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Assembly Bill No. 2554—An act relating to the use of lands donated for park purposes;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3

BIGGAR, Chairman

SENATE CHAMBER, SACRAMENTO, MAY 17, 1937

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Assembly Bill No. 2827—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Advisory Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; providing for cooperation between the State Soil Conservation Advisory Committee, the United States, the State counties, soil conservation districts, other public districts, and individuals and corporations; and making an appropriation for paying the expenses of the State Soil Conservation Advisory Committee;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance

Committee membership—3; committee vote: Ayes—3

BIGGAR, Chairman

### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, MAY 17, 1937

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Senate Bill No. 604—An act to amend an act entitled "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the



management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tidelands described in the above mentioned act;

Assembly Bill No. 287—An act to amend section 105 of the Harbors and Navigation Code, relating to navigable streams and public waterways;

Senate Bill No. 770—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 580—An act to add section 44.2 to the Vehicle Code, relating to emergency vehicles;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1206—An act to add sections 34.5, 50, 51, 145.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State;

Assembly Bill No. 1214—An act to amend section 44 of the Vehicle Code, relating to authorized emergency vehicles;

Assembly Bill No. 1490—An act to amend section 73 of the Vehicle Code, and to add thereto section 73.3, relating to definitions;

Assembly Bill No. 2452—An act to amend section 165 of the Vehicle Code, relating to duplicate plates and documents of registration;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 1203—An act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in this State, and by resident dealers purchasing, handling and selling used motor vehicles received or acquired from nonresident dealers; requiring the registration of all used cars brought into this State for the purpose of sale to be registered with the Department of Motor Vehicles, and requiring all such dealers to execute and deliver to each purchaser of each used motor vehicle a bond indemnifying the purchaser against failure of title or breach of warranty or fraudulent misrepresentations; requiring the delivery of a certificate of title to the vendee; defining the term dealer and vendor, and providing penalties for the violation of the provisions of this act;

Assembly Bill No. 2195—An act to amend sections 500, 501, 503, and 505 of the Vehicle Code, relating to felonies and other offenses;

Assembly Bill No. 1448—An act to amend sections 143, 185, and 378 of the Vehicle Code, relating to the registration of vehicles;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes 7; absent—2.

SLATER, Chairman.

#### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 2422—An act to add Article 2a and Article 4 to Chapter 10 of Division IV of the Agricultural Code, relating to the establishment of minimum wholesale and retail prices of milk;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5, noes—4.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 1180—An act to amend sections 471, 478 and 480 of the Agricultural Code, relating to milk;

Assembly Bill No. 1897—An act to add section 215 to the Agricultural Code relating to the inspection of hogs;

Assembly Bill No. 581—An act to add section 303.1 to the Agricultural Code relating to the labeling of meat and meat food products;

Assembly Bill No. 583—An act to add section 311.1 to the Agricultural Code relating to uninspected meat and meat food products;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

POWERS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 2178—An act to amend section 632 of the Agricultural Code relating to records;

Senate Bill No. 501—An act to amend sections 735.1, 735.4, 735.5 of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

POWERS, Chairman.

### Adjournment.

At four o'clock and fifty minutes p.m., on motion of Senator Rich, the Acting President of the Senate declared the Senate adjourned until ten o'clock a.m., Wednesday, May 19, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, May 19, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkinson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, May 18, 1937, the further reading was, on motion of Senator Crittenden, dispensed with.

### Leave of Absence.

Senator Slater was, on motion of Senator Gordon, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ann Marie Haley and Barbara Elizabeth Haley of Sacramento, and Virginia Furrer of Oakland.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the Livermore High School: Annamae Altamirano, Pauline Athey, Bertram Christensen, Delam Bisordi, Mary Frances Degnan, Tom Foxworthy, Joe Genoni, Dorothy Hoek, Arthur Isensee, Vera Jensen, George Martel, Julius Mello, Hiram Meyers, Anna Murillo, Ralph Petersen, Gladys Regan, Malvern Sweet, Celestine Tuccoli, and Elsie Jane Wilson; accompanied by: Mrs. Wilson, Mrs. Sweet, and Miss Barthe.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Barker, Mrs. Lela Brown, and Mrs. B. C. Knapp of Roseville.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard Jose of San Francisco.

On request of Senators Garrison and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator L. L. Dennett of Modesto.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Josephine Lion of Danville, Contra Costa County.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Henry Rich and Mr. and Mrs. Lewis, all of Sacramento.

### Communications.

The following communications were received:

#### I.

A communication from A. G. Arnoll, of the Los Angeles Chamber of Commerce, opposing any bill at the present session of the Legislature patterned in whole or in part after the National Labor Relations Act.

#### II.

A communication from the International Union of Operating Engineers, Local 508, urging that the members of the Legislature and the Governor support the increased appropriation requested by the University of California.

#### III.

A communication from the Board of Supervisors of the City and County of San Francisco indorsing Assembly Bill No. 567.

### Senator Hays in the Chair.

At ten o'clock and five minutes a.m., Senator Hays of the thirtieth district was called to the chair.

## Consideration of Daily File. Second Reading of Senate Bills.

**Senate Bill No. 1154**—An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 283**—An act to repeal section 685 of the Code of Civil Procedure, relating to the execution of judgments.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 283 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal", and insert in lieu thereof the following: "amend".

#### Amendment No. 2.

On page 1 of the printed bill, upon line 2, read insert in lieu thereof the following: "hereby amended to read as follows:

685. In all cases the judgment may be enforced or carried into execution after the lapse of five years, but not more than ten years from the date of its entry, by leave of the court, upon motion, and after the notice to the judgment debtor having passed by an affidavit or affidavit setting forth the reasons for failure to proceed in compliance with the provisions of section 681 in this code. The failure to set forth such reasons as shall, in the discretion of the court, be sufficient, shall be ground for the denial of the motion.

Judgment in all cases may also be enforced or carried into execution after the lapse of five years, but not more than eight years from the date of its entry, by judgment for that purpose founded upon experimental grounds, and making in this section shall be construed to refer to judgment for the recovery of money which shall have been barred by limitation at the time of the passage of this act.

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 26**—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 26 was read and adopted:

#### Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the words "fifteen thousand", and insert in lieu thereof "five thousand".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1151**—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1151 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, between lines 6 and 7, insert the following:

"Sec. 2. The expenditure herein authorized of the moneys appropriated by this act shall be subject to all of the provisions of Chapter 157 of the Statutes of 1937."



**Amendment No. 2.**

On page 1, line 7, of the printed bill, strike out "2", and insert in lieu thereof the figure "3".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1152**—An act making an appropriation to pay the claim of J. A. Beek against the State of California.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 1152 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, lines 1 and 2, strike out "six thousand seven hundred ninety-five dollars and twenty-one cents (\$6,795.21)", and insert in lieu thereof the sum of "five thousand two hundred twenty dollars and twenty-one cents (\$5,220.21)".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 770**—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 604**—An act to amend an act entitled "Act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tide lands described in the above mentioned act.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 501**—An act to amend sections 735.1, 735.4, 736.1, of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Senate Bill No. 501 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "section 735.1, 735.4, 736.1," and insert in lieu thereof the following: "section 736.1".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of lines 1 to 25, inclusive.

**Amendment No. 3.**

Strike out all of pages 2 and 3 of the printed bill.

**Amendment No. 4.**

On page 4 of the printed bill, strike out all of lines 1 to 24, inclusive, and insert in lieu thereof the following:

"Section 1. Section 736.1 of the Agricultural Code is hereby amended to read as follows:"

**Amendment No. 5.**

On page 4, line 37, of the printed bill, strike out "736.1"

**Amendment No. 6.**

On page 5, line 12, of the printed bill, strike out "Sec. 5" and insert in lieu thereof the following: "Sec. 2."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1526**—An act to amend section 93 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to the Division of State Employment Agencies.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 204**—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1346**—An act to amend sections 690.22 and 690.23 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2858**—An act providing for, and prescribing the duties and compensation of, the position of bailiff for the appellate department of the superior court.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1740**—An act to amend section 718 of the Code of Civil Procedure, relating to witnesses.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1399**—An act to amend section 763 of the Insurance Code, relating to insurance.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1402**—An act to amend sections 1101, 1102, 1103, 1104 and 1106 of the Insurance Code, relating to transactions between an insurer and its officers, directors, trustees and other persons.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1274**—An act to add section 5803.5 to the Labor Code, relating to termination of liability for workmen's compensation benefits.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill 1274 was read and adopted:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "such petition shall", and strike out lines 6 to 8, inclusive, and insert in lieu thereof the following: "the benefits

to such employee shall cease upon the filing of such petition, subject to being restored by order of the commission, but all accrued benefits shall be paid in full to the employee before the filing of such petition for an order terminating liability can be made."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2790**—An act relating to the care and control of venereal diseases, granting other and further powers in relation thereto to the State Board of Public Health and its subordinate agencies, authorizing the acceptance of Federal social security funds and making an appropriation therefor.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2790 was read and adopted:

**Amendment No. 1.**

On page 3 of the printed bill, as amended, strike out all of line 34 after the word "examination", and all of lines 35, 36, and 37, and insert in lieu thereof the following: "when in its opinion such procedure is reasonably necessary to carry out the provisions and purposes of this act. Such examination may be made in the State laboratory or in a clinical laboratory which shall be under the immediate supervision and direction of a clinical laboratory technologist or a licensed physician and surgeon or in any other laboratory in this State which for a period of more than five years prior to the enactment of this act shall have been actively engaged in the examination of specimens of a similar character for physicians and surgeons in this State; provided, however, that nothing in this act shall be construed as limiting any person's freedom to have additional examinations made elsewhere."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 2554**—An act relating to the use of lands dedicated for park purposes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2827**—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Advisory Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; providing for cooperation between the State Soil Conservation Advisory Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations; and making an appropriation for paying the expenses of the State Soil Conservation Advisory Committee.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Conservation, the following amendments to Assembly Bill No. 2827 were read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 29 to 32, inclusive, and insert in lieu thereof the following: "elected. The committee shall appoint a secretary, to serve at its pleasure; provided that, with the approval of the President of the University of California, a qualified member of the staff of the College of Agriculture may be appointed as such secretary. No additional sal-".

**Amendment No. 2.**

On page 4, line 17, of the printed bill, as amended, following the word "preceding", insert "equalized".

**Amendment No. 3.**

On page 4, line 21, of the printed bill, as amended strike out the word "that" and insert in lieu thereof the following "as to whether"

**Amendment No. 4.**

On page 4, line 49, of the printed bill, as amended, strike out the word "that"

**Amendment No. 5.**

On page 5, line 1, of the printed bill, as amended, strike out the word "that"

**Amendment No. 6.**

On page 6 of the printed bill, as amended, strike out line 36, and insert in lieu thereof the following:

"Sec. 15. If the board of supervisors determine and order that the proposed district has been duly organized, said board shall then cause a copy of such order."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 287**—An act to amend section 105 of the Harbors and Navigation Code, relating to navigable streams and public waterways.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 931**—An act to amend section 3904 of the Code of Civil Procedure, relating to transfer of civil actions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 931 was read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, strike out "thereof", and insert in lieu thereof the words "of the motion".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1024**—An act to add section 171b to the Civil Code, relating to the separate property of the wife.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1024 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "171b to", insert the following: ", and to amend sections 167 and 168 of."

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, after "property", insert the following: "and earnings".

**Amendment No. 3.**

On page 1 of the printed bill, after line 7, insert the following:

"SEC. 2. Section 167 of said code is hereby amended to read as follows:

167. The property of the community is not liable for the contracts of the wife made after marriage, unless secured by pledge or mortgage thereto contracted by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage.

SEC. 3. Section 168 of said code is hereby amended to read as follows:

168. The earnings of the wife are not liable for the debts of the husband, but except as otherwise provided by law, such earnings shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 946**—An act to amend the title to Article IV, Chapter 14, Division 3 of the Probate Code and to amend sections



201.5, 541.5, 645, 646, 752, 770, 772, 780, 830, 860, 1480, 1482, 1531, 1532 and 1533 of the Probate Code, to repeal section 930.5 of the Probate Code, and to add sections 578a, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent persons, and minors.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 946 were read and adopted:

##### Amendment No. 1.

On page 1, line 3 of the title of the printed bill, after "770," insert "771," and after "1482," insert "1530,".

##### Amendment No. 2.

On page 1, line 4 of the title of the printed bill, strike out "and 1533", and insert in lieu thereof the following: "1533, and 1534".

##### Amendment No. 3.

On page 3 of the printed bill, between lines 16 and 17, insert the following: "SEC. 8.5. Section 771 of the Probate Code is hereby amended to read as follows:

771. Stocks, bonds or investment certificates and shares of building and loan associations may be sold and title thereto passed without the necessity for confirmation, upon obtaining an order of the court. A petition for such an order shall be filed with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of sale, and when the minimum selling price is fixed or when the securities are to be sold upon an established stock or bond exchange, no notice of sale need be given."

##### Amendment No. 4.

On page 3, line 19, of the printed bill, as amended, after "sections", insert the following: "757,".

##### Amendment No. 5.

On page 5 of the printed bill, as amended, between lines 40 and 41, insert the following:

"SEC. 15.5. Section 1530 of the Probate Code is hereby amended to read as follows:

1530. If the income of an estate under guardianship is insufficient for the support, maintenance and education of the ward and of such members of his family as he is legally obligated to support and maintain, including his care, treatment and support, if confined in a State hospital for the insane, or if the personal estate and the income from the real estate is insufficient to pay his debts, his guardian may sell any of his real or personal property, or mortgage or give a deed of trust upon any of his real property for that purpose, or exchange any of such real or personal property, whenever it appears it is for the advantage, benefit and best interests of the ward and such members of his family as he is legally bound to support and maintain, subject to authorization, confirmation or direction by the court as hereinafter provided."

##### Amendment No. 6.

On page 5, line 48, of the printed bill, as amended, strike out "as hereinafter provided", and strike out lines 49 and 50; and in line 51, strike out "code.", and insert in lieu thereof the following: "or authorization, in the case of the stocks, bonds, or investment certificates and shares of building and loan associations, as hereinafter provided."

##### Amendment No. 7.

On page 5, line 52, of the printed bill, as amended, strike out "or bonds", and insert in lieu thereof the following: ", bonds or investment certificates or shares of building and loan associations,".

##### Amendment No. 8.

On page 6 of the printed bill, between lines 49 and 50, insert the following: "SEC. 18.5. Section 1534 of the Probate Code is hereby amended to read as follows:

1534. Sales by guardians may be at public auction or private sale, as the guardian deems best. All proceedings concerning sales by guardians, giving notice of sale, reselling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders authorizing the sale of stocks, bonds, or investment certificates and shares of building and loan associations, rejecting or confirming sales and reports of sales, ordering and making con-

conveyances of property sold, and allowance of commissions, must conform, as nearly as may be, to the provisions of this code concerning sales by administrators, unless otherwise specially provided in this chapter."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 580**—An act to add section 44.2 to the Vehicle Code, relating to emergency vehicles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1206**—An act to add sections 34.5, 50, 51, 145.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1214**—An act to amend section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1499**—An act to amend section 73 of the Vehicle Code, and to add thereto section 73.3, relating to definitions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2452**—An act to amend section 165 of the Vehicle Code, relating to duplicate plates and documents of registration.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1203**—An act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in this State, and by resident dealers purchasing, handling and selling used motor vehicles received or acquired from nonresident dealers, requiring the registration of all used cars brought into this State for the purpose of sale to be registered with the Department of Motor Vehicles, and requiring all such dealers to execute and deliver to each purchaser of each used motor vehicle a bond indemnifying the purchaser against failure of title or breach of warranty or fraudulent misrepresentations; requiring the delivery of a certificate of title to the vendee; defining the term dealer and vendor, and providing penalties for the violation of the provisions of this act.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1203 were read and adopted:

##### Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, strike out "received or", and in line 5, strike out "acquired from nonresident dealers".

##### Amendment No. 2.

On page 1, line 6 of the title of the printed bill, as amended, strike out "cars", and insert in lieu thereof the following: "motor vehicles".

##### Amendment No. 3.

On page 1, line 13 of the title of the printed bill, as amended, strike out "term dealer and vendor", and insert in lieu thereof the following: "terms dealer, vendor, and used or secondhand vehicles".

##### Amendment No. 4.

On page 1, line 7, of the printed bill, as amended, strike out "car", and insert in lieu thereof the following: "motor vehicle".

**Amendment No. 5.**

On page 2 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and in line 8, strike out "and/or vendees," and insert in lieu thereof the following: "or secondhand vehicle is sold or offered for sale, execute a bond with a surety company duly authorized to do business in this State as surety thereon, payable to the Department of Motor Vehicles for the use and benefit of the purchaser and his vendees, and conditioned to pay all loss".

**Amendment No. 6.**

On page 2 of the printed bill, as amended, strike out lines 15 to 21, inclusive, and insert in lieu thereof the following: "shall be for \$500 for a vehicle having a market value of less than \$500, and for \$1,000 for a vehicle having a market value of \$500 or more. The market value shall be that placed upon the vehicle by the vendor and indicated upon his application for registration. The bond shall be filed with the Department of Motor Vehicles by the vendor, and for which service by".

**Amendment No. 7.**

On page 2, line 22, of the printed bill, as amended, strike out " in registering said vehicle,".

**Amendment No. 8.**

On page 2, line 23, of the printed bill, as amended, strike out "\$1 and a fee of".

**Amendment No. 9.**

On page 2 of the printed bill, as amended, strike out lines 29 to 34, inclusive.

**Amendment No. 10.**

On page 2, line 38, of the printed bill, as amended, after "ownership," insert the following: "and a certificate of registration,".

**Amendment No. 11.**

On page 3, line 11, of the printed bill, as amended, after the period, insert the following: "The terms "used vehicle" or "secondhand vehicle" as herein used mean a vehicle of a type subject to registration under the Vehicle Code, which has been previously registered in this or in any other State."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2195**—An act to amend sections 500, 501, 503, and 505 of the Vehicle Code, relating to felonies and other offenses.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 2195 was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, after the word "defined," strike out the balance of said line 13, and all of lines 14 and 15, and insert in lieu thereof the following: "as meaning either "reckless driving" as defined in subdivision (a) of section 505 of this code, or wilful indifference."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No 1448**—An act to amend sections 143, 185, and 378 of the Vehicle Code, relating to the registration of vehicles.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1448 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "sections", insert the following: "36, 37,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "the registration of", and insert in lieu thereof the following: "motor".



**Amendment No. 3.**

On page 1 of the printed bill, as amended, above line 1, insert the following:  
 "SECTION 1. Section 36 of the Vehicle Code is hereby amended to read as follows:

36. "Trailer." A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

SEC. 2. Section 37 of the Vehicle Code is hereby amended to read as follows:

37. "Semitrailer." A "semitrailer" is a vehicle designed for carrying persons or property and having one or more axles and one or more wheels and in any junction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle."

**Amendment No. 4.**

On page 1, line 1, of the printed bill, as amended, strike out "SECTION 1", and insert in lieu thereof the following: "Sec. 3".

**Amendment No. 5.**

On page 1, line 20, of the printed bill, as amended, strike out "Sec. 2", and insert in lieu thereof the following: "Sec. 4".

**Amendment No. 6.**

On page 2, line 31, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 5".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2422**—An act to add Article 2a and Article 4 to Chapter 10 of Division IV of the Agricultural Code relating to the establishment of minimum wholesale and retail prices of milk.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1180**—An act to amend sections 471, 478 and 480 of the Agricultural Code, relating to milk.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1897**—An act to add Article 2a, Chapter 3, Division II to the Agricultural Code, relating to the inspection of hogs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 581**—An act to add section 303.1 to the Agricultural Code, relating to the labeling of meat and meat food products.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 583**—An act to add section 311.1 to the Agricultural Code, relating to uninspected meat and meat food products.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2178**—An act to amend section 632 of the Agricultural Code, relating to records.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendment to Assembly Bill No. 2178 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, between lines 8 and 9, insert the following: "Milk and cream must be thoroughly mixed and stirred before samples are taken. Containers of a size larger than a ten-gallon milk can from which samples are taken must be equipped with mechanical devices which will thoroughly mix the milk or cream to be sampled. Such mechanical devices shall be of a type and installed in a manner as provided in rules and regulations promulgated by the director."

Bill read second time, ordered to print, and on file for third reading.



**President Pro Tempore in the Chair.**

At ten o'clock and twenty minutes a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 2053**—An act to amend section 4300d of the Political Code, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2053 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Swing, Wagy, Westover, and Young—25.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 2053 ordered transmitted to the Assembly.

**Assembly Bill No. 2052**—An act to amend section 4300b of the Political Code, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Law moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—29.

The Secretary announced the absentees.

Time, ten o'clock and twenty-five minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2714**—An act to require all applicants for construction and improvement permits to prove compliance with the "Workmen's Compensation, Insurance and Safety Act of 1917."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2714 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McGovern,

Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottler, Seayell, Seay, Wagy, Westover, and Young—29.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2714 ordered transmitted to the Assembly.

**Assembly Bill No. 74**—An act to regulate the sale of secondhand watches.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gault, Hays, Hollister, Hobbs, Johnson, Keating, Knutson, Lark, McHale, McGill, McGovern, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seayell, Seay, Wagy, Westover, and Young—29.  
 NOES—None.

Title read and approved.

Assembly Bill No. 74 ordered transmitted to the Assembly.

**Assembly Bill No. 2743**—An act to amend section 4a of the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2743 the following amendments, offered by Senator Powers, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 4, and insert in lieu thereof the following: "any public improvement subject to the provisions of this article who is paid less than the prevailing rate."

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 7 and 8, and insert in lieu thereof the following: "may recover from his employer the difference between the prevailing rate of wages and"

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 503**—An act to amend sections 4242.1 and 4242.2 of the Political Code, relating to the compensation of county officers in counties of the thirteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 503 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Swing, Wagy, Westover, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 503 ordered transmitted to the Assembly.

**Assembly Bill No. 2842**—An act to amend section 737qq of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Santa Clara.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2842 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2842 ordered transmitted to the Assembly.

**Assembly Bill No. 2392**—An act providing for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas, providing for the duration and terms of such franchises and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2392 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Rich, Schottky, Seawell, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2392 ordered transmitted to the Assembly.

**Assembly Bill No. 2338**—An act validating all proceedings taken for the formation of harbor districts of every kind and class, and validating the formation and existence of harbor districts of every kind and class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2338 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2338 ordered transmitted to the Assembly.

**Assembly Bill No. 1363**—An act to amend section 4088 of the Political Code, relative to the call and redemption of county bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1363 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride, McGill, McGovern, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Sewell, Swing, Tickle, Wang, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1363 ordered transmitted to the Assembly.

### Unfinished Business.

**Assembly Bill No. 2376**—An act making bonds issued by California Toll Bridge Authority legal investments and security for certain purposes; and providing that this act become effective immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is intended to be, and shall be considered, the latest enactment upon the matters herein contained and is supplemental to and all other laws regulating, relating to, and declaring what shall be legal investments for the purposes herein enumerated.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect, and therefore this act shall become effective immediately.

The following is a statement of the facts justifying such enactment: The immediate completion of the construction of the toll bridges and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda so as to add thereto and include therein for the transportation of persons and thereover of persons and property is essential to effect prompt transportation for persons and property to and from the City and County of San Francisco to the county of Alameda at the earliest possible time, and to the preservation of the public peace, health and safety. To that end it is essential that the complete, permanent and proper financing of the construction and improvement of and toll bridges and transportation facilities, on the present basis and on the line designated and obtainable at the present time, be made immediately available and placed in the California Toll Bridge Authority and the people of the State of California. To accomplish such purposes, it is essential that this act go into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride, McGill, McGovern, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Sewell, Swing, Tickle, Wang, Westover, Williams, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2376 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride



McColl, McGovern, Mixer, Nielsen, Olson, Parham, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—34.  
NOES—None.

Title read and approved.

Assembly Bill No. 2376 ordered transmitted to the Assembly.

**Senate Bill No. 812**—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 812 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Jespersen, Keating, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Williams, and Young—25.

NOES—Senators Olson, and Powers—2.

Title read and approved.

Senate Bill No. 812 ordered transmitted to the Assembly.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby Assembly Concurrent Resolution No. 57 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Concurrent Resolution No. 57 reconsidered by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

### Re-reference of Assembly Concurrent Resolution No. 57.

Senator Knowland moved that Assembly Concurrent Resolution No. 57 be referred to Committee on Rules.

Motion carried, and such was the order.

### Motion to Reconsider.

Senator Swing waived reconsideration of the vote whereby the amendments to Senate Bill No. 43 were adopted.

**Resolution.**

The following resolution was offered:

By Senator McGovern:

WHEREAS, Edward Dickinson Baker was the Colonel commanding the first California volunteers who served in the military service of the Government of the United States during the Civil War; and

WHEREAS, Colonel Baker was killed in action while fighting at the head of his regiment at the Battle of Balls Bluff, Virginia, on October 21, 1861; and

WHEREAS, Colonel Baker served the people as a member of the House of Representatives in Congress from the State of Oregon and as a member of the United States Senate in Congress from the State of Oregon; and

WHEREAS, Colonel Baker was a resident of California from 1857 until 1860 during which time he served the people of this State as a member of our first Oregon

WHEREAS, The people of California are indebted to Colonel Baker for his services in San Francisco, California; and

WHEREAS, A plan has been proposed whereby the remains of various persons interred in said cemetery are to be removed; and

WHEREAS, The people of California are indebted to Colonel Baker in payment of the commendatory service which he rendered to this State and to this Nation; and therefore, be it

**Resolved, by the Senate of the State of California,** That the President of the Senate appoint a Committee of Three Senators of this State to confer with Presidenting the life and work of Colonel Baker as well as to investigate and prepare a bill for the removal of his remains to some appropriate place in this State in the event such action may become necessary; and recommend to future legislation by the Senate of the State of California at the beginning of the fifty-third session of the Legislature of this State.

Resolution read, and on motion of Senator McGovern, adopted.

**Appointment of Special Committee.**

The President pro tempore announced, in accordance with the above resolution, that the President had appointed Senators McGovern, Quinn and Schottky.

**Resolution.**

The following resolution was offered:

By Senator Nielsen:

WHEREAS, Fox West Coast Theatres, Charles P. Sweeney, President, W. H. Lollar, Manager Tax Division and Civic Public Relations, A. M. Eames, District Manager, have contributed to the entertainment of the members of the Senate and their families during their stay in Sacramento, by granting admission tickets to their various places of amusement; now, therefore, be it

**Resolved by the Senate of the State of California,** That the members thereof hereby express their appreciation of the thoughtful courtesy extended them by the aforesaid theatres and their officials, and be it further

**Resolved,** That the Secretary of the Senate be directed to transmit a copy of this resolution suitably engrossed to each of said parties.

Resolution read, and on motion of Senator Nielsen, adopted.

**Appointment by the President of the Senate.**

To the Senate of the State of California:

I beg leave to inform you that I have this day appointed:

Thomas I. Quinn, Page

Per day  
6 days per week  
\$2.50

And respectfully request the consent of the Senate thereto.

GEORGE J. HATFIELD, President of the Senate

**Appointment Confirmed.**

Senator Tickle moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment

The roll was called, and the appointment was confirmed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

### **Motion.**

On motion of Senator McGovern, Senate Bills Nos. 374 and 769 were ordered placed on the unfinished business file.

### **Motion.**

On motion of Senator Phillips, Senate Bill No. 947 was ordered placed on the unfinished business file.

### **Re-reference of Assembly Bill No. 2403.**

Senator Mixer moved that Assembly Bill No. 2403 be referred to Committee on Finance.

Motion carried, and such was the order.

### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Joint Resolution No. 23:** By Senator Nielsen—Relative to memorializing the United States Post Office Department to issue a suitable postage stamp commemorating the founding of Fort Sutter.

#### **Consideration of Senate Joint Resolution No. 23.**

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 23, without reference to committee for purpose of adoption.

#### **Senate Joint Resolution No. 23.**

Relative to memorializing the United States Post Office Department to issue a suitable postage stamp commemorating the founding of Fort Sutter.

**WHEREAS**, One of the most epochal events in the history of the State of California was the founding of Fort Sutter by General John A. Sutter on August 12, 1839; and

**WHEREAS**, From Fort Sutter has sprung forth and grown the celebrated capital of the State of California—the city of Sacramento; and

**WHEREAS**, The one hundredth anniversary of the founding of Fort Sutter will be commemorated in the year 1939; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Postmaster General recognize this historical occurrence by the issuance in 1939 of a suitable postage stamp in commemoration thereof; and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the Postmaster General of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 23 adopted by the following vote:

**AYES**—Senators Allen, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Williams—32.

**NOES**—None.

Senate Joint Resolution No. 23 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and eighteen minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Law.

The names of the absentees were called, and Assembly Bill No. 2052 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLoe, French, Fletcher, Garrison, Gordon, Hays, Hollister, Holden, Jasper, Keating, Keene, Ketchum, Law, McBride, McGill, McGowan, Metzger, Miller, Nelson, Olson, Pappas, Phillips, Powers, Quinn, Rice, Schott, Sorensen, Strong, Tule, Wertz, Williams, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2052 ordered transmitted to the Assembly.

### Third Reading of Senate Bills.

**Senate Bill No. 1054**—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended.

#### Amendments from the Floor.

During third reading of Senate Bill No. 1054, the following amendments, offered by Senator Olson, were read:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 14", and insert in lieu thereof the following: "sections 12 and 14".

#### Amendment No. 2.

On page 1, line 10 of the title of the printed bill, as amended, strike out "as amended", and insert in lieu thereof the following: "relating to horse racing".

#### Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, strike out "14", and insert in lieu thereof the following: "12".

#### Amendment No. 4.

On page 1 of the printed bill, as amended, between lines 2 and 3, insert the following:

"SEC. 12. The license fee to be paid by licensees shall be six per cent of all money handled in the pari-mutuel pools; and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten at any horse race meeting in any county having a population of over one million, and four per cent of all money handled in the pari-mutuel pools and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten at any horse race meeting in any county having a population of less than one million; payment of same shall be made by said licensee, daily, during each racing meeting; each application for a license to conduct such racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, as ex-officio treasurer of the racing board in either of the following sums, dependent upon the classification of the county where the said meeting is to be held:

Counties of the first class.....	\$10,000
Counties of the second class.....	10,000

Counties of the third class, at the rate of fifty dollars (\$50) per day for said race meeting.

When the meeting for which said license is granted has terminated, and the licensee has fully paid said percentage of said money handled in said pools, the said sum so deposited with such application for a license shall be returned to said licensee; in the event said licensee fails, refuses or neglects to pay said percentage



of said money handled in said pools, the amount thereof shall be deducted from said sum so deposited with such application for a license and the balance if any shall be returned to said licensee.

If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when such licensee is not in default, it should become impossible for such licensee to hold or conduct racing upon any date or dates licensed by the board, the board in its discretion and at the request of such licensee shall have power to return the fees paid by such licensee for racing upon the days upon which it is impossible for such licensee to hold or conduct racing or to specify any other day or days which may replace the days omitted and to take their place.

SEC. 2. Section 14 of the act cited in the title hereof is hereby amended to read as follows:"

#### **Amendment No. 5.**

On page 1, line 20, of the printed bill, as amended, strike out "eight", and insert in lieu thereof the following: "six".

#### **Amendment No. 6.**

On page 2, line 1, of the printed bill, as amended, after "handled", insert the following: "at any race meeting in any county having a population of over one million persons nor more than eight per cent at any race meeting in any county having a population of less than one million persons".

#### **Amendment No. 7.**

On page 2 of the printed bill, as amended, strike out line 6, and insert in lieu thereof the following: "fee".

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Westover on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Allen, Garrison, Olson, and Westover—4.

**NOES**—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Klowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Williams, and Young—32.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1054 refused passage by the following vote:

**AYES**—Senators Allen, Cunningham, Garrison, Gordon, Hays, Holohan, Knowland, Olson, Rich, Schottky, Wagy, Westover, Williams, and Young—14.

**NOES**—Senators Crittenden, DeLap, Deuel, Fletcher, Hollister, Jespersen, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Swing, and Tickle—22.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1139**—An act to amend section 10½ of the Optometry Law, relating to the unlawful practice of optometry.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1139, the following amendments offered by Senator Williams, were read and adopted:

#### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "Law," insert the following: "or to add section 3129 to the Business and Professions Code,".

#### **Amendment No. 2.**

On page 2 of the printed bill, as amended, after line 33, insert the following:

"SEC. 2. Section 3129 is hereby added to the Business and Professions Code to read as follows:

3129. It is unlawful to advertise at a stipulated price, or any variation of such a price, or as being free, any of the following:

The examination or treatment of the eyes; the furnishing of optometrical services; or the furnishing of a lens, lenses, glasses, or the frames or fittings thereof.

The provisions of this section do not apply to the advertising of goggles, sun glasses, colored glasses or occupational eye-protective devices, provided the same are so made as not to have refractive values.

SEC. 3. Section 1 of this act shall take effect and, if the Optometric Law is not repealed and its provisions are not incorporated in the Revision and Procedure Code by the Legislature at its fifty-second session.

SEC. 4. Section 2 of this act shall only take effect if the Optometric Law is repealed and its provisions are incorporated in the Revision and Procedure Code.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1189**—An act to amend section 5 of the Retail Sales Tax Act of 1935 as amended in 1935, relating to the exemption of vessels.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1189, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 5 of", and insert in lieu thereof the following: "add section 5.7 to".

##### Amendment No. 2.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "of an act cited in the title hereof is hereby amended", and insert in lieu thereof the following: "5.7 is hereby added to the act cited in the title hereof".

##### Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 22, inclusive, and on page 2, strike out lines 1 to 15, inclusive, and insert in lieu thereof the following:

"Sec. 5.7. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed or payable under this act the gross receipts from sales by builders thereof of vessels of more than one thousand tons burden."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1190**—An act to amend section 4 of the Use Tax Act of 1935.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1190, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 4 of the Use Tax Act of 1935" and insert in lieu thereof the following: "add section 4.7 to the Use Tax Act of 1935."

##### Amendment No. 2.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "of the act cited in the title hereof is hereby amended", and insert in lieu thereof the following: "4.7 is hereby added to the act cited in the title hereof".

##### Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "4.7".

##### Amendment No. 4.

On page 1, line 5, of the printed bill, as amended, strike out the colon, and strike out the balance of the bill, and insert in lieu thereof the following: "namely, any ship of more than one thousand tons burden purchased in this State from the builders thereof, with respect to which this tax would, if such ship had been purchased outside this State or purchased in interstate commerce, be inoperative because prohibited under the Constitution or the laws of the United States of America or the Constitution of this State."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2326**—An act to amend section 1 of an act entitled "An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles," approved June 7, 1913.

as amended, and to add thereto a new section to be known as section 1½, relating to advertisements or solicitation for employees while negotiations to establish working conditions or to settle labor disputes are pending, and requiring a copy of said advertisement and a statement identifying the employer concerned to be filed with the Labor Commissioner where such identity does not appear in such advertisement or solicitation.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2326, the following amendments, offered by Senator Olson, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend section 973 of, and to add section 973.5 to the Labor Code, relating to solici-".

##### Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "1 of the act cited in the title hereof", and insert in lieu thereof the following: "973 of the Labor Code".

##### Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "Section 1", and insert in lieu thereof the following: "973".

##### Amendment No. 4.

On page 2, lines 15 and 16, of the printed bill, strike out "1½ is hereby added to the act cited in the title hereof", and insert in lieu thereof the following: "973.5 is hereby added to the Labor Code".

##### Amendment No. 5.

On page 2, line 17, of the printed bill, strike out "Sec. 1½", and insert in lieu thereof the following: "973.5".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1905**—An act to amend section 146 of the Civil Code by adding a section thereto to be numbered 5, relating to home-steads on property held in joint tenancy.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1905, the following amendments, offered by Senator McGovern, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to amend section 146 of the Civil Code, relating to the disposition of community property upon the dissolution of marriages."

##### Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, before "In", insert the following: "One."

##### Amendment No. 3.

On page 1, line 4, of the printed bill, as amended, strike out the comma after "property", and strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "shall be assigned".

##### Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 11 to 13, inclusive.

##### Amendment No. 5.

On page 1, line 14, of the printed bill, as amended, strike out "Three", and insert in lieu thereof the following: "Two".

##### Amendment No. 6.

On page 1, line 20, of the printed bill, as amended, strike out "Four", and insert in lieu thereof the following: "Three".

**Amendment No. 7.**

On page 1, line 24, of the printed bill, as amended, strike out "Five" and insert in lieu thereof the following: "Four".

Bill read, ordered to print, and on file for third reading.

**Withdrawal and Re-reference of Assembly Bill No. 117.**

Senator Hays moved that Assembly Bill No. 117 be withdrawn from Committee on Education, and referred to Committee on Judiciary.

Motion carried, and such was the order.

**Motion.**

On motion of Senator Knawland, Senate Bill No. 806 was ordered placed on the unfinished business file.

**Notice of Motion to Reconsider.**

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2400 was passed.

**Recess.**

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Hon. George J. Hatfield, President of the Senate in the chair.

Secretary Joseph A. Beek at the desk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 806—An act to amend sections 4, 8, 9, 12, 25, 33, 38, 39, 42, 49, 67, 78, 83, 85a, 86 and 108 of, and to add sections 10, 75a, and 85b to an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for members of the State of California, and make an appropriation therefor," approved June 15, 1934, relating to retirement of employees of the University of California and making an appropriation therefor;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 604—An act to amend an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tidelands described in the above-mentioned act.

Senate Bill No. 770—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco;



Senate Bill No. 1154—An act to add section 154.5 to the Political Code, relating to disbursing officers' accounts;  
And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 238—An act to amend section 1032 of the Military and Veterans Code, and making an appropriation, relating to the Veterans Home of California;

Assembly Bill No. 586—An act to provide additional land and buildings for the use of the San Francisco State College and making an appropriation therefor;

Assembly Bill No. 655—An act to add section 4.5 to an act entitled "An act to define personal property breakers and regulate their charges and business," approved April 16, 1909, relating to interest and charges;

Assembly Bill No. 658—An act relating to rates of interest;

Assembly Bill No. 838—An act to regulate delivery of uncooked or uncured meat to any establishment for resale at retail, and providing a penalty for the violation hereof;

Assembly Bill No. 851—An act making an appropriation for the purchase of real property for the San Jose State College;

Assembly Bill No. 863—An act to amend sections 182, 630, 631 and 691 of the Agricultural Code, relating to dairies and dairy products;

Assembly Bill No. 1071—An act making an appropriation for major construction and equipment at California School for the Deaf at Berkeley;

Assembly Bill No. 1635—An act to amend section 602 of the Penal Code, relating to trespass.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 238 read first time, and referred to Committee on Finance.

Assembly Bill No. 586 read first time, and referred to Committee on Finance.

Assembly Bill No. 655 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 658 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 838 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 851 read first time, and referred to Committee on Finance.

Assembly Bill No. 863 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1071 read first time, and referred to Committee on Finance.

Assembly Bill No. 1635 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1642—An act to amend the Political Code by adding thereto a new section, to be numbered 1041a, relating to the leasing of public parks acquired by special assessment, for the production of oil and gas and for the application of royalty payments to the redemption of bonds issued to acquire such parks and for the other disposition of such royalty;

Assembly Bill No. 1265—An act to revise an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties

and compensation, to define offenses committed by acts here necessary to the provisions of this act, and providing penalties for the creation thereof, providing for the revocation or suspension, in certain cases, of license issued hereunder, and to repeal an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 26, 1926, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, as amended, relating to the practice of veterinary medicine and surgery, and regulating acts and parts of acts specified herein.

Assembly Bill No. 1284—An act to amend section 4372 of the School Code, relating to the approval of residence and other means to select district funds.

Assembly Bill No. 1287—An act to add Article 4 to Chapter 15 of Division IV of the Agricultural Code, relating to the marketing and distribution of fluid milk and fluid cream.

Assembly Bill No. 1876—An act to provide for the construction, maintenance and equipment of buildings for employing adults and adults interested for children of migratory laborers, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1612 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 1265 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1284 read first time, and referred to Committee on Education.

Assembly Bill No. 1287 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 1876 read first time, and referred to Committee on Finance.

ASSEMBLY CALLED FOR SENATE, MAY 18, 1937.

MR. PRESIDENT: I am directed to inform your excellency that the Assembly on this day passed:

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California and to govern the manner in which the marketing of agricultural crops produced in the State of California, and to more fully creating an Agricultural Prices Commission, providing for the appointment of members of such commission, fixing the term of office of the members of such commission, prescribing the powers, duties and authority of such commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops," approved June 1, 1934, as amended by sections 2, 8, 9, 10, 13, 18, 19, 21, 22 and 23, by substituting the committee and enforcement of agricultural proration programs, and to declare the urgency of this act, and that this act shall take effect immediately.

Assembly Bill No. 1938—An act to amend sections 1, 2, 7 and 11 of the Motor Vehicle Fuel License Tax Act, and to add new new sections, to be numbered 4a and 4b, to said act, relating to the retention of license used in said act, the issuance of a license tax thereunder, the determination of taxable distributions of motor fuel, the refund of said license tax under certain conditions, the acquisition of property by the State because of nonpayment of said license tax and the disposition of such property.

Assembly Bill No. 2084—An act to amend section 7 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system, to establish and manage the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act, and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to fees for the use of State park areas.

Assembly Bill No. 2179—An act to provide for the payment of consultation commissioners.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1824 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 1908 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2084 read first time, and referred to Committee on Finance.

Assembly Bill No. 2179 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2502—An act making an appropriation for the support of the Division of State Employment Agencies in the State Department of Employment, to take effect immediately;

Assembly Bill No. 2702—An act to add section 37 to the Fish and Game Code, relating to the preservation of fish and game;

Assembly Bill No. 2770—An act to add section 607ff to the Civil Code, relating to prevention of cruelty to animals;

Assembly Bill No. 2802—An act providing for the compilation of, printing, binding, publishing and distribution of a legislative manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein;

Assembly Bill No. 2809—An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled "An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof," approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2502 read first time, and referred to Committee on Finance.

Assembly Bill No. 2702 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2770 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 2802 read first time, and referred to Committee on Rules.

Assembly Bill No. 2809 read first time, and referred to Committee on Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2880—An act making an appropriation for additional support of the Department of Natural Resources, to take effect immediately;

Assembly Bill No. 2883—An act to make an appropriation for construction and improvements at Santa Barbara State College;

Assembly Bill No. 2887—An act making an appropriation to the Department of Finance for construction, reconstruction, repairs, improvements, equipment and furnishings in the State Capitol and the State office buildings in the city of Sacramento;

Assembly Bill No. 2792—An act to amend sections 28a, 65a, 65d, 83a and 100 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor;

Assembly Bill No. 1070—An act to amend section 2237 of the Political Code, relating to the establishment of an advanced vocational school in conjunction with



the California School for the Deaf at Berkeley, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2880 read first time and referred to Committee on Finance.

Assembly Bill No. 2883 read first time and referred to Committee on Finance.

Assembly Bill No. 2887 read first time, and referred to Committee on Finance.

Assembly Bill No. 2792 read first time and referred to Committee on Civil Service.

Assembly Bill No. 1070 read first time and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1875—An act to amend section 1018, An act to provide for needy blind persons; not creation of new institutions committed to effect in 1937 by this State or any of its political subdivisions, relating to superintendence, transfer and prescribing penalties for the violation of the provisions of this act, approved May 28, 1929, or to amend sections 2087 et. seq. and sections 2087.1, 2087.2 and 2087.3 to the Welfare and Institutions Code, relating thereto, so the said act, this act to take effect immediately.

Assembly Bill No. 98—An act to amend section 2283, and to repeal sections 2284, 2287 and 2288 et. seq. and sections 2284 et. seq. of the Probation Code, or to amend sections 1503, 1518, 1519 and 1520 et. seq. of the Welfare and Institutions Code, relating to secure, orphan, half-orphan and abandoned children, including the original transfer and passing that it shall take effect immediately.

Assembly Bill No. 524—An act to amend section 45 of the Old Age Security Act of the State of California, approved May 8, 1929 or sections 2186, 2187, 2188 and 2189 of the Welfare and Institutions Code, relating thereto, so the said act to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 133—An act to add Chapter 5, comprising sections 2000 to 2496 inclusive, to Division II and to add section 20003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein:

Senate Bill No. 288—An act to add Chapter 6, comprising sections 2700 to 2784 inclusive, to Division II and to add section 20004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein:

Senate Bill No. 7—An act to repeal sections 2224, 2225, 2226, 2227 and 2228 of the Welfare and Institutions Code and to amend section 4 of the Old Age Security Act of the State of California or to add section 2223 to the Welfare and Institutions Code, relating to aid to the aged:

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 133, 288 and 7 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:



Senate Concurrent Resolution No. 46—Relative to the appointment of a joint legislative committee to attend the dedicatory ceremonies in connection with the opening of the "Carmel-San Simeon Highway."

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 46 ordered to enrollment.

### **Consideration of Daily File—(Resumed).**

### **Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1053**—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1933.

#### **Amendment from the Floor.**

During third reading of Senate Bill No. 1053, the following amendment, offered by Senator Pierovich, was read and adopted:

#### **Amendment No. 1.**

On page 2 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert in lieu thereof the following: "be a bona fide organization, and the name".

Bill read, ordered to reprint, and re-referred to Committee on Judiciary.

### **Unfinished Business—(Resumed).**

**Senate Bill No. 288**—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 288.

#### **Amendment No. 1.**

On page 3, line 1, of the printed bill, strike out "An accredited school of nursing is a school", and insert in lieu thereof the following: "A school of nursing and a training school for nurses are defined to be schools".

#### **Amendment No. 2.**

On page 3, line 19, of the printed bill, strike out "school of nursing", and insert in lieu thereof the following: "training school for nurses".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 288?

The roll was called, and Assembly amendments to Senate Bill No. 288 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Hohman, Jespersen, Keating, Keough, Knowland, McColl, McGovern, Olson, Parkman, Phillips, Powers, Seawell, Swing, Westover, and Young—24.

**NOES**—None.

Senate Bill No. 288 ordered to enrollment.

**Senate Bill No. 133**—An act to add Chapter 5, comprising sections 2000 to 2496, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice

of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 133.

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 27 to 32 inclusive and insert in lieu thereof the following:

"2004. There is a Board of Osteopathic Examiners of the State of California, established by the Osteopathic Act, which enforce the provisions of this chapter relating to persons holding or applying for certificates issued by the Board of Osteopathic Examiners under the Osteopathic Act."

##### Amendment No. 2.

On page 29 of the printed bill, strike out lines 45 to 52 inclusive and on page 30, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"Article 16. Provisions Inapplicable to the Board of Medical Examiners.

2400. The foregoing provisions of this chapter apply to the Board of Medical Examiners, and, so far as consistent with the Osteopathic Act, to the Board of Osteopathic Examiners. The provisions of this article are administered solely by the Board of Osteopathic Examiners."

##### Amendment No. 3.

On page 30, line 46 of the printed bill, after "certificates," insert the following: "An applicant for a physician's and surgeon's certificate under the provisions of this section is exempt from the provisions of section 2425.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 133?

The roll was called, and Assembly amendments to Senate Bill No. 133 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLay, Jones, Fletcher, Gordon, Hollister, Holohan, Jorgensen, Keating, Keough, Kinnaman, McCall, McGowan, Olson, Parkman, Phillips, Powers, Sewall, Swang, Westwater, and Young—24.

NOES—None.

Senate Bill No. 133 ordered to enrollment.

**Senate Bill No. 7**—An act to repeal sections 2224, 2225, 2226, 2227 and 2228 of the Welfare and Institutions Code and to amend section 4 of the Old Age Security Act of the State of California or to add section 2233 to the Welfare and Institutions Code, relating to aid to the aged.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 7.

##### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1, 2 and 3 of the title, and in line 4, strike out "Welfare Code", and insert in lieu thereof the following:

"An act to repeal sections 2224, 2225, 2226, 2227 and 2228 of the Welfare and Institutions Code and to amend section 4 of the Old Age Security Act of the State of California or to add section 2233 to the Welfare and Institutions Code".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, between lines 11 and 12, insert the following: "Any lien for aid to the aged heretofore acquired is hereby released."

##### Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out "and 2225", and insert in lieu thereof the following: ", 2225, 2226, 2227 and 2228".

##### Amendment No. 4.

On page 1 of the printed bill, as amended, after line 13, insert the following: "Sec. 3. Section 2233 is hereby added to the Welfare and Institutions Code, to read as follows:

2233. Any lien for aid to the aged heretofore acquired is hereby released.

SEC. 4. Section 1 of this act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second session of the Legislature.

SEC. 5. Section 3 of this act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second session of the Legislature."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 7?

The roll was called, and Assembly amendments to Senate Bill No. 7 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, McGill, McGovern, Olson, Parkman, Phillips, Powers, Schottky, Seawell, Swing, Tinkle, Westover, and Young—26.

NOES—None.

Senate Bill No. 7 ordered to enrollment.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Assembly Bills—(Resumed).

#### Assembly Constitutional Amendment No. 21.

A resolution proposing to the people of the State of California an amendment to the Constitution of said State by amending section 31 of Article VI thereof, relating to gifts to municipal corporations and the apportionment of funds out of the State treasury for county, city and county, city or other municipal purposes.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the houses voting therefor, hereby proposes to the people of the State of California that section 31 of Article IV, of the Constitution of the State of California be amended to read as follows:

Sec. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, or corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California Veterans' Welfare Bond Act of 1921 (Statutes of 1921, Chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of State bonds in the sum of \$10,000,000, for the purpose of creating a fund to carry out the provisions of the California Veterans' Welfare Act, providing land settlement for veterans (Statutes of 1921, Chapter 580), and the provisions of the "Veterans' Farm and Home Purchase Act," providing farm and home aid for veterans (Statutes of 1921, Chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such Veterans' Welfare Bond Act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall



not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty in making such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are not lawfully expended through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, district, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed \$5 per cent of the funds received by said political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be repaid from the taxes according to such political subdivision before any other indebtedness of such political subdivision is repaid from such taxes.

And provided further, that the roll in Graceland at Los Angeles County, when authorized so to do, be a part of the water district owned by said county held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the expiration of this amendment, for the replacement of water mains to the extent of any amount expended for the project or assessed at the time said payment is so authorized; and that no statute of limitations shall apply in any manner.

And provided further that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have power by general and uniform laws to provide for the apportionment of funds out of the State Treasury for county, city and county, city or other municipal purposes.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 21 adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Hobbs, Jaspersen, Keating, Kneigh, Knowlton, Lewis, McGovern, Olson, Parkman, Phillips, Powers, Quinn, Schettky, Swang, Tickle, Wagy, Westover, and Young—28.

**NOES**—None.

Assembly Constitutional Amendment No. 21 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At two o'clock and forty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 2829**—An act to add section 5a to the California Water District Act, relating to assessments for the redemption of bonds.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2829 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hobbs, Jaspersen, Keating, Kneigh, Knowlton, Lewis, McGovern, Metzger, Olson, Parkman, Phillips, Powers, Rich, Schettky, Swang, Tickle, Wagy, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2829 ordered transmitted to the Assembly.

**Assembly Bill No. 2662**—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in districts 15 and 16.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 2662 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2662 ordered transmitted to the Assembly.

**Assembly Bill No. 2345**—An act to amend section 1343 of the Fish and Game Code, relating to seals and sea lions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2345 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Young—29.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 2345 ordered transmitted to the Assembly.

**Assembly Bill No. 1014**—An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, to delete the provision declaring artificially colored canned tomatoes or tomato products adulterated, this act to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the State Constitution and shall therefore go into effect immediately.

The facts constituting this necessity are as follows: The present tomato crop is unusually large, and the growers will not be able to dispose of it nor the canners purchase it, unless some step is taken to widen the market by permitting the artificial coloring of canned tomatoes and tomato products to be sold outside of the State. Unless this act goes into effect immediately, the present tomato crop, due to its perishable nature, can not be sold to the wider market which is created by this act, resulting in a great loss to the farmers of this State.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Waggy, Westover, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1014 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Piorovich, Quinn, Rich, Schottky, Swing, Wagy, Westover, and Young—28.

**NOES**—Senators Seawell, and Tickle—2.

Title read and approved.

Assembly Bill No. 1014 ordered transmitted to the Assembly.

**Assembly Bill No. 1683**—An act to add section 2263 to the Political Code, relating to courses in social service in the California School for the Blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1683 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Tickle, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1683 ordered transmitted to the Assembly.

**Assembly Bill No. 1500**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income, to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1500, amendments offered by Senator McBride, were read and withdrawn.

#### Urgency Clause.

**SEC. 25. Emergency.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic and social condition in this State. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—Senators Hays, and Schottky—2.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1500 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—Senators Crittenden, Hays, Rich, and Schottky—4.

Title read and approved.

Assembly Bill No. 1500 ordered transmitted to the Assembly.

**Assembly Bill No. 1573**—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read third time.

#### Urgency Clause.

**SEC. 10. Emergency.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic and social condition in this State. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise cannot be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

**NOES**—Senator Hays—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1573 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deneil, Fletcher, Garrison, Hollister, Holohan, Keating, Keough, Kneeland, Law, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

**NOES**—Senators Crittenden, Hays, and Rich—3.

Title read and approved.

Assembly Bill No. 1573 ordered transmitted to the Assembly.

**Assembly Bill No. 1678**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 5.** This act is hereby declared to be an urgent measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such emergency is as follows:

Unemployment and the existence of needy, homeless and destitute families are immediate threats to the preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution. The immediate adoption of this act will enable needy housing projects to be undertaken in this STATE which otherwise can not be financed at this time. This development and construction will furnish employment to needy persons, thereby, and enable them to become self-supporting and will alleviate the distressed housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hollister, Holohan, Jorgensen, Keating, Keough, Kneeland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—Senator Hays—1.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names.

Senators Allen, Crittenden, Cunningham, DeLap, Deneil, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Keough, Kneeland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

The Secretary announced the absentees.

Time, four o'clock and thirty-two minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.



**Proceedings Under Call of the Senate.  
Notice of Motion to Reconsider.**

Senator Quinn gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1054 was refused passage.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2614**—An act to amend section 1054a of the Code of Civil Procedure, relating to cash deposits in lieu of undertakings in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2614 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2614 ordered transmitted to the Assembly.

**Assembly Bill No. 2616**—An act to amend section 2969 of the Civil Code, relating to the levy on chattel mortgaged property under writs of attachment and execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2616 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2616 ordered transmitted to the Assembly.

**Assembly Bill No. 2610**—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims to property levied upon under writs of execution and attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2610 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2610 ordered transmitted to the Assembly.

**Assembly Bill No. 2612**—An act to add a new section to Chapter I of Title X of Part II of the Code of Civil Procedure, to be numbered 730, and relating to sales by sheriffs under mortgage foreclosures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2612 passed by the following vote:

AYES—Senators Allen, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Kneugh, Kneut and McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Phoenix, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagv, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2612 ordered transmitted to the Assembly.

**Assembly Bill No. 1598**—An act to add section 11545 to the Fish and Game Code, relating to trap guns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1598 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Kneugh, Kneut and McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Phoenix, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagv, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1598 ordered transmitted to the Assembly.

**Assembly Bill No. 1858**—An act to repeal sections 980 and 981 and to amend section 1029 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1858 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Kneugh, Kneut and Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Phoenix, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagv, Westover, Williams, and Young—33.

NOES—Senators Hays and Rich—2.

Title read and approved.

Assembly Bill No. 1858 ordered transmitted to the Assembly.

**Assembly Bill No. 1940**—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1940 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1940 ordered transmitted to the Assembly.

**Assembly Bill No. 2505**—An act to amend section 1 of an act entitled "An act authorizing and requiring boards of commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations of members of fire departments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2505 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2505 ordered transmitted to the Assembly.

#### Senator Knowland in the Chair.

At five o'clock p.m., Senator Knowland of the sixteenth district was called to the chair.

#### Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and one minute p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and Assembly Bill No. 1678 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, Westover, and Young—31.

**NOES**—Senators Crittenden, Gordon, Hays, Rich, Schottky, Wagy, and Williams—7.

Title read and approved.

Assembly Bill No. 1678 ordered transmitted to the Assembly.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1501**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain and to provide that this shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic condition in this State. The

immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforementioned housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dodel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBrink, McColl, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Senwell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—Senator Hays—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1501 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Dodel, Fletcher, Garrison, Hollister, Holohan, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielson, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Senwell, Slater, Tickle, Wagy, Westover, and Young—28.

NOES—Senators Crittender, Hays, Rich, and Schreyer—4.

Title read and approved.

Assembly Bill No. 1501 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Tickle:

SENATE CHAMBER, SACRAMENTO, MAY 19, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill the title of which is set forth below.

An act to amend section 161 of the Military and Veterans Code, relating to The Adjutant General.

Respectfully submitted.

SENATOR TICKLE.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 19, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Tickle to introduce a bill entitled

An act to amend section 161 of the Military and Veterans Code, relating to The Adjutant General;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman  
TICKLE  
KNOWLAND  
McCOLL

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dodel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law,



McBride, McColl, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Williams—34  
NOES—None.

### **Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1161:** By Senator Tickle—An act to amend section 161 of the Military and Veterans Code, relating to The Adjutant General.

Senate Bill No. 1161 read first time, and referred to Committee on Military Affairs.

### **Special Order.**

Senator Phillips moved that Assembly Bill No. 2149 be made a special order for Thursday, May 20, 1937, at two o'clock and thirty minutes p.m.

Motion carried, and such was the order.

### **Withdrawal and Re-reference of Assembly Bill No. 1261.**

Senator McGovern moved that Assembly Bill No. 1261 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

### **Recess.**

At five o'clock and nineteen minutes p.m., on motion of Senator Rich, the acting President of the Senate declared recess until nine o'clock p.m.

### **Reconvened.**

At nine o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator McGovern:

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to the mediation and settlement of labor disputes, creating the California Labor Mediation Board, defining its powers and duties, and making an appropriation.

Respectfully submitted.

SENATOR MCGOVERN.

Request referred to Committee on Rules.

### **Consideration of Daily File—(Resumed).**

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 303**—An act to amend section 3653.5 Political Code, relating to records of the assessor being open to inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Senator DeLap moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Knowland, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Slater, Tickle, Wang, Westover, and Young—21.

The Secretary announced the absentees.

Time, nine o'clock and seven minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1228**—An act to amend sections 510, 511, 512, 513, 515 and 593 of the Agricultural Code, relating to ice cream and similar frozen products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1228 passed by the following vote:

**AYES**—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Knowland, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schotky, Slater, Wang, Tickle, Wang, Westover, and Young—22.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1228 ordered transmitted to the Assembly.

**Assembly Bill No. 2405**—An act amending section 4243 of the Political Code, relating to salaries and compensation of officers in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2405 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keating, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pasovich, Quinn, Rich, Schotky, Slater, Wang, Tickle, Wang, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2405 ordered transmitted to the Assembly.

**Assembly Bill No. 1748**—An act to amend section 471 of the Agricultural Code, relating to definitions of milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1748 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McBride, McColl, Metzger,

Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—29.  
NOES—None.

Title read and approved.

Assembly Bill No. 1748 ordered transmitted to the Assembly.

**Assembly Bill No. 2801**—An act to add section 59a to, and to amend sections 62, 63 and 64 of, the Improvement Act of 1911, relating to bonds and assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2801 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Title read and approved.

Assembly Bill No. 2801 ordered transmitted to the Assembly.

**Assembly Bill No. 2014**—An act to add a new section to the School Code, to be numbered 5.507, relating to employees in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2014 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.  
NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2014 ordered transmitted to the Assembly.

**Assembly Bill No. 1869**—An act to amend the School Code by amending section 2.860 relating to the holding of trustees' meetings by the county superintendent of schools.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1869, amendments offered by Senator Olson, were read and withdrawn.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1869 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.  
NOES—None.

NOES—None.

Assembly Bill No. 1869 ordered transmitted to the Assembly.

**Assembly Bill No. 1123**—An act to amend sections 3.330, 3.331, 3.332, 3.334, 3.335, 3.336, 3.337 and 3.338 of the School Code, relating to high

school students residing in this State and attending high school in an adjoining State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1123 passed by the following vote:

AYES—Senators Allen, Bigger, Crenshaw, DeLay, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kneeland, Lee, McBride, McCall, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pienovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—45.

NOES—None.

Title read and approved.

Assembly Bill No. 1123 ordered transmitted to the Assembly.

**Assembly Bill No. 135**—An act expressing assent by the State of California to the provisions and purpose of an act passed by the Congress of the United States entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges," approved June 29, 1935, and to authorize and empower the Regents of the University of California to receive all grants of money appropriated under the said above entitled act of the Congress of the United States, and to apply, use and expend said grants of money for the purposes and in accordance with the terms, conditions, and requirements set forth in the act of the Congress aforesaid.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 passed by the following vote:

AYES—Senators Allen, Bigger, Crenshaw, DeLay, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Keating, Kneeland, Lee, McBride, McCall, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pienovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—45.

NOES—None.

Title read and approved.

Assembly Bill No. 135 ordered transmitted to the Assembly.

**Assembly Bill No. 1034**—An act to add a new article to Chapter I of Part 1 of Division 1 of the School Code to be known as Article VII, embracing section 155, relating to the participation of pupils in public exhibitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 passed by the following vote:

AYES—Senators Allen, Bigger, Crenshaw, DeLay, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Kneeland, McBride, Metzger, Mixer, Parkman, Phillips, Pienovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagz, Westover, Williams, and Young—30.

NOES—Senator Holahan—1.

Title read and approved.

Assembly Bill No. 1034 ordered transmitted to the Assembly.



**Assembly Bill No. 2183**—An act to amend the School Code by adding thereto three new sections, to be numbered 2.973, 2.974, and 2.975, relating to the election and recall of members of city boards of education, the cost and expense of such elections, and for the consolidation of such elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2183 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2183 ordered transmitted to the Assembly.

**Assembly Bill No. 1626**—An act to add a new section to the School Code to be numbered 5.736, relating to the teaching force of the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1626 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1626 ordered transmitted to the Assembly.

**Assembly Bill No. 695**—An act to amend section 1.513 of the School Code, relating to punishment for failure to report deaf children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 695 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

**Assembly Bill No. 1628**—An act to amend section 4.280 of the School Code, relating to the financial support of the public school system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1628 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holdham, Jepsen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piersovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young. 35  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1628 ordered transmitted to the Assembly.

**Assembly Bill No. 2269**—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929, to repeal School Code section 6470 3, to amend section 6474 of the School Code; and to add to Chapter VI of Part II of Division VI of the School Code a new article to be known as Article Ia, all relating to the purchase of supplies and equipment for school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2269 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holdham, Jepsen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piersovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young. 35  
**NOES**—None.

Title read and approved.

Assembly Bill No. 2269 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator DeLap.

The names of the absentees were called, and Assembly Bill No. 303 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jepsen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Piersovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—34.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 303 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1879**—An act relating to the Department of Social Welfare, and its organization, powers, duties, and jurisdiction, repealing Chapter 1 of Division 1 of the Welfare and Institutions Code, embracing sections 100 to 116, inclusive, thereof, and adding a new Chapter 1 to said division, embracing sections 100 to 123, inclusive.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1879 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—Senators Allen, McGovern, and Schottky—3.

Title read and approved.

Assembly Bill No. 1879 ordered transmitted to the Assembly.

**Assembly Bill No. 1021**—An act to add sections 56.4 and 56.6 to the Alcoholic Beverage Control Act, relating to bartenders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1021 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McGovern, Mixer, Nielsen, Phillips, Quinn, Seawell, Slater, Swing, Westover, Williams, and Young—24.

**NOES**—Senators Cunningham, Gordon, Law, McBride, Metzger, Parkman, Pierovich, Powers, Rich, Schottky, and Tickle—11.

Title read and approved.

Assembly Bill No. 1021 ordered transmitted to the Assembly.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 3, the following amendments, offered by Senator Crittenden, were read and adopted:

##### Amendment No. 1.

On page 5, line 14, of the printed bill, as amended May 14, 1937, after the word "faith", insert the following: "in a retail transaction and sale".

##### Amendment No. 2.

On page 5, line 15, of the printed bill, as amended May 14, 1937, strike out "an", and insert in lieu thereof the word "same".

##### Amendment No. 3.

On page 5, line 17, of the printed bill, as amended May 14, 1937, strike out the period, and add the following: "; or in an endeavor made in good faith by a manufacturer, wholesaler or any person in a transaction and sale to a wholesaler or retailer for resale to meet the legal prices of a competitor selling the same or a similar, comparable or kindred article or product, in the same locality or trade area and in the ordinary channels of trade as herein defined."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2498**—An act to amend sections 12 and 54 of, and to repeal sections 14 and 53 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 237, the following amendments, offered by Senator Knowland, were read and adopted:

##### Amendment No. 1.

On page 2, line 15, of the printed bill, as amended, strike out "to", and insert in lieu thereof the following: "for".

**Amendment No. 2.**

On page 2, line 16, of the printed bill, as amended, strike out "for," and insert in lieu thereof the following: "with respect to".

**Amendment No. 3.**

On page 2, line 21, of the printed bill, as amended, strike out "or partial".

**Amendment No. 4.**

On page 2, lines 23 and 24, of the printed bill, as amended, after "registered" insert the following: "as unemployed and".

**Amendment No. 5.**

On page 2 of the printed bill, as amended, strike out lines 25, 26 and 27, to insert:

**Amendment No. 6.**

On page 2, line 31, of the printed bill, as amended, strike out "possession", and insert in lieu thereof the following: "benefit".

**Amendment No. 7.**

On page 2, line 31, of the printed bill, as amended, strike out "such partial employ", and strike out lines 32 to 34, hereafter, and insert in lieu thereof the following: "partial unemployment. No waiting period shall be required of any individual claiming benefits for partial unemployment."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1515.**—An act to add sections 3, 101.5 and 101.6 to, amend sections 61, 65, 66, 67, 68, 69, 70, 71, 96 and 100 of, and to repeal section 50 of Article V of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1515, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 1, line 14, of the printed bill, as amended, strike out the first "unemployment", and insert in lieu thereof the following: "benefit".

**Amendment No. 2.**

On page 1, line 16, of the printed bill, as amended, strike out the comma.

**Amendment No. 3.**

On page 2, line 17, of the printed bill, as amended, strike out "general".

**Amendment No. 4.**

On page 2, line 22, of the printed bill, as amended, strike out "from", and insert in lieu thereof the following: "for".

**Amendment No. 5.**

On page 3, line 9, of the printed bill, as amended, strike out "his", and insert in lieu thereof the following: "the claimant's".

**Amendment No. 6.**

On page 3, lines 12 and 13, of the printed bill, as amended, strike out "any other interested person", and insert in lieu thereof the following: "such other interested persons".

**Amendment No. 7.**

On page 3, line 28, of the printed bill, as amended, strike out "or any interested person", and insert in lieu thereof the following: "the claimant's most recent employer or any interested persons".

**Amendment No. 8.**

On page 4, line 1, of the printed bill, as amended, strike out "or order".

**Amendment No. 9.**

On page 4, lines 31 and 32, of the printed bill, as amended, strike out "or the commission," and in line 32, strike out "department," and insert in lieu thereof the following: "commission, or the commission,".



**Amendment No. 10.**

On page 5, line 27, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "of".

**Amendment No. 11.**

On page 6, line 32, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "or".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1518**—An act to add section 56.5 to, and to amend sections 13 and 56 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1518, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 3, line 9, of the printed bill, as amended, strike out "not".

**Amendment No. 2.**

On page 3, line 10, of the printed bill, as amended, strike out "at least two calendar quarters in his base", and strike out lines 11 to 15, inclusive, and insert in lieu thereof the following: "less than two calendar quarters in his base period, and in case any of such wages were earned in two, three or four such calendar quarters, if the total of such wages is less than one hundred fifty-six dollars, and in case such wages were earned in five or more such calendar quarters, if his average quarterly wage, as determined in section 58 of this act, is less than thirty-nine dollars."

Bill read, ordered to print, and on file for third reading.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McGovern to introduce a bill entitled:

An act relating to the mediation and settlement of labor disputes, creating the California Labor Mediation Board, defining its powers and duties, and making an appropriation;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
MCCOLL.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.  
NOES—None.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Bill No. 1162:** By Senator McGovern—An act relating to the mediation and settlement of labor disputes, creating the California

Labor Mediation Board, defining its powers and duties, and making an appropriation.

Senate Bill No. 1162 read first time, and referred to Committee on Labor and Capital.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 43—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the enforcement of this act and providing penalties for violating the provisions hereof;

Senate Bill No. 374—An act granting in trust to the City and County of San Francisco the interest of the State in said to, and the control and management of the harbor of San Francisco, as described in the act, providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds, fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor, providing for the continuation in service of employees and enrolling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire;

And reports that the same have been correctly re-engrossed.

KEOUGH, Chairman.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Live Stock and Dairying.

SENATE CHAMBER, SACRAMENTO, May 17, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 50—An act to amend sections 451, 458, 491 and 492 of, and to add section 4904 to, the Agricultural Code, relating to dairies and dairy products;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill do pass as amended.

Committee membership—9; committee vote: Ayes—9.

POWERS, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 473—An act to amend section 658 of the Fish and Game Code, relating to salmon;

Senate Bill No. 1153—An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C;

Assembly Bill No. 2136—An act to add section 240 to the Fish and Game Code, providing for and establishing a game refuge;

Assembly Bill No. 1436—An act to amend section 422 of the Fish and Game Code, relating to the distribution of licenses;

Assembly Bill No. 1179—An act to amend section 432.5 of the Fish and Game Code, relating to fee for boat owners transporting fishermen;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

MCCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1944—An act to add a new section to the Fish and Game Code to be known as section 840.5, relating to nets and lines;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Assembly Bill No. 2419—An act to amend section 2 of the Fish and Game Code, relating to definitions;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred: Senate Bill No. 700—An act to amend section 10 of the Fish and Game Code, relating to organization of the Fish and Game Commission;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

McCOLL, Chairman.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1378—An act to amend section 9 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, to repeal section 11 and to add a new section to be numbered 11 thereto, relating to taxation, providing for the appropriation of the moneys in the fund created by the act, and providing that this act shall take effect immediately;

Assembly Bill No. 506—An act to amend the title, and sections 1, 2, 3 and 5, and to repeal section 4, of an act entitled "An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property," approved March 13, 1903, as amended, to provide for suits for the collection of delinquent taxes and assessments due upon all property not a lien on real property, or not a lien on real property sufficient to secure payment thereof, together with all penalties thereon;

Assembly Bill No. 2868—An act to amend "An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately," approved August 7, 1933, by amending section 11, relating to the borrowing of money and the levy and collection of taxes to repay the same, and section 21, relating to the levy and collection of taxes, and to declare the urgency hereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 733—An act to amend section 3655 of the Political Code, relating to the assessment of property for taxes including rendering of statistical reports by county assessors;

Assembly Bill No. 2333—An act to amend section 3785 of the Political Code, relating to the execution in duplicate and recordation of tax deeds to the State;

Senate Bill No. 64—An act to amend sections 1 and 3 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote, Ayes—7, absent—2

KNOWLAND, Chairman

### On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 19, 1937

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 1788—An act to add sections 47.1, 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning land devoted to irrigation districts for delinquent irrigation district taxes or assessments.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote, Ayes—6, absent—1

MIXTER, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1937

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 2874—An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner, making its appropriation and authorizing contributions by certain agencies for the purpose of carrying out the provisions of the act, and creating the Colorado River fund.

Assembly Bill No. 189—An act providing for completion of investigation and report by Division of Water Resources, Department of Public Works on flood control, hydroelectric development and conservation and utilization of water supply of Salinas River Basin;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and that the same be re-referred to Committee on Finance.

Committee membership—7; committee vote, Ayes—6, absent—1

MIXTER, Chairman.

Assembly Bills Nos. 2873 and 189 ordered referred to Committee on Finance.

### On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 406—An act to amend section 330.17 of the Civil Code, relating to stock certificates;

Assembly Bill No. 1617—An act to amend sections 595, 596 and 605e of the Civil Code, relating to nonprofit corporations;

Assembly Bill No. 1645—An act to amend section 400 of the Civil Code of California, relating to the voluntary winding up and dissolution of corporations.

Assembly Bill No. 1646—An act to amend section 404 of the Civil Code, relating to the involuntary winding up and dissolution of corporation and appointment of provisional director thereof;

Assembly Bill No. 2853—An act to add section 347 to the Civil Code and to amend section 362 of the Civil Code, all relating to corporations;

Assembly Bill No. 2859—An act to amend sections 303, 304 and 312 of the Civil Code, relating to directors of corporations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

HOLLISTER, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1004—An act to amend section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine;

Assembly Bill No. 1005—An act to amend section 581 of the Business and Professions Code, relating to the unlawful use of any diploma, certificate or transcript necessary for the practice of a healing art;

Assembly Bill No. 1721—An act relating to the sale, disposition of, and control through licensing and otherwise, of prophylactics;

Assembly Bill No. 2732—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction,



occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging, and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 2733—An act to amend the title and sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments; providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, as amended, relating to clothes cleaning establishments;

Assembly Bill No. 1295—An act to regulate the trading in and cleaning of rugs and floor coverings; providing for the licensing of persons subject to the provisions of the act and providing for the enforcement of the act by the Department of Professional and Vocational Standards;

Assembly Bill No. 1258—An act to amend section 1678 of the Business and Professions Code, relating to the suspension and revocation of dental licenses;

Assembly Bill No. 1259—An act to amend section 1748 of the Business and Professions Code, relating to dental hygienists;

Assembly Bill No. 1260—An act to amend sections 1626 and 1635 of the Business and Professions Code, relating to the practice of dentistry;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1251—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors;

Assembly Bill No. 2847—An act to define cemetery brokers and cemetery salesmen; to provide for the regulation, supervision, examination and licensing thereof by the State Real Estate Division and the Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof, and making an appropriation therefor;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1253—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, mis-branding, advertising and sale of drugs, and devices and to the powers of the State Board of Public Health in relation thereto;  
Has had the same under consideration, and respectfully reports the same back

with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; noes—1; absent—1.

DE LAP, Chairman.

### On Agriculture.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 691—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Assembly Bill No. 1899—An act to add sections 1541 to 1546, inclusive, to the Agricultural Code, relating to the control of weed pests.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

CRITTENDEN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission, and the members thereof, providing for the institution of prorate programs with respect to agricultural crops, providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1934, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural prorate programs, and to declare the emergency of this act, and that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—5; absent—4.

CRITTENDEN, Chairman.

Assembly Bill No. 1824 ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 2058—An act to amend section 1144 of and to add sections 1143a, 1145a and 1145b to the Agricultural Code, relating to egg products and providing for the keeping and giving of information in reference thereto, regulating the delivery thereof from public warehouses, regulating the containers in which egg products are packed, providing for the seizure of egg products and food products manufactured using egg products, and providing an appropriation for the enforcement of Article IV of Chapter 8 of Division V of the Agricultural Code.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—5; absent—4.

CRITTENDEN, Chairman.

### On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred

Assembly Bill No. 2792—An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

YOUNG, Chairman.

**On Public Health and Quarantine.**

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1821—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

**On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1908—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, and to add two new sections, to be numbered 4a and 4b, to said act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of taxable distributions of motor vehicle fuel, the refund of said license tax under certain conditions, the acquisition of property by the State because of nonpayment of said license tax and the disposition of said property;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

**On Revision of Criminal Law and Procedure.**

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 395—An act to amend section 537e of the Penal Code, relating to the purchase or sale of manufactured articles from which identification marks have been removed;

Assembly Bill No. 479—An act to amend sections 1281a, 1305, and 1310 of the Penal Code and to add a new section to that code to be numbered 1280c, all relating to the powers and duties of a court, judge, or magistrate regarding bail; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 34—An act to amend section 737 of the Penal Code, relating to officers liable to impeachment;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1635—An act to amend section 602 of the Penal Code, relating to trespass;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

LAW, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 42—An act to amend section 330a of the Penal Code and to add a new section thereto to be numbered 330b, relating to gambling devices;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.



SENATE CHAMBER, SACRAMENTO, May 19, 1937.

**MR. PRESIDENT:** Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Senate Bill No. 985—An act to amend section 89 of the Penal Code of the State of California, relating to lobbying.

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—5; committee vote—Ayes—4, absent—1.

LA W, Chairman.

### Adjournment.

At eleven o'clock and seven minutes p.m., on motion of Senator Swing, the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, May 20, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk

### IN SENATE

SENATE CHAMBER.

SACRAMENTO, Thursday, May 20, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dend, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Kuryland, Law, McBride, McCall, McGovern, Metzger, Miner, Nissen, Olson, Packman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tinkle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Wednesday, May 19, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gus Fevert, Leo Ward, Kenneth Layman, and R. B. Moore, all of Crescent City.

On request of Senator Jaspersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Roy Young of Burlingame, and James Brown of Shandon.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter John Cascarart of Escondido.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lydia Raffetto, and Miss Teresa Hughes of Martinez.



On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Belle Donovan, President; Mrs. Kate Henny, Secretary; and Mrs. Carry L. Hoyt, Treasurer; members of the Woman's Relief Corps.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Josephine W. Duveneck, Director of the Peninsula School at Menlo Park, Mrs. Russell Lee and Mr. Thomas Crosthwaite, Teachers, and the following seventh and eighth grade students: Jim Allen, Elaine Barrett, Janet Chidester, Bernard Duveneck, Louise Catherine Daggett, Salvador Enriquez, Philip Lee, Henry Needham, Stephen Morrison, Margene Johnson, Jean Weed, Frank Wheeler, William Silverthorn, Muriel Helliwell, and Andre Putcamp.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Katherine Baker and Miss Margaret Baker of Tulsa, Oklahoma.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Euretta Grobe of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Luther Rice of Stockton.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

OUT AT SEA, MAY 20, 1937.

*Senator Herbert Slater, State Capitol,  
Sacramento, California.*

Fine trip. Weather warm. Regards to Senators.

THOMAS MCCORMACK.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2063—An act to add Article 2a to Chapter 1 of Division 1 of the Streets and Highways Code, embracing sections 85 to 93, inclusive, relating to the creation of a Bureau of Safety Engineering, and prescribing its powers and duties;

Assembly Bill No. 2593—An act to amend sections 5.720 and 5.750 of the School Code, relating to leaves of absence of persons employed in school districts requiring certification requirement;

Assembly Bill No. 2642—An act to amend sections 640, 641, 642, 645 and 646 of the Probate Code, relating to estates;

Assembly Bill No. 2830—An act to amend sections 2.1370 and 2.1371 of the School Code, relating to the State Board of Education

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2063 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2593 read first time, and referred to Committee on Education.

Assembly Bill No. 2642 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2830 read first time, and referred to Committee on Education.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 322.—An act authorizing and empowering any municipal corporation to which tidelands and submerged lands situated within the county limits have been, or may hereafter be, granted by the State of California, to grant or straighten a known dividing line or property line between said tidelands and submerged lands and lands abutting thereon (as to survey) lands and tidelands by agreement a dividing line or survey; and between said tidelands and submerged lands and lands abutting thereon where the dividing line or property line is unknown or uncertain, providing the tidelands, submerged lands, or other lands lying above or landward from said dividing line or (property) line are adjusted or straightened, or so surveyed, located and established by agreement are used for the purposes of navigation within the meaning of the present provisions of Article XV, section 3, of the Constitution and authorizing the filing of a petition in the superior court of the county where any portion of said lands are located to determine whether said lands are so used, dividing the said tidelands and submerged lands lying above or landward from said dividing line or property line so straightened or adjusted, or so surveyed, located and established by agreement, to be released from the trust for the public purposes of commerce, navigation and fishery, and all other trusts, conditions, limitations and restrictions imposed by the granting acts and authorizing the conveyance thereof to granting persons.

Assembly Bill No. 324.—An act to amend section 18 of the Inheritance Tax Act of 1935, relating to the levying of inheritance taxes.

Assembly Bill No. 432.—An act to add a new section to the Penal Code, to be numbered 1461, relating to taking, possession, and selling goods or explosives stolen, and prescribing penalties for violation of the provisions thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 322 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 354 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 432 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 60.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section 23 of, and adding sections 7.2 and 14.3 to, Article IV (Judicial), by amending section 11 of Article 5 I, and by amending section 5 of Article XI, relating to the legislative department of the State government, county government, and the salaries of judges and of county officers.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 60 read and referred to Committee on Constitutional Amendments.

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2897.—An act to define escrow companies and regulate them and their organization, business, and operation; to license escrow companies and provide for the revocation of licenses and provide for a license fee; to define and regulate the manner of doing business, regulate their officers, directors and employees; to prescribe their rights, powers, duties and liabilities; to require accounts, reports, audits, statements and to regulate their advertising; to provide for and define the duties of the Real Estate Commissioner and the Division of Real Estate, and any employees thereof, in respect thereto.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2897 read first time, and referred to Committee on Corporations and Financial Institutions.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council;

Assembly Concurrent Resolution No. 45—Relative to the appointment of a joint legislative committee to attend the dedicatory ceremonies in connection with the opening of the "Feather River Highway";

Assembly Bill No. 338—An act to add a new section to the Labor Code to be numbered 1682, relating to free employment bureaus;

Assembly Bill No. 1615—An act to amend sections 10 and 12 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, relating to the State Mining Bureau;

Assembly Bill No. 1647—An act to amend section 135d of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, relating to bank stock and the retirement thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1864—An act to amend sections 1205, 1357 and 1359 of the Political Code, relating to absentee voters and marking of ballots;

Assembly Bill No. 2025—An act relating to real estate subdivisions and the making and recording of maps, and granting limited powers to cities, cities and counties, and counties in connection therewith, making certain acts misdemeanors, prescribing penalties therefor, and repealing acts or portions of acts in conflict herewith;

Assembly Bill No. 2215—An act to authorize the Department of Finance to acquire, upon behalf and in the name of the State of California, by contract to purchase or otherwise, certain real property in the city of Sacramento, and to make the same available to agencies of the State;

Assembly Bill No. 2378—An act to add section 211.5 to the Labor Code, relating to deductions from wages or salary of employee and prescribing a penalty for violation thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

### Report.

The following report by the Senate Liquor Investigating Committee was received, read, and ordered printed in the Journal:

#### *To the Senate of the State of California.*

Your Committee on Liquor Investigations appointed pursuant to resolution of the Senate dated January 18th, 1937, beg leave to report that, subsequent thereto, a further study of the matters relating to the sale and disposal of alcoholic beverages was carried on by your committee which resulted in the drafting and submission to the Senate of Senate Bill No. 425, which has now been adopted by the Senate and is now pending in the Assembly.

Under the resolution authorizing such committee, the work was to be completed prior to the adjournment of the present Legislature, and it is the opinion of the committee that all work which such committee can do and perform in relation to said matters prior to such adjournment has been completed, and that such committee should be discharged, and that the unexpended balance made



available for the use of such committee should be returned to the Senate contingent fund.

It is the further opinion of the committee that much good could be done by a continuance of the study of the problems involved in the manufacture, sale and disposal of alcoholic beverages by an Interim Committee of the Senate, and we recommend that appropriate action be taken by the Senate prior to adjournment, looking to a further study of such matters. We submit herewith a resolution providing for the discharge of the committee and the restoration of the unexpended fund to the Senate contingent fund.

Respectfully submitted

HAROLD J. POWERS  
A. L. PITROVICH  
RALPH E. SWING  
ANDREW R. SCHOTTKY  
JOHN PHILLIPS  
Senate Liquor Investigating Committee

### Resolution.

The following resolution was offered:

By Committee on Liquor Investigation

*Resolved*, That the Committee on the Liquor Investigation, appointed pursuant to resolution adopted in the Senate on January 18, 1937, be discharged and that all unexpended funds heretofore made available for the use of such committee be immediately restored to the contingent fund of the Senate.

Resolution read, and on motion of Senator Schottky, adopted.

### Unfinished Business

#### Senate Constitutional Amendment No. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relative to the investigation and settlement of disputes between employers and employees.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California at its regular session commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XX thereof a new section to be numbered 23 and to read as follows:

Sec. 23. The Legislature may, by appropriate legislation:

(1) Provide for the investigation, hearing, and arbitration or arbitration of any or all disputes concerning employment, including hours of labor, rates of compensation for labor, rules, and working conditions.

(2) Confer upon any court or commission now or hereafter created jurisdiction concerning such matters; confer upon such court or commission powers that may include all judicial and administrative powers necessary or helpful to its proper functioning;

(3) Prescribe maximum hours of labor, maximum rates of compensation for labor, rules and working conditions, or delegate such authority to any court or commission now or hereafter created; and

(4) Create a court or commission to have jurisdiction over any or all matters designated in this section; provide for the appointment, terms of office, and compensation of the members of such court or commission, which terms of office shall not exceed 12 years.

Any act of the Legislature heretofore adopted concerning any matter specified in this section shall have the same force and effect as if the same had been passed after the adoption of this section.

Bill read.

The question being on the adoption of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Biggar moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.



The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McColl, Metzger, Mixter, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, and Westover—26.

The Secretary announced the absentees.

Time, ten o'clock and fifty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Unfinished Business—(Resumed).

**Assembly Bill No. 1245**—An act to amend sections 4, 6, 8, 9, 12, 13, 14, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 of, and to add a new section to be numbered 13(a) to, the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1245 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McColl, Metzger, Mixter, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, and Westover—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1245 ordered transmitted to the Assembly.

#### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Garrison moved to reconsider the vote whereby Assembly Bill No. 2392 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 2392 reconsidered by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McColl, McGovern, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—27.

**NOES**—None.

#### Reconsideration of Assembly Bill No. 2392.

**Assembly Bill No. 2392**—An act providing for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas, providing for the duration and terms of such franchises and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith.

#### Amendment from the Floor.

During the reading of Assembly Bill No. 2392, the following amendment, offered by Senator Garrison, was read and adopted:

#### Amendment No. 1.

On page 9, line 7, of the printed bill, as amended, following the comma after the word "State", insert the following: "and, as to State highways, subject to the provi-

sions of general laws relating to the location and maintenance of such facilities therein."

Bill read, ordered to print, and on file for third reading.

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Quinn moved to reconsider the vote whereby Senate Bill No. 1054 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Senate Bill No. 1054 refused consideration by the following vote:

AYES—Senators Allen, Garrison, Gordon, Hays, Holbrook, Nelson, Olson, Phillips, Quinn, Schottky, Slater, Wagon, and Westover—14.

NOES—Senators Biggar, Critchfield, Cunningham, DeLoe, Donald, Fletcher, Hester, Jespersen, Knight, Koppelman, Lee, McBrine, McGill, McGowan, Menger, Mixer, Parkman, Pomeroy, Powers, Rich, Seaton, Swing, Tucke, and Williams—24.

### Withdrawal from Committee of Assembly Bill No. 2403

Senator Mixer moved that Assembly Bill No. 2403 be withdrawn from Committee on Finance, and passed on file for third reading.

Motion carried, and such was the order.

### Further Proceedings Under Call of the Senate Dispensed With

At eleven o'clock and twenty-eight minutes a. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Biggar.

The names of the absentees were called, and Senate Constitutional Amendment No. 11 adopted by the following vote:

AYES—Senators Allen, Biggar, Critchfield, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gordon, Hays, Holbrook, Hutton, Jespersen, Knight, Koppelman, Lee, McBrine, McGill, Menger, Mixer, Nelson, Phillips, Pomeroy, Powers, Schottky, Seaton, Slater, Swing, Westover, and Williams—40.

NOES—Senators Olson, Parkman, and Rice—3.

Senate Constitutional Amendment No. 11 ordered transmitted to the Assembly.

### Consideration of Daily File.

### Second Reading of Senate Bills.

**Senate Bill No. 1153**—An act to amend section 162 of the Fish and Game Code, relating to fish and game district 40.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 700**—An act to amend section 10 of the Fish and Game Code, relating to organization of the Fish and Game Commission.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 700 was read and adopted:

#### Amendment No. 1.

On page 1, line 2, of the printed bill, after the words "as follows", insert the following:

"10. There shall be a Division of Fish and Game in the Department of Natural Resources, which division shall be administered through a Fish and Game Commission consisting of five members appointed by and holding office at the pleasure of the Governor. Representatives of sports, recreational, and commercial fishing interests shall not be disqualified from appointment of said commission. The Director of the Department of Natural Resources shall act in an advisory capacity

to the Fish and Game Commission subject to the provisions of this code, and shall make recommendations from time to time to the Governor for the improvement of the Division of Fish and Game."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

**Senate Bill No. 733**—An act to amend section 3655 of the Political Code, relating to the assessment of property for taxes including rendering of statistical reports by county assessors.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 733 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "3655", and insert in lieu thereof the following: "3607".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "the assessment of", and strike out all of lines 3, 4, and 5 of the title, and insert in lieu thereof the following: "property subject to taxation".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 3607 of the Political Code is hereby amended to read as follows:

3607. All property in this State, not exempt under the laws of the United States, excepting date palms under the age of eight years old from the time of planting in orchard form and fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grape vines under the age of three years from the time of planting in vineyard form, growing crops, whether annual or biennial, property used exclusively for public schools, free public libraries, and free museums, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, is subject to taxation, as in this code provided; but nothing in this code shall be construed to require or permit double taxation."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 64**—An act to amend sections 1 and 3 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 64 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "sections 1 and 3 of the motor vehicle", and insert in lieu thereof "section 18 of the Use".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "License".

**Amendment No. 3.**

On page 1, line 2 of the title of the printed bill, after "Act", insert "of 1937".

**Amendment No. 4.**

On page 1, line 2 of the title of the printed bill, strike out "taxation of Diesel fuel"; strike out all of line 3 of said title, and insert in lieu thereof "the disposition of moneys received in pursuance of the provisions of said act."

**Amendment No. 5.**

On page 1, line 1, of the printed bill, after "SECTION 1. Section", strike out "1", and insert in lieu thereof "18".

**Amendment No. 8.**

On page 1 of the printed bill, strike out all of lines 2 to 27, both inclusive, strike out all of pages 2 and 3, and insert in lieu thereof the following:

"SEC. 18. All moneys received by the board in pursuance of the provisions of this act shall be transmitted to the State Treasurer and deposited in the State treasury to the credit of the motor vehicle fuel fund. Copies of the schedules covering such transmissions shall be furnished at the same time to the State Controller. Moneys so deposited in and from shall be drawn therefrom upon order of the State Controller for the purpose of making refunds hereunder or shall be used to meet other appropriations against such fund."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 406**—An act to amend section 230.17 of the Civil Code, relating to stock certificates.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 42**—An act to amend section 330a of the Penal Code and to add a new section thereto to be numbered 330b, relating to gambling devices.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 985**—An act to amend section 82 of the Penal Code of the State of California, relating to lobbying.

Bill read second time, ordered to engrossment, and on file for third reading.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 50**—An act to amend sections 431, 458, 491 and 492 of, and to add section 490.4 to, the Agricultural Code, relating to dairies and dairy products.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Live Stock and Dairying, the following amendments to Assembly Bill No. 50 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after the word "of", strike out the words: ", and to add section 490.4 to,".

**Amendment No. 2.**

On page 2, line 25, of the printed bill, as amended, after the word "serious", insert the following: "and said employees shall take and successfully pass said examinations to determine their fitness as shall be established by the committee, the conduct of which examinations are hereby authorized."

**Amendment No. 3.**

On page 2, line 30, of the printed bill, as amended, after the word "commission", insert the following: "no examination by the director" shall be required provided, however,".

**Amendment No. 4.**

On page 2, line 44, of the printed bill, as amended, after the word "ordinances", insert the following: ", not in conflict with the provisions of this division."

**Amendment No. 5.**

On page 2, line 46, of the printed bill, as amended, strike out the words "of the consent of said", and strike out all of line 47, and insert in lieu thereof the following: "provided that a permit in accordance with section 492 has been previously obtained from such other milk inspection service."

**Amendment No. 6.**

On page 3 of the printed bill, as amended, strike out all of lines 1 to 9, inclusive.

Bill read second time, ordered to print, and on file for third reading.



**Assembly Bill No. 473**—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2136**—An act to amend section 64 of the Fish and Game Code, relating to fish and game districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1436**—An act to amend sections 422 and 423 of the Fish and Game Code, relating to the distribution of licenses.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1179**—An act to amend section 432.5 of the Fish and Game Code, relating to fee for boat owners transporting fishermen.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1944**—An act to add a new section to the Fish and Game Code to be known as section 840.5, relating to nets and lines.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2419**—An act to amend section 2 of the Fish and Game Code, relating to definitions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2419 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, after line 12, insert the following:

"p. "Chumming" means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1378**—An act to amend section 9 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, to repeal section 11 and to add a new section to be numbered 11 thereto, relating to taxation, providing for the appropriation of the moneys in the fund created by the act, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 566**—An act to amend the title, and sections 1, 2, 3 and 5, and to repeal section 4, of an act entitled "An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property," approved March 13, 1903, as amended, to provide for suits for the collection of delinquent taxes and assessments due upon all property not a lien on real property, or not a lien on real property sufficient to secure payment thereof, together with all penalties thereon.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2868**—An act to amend "An act providing for the incorporation, government, and management of regional water districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation, providing for the management and government of such districts, authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act" and providing for the powers of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers, and providing that this act shall take effect immediately. Approved August 7, 1936, by amending section 11, relating to the borrowing of money and the levy and collection of taxes to repay the same, and section 21 relating to the levy and collection of taxes, and to declare the emergency thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2333**—An act to amend section 3785 of the Political Code, relating to the execution in duplicate and recordation of tax deeds to the State.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Assembly Bill No. 2333 was read and adopted:

**Amendment No. 1.**

On page 2, line 13, of the printed bill, after the words "and of", strike out "[all]".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1788**—An act to add sections 471, 481 and 482 to the California Irrigation District Act, relating to actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1617**—An act to amend sections 595, 596 and 606 of the Civil Code, relating to nonprofit corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1645**—An act to amend section 400 of the Civil Code of California, relating to the voluntary winding up and dissolution of corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1646**—An act to amend section 404 of the Civil Code, relating to the involuntary winding up and dissolution of corporation and appointment of provisional director thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2853**—An act to add section 347 to the Civil Code and to amend section 362 of the Civil Code, all relating to corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2859**—An act to amend sections 303, 304 and 312 of the Civil Code, relating to directors of corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1004**—An act to amend section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1005**—An act to amend section 581 of the Business and Professions Code, relating to the unlawful use of any diploma, certificate or transcript necessary for the practice of a healing art.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1721**—An act relating to the sale, disposition of, and control through licensing and otherwise, of prophylactics.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2732**—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Division of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, as amended, relating to cleaning and dyeing.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2733**—An act to amend the title and sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, as amended, relating to clothes cleaning establishments.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1295**—An act to regulate the trading in and cleaning of rugs and floor coverings; providing for the licensing of persons subject to the provisions of the act and providing for the enforcement of the act by the Department of Professional and Vocational Standards.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1258**—An act to amend section 1678 of the Business and Professions Code, relating to the suspension and revocation of dental licenses.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1260**—An act to amend sections 1626 and 1635 of the Business and Professions Code, relating to the practice of dentistry.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1251**—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the mate-



rials from which food is prepared or the finished product is handled, providing for the inspection of such places, persons and things, declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same, making violations of this act misdemeanors, and providing for the punishment of the same," approved March 6, 1929, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2847.** An act to define cemetery brokers and cemetery salesmen, to provide for the regulation, supervision, examination and licensing thereof by the State Real Estate Division and the Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1253.**—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19, and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1253 were read and adopted:

##### Amendment No. 1.

On page 3, line 18, of the entitled act, as amended, strike out "or label or advertising", and insert in lieu thereof the following: "or pamphlet"

##### Amendment No. 2.

On page 3, lines 48 and 49, of the entitled bill, as amended, strike out "and abuse, cancer, diabetes, heart trouble" and insert in lieu thereof the following: "or self-abuse"

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1259.**—An act to amend section 1748 of the Business and Professions Code, relating to dental hygienists.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 691.**—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1899.**—An act to add sections 1541 to 1546, inclusive, to the Agricultural Code, relating to the control of weed pests.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2058.**—An act to amend section 1144 of and to add sections 1143a, 1145a and 1145b to the Agricultural Code, relating to egg products and providing for the keeping and giving of information



in reference thereto, regulating the delivery thereof from public warehouses, regulating the containers in which egg products are packed, providing for the seizure of egg products and food products manufactured using egg products and providing an appropriation for the enforcement of Article IV of Chapter 8 of Division V of the Agricultural Code.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Assembly Bill No. 2058 was read and adopted:

**Amendment No. 1.**

On page 2, of the printed bill, as amended, strike out lines 8 to 10, inclusive, and insert in lieu thereof the following:

"1145a. All egg products imported into this State from without the United States and packed in drums or tin containers shall be sold in this State in the original container or in a new container."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 2792**—An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1821**—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1821 were read and adopted:

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "three".

**Amendment No. 2.**

On page 2, line 18, of the printed bill, as amended, strike out "expire as follows", and insert in lieu thereof the following: "in office when this amendment takes effect shall expire as follows: The terms of the two members, who were appointed January 15, 1937, shall be terminated on the effective date of this amendment and no successors shall be appointed for them, and the terms of the others shall expire in the same order and at the same time in which they otherwise would have expired".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 20 and 21, and insert in lieu thereof the following: "January 15, 1940. Vacan-".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1908**—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, and to add two new sections, to be numbered 4a and 4b, to said act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of taxable distributions of motor vehicle fuel, the refund of said license tax under certain conditions, the acquisition of property by the State because of nonpayment of said license tax and the disposition of such property.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1908 were read and adopted:

**Amendment No. 1.**

On page 1, line 9 of the title of the printed bill, as amended, after "property", insert "and to make an appropriation for the administration of motor vehicle fuel taxes and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 3, lines 34 and 35, of the printed bill, as amended, strike out "whether as a mounted city carrier or in any other capacity."

**Amendment No. 3.**

On page 4 of the printed bill, as amended, after line 52 insert the following: "Sec. 7. For expenditure by the State Board of Equalization, in carrying out the provisions of the act passed in the first session of the Last First Tax Act of 1937 during the eighty-ninth and ninetieth fiscal years, in addition to any other appropriations, there is hereby appropriated from the motor vehicle fuel fund the sum of thirty thousand dollars, or so much thereof as may be necessary."

Sec. 8. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 395**—An act to amend section 547e of the Penal Code, relating to the purchase or sale of manufactured articles from which identification marks have been removed.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 479**—An act to amend sections 1281a, 1295, and 1310 of the Penal Code and to add a new section to that code to be numbered 1280c, all relating to the powers and duties of a county judge, or magistrate regarding bail.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 34**—An act to amend section 747 of the Penal Code, relating to officers liable to impeachment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1635**—An act to amend section 692 of the Penal Code, relating to trespass.

Bill read second time, and ordered on file for third reading.

**Third Reading of Senate Bills.**

**Senate Bill No. 771**—An act to amend section 473a of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Jaspersen, Law, McColl, McGovern, Mixer, Nielson, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swang, and Wastover—24.

**NOES**—Senators Holohan, Keough, Knowland, Metzger, Tinkle, Wagy, and Williams—7.

Title read and approved.

Senate Bill No. 771 ordered transmitted to the Assembly.

**Senate Bill No. 1139**—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1139 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—32.

**NOES**—None.

Title read and approved.

Senate Bill No. 1139 ordered transmitted to the Assembly.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Rich:

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

**MR. PRESIDENT:** In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 5 and 31, and to add sections 25 and 12a to the "Reclamation Board Act", approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control.

Respectfully submitted.

SENATOR RICH.

Request referred to Committee on Rules.

### **Report of Standing Committee.**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred a request by Senator Rich to introduce a bill entitled:

An act to amend sections 5 and 31, and to add sections 25 and 12a to the "Reclamation Board Act", approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

**RICH**, Chairman.  
**MCCOLL**,  
**TICKLE**,  
**KNOWLAND**,  
**SLATER**.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—32.

**NOES**—None.

## Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 1163:** By Senator Rich.—An act to amend sections 5 and 31, and to add sections 23 and 12a to the "Reclamation Board Act", approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control.

Senate Bill No. 1163 read first time, and referred to Committee on Finance.

## Report of Standing Committee.

The following report of standing committee was received and read:

### On Finance.

SENATE CHAMBER, SENATE CHAMBER, May 20, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 356—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing, and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

Assembly Bill No. 1577—An act authorizing the State Treasurer to issue certain coupons of bonds issued by the State of California.

Assembly Bill No. 2805—An act to add sections 28A to and to amend sections 6, 10, 11, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 51, 52, 62, 95, 97, and 101 of an act entitled "An act to create a system of unemployment reserves for this State and making appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Has had the same under consideration, and respectfully requests the same with some amendments, and recommends that the amendments be adopted, and that they be passed as amended.

Committee membership: D. Committee vote: Ayes, 9.

SWING, Chairman.

## Second Reading of Senate Bill No. 356—(Out of Order)

**Senate Bill No. 356**—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing, and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 356 was read and adopted:

### Amendment No. 1.

On page 2, line 40, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and the system for use of such funds is hereby appropriated, allocated, and apportioned to the University of California."

Bill read second time, ordered to print, engrossment, and on file for third reading.



### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 1154**—An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1154 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—24.

**NOES**—None.

Title read and approved.

Senate Bill No. 1154 ordered transmitted to the Assembly.

**Senate Bill No. 283**—An act to repeal section 685 of the Code of Civil Procedure, relating to the execution of judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 283 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—33.

**NOES**—Senator Tickle—1.

Title read and approved.

Senate Bill No. 283 ordered transmitted to the Assembly.

**Senate Bill No. 26**—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 26 ordered transmitted to the Assembly.

### Re-reference of Senate Bill No. 952.

Senator Knowland moved that Senate Bill No. 952 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### Recess.

At twelve o'clock and thirty-one minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.  
Lieutenant Governor George J. Hatfield, President of the Senate,  
in the chair.

Secretary Joseph A. Beck, at the desk.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named person be stricken from the list of the Senate attaches and her name stricken from the pay roll of the Senate upon completion of the work of May 19, 1937:

*Per day*  
*6 days per week*

Winifred Elliot, Stenographer.....\$5 00

Resolution read, and on motion of Senator Tickle, adopted.

**Reports of Standing Committee.**

The following reports of standing committees were presented and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 283—An act to amend section 685 of the Code of Civil Procedure, relating to the execution of judgments;

Senate Bill No. 1053—An act to amend section 1 of "An act relating to the use and furnishing of stamps, coupons, tickets, cash orders, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof," approved June 15, 1933. And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 26—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California;

Senate Bill No. 1151—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately;

Senate Bill No. 1152—An act making an appropriation to pay the claim of J. A. Beck against the State of California;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

**Introduction, First Reading and Reference of Bills.**

The following bills were introduced:

**Senate Joint Resolution No. 24:** By Senator Fletcher—Relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in war time and the effective barring of war profits.

Senate Joint Resolution No. 24 read, and referred to Committee on Federal Relations.

**Senate Joint Resolution No. 25:** By Senator Wagy—Relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California.

Senate Joint Resolution No. 25 read, and referred to Committee on Federal Relations.

**Senate Concurrent Resolution No. 47:** By Senator McGovern—Relative to references to Golden Gate International Exposition in license plates issued for motor vehicles in the years 1938 and 1939.

Senate Concurrent Resolution No. 47 read, and referred to Committee on Motor Vehicles.

**Consideration of Daily File—(Resumed).**

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1151**—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Metzger, Mixter, Phillips, Pierovich, Rich, Swing, Westover, Williams, and Young—20.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and Senate Bill No. 1151 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McColl, Metzger, Mixter, Olson, Phillips, Pierovich, Rich, Schottky, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 1151 ordered transmitted to the Assembly.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1152**—An act making an appropriation to pay the claim of J. A. Beek against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1152 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl,

Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schottky, Spring, Tinkle, Waga, Westover, Williams, and Young—30  
 NOES—None.

Title read and approved.

Senate Bill No. 1152 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Williams:

WHEREAS, The Al. G. Barnes and Sells Photo Combined Census, through its manager, Mr. L. S. Cronin, during the session and previous sessions of the Legislature, has extended to the members of the Senate the courtesy of passes for themselves and their families to the strong performances given by Sacramento; and

WHEREAS, This courtesy has afforded the members of the Senate a few hours of welcome relaxation from their legislative duties; and, therefore, be it

Resolved, That the Senate of the State of California hereby expresses its appreciation and extends its sincere thanks for this courtesy to the Al. G. Barnes and Sells Photo Combined Census and to Mr. L. S. Cronin, its manager.

Resolution read, and on motion of Senator Williams, adopted.

### Third Reading of Assembly Bills.

**Assembly Bill No. 955**—An act to amend section 4041.20 of the Political Code, relating to insurance by counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 passed by the following vote:

AYES—Senators Allen, Critchfield, Crippenden, DeLoe, Deuel, Fletcher, Garrison, Gordon, Hollister, Holman, Johnson, Keating, Keene, Kneeland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Schottky, Sewell, Tinkle, Waga, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 955 ordered transmitted to the Assembly.

**Assembly Bill No. 628**—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 628, the following amendments, offered by Senator Powers, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 216", and insert in lieu thereof "Sections 216 and 217".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 4 to 23, inclusive, and insert in lieu thereof the following:

"(a) Every nonresident, including any foreign corporation, having an established place of business within this State and owning and regularly operating in such business any vehicle of a type subject to registration hereunder shall register each such vehicle.

(b) Any nonresident owner of a vehicle of a type subject to registration in this State who, while residing in this State, accepts gainful employment within this State shall for the purposes of, and subject to the provisions of this code, be considered a resident of this State.

Sec. 2. Section 217 of the Vehicle Code is hereby amended to read as follows:

217. Foreign Vehicles Used Commercially.—When Exempt from Fees. The vehicles mentioned in section 215 shall not be subject to registration or payment of fees in this State, if the State in which the owner has his residence and in which such vehicle is registered exempts from registration fees like vehicles from



the State of California, and the same privileges shall be granted by this State to the vehicles from such other State as said State grants to like vehicles registered in California."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1468**—An act to amend section 1058 of the Code of Civil Procedure, relating to bonds when State is a party.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1468, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "State", and insert in lieu thereof the following: "a district".

**Consideration of Assembly Bill No. 1468, as Amended.**

**Assembly Bill No. 1468**—An act to amend section 1058 of the Code of Civil Procedure, relating to bonds when a district is a party.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 1468 passed by the following vote:

**AYES**—Senators Allen, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Olson, Phillips, Powers, Rich, Schottky, Seawell, Tickle, Waggy, Westover, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1468 ordered transmitted to the Assembly.

**Senator Deuel in the Chair.**

At two o'clock and twenty-nine minutes p.m., Senator Deuel of the sixth district was called to the chair.

**Consideration of Special Order.**

The hour having arrived for the consideration of Assembly Bill No. 2149, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

**Assembly Bill No. 2149**—An act to recover damages for and to defend trespasses against certain land belonging to the State situate in Orange County and to confirm, validate and ratify certain agreements of easements or permits in and to said lands granted in the name of the State to persons paying consideration therefor, to prohibit the granting of additional easements, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2149, the following amendments, offered by Senator Olson, were read:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out the words "to recover damages for and to defend trespasses", and strike out all of lines 2 to 9, both inclusive, and insert in lieu thereof the following: "relating to recovery by the State for damages for the taking of oil and gas from State lands by means of oil wells trespassing thereon, providing for settlement agreements, declaring the urgency thereof and providing that it shall take effect immediately."

**Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, strike out the words "are or may be committing under-", and in line 8, strike out the words "ground trespass on", and insert in lieu thereof: "have drilled oil wells from privately owned lands into".

**Amendment No. 3.**

On page 2, line 7, of the printed bill, as amended, strike out the word "by", and insert in lieu thereof the word "with".

**Amendment No. 4.**

On page 2, line 8, of the printed bill, as amended, strike out the word "with", and insert in lieu thereof the following: "by the Chief of the Division of State Lands or any other office-holder or employee of the State, purporting to be for and on behalf of".

**Amendment No. 5.**

On page 2, line 8, of the printed bill, as amended, after the word "State", strike out the rest of said line 8, and insert in lieu thereof the following: "or relating to the operation of any such wells and their production of oil, gas or other hydrocarbon substances from said State lands,".

**Amendment No. 6.**

On page 2, line 9, of the printed bill, as amended, strike out the words "the name of the State with any such person or company", and the comma, and insert in lieu thereof the word "and".

**Amendment No. 7.**

On page 2, line 10, of the printed bill, as amended, strike out "said", and insert in lieu thereof the words "any and all such", and add the letter "s", to the word "agreement".

**Amendment No. 8.**

On page 2, line 14, of the printed bill, as amended, strike out "shown by the report of the Chief of the Division", and strike out all of lines 15 to 20, both inclusive, and insert in lieu thereof the following: "committing trespasses upon said State lands to recover full damage for all such trespasses and to enjoin and restrain future trespasses or production of oil and gas from State lands by means of wells drilled upon or from privately owned lands."

**Amendment No. 9.**

On page 2 of the printed bill, as amended, strike out all of lines 21 to 45, both inclusive, and insert in lieu thereof the following:

"SEC. 3. No agreement for easement or easements made and entered into by the Chief of the Division of State Lands or any other State officer or employee, on behalf of the State, with any person or company, authorizing the operation within said State lands of oil wells found trespassing thereon and the abstraction, production or removal of oil, gas or other hydrocarbon substances therefrom, shall be valid unless made in accordance with the provisions of this act.

SEC. 4. The Governor, the Director of Finance, the Controller and the Attorney General are hereby authorized, for and on behalf of the State, to enter into settlement agreements with the owners and operators of all oil wells drilled from privately owned lands into the tidelands of the State described in section 1, of their liability to the State for damages and for the production, abstraction and removal from said State lands of oil, gas and other hydrocarbon substances prior to the effective date of this act; provided that, as to all such wells from the production of which the State has been receiving royalties under any agreement for easement heretofore made by the Department of Finance or any official thereof on behalf of the State, prior to January 1, 1935, such royalty payments when fully made in accordance with the provisions of such agreement shall be accepted in full payment for past damages; and provided, further, that as to all such wells from the production of which the State has not been receiving royalties under any agreement made by the Department of Finance or any official thereof, on behalf of the State, prior to January 1, 1935, the Governor, the Director of Finance, the Controller and the Attorney General shall not be authorized to accept less than thirty per cent (30%) of the value of the total production of oil, gas and other hydrocarbon substances therefrom, in payment for past damages.

SEC. 5. The Governor, the Director of Finance, the Controller and the Attorney General are hereby authorized to enter into agreements on behalf of the State, permitting the continued operation of such oil wells as have been drilled from privately owned lands into said State lands prior to the effective date of this act, and for the production of oil and gas therefrom, for a term of not exceeding twenty (20) years from the date of the initial production thereof from said State lands, provided, that there shall be paid to the State more than thirty per cent (30%) of the amount or value of all production of oil, gas or other hydrocarbon substances produced from any such well after the effective date of this act, during any period of thirty consecutive producing days that the average daily production thereof exceeds two hundred (200) barrels of oil; and provided, further, that in all such agreements the boundary line of the State's lands along the shore of the Pacific Ocean shall be recognized, defined and accepted as the high water mark of the Pacific Ocean according to the survey thereof made by the Division of State Lands in January, 1935.

SEC. 6. Except as otherwise provided in this act, no settlements for the production from said State lands by any trespassing oil wells shall be made except in accordance with the provisions of section 3494 of the Code of Civil Procedure, and no permit or permits shall be granted for the continuation of the operation of any such trespassing wells and their production of oil and gas from said State lands and further operation thereof shall be enjoined."

#### Amendment No. 10.

On page 2, line 46, of the printed bill, as amended, strike out the figure "5", and insert in lieu thereof the figure "7".

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Garrison and Phillips, on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Garrison, Hollister, Olson, and Westover—4.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—35.

#### President of the Senate in the Chair.

At four o'clock and thirty-five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1, Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

Underlying the State lands described herein, there is a reservoir of crude petroleum and natural gas, which, according to official reports of and to the Legislature, lies under said State lands. In the past the Legislature has adopted legislation prohibiting drilling for oil or gas on the tide or submerged lands of the State but in the case of the lands herein described such legislation has been defeated and the policy of the State frustrated by the operations of private concerns and individuals drilling from sites on private lands wells bottomed on State lands. With many such private companies, the State has entered into agreements whereby for a valuable consideration and payment of royalty to the State easements have been granted authorizing such persons to abstract oil, gas, and other petroleum products from said State lands. Other persons and companies with whom the State has no agreement, may be found, upon an accurate survey showing the location of wells, to be trespassing on said State lands and thus depleting the natural resources underlying the State lands without payment to the State of royalty or compensation of any nature.

Also, there is before the Legislature certain legislation pending which would provide for the leasing and development of said State lands by the State or through leases executed by the State.

In order to give effect to such intended legislation; to preserve the right of the State to royalties being received from those having executed agreements of easement with the State; to provide for the prosecution of those trespassing without permits; to prohibit further agreements of easement being executed by the Division of State Lands, it is necessary that the existing agreements be approved and no future agreements be executed allowing any additional wells until such time as there is passed comprehensive legislation directly authorizing the development or prohibiting future development of the natural resources owned by the State.

#### Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—34.

NOES—Senators Garrison, Holohan, Olson, and Westover—4.



The question being on the passage of Assembly Bill No. 2149.

The roll was called, and Assembly Bill No. 2149 passed by the following vote:

**AYES**—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Dodd, Fletcher, Gordon, Hays, Hollister, Jaspersen, Keating, Knecht, Kneveland, Law, McBrine, McGill, McGovern, Metzger, Myster, Nason, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Robt. Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—35.

**NOES**—Senators Garrison, Hollister, and Westover—3.

Title read and approved.

Assembly Bill No. 2149 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1486**—An act to add section 536a to the Civil Code of the State of California, relative to the use of streets and highways for pole lines by public utilities and liabilities of public utilities officers and employees thereof, governmental agencies and public officers and employees by reason thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1486 passed by the following vote:

**AYES**—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Jaspersen, Keating, Knecht, Kneveland, McBrine, McGill, Metzger, Myster, Parkman, Phillips, Pomeroy, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—29.

**NOES**—Senators Gordon, Law, McGovern, Olson, and Powers—5.

Title read and approved.

Assembly Bill No. 1486 ordered transmitted to the Assembly.

### Approval of Journals.

The Senate Journals of Monday, May 3, 1937; Tuesday, May 4, 1937; Wednesday, May 5, 1937; Thursday, May 6, 1937; Friday, May 7, 1937; Monday, May 10, 1937; Tuesday, May 11, 1937; Wednesday, May 12, 1937; Thursday, May 13, 1937; Friday, May 14, 1937; Monday, May 17, 1937; Tuesday, May 18, 1937; and Wednesday, May 19, 1937, were, on motion of Senator Rich, approved as corrected by the Journal Clerk, Minute Clerk and the Senate.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

**MR. PRESIDENT**: Your Committee on Labor and Capital, to which was referred Senate Bill No. 1162—An act relating to the mediation and settlement of labor disputes, creating the California Labor Mediation Board, defining its powers and duties, and making an appropriation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—5; committee vote—Ayes—4; absent—1.

OLSON, Chairman.

### Second Reading of Senate Bill No. 1162—(Out of Order).

**Senate Bill No. 1162**—An act relating to the mediation and settlement of labor disputes, creating the California Labor Mediation Board, defining its powers and duties, and making an appropriation.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.



**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Finance.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 370—An act providing for a State Exhibit at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, providing for the construction of a State building therefor and the gardening and improvement of its surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building, defining its powers and duties and making an appropriation therefor: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

**Second Reading of Senate Bill No. 370—(Out of Order).**

**Senate Bill No. 370**—An act providing for a State exhibit at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, providing for the construction of a State building therefor and the gardening and improvement of its surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building, defining its powers and duties and making an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 370 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "providing for a State exhibit at the Golden Gate Inter-"; also strike out lines 2, 3, and 4 of the title, and in line 5, strike out "rounding grounds, creating a", and insert in lieu thereof the following: "relating to the".

**Amendment No. 2.**

On page 1, lines 6 and 7 of the title of the printed bill, strike out "to have charge and control of said State exhibit and building," and insert in lieu thereof the following: "further".

**Amendment No. 3.**

On page 1, line 2, of the printed bill, strike out "is hereby created to consist of"; also strike out lines 3 to 23, inclusive, of said page; and on page 2, strike out lines 1 to 28, inclusive, and insert in lieu thereof the following: "in carrying out the purposes of the act adopted at the fifty-second session of the Legislature creating said commission, and in furtherance of the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, is hereby authorized in its discretion to acquire, collect, transport, install and maintain an exhibit, in the name and on behalf of the State of California, at any place or places within or without the State of California if such exhibit is expedient or desirable for the success of the Golden Gate International Exposition. In carrying out the purposes of this act the California Commission for the Golden Gate International Exposition is hereby authorized to expend therefor so much of the moneys appropriated by the act adopted at the fifty-second session of the Legislature creating said commission, as the commission may deem necessary therefor."

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

**Notice of Motion to Reconsider.**

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2149 was passed.

**Recess.**

At five o'clock p.m., on motion of Senator Rich, the President of the Senate declared recess until nine o'clock p.m.

**Reconvened.**

At nine o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President *pro tempore* of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, for amending section 19 of Article V thereof, relating to the salaries of the Governor and the Controller.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 38 read, and referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 90.—An act providing for payment by the State for park property acquired for highway purposes.

Assembly Bill No. 565.—An act to amend section 3081a of the Political Code, relating to the correction of errors in the assessment of real estate or in any subsequent step in the collection of the taxes thereon and for the reassessment of real estate when on account of error a delinquent tax thereon may not be enforced, or when an assessment of property may have been adjudged to be invalid for error of assessment, or in the acts therein, or later;

Assembly Bill No. 1238.—An act to amend sections 510, 542, 560 and 584 of, and to add section 511 to, the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics, and courses in the avoidance of war and physical combat, in connection therewith;

Assembly Bill No. 1612.—An act to amend sections 3071, 3072, 3073, 3074, 3075, 3076, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090 and 3091 of, and to add sections 3092, 3093, 3094 and 3095 to, and to repeal sections 3070, 3077, 3078 and 3079 of, the Labor Code, relating to master and apprentice, and making an appropriation therefor;

Assembly Bill No. 1855.—An act to amend section 45, of an act entitled "An act to establish a system of unemployment reserves for this State and making an appropriation therefor," approved June 25, 1935, relating to unemployment reserves.

Assembly Bill No. 2663.—An act to add section 919 to and repeal section 923 of the Fish and Game Code, relating to bait nets;

Assembly Bill No. 2870.—An act making an appropriation for the purchase of certain lands by the State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 90 read first time, and referred to Committee on Finance.

Assembly Bill No. 565 read first time, and referred to Committee on Finance.

Assembly Bill No. 1238 read first time, and referred to Committee on Education.

Assembly Bill No. 1612 read first time, and referred to Committee on Finance.

Assembly Bill No. 1855 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2663 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2870 read first time, and referred to Committee on Finance.

**ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2896—An act to provide for the participation by the State in the Golden Jubilee Celebration of the Tournament of Roses, and making an appropriation therefor;

Assembly Bill No. 2905—An act to amend section 718c of the Civil Code, empowering municipalities, or departments or boards thereof, to lease property.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2896 read first time, and referred to Committee on Finance.

Assembly Bill No. 2905 read first time, and referred to Committee on Municipal Corporations.

**President of the Senate in the Chair.**

At nine o'clock and fifteen minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Reports of Standing Committees.**

The following reports of standing committees were received and read:

**On Revenue and Taxation.**

**SENATE CHAMBER, SACRAMENTO, May 20, 1937.**

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2180—An act to amend section 3804 of the Political Code and to add to said code a new section to be numbered 3804c, relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Judiciary.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

**On Finance.**

**SENATE CHAMBER, SACRAMENTO, May 20, 1937.**

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1163—An act to amend sections 5 and 31, and to add sections 2.5 and 12a to the "Reclamation Board Act," approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

SWING, Chairman.

**Second Reading of Assembly Bill No. 2180—(Out of Order).**

**Assembly Bill No. 2180**—An act to amend section 3804 of the Political Code and to add to said code a new section to be numbered 3804c, relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes.

Bill read second time, ordered re-referred to Committee on Judiciary.

**Resolution.**

The following resolution was offered:

**By Senator Swing:**

*Resolved*, That Senate Bill No. 1163 present a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

**Resolution read.**

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

**AYES:** Senators Catherino, Chaffetz, DeLay, Deane, Fisher, Gaffney, Gordon, Hays, Holden, Josephson, Keough, Keweenaw, Law, McLean, McLaughlin, Metzger, Miller, Nielsen, Olson, Peterson, Phillips, Quinn, Ross, Schwartz, Shaw, Swing, Westover, and Young—28.

**NOES:** None.

**Second Reading of Senate Bill No. 1163—(Out of Order).**

**Senate Bill No. 1163**—An act to amend sections 5 and 31, and to add sections 25 and 12a to the "Reclamation Board Act," approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control.

Bill read second time, ordered to engrossment, and on file for third reading.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to section 31 of Article IV of the Constitution of said State, relating to the holding of public schools.

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to exemptions of persons on account of military service.

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending sections 1a, 1b and 13a of Article XIII, relating to the exemption of certain property from taxation.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 42—An act to amend section 330a of the Penal Code and to add a new section thereto to be numbered 330b, relating to gambling devices.

Senate Bill No. 106—An act to amend section 33917 of the Civil Code, relating to stock certificates.

Senate Bill No. 985—An act to amend section 89 of the Penal Code of the State of California, relating to lobbying.

Senate Bill No. 1153—An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C.

Senate Bill No. 501—An act to amend section 7361 of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.



### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing to introduce a bill entitled:

An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
MCCOLL.  
TICKLE.  
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—35.

NOES—None.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 1164:** By Senator Swing—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization.

Senate Bill No. 1164 read first time, and referred to Committee on Elections.

### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 786—**An act to add a new section to the School Code to be numbered 2.75, relating to the bonded indebtedness of high school districts.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 786, the following amendment, offered by Senator Nielsen, was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, following line 9, add the following:

"The repeal of this section at the expiration of one year from the effective date hereof shall not impose any liability upon, or affect the liability of, any territory

of a lapsed elementary school district situated in one high school district school during the period when this section is in effect, is attached to an elementary school district lying in another high school district."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2553**—An act to add section 61.5 to the Alcoholic Beverage Control Act, relating to minors on premises where alcoholic beverages are sold or served.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2553, the following amendments, offered by Senator Swing, were read and adopted:

**Amendment No. 1.**

On page 1, line 5 of the printed bill, as amended, after the word "beverages", insert the following: "other than beer."

**Amendment No. 2.**

On page 1, line 12, of the printed bill, as amended, after the word "beverages" insert the following: "other than beer."

Bill read, ordered to print, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 1825**—An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1825 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Lusk, McBride, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Schaefer, Slater, Swing, Westover, and Young—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1825 ordered transmitted to the Assembly.

**Assembly Bill No. 1949**—An act to amend section 9 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, sewage tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes thereon; the issuance and disposal of the bonds thereof and the determination of their validity and making provisions for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, relating to elections of members of board and its meetings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1949 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Densel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland

Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Rich, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1949 ordered transmitted to the Assembly.

**Assembly Bill No. 2079**—An act to amend section 73a, Code of Civil Procedure, relating to court expenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2079 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2079 ordered transmitted to the Assembly.

**Assembly Bill No. 1365**—An act to amend section 3819a of the Political Code, relating to duties of tax collector in counties of the first and second classes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1365 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1365 ordered transmitted to the Assembly.

**Assembly Bill No. 761**—An act to amend sections 8, 9, 12 and 14 of an act entitled "An act to promote drainage," approved March 18, 1885, relating to drainage districts and to the manner of levying and collecting district assessments therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 761 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 761 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

**Assembly Bill No. 762**—An act authorizing suits against the State to quiet title against it to swamp and overflowed lands by certain

persons entitled to the benefits of an act entitled "An act for the protection of settlers on public lands claimed by the State," approved March 10, 1874.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 762 passed by the following vote:

AYES: Senators Allen, Baggitt, Cretchen, Cretchenberg, DeLeon, Frazier, Grier, Gordon, Hays, Hollister, Jasper, Keating, Keating, Keating, Keating, Law, McGowan, Metzger, Miller, Nelson, Quinn, Parkman, Phillips, Powers, Quinn, Rich, Schaefer, Seawell, Slater, Swain, Wagon, Westman, and Young. 34.

NOES: None.

Title read and approved.

Assembly Bill No. 762 ordered transmitted to the Assembly.

**Assembly Bill No. 763**—An act to add a new section to the Political Code to be numbered 34541, relating to actions by or against reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was call, and Assembly Bill No. 763 passed by the following vote:

AYES: Senators Allen, Baggitt, Cretchen, Cretchenberg, DeLeon, Frazier, Grier, Gordon, Hays, Hollister, Jasper, Keating, Keating, Keating, Keating, Law, McGowan, Metzger, Miller, Parkman, Phillips, Powers, Quinn, Rich, Schaefer, Seawell, Slater, Swain, Tinkle, Wagon, Westman, and Young. 32.

NOES: None.

Title read and approved.

Assembly Bill No. 763 ordered transmitted to the Assembly.

**Assembly Bill No. 2092**—An act to amend sections 2 and 3 of an act entitled "An act defining heretofore the exterior boundaries of Reclamation District No. 108, situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of



this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2092 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2092 ordered transmitted to the Assembly.

#### **Assembly Joint Resolution No. 23.**

Relative to memorializing the President and Congress to enact legislation providing for relief to overburdened and distressed special assessment districts.

**WHEREAS**, A large number of special assessment districts have been created in California, and in other States, for the purpose of creating public improvements whereby the cost was assessed back upon the property owners embraced within such districts; and

**WHEREAS**, Many owners of homes and farms are faced with the loss of their property due to the inability of such property owners to meet the cost of such public improvements; and

**WHEREAS**, Such property owners are making an effort to negotiate with the bondholders in such districts for the purpose of making such debt adjustments; and

**WHEREAS**, It will be to the benefit of both the property owners and the bondholders to enter into agreements to the benefit of both under the jurisdiction of the Federal Courts or other Federal agency; and

**WHEREAS**, These matters are beyond the scope of State legislation; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the Legislature of the State of California hereby respectfully urges, requests and memorializes the President and the Congress of the United States to pass such legislation as will grant jurisdiction to the Federal Courts, or some Federal agency, to adjust the indebtedness of such special assessment districts where the same were originally initiated for the purpose of creating public improvements; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 23 adopted by the following vote:

**AYES**—Senators Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keough, McGovern, Metzger, Mixer, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Waggy, Westover, and Young—33.

**NOES**—Senators Biggar, DeLap, Keating, Law, and Tickle—5.

Assembly Joint Resolution No. 23 ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 35.**

Relative to requesting and directing the Division of Highways and the California Highway Commission to locate, or relocate, State highways so as to avoid congested areas, and requesting and directing maps of congested areas to be made or establish new new school buildings or grounds so as to minimize traffic hazards to pupils.

**WHEREAS**, At the present time many State highways, including most through fares carrying through traffic, both of commercial and passenger vehicles, are now located so as to require such traffic to pass through congested areas and areas adjacent to schools, and business and residential districts of the larger cities, and

**WHEREAS**, The location of such highways adjacent to schools in populous areas endangers the lives and limbs of school children; and

**WHEREAS**, The location of such highways in congested areas retards the flow of traffic and hampers the flexibility thereof; and

**WHEREAS**, The through traffic, both of commercial and passenger vehicles interferes with the use by the citizens of the community of their own streets; and

**WHEREAS**, The desire to remove all through traffic from congested areas leads them to attempt short cuts, and to become lost and delayed, and increase the hazard of accidents which would be avoided by removing through highways from such congested areas; and

**WHEREAS**, The present appalling toll of automobile accidents requires that sound and effective measures be taken to relieve congestion on the highways and to speed the traffic moving at an even and unobstructed pace; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That the California Highway Commission and the Division of Highways of the Department of Public Works are and hereby are requested and directed to locate or relocate, as the case may be, the existing routes that pass the populous and within the shortest possible time, the State highways so as to avoid congested areas in cities other than cities of the sixth class, and particularly mention made in the vicinity of schools. Said California Highway Commission and Division of Highways are directed to making such location or relocation in avoid congested areas, to acquire such land and property as deemed to such property as may be necessary, in so far as may be practicable, to avoid location of such congested areas which would depreciate the advantages of such location or relocation.

The boards of education in the State of California are directed and requested to locate any new school buildings or grounds wherever considered to be best to may be practicable, in places which will result in the least possible exposure of pupils to traffic hazards.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 35 refused adoption by the following vote:

**AYES.** Senators Biggar, Hollister, McBride, McGovern, Olson, Seawell, Slater, Swing, Tickle, and Westover—10.

**NOES.** Senators Allen, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holshon, Jernstrom, Keating, Kough, Knowland, Law, McBride, McGovern, Meninger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, and Young—26.

**Assembly Bill No. 1176**—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1176 passed by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holshon, Jernstrom, Keating, Kough, Knowland, Law, McBride, McGovern, Meninger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, Westover, and Young—36.

**NOES.**—None.

Title read and approved.

Assembly Bill No. 1176 ordered transmitted to the Assembly.

**Assembly Bill No. 2615**—An act to amend section 1057 of the Code of Civil Procedure, relating to the requisites of and corporation

sureties on undertakings and bonds authorized or required by law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2615 passed by the following vote:

**AYES.**—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holsman, Jorgensen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Parkman, Phillips, Porcovich, Powers, Quinn, Rich, Schepsky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES.**—None.

Title read and approved.

Assembly Bill No. 2615 ordered transmitted to the Assembly.

**Assembly Bill No. 2326**—An act to amend section 1 of an act entitled "An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles," approved June 7, 1913, as amended, and to add thereto a new section to be known as section 1½, relating to advertisements or solicitation for employees while negotiations to establish working conditions or to settle labor disputes are pending, and requiring a copy of said advertisement and a statement identifying the employer concerned to be filed with the Labor Commissioner where such identity does not appear in such advertisement or solicitation.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Holsman, Jorgensen, Keating, Keough, Knowland, McBride, McGill, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Porcovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

The Secretary announced the absentees.

Time, ten o'clock and twenty-seven minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 770**—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 770 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dond, Fletcher, Garrison, Gordon, Hollister, Jorgensen, Keating, Knecht, Knecht, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Senate Bill No. 770 ordered transmitted to the Assembly.

**Senate Bill No. 604**—An act to amend an act entitled "An act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the development, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a heliport or causeway connecting said lands with Yerba Buena Island," approved June 15, 1933, by adding to said act a new section numbered section 1 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tide lands described in the above mentioned act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 604 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Dond, Fletcher, Garrison, Hays, Hollister, Hollahan, Jorgensen, Keating, Knecht, Knecht, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielson, Parkman, Phillips, Pomeroy, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 604 ordered transmitted to the Assembly.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Elections.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred

Senate Bill No. 1164, An act to add section 3793 to the Political Code, relating to members of the State Board of Legislation.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3.

ALLEN, Chairman.

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Senate Bill No. 1058—An act to repeal sections 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2289a and 2290 of the Political Code, and to add sections 2283, 2284, 2285, 2286, 2287, 2287a, 2288, 2289 and 2290 thereto, all relating to aid to children;

Senate Bill No. 1157—An act to add Division IIa, comprising Chapter 1, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1155—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

Senate Bill No. 1155 ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1156—An act relating to tide, submerged and overflowed lands of the State and the production and disposition of oil gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

### Resolution.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Senate Bill No. 1164 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

### Second Reading of Senate Bills—(Out of Order).

**Senate Bill No. 1164**—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 1058**—An act to repeal sections 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2289a and 2290 of the Political Code, and to add sections 2283, 2284, 2285, 2286, 2287, 2287a, 2288, 2289 and 2290 thereto, all relating to aid to children.

## Consideration of Committee Amendments.

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 1058 were read and adopted:

## Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, of the title, and in line 4, strike out "and 2200 thereof", and insert in lieu thereof the following: "An act to repeal Chapter 1, comprising sections 1500 to 1575, inclusive, of Part II of Division II of the Welfare and Institutions Code and to add a new Chapter 1, comprising sections 1500 to 1580, inclusive, thereof."

## Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and strike out pages 2 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Chapter 1, comprising sections 1500 to 1575, inclusive, of Part II of Division II of the Welfare and Institutions Code is hereby repealed."

SEC. 2. Chapter 1, comprising sections 1500 to 1580, inclusive, is hereby added to Part II of Division II of the Welfare and Institutions Code, to read as follows:

## Chapter 1. Nasty Children.

## Article 1. General Provisions.

1500. As used in this chapter, unless otherwise stated, the following words mean persons, applies, but persons, dependent children, or children of a father who is incapacitated for political work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation.

1501. As used in this chapter the following words have the meaning herein set forth:

(a) "Aid" means financial assistance and support granted under the provisions of this chapter;

(b) An "abandoned child" means one who has been abandoned by both parents for a period of one year and the whereabouts of his parents is unknown, or who has been declared "abandoned" by finding of a court;

(c) A "dependent illegitimate" child means a child whose paternity is unknown or can not be established;

(d) A "foundling" means a child deserted by both parents without means of identification.

1502. Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this chapter, to take charge of any child over the objection of either of the parents of such child, or of the person standing in the place of a parent to such child, except pursuant to a proper court order.

## Article 2. State and County Aid.

1510. There is hereby appropriated out of any money in the State treasury not otherwise appropriated to each institution in this State conducted for the support and maintenance of needy children and to each county maintaining such needy children, and not in excess of the following sums:

(a) For each needy child to whom aid is given under section 1521 of this code, the sum of one hundred eighty dollars per annum.

(b) For each needy child who has residence in the State as defined by section 1525 and residence in the county as defined by section 1526 of this code, the sum of one hundred twenty dollars per annum.

(c) For each needy child who has residence in the State as defined by section 1525 of this code, but who does not have the county residence defined by section 1526, the sum of two hundred forty dollars per annum.

1511. If, for any child who has county residence, support is necessary in addition to the amount appropriated by the State, the county shall pay for such support the sum of one hundred twenty dollars per annum, or so much thereof as is necessary for the adequate care of the child.

Any county may pay from its own funds additional sums for the care of any needy child.

1512. Every county shall grant aid to any child living therein at the time of his application who does not have residence in any county as defined by section 1526 of this code, but who is otherwise eligible therefor, in any sum needed, up to the amount of two hundred forty dollars per annum. The State shall reimburse the county the full amount of the aid granted to such children.

## Article 3. Persons Eligible.

1520. The provisions of this chapter for the support of needy children apply to and include children of a parent who is committed to a State or Federal hospital or who has been deprived of civil rights by reason of commitment to any prison.

whether of this or any other State or of the United States, and foundlings and dependent illegitimate infants who are or who become dependent upon any institution or county, without regard to the time in which such infants have been dependent on such institutions or county.

1521. For each abandoned infant or foundling and for each dependent illegitimate infant, who has been relinquished for adoption, who is or becomes dependent upon such institution or county there shall be paid by the State the sum of fifteen dollars per month from the time it becomes dependent upon such institution or county until its decease, or until it is adopted or reaches the age of two years, after which age such institution or county shall receive the same sum for such infants as for orphans.

1522. No child over the age of eighteen years is a needy child within the meaning of this chapter.

1523. No child for whose specific support there is paid the sum of twenty-five dollars or more per month, other than under the provisions of this chapter, is a needy child within the meaning of this chapter.

1524. No child maintained in an institution for whom a bona fide offer of a proper home has been made is eligible for further aid; but no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

1525. No child is eligible to receive aid unless he has residence in the State.

For the purposes of this chapter, a child has residence in the State if he has been physically present in the State for one year immediately preceding the date of application or if his parent or parents have resided in the State for the period of one year immediately preceding the date of application, or if he is born in the State.

1526. Except as provided in section 1512, no child is eligible to receive the aid provided for in section 1511 unless he has had residence in the county in which application is made for the period of one year immediately preceding the date of application.

For the purposes of this chapter, the county residence of the child shall be determined in accordance with the following rules:

(a) The residence of the father determines that of the child during the lifetime of the father, unless the father has abandoned the child, has been legally deprived of his custody, or is in fact living separate and apart from his wife, in the latter case the residence of the child is determined by that of the parent who has his custody.

(b) If the child's residence is not determined under subdivision (a) hereof, then the residence of the mother determines that of the child unless the mother has abandoned the child or has been legally deprived of his custody. The residence of the husband shall not be deemed the residence of the wife if they are living separate and apart and in such case each may have a separate residence dependent upon proof of the fact and not upon legal presumptions. The residence of the parent having custody of the child determines his residence.

(c) If the residence of the child is not determined under subdivisions (a) or (b) hereof, then the residence of any individual to whom his custody has been legally awarded and who has taken charge of the child with the intention of giving him a permanent home determines his residence.

(d) If the residence of the child is not determined under the provisions of subdivisions (a) or (b) or (c) hereof, his residence, if he is an orphan, is that of the last deceased parent who had his legal custody.

(e) If the child has been temporarily removed from the custody and control of his parents, his residence is the residence of the parent who last had his legal custody.

(f) If the child has been declared permanently free from the custody and control of his parents, his residence is the county in which the court order was issued.

1527. Any child qualifying for and receiving aid from any county, who removes to another county of the State, shall be entitled to aid after one year's residence in the county to which he has removed. The removal from one county to another county in this State of any child receiving aid shall not work a forfeiture during such one year period of the aid previously awarded. The county to which such child has removed shall provide necessary medical or hospital care, or both, during the one year period of establishment of residence under this section. Except in emergency cases the county providing such medical and hospital care shall give immediate notice to the county granting the aid. The county granting the aid shall within thirty days of receipt of notice, accede to the plan of the county to which the child has removed or provide an adequate substitute plan. If such county fails so to do within thirty days the county offering such medical and hospital care may proceed, and it may demand payment for such care from the county granting the aid. The costs of such care shall be a proper charge upon the county from which the child has removed.

1528. In case of a dispute between counties as to the responsibility for the support of a needy child, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be binding on the counties.



## Article 4. Administration and Procedure.

1550. Except as provided in section 1557 of this code, application for aid on behalf of any child shall be made to the county in which the child has residence as defined in section 1526 of this code or if the child has not such residence in any county, but is otherwise eligible, his application may be made through the county in which he is at the time of application. The county shall promptly investigate all applications in the manner and on terms prescribed by the State Department of Social Welfare. The county shall approve or deny such application.

1551. If aid is denied, modified, cancelled or not granted within a reasonable time, the applicant or recipient shall have the right of appeal upon filing a petition with the State Department of Social Welfare, and shall be afforded an opportunity for a fair hearing. The head of the Division of Aid to Needy Children of the State Department of Social Welfare shall set the appeal for hearing before the State Social Welfare Board and shall give no parties involved in such appeal notice of the time and place of the hearing. At the hearing, the applicant or recipient may appear in person, by counsel of his own choosing, or in person and by such counsel. The State Social Welfare Board shall consider the appeal and shall affirm the appeal or award and as prescribed in this chapter. The county shall then pay to the needy child the sum, if any, awarded by the State Social Welfare Board. The decision of the board shall be binding upon the county.

1552. If the application is granted by the county in the calendar month in which it was signed, payment of aid shall commence as of the date the application was signed; but if the application is granted by the county in a subsequent month, payment shall be commenced as of the first day of the month in which the application is granted. Thereafter all payments shall be made monthly in advance by warrant of the county.

1553. During such time as grants of aid are made available to the United States Government for aid to dependent children in this State, and allocated by the State, the State Treasurer, shall, from the sums so granted, pay to each county (a) an amount which shall be used exclusively as aid to dependent children, equal to that proportion specified by the United States Government in so granting or making the sums available, not counting so much of such expenditure with respect to any child for any month as exceeds the payments paid by the United States Government in granting or making such sums available, and (b) an additional amount equal to each county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administration with each month additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate share of the respective counties of the portion so determined to be paid to each county.

1554. From the sums appropriated in section 1510 of this code, the State Treasurer shall pay to the county, for each child to whom aid is given under the provisions of this chapter, an amount equal to the amount appropriated under section 1510, less an amount which shall bear such proportion to the amount paid by the State Treasurer under the provision of section 1510 of this code as the amount of aid given to the child, as the amount appropriated in section 1510 bears to the total amount of aid given to the child.

1555. The method of computing and paying the amount provided for in sections 1510, 1553 and 1554, for each quarter, shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of sections 1510, 1553 and 1554. This estimate shall be based on a report which shall be filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditure in such quarter, (2) records showing the number of needy children receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the State Department of Social Welfare finds necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amount so estimated by it, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to the audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

1556. Reports of aid to needy children paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the



State Department of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county as a credit to apply against advances made under subdivision (a) of section 1555.

1557. An institution maintaining a needy child may make application to the State Department of Social Welfare for aid for the child. Unless the application is made for a child who comes within the provisions of section 1521 of this code it shall be supported by proof satisfactory to the department that the child does or does not have residence as provided in section 1526.

1558. If the application is filed by an institution and is granted by the State Department of Social Welfare in the calendar month in which it was signed, payment of aid shall commence as of the date the application was signed; but if the application is filed by an institution and is granted by the State Department of Social Welfare in a subsequent month, payment shall be commenced as of the first day of the month in which the application is delivered to the State Department of Social Welfare by the person in charge of the institution, except where payments are made under the provisions of section 1521 of this code. In no event shall payments of aid antedate the date of application. An institution or county which maintains any abandoned child shall submit proof of abandonment sufficient to demonstrate the genuineness of the claim to the State Department of Social Welfare.

1559. Claims for aid to needy children in institutions, eligible under the provisions of this chapter to receive aid, shall be presented by the institutions at times and in the form prescribed by the State Department of Social Welfare. Such claims shall be audited by the State Department of Social Welfare and the State Controller. When and in the amount approved, the State Controller shall draw the necessary warrant for the amount allowed in favor of the institution, and the State Treasurer, on presentation, shall pay the same from the sums appropriated in section 1510. No money appropriated by the State to any institution claiming aid under this chapter shall be expended either in improvements or in the erection of new buildings by such institution.

1560. The State Department of Social Welfare shall: (a) make rules and regulations for the proper maintenance and care of needy children; (b) make rules and regulations for the administration of aid to needy children; (c) inquire, at any time, into the management of any institution receiving aid under the provisions of this chapter, or into the management, by any county, of aid to needy children. Such rules and regulations shall be binding upon the institutions and counties.

If compliance by an institution or county with the provisions of this chapter and the rules and regulations of the State Department of Social Welfare can not be enforced in any other manner, the institution, or county refusing to comply with such provisions, rules and regulations or to permit the inquiry provided for in this section shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules and regulations and has permitted the inquiry by the State Department of Social Welfare, if such inquiry is demanded.

1561. The State Department of Social Welfare shall make such reports, in such form and containing such information, as the Federal Social Security Board from time to time requires, and shall comply with such provisions as the board from time to time finds necessary to assure correctness and verification of such reports.

#### Article 5. Establishing Fact of Death to Determine Right to Aid.

1570. When the right of any child to receive State aid, county aid, or State and county aid, depends upon the presumptive death of the father of the child, any person interested in the welfare of the child may file in the superior court of the county in which the child resides a petition setting forth the facts giving rise to the presumption that the father is dead and praying that such presumption of death be judicially ascertained and established by the court.

1571. The clerk shall set the petition for hearing by the court not less than ten days subsequent to its filing, and, unless the petition is filed by the district attorney, shall deliver forthwith a copy of the petition, to be furnished by the petitioner, to the district attorney of the county. To this copy there shall be appended, or there shall be indorsed thereon, a statement of the time and place fixed for the hearing.

1572. The court shall hear the petition and all objections interposed thereto. If, as a result of the hearing, the court is satisfied that the evidence adduced in support of the petition is sufficient to establish the presumption that the father of the child is dead, it shall make an order adjudging such father to be presumptively dead. The clerk shall not charge or collect any fee for filing the petition or for any other service rendered by him under the provisions of this article.

1573. A petition under this article once heard and denied shall not be renewed in the same or any other court except upon the ground of newly discovered evidence. Any subsequent petition shall contain a recital of the former presentation and denial of a similar petition, and shall distinctly set forth a statement of the newly discovered evidence.

**Article 6. Transportation of Needy Children.**

1580 A county may transport needy children to proper homes without the State, when such homes are offered, and the State shall pay one-half of the total expense necessarily incurred in effecting such transportation.

Sec. 3. This act shall become effective on the first day of the month next succeeding the nineteenth day of the final adjournment of the Fifty-second Legislature of California."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1157**—An act to add Division IIa, comprising Chapter 1, sections 1700 to 1713, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Senate Bill No. 1157 were read and adopted.

**Amendment No. 1.**

On page 1, line 11, of the printed bill, strike out the last "mother", and strike out line 12, and insert in lieu thereof the following: "parent or mother of a needy child who as a half-orphan receives aid under the provisions of Chapter 1, Part 2 of Division II."

**Amendment No. 2.**

On page 4, line 36, of the printed bill, strike out "and" and strike out lines 37 to 39 inclusive and insert in lieu thereof the following: "The Federal aid (allocated according to the proportion which the county aid bears to the total amount of aid granted each eligible child."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Consideration of Senate Bill No. 1155.**

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1155, without reference to the Committee on Finance for purpose of adoption.

**Senate Bill No. 1155**—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency.

Bill read second time, and ordered to engrossment, and on file for third reading.

**Senate Bill No. 1156**—An act relating to tide, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1156 were read and adopted.

**Amendment No. 1.**

On page 1, line 24, of the printed bill, strike out "or there is reason to believe".

**Amendment No. 2.**

On page 1 of the printed bill, after line 27, add the following:

"The provisions of this act shall not apply to tide, submerged, or overflowed lands fronting on an incorporated or chartered city, or for a distance of one mile on

either side thereof, without the consent of the legislative body of any such city expressed by ordinance."

Bill read second time, ordered to print, engrossment, and on file for third reading.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and Assembly Bill No. 2326 refused passage by the following vote:

**AYES**—Senators Allen, DeLap, Fletcher, Garrison, Hollister, Keating, Law, McColl, McGovern, Nielsen, Olson, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Wagy, and Westover—19.

**NOES**—Senators Biggar, Crittenden, Cunningham, Deuel, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, McBride, Metzger, Mixer, Parkman, Phillips, Rich, Schottky, Tickle, Williams, and Young—20.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1496**—An act to amend an act entitled "An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act Number 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of said act, to add a new section to be numbered 2a. and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.



**Amendment from the Floor.**

During third reading of Assembly Bill No. 1496, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, in the last line of the title, strike out the following: "19."

**Consideration of Assembly Bill No. 1496, as Amended.**

**Assembly Bill No. 1496**—An act to amend an act entitled "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof, to regulate, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act Number 10 of the Seventy-third Congress of the United States, to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith, to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto, to provide that said State and Federal marketing agreements and licenses shall be and established standards of fair competition in this State, to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith, to repeal Chapter 1029 of the Statutes of 1933, to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof, to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses, to limit the effective period of this act, to declare the existence of a State and national agricultural emergency and the urgency of this act and that this act shall take effect immediately," approved June 11, 1935, by amending sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 12, 14, 15, 16, 17, 18, and 20 of said act, to add a new section to be numbered 2a, and to repeal sections 3a, 16a, 20a, and 21 of said act and to provide for the execution of marketing agreements and the issuance of marketing orders by the Director of Agriculture regulating the handling of agricultural commodities in intrastate commerce, and to declare the urgency of this act, and that this act shall take effect immediately.

**Urgency Clause.**

SEC. 20. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions of agricultural producers throughout the State are such as to require immediate relief, if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of agricultural products and the establishment of marketing agreements and marketing orders which assure stabilized and orderly distribution of agricultural products which can not otherwise be so marketed.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:



AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—36.

NOES—None.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 1496 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 1496 ordered transmitted to the Assembly.

**Assembly Bill No. 1730**—An act to amend sections 220 and 222 of the Vehicle Code, relating to reports of stolen vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1730 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1730 ordered transmitted to the Assembly.

**Assembly Bill No. 2596**—An act to add a new section to the Code of Civil Procedure to be numbered section 511, relating to actions against usurpers of public offices and franchises.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2596 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2596 ordered transmitted to the Assembly.

**Assembly Bill No. 802**—An act to add section 929 to the Fish and Game Code, relating to and regulating the subject of fishing within the jurisdiction of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 refused passage by the following vote:

**AYES**—Senators DeLap, Keating, Keough, McColl, McGovern, Parkinson, Pierovich, Powers, Sawwell, Slater, Swing, Tickle, and Williams—13.

**NOES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deard, Fletcher, Garrison, Gordon, Hollister, Jaspersen, Keating, Keough, Knowland, Law, Metzger, Moxter, Nielsen, Phillips, Quinn, Rich, Wagy, Westover, and Young—22.

**Assembly Bill No. 746**—An act to add section 683 to the Vehicle Code, relating to equipment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 746 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deard, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Moxter, Nielsen, Phillips, Pierovich, Quinn, Rich, Schottky, Sawwell, Slater, Swing, WAGY, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 746 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At eleven o'clock and thirty minutes p. m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 341**—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 341 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deard, Fletcher, Garrison, Gordon, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkinson, Phillips, Pierovich, Pomereh, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—Senator Hays—1.

Title read and approved.

Assembly Bill No. 341 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Senator Schottky in the Chair.**

At eleven o'clock and fifty-one minutes p. m., Senator Schottky of the twenty-fourth district was called to the chair.

**Assembly Bill No. 234**—An act to amend section 24 of, and to add sections 24 1 to 24 5, inclusive, to the State Bar Act, relating to admissions to the State Bar.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 234, the following amendment, offered by Senator Olson, was read, and refused adoption.

**Amendment No. 1.**

On page 2, line 6, of the printed bill, as amended, after "work", strike out the rest of the line, and insert the following: ", or equivalent," and strike out all of line 7.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—34.

**NOES**—Senators Garrison, Keating, McColl, and Tickle—4.

Title read and approved.

Assembly Bill No. 234 ordered transmitted to the Assembly.

#### **Notice of Motion to Reconsider.**

Senator Nielsen gave notice that on the next Legislative day he would move to reconsider the vote by which Assembly Bill No. 802 was passed.

#### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1822—An act to amend sections 2, 3, 6, 7, 8, 9, 11, 12, 12a, 13, 14, 19 and 24 of the "Act concerning cosmetology," relating to the practice of cosmetology and any branch thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 1822 read first time, and referred to Committee on Labor and Capital.

#### **Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

##### **On Public Morals.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 88—An act to amend section 1600 of the Welfare and Institutions Code, relating to orphaned and abandoned children;

Assembly Bill No. 89—An act to repeal an act entitled "An act in relation to the care of orphaned and abandoned children," approved March 7, 1874, relating to minor orphaned and abandoned children;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

FLETCHER, Chairman.

##### **On Judiciary.**

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1484—An act to amend section 978 of the Code of Civil Procedure, respecting appeal bonds;

Assembly Bill No. 2841—An act to amend section 4 and 8 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved July 31, 1921, relating to the creation and operation of cemetery districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1704—An act to amend section 42 of the Probate Code, relating to bequests and devises;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 258—An act to add section 12 (a) to the Personal Property Brokers Act, relating to regulation of the contents of personal property brokers.

Assembly Bill No. 259—An act to add four new sections to the Civil Code to be numbered 2981, 2982, 2983 and 2984, relating to conditional sale or lease contracts.

Assembly Bill No. 685—An act to amend section 142 of the Code of Civil Procedure, relating to undertakings on appeal.

Assembly Bill No. 907—An act to amend section 336a of the Code of Civil Procedure, relating to limitations of actions.

Assembly Bill No. 1479—An act to amend section 981a of the Code of Civil Procedure, respecting dismissal of appeals from justice court.

Assembly Bill No. 1480—An act to amend section 976 of the Code of Civil Procedure, respecting appeal on questions of law, or law and fact.

Assembly Bill No. 1481—An act to amend section 975 of the Code of Civil Procedure respecting appeals from judgments or orders of justice court on questions of law.

Assembly Bill No. 1482—An act to amend section 981 of the Code of Civil Procedure, respecting filing for an appeal.

Assembly Bill No. 1483—An act to amend section 980 of the Code of Civil Procedure, respecting powers of superior court on appeal.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 117—An act to amend sections 411, 412, and 413 of the Code of Civil Procedure, relating to service of process.

Senate Bill No. 1160—An act to amend sections 309 and 302 of the Code of Civil Procedure, relating to limitation of actions.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

## On Municipal Corporations.

## SENATE CHAMBER, SACRAMENTO, May 19, 1937

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 641—An act providing for a record of the ownership of street improvement bonds, fixing the time within which such recording should be made, and providing for the effect of failure to so record.

Assembly Bill No. 2343—An act making it unlawful, in any zoning or other ordinance of any city or city and county to prohibit the erection and the maintenance of a private school or schools in any residential or other district in such city or city and county in which the erection and or maintenance of a public school or schools is permitted.

Assembly Bill No. 2358—An act to amend sections 1 and 2 of an act originally entitled "An act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvement," approved April 26, 1909, the title of which is amended by act approved July 20, 1935, reads as follows: "An act to authorize municipal corporations to issue bonds for the purpose of acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts thereof, or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act," as amended.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1111—An act to empower the City and County of San Francisco to appropriate and pay over to Number One-a District Agricultural Association for its general use such sums of money as said city and county may from time to time determine.



Assembly Bill No. 2844—An act to authorize municipal corporations to abandon parks and sell and convey the land embraced therein;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2878—An act providing ways and means for liquidating, refinancing and readjusting defaulted bonds and warrants secured by, or payable out of proceeds derived from, special assessments and special taxes; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain; for the acquisition and cancellation of such obligations of such bonds and warrants held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

McGOVERN, Chairman.

#### On Universities and State Colleges.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Universities and State Colleges, to which was referred:

Assembly Bill No. 2893—An act remising, releasing and quitclaiming to the Regents of the University of California certain real property in the county of Humboldt;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

JESPERSEN, Chairman.

#### On Elections.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 21—An act to repeal sections 273, 274, 275, 276, 277, 278, 279, 280, 281, 282 and 283, of the Political Code, relating to the contesting of elections for members of the Legislature;

Assembly Bill No. 81—An act to amend section 1197 of the Political Code, relating to election ballots;

Assembly Bill No. 1085—An act to amend section 7 of the Direct Primary Law, relating to filing fees of candidates at primary elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 2849—An act to amend sections 4 and 23 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, relating to voting machines;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2119—An act to amend section 1300.1 of the Agricultural Code, relating to processors of farm products and the licensing thereof;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

CRITTENDEN, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 14 of Article XIII, relating to assignment of personal or personal property of another.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding sections 1, 2, 3, 4, and 5 of Article XIII, relating to the assignment of certain property from said State.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to section 14 of Article IV of the Constitution of said State, relating to the granting of money credits.

Has had the same under consideration, and respectfully reports the same back, and recommends that they be amended.

Committee membership—5; committee vote: Ayes—3.

KEATING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 19, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 10a to Article VI, relating to removal of judges.

Has had the same under consideration, and respectfully reports the same back, with out recommendation.

Committee membership—5; committee vote: Ayes—3.

KEATING, Chairman.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred

Senate Bill No. 1159—An act to amend section 3817d of the Political Code, relating to municipalities on tax sales.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Bill No. 1498—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2499—An act to amend sections 77 and 78 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred

Assembly Concurrent Resolution No. 41—Relating equal opportunity in public employment for qualified physically handicapped citizens of the State;

Assembly Concurrent Resolution No. 49—Relative to directing the Unemployment Reserves Commission to investigate and report upon seasonal employment and its effect upon the operation of the Unemployment Reserves Act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

#### SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1520—An act to amend section 41 of, and to repeal section 59 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 2704—An act to amend section 367b of the Political Code, relating to the compensation of members of the Social Welfare Board;

Assembly Bill No. 2705—An act to amend section 105 of the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

#### SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1250—An act to add Article XXI, consisting of sections 721 to 723.11, to Chapter 111 of Title 1 of Part III of the Political Code, relating to the establishment of the Department of Self-help Cooperatives of the State of California to provide an alternative to charity, relief, and work-relief;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be referred to the Committee on Finance.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

Assembly Bill No. 1250 ordered re-referred to Committee on Finance.

#### On Oil Industries.

##### SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Assembly Bill No. 1455—An act relating to State lands, authorizing the Director of Finance on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other disposition of oil, gas and other hydrocarbons from such lands by lease or contract or by the State providing for the exercise of the powers of eminent domain in connection therewith, and repealing all acts or parts of acts inconsistent or in conflict herewith;

Assembly Bill No. 1642—An act to amend the Political Code by adding thereto a new section, to be numbered 4041n, relating to the leasing of public parks acquired by special assessment, for the production of oil and gas and for the application of royalty payments to the retirement of bonds issued to acquire such parks and for the other disposition of such royalty;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; noes—2; absent—1.

WAGY, Chairman.

#### On Education.

##### SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1658—An act to add a new section to the School Code to be numbered 1353, relating to the manner of disbursing funds of school districts;

Assembly Bill No. 2504—An act to add to the School Code sections 2310, 2600, 21021, 21058, 21061, 21095, 21111 and 21321; and to repeal certain acts and parts of acts specified herein, all relating to the public school system;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

##### SENATE CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1147—An act to amend section 630 of the School Code, relating to letting of contracts to lowest responsible bidder;

Assembly Bill No. 1285—An act to add a new section to the School Code to be numbered 41014 and to add a new article to Chapter I of Part V of Division IV of the School Code to be known as Article X, relating to bonds issued by school districts;



Assembly Bill No. 1392—An act to amend Section 6,531 of the School Code, relating to the operation of school districts (bearing on housing committee plenary).

Assembly Bill No. 307—An act to amend Section 7 of the California Northland School Act, relating to admission fees.

Assembly Bill No. 1635—An act to amend Article II of Chapter I of Part I of Division III of the School Code and to add a new section to be known as Article II to Chapter I of Part I of Division III of the said School Code, relating to the care and education of Indian children attending the public schools, declaring the urgency thereof and providing that the act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote, Ayes, 7; Absent, 2.

TUCKER, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 20, 1937.

MR. PRESIDENT: Your Committee on Education to which was referred:

Assembly Bill No. 2290—An act to amend Section 2,972 of the School Code, relating to compensation for expenses of city boards of education to school districts situated wholly or partly within cities of the first and second class.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote, Ayes, 6; Absent, 2.

TUCKER, Chairman.

### Adjournment.

At eleven o'clock and fifty-five minutes p.m., on motion of Senator Rich, the acting President of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Friday, May 21, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, May 21, 1937.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biegar, Crittender, Cunningham, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jonasson, Keating, Kessing, Knowland, Law, McBride, McGill, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schenky, Seawell, Slater, Swing, Tinkle, Wagy, Westover, Williams, and Young—39.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, May 20, 1937, the further reading was, on motion of Senator Piorovich, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Walter H. Duval.



On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred Wilbur of Santa Ana.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Kathlyn Anne Smith of Los Angeles.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Houston and O. W. Houston both of Huntington Beach.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. H. Bradley, Superintendent of Schools, of Modesto.

On request of Senator Jepsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Frank O. Riely of San Luis Obispo, and Michael Burke of Alma.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Margaret Tickle of Carmel, and Miss Jean Shaw of Carmel.

### **Reports of Standing Committee.**

The following reports of standing committee were received and read:

#### **On Engrossment, Enrollment and Printing.**

**SENATE CHAMBER, SACRAMENTO, May 21, 1937.**

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1163—An act to amend sections 5 and 31, and to add sections 2.5 and 12a to the "Reclamation Board Act," approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control;

Senate Bill No. 1155—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency;

And reports that the same have been correctly engrossed.

**KEOUGH, Chairman.**

**SENATE CHAMBER, SACRAMENTO, May 21, 1937.**

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 370—An act relating to the California Commission for the Golden Gate International Exposition, further defining its powers and duties and making an appropriation therefor;

Senate Bill No. 64—An act to amend section 18 of the Use Fuel Tax Act of 1937, relating to the disposition of moneys received in pursuance of the provisions of said act;

And reports that the same have been correctly engrossed.

**KEOUGH, Chairman.**

**SENATE CHAMBER, SACRAMENTO, May 21, 1937.**

**MR. PRESIDENT:** Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 356—An act to amend section 13 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately;

And reports that the same has been correctly re-engrossed.

**KEOUGH, Chairman.**

## SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1159—An act to amend section 3817d of the Political Code, relating to moratorium on tax sales.

Senate Bill No. 1156—An act relating to title, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto;

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1164—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1157—An act to add Title 10, comprising Chapter 1, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children;

And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adjourned in Senate Chamber No. 1.

Assembly Bill No. 1750—An act to add three new sections to the Political Code to be numbered 4011.30, 4011.31 and 4011.32, relating to sale of lands dedicated for public parks;

Assembly Bill No. 1879—An act relating to the Department of Social Welfare, and its organization, powers, duties, and jurisdiction, repealing Chapter 1 of Division I of the Welfare and Institutions Code, embracing sections 100 to 116, inclusive, thereof, and adding a new Chapter 1 to said division, embracing sections 100 to 123, inclusive.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

## ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adjourned;

Assembly Joint Resolution No. 43—Relative to memorializing the President and the Congress of the United States to designate treaties and laws governing the preservation of sardines and pilchards in the waters of the Pacific Ocean.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Joint Resolution No. 43 read, and referred to Committee on Federal Relations.

## ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1753—An act to amend section 69 of the Civil Code, relating to issuance of licenses to marry.

Assembly Bill No. 445—An act to amend section 284 of the Code of Civil Procedure, relating to substitution of attorneys and fees of same.

Assembly Bill No. 1845—An act to amend sections 1 and 24 of the Direct Primary Law, relating to primary elections;

Assembly Bill No. 1924—An act to amend section 61 of the Labor Code, providing for certain powers and duties of the Department of Industrial Relations, relating to minimum wages.

Assembly Bill No. 2353—An act to amend section 13 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire

or compensation upon public streets, roads and highways in the State of California by motor vehicle," approved May 15, 1933, relating to the disposition of moneys received under said act;

Assembly Bill No. 2390—An act to provide a penalty for the violation of section 22 of Article XX of the Constitution of the State of California, relating to interest.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 153 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 445 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1845 read first time, and referred to Committee on Elections.

Assembly Bill No. 1924 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2353 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2390 read first time, and referred to Committee on Judiciary.

### **Consideration of Daily File.**

#### **Third Reading of Assembly Bills.**

**Assembly Bill No. 2860**—An act making an appropriation for the support of the University of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### **Call of the Senate.**

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Keating, Knowland, McBride, McColl, McGovern, Mixter, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Swing, and Westover—23.

The Secretary announced the absentees.

Time, ten o'clock and forty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Resolution.**

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$350, the same being for postage for the Senate mailing department.

RICH, Chairman.  
LAW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Backer, Critchfield, Cuyler, DeLoe, Fletcher, Garrison, Gordon, Hays, Knowlton, Lee, McBride, McCall, McGovern, Mixer, Parkman, Phillips, Purovich, Quinn, Schottky, Slater, Strong, Wagar, and Westover—24.

**NOES**—None.

### Second Reading of Senate Bills.

**Senate Bill No. 117**—An act to amend sections 411, 412, and 413 of the Code of Civil Procedure, relating to service of summonses.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 117 were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 411, 412 and 413" and insert in lieu thereof the following: "section."

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 29, inclusive; on page 2, strike out lines 1 to 52, inclusive; and on page 3, strike out lines 1 to 19, inclusive.

##### Amendment No. 3.

On page 3, line 20, of the printed bill, strike out "3," and insert in lieu thereof the following: "1."

##### Amendment No. 4.

On page 3 of the printed bill, strike out lines 22 to 40, inclusive, and insert in lieu thereof the following:

"413—The order must direct the publication to be made in a newspaper, or be named and designated as most likely to give notice to the person to be served, and for such length of time as may be directed by the court, at least once, such notice being, but publication against a defendant residing out of the State, or absent therefrom, must not be less than two months, except in proceedings instituted pursuant to the provisions of Chapter IV, Title III, Part III, of this code. In case of publication, where the residence of a nonresident or absent defendant is known, the clerk, judge, or justice, must direct a copy of the summons and complaint to be forthwith delivered in the post office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the State is equivalent to publication, and deposit in the post office, and in other case the service of the summons is complete at the expiration of the time prescribed for the order for publication."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1160**—An act to amend sections 359 and 362 of the Code of Civil Procedure, relating to limitation of actions.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 1160 was read and adopted:

##### Amendment No. 1.

On page 1, line 20, of the printed bill, strike out the words "heretofore or".

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Senate Bill No. 1159**—An act to amend section 3817d of the Political Code, relating to moratorium on tax sales.

Bill read second time, ordered to engrossment, and on file for third reading.



**Resolution.**

The following resolution was offered:

By Senator Allen:

*Resolved*, That Senate Bill No. 1159 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—27.

NOES—None.

**Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and fifty-seven minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The names of the absentees were called, and Assembly Bill No. 2860 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2860 ordered transmitted to the Assembly.

**Third Reading of Senate Bill No. 1159—(Out of Order).**

**Senate Bill No. 1159**—An act to amend section 3817d of the Political Code, relating to moratorium on tax sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1159 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jepsen, Keating, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—32.

NOES—None.

Title read and approved.

Senate Bill No. 1159 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Second Reading of Assembly Bills.**

**Assembly Bill No. 88**—An act to amend section 1600 of the Welfare and Institutions Code, relating to orphaned and abandoned children.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 89**—An act to repeal an act entitled "An act in relation to the care of orphans and abandoned children," approved March 7, 1874, relating to minor orphans and abandoned children.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2893**—An act remising, releasing and quitclaiming to the Regents of the University of California certain real property in the county of Humboldt.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 21**—An act to repeal sections 273, 274, 275, 276, 277, 278, 279, 280, 281, 282 and 283, of the Political Code, relating to the contesting of elections for members of the Legislature.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 81**—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1085**—An act to amend section 7 of the Direct Primary Law, relating to filing fees of candidates at primary elections.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1577**—An act authorizing the State Treasurer to pay certain coupons of bonds issued by the State of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 1577 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, after "California", insert the following: "and ratifying payments heretofore made."

**Amendment No. 2.**

On page 1 of the printed bill, following line 9, insert the following:

"SEC. 2. Any payments heretofore made by the State Treasurer on the coupons heretofore specified are hereby ratified and rendered fully effective."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2895**—An act to add section 38.5 to, and to amend sections 6, 10, 11, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 45, 51, 52, 62, 95, 97, and 101 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2895 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "to add section 38.5 to, and".

**Amendment No. 2.**

On page 1, line 17, of the printed bill, strike out "com.", and all of lines 18, 19 and 20, and insert in lieu thereof the following: "fund established by this act. (g) "Unemployment administration fund" means the unemployment administration fund established by this act.

(h) "Benefit fund" means the benefit fund established by this act.

(i) "Social Security Board" means the Social Security Board established by the Social Security Act.

(j) "Department" means the Department of Employment established by this act."

**Amendment No. 3.**

On page 1, line 29, of the printed bill, after "of", insert the following: "total".

**Amendment No. 4.**

On page 2, line 15, of the printed bill, strike out "The unemployment fund", and insert in lieu thereof the following: "There is hereby created the special benefit fund. The unemployment fund and the benefit fund".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1484**—An act to amend section 978 of the Code of Civil Procedure, respecting appeal bonds.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2841**—An act to amend sections 4 and 8 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved July 31, 1921, relating to the creation and operation of cemetery districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1704**—An act to amend section 42 of the Probate Code, relating to bequests and devises.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1704 was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, after the word "Code", insert the following: "or made by a testator leaving no spouse, brother, sister, nephew, niece, descendant or ancestor him surviving by whom the property so bequeathed or devised would have been taken if said property had not been so bequeathed or devised".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 258**—An act to add section 12 (a) to the Personal Property Brokers Act, relating to regulation of the contracts of personal property brokers.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 685**—An act to amend section 942 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 907**—An act to amend section 336a of the Code of Civil Procedure, relating to limitations of actions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1479**—An act to amend section 981a of the Code of Civil Procedure, respecting dismissal of appeals from justice court.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1480**—An act to amend section 976 of the Code of Civil Procedure, respecting appeal on questions of fact, or law and fact.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1481**—An act to amend section 975 of the Code of Civil Procedure, respecting appeals from justice's or police courts on questions of law.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1482**—An act to amend section 981 of the Code of Civil Procedure, respecting filing fee on appeal.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1483**—An act to amend section 980 of the Code of Civil Procedure, respecting powers of superior court on appeal.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 641**—An act providing for and requiring that a record be made of the ownership of street improvement bonds, fixing the time within which such recording should be made, and providing for the effect of failure to so record.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 641 was read and adopted:

**Amendment No. 1.**

On page 2, line 48, of the printed bill, as amended, strike out "six months", and insert in lieu thereof the following: "one year".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 259**—An act to add four new sections to the Civil Code to be numbered 2981, 2982, 2983, and 2984, relating to conditional sale of lease contracts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2200**—An act to amend section 2972 of the School Code, relating to compensation for members of city boards of education in school districts situated wholly or partly within cities of the first and one-half class.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1498**—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Social Security, the following amendment to Assembly Bill No. 1498 was read and adopted:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, strike out "a system of unemployment reserves", and insert in lieu thereof the following: "compensation of members of the Unemployment Reserves Commission".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2499**—An act to amend sections 57 and 58 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 2499 were read and adopted:

**Amendment No. 1.**

On page 2, line 18, of the printed bill, as amended, strike out "previously", and after "been", insert the following: "previously".



**Amendment No. 2.**

On page 3, line 14, of the printed bill, as amended, strike out "184.99", and insert in lieu thereof the following: "194.99".

**Amendment No. 3.**

On page 8, line 44, of the printed bill, as amended, strike out "2,184.44", and insert in lieu thereof the following: "2,184.00".

**Amendment No. 4.**

On page 10, line 16, of the printed bill, as amended, after the period, insert the following: "In order to determine when an individual is partially unemployed the commission shall determine and redetermine his average weekly wage in the manner provided in subsection (d) hereof at such reasonable times as the commission may find necessary to administer this act and may by special rule prescribe. For the purpose of such determination the base period shall consist of the first eight out of the last nine completed calendar quarters immediately preceding the date with respect to which an individual's average weekly wage is determined, except that as to any individual whose average weekly wage is determined with respect to any date within the first calendar quarter of the year 1938, the base period for the purpose of such determination shall consist of the first seven out of the last eight completed calendar quarters immediately preceding the date with respect to which such determination is made."

**Amendment No. 5.**

On page 10, line 27, of the printed bill, as amended, strike out "wages in excess of three hundred ninety dollars", and strike out lines 28 to 31, inclusive.

**Amendment No. 6.**

On page 11, line 16, of the printed bill, as amended, strike out "total of such wages bears to the".

**Amendment No. 7.**

On page 11 of the printed bill, as amended, after line 21, insert the following: "(h) An individual's weekly benefit amount and the maximum total amount of benefits payable to him in any one benefit year shall be determined as herein provided in accordance with such procedure as the commission may by special rule prescribe."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1455**—An act relating to State lands, authorizing the Director of Finance on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other disposition of oil, gas and other hydrocarbons from such lands by lease or contract or by the State, providing for the exercise of the powers of eminent domain in connection therewith, and repealing all acts or parts of acts inconsistent or in conflict herewith.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1642**—An act to amend the Political Code by adding thereto a new section, to be numbered 4041n, relating to the leasing of public parks acquired by special assessment, for the production of oil and gas and for the application of royalty payments to the retirement of bonds issued to acquire such parks and for the other disposition of such royalty.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1658**—An act to add a new section to the School Code to be numbered 4.353, relating to the manner of disbursing funds of school districts.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 1638 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of lines 5 to 29, inclusive.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2594**—An act to add to the School Code sections 2310, 2600, 21021, 21058, 21061, 21095, 21111 and 21321, and to repeal certain acts and parts of acts specified herein, all relating to the public school system.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 2594 were read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "and 21321" and insert in lieu thereof the following: "21321, 21399, 21400, 21401, 21435, 3351, 3392, 3599, 3792, 3897, 4784, 5112, 5188, 5400, 5491, 5592, 6294, 6299, 6394, 6452, 6781, 6782, 6783 and 6784, so add to Chapter XI of Part I of Division II thereof a new article to be known as Article VIIa; to add to Chapter II of Part IV of Division II thereof a new article to be known as Article V; to add to Chapter II of Part IV of Division II thereof a new article to be known as Article VII; to add to Chapter I of Part V of Division II thereof a new article to be known as Article V; to add to Chapter I of Part IV of Division III thereof a new article to be known as Article VIII; to add to Chapter II of Part IV of Division III thereof a new article to be known as Article VIIa; to add to Chapter I of Part III of Division IV thereof a new article to be known as Article I; to add to Chapter II of Part I of Division VI thereof a new article to be known as Article I; to add to Chapter V of Part II of Division VI thereof a new article to be known as Article IV; to add to Chapter V of Part II of Division VI thereof a new article to be known as Article V."

**Amendment No. 2.**

On page 5, line 44 of the printed bill, strike out "21341", and insert in lieu thereof the number "21321".

**Amendment No. 3.**

On page 5 of the printed bill, strike out all of lines 45 to 52, inclusive, and insert in lieu thereof the following:

"21321. The State Department of Education shall be administered through:

(1) The State Board of Education, which shall be the governing and policy determining body of the department;

(2) The State Director of Education in whom all executive and administrative functions of the department are vested and who is the executive officer of the State Board of Education.

SEC. 10. A new section is hereby added to the School Code to be numbered 21399, and to read as follows:

21399. The State Board of Education shall have power:

SEC. 11. A new section is hereby added to the School Code to be numbered 21400, and to read as follows:

21400. To establish at the request of the governing authorities of any State institution, courses of instruction for the inmates of such institution;

SEC. 12. A new section is hereby added to the School Code to be numbered 21401, and to read as follows:

21401. To examine under arrangements with the governing authorities of any such institution the progress of students taking such courses and to grant certificates of progress or completion as the State Board of Education may determine.

SEC. 13. A new section is hereby added to the School Code to be numbered 21435, and to read as follows:

21435. All members of the State Curriculum Commission shall serve without compensation, but they shall be allowed their actual and necessary traveling expenses in attending meetings of the commission and in attending meetings of any committee or subcommittee of the commission of which they may be a member.

SEC. 14. A new section is hereby added to the School Code to be numbered 3.351, and to read as follows:

3.351. The high school board may admit to such junior college courses of study graduates of any high school, and such other candidates for admission who are over eighteen years of age, and are recommended for admission by the principal of the high school maintaining the junior college courses.

SEC. 15. A new section is hereby added to the School Code to be numbered 3.392, and to read as follows:

3.392. The said State Board of Education shall have the power to make and enforce all necessary rules and regulations not inconsistent with law, to provide for a system of uniform cost accounting for all junior colleges.

SEC. 16. A new section is hereby added to the School Code to be numbered 3.530, and to read as follows:

3.530. Boards of school trustees, or city boards of education of any school district, may employ teachers to be known as "home teachers" not exceeding one such teacher for every five hundred units of average daily attendance in the elementary or high schools of the district as shown by the report of the county superintendent of schools for the next preceding school year.

SEC. 17. A new section is hereby added to the School Code to be numbered 3.762, and to read as follows:

3.762. A minimum of fifty per cent of each school week must be devoted to reading, writing, language study, spelling and arithmetic in grades one to six inclusive, and a minimum of six hundred minutes of each school week must be devoted to such subjects in grades seven and eight.

SEC. 18. A new section is hereby added to the School Code to be numbered 3.807, and to read as follows:

3.807. The course of study for special day and evening classes for adults maintained in connection with any high school shall be designed to fit the needs of adult pupils.

SEC. 19. A new section is hereby added to the School Code to be numbered 4.784-1, and to read as follows:

4.784-1. The Superintendent of Public Instruction shall apportion to every county wherein one or more twenty-four-hour elementary schools are established, an amount equal to one-half of the excess cost of educating pupils in such schools during the next preceding school year as computed by the various county superintendents of schools as provided in this act; provided, that such apportionment shall not exceed one hundred dollars per pupil for each pupil in average daily attendance at such school during the said year.

There shall be set aside from the moneys so received an amount sufficient to provide the necessary supervision by the State Board of Education. Apportionments made under the provisions of this section shall be in addition to any other apportionments made from the State school fund on account of the average daily attendance at such schools. No money shall be so apportioned unless such twenty-four-hour elementary schools meet the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by State agencies authorized by law to inspect or supervise child caring institutions.

On or before the thirty-first day of December, 1929, and on or before the thirtieth day of June and the thirty-first day of December in each succeeding year, the State Controller shall transfer from the general fund of the State, to the State school fund, such sum, in addition to the funds already provided by law, as the Superintendent of Public Instruction certifies is required to reimburse the several counties for one-half the excess moneys actually expended by the elementary school districts thereof for the education of pupils in twenty-four-hour elementary schools as provided in this code; provided, that such added amount shall not exceed one hundred dollars per pupil in average daily attendance therein during the next preceding school year.

The State Treasurer shall transfer from the general fund to the State school fund such sum as certified to him by the State Controller under the provisions of this section.

SEC. 20. A new section is hereby added to the School Code to be numbered 5.112, and to read as follows:

5.112. The Director of Education may provide for the establishment and maintenance of cafeterias in the State teachers colleges whenever in his judgment it is desirable to do so. The food served shall be sold to the patrons of the cafeterias at such prices as will pay the cost of operating and maintaining the cafeterias.

SEC. 21. A new section is hereby added to the School Code to be numbered 5.383, and to read as follows:

5.383. Whenever the holder of any life diploma or other teacher's credential or document issued by the State Board of Education in accordance with law requests in writing that any such diploma, credential, or document held by him be revoked, the State Board of Education shall proceed in accordance with general rules and regulations which it has adopted; provided, however, that any such request shall be received, read and made a matter of record at one meeting and shall be acted upon



at a subsequent meeting provided further that no such request shall be granted except after an investigation by a committee of the board or its duly authorized agents and the filing with the board by such committee or agents of a report in writing that the best interests of the State warrant the granting of the request without public hearing.

Sec. 22. A new section is hereby added to the School Code to be numbered 5.460, and to read as follows:

5.460. No librarian shall be employed for more than two hours a day in any elementary or secondary school unless such librarian holds a valid secondary school certificate or a special teacher's certificate in librarianship of proper grade, granted in accordance with the provisions of this code.

Sec. 23. A new section is hereby added to the School Code to be numbered 5.461, and to read as follows:

5.461. Such librarians when employed full time as librarians or serving full time, partly as librarians and partly as teachers shall receive no salaries.

Sec. 24. A new section is hereby added to the School Code to be numbered 5.532, and to read as follows:

5.532. The governing board of any school district shall have the power and the duty to provide for the payment of the actual and necessary traveling expenses of any employee of the district whose performing services for the district under the direction of the governing board thereof. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

Sec. 25. A new section is hereby added to the School Code to be numbered 6.204, and to read as follows:

6.204. Notwithstanding any of the provisions of this article to the contrary, the governing board of any school district of any type or class may, with the approval of the Director of Finance, lease real property owned by such school district to the State Department of Education or to the Regents of the University of California upon such terms and conditions as may be agreed upon. The State Department of Education or the Regents of the University of California is hereby authorized and empowered to enter into any agreement to lease real property under the provisions of this section.

Sec. 26. A new section is hereby added to the School Code to be numbered 6.260, and to read as follows:

6.260. The State Board of Education shall adopt and may cause to be published by the Superintendent of State Printing, any or more textbooks and teachers manuals, as it may deem necessary, in each of the courses prescribed for the elementary schools of this State, or it shall adopt and may cause to be published by the Superintendent of State Printing two or more textbooks and teachers manuals, as it may deem necessary, in each of the studies prescribed for the elementary schools of this State, whenever it may deem to supplement the basic text used. The studies above mentioned shall not include morals and manners and art, for each of which a teachers manual may be adopted. Nothing in this section shall be construed as requiring the State Board of Education to adopt more than one textbook or teachers manual in any subject where one each textbook or manual would be sufficient to cover the needs in the subject prescribed, provided further that nothing in this section shall be construed as prohibiting district boards of school trustees, city boards of education and county libraries from ordering and purchasing such supplementary textbooks as may be required.

The term elementary schools as used in this chapter includes all public schools, excepting junior high schools, in which instruction is given in the first to the eighth grades inclusive, or in any one or more of such grades.

Sec. 27. A new section is hereby added to the School Code to be numbered 6.391, and to read as follows:

6.391. Such publisher shall also submit one copy of each book, together with a statement of the list price of said book as shown by the publisher's catalog, a statement of all discounts allowed thereon when new copies of said book are purchased, and a statement of the lowest exchange price that will be given when old books in the same subject and of the like kind and grade, but of a different series, are received in exchange.

Sec. 28. A new section is hereby added to the School Code to be numbered 6.452, and to read as follows:

6.452. Nothing in this article shall be construed to prevent any person, publisher, or publisher's agent from supplying for purposes of examination, necessary sample copies of school textbooks to any member of a high school board, school official or teacher.

Sec. 29. A new section is hereby added to the School Code to be numbered 6.731, and to read as follows:

6.731. The cost of housing and equipping such cafeterias shall be a charge against the funds of the school district.



SEC. 30. A new section is hereby added to the School Code to be numbered 6.732, and to read as follows:

6.732. Said boards may at their discretion provide for the general supervision of such cafeterias and the cost of such general supervision shall be a charge against the funds of the school district.

SEC. 31. A new section is hereby added to the School Code to be numbered 6.733, and to read as follows:

6.733. The food served shall be sold to the patrons of the cafeterias at such a price as will pay the cost of maintaining the cafeterias, exclusive of the cost of such general supervision.

SEC. 32. A new section is hereby added to the School Code to be numbered 6.751, and to read as follows:

6.751. Such use of said public schoolhouse and grounds for said meetings shall be subject to such reasonable rules and regulations as the governing board of the district may prescribe and shall in no wise interfere with such use and occupancy of said public schoolhouse and grounds, as is now, or hereafter may be required, for the purposes of said public schools of the State of California.

SEC. 33. A new article is hereby added to Chapter XI of Part I of Division II of the School Code, to be known as Article VIa, and to read as follows:

#### Article VIa. Annexation of High School Districts Wherein Reside Junior College Pupils.

2.730a. Whenever a principal of a junior college in any junior college district shall present to the junior college board of such junior college district a statement made under oath that the average daily attendance in such junior college of pupils whose parents reside in a high school district contiguous to such junior college district, was an average of three or more for the two school years next preceding, which statement shall set forth the names of said pupils, the junior college board of such junior college district may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over such high school district, to annex such high school district to such junior college district.

2.731a. Upon presentation of such petition, accompanied by the sworn statement of the principal of the junior college concerning the attendance and residence of such pupils, and the verification thereof by the county superintendent of schools having jurisdiction over the junior college district, the board of supervisors, shall set the petition for hearing at a regular meeting thereof and shall publish in a newspaper of general circulation in the county once each week for at least two weeks prior to such hearing a notice containing a general statement of the purpose of such petition and the time and place when and where the petition will be heard, and shall require the clerk of the said board of supervisors to mail a copy of such notice to each of the trustees of the high school district at least ten days prior to such hearing.

2.732a. The board of supervisors thereof shall at the time and place named in such notice meet to receive any protest which interested parties may present, and, if no protest be filed in accordance with the provisions of this article shall make an order annexing such high school district to the junior college district.

2.733a. Should a petition protesting against such annexation, signed by at least twenty per cent or more of the qualified electors of such high school district, as shown by the affidavit of one of the petitioners, be filed at said meeting, the board of supervisors shall order an election to be held in said high school district within thirty days after the making of such order, to determine the question. Said election shall be called and held in the same manner as the elections for high school district bonds except that the words to appear upon the ballot shall be "For annexation to (insert name of) junior college district—Yes" and "For annexation to (insert name of) junior college district—No," and except that the returns shall be made to the board of supervisors.

2.734a. If it shall appear that a majority of the votes cast at said election were cast in favor of such annexation, the board of supervisors shall make an order annexing the high school district to the junior college district. Said order shall be entered by the clerk of the board in his record of high school districts and he shall also send a copy thereof to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

2.735a. If it shall appear that a majority of the votes cast at said election were cast against such annexation, no other election shall be called on the question of such annexation until one year from the date of the filing of the original petition.

2.736a. Whenever the junior college board of each of two or more junior college districts shall, under the provisions of this article petition the board of supervisors having jurisdiction for the annexation of the same high school district, said board shall refer the matter to the county superintendent of schools having jurisdiction over such high school district who shall make a recommendation thereon, after which the board of supervisors having jurisdiction, shall make an order stating to which of such junior college districts the high school district may, in accordance with the provisions of this article, be annexed.

2737a. Whenever a high school district is annexed to a junior college district in accordance with the provisions of this article, the territory so annexed to such junior college district shall not be liable for the payment of any part of the interest on, or principal of any bonded indebtedness of such junior college district. Therefore incurred, unless a pro rata portion of such indebtedness is assumed under the provisions of this article. Whenever a high school district is annexed to any junior college district under the provisions of this article, such junior college district shall thereafter constitute the same type of fiscal agency district as would be the case were the district being newly formed and shall be governed and administered as such.

2738a. From and after the annexation of a high school district under the provisions of this article, all property belonging to the original junior college district, shall be and become the property of the junior college district so formed.

SEC. 34. A new article is hereby added to Chapter II of Part IV of Division II of the School Code to be known as Article V, and to read as follows:

#### Article V—Divisions

21440. In addition to such divisions of the Department of Education as have been established by law, the State Board of Education may upon recommendation of the Director of Education establish such divisions as in the judgment of the board are necessary for the proper functioning of the Department.

21441. The State Board of Education shall select an experienced and qualified educator to be the head of each division in the Department, such head to be known as chief of the division, but such election shall be made only on recommendation of the Director of Education.

21442. The State Board of Education shall refuse to elect a successor of the director, if, after a public hearing, the board is satisfied that said person is morally or professionally unfit for the position or is tainted by the division by marriage or otherwise.

21443. The State Board of Education shall have power to create such advisory, non-positions in each division as may be recommended by the chief of the division and approved by the Director of Education.

21444. The State Board of Education shall select persons to fill all such advisory positions from a list submitted by the Civil Service Commission and recommended by the Director of Education.

21445. The State Board of Education shall have power to fix the salaries of all professional employees subject to approval by the State Department of Finance.

21446. The State Board of Education shall select teachers and principals of teachers' colleges and all other schools governed by the State Department on recommendation of the Director of Education in the same manner as in subdivisions provided in this code for the election of chiefs of divisions.

SEC. 35. A new article is hereby added to Chapter II of Part IV of Division II of the School Code to be known as Article VII, and to read as follows:

#### Article VII—Division of Schoolhouse Planning

21460. The Department of Education shall have power, and it shall be its duty:

21461. To establish and make effective rules and regulations relating to the conditions handling of the work of a Division of Schoolhouse Planning, which is hereby created to carry out the purposes of this article.

21462. To establish standards for school buildings.

21463. To review plans and specifications of all school buildings, plans or districts governed by a city board of education, and to formulate a schedule of charges for such service;

21464. To approve plans and specifications submitted by governing boards of school districts, and to return without approval and with recommendations for changes, any plans not conforming to established standards.

21465. To make all necessary provisions relating governing boards of school districts, or architects engaged by them, may provide by purchase or otherwise, copies of standard specifications, plans and building codes prepared by the department.

21466. To make upon request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, to advise such governing board concerning such building needs, to suggest plans for financing a building program to meet such needs, and to collect the cost of such survey, exclusive of the salaries of the State employees participating therein, from such district;

21467. To employ such experts and such clerical and stenographic assistants as may be required for expediting and checking and approving of plans and specifications.

21468. All moneys collected by the Division of Schoolhouse Planning under the provisions of this article shall be available for the use of said division.

21469. A revolving fund of one thousand dollars is hereby created for the use of the division in carrying out the provisions of this article.

SEC. 36. A new article is hereby added to Chapter I of Part V of Division II of the School Code to be known as Article V, and to read as follows:

**Article V—Membership of Schools in Organizations.**

2.1520. The governing board of any school district of any type or class and the junior college board of any junior college district of any type or class, may subscribe for membership for any school under its jurisdiction in any society, association, or organization which has for its exclusive purpose the promotion and advancement of public education through research and investigation and the publication of reports on educational problems. The State Board of Education shall approve a list of such societies, associations and organizations in which membership may be taken and no payment shall be made out of school funds for membership in any society, association or organization whose name does not appear in the list so approved by the State Board of Education. The total amount paid on account of all such membership shall not exceed thirty dollars (\$30) for any school during any school year.

SEC. 37. A new article is hereby added to Chapter I of Part IV of Division III of the School Code to be known as Article VIII, and to read as follows:

**Article VIII—Continuation Education Classes and Programs of Guidance, Placement and Follow-up in High Schools.**

3.490. The high school board of each high school district must establish and maintain a program of guidance, placement and follow-up for all minors within the district subject to the provisions of Chapter II of Part II of Division I of this Code (see page 21).

3.491. The high school board of each high school district must establish and maintain special continuation education classes whenever there are fifty or more minors residing within the high school district who are subject to the provisions of Chapter II of Part II of Division I of this Code (see page 21).

3.492. Special continuation education classes established under the provisions of this article must provide at least four sixty-minute hours of instruction per week for each minor within the high school district who is subject to the provisions of Chapter II of Part II of Division I of this Code (see page 21).

3.493. Classes established under the provisions of this article must be maintained between the hours of eight a.m. and five p.m.

3.494. Classes established under the provisions of this article must provide suitable instruction for the various individuals for whose benefit they are established.

3.495. The State Board of Education shall have the power and the duty to prescribe and enforce standards and regulations for the organization and administration of programs of guidance, placement and follow-up, for programs of coordination and instruction in continuation education, for the special reimbursement thereof, and for the certification of teachers and coordinators for continuation education.

SEC. 38. A new article is hereby added to Chapter II of Part IV of Division III of the School Code to be known as Article VIIA, and to read as follows:

**Article VIIA—Twenty-four-hour Elementary Schools.**

3.670a. The purpose of this article is to authorize the establishment of twenty-four-hour elementary schools for minors between the ages of eight and sixteen years and to provide for the attendance, maintenance, care, home supervision, guidance, observation, and education of those attending such schools, and to provide such minors with such vocational, homemaking, mental, moral, physical and such other training as will tend to strengthen and develop such minors and enable them to become good and useful citizens. It shall be the duty of the staff of every twenty-four-hour school to make adjustment as rapidly as possible in order that the period of time the child is away from ordinary community life may be as brief as possible; to place such minors in proper homes where they will be assured of suitable educational opportunities, and to cooperate with child placement agencies to this end and to stimulate proper care of such minors by their parents.

3.671a. Any elementary school district, with the approval of the State Board of Education, may establish and maintain one or more twenty-four-hour elementary schools in the discretion of the governing board of such district. Such school or schools shall be under the management and control of the governing board of the district which shall have in reference to such school or schools the same powers and duties which are now or may hereafter be assigned by law to such boards for the management of other schools of the district. A twenty-four-hour elementary school, as in this article designated and provided for shall be one of the public elementary schools of the district.

3.672a. The governing board of any school district maintaining a twenty-four-hour school shall, upon the recommendation of the superintendent of schools of the district, appoint a board of admission to said twenty-four-hour school consisting of one member of the governing board of the district, a representative of the welfare or charities department, if such a department exists, of the city within which the district is situated, if within a city, otherwise of the county the superintendent of schools of which has jurisdiction over the district, and two other persons desig-



nated by said superintendent. At least one member of the board of admission shall be a woman. The principal of each twenty-four-hour school, the superintendent of schools of the district and a representative of the State Department of Education shall be ex officio members of said board of admission. The chairman of the board of admission shall be the superintendent of schools of the district and the said board shall meet at such times and places as may be designated by the chairman. Children admitted will be those whose cases represent such serious behavior problems as to need constant study and care, who need more than twenty-four placement and definitely require twenty-four-hour supervision. Admission of pupils to a twenty-four-hour school shall be by one of the methods hereinafter provided. No child shall be admitted to a twenty-four-hour school except upon the recommendation of the board of admission.

3.673a. It shall be the duty of the said board of admission, or through some person or persons designated by it to investigate the case of any child whose name is submitted in writing as suggested by a signed statement for consideration for admission to such school, and to make recommendations to such board. The board of admission shall observe the progress of such child, and shall advise and recommend his release as soon as sufficient progress is indicated.

3.674a. The governing board consisting of twenty-four-hour schools may resort to such school any minor between the ages of eight and sixteen years who is a resident of such school district whose parent or guardian does not exercise proper supervision and guidance over him, or who is by reason of his conduct, temper, or refusal to obey the rules and regulations of the school authorities, or need of special educational training and discipline to remove him from becoming subject to the provisions of the Juvenile Court Law, approved June 5, 1915, as amended. Any such pupil may be assigned to such school by order of the superintendent of schools of such district approved in writing by the parent, or guardian in compliance with the recommendation of the board of admission. If the parent or guardian of such pupil shall enter into a contract with the school district for the return of such pupil, he may be maintained in such school for the period of the agreement.

3.675a. If the parent or guardian of any such pupil shall refuse to enter into a contract providing for the payment to the school district of a sum sufficient to meet the average cost of maintaining a pupil within such school, including meals, and a reasonable sum for lodging, and if the possession of the child within another school of the district or within its home is a menace to the happy welfare of other children or of the child itself, or if the duty of the superintendent of schools of the district to cause to be held in the superior court of the county in which such district is located, acting in such department thereof as shall be performing the functions of the juvenile court, or in any other court of competent jurisdiction, a complaint asking for an order of the court, committing the child to such twenty-four-hour school and fixing the amount such parent or guardian must pay for its maintenance therein until such time as the superintendent of schools of the district shall report to the court that the best interests of the minor can be served by its discharge from such school. A copy of the complaint shall be at the same time furnished the parent or guardian. Should such parent or guardian be unable to pay such amount the court may, in such order, provide for the payment by the county in which such district is located of a sum sufficient to cover the cost of maintenance of such child during the period of its commitment to the school.

3.676a. It shall be the duty of the principal of any school in the district in which there has been established a twenty-four-hour school to report to the superintendent of schools of that district, after conference held with the parent or guardian, any pupil in his school who he believes comes within the provisions and intent of this article. This report shall be in writing and shall set forth the facts upon which he believes that the child comes within the provisions of this article.

3.677a. Any minor who shall have been placed in the care and control of such twenty-four-hour school with the consent of the parent or guardian shall remain therein, if placed therein by order of the superintendent of schools of the district, for the duration of the period provided by said order or until further order of said superintendent of schools of the district, provided, however, that in any event the superintendent making such order shall review the same at intervals of at least twice a year following such order and upon such review may order the continuance or termination of the stay of the child in the twenty-four-hour school.

3.678a. If the minor shall have been placed in the twenty-four-hour school by order of the superintendent of schools of such district, the parent, or guardian with whose consent such minor was so placed in such school, shall have the right, upon application to the superintendent of schools who placed him therein, to secure the release of said minor and his restoration to the care, custody and control of such parent or guardian. The superintendent of the district shall require a written report from the principal of the twenty-four-hour school, giving the progress of the child and the advisability of the release of such child from the twenty-four-hour school and in case such report indicates that the said minor is in need of further care and treatment, that his release would be detrimental to his own welfare or the welfare of others, then the superintendent of the district may report the minor to



the juvenile court or other proper court for action, as provided under the Juvenile Court Law, approved June 5, 1915, as amended.

3.679a. If, in the opinion of the principal of any twenty-four-hour school, the further detention therein of any minor is detrimental to said minor, such minor may upon order of the principal be returned to the superintendent of schools of the district in which the school is located or to the court which committed the child, as the case may seem necessary for the best interest of the child.

3.680a. Any pupil who absents himself from any twenty-four-hour elementary school without permission therefor being first obtained from the principal thereof shall be deemed an habitual truant within the meaning of subdivision 10 of section 1 of the Juvenile Court Law, approved June 5, 1915, as amended, and dealt with as such.

If any person contributes to the absence of any pupil from such school without permission first having been obtained from the principal thereof, or advises, connives at, or aids or assists in such absence or conceals any such pupil after any such absence, such person is guilty of a misdemeanor.

3.681a. The course of study for said pupils and the method or methods used in enforcing said course of study shall be approved by the governing board of the district. There shall also be provided in such school or schools the proper facilities and equipment for vocational and trade training.

3.682a. The principal shall reside in the twenty-four-hour school and shall be furnished suitable quarters, furniture, food, supplies and laundry for himself and his family. The governing board of the district may make provision for maintenance of such individual instructors, officers, and employees as the interests of such school or schools may in its judgment require to reside on the premises.

3.683a. Each twenty-four-hour school may conduct clinics for the diagnosis and observation of children and may advise parents and school authorities regarding courses of study or treatment in the interests of the normal development of any child and to prevent waywardness and delinquency.

3.684a. The cost of securing sites or constructing and equipping buildings and in general the cost of housing and equipping twenty-four-hour schools including the necessary dormitories, dining halls, and other living quarters for pupils and employees of the district shall be a charge against the funds of the school district maintaining the same. The governing board of any such district may employ such principals, assistants, teachers, and employees as are necessary in the judgment of the board for the proper conduct of such twenty-four-hour schools and pay them from the funds of the school district. The expenses of lodging and boarding pupils residing within the buildings of any twenty-four-hour school shall be paid from the sums received from contracts with the parents or guardians of said pupils, or from the funds of the county within which such school is located paid to the school district in pursuance of court orders for the maintenance of pupils therein.

3.685a. This article shall be construed in conformity with the intent as well as the express provisions thereof and shall confer upon the governing board of any twenty-four-hour school or schools that may be created under the provisions of this article, authority to do all those lawful acts which it or they may deem necessary to promote the prosperity of such school or schools, or to promote the well-being and education of all minors entrusted to their charge. In construing this article the singular shall include the plural and the plural the singular, and the masculine shall include the feminine.

SEC. 39. A new article is hereby added to Chapter I of Part III of Division IV of the School Code to be known as Article Ia, and to read as follows:

#### Article Ia—Emergency Cash Fund.

4.280a. The governing board of any school district, high school or junior college district, of any kind or class, may, with the consent of the county superintendent of schools establish an emergency cash fund for the use of the chief accounting officer of such district, by adopting a resolution setting forth the necessity for such emergency cash fund, the officer for whom and the purposes for which such emergency cash fund shall be available, and the amount thereof, which shall not be more than one per cent of the district's estimated expenditures for the then current fiscal year and shall not in any event exceed five hundred dollars. Two certified copies of such resolution shall be transmitted to the county superintendent of schools who, if he approves the establishment of such fund, shall indorse his consent on such resolution and return one copy thereof to the governing body of the district.

4.281a. The officer for whose use such emergency cash fund is created shall file with the governing body of the district a bond in favor of the district, executed by such officer as principal and by a surety company authorized under the laws of this State to execute bonds as surety, in an amount not less than double the amount of such emergency cash fund. Such bond shall be conditioned upon the faithful administration of such emergency cash fund and upon the willingness and ability of the principal to account for and pay over said emergency cash fund at

any time upon the demand of the governing board of the district. The premium on such bond shall be a legal charge against the district, payable from the bonded or special fund thereof.

4282c. The governing board of the district shall meet on or before the first day and in the manner required by law to select, recommend and warrant for the payment of school money payable from the bonded or special fund of the district in favor of the school for money on hand belonging such fund to purchase, for the amount of emergency cash fund, and transmit same under to the county superintendent of schools recommended for the same and a certified copy of the resolution heretofore required, upon his approving such order, the county superintendent of schools shall detach and return forthwith to the governing board of the district, the county treasurer shall forthwith pay such warrant.

4283a. The person entrusted with such fund shall not be authorized to expend any portion thereof except for carrying or towards the carrying or purchasing of which is a legal charge against such district, and no expenditure shall be made unless a receipt is obtained thereon, showing both the date and the purpose of the expenditure and the amount expended. A full audit be conducted by such district monthly, or oftener if necessary. The person entrusted with such fund in the same manner as other funds are presented, shall not be responsible for same unless he receipts heretofore required. A person entrusted by resolution with such fund shall be returned to the emergency cash fund and such person or persons with any emergency cash fund shall, upon demand of the county superintendent of schools or the county auditor or of the governing board of such district, give an account of such fund.

4284a. The governing board of such district shall by any resolution be authorized to continue any emergency cash fund as established by any law. Whenever any emergency cash fund is approved by the governing board of such district, the same shall promptly return to the county treasurer, the county treasurer to return the same to the board as ordered by such board. If the emergency cash fund is recommended, the board using the same shall immediately report the same to the county superintendent. In either event a resolution may be passed and passed upon by the board, and himself by bills presented to such board, without the expenditure from such fund legally made.

Sec. 40. A new article is hereby added to Chapter II of Part I of Division VI of the School Code to be known as Article VII, and to read as follows:

#### Article VII. Junior College Building

690a. The governing board of each high school district shall have the power, when in its judgment it is deemed necessary, to construct and maintain dormitories in connection with any junior college within the district for use and occupancy by pupils in attendance at such junior college and shall fix the rates to be charged such pupils for quarters therein.

Sec. 41. A new article is hereby added to Chapter III of Part I of Division VI of the School Code to be known as Article I, and to read as follows:

#### Article I. General Provisions

6100. Boards of school trustees, and city boards of education, shall have power and it shall be their duty, when necessary for a case of their districts to purchase or sell school lands.

6101. The State Department of Education shall have power and it shall be its duty to establish standards for school lands.

Sec. 42. A new article is hereby added to Chapter V of Part II of Division VI of the School Code to be known as Article I, and to read as follows:

#### Article I. Adoption

6370. The governing board of each high school district shall adopt textbooks for use in the schools under its control and until such books may be adopted by said governing board and used as high school textbooks as shall have been filed with and officially listed by the State Board of Education under such regulations as may be prescribed by the State Board of Education.

6371. The State Board of Education shall classify all instructional material used in high schools, and shall indicate which materials are textbooks. Instructional materials not classified as textbooks may be purchased by governing boards of high school districts without reference to the list of State textbooks.

6372. The books adopted shall be put to actual use in the district not later than the school year next following their adoption.

6373. After such books have been selected and adopted by said board, no book shall be changed for any other book substituted textbook, except as otherwise provided in this chapter, for the period of three years after the date of its adoption, as shown by the official records of the board.

6374. Whenever courses of study designed to meet the needs of pupils of differing degrees of ability and preparation have been accepted by the governing board of a high school district, different textbooks may be adopted in such courses under regulations prescribed by the State Board of Education.

6.375. Any textbooks in use in the high schools of California on July 1, 1929, may be continued in use until textbooks are purchased and distributed by the high school board in accordance with the provisions of this chapter, but when said books are changed or other books substituted the books adopted shall be from the official list filed with the State Board of Education in pursuance of this chapter and shall be used for a full period of three years.

SEC. 43. A new article is hereby added to Chapter V of Part II of Division VI of the School Code to be known as Article IV and to read as follows:

#### Article IV—Bond of Publisher.

6.400. Every publisher desiring to offer one or more books for official listing must file with the State Board of Education a bond in a form approved by the Attorney General payable to the State of California in a sum to be determined by the State Board of Education.

6.401. The sum of the bond for any publisher offering one or more books shall be not less than one thousand dollars nor more than ten thousand dollars, the bond to be conditioned as follows:

6.402. First—That the publisher will furnish said book or books offered by him and listed by the State Board of Education, to any high school district at a price which shall not exceed the lowest price the publisher has made for such book or books offered anywhere in the United States under similar conditions of transportation and marketing.

6.403. Second—That the publisher will reduce such price automatically to purchasers within the State of California, whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and listed be sold to school authorities in California at a higher net price than is received for such book elsewhere in the United States, and that upon failure or refusal of the publisher to make such reduction all contracts or such book or books shall become null and void.

6.404. Third—That all books offered for sale, adoption or exchange in the State of California shall be equal in quality to that officially filed in the office of the State Board of Education as regards paper, binding, print, illustration, subject matter, and all other particulars that may effect (affect) the value of such school books.

6.405. Fourth—That the publisher will not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in textbooks, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of school books for use in the State of California.

6.406. Fifth—That the publisher will maintain an office in California or designate an agent or arrange with a depository in California, to receive and handle orders for said book or books.

6.407. Sixth—That the publisher will pay the costs in a sum not to exceed five hundred dollars of any investigation of the merits of any book filed by him should a commission of impartial experts find, after public hearing, that such book filed by said publisher and sold by him in California contained sectarian or denominational doctrine contrary to law, or propaganda injurious, in the judgment of such commission, to the schools.

6.408. It shall be a misdemeanor for any publisher or his representative to offer for sale any textbook to the high schools of California unless said book has been officially filed and there is on file in the office of the State Board of Education a valid bond, conditioned as herein provided in full force and effect.

6.409. When, in the judgment of the State Board of Education, there exists sufficient evidence that a textbook listed by said board contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, said board shall cause the book to be investigated by a committee of impartial experts. Such committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the State Board of Education. If, in the opinion of the committee, such textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, said board of education may remove said book from the official list.

SEC. 44. A new article is hereby added to Chapter V of Part II of Division VI of the School Code, to be known as Article V, and to read as follows:

#### Article V—Purchase of Textbooks.

6.420. The State Department of Education shall provide each publisher with a certificate for each book officially filed and shall from time to time notify county superintendents of schools, city superintendents of schools and high school principals, that such books have been officially listed together with the price at which such books are to be sold.

6.421. At least once each year the State Department of Education shall publish a complete list of all books officially listed for use in the high schools of California, one copy of which shall be sent to each county superintendent of schools, each city superintendent of schools, each high school principal and each clerk of the governing board of every high school district, and to each publisher whose books are listed.



**6.422.** Whenever a book has been removed from the list by action of the State Board of Education, it shall be (dega) for the year when action is taken to purchase copies of such book or to continue the use of such book in high schools in the district beyond the close of the current school year.

6423. Books shall be removed from the list in any one of the following ways: (a) upon written request of the publisher; (b) by action of the State Board of Education after formal investigation as provided in this chapter; (c) by action of the State Department of Education after the book has been on the list for a period of ten years, but such action shall not prevent the publisher from officially filing such book for listing.

6.424 It shall be the duty of the department secretary, or their designee, and the board of such purpose, to provide for the transportation of the books and materials of the high school district and to receive the books, papers, and materials, and to be found to be correct and in accordance with the order of transportation for the proper amount, including the cost of transporting the textbooks, as any fund of the high school district, or the publisher of the books, or the publisher within thirty days after receipt of the books, papers, and materials.

## Amendment No. 4.

On page 6, line 1, of the printed bill, strike out "10", and insert in lieu thereof the number "45".

### Amendment No. 5.

On page 6, line 1, of the proposed bill, after the word "contains," insert the following: "and articles"

## Amendment No. 6.

On page 6, line 4, of the printed bill strike out the period and insert in lieu thereof a comma and the following: "2,144, 1,351, 1,000, 4,700, 4,000, 1,000, 6,452, 6,781, 6,782 and 6,761."

Articles V and VII of Chapter II, Part IV, Division II; Article VIII of Chapter I, Part IV of Division III; Article III of Chapter II of Part I of Division VI; Article I of Chapter III, Part I, Division VI; Articles I, III, IV, and V of Chapter V, Part II, Division VI."

## Amendment No. 7.

On page 6, line 5, of the printed bill, strike out "11" and insert, in its stead, the number "46".

## Amendment No. 8.

On page 6 of the printed bill, strike out all of lines 10 to 14, inclusive, and insert in lieu thereof the following:

Year	Chowdhury	Year	Chowdhury
1929	60	1925	27
1929	61	1926	22
1929	144	1926	27.1
1929	151	1926	30.5
1929	160	1927	40
1929	161	1928	156
1929	162	1929	461
1929	167	1926	547
1929	171	1926	55.1
1929	172	1929	672
1929	179	1929	684
1929	185	1929	686
1929	226	1929	700
1929	268	1929	800
1929	277	1929	866
1929	283	1927	929

FIG. 47. Section 2 of Chapter 1004 Statutes of 1951, as being amended.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1147**—An act to amend section 630 of the School Code, relating to letting of contracts to lowest responsible bidder

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1285**—An act to add a new section to the School Code to be numbered 4 1014 and to add a new article to Chapter I of Part V of Division IV of the School Code to be known as Article X, relating to bonds issued by school districts.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 1393**—An act to amend section 6.531 of the School Code, relating to the operation of school district libraries as branch county libraries.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 307**—An act to amend section 7 of the California Nautical School Act, relating to admission fees.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1625**—An act to repeal Article II of Chapter I of Part I of Division III of the School Code and to add a new article to be known as Article II to Chapter I of Part I of Division III of the said School Code, relating to the care and education of Indian children attending the public schools, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1520**—An act to amend section 41 of, and to repeal section 59 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2704**—An act to amend section 367b of the Political Code, relating to the compensation of members of the Social Welfare Board.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2705**—An act to amend section 105 of the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2844**—An act to authorize municipal corporations to abandon parks and sell and convey the land embraced therein.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2878**—An act providing ways and means for liquidating, refinancing and readjusting defaulted bonds and warrants secured by, or payable out of proceeds derived from, special assessments and special taxes; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain; for the acquisition and cancellation of such obligations of such bonds and warrants held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2878 were read and adopted:

#### Amendment No. 1.

On page 3, line 40, of the printed bill, after the word "including", insert the following: ", without in anywise limiting the generality of the foregoing."

**Amendment No. 2.**

On page 10, line 33, of the printed bill, strike out "the special assessment district" and insert in lieu thereof "the governing body which adopted the plan."

**Amendment No. 3.**

On page 10, line 34, of the printed bill, after the letters "collection", insert the following "on behalf of the special assessment district."

**Amendment No. 4.**

On page 11, line 21, of the printed bill, after the period, insert the following:

"Provision for the payment of such fees or expenses or otherwise for and must be rowing or the repayment thereof may be included in and shall be part of the plan. The governing body which adopted the plan is hereby authorized to expend any available moneys from the general fund of the county, city and county, municipal or public corporation of which it is the legislative body, for the payment of such fees, expenses or such borrowings or any part thereof."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2119** An act to amend section 1300 I of the Agricultural Code, relating to processors of farm products and the licensing thereof.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Agriculture, the following amendment to Assembly Bill No. 2119 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 21 and 22 and insert in lieu thereof the following:

"(f) Whether or not the applicant intends to process more than one hundred tons of farm products during the license year."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2849** An act to amend sections 4 and 21 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use, at the option of individual local authorities of voting machines for receiving and registering the vote in one or more precincts of any county or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections, and providing for the punishment of all violations of the provisions of this act," approved May 9, 1923, as amended, relating to voting machines.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Elections, the following amendment to Assembly Bill No. 2849 was read and adopted:

**Amendment No. 1.**

On page 3, line 1, of the printed bill, after the period, add the following: "Where both voting machines and paper ballots are used the names of candidates shall so far as possible be placed upon the voting machines, and the names of no candidate shall be placed upon a paper ballot if any measure or proposition is placed upon a voting machine."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2343** An act making it unlawful, in any zoning or other ordinance of any city or city and county to prohibit the erection and/or maintenance of a private school or schools in any residential or other district in such city or city and county in which the erection and/or maintenance of a public school or schools is permitted.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 2343 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, following line 12, insert the following: "Sec. 3. As used in this act, 'private schools' means only private full time day schools, taught in the English language, and offering instruction in the several branches of study required to be taught in the public schools of this State."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2358**—An act to amend sections 1 and 2 of an act originally entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvement," approved April 26, 1909, the title of which as amended by act approved July 20, 1935, reads as follows: "An act to authorize municipal corporations to issue bonds for the purpose of acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts therein or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act," as amended.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2358 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill as amended, strike out "orig.", and strike out lines 2 to 6, inclusive, and in line 7, strike out "follows:", and insert in lieu thereof the following: "entitled".

**Amendment No. 2.**

On page 1, line 16 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "approved April 26, 1909, relating to the issuance, sale or exchange and redemption of bonds by a municipal corporation for the purpose of acquiring other general obligation bonds of the municipal corporation or bonds issued for street work or other public improvement."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1111**—An act to empower the City and County of San Francisco to appropriate and pay over to Number One-a District Agricultural Association for its general use such sums of money as said city and county may from time to time determine.

Bill read second time, and ordered on file for third reading.

**Withdrawal from Committee of Senate Concurrent Resolution No. 47.**

Senator McGovern moved that Senate Concurrent Resolution No. 47 be withdrawn from Committee on Motor Vehicles for purpose of adoption.

Motion carried, and such was the order.

**Senate Concurrent Resolution No. 47.**

Relative to references to Golden Gate International Exposition in license plates issued for motor vehicles in the years 1938 and 1939.

WHEREAS, The State of California is directly interested in the success of the Golden Gate International Exposition to be held in San Francisco in 1939; and

WHEREAS This Legislature has passed an act creating a State Commission for said exportation and appropriating the sum of \$1,000,000 for the use of said commission in procuring a State Lumber at said commission and to otherwise participating therein as more fully set forth in said act; and

WHEREAS It is deemed to be in the public interest to said exposition and thereby help to ensure the success thereof; and

and thereby help to ensure the success thereof; and

WHEREAS One means of effecting the aforesaid ends is through some appropriate form of organization of the financial system used for such activity in the years 1948 and 1949, now known as the \_\_\_\_\_

[illegible]

**Motor Vehicles.**

Resolutions read

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 47 adopted by the following vote:

AYES, Samuel; Allen, Robert; Calkins, George; DeLong, Isaac; Feltner, Garrison; Gault, William; Haines, Joseph; Keady, Kenneth; Kneff, John; Lee, McRende; McColl, McGowan; Miller, Milton; Nichols, Philip; Parnell, Patrick; Quinn, Rich; Seawall, Susan; Smith, William; Wainman, and Young, Ed.

None - None

Senate Concurrent Resolution No. 47 referred transmitted to the Assembly

### Re-reference of Senate Bill No. 374

Senator Hays moved that Senate Bill No. 754 be referred to Committee on Municipal Corporations.

Motion earned, and such was the order

## Re-reference of Senate Bill No. 769.

Senator Metcalf is now at Senate Hill No. 709 in prepared to  
Committee on Municipal Corporations.

Motion carried, and such was the order

### Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Nielsen moved to reconsider the vote whereby Assembly Bill No. 802 was refused passage.

### Postponement of Reconsideration.

On motion of Senator Nielsen the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 802 was refused passage was continued until the next legislative day.

Secretary Joseph A. Beek at the Desk.

### Third Reading of Senate Bills.

**Senate Bill No. 1153**—An act to amend section 162 of the Fish and Game Code, relating to fish and game district 40.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1153 passed by the following vote:

AYES. Senators Allen, Bigger, Cretenden, Cunningham, DeLap, Deed, Fletcher, Garrison, Gordon, Hays, Hoelcher, Holman, Jepsen, Keating, Keogh, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelsen, Parkman, Phillips.



Pierovich, Powers, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 1153 ordered transmitted to the Assembly.

**Senate Bill No. 406**—An act to amend section 330.17 of the Civil Code, relating to stock certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Law, McIndoe, McColl, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 406 ordered transmitted to the Assembly.

### Senate Constitutional Amendment No. 33.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to exemptions of property on account of military service.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 14 of Article XIII of the Constitution of this State be amended to read as follows:

SEC. 14. The property to the amount of one thousand dollars of every resident of this State who has served in the Army, Navy, Marine Corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, or who after such service of the United States in time of war has continued in such service, or who, after such service in time of war, has been released from active duty because of disability or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served in time of war and has died either during his term of service or after receiving an honorable discharge from said service, or who, after such service in time of war, has been released from active duty because of disability or under other honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy or Marine Corps or revenue marine service of the United States in time of war shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. The person claiming this exemption may apply any part or all of it to the actual value of his motor vehicle in determining the actual value for the purpose of fixing any license fee on the motor vehicle, the amount of which is a percentage of the actual value of the motor vehicle. No exemption shall be made under the provisions of this section unless the person claiming such exemption shall have complied with the statutory procedure described with respect thereto, nor shall any exemption be made hereunder of the property of a person who is not a legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers' Widow, Home Association shall be exempt from taxation.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 33 adopted by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland,

McColl, Metzger, Mixter, Nielsen, Parkman, Pomeroy, Powers, Quinn, Schlotky, Sewell, Slater, Swing, Wagy, and Westover—29.  
 NOES—None.

Senate Constitutional Amendment No. 33 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 34.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by inserting sections 12, 13, and 14 of Article XIII relating to the exemption of certain property from taxation.

*Resolved by the Senate, the Assembly concurring:* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby propose to the people of the State of California that the Constitution of said State be amended as follows:

First—That section 12 of Article XIII be amended to read as follows:  
 Sec. 12. Any educational institution or charitable institution within the State of California, not connected with any other school, college, university, or university and equipment, its grounds and buildings, and its buildings and equipment, containing 100 acres in area, its facilities and income, and controlled by the State or by a corporation, provided that no exemption shall be made under the provisions of this section unless the institution claiming such exemption shall have complied with the statutory procedure prescribed with respect thereto.

Second—That section 13 of Article XIII be amended to read as follows:

Sec. 13. All buildings, and no portion of the real property on which they are situated as may be required for the institutional use and maintenance of said buildings, when the same are used solely and exclusively for the religious purposes, shall be free from taxation, provided that no building or real estate shall be exempt from religious purposes and used exclusively for the secular purposes, and be exempt from taxation nor shall any corporation be exempt therefrom unless there is compliance with the statutory procedure prescribed with respect thereto.

Third—That section 14 of Article XIII be amended to read as follows:

Sec. 14. All buildings, and no portion of the real property on which they are situated as may be required for the occupation of institutions containing more than 20 orphans or half-orphans, children, receiving State aid, shall be free from taxation, provided, that no building or land or personal property on said estate may be rented and the rent received by the owner therefor shall be exempt from taxation under the terms of this section nor shall any corporation be exempt therefrom unless there is compliance with the statutory procedure prescribed with respect thereto.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Senate Constitutional Amendment No. 34 adopted by the following vote:

AYES—Senators Allen, Baggett, Christensen, Connelley, DeLong, David, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Johnson, Keating, Ketch, McCall, McGovern, Metzger, Mixter, Nielsen, Parkman, Powers, Pomeroy, Powers, Quinn, Sewell, Slater, Swing, Wagy, Westover, and Young—31.  
 NOES—None.

Senate Constitutional Amendment No. 34 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 32.

A resolution to propose to the people of the State of California an amendment to section 31 of Article IV of the Constitution of said State relating to the lending of public credit.

*Resolved by the Senate, the Assembly concurring:* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of all the members elected to each of the two houses of the said Legislature voting therefor, hereby propose to the people of the State of California that section 31 of Article IV of the Constitution of said State, relating to the lending of public money, be amended to read as follows:

Sec. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivisions of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of any individual, association, corporation, municipal or other corporation whatever; nor shall it have power to make any gift or authorize

the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its uses and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock or any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California Veterans' Welfare Bond Act of 1921 (Statutes of 1921, Chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of State bonds in the sum of \$10,000,000, for the purpose of creating a fund to carry out the provisions of the California Veterans' Welfare Act, providing land settlement for veterans (Statutes of 1921, Chapter 580), and the provisions of the "Veterans' Farm and Home Purchase Act," providing farm and home aid for veterans (Statutes of 1921, Chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such Veterans' Welfare Bond Act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

Nothing contained in this Constitution shall prohibit the distribution of any surplus, or portion thereof, in the veterans' farm and home building fund arising out of the operation of the Veterans' Farm and Home Purchase Act (Statutes of 1921, Chapter 519), by refunds, or credits on account, or otherwise, to veterans who have served in the military or naval service of the United States during time of war and who are, or have been, purchasers under said act, and whose payments under said act have contributed to such surplus. Any distribution made to such purchasers entitled to participate therein shall be made in sums which bear the same ratio to the surplus being distributed as such purchasers' payments into the fund bear to the total of all payments into the fund which contribute to such surplus.

And provided still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

And provided further, that the city of Glendale, of Los Angeles County, may, when authorized so to do, by a majority of the voters thereof voting at an election held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the ratification of this amendment, for the replacement of water mains, to the person or persons owning the property so assessed at the time said payment is so authorized; and that no statute of limitation shall apply in any manner.

Bill read.

The question being on the adoption of the bill.



The roll was called, and Senate Constitutional Amendment No. 42 adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deneel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kossuth, Kowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schutsky, Sewell, Slater, Swing, Wagy, Westover, and Young—32.

**NOES**—None.

Senate Constitutional Amendment No. 42 ordered transmitted to the Assembly.

**Senate Bill No. 1155**—An act to provide for the prompt disposition of disputes between employers and employees by creating a California Mediation Board, and a California Labor Adjustment Board, by providing for mediation, adjustment and arbitration of labor disputes, providing penalties for violation hereof, making an appropriation, and declaring an urgency.

Bill read third time.

#### Urgency Clause.

**SPE. SG.** This act is hereby declared an urgent question because necessary for the immediate preservation of the public peace, health and safety within the meaning of section 4 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such urgency are as follows: Labor disputes in California have caused, and are continuing to cause great economic loss, personal injury, and loss of life. The cooperation of the Federal Government with the Holiday Labor Act has demonstrated that legislation such as this can reasonably be expected to eliminate, where it not all of such disputes.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deneel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kossuth, Kowland, Law, McBride, McColi, McGovern, Metzger, Mixer, Nielsen, Quinn, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schutsky, Sewell, Slater, Swing, Tucke, Wagy, Westover, Williams, and Young—39.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1155 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deneel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kossuth, Kowland, Law, McBride, McColi, McGovern, Metzger, Mixer, Nielsen, Quinn, Parkman, Phillips, Piorovich, Powers, Quinn, Rich, Schutsky, Sewell, Slater, Swing, Tucke, Wagy, Westover, Williams, and Young—39.

**NOES**—None.

Title read and approved.

Senate Bill No. 1115 ordered transmitted to the Assembly.

#### Re-reference of Senate Bill No. 985.

Senator Swing moved that Senate Bill No. 985 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

#### Withdrawal and Re-reference of Assembly Bill No. 1924.

Senator Parkman moved that Assembly Bill No. 1924 be withdrawn from Committee on Labor and Capital, and referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.



### Senate Bill No. 733 Stricken from the File.

Senate Bill No. 733 was ordered stricken from the file, because it was ruled to be a skeleton bill.

### Recess.

At twelve o'clock and thirty-three minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Howard McIntire at the desk.

### Leave of Absence.

Senator Allen was, on motion of Senator Gordon, granted leave of absence for the balance of this legislative day.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 7—An act to repeal sections 2224, 2225, 2226, 2227 and 2228 of the Welfare and Institutions Code and to amend section 4 of the Old Age Security Act of the State of California or to add section 2232 to the Welfare and Institutions Code, relating to aid to the aged;

Senate Bill No. 123—An act to add Chapter 5, comprising sections 2000 to 2496, inclusive, to Division II and to add section 30003 to Division XXX of the Business and Professions Code, relating to the practice of medicine and surgery and other modes of treating the sick or afflicted and repealing acts and parts of acts specified herein;

Senate Bill No. 134—An act to add Chapter 4, comprising sections 1600 to 1752, inclusive, to Division II and to add section 30002 to Division XXX of the Business and Professions Code, relating to the practice of dentistry and dental hygiene and repealing acts and parts of acts specified herein;

Senate Bill No. 288—An act to add Chapter 6, comprising sections 2700 to 2784, inclusive, to Division II and to add section 30004 to Division XXX of the Business and Professions Code, relating to the practice of nursing the sick or afflicted and repealing acts and parts of acts specified herein;

Senate Bill No. 289—An act to add Chapter 10, comprising sections 4500 to 4551, inclusive, to Division II and to add section 30007 to Division XXX of the Business and Professions Code, relating to the care of the sick or afflicted by trained attendants and repealing acts and parts of acts specified herein;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 290—An act to add Article II, comprising sections 525 to 534, inclusive, to Chapter 1 in Division II and to add section 30009 to Division XXX of the Business and Professions Code, relating to the State Medical Library and repealing acts and parts of acts specified herein;

Senate Bill No. 291—An act to add Article III, comprising sections 550 to 558, inclusive, to Chapter 1 in Division II and to add section 30001 to Division XXX of the Business and Professions Code, relating to the prevention of blindness at childbirth and repealing acts and parts of acts specified herein;

Senate Concurrent Resolution No. 46—Relative to the appointment of a joint legislative committee to attend the dedicatory ceremonies in connection with the opening of the "Carmel-San Simeon Highway";

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

### Message from the Assembly.

The following message from the assembly was received and read:

Assembly, California, Sacramento, May 20, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendments to:

Assembly Bill No. 746—An act to add section 623 to the Vehicle Code, relating to equipment;

And requests that your honorable body reverse its position.

JAMES G. SMYTH, Chief Clerk of Assembly.

By F. Arthur Foxworth, Assistant Clerk.

Assembly Bill No. 746 ordered placed on the unfinished business list.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators DeLap, Donoh, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Law, McCall, Piersovich, Rich, Schwartz, Seawell, Slater, Swing, Tackle, Wagy, Westover, and Young.

The Secretary announced the absentees.

Time, two o'clock and four minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Further Proceedings Under Call of the Senate Dispensed With

At two o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, at motion of Senator Rich.

### Consideration of Daily File—(Resumed).

### Third Reading of Senate Bills—(Resumed)

**Senate Bill No. 370**—An act providing for a State exhibit at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, providing for the construction of a State building therefor and the gathering and improvement of its surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building, defining its powers and duties and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 370 passed by the following vote:

**AYES**—Senators Crittenden, Cunningham, DeLap, Donoh, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Law, McCall, McGowan, Nelson, Olson, Phillips, Piersovich, Quinn, Rich, Schwartz, Seawell, Slater, Swing, Tackle, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 370 ordered transmitted to the Assembly.

**Senate Bill No. 356**—An act to amend section 13 to an act entitled "An act to provide for the regulation and licensing of horse racing.

horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions." approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

#### **Urgency Clause.**

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

The facilities of existing buildings and equipment at State, county and agricultural district fairs and at State educational institutions devoted to agricultural and vocational training in animal husbandry are inadequate due to influx of visitors to the State of California by reason of state-wide celebrations planned during the coming years and increased enrollments in such educational institutions, and it is necessary to provide facilities for the safety and convenience of persons attending such fairs or persons enrolled in such educational institutions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—Senators Gordon, and McColl—2.

The question being on the passage of the bill.

The roll was called.

#### **Call of the Senate.**

Pending the announcement of the vote, Senator Nielsen moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

The Secretary announced the absentees.

Time, two o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### **Proceedings Under Call of the Senate.**

Secretary Joseph A. Beek at the Desk.

#### **Withdrawal and Re-reference of Assembly Bill No. 1924.**

Senator Olson moved that Assembly Bill No. 1924 be withdrawn from Committee on Public Health and Quarantine, and referred to Committee on Labor and Capital.

Motion carried, and such was the order.

### Withdrawal and Re reference of Assembly Bill No. 1924

Senator Parkman moved that Assembly Bill No. 1924 be withdrawn from Committee on Labor and Capital, and referred to Committee on Public Health and Quarantine.

The roll was called, and the motion for withdrawal and referral, without adoption by the following vote:

**AYES.**—Senators Crittenden, DeLoe, Gould, Harlow, McLean, Martin, Parkman, Rich, Seitz, T. A. Williams, and Young—23.

**NOTES.**—Senators Higgins, Cunningham, Phillips, Gorman, Senter, Hays, Haller, Jorgensen, Keating, Knapp, Knowlton, Low, McLean, Morgan, Nielsen, Olson, Phillips, Pomeroy, Powers, Quinn, Rich, Seitz, Senter, Strong, Wagon, and Young—24.

### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 64**—An act to amend sections 1 and 7 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of diesel fuel and fuel of a similar nature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

**AYES.**—Senators Rigger, Crittenden, Cunningham, DeLoe, Gould, Pomeroy, Garrison, Gordon, Hays, Holahan, Hurlbut, Jorgensen, Keating, Knapp, Knowlton, Low, McLean, Morgan, Nielsen, Phillips, Pomeroy, Quinn, Rich, Seitz, Senter, Strong, Tinkle, Wagon, Westover, Williams, and Young—25.

**NOTES.**—None.

Title read and approved.

Senate Bill No. 64 ordered transmitted to the Assembly.

**Senate Bill No. 1156**—An act relating to title, submerged and overflowed lands of the State and the production and disposition of oil, gas and other hydrocarbon substances therefrom, and defining the powers and duties of the State Director of Finance in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1156 passed by the following vote:

**AYES.**—Senators Garrison, McGowan, Quinn, and Young—4.

**NOTES.**—Senators Rigger, Crittenden, Cunningham, DeLoe, Gould, Harlow, Hays, Jorgensen, Keating, Knapp, Knowlton, Low, McLean, Martin, Morgan, Nielsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Seitz, Senter, Strong, Tinkle, Wagon, Westover, Williams, and Young—20.

### Further Proceedings Under Call of the Senate Dispensed With

At three o'clock and fifteen minutes past, further proceedings under the call of the Senate were dispensed with, on motion of Senator Nielsen.

The names of the absentees were called, and Senate Bill No. 356 passed by the following vote:

**AYES.**—Senators Rigger, Crittenden, DeLoe, Pomeroy, Garrison, Hays, Harlow, Jorgensen, Knowlton, Low, McLean, McGowan, Morgan, Nielsen, Quinn, Phillips, Pomeroy, Powers, Quinn, Rich, Seitz, Senter, Strong, Wagon, Westover, and Young—28.

**NOTES.**—Senators Cunningham, DeLoe, Gould, Holahan, Keating, Knapp, McColl, Tinkle, and Williams—9.

Title read and approved.

Senate Bill No. 356 ordered transmitted to the Assembly.



### Third Reading of Senate Bills—(Resumed).

**Senate Bill No. 1163**—An act to amend sections 5 and 31, and to add sections 25 and 12a to the "Reclamation Board Act," approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1163 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagv, Westover, and Young—32.

**NOES**—Senators Hays, McColl, and Schottky—3.

Title read and approved.

Senate Bill No. 1163 ordered transmitted to the Assembly.

**Senate Bill No. 501**—An act to amend sections 735.1, 735.4, 736.1, of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and tax paying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagv, Westover, and Young—32.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagv, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Senate Bill No. 501 ordered transmitted to the Assembly.

**Senate Bill No. 1164.**—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1164 passed by the following vote:

AYES. Senators Cunningham, Cunningham, DeLoe, Egan, Ferguson, Gaudin, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Keating, Keweenaw, Lee, McBride, McCall, McGowan, Miller, Nelson, Peterson, Phillips, Powers, Quinn, Rich, Seabolt, Slater, Strong, Tuckle, Wagg, Westover, and Young—37.

NOES. None.

Title read and approved.

Senate Bill No. 1164 ordered transmitted to the Assembly.

### Unfinished Business

**Senate Bill No. 548.**—An act to amend subsections 4 and 7, and to add a new subsection to be numbered 2 to section 59040 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 refused passage by the following vote:

AYES. Senators Cunningham, Hollister, Jespersen, Lee, and McBride—5.  
NOES. Senators Cunningham, DeLoe, Egan, Ferguson, Gaudin, Hays, Hollister, Keating, Keating, Keweenaw, Merrill, McGowan, Morgan, Myers, Nelson, Olson, Phillips, Pierovich, Quinn, Rich, Seabolt, Slater, Strong, Wagg, and Westover—27.

Title read and approved.

Senate Bill No. 548 ordered transmitted to the Assembly.

**Senate Bill No. 24.**—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities and definitions of other terms used in said act, and including and defining toll roads and toll bridge corporations as public utilities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 refused passage by the following vote:

AYES. Senators Bagg, Cunningham, Cunningham, DeLoe, Egan, Ferguson, Gaudin, Hays, Hollister, Hollister, Johnson, Keating, Keating, Keweenaw, Lee, McBride, McCall, McGowan, Morgan, Myers, Nelson, Peterson, Phillips, Pierovich, Powers, Quinn, Rich, Seabolt, Seabolt, Slater, Strong, Tuckle, Wagg, Westover, and Young—36.

NOES. None.

Title read and approved.

Senate Bill No. 24 ordered transmitted to the Assembly.

**Senate Bill No. 947.**—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit

cooperative agricultural association created to carry out such purpose and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Baggot, Crittenden, Cunniff, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

The Secretary announced the absentees.

Time, three o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, MAY 21, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Senate Joint Resolution No. 24—Relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in war time and the effective barring of war profits;

Senate Joint Resolution No. 25—Relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership: 3; committee vote: Ayes—2; absent—1.

PHILLIPS, Chairman.

### Consideration of Senate Joint Resolution No. 24.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 24, without reference to file for purpose of adoption.

#### Senate Joint Resolution No. 24.

Relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in war time and the effective barring of war profits.

WHEREAS, It is the duty of the United States Government to protect the welfare of its people by doing every reasonable thing to avert war; and

WHEREAS, The United States could, to a great extent, accomplish her part in the world's striving for peace by legislating against war profits; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the President and the Congress of the United States are hereby respectively urged to enact legislation that will provide for the conscription of wealth and industry used for war purposes upon a basis similar to that for the conscription of man power, and will effectively bar war profits from the use of property or wealth for war purposes; and be it further

*Resolved.* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United





prevent private capital or public institutions or corporations from expending money or developing the tide land or submerged area of the State of California and discourage commerce and navigation and industry from investing money or expending effort in the development of the same; and

WHEREAS, There have been developed many great harbors on the coast, one at San Francisco by the State of California, one at Los Angeles by the city of Los Angeles, one in Oakland by the board of port commissioners of Oakland, and many others up and down the coast line of the State, the title to which property would be clouded by the passage of said bill; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That this Legislature of the State of California in regular session assembled, urgently petitions and requests that S. No. 2164 be defeated; and be it further

*Resolved*, That the Secretary of the Senate be and is hereby directed to transmit copies of this resolution to the President of the United States, to the Vice President thereof, to each Senator and Representative in Congress of the State of California, to Honorable Senator Nye, and to the respective members of the Committee on Public Lands and Surveys.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 25 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Senate Joint Resolution No. 25 ordered transmitted to the Assembly.

#### **Re-reference of Senate Bill No. 478.**

Senator DeLap moved that Senate Bill No. 478 be re-referred to Committee on Social Security.

Motion carried, and such was the order.

#### **Re-reference of Senate Bill No. 1127.**

Senator DeLap moved that Senate Bill No. 1127 be re-referred to Committee on Oil Industries.

Motion carried, and such was the order.

#### **Re-reference of Senate Bill No. 866.**

Senator Knowland moved that Senate Bill No. 866 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

#### **Re-reference of Senate Bill No. 43.**

Senator Powers moved that Senate Bill No. 43 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

#### **Re-reference of Senate Bill No. 42.**

Senator Seawell moved that Senate Bill No. 42 be re-referred to Committee on Revision of Criminal Law and Procedure.

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Gordon on the adoption of motion to re-refer to committee.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Holohan, Keating, Keough, McBride, McColl, McGovern, Metzger, Parkman, Pierovich, Powers, Rich, Seawell, Slater, Tickle, and Wagy—20.

**NOES.** Senators Fletcher, Garrison, Gorman, Harry Hollister, Jorgensen, Keating, Law, Mixer, Noyes, Quinn, Phillips, Quinn, Schuckey, Swing, Williams, and Young—18.

### Withdrawal of Senate Bill No. 43.

Senator Olson moved that Senate Bill No. 43 be withdrawn from Committee on Revenue and Taxation.

#### Motion.

Senator Keough moved that Senator Olson's motion to withdraw Senate Bill No. 43 from Committee on Revenue and Taxation be laid on the table.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Garrison and Cunningham on the adoption of motion to table Senate Bill No. 43.

The roll was called, and the motion carried by the following vote:

**AYES.** Senators Buzze, Cunningham, DeWitt, Gorman, Harry Hollister, Jorgensen, Keating, Keough, Kneeland, McCall, Morrison, Munroe, Noyes, Parkman, Phillips, Pomeroy, Quinn, Quinn, Ross, Schuckey, Swing, Tiddle, and Ward—24.  
**NOES.** Senators Cunningham, DeWitt, Fletcher, Gorman, Harrison, Law, McBride, Mixer, Noyes, Quinn, Schuckey, Williams, and Young—14.

### Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Phillips.

The names of the absentees were called, and Senate Bill No. 947 passed by the following vote:

**AYES.** Senators Buzze, Cunningham, DeWitt, DeWitt, Frazier, Gorman, Harrison, Jorgensen, Keating, Kneeland, McCall, Morrison, Munroe, Noyes, Quinn, Phillips, Pomeroy, Quinn, Tiddle, Ward, Williams, and Young—25.  
**NOES.** Senators Cunningham, Gorman, Harry Hollister, Keough, Law, McCall, Mixer, Parkman, Pomeroy, Quinn, Rife, Schuckey, Swing, and Young—15.

#### Title read and approved.

Senate Bill No. 947 ordered transmitted to the Assembly.

#### Recess

At three o'clock and fifty minutes p.m., on motion of Senator Rife, the President of the Senate declared recess until three o'clock and fifty-five minutes p.m.

#### Reconvened.

At three o'clock and fifty-five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Report of Special Committee.

The following report by Special Senate San Francisco Harbor Committee was received, and ordered printed in the Journal:

#### REPORT OF THE SPECIAL SENATE SAN FRANCISCO HARBOR COMMITTEE PURSUANT TO SENATE RESOLUTION ADOPTED JUNE 7, 1935, TO THE SENATE OF THE STATE OF CALIFORNIA.

To the Senate of California:

Your special Senate San Francisco Harbor Committee begs leave to report:

#### The Scope of Committee Investigation.

The Special Senate San Francisco Harbor Committee, consisting of Senators Herbert W. Slater, William P. Rife, Ray W. Hays, Harry L. Parkman, and Walter McGovern, chairman, was appointed by the President of the State Senate, pursuant to

a resolution adopted by the Senate on June 7, 1935, for the purpose of gathering information and conducting investigations concerning the operation and administration of the water front and harbor of San Francisco and of the business methods employed by the Board of State Harbor Commissioners as well as of all property under the jurisdiction of said board and of all laws and matters incidental thereto and to make a report on the same, together with its recommendations, if any, to the State Senate at the fifty-second session thereof.

When the resolution calling for the creation of this committee was presented to the Senate, a discussion arose concerning the purpose of such resolution whereupon Senator Walter McGovern, who introduced the same, agreed to the suggestion that if the resolution was adopted he would not seek to have the proposed special committee invade the controversial field of State versus municipal ownership of the water front of San Francisco nor attempt to go into such matters relating to said harbor as were then being investigated by the Special Senate Committee on Civil Service.

When our committee was organized it passed appropriate resolutions in accordance with the understanding of the Senate concerning the scope of the inquiry and declared it to be the policy of this committee to avoid any question concerning municipal versus State ownership of the water front of San Francisco, the political issues involved in the selection of the personnel of the Board of State Harbor Commissioners, or the civil service status of its employees. The committee decided to limit its investigation to the business methods employed in the operation of such water front and to the reasons why such water front had been losing business in recent years.

In addition to different business meetings of the committee at which various documentary evidence concerning the purpose of the investigation was introduced in evidence, a public hearing, duly noticed, was held by the committee in the auditorium of the Board of State Harbor Commissioners in the Ferry Building in San Francisco, at which time many civic organizations and various shipping interests were represented. The testimony of numerous witnesses was taken under oath, at that hearing which testimony was transcribed by a shorthand reporter and is now a matter of record. An additional public hearing was held by the committee in the State Capitol in Sacramento on January 20, 1937, at which time further documentary evidence and oral testimony was introduced into our records. Correspondence with other Pacific Coast ports produced information of value. The University of California also contributed important data.

The committee employed the services of Mr. C. Preston Mead, a public accountant, who made a comparative check of some of the books and records of the board. Mr. Mead's report to the committee is in evidence and in our records. It was impossible for us, considering the size of our appropriation, to cause anything like a comprehensive audit of the books of the board to be made.

#### Facilities.

San Francisco Bay, the entrance to which is through Golden Gate Strait, is generally regarded as one of the greatest natural harbors in the world. It is land locked, has an area of 150 square miles, is 48 miles long, has a maximum width of 13 miles and has 100 miles of shore line, 79 miles of which offer safe anchorage. It is the only combined river and bay port on the Pacific Coast. The state-owned water front of San Francisco extends for approximately 10 miles, about half of which is developed.

All of that part of the water front of San Francisco Bay, within the political boundaries of the City and County of San Francisco, that is used for commercial water traffic, is operated by the State of California under the jurisdiction of the Board of State Harbor Commissioners. Excepted from the jurisdiction of that board is the Presidio, the Federal military reservation, certain Federal Government wharves at Fort Mason, the noncommercial yacht harbor and aquatic park, where pleasure yachts are berthed, and which is owned by the City and County of San Francisco, certain facilities belonging to the Bethlehem Shipbuilding Corporation at China Basin and Hunter's Point, as well as water front property belonging to the Western Sugar Refinery at the foot of Twenty-third Street.

The state-owned facilities, the largest on the Pacific Coast and the second largest in the United States, include forty-three major piers with connecting wharves, fifteen passenger and automobile ferry slips, six commercial ferry slips for the accommodation of railway car barges and the transfer of railway freight cars. There are approximately seventeen miles of berthing space in this area which provide approximately one hundred and ninety-three acres of cargo area. The piers range in length from 400 feet to 1300 feet and in width from 100 feet to 386 feet. The slips between the piers are from 150 to 350 feet wide.

Three of the forty-three piers were constructed between 1900 and 1905, five between 1906 and 1910, sixteen between 1911 and 1915, ten between 1916 and 1920, three between 1921 and 1925, four between 1926 and 1930 and two between 1931 and 1935. Wharves situated on the north side and on the south side of the channel between Third and Seventh streets were constructed at various periods between 1910 and 1936; those wharves on the south side of China Basin and east of Third Street were constructed between 1907 and 1909; those at Central Basin were constructed between



1908 and 1913; those on Lake Creek east of Lead Street were constructed in 1917 while those on the south side of Lake Creek east of Third Street were constructed in 1932.

Special facilities include a banana refrigeration tunnel, a green tunnel, a banana terminal and two banana warehouses for the convenience of general cargo. At Fishermen's Landing there is a 100-foot refrigeration shed and building devoted to the commercial trade, complete with accommodations provided for approximately three hundred fishing boats.

The Ferry Building, across the street from the foot of Market Street, included the main Ferry Building, Annex, the victual and currier.

There are also buildings situated on the small lots, a street lighting system, an underground drainage system, various other improvements as well as the San Francisco sewerage which is a long, half-century long Fishermen's Wharf on the north to Pier 54 on the south. This pier is built on a dredging of 100 feet to 20 feet below what is the surface of the water and being the pier is with rock, the upper crest being trimmed with a concrete coping or curb.

The Port Line Railroad has a total of over 67 miles of track of which about 50 miles are dedicated to the city. The other 17 miles is situated on property of the Port Line and is dedicated and subject to the main line railroad company. The tracks located at Fishermen's Wharf are an alternative route to the San Francisco and Northern Pacific Stations. The Port Line Railroad is the main line line, carrying the goods and the commodities from the lines entering San Francisco. It carries from the wharves to the main street, with some freightage north of Ocean Avenue. The Port Line Railroad is connected to the main line with various branches, including the main line, the main line and the main line, with a car capacity of over 100,000 cars, with a total of over 100,000 cars. The Port Line Railroad is a public utility, owned by the Port Line Railroad, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

The land under the wharf is a public utility, with a total of over 100,000 cars, and other facilities, including the main line, the main line and the main line. The Port Line Railroad is a public utility, owned by the Port Line Railroad, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

The Lake Creek Grays Terminal is equipped with various cranes and loading machinery, and is used exclusively for the handling of goods for export. This Terminal is the center of a large grain terminal, which has been the main commodity handling center for the city. The terminal has been greatly increased in capacity to the present, including the main line, the main line and the main line. The wharf is 540 feet long and 100 feet wide, and a third pier, 100 feet long and 100 feet wide, covering a section of the wharf and extending over a total of 100 feet on the west side. This will increase the capacity of the wharf to over 100,000 cars.

The State Products Terminal at Ocean Wharf is a modern structure, 812 feet in length, the building is 114 feet high, and the main line. This terminal is designed for the handling of goods and other products, including the main line, the main line and the main line. The main line is a public utility, owned by the State Products Terminal, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

A fumigating plant, specially designed for the fumigation of goods, is located on the State Products Terminal, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

Pier 38 is equipped with various facilities, including the main line, the main line and the main line. The main line is a public utility, owned by the State Products Terminal, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

A banana terminal, similar to those in New Orleans and Mexico and unique on this coast, has been established. This terminal, serving at frequent intervals, discharge many tons of bananas each trip.

The floating equipment, owned by the Port Line, includes three tug boats, two tug boats, four scows, four pilers, and one derrick. The derrick is 100 feet long and 100 feet wide, and is a public utility, with a total of over 100,000 cars, as well as other facilities, including the main line, the main line and the main line.

The board carries several lots and submerged lands under its jurisdiction on its books, at a valuation of \$44,487,104.11. It also carries several lots under its jurisdiction on its books, at a valuation of \$2,200,707.92. Other property, including floating equipment and property is carried on its books at a valuation of \$911,247.17. At present, no valuation was made on its books of property revaluation made in 1929. There was a sinking fund accumulation on the books of the board as of June 30, 1936, amounting to \$2,200,707.92 and current assets of cash, receivables and stores totaling \$2,427,070.10. This made a total valuation by the board of its assets on the last mentioned date of



\$89,634,004.13. This was subject to current liabilities to the amount of \$482,258.72 and to a funded debt indebtedness represented by outstanding bonds amounting to \$18,103,000.

According to the books of the board its total assets showed a net worth as of June 30, 1936, in the total sum of \$70,688,251.16. To this should be added the outright grant by the Federal Government (PWA) to the State board in the sum of \$60,494.25.

The Embarcadero, a 200-foot thoroughfare, maintained by the board, runs along the water front between the piers and the wholesale district of the city for a distance of approximately ten miles. The northern half of the water front is developed to its full capacity. Approximately five miles of undeveloped water front land, owned and controlled by the State, are available for additional piers, wharves, channels and industries.

While the facilities for handling freight on the water front of San Francisco compare favorably with other Pacific Coast ports, the handling of water passenger traffic at the port is not as up to date as in the Port of Los Angeles.

#### No State Money Invested in San Francisco Water Front.

As set forth in various printed reports of the Board of State Harbor Commissioners, "the port is and has always been entirely self supporting. The cost of operation, maintenance, construction, bond interest and sinking fund charges is paid out of harbor revenues."<sup>1</sup>

"All the cost of construction and maintenance of seawalls, buildings, wharves, etc., as well as operating expenses, are paid out of harbor receipts; San Francisco Harbor thus paying its own way, not a dollar coming out of the public treasury or taxes."<sup>2</sup>

"During this period of sixty-five years (under State ownership) the port has been absolutely self supporting. It has met all the expenses of operation and maintenance and all bond interest and sinking fund charges, out of earnings, and except for bonds to the extent of \$15,103,000, outstanding as of June 30, 1928, has also paid out of earnings the cost of developing the harbor and constructing the facilities, the minimum value of which is estimated as seventy-five million dollars."<sup>3</sup>

#### Historical.

Although the coast of California was discovered on September 28, 1542, by John Rodriguez Cabrillo, a Portuguese navigator in the service of the King of Spain, and although other European explorers, including Sir Francis Drake,<sup>4</sup> sailed in close proximity to the Golden Gate, during the succeeding 200 years, what is now called the Bay of San Francisco was not discovered until early in November, 1769, when Father Juan Crespi and Sergeant Jose Francisco Ortega, attached to the land expedition of Captain Don Gaspar de Portola, the Spanish Governor of California, first observed the waters of that bay from the near by hills on the San Francisco peninsula. This land expedition that discovered San Francisco Bay actually was in search of Monterey when the discovery was made.

Prior to that discovery the great outside sweep of water between Point San Pedro, Point Reyes and the Farallone Islands was called the Bay of San Francisco by various map makers, writers and explorers. Nobody had yet observed the Golden Gate or guessed the existence of the great harbor within. When the landlocked bay was discovered in 1769 and named the Bay of San Francisco, the water outside the heads was called the Gulf of the Farallones. The name of the Golden Gate was suggested by John C. Fremont.

The first boat to enter the waters of San Francisco Bay was the Spanish ship "San Carlos," under the command of Lieutenant Don Juan Manuel de Ayala which entered the bay in August, 1775. Thereafter its officers made a survey of the bay.

In March, 1776, Lieutenant Juan Bautista de Anza, at the head of a small land expedition, acting for the Viceroy of New Spain, visited what is now San Francisco and selected the sites for the Presidio and the Mission.

On June 27, 1776, Lieutenant Don Jose Moraga, accompanied by Fathers Francisco Palou and Benito Cambon, at the head of a small party of soldiers and colonists, arrived at the Laguna de las Dolores on the banks of which was to be erected

<sup>1</sup>Biennial report of the Board of State Harbor Commissioners for year ending June 30, 1935, page 7.

<sup>2</sup>Report of Board of State Harbor Commissioners for biennium ending June 30, 1922, page 10.

<sup>3</sup>Report of Board of State Harbor Commissioners for biennium ending June 30, 1928, page 10.

<sup>4</sup>Henry R. Wagner, in his learned work "Sir Francis Drake's Voyage Around the World: His Aims and Achievements," thinks Drake anchored in Bodega Bay. Most authors believe his anchorage was in what we now call Drake's Bay. In the summer of 1936 Beverly Shown picked up a brass relic in Marin County. This brass plate purports to have been inscribed by Drake and his men and is believed to be genuine. The exact location where the plate was found may or may not have any bearing on the question of the identity of the harbor in which Drake beached his ship, in the opinion of Herbert E. Bolton, the historian.

the Mission of Saint Francis of Assisi, and which was to be permanently called the Mission Station. The following day the soldiers received the news that President at the north-west corner of the mission. Upon the first announcement of the men in San Francisco were sent to a small building near San Francisco. The military headquarters at the 1<sup>st</sup> were located in the building on September 17, 1776, while the Mission was destroyed on October 1st of the same year.

For 70 years after the discovery of San Francisco, the islands were left almost empty. The Spanish had declared Monterey the only place to be settled on the peninsula and the Bay of San Francisco was closed to foreign ships. Only a few young men entered the area through the Transmanzanillo to San Francisco northern settlements which continued to work in the fields. From the trade for meat, grain and other supplies and instruments, to the sale of the products of the islands.

It is of record that the English ship of war "Hector" visited the bay in 1791, when the officers and crew first became aware of the "Isle of Yucatan."

California became a Mexican province with the independence of that country in 1821. In 1827 the French trader, "Amable," sailed the ship "Amable" the same time Captain Francisco Wilcox, Governor of the Republic of Texas, surveyed the harbor and surveyed the surrounding country, at the same time that was subsequently known as "Wilcox Bay" which was mentioned by the United States Government in 1891. The U. S. S. "Albatross" which visited the harbor in 1841, was the first American vessel to visit the bay.

The growth and prosperity of the Portuguese colonies at São Paulo, São José, Santa Cruz, São Rafael and Sacramento during 1604-1605 were almost entirely the result of the development of chocolate, sugar, wine and tobacco through the part of São Francisco. That trade was monopolized in 1605 by Two Years Before the May.

[illegible][illegible]

age in the July and August months. The Mexican government has been asked to take steps to prevent the migration of the Mexican population to the United States. The first waterhouse was built in the State of Mexico, and the second in the State of San Francisco. At that time, the Mexican government was asked to take steps to prevent the migration of the Mexican population to the United States.

On July 8, 1846, a letter from John P. Kennedy, U. S. S. P. Commissioner, lying in San Francisco, fully revealed the existence of the Society of American Lying in San Francisco. A letter from John P. Kennedy, U. S. S. P. Commissioner, lying in San Francisco, fully revealed the existence of the Society of American Lying in San Francisco. A letter from John P. Kennedy, U. S. S. P. Commissioner, lying in San Francisco, fully revealed the existence of the Society of American Lying in San Francisco.

Commander Montgomery landed on July 9, 1846, at Yerba Buena with a detachment, including a detachment of San Antonio, Texas, troops, that carried the United States flag in front of the customs house, 500 N. Point Street (now called Portsmouth Square) with a salute of 21 guns from the ship. Commander Montgomery then read the proclamation of Congress for Sumner, Texas. Lieutenant Henry B. Watson was then appointed as military commander of the town in charge of the newly established American post. Watson was instructed by the military department, being given the title of "captain" in recognition of the troubles and being wounded at Yerba Buena. On July 11, 1846, Watson reported to Commander Montgomery from the "marine barracks" at Yerba Buena, "some all was quiet. In the forenoon and on July 9, 1846, Lieutenant J. S. Moore, U. S. Navy, landed a detachment of marines from the "Porpoise" which detachment proceeded to the Mexican fort at the entrance to the harbor of San Francisco Bay toward the American flag. There they found three old Spanish lances gone and some other abandoned military equipment.

On July 11, 1846, Lieutenant Missroon proceeded with a small party of marines, mounted as cavalry, to the Mission Dolores. Documents were collected and placed in the customs house under charge of Lieutenant Watson. On that day, July 11, 1846, the British warship "June" anchored in the bay whereupon Watson's marines were withdrawn from the shore to assist in defending the "Pittsmouth" in case the "June" showed a disposition to fight. On July 17, 1846, Montgomery reported to Commodore Sloat that the entrance to San Francisco Bay could be "fortified in a manner to repel the whole Navy of Great Britain"; as war with that country was "now more than ever likely to occur," he recommended that heavy guns should be placed there.

On July 15, 1846, Commodore Sloat issued a general order in which he announced that the American flag was flying at Yerba Buena, Sutter's Fort, Sausalito, Sonoma and Bolaga and that "the forces of the United States have quiet possession of the magnificent bay of San Francisco and all the country within 100 miles around."

The discovery of gold at Coloma by James W. Marshall in January, 1848, brought a horde of fortune hunters into the harbor of San Francisco. Ships from all over the world visited the bay. Almost overnight the bay became a teeming port of deserted ships.

In February, 1849, the steamship "California" arrived in port with the first group of gold seekers. By December of that year approximately 700 ships had entered the bay and more were on the way. At one time there were 500 abandoned ships in the harbor. Their crews had deserted for the mines and many of these ships were run ashore and used for lodging houses, warehouses and wharves.

When Captain Montgomery assumed martial control of the community, in the name of the United States Government, his official proclamation reserved the promontory known as Clark's Point and adjacent territory for military use. This prevented private development. Later army engineers from Washington rescinded the order and released Clark's Point for public use.

In 1847 William S. Clark, the owner, built a rude timber structure on the rocks and that became San Francisco's first wharf. It was located at what is now Broadway and Battery streets. This wharf was constructed under most trying circumstances. Clark fashioned a pile-driver out of old pig iron he obtained from a whaler at Sausalito and with this rude contrivance he fastened his piles.

In 1848 Broadway Wharf was built and that improvement served as the principal terminal for both ocean and river traffic. This was followed by an era of haphazard private water front development. Wharf building became the major industry of San Francisco.

#### Ownership of Water Front.

When the first settlement was made in San Francisco the absolute title to all land in Spanish California was vested in the crown of the King of Spain. There was no individual ownership of land. The King held actual possession of the ground occupied by the military Presidio and of the adjoining lands. The aborigines were recognized as the owners, under the crown, of all the lands actually needed for their support. This provision left a portion of the land open to colonization.

In 1773 the viceroy of New Spain at Mexico City authorized the Spanish Commandante of the Presidio at San Francisco to grant lands to those individuals whose condition of life and whose obvious willingness to work the lands would result in the betterment of the community.

The reglamento, or decree, was supplemented in 1781, by another which limited the amount of land that could be granted to colonists. Although the Spanish Cortes passed a decree in 1813 reducing all public lands to private ownership, that fact did not become officially known in California until 1820.

Under Mexican rule the National Government was authorized to seize all lands needed for National defense and to restrict frontier colonization by aliens. In 1822, after the establishment of Mexican rule in California, the Provincial Disputacion passed an act establishing *ayuntamientos*. These local legislative bodies, similar to American city councils, were supplemented by justices of the peace and prefects. It was these officials who later made land grants to private owners, which grants became the subject of so much confusion and litigation under American rule.

In 1821 Jose Figueroa, the provincial governor of California, in response to the requests of colonists in San Francisco, decreed that a popular election for a municipal corporation should be held and at the same time he declared that the settlement on the Bay known as Yerba Buena was to be the official trading post. In 1837 the municipal government obtained permission to remove its headquarters from the Presidio to Yerba Buena Cove and the civil provincial authority defined the municipality's jurisdiction as including the cove, the Presidio and even the Contra Costa or other coast on the east bay.

Governor Figueroa refused to grant lands on the cove to private owners on the premise that Yerba Buena was destined to become a commercial center, and, consequently, should not be broken up into residential property. This order was later rescinded and parcels of land were granted to private owners.



In 1820 the cave site was exposed and built out in streets and the jurisdiction of the municipality over the Golden Gate was removed. The name Yerba Buena was changed to San Francisco in 1847.

In 1845, the first (present) Montgomery's report, the San Francisco municipality had a population of about 2000, mostly Spanish because the surrounding settlements at Yerba Buena and the Mission District. About half of 90 the settlers were of Spanish blood, approximately 10 were foreigners, and the balance were native Indians and Klamath from the Humber Indians. At that time there was a total population of about 1000 in the bay area from San Jose to Sausalito.

In February, 1848, following the discovery of gold, the city had 1000 inhabitants. By August of that year the population had increased to about 2000. The following winter there were 30000 people in the bay.

Most of the newcomers were foreign settlers who preferred to return to their homes after they made their money, but the small but steady new small settlement for the erection of anything but temporary structures. San Francisco became a city of tents and shacks, many of which were situated over the marsh and tule-lands on wharves, salies and other bays.

Montgomery's report on the western slope in 1849 found that just within the city proper by 1851 progress of the extended settlement over the Golden Gate building space. The city suffered severe losses in the years between 1848 and 1851.

Most of the old Spanish and Mexican governments' laws were repealed until 1849. In March 1847 General Mariano W. Kearney, the American military Governor, in a document known known as the "Kearney Grant" assumed the right of the United States to grant to all citizens between Charles Point and Russian Point in 1849 of the jurisdiction of San Francisco. This grant provided the sale of water lots for navigation and other purposes. The "Kearney Grant" was the beginning of 1849 to San Francisco's water front area. American settlement.

In November of 1849 the State Constitution was adopted by the people and a Governor, Justice and other officers elected under the new American system. In 1850 the first Legislature met in San Jose, California and met for the first time in the building known as the State. The Legislature passed San Francisco's first municipal charter on April 15, 1850. Municipal officials were then directly elected and the new government established.

The Legislature of 1850 passed several laws affecting the port of San Francisco, including an act authorizing the issue of 1000 city bonds to be sold in order to pay the port, whose debt it was to maintain all wharves in the harbor. To protect wharves against vessels using the same, and to protect all wharves from San Francisco city authorities, the act was passed. George Shattuck was the first man elected to that office. His most important work was secured from a tonnage toll of four cents per ton.

The first sale of tide and submerged land from several of these sections to private persons which caused many complaints when the gold rush brought great demand for property and water front facilities. The Legislature of 1850 authorized the sale by the State of water lots west of the State Street in the San Francisco water front. In December of that year first tidals comprising 150 "acres" or "lots" were sold to private parties at an average price of nearly \$1000000.

The acquisition of California by the United States was accompanied by much confusion concerning the title to and security of title to land under the Spanish and Mexican governments applied considerable uncertainty. There were numerous and conflicting claims to some parts of California when the treaty of Guadalupe Hidalgo was signed between Mexico and the United States. The United States Government appointed a commission to determine most of the disputed titles.

In 1851 the Legislature created a Public Debt Commission with authority to fund the Public Debt of the new city of San Francisco and to provide for its payment. This was done by converting the debt into securities bearing interest at 10 per cent. The Public Debt Commission was retained by the Legislature as a general representative of the State in matters affecting the disputed title to the water front lots of San Francisco.

In 1856 the office of harbor master was abolished in favor of two dock masters who were appointed by the city at a salary of \$4000 each. In 1857 the office of Municipal Harbor Master was restored and the affairs of San Francisco continued to show their harbor master until 1874 although the State virtually took control of the water front in 1863.

The Legislature of 1851 approved the use and occupation of certain small bays and water lots to the municipality of San Francisco for a term of 99 years. At the same time the Legislature confirmed the "Kearney Grant" to the municipality, with the proviso that the city should pay to the State 25 per cent of all monies accruing from the future sale or disposition of such lots. The Legislature also confirmed previous sales by the city of water front lots, and it likewise reserved the right to regulate wharf construction. The city was authorized to regulate wharfage rates and it was directed to keep the spaces between wharves free for shipping.



Due to the unsettled social and economic conditions San Francisco's new venture in municipal government proved hazardous. Within 19 months over \$2,000,000 had been necessarily expended, a large debt was incurred and the sources of income depleted on account of fires, epidemics and the mass movement of men to and from the mines. Unsatisfied judgments against the city, some on account of the care of the indigent sick, finally resulted in the sale of municipally owned property. The heavy influx of transients and adventurers created a population which was difficult to control, although some of the evils of those days were corrected by the vigilantes.

In 1856 the State Legislature granted a new charter to San Francisco which consolidated the city and county governments and redefined its boundaries by detaching and creating the new county of San Mateo which, up to that time, had been part of San Francisco County. At that time the Legislature empowered the municipality to erect, repair and regulate wharves and docks.

Under the Mexican regime some fifty Vara lots in the new settlements were sold for \$12.50 each and one hundred Vara lots for \$25 each. This practice continued with the American occupation. William S. Clark obtained possession of several of these lots.

The municipal authorities of San Francisco, acting under the charter of April 15, 1850, granted a series of franchises for the erection of wharves on its water front and by October, 1851, there were over 6,000 feet of new privately owned wharves constructed at an outlay of over \$1,000,000. The Market and California Street wharf, extending 2,600 feet from First Street, and 40 feet wide, was erected by William E. Dennis, at a cost of \$400,000.

In the meantime, under municipal control, many of the docks were retained and operated by their private owners. The confusion of dual control of the water front together with private ownership of the wharves resulted in an agitation for centralized authority.

In 1863 the Legislature created a Board of Harbor Commissioners of three, one of whom was to be elected by the people of the State, the other to be selected by the Senate and the Assembly of the State and the third to be elected by the people of the City and County of San Francisco. They were to serve for a period of four years. That Board of Harbor Commissioners was authorized to take possession of and hold the water front of San Francisco from the "waterline" of the City and County of San Francisco for a distance of 600 feet into the waters of the bay. The act, of course, excluded from the authority of the commissioners all rights, privileges, franchises and easements held under valid existing leases. It was provided, however, that the commissioners should take over the same in the name of the State as soon as the leases thereon expired. It was also made the duty of the Board of Harbor Commissioners to publicly challenge the authority by which those lands were privately held and upon the failure of those in possession of the same to describe their authority it was made the duty of the commissioners to institute legal proceedings to gain possession of the same. The commissioners were authorized to collect by law all rates, fees, tolls and wharfage, to keep the sea walls and other water front improvements in good repair, to dredge the waters and adjoining the docks, to construct new wharves and piers, to make necessary improvements, to construct a sea wall between Harrison Street and Vallejo Street and to collect tolls, wharfage, cranage and dockage.

Under the provisions of this act the commissioners were authorized to lease to the highest bidder all wharves under their control for a period not to exceed three years. The duties, responsibilities and qualifications of the commissioners and their employees were defined. At that time 25 per cent of the membership of the Legislature came from San Francisco. That city then had 10 State Senators and 20 Assemblymen.

When the new Board of Harbor Commissioners came into being various private parties who held rights to certain of the wharves refused to surrender their occupancy and the chief duties of the new board was the conduct of litigation in respect to harbor claims. The troubles of the new board were complicated by the cave-in of the Steamer Street wharf which resulted in the dumping of 150,000 feet of redwood lumber into the bay. Other wharf properties collapsed at about that time.

During the first five years of its tenure the board had only 10 wharves under its dock management, the remaining 20 wharves being held by private companies on a monthly rental basis.

Between 1850 and 1870 the Legislature passed numerous acts authorizing the construction of various privately owned wharves in San Francisco.

In 1871 the Board of State Harbor Commissioners ceased granting leases to private companies and by 1874 all but six were under public supervision. As the leases on those six wharves expired the board assumed full control. The Board of Harbor Commissioners was involved in much litigation because of the uncertainty of the tenures that were granted under the Mexican, Spanish and early American rule. Finally a commission was appointed to deal especially with the composition of litigation in respect to harbor claims.

The sea wall of San Francisco was discussed under the supervision of the board and the sea wall surrounded the city at the water front. The wall had been built under conflicting building laws and various regulations.

The original plan for the sea wall, adopted in 1867, called for a high, solid trench as a base, with a rock foundation, extending 60 feet in width at the bottom and 15 feet at the top. A concrete top for the wall was to be placed on top of the foundation and the wall was to be built on a solid concrete wall about 15 feet high and over 7 feet wide at the bottom, with a top of 15 feet. In 1870, the plan was changed when it became known that a solid and higher wall would be built on the water front inside the city. This plan is now known as the "California" plan.

About the time most of the litigation regarding the city of the water front of San Francisco was settled, the transcontinental railroad lines, important. One of the water front buildings from 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 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3853, 3854, 3855, 3856, 3857, 3858, 3859, 3860, 3861, 38

in the harbor. The State does not contribute anything to such police protection on the water front except by refunding to San Francisco the State gasoline tax imposed on the gasoline used in the operation of the police launch.

The fire protection on the water front of San Francisco is also furnished under the supervision of the City and County of San Francisco. The city owns, maintains and operates two fire boats, the "David Seaman" and the "Dennis T. Sullivan", which are modernly equipped boats specially constructed for fire fighting purposes. These boats are devoted entirely to fire protection service along the San Francisco water front although one of them is available in emergencies to aid other communities on the bay of San Francisco in the extinguishment of ship and wharf fires which are beyond the capacity of the local fire departments of such communities. Two craft operated by the State board carry fire fighting equipment.

As part compensation for the fire protection service rendered to the state-owned water front by the city owned fire boats the State of California pays to the City and County of San Francisco one-half of the cost of maintaining said boats. The payments made by the State of California to the City and County of San Francisco for the fiscal year 1935-36 was \$18,944.19. The city expended a like amount for the maintenance of the boats.

The original investment in the boats, amounting to a total of \$323,993.64 was borne entirely by the city.

In addition to the maintenance of those two fire boats several shore fire fighting units owned and maintained by the City and County of San Francisco are stationed on or near the water front. All of such units respond to first alarms of fire received from boxes located upon or adjacent to the wharves on the water front. The State does not contribute anything to the maintenance of these shore units.

This fighting equipment owned and operated by the city, in immediate proximity to the water front, consists of 14 engine companies, 4 truck companies, 3 chemical companies and 1 rescue squad. Two assistant chief engineers of the fire department and six battalion chiefs of the fire department supervise the city firemen who operate that shore fire equipment.

The organization of the San Francisco Fire Department is such that in the event of a fire of greater extent than can be promptly handled with a first alarm assignment of officers and men stationed near the water front, additional officers, men and equipment can be moved in without delay. The entire fire department of San Francisco, together with all of its man power and facilities, are available for and whenever necessary to render service in fighting fires on the San Francisco water front as well as on boats lying in the harbor.

It is estimated that the investment of the City and County of San Francisco in its different fire fighting units, maintained on shore adjacent to the water front, approximate \$75,000 each. This is exclusive of buildings and land. The total annual operating cost to the city in maintaining such shore fire fighting units adjacent to the water front (exclusive of units not adjoining the water front) is in excess of \$800,000 per year. These units are, of course, maintained primarily for fighting fires occurring outside the state-owned area.

Although the Federal Government has primary control over health conditions on boats operating in navigable waters, the health department of San Francisco renders special service in administering State and municipal health laws and regulations on the San Francisco water front. All facilities of the Department of Public Health of San Francisco with reference to sanitary inspection, examinations of the water, food and milk supply to vessels entering and leaving the port as well as advice on housing the crews of such vessels and the sanitary conditions under which they live, including ventilation, are made available to the ship surgeons of all boats entering the port. Dr. J. C. Geiger, health officer of San Francisco, has had special training in that work. Laboratory examinations by the Municipal Department of Health are likewise made for visiting vessels when requested.

Ships entering and leaving the port also contact the city health department concerning the presence of contagious and communicable diseases. This also applies to ships at sea which communicate with the city health department by wireless. The local health department also cooperates in removing persons suffering from contagious diseases from the boats to the isolation hospital.

No charge of any kind is made by the Municipal Department of Health, either to steamship companies, passengers or to the State on account of such work.

#### Labor Differences.

The port of San Francisco, like many other American ports, has experienced considerable differences between ship owners and boss stevedores on the one side and their employees during recent years. The employers and the employees each blame the others for such labor troubles. During the progress of the most recent strike the chairman of our committee conferred with leaders of organized labor and with representatives of shipping interests with a view to offering the services of our committee to those groups in the hope that we might contribute something to industrial peace on the state-owned water front. The individuals who were thus contacted all expressed the opinion that our committee could



not serve any useful purpose in any attempt to terminate their differences. It was generally believed that because of the extensive scope of the strikes the problem was submitted to the National Government.

The last big strike involving the water front of San Francisco began October 29, 1936, and came to an end on February 4, 1937. Members of the following unions were involved in that strike, namely, The Pacific Coast Marine Firemen, Oilers and Wreck Tenders, International Longshoremen, Marine Mates and Pilots, Local 90, Dock S. S., Amalgamated Radio Telegraphists, Marine Cooks and Stewards, Marine Engineers (Union), Association, Seafarers Union of the Pacific, including clerks, transportation, seafarers, longshoremen and other miscellaneous unions.

It was publicly stated that a total of 27,000 men were on strike at San Francisco during the 98 day period of the strike. A total of 75,000,000 tons of cargo were idle at the docks at San Francisco during that time. The Board of State Harbor Commissioners estimated a loss of approximately \$150,000 in revenues to the board on account of the strike. Other Pacific Coast ports suffered proportionate loss on account of the strike because of the loss of cargo and passengers.

#### Loss of Business.

Although the water front of San Francisco, on account of natural advantages, is ranked among the great world ports, and while it is not surpassed, the second largest port in the United States and the largest on the Pacific Coast, the port has gradually been losing both freight and passenger business for a number of years. Commercial vessels still have not stopped the downward trend.

Undoubtedly there are several reasons for the growth of competitive ports at the expense of San Francisco. The development of oil fields near Los Angeles, seasonal traffic congestion at San Francisco after September, the development of agriculture, particularly near ports in relation to loading and unloading by the improved use of motor trucks, the development of the facilities of competing ports, and last but not least the State policy of not aggressively soliciting business all contributed to some extent to the decline in the port of San Francisco to maintain the relative supremacy in which are great advantages seem to utilize it. Of course the general business depression had a bad effect on the business of all Pacific Coast ports.

Several sets of figures were made available in this committee. All of such figures showed a falling off in recent years of the water freight and passenger traffic in and out of San Francisco.

The figures that present the loss of business in the least unfavorable light were furnished to us by the Board of State Harbor Commissioners. They cover the period between July 1, 1934 and June 30, 1936. They show the peak of freight tonnage in San Francisco in June 30, 1935, and a gradual decline. These figures are as follows:



## Freight Tonnage Statistics.

SUMMARY STATEMENT SHOWING TONS OF FREIGHT DISCHARGED AND LOADED OVER THE STATE WHARVES AT SAN FRANCISCO DURING THE FORTY-TWO YEARS FROM 1894 TO 1936, FROM INFORMATION OBTAINED FROM THE STATE BOARD OF HARBOR COMMISSIONERS

Year	Tons
1894-1895	3,729,367
1895-1896	3,848,461
1896-1897	3,657,219
1897-1898	3,894,362
1898-1899	4,154,543
1899-1900	4,646,157
1900-1901	5,048,831
1901-1902	4,890,679
1902-1903	5,203,485
1903-1904	5,528,948
1904-1905	5,292,113
1905-1906	5,748,992
1906-1907	6,862,793
1907-1908	6,468,527
1908-1909	6,325,078
1909-1910	6,866,148
1910-1911	6,629,122
1911-1912	6,798,726
1912-1913	7,528,965
1913-1914	7,253,836
1914-1915	7,947,117
1915-1916	8,900,255
1916-1917	9,864,559
1917-1918	10,257,612
1918-1919	9,198,469
1919-1920	9,466,798
1920-1921	8,513,087
1921-1922	8,628,000
1922-1923	10,087,936
1923-1924	10,607,309
1924-1925	10,099,336
1925-1926	10,652,076
1926-1927	11,134,850
1927-1928	10,854,087
1928-1929	11,288,768
1929-1930	11,058,130
1930-1931	10,391,837
1931-1932	8,573,714
1932-1933	7,621,907
1933-1934	8,965,419
1934-1935	8,360,580
1935-1936	8,683,143
1936	Not available

NOTE—None of these figures from 1894 to 1936 include tonnage of inbound inland waterway and coastwise cargo reshipped. In certain reports issued by the board the figures from 1928 to 1936 include such freight shipments which total 7,948,611 tons for said 8 year period. We have no figures for such reshipped freight before 1928. Figures between 1917 and 1922 both inclusive, include tonnage over transport, ship building and sugar refinery wharves.

Available figures obtained from the Department of Commerce at Washington, D. C., show the following data for water-borne passengers in and out of San Francisco, including transbay terry passengers:

Year	Total passengers
1931	57,275,824
1932	46,625,090
1933	42,690,732
1934	43,512,588
1935	44,957,280
1936	Not available

## Vessel Traffic, San Francisco Harbor.

From the same source are obtained the following figures relating to freight tonnage, in and out of this Port:

Year	Tonnage
1931	11,094,175
1932	7,950,226
1933	6,967,654
1934	7,883,034
1935	6,667,799
1936	Not published

It will be noticed that there is a difference between the Tonnage figures and those furnished to us by the State Board, and we would be inclined to doubt the completeness of the latter.

The continued years the shipping in this port have shown a gradual decline in recent years. Moving pictures have shown pictures for the past month from 20-1936, some stockpiled in surplus stock will be in the shipping yard. Tonnage collected for the year ending March 31, 1936, was \$30,445,570 less than for the preceding fiscal year. Revenue from tonnage had during year amounted to \$100,000,000, and if the same had been collected for the year ending March 31, 1936, it would have been \$100,000,000 less than for the preceding year.

## Loss of Passenger Business.

The loss of passenger business in and out of the Port of San Francisco in recent years is indicated by the following figures furnished to us by the Commission of Customs at San Francisco dated date of May 1, 1937:

PASSENGERS CARRIED BY STEAM VESSELS IN AND OUT OF SAN FRANCISCO	
Calendar year 1933	1,001,995
Calendar year 1934	1,000,000
Calendar year 1935	1,000,000
Calendar year 1936	1,000,000

The foregoing figures confirm steadily more passengers go out of this port than in on United States Government transport boats. The office of the Collector of Customs at San Francisco (not approximately 1,000) is the only passenger in port and have the Port of San Francisco and are not included in the foregoing compilation. Ocean-borne passengers do not out of the country, but are not included.

## Competitive Ports.

We made a direct request for information showing tonnage done for the last 20 years from the ports of Portland, Oakland, Stockton, San Diego, Seattle and Los Angeles. The management of the Port of Portland stated that it would require considerable effort to make an accurate and complete statement and that they were not in a position to give the information.

We are published in the management of the management of the Port of Oakland, Stockton, San Diego, Los Angeles and Seattle for the following information showing the gross tonnage in and out of these ports from 1917 to 1936:

## Port of Oakland.

STATEMENT SHOWING TONS OF CARGO MOVED THROUGH OAKLAND MONTHLY OPERATED FACILITIES FOR CALENDAR YEARS 1925 TO 1936, INCLUSIVE

Year	Tonnage
1925	519,287
1926	795,404
1927	445,131
1928	479,222
1929	534,027
1930	659,224
1931	607,748
1932	680,080
1933	1,070,556

## Port of Stockton.

STATEMENT SHOWING TONS OF CARGO MOVED THROUGH STOCKTON MONTHLY OPERATED FACILITIES FOR CALENDAR YEARS 1933 TO 1936, INCLUSIVE

Year	Tonnage
1933	309,546
1934	511,100
1935	679,494
1936	624,133

**Port of Los Angeles.**

STATEMENT SHOWING TONS OF CARGO MOVED THROUGH LOS ANGELES MUNICIPALLY OPERATED FACILITIES FOR CALENDAR YEARS 1915-16 TO 1935-36, INCLUSIVE.

<i>Year</i>	<i>Total tonnage</i>
1915-16	2,051,785
1916-17	2,312,387
1917-18	2,236,535
1918-19	2,380,622
1919-20	3,528,280
1920-21	4,296,254
1921-22	6,533,589
1922-23	18,870,102
1923-24	26,553,066
1924-25	22,268,421
1925-26	23,067,365
1926-27	25,133,963
1927-28	25,402,262
1928-29	26,099,245
1929-30	25,920,159
1930-31	23,355,293
1931-32	18,994,802
1932-33	17,850,906
1933-34	18,348,196
1934-35	17,341,026
1935-36	18,652,170

**Port of Seattle.**

STATEMENT SHOWING TONS OF CARGO MOVED THROUGH SEATTLE MUNICIPALLY OPERATED FACILITIES FOR CALENDAR YEARS 1915 TO 1936, INCLUSIVE.

<i>Year</i>	<i>Total tonnage</i>
1915	3,294,480
1916	4,340,403
1917	4,850,627
1918	5,703,494
1919	5,717,548
1920	5,229,061
1921	4,062,981
1922	5,457,489
1923	6,451,197
1924	7,618,585
1925	7,879,801
1926	8,132,417
1927	8,542,044
1928	8,907,802
1929	9,197,481
1930	8,362,588
1931	7,287,354
1932	5,898,136
1933	5,547,101
1934	6,114,530
1935	6,765,425
1936	6,368,448

The Port of Seattle has no records prior to the year 1936 showing the number of water front traffic passengers in and out of that port. The figures for 1936, however, show that 109,440 water-borne passengers from foreign ports arrived at the Port of Seattle and that 107,214 passengers for foreign ports departed from Seattle during that year. This compilation includes passengers to and from the nearby ports of Vancouver and Victoria, B. C., and, therefore, such figures include a class of passengers which are not included in the San Francisco figures.

## Port of San Diego.

## STATEMENT SHOWING TOTAL OF CARGO TONNAGE THROUGH SAN DIEGO MARITIME AND OPERATED FACILITIES FOR CONTINUING YEARS FROM 1928 TO 1936, INCLUSIVE.

Year	Tonnage Tonnage
1928-1929	347,791
1929-1930	354,085
1930-1931	360,000
1931-1932	360,000
1932-1933	360,000
1933-1934	360,000
1934-1935	360,000
1935-1936	360,000

## Personnel.

All employees of the Board of State Harbor Commissioners are upon temporary service. There was an average of 140 persons employed by the board as of June 30, 1936. This represents a decrease of 100 persons, compared with 1935, since the end of the fiscal year of June 30, 1935. The reduction was made in the request of Governor Merriam.

The members of the Board of State Harbor Commissioners are: Charles W. McArthur, president; Daniel A. Flinn, and Dr. Clarence L. Sullivan. Mark H. Smith is the chief executive officer of the board.

Proceeding the date of our last meeting it was publicly stated that the president of the board, Mr. McArthur, had declined the offer to be engaged in the marine insurance business. Upon the removal of our chief executive and financial Mr. McArthur, there were, with respect to some members. The president declared the fact that Mr. McArthur, while engaged in the board's important business, and was engaged in the marine insurance business. Although it was not the intention of this committee to investigate the action of the various members who have been criticized against the members of the board, we received the attention of our competent audience that would tend to show contrary evidence on the part of the members of the board of their integrity. No such evidence was produced. President McArthur and the members of the board complained that this committee is not making up information and other which are needed in doing. We have no evidence whatsoever of any dishonest or corrupt action on the part of the members. Those representatives of shipping companies who in common with the board will could be persuaded to testify as to having secured satisfaction with the management of the present board. Some large and important shippers have approved the present management. Other and smaller representatives usually condemn the State harbor management.

## The State's Policy in Port Operation.

Many of those concerned with the question of business in the international water front at San Francisco have complained because the State harbor management has not followed an aggressive policy in promoting the port in various forms of advertising and by the State administration of foreign and passenger traffic.

It is admitted that the State does not maintain the facilities of the port, but maintain offices or headquarters in facilities which are better may be obtained for the Port of San Francisco. No funds are expended for the board. None of the revenues of the harbor are expended in any attempt to obtain business for the port.

The municipality owned ports of San Francisco, Oakland, Stockton, Los Angeles and San Diego expend funds for advertising and solicitation of business. The privately owned Harbor Commission of the International Terminal, and the United Terminal, whose wharves are located in the main port of San Francisco Bay, also solicit business in an aggressive manner. The Oakland Municipal Port, the Hayward Terminal and the Fremont Terminal employ five freight solicitors each. All three municipalities maintain offices in San Francisco.

Most Pacific Coast port municipalities, including San Francisco, send traffic solicitors to various points within their home cities and States in an attempt to bring business to their respective ports.

The laws of the State of California prohibit the revenues of the governmental harbor of San Francisco being expended in soliciting business.

Attorney General U. S. Webb, on October 6, 1936, in an opinion concerning the validity of expending the revenues of the San Francisco water front in the solicitation of business for the port declared:

"The advertising of the port in the employment of traveling traffic agents or the maintenance of traffic offices in other ports does not seem to me to be directly necessary, suitable and appropriate to the carrying out of one of the express powers of the board under the name of the State in the carrying of the water front of San Francisco. It is obvious that the board may here all needed help, construct and operate facilities, fix and collect wharves, wharves, piers,



etc., and operate all port facilities, without advertising the port. In fact, it is difficult to see how such advertising would aid in the carrying out of such powers, except in an indirect and remote manner. I think, therefore, that the power to do such advertising can not be regarded as necessary, suitable and appropriate for the purpose of carrying out any of the granted powers of the board.

"Section 2526, Political Code, provides that no greater amount of money shall, in the main, ever be collected as dockage, wharfage, tolls, rents, and emorage, than shall be necessary to construct and keep in repair such number of wharves, piers, landings, and thoroughfares, construct sheds, dredge slips and docks, construct a sea wall and harbor embankment 'as the wants of commerce shall require,' and pay incidental expenses allowed by the article governing the San Francisco Harbor. This last section would seem to indicate that instead of expending money to increase the business of the port, the powers of the board are restricted to providing facilities for the handling of such commerce as naturally and in the regular course of business shall come to the harbor. The section clearly reveals a purpose on the part of the State of providing facilities for commerce without any intention of making a profit therefrom. I therefore conclude that the board has no express or implied power to pay the cost of advertising the harbor or to employ traveling traffic representatives or to maintain agencies and offices for the promotion of harbor business."

In defense of the policy of the State in limiting the revenues of the state-owned harbor of San Francisco to operating and maintaining the same, without advertising or solicitation of business, it has been argued that it would be against the public policy of the State to expend its revenues in competition with ports owned and operated by its political subdivisions such as Los Angeles, Oakland, San Diego and Stockton.

#### Loss of Ferry Building Revenues.

The Ferry Building at the foot of Market Street has long been the center of bay passenger traffic in and out of San Francisco. This building, erected from the revenues of the port, has been a prolific source of income to the State for many years.

The routing of transbay passenger and freight traffic over the new San Francisco-Oakland Bay Bridge, however, will seriously reduce the State's revenues on the San Francisco water front. The Harbor Board has no jurisdiction over the two new bridges leading into San Francisco.

The State Board of Harbor Commissioners estimates the immediate loss to the State, as soon as passenger traffic is inaugurated over the bay bridge, will be \$13,069.30 per month or \$156,722.10 per year. Others believe these figures are entirely too conservative and that the annual loss to the State on account of loss of Ferry Building revenues will approximate \$250,000 a year. This does not include the anticipated loss from the Berkeley or Sausalito ferry slips.

The following table of present and estimated future Ferry Building revenues has been tabulated by the State Board of Harbor Commissioners:

	<i>Present monthly rentals</i>	<i>Estimated loss per month</i>
Retail tenants—Main Ferry Building-----	\$7,063 66	\$4,730 98
Retail tenants—Annex A -----	60 00	-----
Retail tenants—Annex B -----	100 00	45 00
Retail tenants—Annex C -----	40 00	-----
Retail tenants—Ferry slips -----	400 06	197 15
Total -----	\$7,663 72	\$4,973 13
Railroad companies—Main Ferry Bldg.-----	\$6,703 44	\$4,603 44
Railroad companies—Annex A -----	-----	-----
Railroad companies—Annex B -----	1,735 20	-----
Railroad companies—Annex C -----	1,818 08	-----
Railroad companies—Ferry slips -----	9,210 63	3,492 73
Total -----	\$19,467 35	\$8,096 17
General offices & misc.—Ferry Bldg.-----	\$1,720 04	-----
General offices & misc.—Annex A -----	-----	-----
General offices & misc.—Annex B -----	-----	-----
General offices & misc.—Annex C -----	780 00	-----
General offices & misc.—Ferry slips -----	615 44	-----
Total -----	\$3,115 48	-----
Present monthly income-----	\$30,246 55	-----
Estimated future monthly revenues-----	17,177 25	-----
Estimated monthly loss-----	-----	\$13,069 30

### "Mission Rock"

Considerable controversy throughout the years has centered about the proposed to sell to the State a public wharf property in San Francisco. This location is "Mission Rock." This rock is the top of a submerged island surrounded by deep water.

This privately owned property right in Mission Rock (approximately 3,500 sq. yards) extends from the westerly corner of Battery and Market streets, San Francisco. It lies about 200 feet easterly from the west of Pier 50 and is south of the approach to China Basin. It is listed in the official maps in the Assessor's Office in San Francisco as "Lot 1, Block 4536." The total land area contained in the property which the San Francisco Board of Supervisors in 1936 was in control of the pier facilities of the bay. The estimated 1936 pier area was estimated to total 12,000 acres, most of which, as above indicated, including the Mission Rock.

An inspection of the ground about the water has indicated that with the exception of a small portion of the area of "Mission Rock", for the most part, it is built up of rock, sand and gravel fill.

The improvements on the water front of the Mission Rock, constructed in wooden piling and are of little if any value.

Private ownership of this property was through a lease from the State of California conferred on Henry B. Coleman in 1913 for the duration of twenty years. The records of the State Treasurer, dated 1913, indicate that the State had sold it \$24,500 for this property in November, 1913. The property was sold to the State in the name of "Mission Rock Company," having been purchased by the private owner under a deed from the California Landmark Company, dated June 8, 1908. The act authorizing the sale of this property to the State was contained in Public Law 10, passed on October 1, 1913, and the act was signed by the Governor of California.

It is of importance that the fact of the sale of this property to the State, November 1, 1913, is noted in the United States Navy. Although the National Congress in 1926 authorized the Navy Department to sell its surplus to the government if it had been done so. It has been publicly stated that the United States Government had not sold or disposed of its interest in the property in the United States Navy. The property owned by the State, although it is considered that the United States Government would transfer its title to the United States Navy to the property, but the fact of the property being sold by the State to the State is not a matter of record. According to the records of the Assessor's Office of the City and County of San Francisco, the property was valued at \$141,000 in 1913, and the value of the property in 1914 was \$141,000. The fact being noted in 1913 and the improvements thereon being valued at \$20,000.

The owners of the property had been negotiating with the State to purchase from time to time, that the State had purchased by the Board of State Harbor Commissioners, and that the State had sold by the State, in 1913, a 1,000-acre shipside terminal for the government of the agricultural products of the State.

This property was sold to the State by the Mission Rock Company in 1914 and in 1917 for the price of \$141,000. It was again sold to the State in 1920 and in 1921 for the price of \$141,000. It is noted that State officials once recommended that the State buy the land for \$141,000.

Although various public authorities, including the State of San Francisco have urged that the State purchase Mission Rock and improve it with shipside facilities for the use of our State, it is stated in the report of the Board of State Harbor Commissioners that the present facilities are adequate to handle present business.

It is estimated that 25 per cent of the total freight tonnage (not passengers) passing over the wharves of the San Francisco water front come from California agricultural products. It is asserted that much more of our National California agricultural products, particularly perishable goods, could be shipped over the wharves of San Francisco if the State Harbor management would increase and increase the shipside and storage facilities of the port. It is asserted that the failure of the State Harbor management to make such improvements is due to the opposition of warehouse interests which, it is stated, would lose business if such additional facilities were provided.

The viewpoint of the agricultural interests of the State with reference to the management of the San Francisco water front was presented by Mr. John E. Pickett and Mr. Donald L. Ketter, professors of the Pacific Rural Press, who, in testifying before the committee, presented that results of the United States Government, which they presented to the committee, showed that refrigeration capacity in the San Francisco water front is totally inadequate to meet the demands of agriculture and that the Port of San Francisco has been losing much business from agriculture which it would otherwise retain if adequate shipside storage facilities for the use and benefit of agriculture were installed under the direction of the State Harbor Board.

These gentlemen pointed out that in export tonnage the ports of Oakland and Seattle had shown a gain during the time that the ports of Los Angeles, Portland, Tacoma and San Francisco had shown losses and that such results in the last mentioned ports the loss of the Port of San Francisco was greater than the loss of any other competing port.

These gentlemen assert that agriculturists as far north as the Rogue River Valley in Oregon would gladly ship their produce through the Port of San Francisco rather than through the ports of Seattle or Portland if they could get sufficient cold storage facilities at San Francisco. It is asserted by these gentlemen that the State harbor management at San Francisco is not sympathetic toward agriculture and that they are influenced by draymen and private cold storage interests. It was also pointed out that Portland, Seattle, Vancouver and other ports have "gone after the business and gotten it," whereas the San Francisco port management has not made any special effort to obtain such agricultural business for the port.

Messrs. Pickett and Kieffer objected to the personnel of the State Harbor Board on the grounds that it is improper to have persons in the insurance business and in the drydock business on the board. Objection was also made to the practice of assigning piers, from month to month, to steamship companies, instead of leasing the same, but we were reminded of the State laws which govern that practice.

In answer to the criticism of those agricultural interests that complain about alleged inadequate State cold storage facilities in San Francisco the harbor commissioners state that the present facilities are amply sufficient to take care of all agricultural needs in the state-owned harbor—that the State now maintains dry cold storage shipside facilities—that there is plenty of room in existing facilities for present needs and that if, and when, the necessity arises the State board will make necessary improvements on an adjoining pier—that the present grain terminal is amply to take care of all the grain that is transhipped through the harbor—that Mr. Birmingham who is at present in charge of the cold storage plant is a capable and efficient man, and on the job day and night.

Mr. W. F. Read of Sacramento, field department manager for the California Fruit Exchange, who stated that he represented the largest shipper of fresh fruit in California and that he was familiar with the cold storage facilities of San Francisco Harbor, and that, in his opinion, they were ample to meet the needs of agriculture. Mr. Read indicated in his testimony that those whom he represented were the largest users of the state-owned refrigeration cold storage terminal in San Francisco, that he was familiar with the facilities from the time the plant was built until this time, and that he and those whom he represents have always been able to obtain adequate space in that plant whenever they needed it and that, therefore, in his opinion there was no present need for the expansion of the state-owned cold storage facilities.

Mr. Read testified that in his opinion the facilities were modern and up-to-date. He stated that he believed that agriculture had no complaint against the facilities on the San Francisco water front and that the rates and services were satisfactory.

#### Conclusion.

There has been much controversy over the management and operation of the state-owned water front of San Francisco for a great number of years. An examination of the testimony before our committee and of various statements and documents that have been called to our attention indicate that there is considerable disagreement and confusion concerning the facts of the San Francisco water front.

So far as we know, this report is the first attempt to clarify such confusion and misunderstanding and to make all ascertainable facts a matter of record. We believe that the data herewith presented will prove to be the basis of a more intelligent and more comprehensive study of the management, operation and ownership of the water front of San Francisco and of the needs for agricultural and other interests in that port.

We hope that this report will be the beginning of a more careful and dispassionate approach to the various problems involved in the management, ownership and operation of the San Francisco water front.

Dated: May 20, 1937

Respectfully submitted,

#### SPECIAL SENATE SAN FRANCISCO HARBOR COMMITTEE

WALTER MCGOVERN, Chairman.  
RAY W. HAYS.  
W. P. RICH.  
H. L. PARKMAN.  
HERBERT W. SLATER.

**Financial Statement of Special Senate San Francisco Harbor Committee.**

<b>1936</b>		
Feb. 21	P. Whitman, long distance phone calls	\$5.00
Feb. 14	Herbert W. Sealers, expenses	25.00
Feb. 14	William P. Rusk, expenses	25.00
Feb. 14	Harry L. Parkman, expenses	18.00
Feb. 14	Rae W. Hays, expenses	17.00
July 2	Hart & Hart, stenographic services	20.00
Aug. 5	Arthur Ambrose, sergeant at arms for meeting	50.00
Aug. 5	Patricia Whitman, stenographic services	25.00
Aug. 5	Rae W. Hays, expenses	17.00
Aug. 5	William P. Rusk, expenses	25.00
Aug. 5	Herbert W. Sealers, expenses	25.00
Aug. 17	Hart & Hart, stenographic services	20.00
Sept. 11	P. Whitman, long distance phone calls	5.00
Sept. 11	Rae W. Hays, stenographic services	20.00
Dec. 4	Herbert W. Sealers, expenses	25.00
Dec. 4	Harry L. Parkman, expenses	18.00
Dec. 4	Rae W. Hays, expenses	17.00
Dec. 4	William P. Rusk, expenses	25.00
<b>1937</b>		
Jan. 20	Joseph E. Pyper, stenographic services	20.00
Jan. 20	C. Preston Moul, stenographic services	20.00
May 21	P. Whitman, stenographic services	25.00
Total expenditures		\$1,141.00
<b>Recapitulation.</b>		
Total appropriation for committee		\$1,141.00
Total expenditures		1,141.00
Balance		\$1,141.00

WALTER MCDONALD.

**Motion.**

Senator Hays moved that 1000 extra copies of the Special Senate San Francisco Harbor Committee be printed in addition to those appearing in the Journal.

Motion carried, and such was the order.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined

Senate Bill No. 1058.—An act to repeal Chapter 1, comprising sections 1500 to 1575, inclusive, of Part 2 of Division II of the *Western and Eastern Codes* and to add a new Chapter 1, comprising sections 1500 to 1580, inclusive, therein, all relating to aid to children;

Senate Bill No. 117.—An act to amend section 413 of the *Code of Civil Procedure* relating to service of summons;

Senate Bill No. 1160.—An act to amend sections 359 and 362 of the *Code of Civil Procedure*, relating to limitation of actions.

And reports that the same have been correctly engrossed.

KEOUGH, Chairman.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Insurance.**

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred,

Senate Bill No. 944.—An act relating to the acceptance of insurance policies by State departments, boards, commissions and officers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

(Signed out)

WILLIAMS, Chairman.  
JESTERSEN.  
PARKMAN.  
SEAWELL.



**Second Reading of Senate Bill No. 944—(Out of Order).**

**Senate Bill No. 944**—An act relating to the acceptance of insurance policies by State departments, boards, commissions and officers.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 944 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, strike out "insurer authorized", and strike out lines 5 and 6, and insert in lieu thereof the following: "admitted insurer, which is offered by the person, partnership, firm, association or corporation, requested by the assured to furnish it, shall not be refused by any".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

**Third Reading of Senate Bills—(Resumed).**

**Senate Bill No. 1058**—An act to repeal sections 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2289a and 2290 of the Political Code, and to add sections 2283, 2284, 2285, 2286, 2287, 2287a, 2288, 2289 and 2290 thereto, all relating to aid to children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1058 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl, Mixer, Phillips, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Senate Bill No. 1058 ordered transmitted to the Assembly.

**Resolution.**

The following resolution was offered:

By Senator Deuel:

*Resolved*, That Senate Bill No. 117 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl, McGovern, Mixer, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

**Third Reading of Senate Bill No. 117.**

**Senate Bill No. 117**—An act to amend section 413 of the Code of Civil Procedure, relating to service of summons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 passed by the following vote:

**AYES.**—Senators Bigger, Cuthbertson, Cunningham, DeLay, Dyer, Fletcher, Garrison, Hollister, Hays, Hollister, Johnson, Knutson, Law, McBride, McCall, McGowan, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rye, Schottky, Schottky, Shaw, Tickle, Wagg, Westover, and Young—50.

**NOES.**—None.

Title read and approved.

Senate Bill No. 1157 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 1157.

Senator Olson moved that the bill be suspended for the consideration of Senate Bill No. 1157, without reference to the Committee on Finance for purpose of passage.

The roll was called, and the motion to suspend the Rules lost by the following vote:

**AYES.**—Senators Cuthbertson, Olson, and Schottky—3.

**NOES.**—Senators Bigger, Cuthbertson, Cunningham, DeLay, Dyer, Fletcher, Hays, Hollister, Johnson, Knutson, Knutson, Law, McBride, McCall, McGowan, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rye, Schottky, Schottky, Shaw, Tickle, Wagg, Westover, Williams, and Young—50.

### Re reference of Senate Bill No. 1157.

Senator Swing moved that Senate Bill No. 1157 be referred to Committee on Finance.

Motion carried, and such was the order.

### Resolution.

The following resolution was offered:

By Senator Olson:

*Resolved:* That Senate Bill No. 1160 provides a sum of money, in that there is used in section 15 of Article IV of the Constitution, and the provision of that section providing that the bill shall be read by three several readings each House is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.**—Senators Cuthbertson, Cunningham, DeLay, Dyer, Fletcher, Garrison, Hays, Hollister, Johnson, Knutson, Knutson, Law, McBride, McCall, McGowan, Metzger, Mixer, Olson, Parkman, Phillips, Quinn, Rye, Schottky, Schottky, Shaw, Swing, Tickle, Wagg, Westover, Williams, and Young—52.

**NOES.**—Senators Dyer, Hollister, and Knutson—3.

### Third Reading of Senate Bill No. 1160.

**Senate Bill No. 1160.**—An act to amend sections 359 and 362 of the Code of Civil Procedure, relating to limitation of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1160 passed by the following vote:

**AYES.**—Senators Bigger, Cuthbertson, Cunningham, Dyer, Fletcher, Garrison, Hollister, Johnson, Knutson, Law, McBride, McCall, McGowan, Metzger, Nielsen, Olson, Phillips, Quinn, Shaw, Westover, and Young—51.

**NOES.**—Senators DeLay, Hays, Hollister, Knutson, Mixer, Parkman, Rye, Schottky, Swing, Tickle, and Williams—11.

Title read and approved.

Senate Bill No. 1160 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 249**—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 249, the following amendments, offered by Senator Knowland, were read and adopted:

#### Amendment No. 1.

On page 3, line 51, of the printed bill, as amended, strike out "substantially all", and insert in lieu thereof the word "any".

#### Amendment No. 2.

On page 4, line 6, of the printed bill, as amended, after the word "officers", strike out the comma, and the word "and".

#### Amendment No. 3.

On page 4, line 7, of the printed bill, strike out the word "both".

#### Amendment No. 4.

On page 4, line 7, of the printed bill, after the word "lands", strike out the remainder of such line, and the word "lands" in line 8, and insert in lieu thereof the following: "and shall likewise exercise such powers and duties with respect to such state-owned lands fronting on lands lying between high water mark and low water mark wherever the latter have been granted to such municipality, port district or its predecessor."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 3 ordered transmitted to the Assembly.

### Withdrawal of Senate Bill No. 1162.

Senator McGovern moved that Senate Bill No. 1162 be withdrawn from Committee on Finance, and placed on the third reading file.

The roll was called, and the motion to withdraw from committee lost by the following vote:

**AYES**—Senators Garrison, Hollister, Keating, McColl, McGovern, Olson, and Schottky—7.

**NOES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holahan, Jaspersen, Keough, Knowland, Law, McBride, Metzger, Myer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

### Recess.

At five o'clock p.m., on motion of Senator Rich, the President of the Senate declared recess until eight o'clock p.m.

**Reconvened**

At eight o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Book at the desk.

**Consideration of Daily File—(Resumed)****Third Reading of Assembly Bills—(Resumed)**

**Assembly Bill No. 1191.**—An act to amend sections 4, 14, 6, 15, 17b and 20 of the Juvenile Court Law, relating to the powers of care, custody and maintenance for minor persons, through or under the supervision of the juvenile court.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1191, the following amendments, offered by Senator Fairbank, were read and adopted:

**Amendment No. 1.**

On page 8 of the printed bill, as amended, strike out lines 21 to 22, inclusive, and on page 9 thereof strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

701. The jurisdiction of the juvenile court extends over to any person who should be declared *delinquent* from the juvenile court system or his parents. The words "person who should be declared *delinquent* from the juvenile court system or his parents" include any person under the age of twenty-one years who comes within any of the following descriptions:

(a) Who has been left by his parents in the care and custody of another without any provision for his support, or without reasonable provision for his support, for the period of one year with the intent to abandon such person. Such failure to provide, or such failure to communicate for the period of one year shall be presumptive evidence of the intent aforesaid. Such period shall be deemed not called an abandoned person.

(b) Who has been cruelly treated or neglected by his parents if such person has been a ward of the juvenile court, and the parents deprived of his custody because of such cruel treatment or neglect, left the custody of his parent temporarily immediately prior to the filing of a petition asserting that he be removed from the custody and control of his parents.

(c) Whose parents are mentally incompetent or legally incapable of doing any business, or whose parents have been declared insane, and the parent deprived of his custody because of such incompetency or insanity, and the parent of one year continuously immediately prior to the filing of a petition asserting that he be declared free from the custody and control of his parents.

(d) Whose parents are declared of their own free will to be the victims of a felony, if, after conviction and receipt of sentence or judgment on the charges upon the parents who are imprisoned, the court deems that the failure of which such parents were convicted or of which sentence he is given the welfare of the parents to have the future custody and control of the child, or that the terms of sentence of such parents are so long that the child will be removed at a normal time for a period of years.

(e) Whose parents have, by a juvenile justice board found to have committed adultery and been divorced on that ground if the court after receipt of petition as prescribed in this chapter from such parents and the recommendation of all the judges finds that the future welfare of the child will be promoted by an order depriving such parents of the custody and control of the child.

(f) Whose parents have been declared by a court of competent jurisdiction to be feeble minded or insane, of the State Hospital of Institutions and the superintendent of the State hospital of which, if now the parents are inmates or patients certify that the parents will not be capable of supporting or maintaining the child in a proper manner."

**Amendment No. 2.**

On page 10, line 17 of the printed bill as amended, strike out "that".

**Amendment No. 3.**

On page 10, line 22 of the printed bill as amended, strike out "or complaint", and insert in lieu thereof the following: "complaint."

Bill read, ordered to print, and on file for third reading.



**Assembly Bill No. 1818**—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1818, the following amendments, offered by Senator Knowland, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 3 and 4 of the title, and insert in lieu thereof the following: "869, 880, 881, 882, and 883 of, and to add sections 868.10 and 884 to, the Welfare and Institu-".

**Amendment No. 2.**

On page 4, line 41, of the printed bill, as amended, strike out "July", and insert in lieu thereof the following: "June".

**Amendment No. 3.**

On page 6, line 20, of the printed bill, as amended, strike out "July", and insert in lieu thereof the following: "June".

Bill read, ordered to print, and on file for third reading.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Concurrent Resolution No. 13.**

Urging that a suitable part of public employment be given to the deaf citizens of the State.

WHEREAS, The employment of deaf persons in tasks which they are competent to perform is in accord with an altruistic and humanitarian social economy, and would result in incalculable benefits to all concerned, chiefly to the State and Government which they help to support in that they are kept from relief rolls; and

WHEREAS, In recent years the tendency to discriminate against the employment of this group of our citizens has been increasing at an alarming rate as a result of certain general industrial policies, instead of diminishing as the social and State welfare requires; and

WHEREAS, A greater recognition of the deaf citizens in public employment would be beneficial to all concerned as an equitable course in itself and as setting an example for private industry and business, now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring.* That appointing authorities and civil service commissions in every department of the State, and in every county, municipality, and city, be urged to give just consideration to the suitable employment of the deaf citizens of our State, to the end that a fair proportion shall be represented in public employment, and that all rules and policies in conflict herewith be revised.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

**AYES**—Senators Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Packman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—35.

**NOES**—None.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Assembly.

**Assembly Bill No. 636**—An act to amend sections 2, 3, 4, 9, 10, 11, 17, 19 and 22 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 636 passed by the following vote:

**AYES**—Senators Critchfield, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keownud, Law, McBride, McColl, McGovern, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schettky, Senwell, Slater, Swing, Tarkin, Wade, Westover, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 636 ordered transmitted to the Assembly.

**Assembly Bill No. 2091**—An act to amend section 3441 of the Political Code, relating to elections in reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2091 passed by the following vote:

**AYES**—Senators Bigger, Critchfield, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keownud, Law, McBride, McColl, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schettky, Senwell, Slater, Swing, Tarkin, Wade, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2091 ordered transmitted to the Assembly.

**Assembly Bill No. 844**—An act to amend sections 3773 of the Political Code, relating to lands sold to the State for delinquent taxes, the possession, rental and appraisal thereof, creating the tax delinquent land rental fund, making an appropriation in relation thereto, and declaring the urgency thereof.

Bill read third time.

#### Urgency Clause

**SEC. 2.** This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

The facts constituting the necessity are as follows: The State is expending during a great amount of revenue which is due to the State from occupants of lands owned to the State for nonpayment of taxes, and monies to make a survey of such lands and changes in the law to facilitate the necessary fiscal are needed. Activity by the State in collecting such rentals will cause reduction of such lands, with much-needed revenues accruing to the counties, and a consequent lessening of the tax base for local taxation.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keownud, Law, McBride, McColl, McGovern, Mixer, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schettky, Senwell, Slater, Swing, Tarkin, Wade, Westover, and Young—35.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 844 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keownud, Law, McBride, McColl,

McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 844 ordered transmitted to the Assembly.

**Assembly Bill No. 1172**—An act to amend sections 702 and 708 of the Fish and Game Code, relating to seasons on calico bass and crappie.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1172 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1172 ordered transmitted to the Assembly.

**Assembly Bill No. 2331**—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 4041.29 relating to agricultural research by counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2331 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young—33.

NOES—Senator Tickle—1.

Title read and approved.

Assembly Bill No. 2331 ordered transmitted to the Assembly.

**Assembly Bill No. 1760**—An act to amend section 627 of the Penal Code, relating to trespass on real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1760 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 1760 ordered transmitted to the Assembly.

**Assembly Bill No. 2674**—An act to add section 15.5 to, and to amend section 17 of, an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2614 passed by the following vote:

**AYES**—Senators Biggs, Catterlin, Channing, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jorgensen, Keough, Keoughfield, Law, McBride, McCall, McGowan, Morgan, Mixter, Nelson, Olson, Parkman, Phillips, Peterson, Powers, Quinn, Rich, Schutte, Sewall, Slater, Swing, Tabor, Wager, Westover, Williams, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2614 ordered transmitted to the Assembly.

**Assembly Bill No. 2750**—An act to amend section 544 of the Probate Code, relating to bonds of joint executors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2750 passed by the following vote:

**AYES**—Senators Biggs, Catterlin, Channing, Channing, DeLoe, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jorgensen, Keough, Keoughfield, Law, McBride, McCall, McGowan, Morgan, Mixter, Nelson, Olson, Parkman, Phillips, Peterson, Powers, Quinn, Rich, Schutte, Sewall, Slater, Swing, Tabor, Wager, Westover, Williams, and Young—38.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2750 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 26

Urging that Congress and the Federal Board Administering direct their consideration to the wages of employees in work relief projects.

**WHEREAS** At the time relief wages were established on work relief projects they provided only a meager living wage.

**WHEREAS** Since the establishment of wages on work relief projects living wages have advanced very materially; and

**WHEREAS** The trend of increased living is still up.

**WHEREAS** Many men in work relief projects who have positive experience are compelled to live on a level much below their capacity for health and economy; now, therefore, be it

*Resolved by the Senate and the Senate of the State of California, 1937.* That the President of the United States, Congress and the Federal Board Administering are hereby respectfully urged to direct their consideration to the raising wages of employees on work relief projects with sufficient increase to offset the rising costs of living and otherwise to ease the burden of hardship that he is facing.

*Resolved* That the Governor of the State of California is hereby respectfully requested to submit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Federal Relief Administration, and to each Senator and Representative of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 26 adopted by the following vote:

**AYES**—Senators Biggs, Catterlin, Channing, Channing, DeLoe, Doud, Fletcher, Garrison, Gordon, Hollister, Holman, Jorgensen, Keough, Keoughfield, Morgan, Mixter, Nelson, Olson, Parkman, Phillips, Peterson, Powers, Quinn, Schutte, Sewall, Slater, Swing, Westover, Williams, and Young—29.

**NOES**—Senators Keough, Keough, McCall, Rich, and Tabor—5.

Assembly Joint Resolution No. 22 ordered transmitted to the Assembly.



**Assembly Bill No. 18**—An act to amend section 527 of the Political Code, relating to printed documents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 18 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 18 ordered transmitted to Assembly.

**Assembly Bill No. 29**—An act to amend section 237 of the Political Code, relating to temporary officers and employees of the Senate and Assembly.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 29 ordered transmitted to the Assembly.

**Assembly Bill No. 35**—An act to amend section 2295a of the Political Code, relating to reports and publications furnished to the State Library.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 35 ordered transmitted to the Assembly.

**Assembly Bill No. 2833**—An act to amend sections 3630, 3651, 3655, and 3720 of the Political Code, relating to the assessment of property and collection of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2833 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,



Assembly Bill No. 1748—An act to add section 471.5 to the Agricultural Code, relating to definitions of milk;

Assembly Bill No. 2053—An act to amend section 4300d of the Political Code, relating to fees.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1940—An act to amend sections 61, 11, 13, 15, 15c and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1924, as amended relating to control of publicly owned utilities, appointment and removal of the general manager, the redemption of and signatures to bonds, civil service and the establishment of a retirement system, all relating to municipal utility districts;

Assembly Bill No. 2079—An act to amend section 73a, Code of Civil Procedure, relating to court expenses;

Assembly Bill No. 2269—An act to repeal an act entitled "An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto," approved May 31, 1929; to repeal School Code section 6470.3; to amend section 6474 of the School Code; and to add to Chapter VI of Part II of Division VI of the School Code a new article to be known as Article I, all relating to the purchase of supplies and equipment for school districts;

Assembly Bill No. 2376—An act making bonds issued by the California Toll Bridge Authority legal investments and security for certain purposes, providing that the Superintendent of Banks shall have power to certify such bonds as a proper investment for savings banks in this State, and providing that this act become effective immediately;

Assembly Bill No. 2714—An act to require all applicants for construction and improvement permits to prove compliance with the "Workmen's Compensation, Insurance and Safety Act of 1917."

JAMES G. SMYTH, Chief Clerk of Assembly.  
By J. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2092—An act to amend sections 2 and 3 of an act entitled "An act defining heretofore the exterior boundaries of Reclamation District No. 108; situated partly in the counties of Colusa and Yuba, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors; and providing that the management and control of the affairs of said Reclamation District No. 108, as defined by this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the county of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the county of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to prepare the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect," approved May 7, 1919, relating to Reclamation District No. 108;

Assembly Bill No. 2596—An act to add a new section to the Code of Civil Procedure to be numbered section 811, relating to actions against usurpers of public offices and franchises.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

## ASSEMBLY CLOSING, SATURDAY, MAY 21, 1937

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 30. An act to amend the constitution of the State of California by adding to Article XIII, relating to taxation, by adding to Article XIII, relating to taxation, by adding to Article XIII, relating to taxation.

Assembly Constitutional Amendment No. 31. An act to amend the constitution of the State of California by adding to the Constitution of the State by adding to Article IV, relating to the powers and authority of the Legislature, by adding to Article VI, relating to the powers and authority of the Legislature, by adding to Article VI, relating to the powers and authority of the Legislature.

Assembly Constitutional Amendment No. 32. An act to amend the constitution of the State of California by adding to the Constitution of the State by adding to Article VI, relating to the powers and authority of the Legislature, by adding to Article VI, relating to the powers and authority of the Legislature, by adding to Article VI, relating to the powers and authority of the Legislature.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DAVIS, Assistant Clerk

Assembly Constitutional Amendment No. 30 read, and referred to Committee on Revenue and Taxation.

Assembly Constitutional Amendment No. 31 read, and referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 32 read, and referred to Committee on Constitutional Amendments.

## ASSEMBLY CLOSING, SATURDAY, MAY 21, 1937

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 214. An act to amend section 20 of the act entitled "An act to be enacted and read as the Health and Home Insurance Act to regulate health and home brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create the office of Health and Home Insurance Commissioner within the Department of Professional and Vocational Supervision; and to provide for the enforcement of said act and penalties for the violation thereof," approved July 20, 1935, relating to the regulation and supervision of business.

Assembly Bill No. 315. An act to amend section 5 of the act entitled "An act to regulate motor vehicle drivers of less than 18 years of age; to create the office of California Motor Vehicle and Traffic Commissioner within the Department of Professional and Vocational Supervision; and to provide for the enforcement of said act and penalties for the violation thereof," approved June 19, 1931, relating to motor vehicle regulation.

Assembly Bill No. 1114. An act to add Title 1, comprising Chapter 1, sections 4000 to 4082, inclusive, to Division V of the Welfare and Institutions Code, relating to aid for convicts and parolees.

Assembly Bill No. 1300. An act creating an appropriation to provide food and water supply for the Negro State Hospital.

Assembly Bill No. 4400. An act to amend the title of and sections 1, 2 and 3 and to add section 7 to an act entitled "An act to regulate motor vehicle drivers of less than 18 years of age; to create the office of California Motor Vehicle and Traffic Commissioner; and to provide for the enforcement of said act and penalties for the violation thereof," approved June 19, 1931, relating to motor vehicle regulation.

Assembly Bill No. 1555. An act to amend sections 770, 777, 779 and 781 and to report section 778 of the Vehicle Code, relating to trucks.

Assembly Bill No. 1591. An act to amend sections 22, 141, 284, 285, 287, 289, 290, 291, 292, 294, 295, 296, 297 and 298, to amend sections 285, 286, 288 and 290 and to add sections 299, 300, 301, 302, 303, 304, 305, 306 and 307 to the Welfare and Institutions Code, relating to welfare and children's affairs and making an appropriation.

JAMES G. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DAVIS, Assistant Clerk

Assembly Bill No. 214 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 215 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1114 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1300 read first time, and referred to Committee on Finance.



Assembly Bill No. 1463 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1555 read first time, and referred to Committee on Finance.

Assembly Bill No. 1591 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1898—An act to amend section 50 of the Agricultural Code, relating to county agricultural commissioners;

Assembly Bill No. 2116—An act to add section 1872 to the Code of Civil Procedure, relating to blood grouping tests;

Assembly Bill No. 2181—An act to amend section 3804 of the Political Code, relating to time of filing claims for refund of taxes erroneously or illegally collected;

Assembly Bill No. 2199—An act to add a new section to the School Code to be numbered 4375-a, relating to refunds of taxes;

Assembly Bill No. 2552—An act to amend section 36 of the Civil Code, relating to disaffirmance by minors of contract;

Assembly Bill No. 2848—An act to amend sections 305 and 307 of the Agricultural Code, relating to meat inspection, and making an appropriation;

Assembly Bill No. 2857—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing of property of such districts;

Assembly Bill No. 2876—An act making an appropriation to be expended as may be directed by the Regents of the University of California for the purpose of erecting, furnishing, and equipping buildings and other permanent improvements on the campuses of the University of California at Berkeley, Los Angeles, Davis, La Jolla, Mt. Hamilton, Riverside, and San Francisco;

Assembly Bill No. 2904—An act to add section 291.4 to the Civil Code, relating to corporations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 1898 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2116 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2181 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2199 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2552 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2848 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2857 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2876 read first time, and referred to Committee on Finance.

Assembly Bill No. 2904 read first time, and referred to Committee on Corporations and Financial Institutions.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2906—An act making an appropriation for major construction and equipment at the California Institution for Women;

Assembly Bill No. 2917—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing

certain lands from trusts and suspensions heretofore imposed, and withdrawing the conveyance of certain lands to the State, and declaring the subject closed, to take effect immediately.

JAMES C. ROMYER, Chief Clerk of Senate.  
By H. ARTHUR DODDGE, Assistant Clerk.

Assembly Bill No. 2006 read first time, and referred to Committee on Finance.

Assembly Bill No. 2017 read first time, and referred to Committee on Commerce and Navigation.

### Resolution

The following resolution was offered:

By Senators Gordon and Mangum:

WHEREAS, The fish and game laws of the State of California are numerous and enforced by the Division of Fish and Game by the Department of Natural Resources, while fishing is prohibited through a Fish and Game Commission; and

WHEREAS, There have been many suggestions for changes in the administration of this part of the State's activities; and

WHEREAS, It is necessary and desirable that the Senate and the Assembly have complete, accurate and detailed information concerning the administration and enforcement of the fish and game laws, so that they may and the same laws may not effectively be interpreted or enforced through any number of persons;

Resolved, by the Senate in the House of California, That a Special Committee of fish and game administration be formed by the Senate, to be known as the Senate Committee on Fish and Game Administration, consisting of five members of the Senate, to be appointed by the President of the Senate, to spend reasonable and to conduct investigations concerning the administration and enforcement of fish and game laws, and the need for modification of any constitutional provisions or legislation affecting the administration and enforcement of the fish and game laws, and all matters incident thereto, and to report.

Resolved, That the committee may employ necessary legal, scientific, technical, technical and such other assistants as it may deem necessary, and be it further:

Resolved, That all officers and employees of the State shall furnish to the committee such information, papers, documents, and records as may be required and further consideration by the committee or the committee shall proceed, and be it further:

Resolved, That the committee be authorized to do any and all things necessary to make a full and complete investigation of the matters herein provided to and to require the production of books, documents, records, papers, accounts, minutes, records, correspondence and papers of any kind, to be made available to the committee and to require witnesses. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII, Chapter II, Title I or Part III of the California Code, relating to the attendance and assembly of witnesses before the Legislature and committee thereof shall apply to the committee created by this resolution and such committee is hereby given leave to sit during the session of the Legislature and during the intervals between sessions thereof, at any place or places in the State or the committee shall from time to time decide, and be it further:

Resolved, That the committee be authorized to call upon the Senate from time to time such results of its investigations and matters as it may deem necessary for the action and advice of the Legislature and until such its final report or the commencement of the fifty-third session of the Legislature, and be it further:

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$1,500 or so much thereof as may be necessary is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Resolution read, and ordered referred to the Committee on Rules.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2149 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 2149 refused reconsideration by the following vote:

AYES—Senators Gattison, Jaspersen, Olson, and Westover—4.  
 NOES—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holahan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Minter, Nielsen, Parkman, Phillips, Pterovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—30.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 18, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1049—An act providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

DeLAP, Chairman.

#### On County Government.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 1012—An act to amend sections 4, 11 and 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the pension of county and township peace officers; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—5; committee vote: Ayes—3; noes—2.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 702—An act to amend section 19x24 and to repeal section 19x31 of the Juvenile Court Law, relating to the probation officer;

Assembly Bill No. 1735—An act to amend an act entitled "An act authorizing the judges of the superior court in all counties and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895, as amended, by adding thereto a new section to be designated section 3, providing for the compensation for the secretary in counties, or cities and counties, having a population of nine hundred thousand inhabitants or over;

Assembly Bill No. 1362—An act to amend section 4 of an act entitled "An act authorizing the filing of notices of liens for internal revenue taxes payable to the United States of America and the discharges thereof in the office of the county recorder, prescribing the manner of filing and indexing the same and fixing the compensation therefor," approved June 22, 1923;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 1570—An act to amend section 1041.6 of the Political Code, relating to the appropriation and expenditure of funds by boards of supervisors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2575—An act to amend section 4036 of the Political Code, relating to the issuance of bonds for counties for the purpose of providing for county exhibits or displays on foreign exhibitions—Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—2; absent—2.

GORDON, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2493—An act to amend section 4036 of the Political Code, relating to the issuance of bonds for counties for the purpose of providing for county exhibits or displays on foreign exhibitions—Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

## On Governmental Efficiency.

## SENATE CHAMBER, SACRAMENTO, May 21, 1937

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 1648—An act to provide for and to regulate the certification of librarians—

Assembly Bill No. 2692—An act to define business opportunity brokers and salesmen, to provide for the regulation, supervision and licensing thereof by the State Real Estate Division and the Real Estate Commission, to provide for the enforcement of said act and penalties for its violation—

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 647—An act to amend section 9 of the Political Code, to establish a system of unemployment reserves for this State, and making an appropriation therefor—Adopted June 15, 1935, relating to the selection of employers and employees subject to the act—

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 2881—An act to amend section 1930 of the Political Code, relating to office hours—

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—1.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 20, 1937

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 717—An act to amend sections 667 and 688 of the Political Code, relating to claims and actions against the State—

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.



### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred

Assembly Bill No. 1261—An act to amend sections 1650, 1651, 1654, and 1655, and repealing sections 1656 and 1657 of the Business and Professions Code, relating to registration of licenses with county clerks.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DE LAP, Chairman.

### On Agriculture.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 2176—An act defining farm labor contractors, providing for the licensing thereof and for the issuance of permits to such farm labor contractors by the Division of Labor Statistics and Law Enforcement, before such farm labor contractors can contract with any crop owner to cultivate, plant, tend, irrigate, harvest, pack or process crops belonging to or in which such crop owner has any interest and providing that the violation of such act shall be a misdemeanor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 2175—An act to regulate the employment of labor on public works;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 2201—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

OLSON, Chairman.

### Adjournment.

At eleven o'clock and twenty one minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until nine o'clock a.m., Saturday, May 22, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

## SENATE CHAMBER

SACRAMENTO, Saturday, May 22, 1937.

At nine o'clock a. m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

**Roll Call**

The roll was called, and the following answered to their names:

Senators Allen, Egan, Carrington, Tolson, Todd, Fletcher, Garrison, Gordon, Hays, Hollister, Holmes, Johnson, Keating, Kneeland, Lee, McBride, McCall, McGowan, McHugh, Miller, Nyquist, Olson, Peterson, Phillips, Powers, Powers, Quinn, Rife, Schuch, Smith, Stone, Trible, Wagg, Wasson, Williams and Young—37.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. Clarence A. Karcher.

**Reading of the Journal.**

During the reading of the Journal of Friday, May 21, 1937, the further reading was, on motion of Senator Stone, dispensed with.

**Leaves of Absence**

Senator Critchfield, on the motion of Senator Young, granted leave of absence for this day.

Senator Schutsky was, on motion of Senator Miller, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clayton C. Travel, Auditor, State Board of Examiners, of San Bernardino.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth Spafford of Gilroy.

On request of Senator Morgan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mithral Leo Clemens of Portland, Oregon, and Tom Ward of Red Bluff.

**Consideration of Daily File.****Second Reading of Assembly Bills**

**Assembly Bill No. 1049**—An act providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Assembly Bill No. 1049 was read and adopted:

**Amendment No. 1.**

On page 1, line 13, of the printed bill, as amended, strike out "trademark", and insert in lieu thereof the following: "mark".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1012**—An act to amend sections 4, 11 and 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the pension of county and township peace officers.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 702**—An act to amend section 19x24 and to repeal section 19x31 of the Juvenile Court Law, relating to the probation officer.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1735**—An act to amend an act entitled "An act authorizing the judges of the superior court in all counties, and cities and counties, having a population of 200,000 inhabitants and over, to appoint a secretary," approved March 26, 1895, as amended, by adding thereto a new section to be designated section 3, providing for the compensation for the secretary in counties, or cities and counties, having a population of 900,000 inhabitants or over.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1362**—An act to amend section 4 of an act entitled "An act authorizing the filing of notices of liens for internal revenue taxes payable to the United States of America and the discharges thereof in the office of the county recorder, prescribing the manner of filing and indexing the same and fixing the compensation therefor," approved June 22, 1923.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1570**—An act to amend section 4041.6 of the Political Code, relating to the appropriation and expenditure of funds by boards of supervisors.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1570 were read and adopted:

##### Amendment No. 1.

On page 2, line 5 of the printed bill, as amended, after the word "city", insert the following: "which has consented to such inclusion".

##### Amendment No. 2.

On page 2, line 13, of the printed bill, strike out the word "approved", and insert in lieu thereof the word "performed".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2871**—An act to add section 4056e to the Political Code, relating to the issuance of bonds by counties for the purpose of providing for county exhibits at domestic or foreign expositions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1193**—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as

amended, by adding thereto a new section, 3a, relating to the use of reservoirs and adjacent land for recreational purposes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1648**—An act to provide for and to regulate the certification of librarians.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1648 was read and adopted:

**Amendment No. 1.**

On page 2, line 21, of the printed bill, as amended, strike out "colleges, schools, and strike out all of lines 34 to 36, inclusive, and insert in lieu thereof the following: "academies and professional preparation in limited attendance in law, nursing, medical, high school graduation and includes a business degree and a post course as its equivalent in a library school."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2622**—An act to define business opportunity brokers and salesmen, to provide for the regulation, supervision and licensing thereof by the State Real Estate Division and the Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 2622 were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, as amended, after the word "trust", strike out the period and insert in lieu thereof a comma, and add the following: "nor to a real estate broker or real estate salesman while acting as such in connection with the sale, lease or exchange of real property or an interest therein when the transfer of a business, business opportunity or good will of an existing business is purely incidental to the sale, lease or exchange of real property."

**Amendment No. 2.**

On page 7, line 3, of the printed bill, as amended, after the word "he", strike out "two", and insert in lieu thereof "one."

**Amendment No. 3.**

On page 7, line 4, of the printed bill, as amended, strike out "dollars", and insert in lieu thereof "dollar."

**Amendment No. 4.**

On page 7, line 6, of the printed bill, as amended, after the word "he", strike out "two dollars", and insert in lieu thereof "one dollar."

**Amendment No. 5.**

On page 7, line 8, of the printed bill, as amended, after the word "he", strike out "two dollars", and insert in lieu thereof "one dollar."

**Amendment No. 6.**

On page 7, line 9, of the printed bill, as amended, after the word "he", strike out "two dollars", and insert in lieu thereof "one dollar."

**Amendment No. 7.**

On page 7, line 11, of the printed bill, as amended, after the word "he", strike out "two dollars", and insert in lieu thereof "one dollar."

**Amendment No. 8.**

On page 7, line 39, of the printed bill, as amended, after the word "of", strike out "two dollars", and insert in lieu thereof "one dollar."



**Amendment No. 9.**

On page 13, line 2, of the printed bill, as amended, after the word "a", strike out "public offense", and insert in lieu thereof "misdemeanor."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 647**—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of employers and employees subject to the act.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 647 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 4 to 26, inclusive, and on page 2, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"(a) Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different weeks, whether or not such weeks are or were consecutive, has within the current calendar year or had within the preceding calendar year in employment eight or more individuals, irrespective of whether the same individuals are or were employed in each such day;

(b) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(c) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit if the experience of such individual or employing unit subsequent to such acquisition plus the experience of the acquired unit prior to such acquisition, both within the same calendar year would equal the experience necessary to constitute an employing unit an employer subject to this act under subdivision (a) of this section;

(d) An employing unit having individuals in its employ performing services in employment subject to this act and which is not an employer as hereinbefore defined in this section, which files with the commission its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commission, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such first day of January, it has filed with the commission a written notice to that effect;

(e) Any employing unit which, having become an employer under subdivision (a), (b), (c) or (d) has not, under subdivision (d) or under section 9.7, ceased to be an employer subject to this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2881**—An act to amend section 1030 of the Political Code, relating to office hours.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 717**—An act to amend sections 667 and 688 of the Political Code, relating to claims and actions against the State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1261**—An act to amend sections 1650, 1651, 1654, and 1655, and repealing sections 1656 and 1657, of the Business and Professions Code, relating to registration of licenses with county clerks.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2176**—An act defining farm labor contractors, providing for the licensing thereof and for the issuance of permits to such farm labor contractors by the Division of Labor Statistics and

Law Enforcement, before such farm labor contractors can contract with any crop owner to cultivate, plant, tend, irrigate, harvest, pack or process crops belonging to or in which such crop owner has any interest and providing that the violation of such act shall be a misdemeanor.

#### Consideration of Committee Amendments

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 3478 were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 3 inclusive of the first and insert in lieu thereof the following:

"An act to amend an existing article in Chapter 3, Part 1, Division 11 of the Labor Code to be known as Article 3, relating to farm labor contractors."

##### Amendment No. 2.

On page 1 of the printed bill, we amended adding and line 1 to 20, inclusive, strike out everything on pages 2 and 3 and insert in lieu thereof the following:

"SECTION 1. A new article is hereby added to Chapter 3, Part 1, Division 11 of the Labor Code to be known as Article 3 and to read as follows:

#### Article 3. Farm Labor Contractors.

278. As used in this article "farm labor contractor" means any person, firm, or association, other than a certified agricultural cooperative association, who contracts with a crop owner or grows or with the owner of such person or grower, to cultivate, plant, tend, irrigate, or harvest any crop or crops belonging to or in which such crop owner or grower has any interest, he takes other than that of the contractor, at specified rates of pay for specified services, whether such pay is a fixed rate, or is computed by time, or is determined by a percentage of the crop or crops. The term "farm labor contractor" does not include, however, any person or group of persons who contract exclusively or as a going concern, to cultivate, plant, tend, irrigate, or harvest any crop as a part of their own and who, when contracting as a grower, share equally in the ownership of such crops.

279. No farm labor contractor shall enter into any contract or agreement described in section 278 of this part who does not possess a valid existing license issued under the provisions of this act.

280. Application for license as a farm labor contractor shall be made in writing to the Division of Labor Statistics and Law Enforcement, which application shall be accompanied by the fee therefor and the submission of two members of the county in which such labor contractor wishes to operate, one of whom shall be honest, truthful, solvent, and of good reputation, and a bond in the amount of the estimated maximum shall wages, which will become due during one year and period as defined by law, or otherwise as such in the next three or four years, for a bond, and representing that a license be granted on such bond. No bond shall be required for issuance of a license to a labor contractor whose past and period does not exceed thirty days.

281. The Division of Labor Statistics and Law Enforcement may require such other proof as it may deem advisable in the issuing, withdrawal and renewal of any application for a license.

282. The fee for each license shall be ten dollars.

283. If the division is satisfied with the license, withdrawal, renewal and good reputation of the applicant, it shall issue a license to the applicant which shall expire on midnight of the third day of December of that year.

284. Upon application to the division, accompanied by a fee of one dollar and a renewal bond now bond or license as required for issuance of a license, the division shall issue a renewed license to such farm labor contractor who held a valid unrevoked license during the preceding year, and who has not violated any provision of this article and who has not committed any act which would justify the refusal of a license under a new application.

285. All contracts described in section 278 entered into in violation of this article are void.

286. Any person, firm or corporation who knowingly allows, suffers or permits any employee of a farm labor contractor to cultivate, plant, tend, irrigate, or harvest, any crop in which he has any interest, or for the cultivating, planting, tending, or harvesting of which he is responsible, unless such farm labor contractor holds a valid unrevoked license, shall be liable to such employer for the reasonable value of all such work performed by such employee.

287. Any person violating any provision of this article is guilty of a misdemeanor."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2175**—An act to regulate the employment of labor on public works.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 2175 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, after the words "provide that", insert a comma and the following: "if available as determined by the awarding authority,".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the word "twenty".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2204**—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2204 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, following line 10, insert the following: "The ratio of apprentices to be employed shall not exceed one apprentice to each five journeymen regularly employed by the employer. The initial wage to be paid an apprentice shall be not less than twenty-five per cent (25%) of the journeymen's wage being paid and shall be increased each six months in an amount not less than fifteen per cent (15%). The definition of the term "regularly indentured apprentice" as used in this act shall be deemed to be an apprentice indentured by a group representing bona fide associations of employers and employees."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, McGovern, Mixer, Nielsen, Parkman, Phillips, Rich, Slater, Swing, Waggy, Westover, Williams, and Young—21.

The Secretary announced the absentees.

Time, nine o'clock and seventeen minutes a.m.

The President of the Senate withdrew the Sergeant-at-Arms to show the door.

The Sergeant-at-Arms having been furnished with the answer of the absence, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate Third Reading of Assembly Bills.

**Assembly Bill No. 1190.**—An act to amend section 4 of the Use Tax Act of 1933.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 1190 the following amendment offered by Senator McCall, was read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the title of the amended bill, as amended, strike out the period, and insert in lieu thereof the following: "relating to prescribing time for tax imposed by said act."

Bill read, ordered to print, and on the day third reading.

**Assembly Bill No. 2197.**—An act to amend sections 2, 3, 4, 5, 6, 10, 11, 12, 14, 19, 20, 25, 26, 27 and 28 of an act entitled "An act imposing an excise tax on the storage, use or other consumption of this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violation of the provisions thereof, and providing that this act shall take effect immediately," approved June 25, 1935, to amend sections 21, 22, 24, 25 and 26 of said act, to renumber sections 25, 26, 27, 28, 29, 30, 31, 32 and 33 as sections 31, 32, 33, 34, 35, 36, 37, 38 and 39, respectively, of said act, relating to the taxation of the storage, use or other consumption of tangible personal property, and to provide that this act shall take effect immediately.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2197, the following amendments offered by Senator Kewland, were read and adopted:

#### Amendment No. 1.

On page 4 line 36 of the printed bill, as amended, strike out "or", and insert in lieu thereof "and."

#### Amendment No. 2.

On page 6 line 26 of the printed bill, as amended, strike out "or", and insert in lieu thereof "or".

#### Amendment No. 3.

On page 6, line 51, of the printed bill, as amended, after "month", insert a comma.

#### Amendment No. 4.

On page 8, line 24, of the printed bill, as amended, after "and", insert "the California Retail Sales Tax Act of 1933."

#### Amendment No. 5.

On page 8, line 39, of the printed bill, as amended, after "and", insert "the California Retail Sales Tax Act of 1933."

#### Amendment No. 6.

On page 9, line 7, of the printed bill, as amended, strike out "the amounts", and insert in lieu thereof "such amount."

#### Amendment No. 7.

On page 9, line 27, of the printed bill, as amended, strike out "collected by this act", and insert in lieu thereof "paid hereunder".



**Amendment No. 8.**

On page 10 of the printed bill, strike out all of line 39, and insert in lieu thereof "amount due hereunder."

**Amendment No. 9.**

On page 10 of the printed bill, as amended, strike out lines 42 and 43, and insert in lieu thereof "and determination of such amount."

**Amendment No. 10.**

On page 11, line 35, of the printed bill, as amended, strike out "Controller", and insert in lieu thereof "board".

**Amendment No. 11.**

On page 12, line 1, of the printed bill, as amended, strike out "assessment or".

**Amendment No. 12.**

On page 12, line 2, of the printed bill, as amended, before "amount", insert "an".

Bill read, ordered to print, and on file for third reading

**Assembly Bill No. 2196**—An act to amend sections 2, 17, 19, 20, 23, 25 and 27 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 33 of said act; to renumber section 32 as section 33 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2196, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

On page 6, line 38, of the printed bill, as amended, following the word "act", insert the following: "during the eighty-ninth and ninetieth fiscal years".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 506**—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of the term "employer."

**Amendments from the Floor.**

During third reading of Assembly Bill No. 506, the following amendments, offered by Senator McGovern, were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, strike out "one", and insert in lieu thereof the following: "four".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, as amended, after "Any", insert the following: "individual or".

**Amendment No. 3.**

On page 1, line 25, of the printed bill, as amended, strike out "not an employer subject to this act", and strike out all of line 26, and lines 1 and 2 on page 2, and insert in lieu thereof the following: "if the experience of such individual or employing unit subsequent to such acquisition plus the experience of the acquired unit prior

to such propositions, both within the calendar year, would equal the experience necessary to constitute an acceptable trial on another session to their not under subsection (a) of this section."

#### Amendment No. 4

On page 2, line 12, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1521**—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1521, the following amendments, offered by Senator Kunkland, were read and adopted:

#### Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, after "work", insert a comma and the following: "employed by its employer during 1936 year."

#### Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, after "the", insert the following: "general".

#### Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out "his employer", and insert in lieu thereof the following: "employer".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2581**—An act to amend sections 1 and 3 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds, to create an Athletic Commission, empowered to license such contests and the participants therein, to prescribe conditions under which licenses shall be issued and contests held, to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1934, relating to amateur boxing, sparring and wrestling matches and exhibitions.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2581, the following amendments, offered by Senator Nielsen, were read:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out the comma and "four of whom are".

#### Amendment No. 2.

On page 1, line 9, of the printed bill, as amended, strike out "one new member", and insert in lieu thereof the following: "two new members".

#### Amendment No. 3.

On page 2, line 3, of the printed bill, as amended, strike out "Commencing on January 1, 1938, the", strike out lines 4 and 5, and in line 6, strike out "opening ex officio."

#### Re-reference of Assembly Bill No. 2581.

Senator Tickle moved that Assembly Bill No. 2581, and the amendments, be re-referred to Committee on Military Affairs.

Motion carried, and such was the order.

**Assembly Bill No. 1164**—An act to amend sections 1203.1 and 1203.3 of the Penal Code, relating to power of the court to fix conditions of probation.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1164, the following amendment, offered by Senator McGovern, was read and adopted:

**Amendment No. 1.**

On page 1, line 12, of the printed bill, after the semicolon, insert the following: "provided, however, that where the maximum possible term of such sentence is less than two years, then such period of suspension of imposition, or execution of sentence may, in the discretion of the court, continue for not over three years;"

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1813**—An act to amend section 762 of the Agricultural Code, relating to quality of tomatoes for canning purposes.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1813, the following amendments, offered by Senator McBride, were read and adopted:

**Amendment No. 1.**

On page 2, line 11, of the printed bill, as amended, after "chapter", insert the following: ". Such color shall be determined by examination of either the surface of the tomato or the fleshy part thereof."

**Amendment No. 2.**

On page 2, line 13, of the printed bill, as amended, strike out "; provided", and strike out all of lines 14 to 19, inclusive.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2375**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 13, 20 and 22½ thereof and by adding thereto new sections numbered 63, 6.8, 6.9, and 9.8, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also providing that the California Toll Bridge Authority may enter into indentures or agreements containing provisions for the amount, form, maturities, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded, and refunded, sinking funds, minimum reserve requirements, and the appointment of a trustee to represent the holders of such bonds, and providing that all benefits or obligations pertaining to any bonds issued under said act shall inure to and continue for the benefit of any additional or funding or refunding bonds issued thereunder; also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes; also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately.





All such bonds so authorized shall be issued in the name of the California Toll Bridge Authority and shall constitute obligations only of said California Toll Bridge Authority and shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges or other highway crossing for the acquisition or construction of which the bonds are issued and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt, liability or obligation of the State of California."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1588**—An act to amend sections 1, 2, 4, 6, 9, 10, 14, 17, 31 and 33 of, and to add section 34 to, the Assessment Bond Refunding Act of 1933, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, and the issuance of refunding bonds, and declaring the urgency thereof, to take effect immediately.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1588, the following amendments, offered by Senator Phillips, were read and adopted:

**Amendment No. 1.**

On page 8, line 19, of the printed bill, as amended, strike out "bonds", and insert in lieu thereof the word "indebtedness"; and in line 20, add to the word "district", the letter "s"; and in line 52, strike out "bonds", and insert in lieu thereof the word "indebtedness".

**Amendment No. 2.**

On page 10, line 3, of the printed bill, as amended, add to the word "reassessment" the letter "s".

**Amendment No. 3.**

On page 16, line 21, of the printed bill, as amended, after the word "lands", add the following: "subject to reassessment hereunder".

**Amendment No. 4.**

On page 16, line 22, of the printed bill, as amended, following the word "districts", insert the following language: "and benefited by the acquisitions or improvements or acquisitions and improvements,".

**Amendment No. 5.**

On page 18, line 18, of the printed bill, as amended, strike out all the language following the word "hereunder", and in line 19, strike out all of the words preceding the period.

**Amendment No. 6.**

On page 18 of the printed bill, as amended, following line 19, insert the following language:

"Where any bonds or interest coupons have been reduced to judgment, the amount found due upon such bonds or coupons and for which judgment was rendered, shall be a part of the indebtedness to be refunded, and shall be deemed principal or interest or both, as the case may be, for the purpose of such refunding, and except as the context indicates otherwise, wherever the words bonds or interest coupons are used in this act with reference to outstanding bonds or coupons, they shall be deemed to include such judgment. The filing of the consent of the owners of a majority in area of the lands in the district to any refunding and reassessment initiated under this act shall waive any statute of limitations which might there after bar an action upon any bonds or interest coupons proposed to be refunded, and such waiver shall continue after such consent is filed until six months after the refunding proceeding is formally abandoned or if not formally abandoned until one year after the date of the last order of the legislative body therein.

The State of California and any city, county, or other political subdivision or public corporation owning bonds of any special improvement district, which might be refunded under the provisions of this act may agree that such bonds be refunded hereunder and may do and perform all acts and things necessary or convenient therefor.

Wherever the State of California, or any county, city, school district of any kind or class, political subdivision of any kind or class or public corporation of any kind or class, owns or has an interest in lands within any district, the indebtedness of which is proposed to be refunded hereunder, it shall have the same right as any

private landowner, to appear and be heard in the proceeding or in any suit thereon and all of the parties claiming an interest therein as such State, county, city, or local district, political subdivision or public corporation.

#### Amendment No. 7.

On page 19, line 7, of the printed bill, as amended, strike out the word "residence" the following letters: "ment".

#### Amendment No. 8.

On page 19, line 27, of the printed bill, as amended, strike out all of the language after the word "from", and in line 26, strike out the following: "and was sold to the State, in computing".

#### Amendment No. 9.

On page 19, line 27, of the printed bill, as amended, strike out all of the language following the word "property", and in line 28, strike out all of the language preceding the period.

#### Amendment No. 10.

On page 19 of the printed bill, as amended, following line 28, insert the following language:

"In the event property has been located as the site for improvement there is for delinquent taxes and assessments, it shall likewise be subject to redemption thereunder. The legislative limit of the lien is extended to property so designated, in event of foreclosure or sale to pay delinquent taxes, upon the same basis as other property, or proceeds of any other source, if any, against the sale, and the completion of the project to be located in the event of redemption shall be made by the city auditor or other person in which charge of that class has vested the title."

#### Amendment No. 11.

On page 19, line 35, of the printed bill, as amended, following the word "State", insert the words: ", or to any city therein."

#### Amendment No. 12.

On page 19, line 40, of the printed bill, after the word following the word "authored", add the following: "All proceedings herein prior to the passage of amendments take effect only be continued in substance under the provisions of the act as hereby amended."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1849** An act to amend sections 1, 2, 5, 7, 9, 10, 14, 16, 25, 29 and 30 of, and to add a new section to be numbered section 18 to an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, and declaring the urgency of this act.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1849, the following amendments, offered by Senator Phillips, were read and adopted:

#### Amendment No. 1.

On page 15 of the printed bill, as amended, at the end of line 32, following the word "lands", insert the following: "subject to reassessment hereunder".

**Amendment No. 2.**

On page 15, line 33, of the printed bill, as amended, following the word "districts", insert the following: "and benefited by the acquisitions or improvements or acquisitions and improvements,".

**Amendment No. 3.**

On page 18 of the printed bill, as amended, following line 2, insert the following:

"Where any bonds or interest coupons have been reduced to judgment, the amount found due upon such bonds or coupons and for which judgment was rendered, shall be a part of the indebtedness to be refunded, and shall be deemed principal or interest or both, as the case may be, for the purpose of such refunding, and except as the context indicates otherwise, wherever the words bonds or interest coupons are used in this act with reference to outstanding bonds or coupons, they shall be deemed to include such judgment. The filing of the consent of the owners of a majority in area of the lands in the district to any refunding and reassessment initiated under this act shall waive any statute of limitations which might thereafter bar an action upon any bonds or interest coupons proposed to be refunded, and such waiver shall continue after such consent is filed until six months after the refunding proceeding is formally abandoned or if not formally abandoned, until one year after the date of the last order of the legislative body therein.

The State of California and any city, county, or other political subdivision or public corporation owning bonds of any special improvement district which might be refunded under the provisions of this act may agree that such bonds be refunded hereunder and may do and perform all acts and things necessary or convenient therefor.

Wherever the State of California, or any county, city, school district of any kind or class, political subdivision of any kind or class or public corporation of any kind or class, owns or has an interest in lands within any district, the indebtedness of which is proposed to be refunded hereunder, it shall have the same right as any private landowner, to appear and be heard in the proceeding or in any suit thereon, and all of the curative clauses of this act shall apply to such state, county, city, school district, political subdivision or public corporation."

**Amendment No. 4.**

On page 18 of the printed bill, as amended, strike out all of line 44, and also strike out the word "computing" in line 45.

**Amendment No. 5.**

On page 18, line 46, of the printed bill, as amended, strike out the following "or in any sale of the property by the State".

**Amendment No. 6.**

On page 18, following line 46, of the printed bill, as amended, insert the following language:

"In the event property has been deeded to the city for delinquent taxes or for delinquent taxes and assessments, it shall likewise be subject to reassessment hereunder. The legislative body of the city is authorized to consent to the refunding, in event of foreclosure or suit to quiet title, process shall be served upon the same person or persons as in other cases of suit against the city, and the computation of the amount to be deducted in the event of redemption shall be made by the city auditor or other person in which duties of that class are vested by law."

**Amendment No. 7.**

On page 19, line 2, of the printed bill, as amended, following the word "State", insert the following: "or to any city therein".

**Amendment No. 8.**

On page 19, line 8, of the printed bill, as amended, after the word "authorized", add the following: "Any proceedings taken prior to the time these amendments take effect may be continued to completion under the provisions of the act as hereby amended."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 4**--An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 1.5 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind.





SEC. 11. Section 3042.10 is hereby added to the Welfare and Institutions Code to read as follows:

3042.10. For the purposes of this chapter neither the residence nor domicile of the husband or wife shall be deemed the residence or domicile of the other, but each may have a separate residence or domicile dependent upon proof of the fact and not on legal presumptions.

For the purposes of this chapter a minor child shall be deemed to have resided in the State during any period in which such child has been physically present in the State.

SEC. 12. Section 3043 of the Welfare and Institutions Code is hereby amended to read as follows:

3043. If, when and during such time as grants in aid are provided by the United States Government for such aid in this State, and accepted by this State, aid shall be granted under the provisions of this chapter to any person otherwise eligible who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of such application.

SEC. 13. Section 3044 of the Welfare and Institutions Code is hereby amended to read as follows:

3044. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding thirty days, and blind persons employed in a shop maintained by the State when such shop does not provide board and room to the employee, shall not be considered inmates of public institutions. No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this State, the University of California, or any other institution of higher learning in this State.

SEC. 14. Section 3047 of the Welfare and Institutions Code is hereby amended to read as follows:

3047. Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of \$3,000.

SEC. 14.5. Section 3048 of the Welfare and Institutions Code is hereby repealed.

SEC. 15. Section 3049 of the Welfare and Institutions Code is hereby amended to read as follows:

3049. Free board and lodging supplied to an applicant, because of his necessity therefor, by a friend or relative who is not responsible for his support or who is financially unable to support him, shall not be a ground for refusing aid.

SEC. 16. Section 3075 of the Welfare and Institutions Code is hereby amended to read as follows:

3075. The Department of Social Welfare shall have power to make administrative rules and regulations to enforce the provisions of this chapter, which rules and regulations shall not conflict with the provisions of this chapter and shall be binding upon the boards of supervisors of the various counties.

SEC. 17. Section 3078 of the Welfare and Institutions Code is hereby amended to read as follows:

3078. The Chief of the Division for the Blind in the Department of Social Welfare may, on behalf of the State, at any time inquire into the management by any county of aid to blind persons under the provisions of this chapter.

If at any time the Department of Social Welfare has reason to believe that aid to the needy blind has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly, it shall be canceled by the Department of Social Welfare and if it appears that aid was obtained properly, the suspended payment shall be payable.

Any person dissatisfied with the action of the Department of Social Welfare in suspending or cancelling aid, may appeal to the State Social Welfare Board and upon such appeal shall be granted an opportunity for a fair hearing.

Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter, shall not thereafter receive any aid or reimbursement from the State under the provisions of this chapter until it has complied with all the requirements of this chapter.

SEC. 18. Section 3081 of the Welfare and Institutions Code is hereby amended to read as follows:

3081. Each applicant for aid under the provisions of this chapter shall file with the county clerk of the county in which he resides, an application, accompanied by an affidavit, signed by himself, stating, if known, his age, sex, counties of residence during the preceding ten years, his financial resources and income, the name and address



SEC. 23. Section 3087 of the Welfare and Institutions Code is hereby amended to read as follows:

3087. During such time as grants in aid are made available by the United States Government for and to the needy blind in this State, the State Treasurer shall pay to each county from the sums so granted, (1) an amount which shall be used exclusively as aid to the needy blind under this chapter, equal to one-half of the total sums expended as aid to the blind under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (2) if authorized by the State Department of Social Welfare, an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs, to be paid to the counties, which portion shall be not less than one-half of the amount so granted or made available. The Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

SEC. 24. Section 3087.1 is hereby added to the Welfare and Institutions Code to read as follows:

3087.1. From the sums appropriated in section 3025 of this code the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for and to the needy blind under this chapter, equal to one-half of the remainder of the sums expended by the county as aid to the needy blind under this chapter after deducting from the sums so expended the amount paid to the county under subdivision 1 of section 3087 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision 1 of section 3087.

SEC. 25. Section 3087.2 is hereby added to the Welfare and Institutions Code to read as follows:

3087.2. The method of computing and paying the amounts provided for in sections 3087 and 3087.1 for each quarter shall be as follows:

(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under sections 3087 and 3087.1. This estimate shall be based on a report which shall be filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if the amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by each such county, the source or sources from which the difference is expected to be derived, (2) records showing the number of blind individuals receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the Department of Social Welfare may find necessary.

(b) The Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

SEC. 26. Section 3087.3 is hereby added to the Welfare and Institutions Code to read as follows:

3087.3. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the Department of Social Welfare. Such reports shall be audited by the Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county or city and county as a credit to apply against advances made under the terms of section 3087.2.

SEC. 27. Section 3088 of the Welfare and Institutions Code is hereby amended to read as follows:

3088. If any applicant receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal



officer of the county to present against the applicant or the order of their removal, for support. Upon such request the district attorney, or other duly legal officer of the county granting aid may, on behalf of the county, institute an action on the superior court of the county granting such aid against such applicant, on the writ named, to recover for the county such portion of the aid granted as the court may, such relative or relative personally able to pay. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery. The amount recovered shall be credited by the county to its settlement with the State.

SEC. 28. Section 2080 of the Welfare and Institutions Code is hereby amended to read as follows:

2080. Any person qualified for and receiving aid under the provisions of this chapter in any county of the State, who remains in another county in the State, shall be entitled to aid under the provisions of this chapter after one year of residence in the county to which he has removed; and such removal shall not work a forfeiture during such one year period of the aid previously awarded under this chapter. The county to which such person has previously been granted the necessary medical or hospital care, or both, during the one year period of continuance of residence under this section. The county providing such medical or hospital care, or both, may demand payment of the funds granting the aid in an amount not in excess of the cost thereof and it shall be a proper charge and debt of the county granting the aid to pay such medical or hospital care, or both.

Any bonded person who leaves his county for the purpose of attending an institution of learning located in the State shall be deemed for the purposes of this chapter, not to have moved from his county.

SEC. 29. Section 2091 is hereby added to the Welfare and Institutions Code to read as follows:

2091. The Department of Social Welfare shall make such reports as may be required and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the continuance and verification of such reports.

SEC. 30. This amendatory act shall become effective on the first day of the month next succeeding the thirtieth day after the final adjournment of the fifty-second Legislature of California.

SEC. 31. Sections 1 to 8, inclusive, of this amendatory act shall take effect only if a Welfare and Institutions Code is not enacted by the fifty-second Legislature of California.

SEC. 32. Sections 9 to 26, inclusive, of this amendatory act shall take effect only if a Welfare and Institutions Code is enacted by the fifty-second Legislature of California."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2048**—An act to add section 538ee to the Penal Code, relating to second hand goods.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2048, the following amendments, offered by Senator Fletcher, were read:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 537f and".

##### Amendment No. 2.

On page 2 of the printed bill, as amended, after line 5, insert the following:

"SEC. 2. Section 537f of the Penal Code is hereby amended to read as follows:

537f. No storage battery composed in whole or in part of a used container, or used plate or plates and intended for use in the starting, lighting or ignition of automobiles, shall be sold or offered for sale in this State unless the word "Rebuilt" is branded on both sides of the battery to a depth of at least one-eighth of an inch in letters not less than three quarters of an inch in height and with a one-eighth inch stroke.

Any person selling or offering for sale such a battery in violation of this section shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred fifty dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

##### Motion.

Senator Hays moved that the amendments be laid on the table.

Motion carried and such was the order.



### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1**—An act to amend sections 2, 2½, 3, 4, 14, 15, 16, 17, 18, 18½ and 24, to add sections 3.5, 4½, 5, and 25, and to repeal section 8 of the Old Age Security Act of the State of California, relating to aid to the aged.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1, the following amendments, offered by Senator Westover, were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "4½".

##### Amendment No. 2.

On page 5 of the printed bill, as amended, strike out lines 49 to 52, inclusive, and on page 6, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"Sec. 15. (A) During such time as grants-in-aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to each county and city and county from the sums so granted: (1) an amount which shall be used exclusively as old age assistance equal to one-half of the total sums expended therefor under this act, not counting so much of such expenditure with respect to any individual for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties and cities and counties, which portion shall be not less than one-half of the amount so granted or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties and cities and counties of the portion so determined to be paid to such counties and cities and counties."

##### Amendment No. 3.

On page 6 of the printed bill, as amended, strike out lines 25 and 26, and insert in lieu thereof the following: "one-half of the remainder of the sums expended by the county or city and county as aid to the needy aged under this act, after deducting from the sums so expended the amount paid to the".

##### Amendment No. 4.

On page 6, line 31, of the printed bill, as amended, strike out "one", and strike out line 32, and insert in lieu thereof the following: "the amount paid with respect to such person under subdivision (A) (1) of this".

##### Amendment No. 5.

On page 8, line 45, of the printed bill, as amended, strike out "10b", and insert in lieu thereof the following "10".

##### Amendment No. 6.

On page 8 of the printed bill, as amended, strike out lines 47 to 49, inclusive, and insert in lieu thereof the following: "argument. The Federal Government shall be entitled to a share of any amounts collected from the recipients or from their estates equal to not more than one-half of the amount refunded if required as a condition to Federal financial participation and this amount may be specified by the State Department of Social Welfare. The amount due the United States shall be paid promptly by the State to the United States Government and the remainder shall be paid equally to the county or city and county and the State."

##### Amendment No. 7.

On page 9, line 42, of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 2222 and".

##### Amendment No. 8.

On page 9, line 43, of the printed bill, as amended, strike out "in", and insert in lieu thereof a period.

##### Amendment No. 9.

On page 9 of the printed bill, as amended, strike out lines 44 to 46, inclusive, and insert in lieu thereof the following: "The Federal Government shall be entitled to a share of any amounts collected from recipients or from their estates equal to not more than one-half of the amount refunded if required as a condition to Federal financial

participation and this amount may be expended by the State Department of Social Welfare. The amount due the United States shall be paid promptly by the State to the United States Government and the remainder shall be paid equally to the county and the State."

#### Amendment No. 10.

On page 13 of the printed bill, as amended, strike out lines 17 to 29, inclusive, and insert in lieu thereof the following:

"2186. During such time as grants in aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to each county from the grant so granted (1) an amount which shall be paid exclusively as old age assistance equal to one-half of the sum of the sums expended therefor under this chapter, not exceeding an amount of any expenditure with respect to any individual for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (2) an additional sum equal to such county's proportionate share of any amount so expended or made available to this State by the United States Government for the costs of administering said aid, which additional amount shall be paid exclusively for paying such administrative costs. The State Department of Social Welfare shall determine the amount of the amount so granted or made available for administrative costs to be paid to the counties, which portion shall be not less than one-half of the amount so allocated or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of and in application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties."

#### Amendment No. 11.

On page 13 of the printed bill, as amended, strike out lines 34 and 35, and insert in lieu thereof the following: "out of the remainder of the sum awarded by the county as aid to the needy aged under this chapter, after deducting from the sum so expended the amount paid to the county under subdivision (1) of section 2186."

#### Amendment No. 12.

On page 13, line 41, of the printed bill, as amended, strike out "paid", and strike out line 42, and insert in lieu thereof the following: "the amount paid with respect to such person under subdivision (1) of section 2186."

#### Further Amendment from the Floor.

During third reading of Assembly Bill No. 1, the following amendment, offered by Senator Phillips, was read and adopted:

#### Amendment No. 1.

On page 1, line 6, of the printed bill as amended, strike out "personnel department", and strike out lines 7 and 8.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2646.** An act to add sections 1683, 1684, and 1685 to the Labor Code, relating to free employment business for teachers.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2646, the following amendments, offered by Senator Tackle, were read:

#### Amendment No. 1.

On page 1, line 1 of the bill of the printed bill, as amended, strike out "1682, 1684 and 1685 to the Labor", and insert in lieu thereof the following: "5409a and 5409b to the School".

#### Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "1682 is hereby added to the Labor", and insert in lieu thereof the following: "5409a is hereby added to the School".

#### Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "1683", and insert in lieu thereof the following: "5409a".

#### Amendment No. 4.

On page 1, line 6, of the printed bill, as amended, strike out "1684 is hereby added to the Labor", and insert in lieu thereof the following: "5409b is hereby added to the School".

#### Amendment No. 5.

On page 1, line 8, of the printed bill, as amended, strike out "1684", and insert in lieu thereof the following: "5409b".

**Amendment No. 6.**

On page 1 of the printed bill, as amended, after line 17, add the following: "As used in this section "private agency" means an employment agency conducted for profit which charges a fee to either the employee or employer or to both, for services rendered."

**Re-reference of Assembly Bill No. 2646.**

Senator Hays moved that Assembly Bill No. 2646, with the amendments, be re-referred to Committee on Education.

Motion carried, and such was the order.

**Assembly Bill No. 2464**—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2464, the following amendment, offered by Senator McGovern, was read and adopted:

**Amendment No. 1.**

On page 2, of the printed bill, as amended, between lines 49 and 50, insert the following:

"Sec. 6.5. Any person, firm, corporation, trade association, the people of the State of California, or proper official of the State or a political subdivision, may maintain an action to enjoin the commission or continuance of any act in violation of any provision of a code adopted under the provisions of this act, and if injured thereby, for the recovery of damages.

If, in such action, the court finds that the defendant is violating or has violated any provision of such code, it shall enjoin the defendant from a continuance thereof. It is not necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff is entitled to recover from the defendant the amount of the actual damage, if any, sustained."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 204**—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 204, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 2, line 9, of the printed bill, strike out the word "under", first appearing in said line.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1206**—An act to add sections 34.5, 50, 51, 145.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1206, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "145.1", and insert in lieu thereof the following: "604".

**Amendment No. 2.**

On page 2, line 6, of the printed bill, as amended, strike out "145.1", and insert in lieu thereof the following: "604".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out line 8, and insert in lieu thereof the following:

"604 Inspection of Truck Vehicles."

**Amendment No. 4.**

On page 6, line 15, of the printed bill, as amended, strike out "(a)" and insert in lieu thereof the following: "(f)".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1214**—An act to amend section 44 of the Vehicle Code, relating to authorized emergency vehicles.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1214, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 2, line 5, of the printed bill, as amended, strike out "ambulance", and insert in lieu thereof the following: "vehicle designed, constructed and used exclusively for ambulance purposes which is".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2792**—An act to amend sections 28a, 61a, 61b, 81a and 109 of, to add section 8a to, and to repeat section 81a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2792, the following amendments, offered by Senator Sewell, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 6 to 10, inclusive, and insert in lieu thereof the following: "of any county. For the".

**Amendment No. 2.**

On page 1, line 14, of the printed bill, as amended, strike out the amendment, and insert in lieu thereof a period.

**Amendment No. 3.**

On page 2, line 6, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "were".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2194**—An act to amend section 4041.21 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stand, cigar stand and lunch room purposes.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2194, the following amendment, offered by Senator Fletcher, was read:

**Amendment No. 1.**

On page 2, line 18, of the printed bill, after the word "surplus", insert the following: "products of any salvage or vocational activities conducted by the county or any of its institutions, and surplus".

Bill read, and ordered re-referred to Committee on County Government.



**Assembly Bill No. 2831**—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, consisting of retirement compensation and death benefits.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2831, the following amendment, offered by Senator Olson, was read:

**Amendment No. 1.**

On page 4, line 14, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the following: "provided, however, that in any county in which a retirement or pension system has been established for county employees the provisions of this act may be accepted, without a vote of the electors, by".

**Re-reference of Assembly Bill No. 2831.**

Senator Deuel moved that Assembly Bill No. 2831, with the amendment, be re-referred to Committee on County Government.

Motion carried, and such was the order.

**Unfinished Business.**

**Assembly Bill No. 1168**—An act to amend sections 3h, 5, 9c, 10, 12, 12a and 18 of and to add two new sections to the California Real Estate Act to be numbered 10a and 10b, respectively, relating to the regulation and licensing of real estate brokers and salesmen, and to the disposition of money in the real estate fund.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1168, the following amendments, offered by Senator Tickle, were read and adopted:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, strike out "9D".

**Amendment No. 2.**

On page 1, line 5 of the title of the printed bill, as amended, after the word "salesmen", at the beginning of the line, strike out "and cemetery salesmen".

**Amendment No. 3.**

On page 7 of the printed bill, as amended, strike out lines 14 to 52, inclusive.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 746**—An act to add section 683 to the Vehicle Code, relating to equipment.

**Consideration of Senate Amendments to Assembly Bill No. 746.**

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 746?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 746 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Tickle, Westover, Williams, and Young—30.

**Appointment of Committee on Conference.**

The President announced the appointment of Senators Knowland, Westover and Quinn as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 746.

### Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Pierovich moved to reconsider the vote whereby Assembly Bill No. 802 was refused passage.

#### Postponement of Reconsideration.

On motion of Senator Pierovich, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 802 was refused passage was continued until the next legislative day.

### Committee from the Assembly.

Assemblymen Boyle, Mayo, and Watson appeared at the bar of the Senate, and invited the Senate to join with the Assembly at twelve o'clock noon for the purpose of hearing from Mayor La Guardia of New York City.

### Motion.

Senator Rich moved that the Senate accept the invitation of the Assembly.

Motion carried.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2202**—An act adding section 3071e to the Political Code, providing for enforcing tax liabilities imposed by States extending like comity to this State and providing for foreclosing suit in other States to collect taxes due this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2202 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McCull, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2202 ordered transmitted to the Assembly.

**Assembly Bill No. 1152**—An act to amend section 3747a of the Political Code, relating to segregation of valuation of property on the assessment roll.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McCull, Metzger, Mixter, Nelson, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1152 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

**Assembly Bill No. 1558**—An act to amend section 3816 of the Political Code, relating to distribution of moneys received on account of redemption or purchase of lands sold to the State for nonpayment of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1558 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—32

NOES—None

Title read and approved.

Assembly Bill No. 1558 ordered transmitted to the Assembly.

**Assembly Bill No. 971**—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 971 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jaspersen, Keating, Keough, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 971 ordered transmitted to the Assembly.

**Assembly Bill No. 1339**—An act to amend section 26½ of the "Retail Sales Act of 1933," relating to the preference of claims for personal services over claims for sales tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1339 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1339 ordered transmitted to the Assembly.

**Assembly Bill No. 2806**—An act to amend the "Use Tax Act of 1935," approved June 25, 1935, by amending section 4 thereof, relating to exemptions, by adding "newsprint" to the tangible personal property exempt from the tax imposed by such act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2806 passed by the following vote:

**AYES**—Biggar, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hollister, Jorgensen, Kautling, Kneale, Low, McCall, McConery, Morgan, Mixer, Nielsen, Olson, Parkman, Phillips, Phillips, Powers, Quinn, Reed, Seawall, Slater, Swing, Wagy, Westover, Williams, and Young—41.  
**NOES**—Senator Hays and Kneeland—2.

Title read and approved.

Assembly Bill No. 2806 ordered transmitted to the Assembly.

**Assembly Bill No. 1154**—An act to amend sections 3748, 3821 and 3831 of the Political Code and to add to said code a new section to be numbered 3832, relating to the collection of unassessed taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hollister, Jorgensen, Kautling, Kneale, Kneeland, Low, McCall, Morgan, Mixer, Parkman, Phillips, Powers, Quinn, Reed, Seawall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1154 ordered transmitted to the Assembly.

**Assembly Bill No. 61**—An act to amend sections 97 and 98 of the Fish and Game Code, relating to fish and game districts, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 3.** This act is hereby declared to be of immediate necessity, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into immediate effect. The urgency is a statement of the facts constituting such necessity.

The seasons for the taking of certain fish and game within this State varies by between district 3 and district 4. We having San Joaquin, Santa Barbara, and Ventura counties in district 3, rather than having them in district 4, a few seasons, which is due to the presence of numerous districts of game subject to modification, will be eliminated. In order that the game laws shall not become obsolete prior to the deer hunting season of 1937 (1937) emergency that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Biggar, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Kautling, Kneale, Kneeland, Low, McCall, Morgan, Mixer, Nielsen, Parkman, Phillips, Phillips, Powers, Quinn, Reed, Seawall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—42.  
**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Kautling, Kneale, Kneeland, Low, Morgan, Mixer, Nielsen, Parkman, Phillips, Phillips, Powers, Quinn, Reed, Seawall, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.  
**NOES**—None.



Title read and approved.

Assembly Bill No. 61 ordered transmitted to the Assembly.

**Assembly Bill No. 1318.** An act to amend section 814 of the Agricultural Code, relating to the standardization of lettuce.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1318 passed by the following vote:

AYES: Senators Robert Chesebrough, DeLoe, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Kenneth Knowlton and Law. McCall, Menzies, Mixer, Nielsen, Olson, Parkman, Phillips, Raymond, Powers, Quinn, Rich, Sanwell, Slater, Tinkle, Wagy, Williams, and Young—29.

NOES: None.

Title read and approved.

Assembly Bill No. 1318 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With

At eleven o'clock and fifty-five minutes a.m., further proceedings under the call of the Senate were dispensed with on motion of Senator Rich.

### Recess.

At eleven o'clock and fifty-seven minutes a.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 56: Relative to imposing upon the Legislative Council the duty of preparing for and reporting to the fifty-third session of the Legislature a suggested draft of a revision of the Constitution of California.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Concurrent Resolution No. 56 read, and referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 400: An act making an appropriation to pay the claim of Dan Campbell against the State of California.

Assembly Bill No. 439: An act to amend section 69010 of the Political Code of the State of California relating to the construction and maintenance of groncs.

Assembly Bill No. 549—An act to add section 13a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing;

Assembly Bill No. 842—An act to add section 234 to and entitled "An act to provide for a permanent investigation report and hearing upon the resignation of the special tax and assessment officers and providing certain procedures and limitations upon the resignation of same and providing for the termination of proceedings for the resignation caused by removal of the officers of a property of the property subject to assessment for district purposes, approved June 10, 1933, relating to the districts in which said officers reside, limiting the terms hereof, to take effect immediately.

Assembly Bill No. 953—An act to empower the Board of State Highway Commissioners to erect in the alignment of State Highways and express in the State from Pacific Street to Market Street in the City and County of San Francisco and to sell, acquire, and otherwise dispose of property.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 R. H. AVENUE HANBLES, Assistant Clerk.

Assembly Bill No. 400 read first time, and referred to Committee on Finance.

Assembly Bill No. 429 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 549 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 843 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 951 read first time, and referred to Committee on Commerce and Navigation.

Assembly CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am disposed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1017—An act to add a new section, numbered 4041.20 to the Political Code, relating to Incineration, persons and duties of county boards of supervisors.

Assembly Bill No. 1104—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Assembly Bill No. 1347—An act to add section 695.7 to the Political Code relating to the State Board of Control and providing section 696 of the Political Code as added by Chapter 923 of the Statutes of 1935.

Assembly Bill No. 2044—An act to amend section 2111 of the School Code, relating to the enlargement of school districts.

Assembly Bill No. 2206—An act to amend section 576 of the Penal Code, relating to fines.

Assembly Bill No. 2247—An act to amend sections 28, 65, 66, 78, 79, 80, and 109 of, to add section 80 to, and to repeal section 81 of an act entitled "An act to provide for the creation, establishment, and maintenance with other such systems, of a retirement system for members of the State of California, and make an appropriation therefor," approved June 10, 1934, relating to members of the California Highway Patrol and making an appropriation therefor.

Assembly Bill No. 2451—An act to amend section 112 of the Vehicle Code, relating to the California Highway Patrol.

Assembly Bill No. 2885—An act to amend section 7571 of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 R. H. AVENUE HANBLES, Assistant Clerk.

Assembly Bill No. 1017 read first time, and referred to Committee on County Government.

Assembly Bill No. 1104 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1347 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2044 read first time, and referred to Committee on Education.

Assembly Bill No. 2206 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 2247 read first time, and referred to Committee on Finance.

Assembly Bill No. 2451 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2885 read first time, and referred to Committee on County Government.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2889—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District, as provided for in Chapter 774, Statutes of 1927, as amended;

Assembly Bill No. 2890—An act making an appropriation for the construction and equipment of a building or buildings at the Humboldt State College;

Assembly Bill No. 2900—An act to repeal Article 2 of Chapter 1 of Division III of the Agricultural Code, relating to cold storage meat;

Assembly Bill No. 2901—An act making an appropriation for additional support of The Adjutant General and the California National Guard, including allowances to organizations, rental of armories, and maintenance of high school cadets and Naval Militia, for the eighty-ninth and ninetieth fiscal years, and providing that this act shall take effect immediately;

Assembly Bill No. 2907—An act making an appropriation for the support of the State Board of Equalization, to take effect immediately;

Assembly Bill No. 2913—An act to amend section 234 of the Agricultural Code, relating to bovine tuberculosis;

Assembly Bill No. 2915—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2889 read first time, and referred to Committee on Finance.

Assembly Bill No. 2890 read first time, and referred to Committee on Finance.

Assembly Bill No. 2900 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2901 read first time, and referred to Committee on Finance.

Assembly Bill No. 2907 read first time, and referred to Committee on Finance.

Assembly Bill No. 2913 read first time, and referred to Committee on Live Stock and Dairying.

Assembly Bill No. 2915 read first time, and referred to Committee on Fish and Game.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Knowland, Law, McColl, Metzger, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Westover, Williams, and Young—21.

The Secretary announced the absentees.

Time, two o'clock and eight minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Consideration of Daily File—(Resumed)****Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 508**—An act to add to the Labor Code sections 860, 861, 862 and 863 to be known as Chapter 7 of Part 7 of Division II thereof relating to lease of labor of persons employed as personal or domestic workers and providing penalties.

*Amendments from the Floor.*

During third reading of Assembly Bill No. 508, the following amendments offered by Senator Phillips were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended May 20, strike out the word "No", and insert in lieu thereof the following: "Except by agreement between employer and employee, it shall be unlawful for any person to be employed if the agreement prevents the application of this section, no."

**Amendment No. 2.**

On page 2, line 4, of the printed bill, strike out the word "seventy-five."

**Amendment No. 3.**

On page 2, line 6, of the printed bill, strike out the last sentence and insert in lieu thereof a comma and the following words: "and shall be liable to punishment."

Bill read, ordered to print, and on file for third reading.

*Assistant Secretary Howard McIntire at the Desk.*

**Assembly Bill No. 1921**—An act to amend section 580a of the Code of Civil Procedure, limiting amount of delinquent judgments and the time within which actions therefor may be commenced.

Bill read third time.

*Re-reference of Assembly Bill No. 1921.*

Senator DeLap moved that Assembly Bill No. 1921 be re-referred to Committee on Judiciary.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Womack and Westover on the adoption of the motion to re-refer.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Cunningham, DeLap, Ward, Hays, Knowlton, Low, Miriam, Rich, Swing, Todd, and Ward—11.

**NOES**—Senators Baggett, Phillips, Quisenberry, Frazier, Hallmark, Kanning, McBratney, McGill, Metzger, Olson, Pomeroy, Tamm, Tamm, Sizell, Stillen, Womack, and Young—17.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with on motion of Senator Rich.

**Consideration of Assembly Bill No. 1921—(Resumed).**

**Assembly Bill No. 1921**—An act to amend section 580a of the Code of Civil Procedure, limiting amount of delinquent judgments and the time within which actions therefor may be commenced.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.



The Secretary was directed to call the roll.

The roll was called and the following answered to their names:

Senators James Cunningham, Delroy, David, Frazier, Jackson, Jordan, Ross, Holloway, Kinsley, Marshall, Lee, Adams, McCall, Rogers, Moore, Nelson, Hays, Quinn, Fendrich, Eugene Spence, Bob, Seneca, John, Wang, Tamm, Mag, Wainwright, Williams, and Young Jr.

The Secretary announced the absence:

There were a clerk and forty-five minutes past.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate Introduction, First Reading and Reference of Bills

The following bill was introduced:

**Senate Joint Resolution No. 26:** By Senators Fendrich and McCall—Relative to authorizing the President of the United States and the members of Congress to extend the life of the Federal Public Works Administration for a period of two years after June 30th, and further authorizing Congress to extend the use of \$100,000,000 of the pending Federal Public Works Administration for a maximum of three and grants under F.W.A. to local communities.

### Consideration of Senate Joint Resolution No. 26

Senator Fendrich asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 26, without reference to committee for purposes of adoption.

#### Senate Joint Resolution No. 26

Relative to authorizing the President of the United States and the members of Congress to extend the life of the Federal Public Works Administration for a period of two years after June 30th, 1946, and further authorizing Congress to extend the use of \$100,000,000 of the pending Federal Public Works Administration for a maximum of three and grants under F.W.A. to local communities.

Whereas, under existing law the life of the Federal Public Works Administration will expire on January 31, 1947, and

Whereas, there has been a substantial amount of unemployment by the Federal agency in various public employment and the construction of public and community public works projects for the year of 1946, and the Federal Public Works Administration has been unable to carry out its program in such a manner as to be able to keep thousands of people out of their homes;

Therefore, it is the policy of the Federal Public Works Administration to keep the public, members of local communities in the State of New York from becoming a part of the unemployment problem, and to keep the public, and other public communities and communities in construction of public works under F.W.A. funds;

Therefore, it is the policy of the Federal Public Works Administration to keep the public, members of local communities in the State of New York from becoming a part of the unemployment problem;

Therefore, the Senate of the United States has passed a bill to extend the life of the Federal Public Works Administration for a period of two years after June 30th, 1946, and further authorizing Congress to extend the use of \$100,000,000 of the pending Federal Public Works Administration for a maximum of three and grants under F.W.A. to local communities;

Whereas, it is the policy of the Federal Public Works Administration to keep the public, members of local communities in the State of New York from becoming a part of the unemployment problem, and to keep the public, and other public communities and communities in construction of public works under F.W.A. funds;

Therefore, the Senate of the United States has passed a bill to extend the life of the Federal Public Works Administration for a period of two years after June 30th, 1946, and further authorizing Congress to extend the use of \$100,000,000 of the pending Federal Public Works Administration for a maximum of three and grants under F.W.A. to local communities;

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practical of all plans in that it leaves the least community also bears its share of the load, and

**WHEREAS**, The payment of prevailing wages as against a strike, and the trade and confinement of the workers engaged in such work adds to the prosperity and comfort of the community as well as to the general dynamism as a part of our great State; and, therefore, be it

*Resolved*, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby unanimously petition the President of the United States and the members of the Congress to extend and continue the extension of the Federal Public Works Administration for an additional two years after June 30, 1887, and be it further

*Resolved*, That the sum of not less than \$1,000,000 out of the \$1,500,000,000 carried in the previous Federal Budget bill be specifically set aside and earmarked for the continuance of P.W.A. loans and grants on the percentage of cost basis which has proven so successful in the past, and be it further

*Resolved*, That we beg the President include a specific provision that artisans and workers may be employed through government labor and local and Federal employment services without the necessity of their deriving themselves as indigents or relief clients, and be it further

*Resolved*, That we urge that the general plan of grants on a percentage of cost ranging from a minimum of 50 per cent to a maximum of 45 per cent be also incorporated therein, and be it further

*Resolved*, That we respectfully urge the Congress to take prompt action thereon to the end that the public building program already approved and on which plans are fully prepared and all preliminary work fully completed may be placed under construction as quickly as possible, and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit report of this resolution to the President and Vice President of the United States, to the Speaker of the House, to the members of the Committee on Appropriations of the House, to the members of the Committee on Finance of the Senate, and to the Senators and Representatives of the State of California in the Congress.

Resolution read

The question being on the adoption of the resolution

The roll was called, and Senate Joint Resolution No. 26 adopted by the following vote:

**AYES**—Senators Biggs, Cunningham, Deane, Deuel, Fletcher, Garrison, Hollister, Keough, Knowland, McColl, McInnes, Quinn, Quinn, Phillips, Purdy, Powers, Quinn, Rich, Seawell, Slater, Swing, Ware, Westcott, Williams, Williams and Young—25

**NOES**—Senator Hays—1

Senate Joint Resolution No. 26 ordered transmitted to the Assembly

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1060**—An act to amend sections 1295, 1297, 1298, 1300 and 1301 of the Penal Code, all relating to bail.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1060 passed by the following vote:

**AYES**—Senators Biggs, Cunningham, Deane, Deuel, Fletcher, Garrison, Hays, Hollister, Keough, Keough, Knowland, Law, McRee, McColl, McInnes, Mixer, Nodson, Quinn, Phillips, Purdy, Powers, Quinn, Rich, Seawell, Slater, Swing, Ware, Westcott, Williams, and Young—30

**NOES**—None

Title read and approved.

Assembly Bill No. 1060 ordered transmitted to the Assembly.

**Assembly Bill No. 883**—An act to amend section 5090 of the Insurance Code, relating to county mutual fire insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 883 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 883 ordered transmitted to the Assembly.

**Assembly Bill No. 1830**—An act to amend section 12490 of the Insurance Code, relating to mortgage insurers, to take effect immediately. Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such emergency:

As a result of the depression and the consequent lack of building and construction a dire shortage of housing facilities exists in this State and a large portion of such facilities as do exist are in a bad state of repair. There is also a great lack of investments which mortgage insurers may legally make and this act is necessary to permit mortgage insurers to make loans under the National Housing Act and the Federal Housing Act, thereby proving a safe investment for such insurers and stimulating prosperity, relieving the great shortage of housing facilities and effecting the repair and improvement of those housing facilities which are in need of improvement and repairs.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—Senator Olson—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1830 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1830 ordered transmitted to the Assembly.

**Assembly Bill No. 1832**—An act to amend sections 12421, 12484, 12486, 12488 and 12501 of the Insurance Code, and to add Article 13, consisting of section 12650, to Chapter 2, Part 6, Division 2, thereof, all relating to mortgage insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1832 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen,

Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tuckie, Wagy, Westover, Williams, and Young—29.  
**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1832 ordered transmitted to the Assembly.

**Assembly Bill No. 1831**—An act to amend sections 12422, 12429 and 12629 of the Insurance Code, all relating to mortgage insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1831 passed by the following vote:

**AYES**—Senators Packer, Cunningham, DeLoe, French, Frazier, Hays, Hollister, Keating, Knowlton, Law, McHugh, McCall, Melager, Meyer, Nathan, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tuckie, Wagy, Westover, and Young—29.  
**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1833 ordered transmitted to the Assembly.

**Assembly Bill No. 2836**—An act to add section 1805 to the Insurance Code, relating to reciprocal or interinsurance exchanges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2836 passed by the following vote:

**AYES**—Senators Baggitt, Cunningham, DeLoe, French, Frazier, Hays, Hollister, Keating, Knowlton, Knowlton, Law, McHugh, McCall, Melager, Meyer, Nathan, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tuckie, Wagy, Westover, Williams, and Young—29.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 2836 ordered transmitted to the Assembly.

**Assembly Bill No. 1753**—An act to add Article 11.5 to Chapter 9, Part 2, Division 2 of the Insurance Code, relating to the supervision of mutual insurers to legal reserve companies.

The question being on the passage of the bill.

Bill read third time.

The roll was called, and Assembly Bill No. 1753 passed by the following vote:

**AYES**—Senators Baggitt, Cunningham, DeLoe, French, Frazier, Hays, Hollister, Keating, Knowlton, Knowlton, Law, McHugh, McCall, Melager, Meyer, Nathan, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tuckie, Wagy, Westover, Williams, and Young—29.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1753 ordered transmitted to the Assembly.

**Assembly Bill No. 1794**—An act to add Chapter 8, comprising sections 1830 to 1830.42, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions, and providing penalties for the violation thereof.



**Amendment from the Floor.**

During third reading of Assembly Bill No. 1794, the following amendment, offered by Senator Olson, was read and adopted:

**Amendment No. 1.**

On page 4, line 10, of the printed bill, as amended, insert the following:

"1830.40. A person licensed pursuant to this chapter shall not, in or around any jail, court room, public building or public place solicit any other person to permit him to write or furnish a bail bond."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1132**—An act to add Chapter 11a, comprising sections 11491 to 11519, inclusive, to Part 2, Division 2, of the Insurance Code, and to repeal Chapter 386 of the Statutes of 1935, all relating to nonprofit hospital service plans, including the regulation and control of corporations operating such plans.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1132 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1132 ordered transmitted to the Assembly.

**Assembly Bill No. 1674**—An act to amend sections 1170, 1172, 1173, 1174, 1175, 1178, 1191, 1192, and 1196 of the Insurance Code and to add sections 1180, 1181, and 1196.5 thereto, all relating to investments by insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1674 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1674 ordered transmitted to the Assembly.

**Assembly Bill No. 2423**—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance or a hospital service plan for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2423 passed by the following vote:

**AYES**—Senators Cunningham, DeLoe, Garrison, Hays, Hollister, Keough, Knowl-  
and, Law, McBride, McCall, Manager, Nathan, Phillips, Pierovich, Quinn, Rob,  
Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—24.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2423 ordered transmitted to the Assembly.

**Assembly Bill No. 441**—An act to amend the title of an act entitled "County Street Opening Act of 1923," approved May 11, 1923, as amended, and to add section 6, relating to the possession, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 passed by the following vote:

**AYES**—Senators Bligh, Cunningham, DeLoe, Deuel, Fletcher, Garrison, Holl-  
ister, Keough, Knowl- and, Law, McBride, McCall, Manager, Nathan, Quinn,  
Pierovich, Quinn, Rob, Seawell, Slater, Swing, Tickle, Wagz, Westover, Williams,  
and Young—27.

**NOES**—Senator Hays—1.

Title read and approved.

Assembly Bill No. 441 ordered transmitted to the Assembly.

**Assembly Bill No. 1764**—An act to amend sections 16 and 75 of the "Improvement Act of 1911," approved April 7, 1911, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1764 passed by the following vote:

**AYES**—Senators Cunningham, DeLoe, Deuel, Fletcher, Garrison, Hays, Hollister,  
Keough, Keough, Knowl- and, Law, McBride, McCall, Manager, Nathan, Quinn,  
Phillips, Pierovich, Powers, Quinn, Rob, Seawell, Slater, Swing, Tickle, Wagz,  
Westover, Williams, and Young—29.

**NOES**—Senator Deuel—1.

Title read and approved.

Assembly Bill No. 1764 ordered transmitted to the Assembly.

**Assembly Bill No. 2426**—An act to add a new section to be numbered section 12a to an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities and for the laying out, opening, extending, widening, straightening or acquiring in whole or in part of public streets, squares, lanes, alleys, easements, courts and places within municipalities to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, relating to reassessment procedure and relief from special assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2426 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Pirovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2426 ordered transmitted to the Assembly.

**Assembly Bill No. 670**—An act to amend sections 1278, 1280 and 1282 of the Political Code, relating to the canvass of the returns of elections and the declaration of the results thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 passed by the following vote:

AYES—Senators Biggar, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Pirovich, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, and Young—26.

NOES—Senators DeLap, Keating, and Powers—3.

Title read and approved.

Assembly Bill No. 670 ordered transmitted to the Assembly.

**Assembly Bill No. 2611**—An act to amend section 690.11 of the Code of Civil Procedure, relating to the exemption of the earnings of judgment debtors for their personal services from execution or attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2611 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Pirovich, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2611 ordered transmitted to the Assembly.

**Assembly Bill No. 2828**—An act to amend section 58 of the Warehouse Receipts Act, relating to definition of terms.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2828 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Phillips, Pirovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2828 ordered transmitted to the Assembly.

**Assembly Bill No. 2609**—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2609 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Doud, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Norman, Olson, Phillips, Pincovich, Powers, Quinn, Rich, Small, Slater, Smith, Trible, Wagy, Westover, Williams, and Young—20.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2609 ordered transmitted to the Assembly.

**Assembly Bill No. 2613**—An act to add a new section to Chapter VII of Title XIV of Part II of the Code of Civil Procedure, to be numbered 1041, and relating to force of interference in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2613 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Doud, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Norman, Olson, Phillips, Pincovich, Powers, Quinn, Rich, Small, Slater, Smith, Trible, Wagy, Westover, Williams, and Young—20.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2613 ordered transmitted to the Assembly.

**Assembly Bill No. 1525**—An act to amend sections 20 and 21 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1525 passed by the following vote:

**AYES**—Senators Cunningham, DeLay, Doud, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Norman, Olson, Phillips, Pincovich, Powers, Quinn, Rich, Small, Slater, Smith, Trible, Wagy, Westover, Williams, and Young—20.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1525 ordered transmitted to the Assembly.

**Assembly Bill No. 2495**—An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2495 passed by the following vote:

**AYES**—Senators Bigger, Cunningham, DeLay, Doud, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter,



Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2495 ordered transmitted to the Senate.

**Assembly Bill No. 2496**—An act to amend section 55 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2496 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2496 ordered transmitted to the Assembly.

**Assembly Bill No. 2498**—An act to amend sections 12 and 54 of, and to repeal sections 14 and 53 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2498 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2498 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

**Assembly Bill No. 2501**—An act to add sections 6.5, 8.5, 9.5 and 9.7 to, and amend sections 7, 9, 37, and 38 of, and to repeal section 8, of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2501 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2501 ordered transmitted to the Assembly.

**Assembly Bill No. 1515**—An act to add sections 3, 101.5 and 101.6 to, to amend sections 61, 63, 66, 67, 68, 69, 70, 71, 90 and 100 of, and to repeal section 50 of Article V of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1515 passed by the following vote:

Ayes—Senators Cunningham, Delane, Donald, Fletcher, Garrison, Hays, Holmster, Keating, Knowland, Lee, McBride, McCall, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Sewell, Slater, Swain, Tickle, Wagy, Westover, Williams, and Young—33.

Nays—None.

Title read and approved.

Assembly Bill No. 1515 ordered transmitted to the Assembly.

**Assembly Bill No. 1518**—An act to add section 50.5 to, and to amend sections 13 and 16 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1518 passed by the following vote:

Ayes—Senators Biggs, Cunningham, Delane, Donald, Fletcher, Garrison, Hays, Holmster, Keating, Knowland, Lee, McBride, McCall, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Sewell, Slater, Swain, Tickle, Wagy, Westover, Williams, and Young—33.

Nays—None.

Title read and approved.

Assembly Bill No. 1518 ordered transmitted to the Assembly.

**Assembly Bill No. 1524**—An act to amend section 60 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to part-time workers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1524 passed by the following vote:

Ayes—Senators Biggs, Cunningham, Delane, Donald, Fletcher, Garrison, Hays, Holmster, Keating, Knowland, Lee, McBride, McCall, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Sewell, Slater, Swain, Tickle, Wagy, Westover, Williams, and Young—33.

Nays—None.

Title read and approved.

Assembly Bill No. 1524 ordered transmitted to the Assembly.

**Further Proceedings Under Call of the Senate Dispensed With.**

At four o'clock and thirty-nine minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and Assembly Bill No. 1921 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, Fletcher, Garrison, Gordon, Hollister, Keating, Keough, McBride, McColl, Metzger, Nielsen, Olson, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Westover, Williams, and Young—22.

**NOES**—Senators DeLap, Daniel, Hays, Knowland, Law, Mixer, Quinn, Rich, Tickle, and Waggy—10.

Title read and approved.

Assembly Bill No. 1921 ordered transmitted to the Assembly.

**Leaves of Absence.**

Senator Holohan was, on motion of Senator Keating, granted leave of absence for the balance of this legislative day.

Senator Parkman was, on motion of Senator Nielsen, granted leave of absence for the balance of this legislative day.

Senator McGovern was, on motion of Senator McColl, granted leave of absence for the balance of this legislative day.

**Resolution.**

The following resolution was offered:

By Senator Swing:

**Senate Resolution A.**

A resolution authorizing the appointment of a Committee to Study Methods and Means for Promoting the Temperate Use of Alcoholic Beverages; to consider, study and recommend laws, rules and regulations which will promote the improvement of social, moral and economic conditions surrounding and relating to the sale, disposal and use of such beverages; and relating to the administration and enforcement of the laws, rules and regulations governing the manufacture, sale, disposal and use of such beverages, defining the scope of such study and the powers and duties of such committee, and providing an appropriation for the expenses thereof.

Resolution read, and referred to Committee on Rules.

**Notice of Motion to Reconsider.**

Senator DeLap gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1060 was passed.

**Re-reference of Assembly Bill No. 1498.**

Senator Knowland moved that Senate Bill No. 1498 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Motion to Reconsider.**

Senator Olson moved to reconsider the vote whereby Assembly Bill No. 2831 was re-referred to Committee on County Government.

**Postponement of Reconsideration.**

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2831 was re-referred to Committee on County Government was continued until the next legislative day.

### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

#### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred

Assembly Bill No. 2905—An act to amend section 7180 of the Civil Code, authorizing municipalities, or departments or boards thereof, to lease property;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee on Municipal Corporations: Committee on Municipal Corporations.

McGOVERN, Chairman.

#### Adjournment.

At four o'clock and fifty-eight minutes p. m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a. m., Monday, May 25, 1937.

ELLSWORTH W. SCAMMON, Minutes Clerk.

### IN SENATE.

SENATE CHAMBER.

SENATE'S MORNING, May 24, 1937.

At ten o'clock a. m., pursuant to adjournment, the Senate has called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Frost at the desk.

#### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Harrell, Hedges, Keating, Keating, Keating, Keating, Keating, Law, McBride, McCain, McGowan, Morgan, Nelson, Olson, Williams, Phillips, Parnovich, Powers, Quinn, Rich, Schuchter, Seaton, Seaton, Seaton, Seaton, Seaton, Westover, Williams, and Young. 18.

Quorum present.

#### Prayer.

Prayer was offered by the Chaplain, Rev. Charles A. Kierker.

#### Reading of the Journal.

During the reading of the Journal of Saturday, May 22, 1937, the further reading was, on motion of Senator Shuler, dispensed with.

#### Leave of Absence.

Senator Minter was, on motion of Senator Schuchter, granted leave of absence for this day.

#### Privilege of Floor of Senate Extended.

On request of Senator Tackle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Master William Alexander Ellenberg of Oakland.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. T. H. DeLap, Miss Christine DeLap, and T. H. DeLap, Jr.



On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. F. Scattergood, State President of the California Division of United Daughters of the Confederacy, and daughter, Elizabeth Scattergood, both of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James J. Ryan of San Francisco, former Speaker pro tempore of the Assembly.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Iris Murchi and Wenda Croissant, both of Roseville.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. M. Rossi of Marysville.

### **Message from the Assembly.**

The following message from the Assembly was received and read :

**ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Mehan, McMurray, and Cassidy, as a Committee on Free Conference concerning :

Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment;

To meet with a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### **Consideration of Daily File.**

#### **Second Reading of Assembly Bills.**

**Assembly Bill No. 2905**—An act to amend section 715c of the Civil Code, empowering municipalities, or departments or boards thereof, to lease property.

Bill read second time, and ordered on file for third reading.

### **Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names :

Senators Biggar, DeLap, Hays, Hollister, Holohan, Keough, Law, McBride, McGovern, Nielsen, Powers, Quinn, Rich, Slater, Tickle, Waggy, Westover, Williams, and Young—19.

The Secretary announced the absentees.

Time, ten o'clock and seven minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Unfinished Business.**

**Assembly Bill No. 1168**—An act to amend sections 3h, 5, 9c, 10, 12, 12a, and 1s of and to add two new sections to the California Real Estate Act to be numbered 10a and 10b, respectively, relating to the



The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 1060 refused reconsideration by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Jespersen, Keough, McColl, Powers, Rich, Schottky, Swing, Tickle, Wagy, and Williams—13.

**NOES**—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McGovern, Metzger, Olson, Parkman, Phillips, Quinn, Seawell, Slater, Westover, and Young—22.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Olson moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2831 was re-referred to Committee on County Government.

Motion carried, and Assembly Bill No. 2831 ordered placed on the third reading file.

### Third Reading of Assembly Bills.

**Assembly Bill No. 2847**—An act to define cemetery brokers and cemetery salesmen; to provide for the regulation, supervision, examination and licensing thereof by the State Real Estate Division and the Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2847 passed by the following vote:

**AYES**—Senators Cunningham, Deuel, Garrison, Hays, Hollister, Holohan, Keating, Keough, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2847 ordered transmitted to the Assembly.

**Assembly Bill No. 249**—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands.

### Amendment from the Floor.

During third reading of Assembly Bill No. 249, the following amendment, offered by Senator McBride, was read and refused adoption:

#### Amendment No. 1.

On page 4, line 5, of the printed bill, insert a period after the word "lands"; strike out all of lines 6 to 9, inclusive; and in line 10, strike out "or its predecessor."

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, Phillips, Piorovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

**NOES**—Senator Metzger—1.

Title read and approved.

Assembly Bill No. 249 ordered transmitted to the Assembly.

**Assembly Bill No. 628**—An act to amend section 210 of the Vehicle Code, relating to registration of motor vehicles.

*Amendment from the Floor.*

During third reading of Assembly Bill No. 628, the following amendment, offered by Senator Powers, was read and adopted:

**Amendment No. 1.**

On page 2, line 9, of the printed bill, as amended, place the words "and" after the following: "or 140"

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1757**—An act to regulate the operation, sanitation, use and maintenance of trailer camps and trailer coaches.

*Amendments from the Floor.*

During third reading of Assembly Bill No. 1757, the following amendments, offered by Senator Allen, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, between lines 15 and 16, insert the following:

Sec. 3.5. It shall be unlawful for any person, firm or corporation to commence the operation or construction of a trailer camp or recreational building, bridge or recreation or utility building or to place any structure upon any public, private firm or corporation shall first make application in writing to the Division of Immigration and Housing, Department of Industrial Relations, and obtain a permit therefor. Such application shall be accompanied by a description of the grounds upon which said trailer camp is to be constructed, the dimensions of same, a plan of new buildings are to be erected in an existing trailer camp, together with plans and specifications of the proposed construction of buildings, and of each building, and a description of the water supply, ground water and water by sewer system.

Ten days after filing of such application, transmitted to permit and construction as aforesaid, an agent of the Division of Immigration and Housing, Department of Industrial Relations, shall make an inspection of the grounds of the Division of Immigration and Housing, the place selected for each trailer camp is satisfactory for such purpose, and if the place is satisfactory, the permit for construction, transmission, alteration or building with the transmission of the act, the Division of Immigration and Housing shall issue to such applicant or applicants a permit for such work.

For the purpose of enforcing compliance of inspection, building or plans and other incidental costs, the applicant referred to shall be responsible for a fee of twenty-five dollars, which fee shall be paid to the Department of Industrial Relations for credit to the Division of Immigration and Housing, provided, however, that in the case of any additional alteration, or reconstruction, or expansion, or new trailer camp heretofore erected, such application shall not be transmitted by way of fee.

**Amendment No. 2.**

On page 2, lines 50 and 51, of the printed bill, as amended, strike out, except a chemical trailer.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1135**—An act to add a new section to the School Code to be numbered 5-589, relating to the holding of institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1135 passed by the following vote:

**AYES**—Senators Allen, Crutcher, Cunningham, Dorel, Fletcher, Gossman, Hall, Hester, Holahan, Jaspersen, Kottig, Kough, Kossel, Lee, McAllen, McCull, McGovern, Manger, Nielson, Olson, Powers, Quinn, Rich, Schreyer, Sewell, Slater, Swing, Tickle, Wagy, and Westover. 29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1135 ordered transmitted to the Assembly.



**Assembly Bill No. 786**—An act to add a new section to the School Code to be numbered 2.75, relating to the bonded indebtedness of high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—27.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 786 ordered transmitted to the Assembly.

**Assembly Bill No. 1191**—An act to amend sections 4, 4d, 6, 15, 17b and 20 of the Juvenile Court Law, relating to the provision of care, custody and maintenance for minor persons, through or under the supervision of the juvenile court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1191 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1191 ordered transmitted to the Assembly.

**Assembly Bill No. 1818**—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, relating to juveniles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1818 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Olson, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1818 ordered transmitted to the Assembly.

**Assembly Bill No. 2679**—An act to amend section 2898 of the Civil Code, relating to priority of mortgage or trust deed for price.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2679 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl,

McGovern, Mangum, Nelson, Olson, Peterson, Pritchard, Powers, Quinn, Rich, Scherby, Shattuck, Slater, Swing, Tickle, Waggy, Westover and Young—Aye.  
None—None.

Title read and approved.

Assembly Bill No. 2070 ordered transmitted to the Assembly.

**Assembly Bill No. 1190**—An act to amend section 4 of the Use Tax Act of 1935.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1190 passed by the following vote:

Ayes—Senators Allen, Hanger, Cunningham, Delany, Irwin, Fletcher, Garrison, Hays, Hollister, Humber, Johnson, Keating, Keweenaw, Law, McNeill, McCall, McGovern, Metzger, Nielsen, Phillips, Pritchard, Quinn, Rich, Scherby, Sewall, Slater, Swing, Tickle, Waggy, and Westover—20.  
None—Senators Keweenaw—1.

Title read and approved.

Assembly Bill No. 1191 ordered transmitted to the Assembly.

**Assembly Bill No. 1189**—An act to amend section 5 of the Retail Sales Tax Act of 1935, as amended in 1936, relating to the exemption of vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1189 passed by the following vote:

Ayes—Senators Allen, Hanger, Cunningham, Delany, Irwin, Fletcher, Garrison, Hays, Hollister, Humber, Johnson, Keating, Keweenaw, Law, McNeill, McCall, McGovern, Mangum, Nielsen, Phillips, Pritchard, Quinn, Rich, Sewall, Slater, Swing, Tickle, Waggy, and Young—20.  
None—Senators Keweenaw and Oliver—1.

Title read and approved.

Assembly Bill No. 1188 ordered transmitted to the Assembly.

**Assembly Bill No. 1243**—An act to provide for the levy and collection of a tax upon the income of corporations and to provide for the disposition of securities therefrom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1243 passed by the following vote:

Ayes—Senators Allen, Cunningham, Cunningham, Delany, Irwin, Fletcher, Garrison, Hays, Hollister, Humber, Johnson, Keating, Keweenaw, Law, McNeill, McCall, McGovern, Metzger, Nielsen, Phillips, Pritchard, Powers, Quinn, Rich, Sewall, Slater, Swing, Tickle, Westover, and Young—22.  
None—None.

Title read and approved.

Assembly Bill No. 1241 ordered transmitted to the Assembly.

**Assembly Bill No. 2197**—An act to amend sections 2, 3, 6, 7, 9, 10, 11, 12, 17, 19, 22, 23, 25, 27 and 29 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of

such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal Sections 21, 22, 23, 24 and 32 of said act; to renumber sections 25, 26, 27, 28, 29, 30, 31, 33 and 34 as sections 21, 22, 23, 24, 25, 26, 27, 28 and 29, respectively, of said act; relating to the taxation of the storage, use or other consumption of tangible personal property; and to provide that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2197 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2197 ordered transmitted to the Assembly.

**Assembly Bill No. 1593**—An act to amend an act entitled "An act to be known as the Water Conservation Act of 1929", and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts," approved April 27, 1929, as amended, by amending sections 1, 3 and 6 thereof, relating to qualifications of petitioners and electors in water conservation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1593 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1593 ordered transmitted to the Assembly.

**Assembly Bill No. 1594**—An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, revising and continuing in force the provisions of Chapter 166 of the statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the purport of said act resulting in the organization of water conserving districts and conforming with districts under the purport of this act with the powers hereby conferred," approved June 16, 1931, as amended by amending sections 1, 3 and 6 thereof relating to qualifications of petitioners and electors in water conservation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1594 passed by the following vote:

AYES: Senators Allen, Puffer, Cummings, Cummings, DeLoe, Ford, Fernald, Garrison, Hays, Hilditch, Hilditch, Ingerson, Kesteven, McFarland, Lee, McHenry, Metzger, Nelson, Olson, Peterson, Phillips, Rogers, Quinn, Rich, Schottay, Stewart, Slater, Swing, Tinkle, Wigg, Wommersley and Young—22.

NOES: None.

Title read and approved.

Assembly Bill No. 1594 ordered transmitted to the Assembly.

**Assembly Bill No. 348**—An act to amend section 1015 of the Fish and Game Code, relating to poaching and reduction of fines.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 passed by the following vote:

AYES: Senators DeLoe, Ford, Fernald, Garrison, Kesteven, McFarland, McFarland, Nelson, Peterson, and Quinn—10.

NOES: Senators Allen, Cummings, Cummings, Hays, Hilditch, Hilditch, Ingerson, Kesteven, Kesteven, Lee, McHenry, Metzger, Nelson, Phillips, Rogers, Rich, Schottay, Stewart, Slater, Swing, Tinkle, Wigg, Wommersley and Young—24.

### Resolution.

The following resolution was offered

By Senator Ingerson:

WHEREAS, In March, 1936, there were 20,000 patients in State hospitals and in March, of 1937, there were 25,000 and the hospital at North Adams hospital consistently at the rate of 4 to 10 per cent over past years during conditions; and

WHEREAS, Positive treatment has been discussed and somewhat practically demonstrated due to this steady increase in patient load accompanied by a steady increase in personnel and treatment facilities of the State hospitals, through new buildings have been added from time to time, the necessity having been toward domiciliary care rather than a more treatment program followed by preventive measures to reduce the number of patients admitted and by improved treatment methods to shorten the period of hospitalization and lessen the number of patients returned for treatment; and

WHEREAS, It is clearly indicated that a thorough study of the several elements of this problem is imperative to the end that suitable steps may be devised to break this otherwise needless cycle of constantly increasing patient load and consequent heavy capital outlay; and

WHEREAS, From the experience of other States, particularly that of Massachusetts, it would appear that other and different methods of caring for the insane, and early treatment of mental cases, may be accompanied and developed with the result that need for increased housing facilities in large measure may be obviated and a portion of the saving thus effected made available for improved equipment and



more adequate personnel, both medical and nonmedical, for more extensive and effective preventive and curative work, ultimately reducing the patient load at the hospitals and increasing the proportion of persons competent to attend to their own affairs and participate normally in the life of the community; now, therefore, be it

*Resolved, by the Senate of the State of California,* That a committee to be known as the "Senate Interim Committee on State Hospitals" is hereby created, consisting of \_\_\_\_\_ members of the Senate appointed by the President of the Senate, to conduct a thorough study of the subject of this resolution, and of every phase of that subject, and to report thereon, with its recommendations, to the Senate at and during the fifty-third session of the Legislature; and be it further

*Resolved,* That the committee upon the appointment of its members shall organize by electing a chairman from its membership and may appoint and employ a secretary and such other clerical, expert and technical assistants and advisors as it may deem necessary, and is hereby empowered to prescribe its own rules of procedure governing the conduct of its meetings and the carrying on of its work; and be it further

*Resolved,* That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the Senate Interim Committee created by this resolution, and said committee is hereby given leave to sit during the session of the Legislature and during the interval between sessions thereof, at any place or places within the State as the committee shall from time to time determine; and be it further

*Resolved,* That all officers and employees of the State shall furnish to the committee such assistance, reports, information and evidence concerning any matter under consideration by the committee as the committee shall request; and be it further

*Resolved,* That to aid, assist, advise and counsel the committee in its work, an Advisory Committee to said Senate Committee is hereby created, consisting of seven members none of whom need be a member of the Legislature selected as follows: Three members appointed by the President of the Senate from a list of not less than seven nominees submitted by the American Psychiatric Association; two members appointed by the President of the Senate from a list of not less than five nominees submitted by the California Medical Association; and two members appointed by the Governor; and be it further

*Resolved,* That for the purpose of paying the expenses of the Senate Interim Committee on Hospitals, and of its said Advisory Committee, and of the members of each of said committees, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund and for such expenses as the chairman of said Senate Interim Committee shall certify to him from time to time, which warrant the State Treasurer is hereby directed to pay.

Resolution read, and referred to Committee on Rules.

### **Re-reference of Assembly Bill No. 2724.**

Senator DeLap moved that Assembly Bill No. 2724 be re-referred to Committee on Drainage, Swamp and Overflowed lands.

Motion carried, and such was the order.

### **Notice of Motion to Reconsider.**

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 249 was passed.

### **Recess.**

At twelve o'clock and thirty-four minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened

At two o'clock p.m., the Senate reconvened.  
 Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.  
 Assistant Secretary Howard McIntire at the desk.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 46—Relative to amending the President of the United States to extend to the Government of Alaska an invitation to participate in the Pacific Exposition and Memorial in San Antonio, 1938, and desiring it to be the intention of the United States to participate in a similar exposition in that country in 1940.

Assembly Joint Resolution No. 47—Relative to the granting of temporary bonds.  
 Assembly Concurrent Resolution No. 28—Relative to the appointment of a committee of Assemblymen and Senators to prepare the legislation on the Golden Gate Bridge, Ferry, and other and connections of May 20, 1937.

Assembly Concurrent Resolution No. 29—Relative to additional compensation by connection with the constitutional issue, ending 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DAKIN, Assistant Clerk.

Assembly Joint Resolution No. 48 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 49 read, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 48 read, and referred to Committee on Rules.

Assembly Concurrent Resolution No. 49 read, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 50—Relative to a new building plan.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DAKIN, Assistant Clerk.

Assembly Concurrent Resolution No. 50 read, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 126—An act to authorize and empower boards of counties to levy a tax for exploring, promoting and selling minerals in public lands, and to develop the agricultural, horticultural, viticultural and other resources and advantages of those several counties, and also, for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of those several counties and their inhabitants.

Assembly Bill No. 590—An act to amend sections 10, 11 and 16 and repealing sections 17 and 20 of the Fish and Game Code, relating to the conservation of fish and game laws.

Assembly Bill No. 741—An act to regulate the practice of horsemanship.

Assembly Bill No. 934—An act to limit the prohibition of strikes over matters arising out of or involving labor disputes.

Assembly Bill No. 1592—An act making appropriation for building of the State Relief Administration, California Toll Bridge Authority accounts, securing the agency thereof, and providing that this act shall take effect immediately.

Assembly Bill No. 1889—An act to further amend Chapter 761, Statutes of 1929, approved June 10, 1929, as amended, entitled, known and cited as "California Toll Bridge Authority Act," by adding thereto a new section numbered 22, relating to the powers of the California Toll Bridge Authority:

Assembly Bill No. 1981—An act to amend sections 4010, 4030, 4035, 4036, 4042 and 4044, to repeal section 4045 of, and to add section 4033.5 to, Chapter 9 in Division II of the Business and Professions Code, relating to the application of the chapter to persons, poisons and drugs.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 136 read first time, and referred to Committee on County Government.

Assembly Bill No. 590 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 741 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 934 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1592 read first time, and referred to Committee on Finance.

Assembly Bill No. 1889 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1981 read first time, and referred to Committee on Public Health and Quarantine.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 828—An act to amend section 642 of the Streets and Highways Code, relating to State highways;

Assembly Bill No. 950—An act to add Chapter 2, comprising sections 250 to 2615, inclusive, to Division IV of the Welfare and Institutions Code, to amend section 5077 of the Welfare and Institutions Code, and to repeal an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents;

Assembly Bill No. 1065—An act to establish a California Mediation Board, defining its powers and duties, to provide machinery for the mediation and arbitration of labor disputes and for ancillary purposes, to encourage the practice of collective bargaining between employers and representative employee groups; to insure to employees the right of self-organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide penalties for violation hereof;

Assembly Bill No. 1553—An act to amend section 2439 of the Civil Code, relating to deceased partners and estates of deceased partners;

Assembly Bill No. 1711—An act creating a special fund to be known as the "Judges' retirement fund," providing for disbursements therefrom, and to make appropriations therefor;

Assembly Bill No. 2250—An act to regulate sales and special sales of goods, wares and merchandise and to provide penalties for the violation thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 828 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 950 read first time, and referred to Committee on Social Security.

Assembly Bill No. 1065 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1553 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1711 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2250 read first time, and referred to Committee on Judiciary.

Assembly Committee, Sacramento, May 23, 1937.

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2007. An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs.

Assembly Bill No. 2124. An act relating to the regulation of transportation of a vehicle or vehicle, including the Motor Vehicle License, Motor Vehicle Insurance, and Motor Vehicle Sales Tax, and including the creation of a Department of Motor Vehicle Control, and including the creation and control of the California Hall of Fame, and including the State Department of Motor Vehicle Insurance.

Assembly Bill No. 2125. An act relating to the regulation of the transportation of a vehicle or vehicle, including the Motor Vehicle License, Motor Vehicle Insurance, and Motor Vehicle Sales Tax, and including the creation of a Department of Motor Vehicle Control, and including the creation and control of the California Hall of Fame, and including the State Department of Motor Vehicle Insurance.

Assembly Bill No. 2127. An act to amend section 7 of the Agricultural Code, relating to the collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the payment of the revenue therefrom, and to provide that the act shall take effect immediately, approved June 15, 1937, relating to the levy and collection of a tax upon the incomes of individuals, estates and trusts.

Assembly Bill No. 2128. An act to amend section 10 of the Political Code, relating to the liability of the State Department for the payment of the revenue therefrom.

Assembly Bill No. 2129. An act to amend the provisions of the Agricultural Code, relating to the Motor Vehicle License, Motor Vehicle Insurance, and Motor Vehicle Sales Tax.

Assembly Bill No. 2130. An act to amend section 115 and 117 of the Labor Code, relating to the Industrial Accident Compensation.

JAMES C. HUGHES, Chief Clerk of Assembly.

By H. ARTHUR HARRIS, Assembly Clerk.

Assembly Bill No. 2007 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 2124 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 2125 read first time, and referred to Committee on Finance.

Assembly Bill No. 2127 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2128 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2129 read first time, and referred to Committee on Finance.

Assembly Bill No. 2130 read first time, and referred to Committee on Insurance.

Assembly Committee, Sacramento, May 24, 1937.

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2008. An act to amend section 115 of the Labor Code, relating to the collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the payment of the revenue therefrom, and to provide that the act shall take effect immediately, approved June 15, 1937, relating to the levy and collection of a tax upon the incomes of individuals, estates and trusts.

Assembly Bill No. 2009. An act to amend section 117 of the Labor Code, relating to the collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the payment of the revenue therefrom, and to provide that the act shall take effect immediately, approved June 15, 1937, relating to the levy and collection of a tax upon the incomes of individuals, estates and trusts.

Assembly Bill No. 2010. An act to amend section 119 of the Labor Code, relating to the collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the payment of the revenue therefrom, and to provide that the act shall take effect immediately, approved June 15, 1937, relating to the levy and collection of a tax upon the incomes of individuals, estates and trusts.

Assembly Bill No. 2024. An act to amend section 3607 of the Political Code, relating to property subject to taxation.

Assembly Bill No. 2025. An act to amend section 3607 of the Political Code, relating to property subject to taxation, and to provide for the sale of an excess of water when owned by a municipality, and regarding the sale of an excess of water when owned by a municipality, approved March 27, 1897, approved April 10, 1911.



Assembly Bill No. 2922—An act making an appropriation to pay the State's portion of salaries of municipal judges assigned to the superior court.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2638 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 2916 read first time, and referred to Committee on County Government.

Assembly Bill No. 2920 read first time, and referred to Committee on Finance.

Assembly Bill No. 2923 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2924 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2922 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2910—An act to authorize cities and counties to convey and transfer to flood control districts storm drain improvements, drainage improvements and drainage systems in such cities or counties, including storm drain improvements, drainage improvements and drainage systems constructed by drainage improvement districts organized pursuant to an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie," approved March 21, 1903, as amended, or organized pursuant to the Drainage District Improvement Act of 1919, and prescribing the terms and conditions and the effect of such conveyance and transfer, providing for the operation, maintenance, repair and improvement of such storm drain improvements, drainage improvements and drainage systems, and fixing liabilities with respect to obligations of such drainage districts;

Assembly Bill No. 2911—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 13½, relating to the conveyance and transfer to such district of storm drain improvements, drainage improvements and drainage systems, for the assumption of liability for the payment of bonds of drainage districts issued for the construction of storm drain improvements, drainage improvements and drainage systems so conveyed and transferred, for the operation, maintenance, repair and improvement of such storm drain improvements, drainage improvements and drainage systems and the levy of a special tax therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2910 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2911 read first time, and referred to Committee on County Government.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Concurrent Resolution No. 48:** By Senator Phillips—Relative to the duties of the California Commission on Intergovernmental Cooperation.

Senate Concurrent Resolution No. 48 read, and ordered held at the desk.

Secretary Joseph A. Beek at the Desk.

**Consideration of Daily File—(Resumed).**

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2132—**An act to amend sections 5 and 10, and to repeal section 9 of the "Funeral Directors and Embalmers Law," relat-

ing to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies and to the State Board of Funeral Directors and Embalmers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2192 passed by the following vote:

**Ayes**—Senators Rogers, Cunningham, DeLoe, Bond, Fletcher, Gordon, Hollister, Holahan, Keough, Kitchford, McBride, McCall, McGovern, Morgan, Nielsen, Olson, Phillips, Serwell, Slater, Swang, Tuckle, Westover, and Young—23.

**Nays**—None.

Title read and approved.

Assembly Bill No. 2192 ordered transmitted to the Assembly.

**Assembly Bill No. 2385**—An act to repeal Articles 1, 2 and 5 and to amend Article 4 of Chapter 8, Division V of the Agricultural Code and to add a new article to be numbered 1 to Chapter 8, Division V of the Agricultural Code, all relating to eggs and egg products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2385 passed by the following vote:

**Ayes**—Senators Allen, Rogers, Cunningham, DeLoe, Bond, Fletcher, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, McBride, McGovern, Morgan, Nielsen, Olson, Phillips, Parnum, Quinn, Rich, Schottky, Serwell, Slater, Swang, Tuckle, Wagy, Westover, and Young—29.

**Nays**—None.

Title read and approved.

Assembly Bill No. 2385 ordered transmitted to the Assembly.

**Assembly Bill No. 103**—An act to add section 207.5 to the Labor Code, relating to the payment of wages.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Rogers, Cunningham, Cunningham, DeLoe, Bond, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Keough, Kitchford, McBride, McCall, McGovern, Morgan, Nielsen, Olson, Parnum, Parnum, Quinn, Rich, Schottky, Serwell, Slater, Swang, Tuckle, Wagy, Westover, Williams, and Young—35.

The Secretary announced the absentees.

Time, two o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 508**—An act to add to the Labor Code sections 860, 861, 862 and 863, to be known as Chapter 7 of Part 2 of Division II thereof, relating to hours of labor of persons employed as personal or domestic workers and providing penalties.

Bill read third time.

#### Motion to Re-refer Assembly Bill No. 508.

Senator Tickle moved that Assembly Bill No. 508 be re-referred to Committee on Labor and Capital.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Fletcher and Garrison, on the adoption of the motion to re-refer.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators DeLap, Deuel, Hays, Holohan, Keough, Law, Parkman, Phillips, Quinn, Rich, Schottky, Swing, and Tickle—13.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hollister, Jespersen, Keating, Knowland, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Powers, Seawell, Waggy, Westover, Williams, and Young—23.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 refused passage by the following vote:

**AYES**—Senators DeLap, Fletcher, Garrison, Keating, Knowland, McColl, McGovern, Nielsen, and Olson—9.

**NOES**—Senators Biggar, Crittenden, Cunningham, Deuel, Gordon, Hollister, Holohan, Jespersen, Law, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, and Young—22.

#### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and fifty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The names of the absentees were called, and Assembly Bill No. 103 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Garrison, Hollister, Jespersen, Keating, Law, McColl, McGovern, Metzger, Nielsen, Olson, Phillips, Powers, Quinn, Seawell, Slater, Swing, and Westover—22.

**NOES**—Senators Cunningham, Fletcher, Gordon, Hays, Holohan, Keough, Knowland, McBride, Parkman, Rich, Schottky, Tickle, Waggy, Williams, and Young—15.

Title read and approved.

Assembly Bill No. 103 ordered transmitted to the Assembly.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1671**—An act to amend sections 2.114, 2.472, 2.596 and 6.50 of the School Code and to repeal section 6.82 thereof, all relating to the public school system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1671 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,

Law, McBride, McGovern, Morgan, Quinn, Phillips, Phillips, Quinn, Rich, Schlotter, Sewell, Suter, Swagg, Tickle, Wainwright, Wainwright, and Young—62.  
 Nays—None.

Title read and approved.

Assembly Bill No. 1673 ordered transmitted to the Assembly.

#### President Pro Tempore in the Chair

At three o'clock and three minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 1794**—An act to add Chapter 8, comprising sections 1830 to 1839-12, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating insurers engaged in the business of writing, producing and furnishing bail and bond, bonds for criminal actions, and providing penalties for the violation thereof.

#### Amendment from the Floor

During third reading of Assembly Bill No. 1794, the following amendment, offered by Senator Hays, was read and adopted:

#### Amendment No. 1

On page 1, line 12, of the second bill as amended, after the word "to", insert the following: "Part 5, Division 3 of".

Bill read, ordered to pass, and on the first third reading.

**Assembly Bill No. 2773**—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2773 passed by the following vote:

AYES—Senators Burger, Cunningham, DeLoe, Evans, Phillips, Phillips, Hays, Hollister, Hollister, Johnson, Keating, Keating, Keating, Latt, McBride, McGovern, Morgan, Quinn, Quinn, Phillips, Phillips, Quinn, Rich, Sewell, Slater, Swagg, Tickle, Wagg, Wainwright, and Young—51.  
 Nays—None.

Title read and approved.

Assembly Bill No. 2773 ordered transmitted to the Assembly.

**Assembly Bill No. 396**—An act to add section 3308 to the Civil Code relating to the measure of damages on the termination of a lease.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 396 passed by the following vote:

AYES—Senators Burger, Cunningham, DeLoe, Evans, Phillips, Phillips, Hays, Hollister, Hollister, Johnson, Keating, Keating, Keating, Latt, McBride, McGovern, Morgan, Quinn, Quinn, Phillips, Phillips, Quinn, Rich, Sewell, Sewell, Suter, Swagg, Tickle, Wagg, Wainwright, and Young—52.  
 Nays—None.

Title read and approved.

Assembly Bill No. 396 ordered transmitted to the Assembly.

**Assembly Bill No. 1905**—An act to amend section 146 of the Civil Code by adding a section thereto to be numbered 5, relating to homesteads on property held in joint tenancy.



Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1905 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.  
NOES—None.

Title read and approved.

Assembly Bill No. 1905 ordered transmitted to the Assembly.

**Assembly Bill No. 1906**—An act to amend section 1238 of the Civil Code relating to homesteads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1906 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—34.  
NOES—None.

Title read and approved.

Assembly Bill No. 1906 ordered transmitted to the Assembly.

**Assembly Bill No. 506**—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of the term "employer."

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 506 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Olson, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—29.  
NOES—Senator Garrison—1.

Title read and approved.

Assembly Bill No. 506 ordered transmitted to the Assembly.

**Assembly Bill No. 1519**—An act to amend sections 22 and 23 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1519 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn,

Rich. Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—22  
 None—None.

Title read and approved.

Assembly Bill No. 1319 ordered transmitted to the Assembly.

**Assembly Bill No. 2117**—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1929, relating to the duties of the State Fire Marshal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2117 passed by the following vote:

AYES—Senators Biggar, Crittendon, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keating, Kough, Kowalski, Law, McBrink, Merrill, Nielsen, Olson, Parkman, Powers, Quinn, Porevich, Rich, Schottky, Seawell, Slater, Swing, Tackie, Wagy, Westover, and Williams—31  
 None—None.

Title read and approved.

Assembly Bill No. 2117 ordered transmitted to the Assembly.

**Assembly Bill No. 1139**—An act to amend section 104 of the Optometry Law, relating to the voluntary practice of optometry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1139 passed by the following vote:

AYES—Senators Biggar, Crittendon, Cunningham, DeLap, Garrison, Hays, Holister, Keating, Kough, Law, Nielsen, Olson, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tackie, Wagy, Westover, and Williams—23  
 None—Senators Deuel, Gordon, Holohan, Kowalski, Metzger, Parkman, and Slater—7.

Title read and approved.

Assembly Bill No. 1139 ordered transmitted to the Assembly.

**Assembly Bill No. 1576**—An act relating to disposition of funds in the hands of the fiscal agent of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1576 passed by the following vote:

AYES—Senators Biggar, Crittendon, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holister, Horday, Keating, Kough, Kowalski, Law, McCall, Metzger, Nielsen, Olson, Parkman, Powers, Porevich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tackie, Wagy, and Westover—32  
 None—None.

Title read and approved.

Assembly Bill No. 1576 ordered transmitted to the Assembly.

**Assembly Bill No. 2575**—An act to amend sections 1 and 8 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the practice of civil engineering.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2575 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Hobdian, Keough, Knowland, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2575 ordered transmitted to the Assembly.

**Assembly Bill No. 2232**—An act to amend section 1 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," approved by the electors November 4, 1924, relating to the State Athletic Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2232 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Hobdian, Keating, Keough, Knowland, Law, McColl, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2232 ordered transmitted to the Assembly.

**Assembly Bill No. 442**—An act to amend the title of an act entitled the "County Improvement Act of 1921," approved June 3, 1921, as amended, and to add section 12, relating to the reassessment, refunding, repayment or adjustment of assessments or bonds and the contribution of public funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 442 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hobdian, Keating, Keough, Knowland, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.

**NOES**—Senator Hays—1.

Title read and approved.

Assembly Bill No. 442 ordered transmitted to the Assembly.

**Assembly Bill No. 777**—An act to amend section 3a of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and

to provide for the assessment, levy, collection and disbursement of taxes thereon," approved May 29, 1915, relating to the formation of such districts.

Bill read third time.

The question being on the passage of the bill:

The roll was called and Assembly Bill No. 777 passed by the following vote:

AYES—Senators: CHRISTENSEN, CHRISTENSEN, DELANEY, FLETCHER, GORDON, GORDON, HAYS, HAYS, HARRISON, HARRISON, KENNEDY, KENNEDY, LEE, MCGILL, MCGILL, NELSON, OLSON, PARKMAN, PHILIPS, PIERCE, PIERCE, QUINN, QUINN, RICH, SCHOTTKY, SEAWELL, STONE, SWING, TUCKER, WEAVER, WESTOVER, and YOUNG—12.  
 NOES—None.

Title read and approved.

Assembly Bill No. 777 ordered transmitted to the Assembly.

**Assembly Bill No. 778**—An act to amend sections 5 and 6 of the act entitled "An act to provide for the formation, government, operation and dissolution of municipal government districts in any part of the State, to facilitate the representation of municipalities, cities and other interests, and to provide for the assessment, levy, collection and disbursement of taxes thereon," approved May 29, 1915, relating to officers of such districts.

Bill read third time.

The question being on the passage of the bill:

The roll was called and Assembly Bill No. 778 passed by the following vote:

AYES—Senators: CHRISTENSEN, CHRISTENSEN, DELANEY, FLETCHER, GORDON, GORDON, HAYS, HARRISON, HARRISON, KENNEDY, KENNEDY, LEE, MCGILL, MCGILL, NELSON, OLSON, PARKMAN, PHILIPS, PIERCE, PIERCE, QUINN, QUINN, RICH, SCHOTTKY, SEAWELL, STONE, SWING, TUCKER, WEAVER, WESTOVER, and YOUNG—12.  
 NOES—None.

Title read and approved.

Assembly Bill No. 778 ordered transmitted to the Assembly.

**Assembly Bill No. 2821**—An act to amend sections 4160 and 4161 of the Political Code, and to add a new section thereto, to be numbered 4174a, relating to the liability and duties of sheriffs.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 2821 passed by the following vote:

AYES—Senators: CHRISTENSEN, CHRISTENSEN, DELANEY, FLETCHER, GORDON, GORDON, HAYS, HARRISON, HARRISON, KENNEDY, KENNEDY, MCGILL, MCGILL, NELSON, OLSON, PARKMAN, PHILIPS, PIERCE, PIERCE, QUINN, QUINN, RICH, SCHOTTKY, SEAWELL, STONE, SWING, WEAVER, WESTOVER, and YOUNG—30.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2821 ordered transmitted to the Assembly.

**Assembly Bill No. 289**—An act to add a new section to the Political Code, to be numbered 4176a, relating to procedure for audit, allowance and payment or rejection of claims in counties governed by freeholders' charters.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Piotovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 289 ordered transmitted to the Assembly.

**Senator Schottky in the Chair.**

At three o'clock and fifty-six minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 2673**—An act to amend section 16 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to exemptions from the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2673 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, McColl, Metzger, Nielsen, Olson, Phillips, Piotovich, Powers, Quinn, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2673 ordered transmitted to the Assembly.

**Assembly Bill No. 1623**—An act to amend section 3898 of, to add section 3897.3 to, and to repeal sections 3897a and 3897b of, the Political Code, relating to the sale of tax deeded lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1623 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1623 ordered transmitted to the Assembly.

**Assembly Bill No. 982**—An act to amend section 5.502 of the School Code, relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 982 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hollister, Hollister, Johnson, Keating, Keough, Knowlton, Law, McBride, McCall, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schatzky, Senwell, Slater, Tickle, Wagy, Westover, and Williams—32.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 982 ordered transmitted to the Assembly.

**Assembly Bill No. 440**—An act to repeal section 5743 of the School Code, to add thereto a new section to be numbered 5743 and to amend sections 5744 and 5745 thereof, all relating to the payment of salaries of persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 440 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hollister, Johnson, Johnson, Keating, Keough, Knowlton, Law, McBride, McCall, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schatzky, Senwell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 440 ordered transmitted to the Assembly.

**Assembly Bill No. 1244**—An act to amend sections 2, 3, 4, 7, 8, 9, 10, 12, 15, 18, 19, 20, 21, 23, 26, 27, 32, 33 and 34 of "The Personal Income Tax Act of 1933," relating to the taxation of income of individuals, estates and trusts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1244 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Hollister, Hollister, Johnson, Keating, Keough, Knowlton, Law, McCall, Metzger, Nielsen, Olson, Phillips, Powers, Quinn, Schatzky, Senwell, Slater, Tickle, Wagy, Westover, Williams, and Young—30.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1244 ordered transmitted to the Assembly.

**Assembly Bill No. 860**—An act to amend sections 484 and 485 of the Agricultural Code, relating to certified milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 860 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Hollister, Johnson, Keating, Law, McBride, McCall, Metzger, Nielsen, Olson, Phillips, Powers, Quinn, Schatzky, Senwell, Slater, Tickle, Wagy, Westover, Williams, and Young—29.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 860 ordered transmitted to the Assembly.

**Assembly Bill No. 787**—An act to amend section 318 of the Agricultural Code, relating to meat inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 787 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, Metzger, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 787 ordered transmitted to the Assembly.

**Assembly Bill No. 1035**—An act to amend sections 518 and 519 of the Penal Code, relating to extortion.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1035 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Knowland, Law, McBride, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—31.

**NOES**—Senator Keating—1.

Title read and approved.

Assembly Bill No. 1035 ordered transmitted to the Assembly.

**Assembly Bill No. 1162**—An act to amend section 1191 of the Penal Code, relating to time for pronouncement of judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1162 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1162 ordered transmitted to the Assembly.

**Assembly Bill No. 1164**—An act to amend sections 1203.1 and 1203.3 of the Penal Code, relating to power of the court to fix conditions of probation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1164 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1164 ordered transmitted to the Assembly.

**Assembly Bill No. 1759**—An act amending section 111 of the Penal Code, relating to expense of trial of juveniles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1759 passed by the following vote:

**AYES**—Senators Allen, Buggs, Crittenden, Cunningham, DeLap, Denol, Fletcher, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, McBride, McColl, Metzger, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawall, Slater, Swing, Waggy, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1759 ordered transmitted to the Assembly.

**Assembly Bill No. 2289**—An act to add section 290.5 to the Insurance Code, relating to financial statement of insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2289 passed by the following vote:

**AYES**—Senators Allen, Buggs, Crittenden, DeLap, Denol, Fletcher, Gordon, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, McBride, McColl, Metzger, Nielsen, Olson, Phillips, Powers, Rich, Schottky, Seawall, Slater, Swing, Waggy, Westover, Williams, and Young—26.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2289 ordered transmitted to the Assembly.

**Assembly Bill No. 1400**—An act to amend sections 11525, 11527, 11528, 11529, 11530 and 11631 of the Insurance Code, relating to voluntary mutualization of incorporated insurers or departments thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1400 passed by the following vote:

**AYES**—Senators Allen, Buggs, Crittenden, Cunningham, DeLap, Denol, Fletcher, Gordon, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, McBride, McColl, Metzger, Parkman, Phillips, Powers, Rich, Schottky, Seawall, Slater, Swing, Waggy, Westover, and Young—28.

**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1400 ordered transmitted to the Assembly.

**Assembly Bill No. 1420**—An act to amend section 10151 of the Insurance Code, relating to policy provisions required in life insurance policies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1420 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Denol, Fletcher, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, McBride, McColl, Metzger, Parkman, Phillips, Powers, Rich, Schottky, Seawall, Slater, Swing, Waggy, Westover, and Young—26.

**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1420 ordered transmitted to the Assembly.



**Assembly Bill No. 2062**—An act to add section 2225 to the Civil Code, relating to trusts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2062 passed by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, Metzger, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2062 ordered transmitted to the Assembly.

**Assembly Bill No. 378**—An act to amend section 400 of the Vehicle Code, relating to negligence, upon the part of officers, agents, and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law, and political subdivisions of the State, and authorizing suits relative thereto and providing the place of trial of such actions and prescribing the period of time within which such actions may be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 378 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 378 ordered transmitted to the Assembly.

**Assembly Bill No. 618**—An act to amend sections 117j, 117k and 117l, of the Code of Civil Procedure, relating to small claims courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 618 ordered transmitted to the Assembly.

**Assembly Bill No. 1018**—An act to add section 170.5 to the Code of Civil Procedure, relating to peremptory challenges of judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl,



The roll was called, and Assembly Bill No. 1888 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McGovern, Metzger, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, and Westover—31.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1888 ordered transmitted to the Assembly.

**Assembly Bill No. 1951**—An act to amend section 3804a of the Political Code, relating to cancellation of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1951 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1951 ordered transmitted to the Assembly.

**Assembly Bill No. 743**—An act to amend sections 2 and 3 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to itinerant vendor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 743 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 743 ordered transmitted to the Assembly.

**Assembly Bill No. 744**—An act to amend sections 4061, 4063, 4065, 4066, and 4067 and to repeal sections 4068 and 4069 of the Business and Professions Code, relating to license fees on itinerant vendors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 744 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 744 ordered transmitted to the Assembly.

**Re reference of Assembly Bill No. 1754**

Senator Delap moved that Assembly Bill No. 1754 be re-referred to Committee on Finance.

The roll was called, and the motion to reconsider carried by the following vote:

Ayes: Senators Allen, Cummings, Cunningham, Edwards, Gould, Hamilton, Hayes, Hoffman, Johnson, McIntosh, Merrill, Mosier, Quinn, Robinson, Patterson, Schuchman, Seelye, and Williamson—18.

Noes: Senators Phillips, Ruppel, Stewart, Sullivan, Tamm, Quinn, Satter, Wagy, Williams and Young—10.

**Re reference of Assembly Bill No. 722**

Senator Gordon moved that Assembly Bill No. 722 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Withdrawal and Re reference of Assembly Bill No. 2181**

Senator Knowlton moved that Assembly Bill No. 2181 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Judiciary.

Motion carried, and such was the order.

**Motion.**

On motion of Senator Keating, Assembly Bill No. 2319 was ordered placed on the unfinished business file.

**Re reference of Assembly Bill No. 1934**

Senator Patavich moved that Assembly Bill No. 1934 be re-referred to Committee on Public Morals.

Motion carried, and such was the order.

**Notice of Motion to Reconsider.**

Senator Phillips gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 103 was passed.

**Notice of Motion to Reconsider.**

Senator Jaspersen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 782 was passed.

**Withdrawal and Re reference of Assembly Bill No. 1265**

Senator Phillips moved that Assembly Bill No. 1265 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

**Recess.**

At five o'clock and twenty nine minutes p.m., on motion of Senator Rich, the Acting President of the Senate declared recess until nine o'clock p.m.

**Reconvened.**

At nine o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President *pro tempore* of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



### Motion to Reconsider.

Senator Swing moved to reconsider the vote whereby Assembly Bill No. 1754 was re-referred to Committee on Finance.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 1754 was re-referred to committee was carried by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Delap, Fletcher, Knowland, Law, McGovern, Phillips, Rich, Schottky, Swing, Wagy, Westover, and Young—15.  
 NOES—Senators Allen, Deuel, Garrison, Gordon, Hays, Hollister, Keating, McColl, Metzger, Olson, and Slater—11.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

#### Concerning Assembly Bill No. 746.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Free Conference concerning:

Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Meehan, McMurray, and Cassidy, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "1938", and insert in lieu thereof the following: "1939".

#### Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out "1938", and insert in lieu thereof the following: "1939".

#### Amendment No. 3.

On page 1, line 7, of the printed bill, as amended, after "683.", insert the following: "Radiator Ornaments."

KNOWLAND.  
 WESTOVER.  
 QUINN.

Senate Committee on Free Conference.

MEEHAN.  
 McMURRAY.  
 CASSIDY.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Fletcher, Gordon, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, McGovern, Olson, Phillips, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—25.  
 NOES—None.

### Resolution.

The following resolution was offered:

By Senators Metzger and Gordon:

#### Resolution.

Relative to the creation of a Senate Interim Committee on Fish and Game Administration.

WHEREAS, The Fish and Game Laws of the State of California are administered and enforced by the Division of Fish and Game in the Department of Natural Resources, which division is administered through a Fish and Game Commission; and

WHEREAS, There have been many suggestions for changes in the administration of this part of the State's activities; and

WHEREAS It is necessary and desirable that the Senate and its members have complete, accurate, and detailed information concerning the administration and enforcement of the Fish and Game Laws, in the fact that the Senate and its members may not accurately be conversant with proposed changes, new, existing, to be.

*Resolved by the Senate of the State of California, That a Special Committee on Fish and Game Administration (to be known as the Senate Interior Committee on Fish and Game Administration), consisting of five members of the Senate, be appointed by the President of the Senate, to gather information with respect to investigations concerning the administration and enforcement of Fish and Game Laws, and the need for modification of any constitutional provisions or legislation affecting the administration and enforcement of the Fish and Game Laws, and all matters incidental thereto, and do as may be.*

*Resolved* That the committee may appoint such clerical, legal, clerical, necessary technical, and such other assistance as it may deem necessary, and be as further.

*Resolved* That all officers and employees of the State shall furnish to the committee such statements, reports, information, and evidence concerning any matter under consideration by the committee as the committee shall request, and be as further.

*Resolved* That the committee be authorized to do and use all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts, minutes, records, correspondence, and papers of every kind. It shall be lawful to compel the attendance of witnesses and to produce testimony. Each member of the committee is hereby authorized to communicate with and all the provisions of Article VIII, Chapter II, Title I of Part III of the Political Code, relating to the attendance and attendance of witnesses before the Legislature and committee thereof shall apply to the committee created by this resolution and such committee is hereby given leave to sit during the session of the Legislature and during the recess between sessions thereof, at any place or places in the State as the committee shall from time to time decide, and at its office.

*Resolved* That the committee herein created, shall report to the Senate from time to time such results of its investigations and studies as it may deem necessary for the action and advice of the Legislature and shall make its first report at the commencement of the next session of the Legislature, and be as further.

*Resolved* That for the purpose of paying the expenses of the committee, its assistants, and the expenses thereof, the sum of \$1,000, or as much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payment thereon to be made from time to time by warrants of the State Comptroller drawn against and contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Resolution read, and ordered referred to Committee on Rules.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 48. A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 11 to Article XVI thereof, relating to outstanding loans or paid loans and interest thereon made from State constitutional trust fund (44481).

Assembly Joint Resolution No. 54. Relative to authorizing the President and Congress to take such steps as may be necessary to cut a channel through the Colorado and at the Colorado Silver Shield to allow sailing vessels to enter the bay of San Diego at its southern end.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARCHER DANIELS, Assistant Clerk.

Assembly Constitutional Amendment No. 48 read, and referred to Committee on Constitutional Amendments.

Assembly Joint Resolution No. 51 read, and referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 253—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering of the results thereof: to create the California Horse

Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to money derived from horse racing, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 1296—An act to add section 612 to the Streets and Highways Code, relating to the establishment of a secondary State highway;

Assembly Bill No. 1743—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended, relating to horse racing and the funds derived therefrom;

Assembly Bill No. 1874—An act to appropriate thirty thousand dollars (\$30,000) from the fish and game preservation fund for the purpose of instituting and carrying on laboratory and scientific investigations relating to the keeping and transportation of fish without spoiling.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 253 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1296 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1743 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1874 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2804—An act authorizing the Department of Natural Resources, acting through the State Park Commission, to enter into lease contracts, with option to purchase, for the use as State parks of ocean beaches and other lands;

Assembly Bill No. 2925—An act making an appropriation for painting portraits of Governors of California, and directing the State Department of Finance to carry out the provisions thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2804 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2925 read first time, and referred to Committee on Finance.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2903—An act to add Title Ia, comprising sections 1110.1 to 1110.8, inclusive, to Part III of the Code of Civil Procedure, relating to a judicial examination of administrative determinations;

Assembly Bill No. 2912—An act creating the office of Park Engineer in the State Department of Public Works, and relating to the powers and duties thereof and the qualifications, compensation and tenure of appointees thereto;

Assembly Bill No. 2918—An act to amend section 4460 of the Political Code, relating to newspapers of general circulation;

Assembly Bill No. 2921—An act creating a special emergency fund for expenditure on written authorization of the State Department of Finance to meet increased cost of support of State institutions, when and if commodity prices increase, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2903 read first time, and referred to Committee on Judiciary.



Assembly Bill No. 2012 read first time and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2018 read first time and referred to Committee on Judiciary.

Assembly Bill No. 2021 read first time, and referred to Committee on Finance.

### **Withdrawal from Committee of Assembly Bill No. 1912.**

Senator Hollister moved that Assembly Bill No. 1912 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

The roll was called, and the motion carried by the following vote:

**Ayes:** Senators Allen, Baker, Columbus, Cunningham, DeLeon, Donoh, Fletcher, Garrison, Gordon, Hays, Hollister, Hurdine, Keating, Knowland, Law, McBrade, McColl, Metzger, Olson, Phillips, Plummer, Rice, Smootley, Sonwell, Slater, Swine, Tickle, Wags, Westover, and Williams—50.

**Nays:** None.

Assembly Bill No. 1912 ordered placed on the second reading file.

### **Withdrawal and Re-reference of Assembly Bill No. 2911.**

Senator Olson moved that Assembly Bill No. 2911 be withdrawn from Committee on County Government and referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

### **Consideration of Daily File—(Resumed).**

#### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1**—An act to amend sections 2, 24, 3, 4, 14, 15, 16, 17, 18, 184 and 24, to add sections 3.5, 4, 5, and 25, and to repeal section 8 of the Old Age Security Act of the State of California, relating to and to the aged.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 1, the following amendments, offered by Senator Phillips, were read and adopted:

##### **Amendment No. 1.**

On page 10, line 25, of the printed bill, as amended, after "Federal", insert the following: "financial".

##### **Amendment No. 2.**

On page 11, lines 8 and 9 of the printed bill, as amended, strike out "registration as a voter shall be accepted as prima facie evidence of citizenship".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 50**—An act to amend sections 451, 458, 491 and 492 of, and to add section 490.4 to, the Agricultural Code, relating to dairies and dairy products.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 50, the following amendments, offered by Senator Crittenden, were read and adopted:

##### **Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "458".

##### **Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, as amended, after the word "of", insert the following: "and to add section 458.1 to".



**Amendment No. 3.**

On page 1 of the printed bill, as amended, after line 14, insert the following: "No provision of this division, except subdivision (b) of section 458.1, or any rule and regulation of the director is a limitation on the power of a municipality or county to provide for reasonable additional regulations not in conflict therewith requiring standards higher than the minimum requirements for the grades of market milk established in this division."

**Amendment No. 4.**

On page 1 of the printed bill, as amended, strike out "Section 458 of the Agricultural Code is hereby", and strike out all of line 16, and insert in lieu thereof the following: "Section 458.1 is hereby added to the Agricultural Code to read as follows:"

**Amendment No. 5.**

On page 1 of the printed bill, as amended, strike out all of lines 17, 18, 19 and 20, and on page 2, strike out all of lines 1, 2, 3 and 4, inclusive, and insert in lieu thereof the following:

"458.1. The director shall either directly or indirectly through his authorized agents:"

**Amendment No. 6.**

On page 2, line 5, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof: "(a)".

**Amendment No. 7.**

On page 2, line 8, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof: "(b)".

**Amendment No. 8.**

On page 2, line 22, of the printed bill, as amended, strike out "(f)", and insert in lieu thereof: "(c)".

**Amendment No. 9.**

On page 2, line 23, of the printed bill, as amended, strike out the words "employees of", and insert in lieu thereof the following: "persons hereafter employed by".

**Amendment No. 10.**

On page 4 of the printed bill, as amended, strike out all of line 4, and insert in lieu thereof: "Section 458.1, subdivision (b) of this division,".

**Amendment No. 11.**

On page 4 of the printed bill, as amended, strike out all of lines 5 to 12, inclusive, and insert in lieu thereof the following: "If the provisions of this division and the standards established by or adopted pursuant to the authority granted in this division are complied with a permit shall be issued by the director or the approved milk inspection service, if the applicant's milk is to be sold or distributed within a city or county or combination thereof maintaining an approved milk inspection service, to such dairy, milk plant or place of business."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1206**—An act to add sections 34.5, 50, 51, 145.1, 604.1, 604.2, 604.3, 604.4, 682 and 682.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1206, the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

On page 7, line 50, of the printed bill, as amended, strike out "145.1", and insert in lieu thereof the following: "604".

Bill read, ordered to print, and on file for third reading.

**President of the Senate in the Chair.**

At nine o'clock and thirty-one minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Assembly Bill No. 2792**—An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjust-

ment with other such systems of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2722, the following amendments, offered by Senator Swing, were read and refused adoption:

##### Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after "patrol", insert the following: "of the county of Los Angeles, in California, as a member of the Highway patrol of any other county in the State on and after the effective date of the contract entered into by said county with the State in connection with its highway system, as provided for in Chapter 200, Statutes of 1931. For the

##### Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, strike out the following: "and the county." For the:

**Assembly Bill No. 2705**—An act to amend section 105 of the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2705, the following amendments, offered by Senator Fletcher, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 105 of," and insert in lieu thereof the following: "add section 100 to".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"Section 1. Section 100 is hereby added to the Welfare and Institutions Code to read as follows:

130. Notwithstanding any of the provisions of this code the members of the State Social Welfare Board shall receive no compensation for their services but shall not be entitled to any other benefits or payments except to the necessary salaries of the board, but in no event shall the compensation so received by any member exceed two hundred dollars per annum. That shall also be allowed their actual necessary traveling expenses incurred in the discharge of their duties."

Bill read, ordered to reprint, and re-referred to Committee on Finance.

**Assembly Bill No. 2849**—An act to amend sections 4 and 23 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held thereon, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, relating to voting machines.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2849, the following amendment, offered by Senator Swing, was read and adopted:

##### Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 4 and 5, and in line 6, strike out "voting machine", and insert in lieu thereof the following: "machines".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1261**—An act to amend sections 1650, 1651, 1654, and 1655, and repealing sections 1656 and 1657, of the Business and Professions Code, relating to registration of licenses with county clerks.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1261, the following amendments, offered by Senator McGovern, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "1651," insert the following: "1652, 1653,".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following: "practice dentistry in this State shall, prior to January 1, 1938, register, on forms prescribed by the board,".

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 14, and insert in lieu thereof the following: "board. A person licensed by the board after January 1, 1938, shall register with the secretary within thirty days after the date of his license."

**Amendment No. 4.**

On page 1 of the printed bill, after the period in line 24, add the following: "When any licentiate hereunder desires to have more than one place of practice, he shall, prior to the opening of any additional office, make application therefor to the State Board of Dental Examiners on a form prescribed by the board and receive permission in writing from said board to have such additional place of practice. The board shall have power to carry out the provisions of this section by uniform rules and regulations."

**Amendment No. 5.**

On page 2 of the printed bill, between lines 9 and 10, insert the following:

"Sec. 4. Section 1652 of the Business and Professions Code is hereby amended to read as follows:

1652. Registration shall be made in a register kept by the secretary for these purposes, which register shall be alphabetically arranged and shall show the name of the person registered as shown by his license, his age, each office address, the date and number of his license to practice dentistry, and the date of registration for each office.

The person licensed need not appear in person before the secretary for the purpose of registering his license, but registration may be made on forms sent by the secretary to licensees.

Sec. 5. Section 1653 of the Business and Professions Code is hereby amended to read as follows:

1653. The secretary shall issue a certificate of registration for each licentiate hereunder and for each office registered by such licentiate."

**Amendment No. 6.**

On page 2, line 10, of the printed bill, strike out "4", and insert in lieu thereof the following: "6".

**Amendment No. 7.**

On page 2, line 19, of the printed bill, strike out "Sec. 5", and in lieu thereof insert the following: "Sec. 7".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2316**—An act relating to taxation, to add section 5.3 to the Retail Sales Tax Act of 1933 and section 4.3 to the Use Tax Act of 1935, providing for exemptions.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2316, the following amendments, offered by Senator McBride, were read:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the word "fuels", insert the following: "and fuel and burner oils", and after the word "domestic", the words "and house-

**Amendment No. 2**

On page 1, line 16, of the printed bill, after the word "fields" insert the following "and feed and housing also", and after the word "homestead", the words "and house hold".

**Re-reference of Assembly Bill No. 2316.**

Senator Rock moved that Assembly Bill No. 2316 with the amendments be re-referred to Committee on Revenue and Taxation.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Seawell, McGovern and McBrade on the adoption of the motion to re-refer.

The roll was called, and the motion carried by the following vote:

**Ayes.** Senators Higgins, Cunningham, Deuel, Gresh, Holahan, Jenson, Keough, Knowland, McCall, Meyer, Nilsen, Peterson, Phillips, Pomeroy, Quinn, Rock, Slater, Swang, Tickle, Westover, Williams, and Young—23.

**Noes.** Senators Allen, Christensen, Fletcher, Hays, Hollister, Keating, Law, McBrade, McGovern, Schottky, Seawell, and Wagy—12.

**Motion to Reconsider.**

Senator McCall moved to reconsider the vote whereby Assembly Bill No. 2316 was re-referred to Committee on Revenue and Taxation.

**Postponement of Reconsideration.**

On motion of Senator McCall, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2316 was re-referred to committee was continued until the next legislative day.

**Re reference of Assembly Bill No. 2704.**

Senator McCall moved that Assembly Bill No. 2704 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Motion to Reconsider.**

Senator Crittenden moved to reconsider the vote whereby Assembly Bill No. 722 was re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Assembly Bill No. 722 ordered placed on the third reading file.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 942.**—An act to amend section 3897d of the Political Code, relating to lands sold to the State for delinquent taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 942 passed by the following vote:

**Ayes.** Senators Allen, Rigger, Christensen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBrade, McCall, McGovern, Meyer, Nilsen, Parkman, Phillips, Pomeroy, Powers, Quinn, Rock, Schottky, Seawell, Slater, Swang, Tickle, Wagy, Westover, Williams, and Young—36.

**Noes.**—None.

Title read and approved.

Assembly Bill No. 942 ordered transmitted to the Assembly.

**Assembly Bill No. 662.**—An act to amend section 80 of the Agricultural Code, relating to Agricultural Districts.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 662 ordered transmitted to the Assembly.

**Assembly Bill No. 1813**—An act to amend section 762 of the Agricultural Code, relating to quality of tomatoes for canning purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1813 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1813 ordered transmitted to the Assembly.

**Assembly Bill No. 1023**—An act to add a new section to be numbered 605e½ to the Civil Code, relating to the liability of members of unincorporated nonprofit associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1023 ordered transmitted to the Assembly.

**Assembly Bill No. 1618**—An act to amend section 361a of the Civil Code, relating to the merger and consolidation of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1618 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1618 ordered transmitted to the Assembly.

**Assembly Bill No. 1619**—An act to amend section 362a of the Civil Code relating to the amendment of articles of incorporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1619 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Jorgensen, Keating, Knowland, McCall, McGowan, Nichols, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Slater, Stone, Strong, Tucker, Wagoner, and Young—41.

NOES—None.

Title read and approved.

Assembly Bill No. 1619 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

**Assembly Bill No. 1059**—An act to amend sections 109.5, 117, 130, 185, 188, 190, 302, 474, 480, 730, 732, 740, 761, 825, 1022 and 1024 of the Streets and Highways Code, and to add new sections, to be numbered 1035, 1405 and 825.5, to said code, all relating to public high ways, and to the acquisition of right of way for the administration, control, construction, and regulation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Jorgensen, Keating, Knowland, McCall, McGowan, Nichols, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Slater, Stone, Strong, Tucker, Wagoner, Westerman, Williams, and Young—41.

NOES—None.

Title read and approved.

Assembly Bill No. 1059 ordered transmitted to the Assembly.

**Assembly Bill No. 4**—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 15 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to needy blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Jorgensen, Keating, Knowland, McCall, McGowan, Nichols, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Seawell, Slater, Stone, Strong, Tucker, Wagoner, Westerman, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 4 ordered transmitted to the Assembly.

**Assembly Bill No. 2805**—An act relating to the first unit of the Southern California prison and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2805 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2805 ordered transmitted to the Assembly.

**Assembly Bill No. 2048**—An act to add section 538ee to the Penal Code, relating to secondhand goods.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2048 refused passage by the following vote:

**AYES**—Senators Cunningham, DeLap, Fletcher, Hays, Hollister, Keough, Nielsen, Schottky, Seawell, Swing, Waggy, Williams, and Young—13.

**NOES**—Senators Allen, Biggar, Crittenden, Deuel, Gordon, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Parkman, Pierovich, Powers, Quinn, Rich, Slater, Tickle, and Westover—22.

**Assembly Bill No. 1870**—An act for the relief of certain assessment districts and for that purpose empowering incorporated cities to render financial aid to such districts and to declare the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 8.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows:

During the fifteen years last past hundreds of districts have been organized throughout the State of California under the provisions of the Acquisition and Improvement Act of 1925. Many of these districts were created during times of great economic prosperity and high land values. In many of such districts, due to the optimism of the times, or other causes, bonds for public improvements were issued in amounts in excess of the ability of the lands of such districts to bear the assessments necessary to pay the principal and interest on such bonds. Millions of dollars in assessed land valuations are located within districts created under these acts. Due to the present economic depression land values throughout the State have shrunk to the point where, in many cases, the total assessed valuation of all lands within a given district is less than the face value of the bonds outstanding in such district. Annual assessments upon individual parcels of land within these districts amount in many instances to more than the assessed value of such land.

Under present economic conditions property owners are unable to meet these high assessments and hundreds of such districts throughout the State have reached a point of hopeless delinquency.

Inasmuch as the property owners of these districts can not, under the law, pay their municipal taxes without at the same time paying the district assessments many cities are unable to collect large sums of money badly needed for the purposes of government.

Many hundreds of properties in these districts are being deeded to the State and to cities in this State for delinquent taxes and assessments and unless the financial aid of the city is immediately made available to assist these overburdened districts thousands of parcels of land will be stricken from the tax rolls this year; thousands of property owners will lose their homes, millions of dollars in governmental revenue will be uncollectible and at the same time thousands of bondholders will be unable to realize any return upon their investments.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES.** Senators Allen, Bigger, Crittendon, Cunningham, DeLap, Donel, Fletcher, Gordon, Hollister, Hollister, Jasparsen, Keating, Keough, Knowland, Law, McBride, McColl, McGowan, Metzger, Nelson, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seemull, Slater, Swagg, Tackie, Westover, Williams, and Williams—32.

**NOES.** Senators Hays, Tackie and Wagg—3.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1870 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittendon, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Jasparsen, Keating, Keough, Knowland, Law, McColl, McGowan, Metzger, Nelson, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seemull, Slater, Swagg, Tackie, Westover, Williams, and Young—33.

**NOES.** Senators Hays, and Wagg—2.

Title read and approved.

Assembly Bill No. 1870 ordered transmitted to the Assembly.

**Assembly Bill No. 2659.**—An act to amend sections 13, 13a, 14 and 15 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2659 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittendon, Cunningham, Donel, Garrison, Gordon, Hays, Hollister, Jasparsen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Nelson, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seemull, Slater, Swagg, Tackie, Wagg, Westover, Williams, and Young—33.

**NOES.** None.

Title read and approved.

Assembly Bill No. 2659 ordered transmitted to the Assembly.

**Assembly Bill No. 1137.**—An act to add Chapter 7, comprising sections 3000 to 3152, inclusive, to Division II and to add section 30005 to Division XXX of the Business and Professions Code, relating to the practice of optometry and repealing acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1137 passed by the following vote:

**AYES.** Senators Bigger, Crittendon, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Keating, Keough, Knowland, Law, McBride,



McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.  
Nays—None.

Title read and approved.

Assembly Bill No. 1137 ordered transmitted to the Assembly.

**Assembly Bill No. 2843**—An act to create a Commission to Study Existing Public and Private Arboreta and Botanic Gardens and make recommendations for the establishment of a publicly owned arboretum and botanic garden, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2843 passed by the following vote:

AYES—Senators Bizzar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hollister, Holdhan, Keating, Keough, Knowland, McBride, McColl, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—28.

NAYS—Senators Cunningham, Hays, Metzger, and Williams—4.

Title read and approved.

Assembly Bill No. 2843 ordered transmitted to the Assembly.

**Assembly Bill No. 2854**—An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county officers and employees, namely, county foresters and fire wardens as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2854 passed by the following vote:

AYES—Senators Allen, Bizzar, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hollister, Holdhan, Keating, Keough, Knowland, McBride, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—28.

NOES—Senators Deuel, Hays, Law, Rich, and Waggy—5.

Title read and approved.

Assembly Bill No. 2854 ordered transmitted to the Assembly.

**Assembly Bill No. 550**—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1870 passed by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBratney, McCall, McConville, Morgan, Nelson, Quinn, Parnell, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—44.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 1870 ordered transmitted to the Assembly.

**Assembly Bill No. 1871.**—An act to amend section 4282 of the Political Code, relating to the compensation of county and township officers in counties of the fifth third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1871 passed by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBratney, McCall, McConville, Morgan, Nelson, Quinn, Parnell, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—44.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 1871 ordered transmitted to the Assembly.

**Assembly Bill No. 2832.**—An act to amend section 45 of, and to add section 48 to, an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, to provide for the acquisition or construction whereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2832 passed by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBratney, McCall, McConville, Morgan, Nelson, Quinn, Parnell, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—44.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 2832 ordered transmitted to the Assembly.

**Assembly Bill No. 1079.**—An act to amend section 21204 of the School Code, relating to the powers and duty of the county superintendents of the schools of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1079 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1079 ordered transmitted to the Assembly.

**Assembly Bill No. 2851**—An act to renumber Article 11a of Chapter I, Part IV, Division II of the School Code, to be Article 11a, and to renumber and amend sections 2.1365 and 2.1366 of the School Code, to be sections 2.1405 and 2.1406 respectively, relating to the State Council of Educational Planning and Coordination.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2851 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2851 ordered transmitted to the Assembly.

**Assembly Bill No. 1629**—An act to repeal Chapters V and VI of Part III, and Chapters V and VI of Part V, of Division III of the School Code; to add to Part III of Division III of said code a new chapter to be known as Chapter V; to add to Part V of Division III of said code a new chapter to be known as Chapter V; to amend sections 3.291, 4.871, 4.873, 4.884 and 4.885 of said code, all relating to secondary schools, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting such necessity are as follows: This act is intended to give definite legal status to a new type of educational institution recently developed in this State. Changes in the methods of financing this type of institution, as provided in this act, will have to be effective at the beginning of the fiscal year in order that the institution may be financed under the provisions of this act throughout the ensuing fiscal year. State apportionments to be made during 1938-1939 will be affected and such apportionments must be based upon the maintenance of the new type of educational institution during the entire preceding school year. For these reasons it is necessary that the act be given immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1029 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollman, Hollman, Keating, Kough, Kramland, Law, McBride, McCall, McGovern, Metzger, Nelson, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Swag, Wagz, Westover, Williams, and Young—32.  
**NOES**—Senator Phillips—1.

Title read and approved.

Assembly Bill No. 1029 ordered transmitted to the Assembly.

**Assembly Bill No. 985**—An act to repeal Article X of Chapter I of Part I of Division II of the School Code and to add to Chapter I of Part I of Division II of the School Code a new article to be known as Article VIIIA, all relating to the formation, association, uniting and changing of boundaries of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 985 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollman, Hollman, Keating, Kough, Kramland, Law, McBride, McCall, McGovern, Metzger, Nelson, Olson, Parkman, Phillips, Pomeroy, Quinn, Rich, Schottky, Seawell, Slater, Wagz, Westover, Williams, and Young—23.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 985 ordered transmitted to the Assembly.

**Assembly Bill No. 1146**—An act to repeal sections 2 123, 3 610, 3 611 and 3 612 of the School Code and to add a new section thereto to be numbered 4 123, all relating to the furnishing of facilities, supplies and services by county superintendents of schools for the education of pupils residing in the county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1146 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollman, Hollman, Keating, Kough, Kramland, Law, McCall, McGovern, Metzger, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swag, Wagz, Westover, Williams, and Young—35.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1146 ordered transmitted to the Assembly.

**Assembly Bill No. 1195**—An act to repeal an act entitled "An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind, or the semisighted," approved April 6, 1929, to repeal an act entitled "An act relating to retirement salaries of teachers and other employees employed in the public schools of the State and educational institutions supported in whole or in part by the State," approved June 19, 1929, to repeal Part IV of Division V of the School Code, and to add to said Division V of said School Code, a new part



to be known as Part IV, all relating to a retirement system for the retirement of officers and employees of the State, counties and school districts rendering service of an educational nature, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately. The facts constituting such necessity are as follows:

This act is in effect the present State Teachers Retirement Salary Law as it now exists and which this act replaces. The sole effect of this act is to simplify the administration of the State teachers retirement system. An efficient economical administration of the existing law is impossible because many of its provisions are ambiguous, impractical and impossible of application. The provisions of this act however relating to the amount of required contributions by members of the system, the State, counties, school districts and other employing agencies; qualifications for retirement by members of the system, and the benefits paid are the same as are in the existing law, except that in the case of contributions by members of the system certain relief has been afforded in justifiable instances.

Inasmuch as the provisions of this act will procure the most efficient and economical administration of the system possible and inasmuch as such type of administration should be secured at the earliest possible date, this act should go into immediate effect.

#### Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

#### The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1195 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

#### Title read and approved.

Assembly Bill No. 1195 ordered transmitted to the Assembly.

**Assembly Bill No. 1175**—An act to amend sections 2.876 and 2.877 of the School Code, relating to school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1175 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

#### Title read and approved.

Assembly Bill No. 1175 ordered transmitted to the Assembly.

**Assembly Bill No. 2518.**—An act to amend section 3a of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensation insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2518 passed by the following vote:

**AYES.**—Senators Allen, Briggs, Callender, Cunningham, DeLoe, Donald, Garrison, Gordon, Hays, Hollister, Hollister, Keating, Knecht, Knecht, Law, McCall, McGowan, Nelson, Quinn, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schatzky, Seawell, Suter, Taylor, Tatro, Wagner, Weaver, and Young—33.

**NOES.**—Senator Montgomery—1.

Title read and approved.

Assembly Bill No. 2518 ordered transmitted to the Assembly.

#### Assembly Constitutional Amendment No. 8.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1.6 to Article XIII thereof, reading as the San Francisco Bar Association.

**Resolved** by the Assembly, the Senate concurring, That the Legislature of the State of California do its utmost to cause section 1.6 of the Constitution of the State of California to be submitted to the people of the State of California at the fourth day of January, 1937, next, and that the members present at each of the two houses voting in favor thereof, jointly propose to the people of the State of California that the Constitution of the State of California be amended by adding a new section to Article XIII thereof to be known as section 1.6 thereof to read as follows:

**SEC. 1.6.** No tax, license fee or charge of any kind or character shall ever be levied or assessed or charged against any property of the San Francisco Bay Exposition or nonprofit corporation organized under the laws of the State of California on the twenty-fourth day of July, 1934, situated at the Golden Gate International Exposition at the City and County of San Francisco in 1934, or against any property used or to be used in such exposition, while being used in exhibition in connection therewith.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 8 adopted by the following vote:

**AYES.**—Senators Allen, Briggs, Callender, Cunningham, DeLoe, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Keating, Knecht, Knecht, Law, McCall, McGowan, Melgar, Nelson, Quinn, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schatzky, Seawell, Suter, Taylor, Tatro, Wagner, Weaver, and Young—35.

**NOES.**—None.

Assembly Constitutional Amendment No. 8 ordered transmitted to the Assembly.

**Assembly Bill No. 2464.**—An act relating to the adoption of codes of fair competition for certain trades and industries within this State, to take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 10.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore take effect immediately. A statement of the facts constituting such necessity is as follows:

There exists throughout the State of California and throughout the nation at large widespread unemployment and disorganization of trade and industry amounting to an economic emergency which is hindering commerce and is menacing the safety and industrial peace of the public. Among the many trades and industries particularly affected are those in which services are rendered within this State to the

public without necessarily involving the sale, manufacture or transportation of merchandise or commodities. In these intrastate trades and industries there is widespread unemployment and economic distress and for the purpose of ameliorating such conditions it is necessary and desirable to authorize immediately the adoption and continuance of codes of fair competition applicable to such trades and industries in the various cities, cities and counties, and counties of the State as provided in this act.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Slater, Swing, Tickle, Wag, Westover, and Young—31.

NOES—Senators Hays, Rich, and Schottky—3.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2464 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wag, Westover, and Young—32.

NOES—Senators Hays, Rich, and Schottky—3.

Title read and approved.

Assembly Bill No. 2464 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 3—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12, and 13 of the Unfair Practices Act, to repeal sections 8 and 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices; And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 3 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 971—An act to provide for the payment of delinquent taxes and of the proportionate share of bonded indebtedness levied against property subsequently acquired by the State or a political subdivision thereof for public purposes;

Assembly Bill No. 1524—An act to amend section 60 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to part-time workers;

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1132—An act to add Chapter 11a, comprising sections 11491 to 11519, inclusive, to Part 2, Division 2, of the Insurance Code, and to repeal Chapter 386 of the Statutes of 1935, all relating to nonprofit hospital service plans, including the regulation and control of corporations operating such plans;

Assembly Bill No. 1154—An act to amend sections 3738, 3821 and 3831 of the Political Code and to add to said code a new section to be numbered 3832, relating to the collection of unsecured taxes;

Assembly Bill No. 1417. An act to amend sections 702 and 708 of the Fish and Game Code, relating to license on game preserves.

Assembly Bill No. 1418. An act to add sections 3, 1615 and 1616 to, amend sections 64, 65, 66, 67, 68, 69, 70, 71, 72 and 100 of, and to repeal section 50 of Article X of our constitution. An act to amend a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Assembly Bill No. 1419. An act to add sections 1615 to, and to amend sections 13 and 50 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Assembly Bill No. 1420. An act to amend section 627 of the Penal Code, relating to larceny in first degree.

Assembly Bill No. 1421. An act to amend sections 16 and 75 of the "Improvement Act of 1911," approved April 7, 1911, no amended.

Assembly Bill No. 1422. An act to amend sections 12412 and 12489 of the Insurance Code and to amend section 1104 of said code, and to incorporate it in a new article, numbered 112, to be added to Chapter 2 of Part 6, Division 2, thereof, all relating to mortgage insurance.

Assembly Bill No. 1423. An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 944120, relating to agricultural taxation by counties.

Assembly Bill No. 1424. An act to amend sections 104127 of the Political Code, relating to the establishing of county boards of supervisors to manage a system of fire districts and municipal fire departments, to amend section 104128 of the Political Code, relating to the management of the county and to pay from the general fund an amount equal to the county's share of the premiums upon such insurance, such as shall be determined by the commission of engineers in part of the premiums of such fire districts.

Assembly Bill No. 1425. An act to amend section 46 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Assembly Bill No. 1426. An act to amend section 55 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Assembly Bill No. 1428. An act to amend sections 72 and 54 of, and to repeal sections 14 and 44 of, an act entitled "An act to establish a system of temporary unemployment reserves for this State, and making an appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Assembly Bill No. 1429. An act to add sections 6.2, 8.5, 9.5 and 9.7 to, and amend sections 7, 9, 11, and 18 of, and to repeal section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriations therefor," approved June 25, 1935, relating to a system of unemployment reserves.

JAMES G. SMYTH, Chief of Assembly.

By M. ARTHUR DANDLER, Assistant Clerk.

Assembly Chamber, Sacramento, May 24, 1937.

MR. PRESIDENT: I have desired to inform your honorable body that the Assembly amended, with its floor vote, the message.

Senate Bill No. 828. An act to amend section 4 of an act entitled "An act to authorize and amend the charter of banks of savings belonging to or in the custody of any county, city or municipal corporation, including an 1889 chapter of municipal corporations within the State, and to repeal all acts or parts of acts in conflict with that act," approved April 18, 1935, relating to amendment for such deposits.

Senate Bill No. 827. An act to add a new section to the handbook 112, to the Streets and Highways Code, relating to street grades of State highways within cities.

Senate Bill No. 927. An act to amend section 4.41 of the Political Code, relating to the compensation of county officers in counties of the fourth class.

Senate Bill No. 980. An act to amend sections 2971 and 21040 of the School Code, relating to houses of education.

Senate Bill No. 1063. An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.0, 843.1, 844.2 and 844.3 to the Agricultural Code, relating to houses of education.

Senate Bill No. 1102. An act to amend sections 3, 4 and 5 of, to renumber and amend section 6 to be section 11 of, "An act authorizing the establishment, maintenance, and operation of assessing districts," approved June 19, 1931, relating



to recreation districts, declaring the urgency hereof and providing that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8i, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics;

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the reincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such reincorporation;

Senate Bill No. 61—An act to amend section 647 of the Penal Code, relating to vagrants;

Senate Bill No. 66—An act authorizing the State Treasurer to issue duplicate bonds, coupons, or other evidences of indebtedness, except warrants, of the State of California when the originals have been lost or destroyed, to stop payment of such lost or destroyed bonds, coupons, or other evidences of indebtedness, and to pay such bonds, coupons, or other evidences of indebtedness, if his records show them to be outstanding and unpaid, and providing for the State to take security against loss or damage that may be incurred on account of the lost instruments and the payment thereof or the issuance of the duplicates;

Senate Bill No. 257—An act to amend section 2642 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution;

Senate Bill No. 361—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof relating to the powers of the Reclamation Board, and section 37a thereof relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925, all relating to reclamation;

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles;

Senate Bill No. 404—An act to amend sections 252, 254, 257, 265, 269, 271, 276, 274, 277, 279, 381, and 382 of the Vehicle Code, and to repeal section 275 thereof, relating to operators' and chauffeurs' licenses;

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 6.9, 11a, 11.5, 16, 20, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 40.5, 48.5, 48.6, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52.1, 53.5, 53.6, 54.5, 55.2, 55.5, 55.7, 55.8, 56.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately;

Senate Bill No. 434—An act to amend sections 31 and 45 of, and to add sections 12.1, 31.1 and 37.1 to the County Water District Act, relating to county water districts;

Senate Bill No. 465—An act to add sections 1701.5, 1706.5, 1706.6, and 1713.6 to the Insurance Code, relating to insurance;

Senate Bill No. 539—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts;

Senate Bill No. 644—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4.369, relating to school district budgets;

Senate Bill No. 730—An act to amend section 2 of the Fish and Game Code, relating to definitions;

Senate Bill No. 860—An act to amend section Labor Code, relating to definitions with respect to workmen's compensation;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of the Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported bills ordered placed on the unfinished business file.

## Reports of Standing Committees.

The following reports of standing committees were received, read and the bills reported thereon were referred to file for second reading:

### On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Military Affairs to which was referred Assembly Bill No. 2561—An act to amend sections 14 and 34 of the Civil Code, relating to authority having and exercising authority the power of pardon, or other release, or the discharge, and sentence and having authority to discharge or create an Alford, commutation, suspension or other form sentence and the postprison hearing, or pardon, sentence, order upon having shall be issued and certified fully to declare that sentence having sentence, conducted under section 434 of the Penal Code shall be subject to the jurisdiction of this court and under the sole jurisdiction of such sentence to all cases having to do with same, has in discharge its duty to receive your report having received, reported by the advisory Committee of 1936 relative to sentence having sentence and sentence relative thereto, and recommends that the bill be passed, and that it do pass as amended.

(Signed out)

GUTHRIE, Chairman.  
NICHOLSON  
FLETCHER

### On Rules.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Rules to which was referred Assembly Bill No. 2561—An act to amend section 14 of the Penal Code, relating to the publication of laws of such sentence to the Legislature. Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

(Signed out)

RICH, Chairman.  
SLATER  
MCQUEEN  
KNOWLAND  
TUCKER

### On Public Morals.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Public Morals to which was referred Assembly Bill No. 2561—An act to amend section 14 of the Penal Code, relating to the publication of laws of such sentence to the Legislature. Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 7, committee vote: Ayes—5.

FLETCHER, Chairman.

### On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred

Assembly Bill No. 2206—An act to amend section 273 of the Penal Code, relating to fines.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 5, committee vote: Ayes—5.

LAW, Chairman.

### On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred

Assembly Bill No. 2904—An act to amend section 2904 of the Civil Code, relating to corporations.

Has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 3, committee vote: Ayes—3.

HOLLISTER, Chairman.

**On County Government.**

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 2677—An act to add a new section to be numbered 4041.24 to the Political Code, relating to powers of boards of supervisors.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

GORDON, Chairman.

**On Motor Vehicles.**

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 2013—An act to add section 735.5 to the Vehicle Code, relating to procedure upon arrest;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 2809—An act to regulate the carrying of vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled "An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof," approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately;

Assembly Bill No. 1209—An act to amend sections 770 and 777 of the Vehicle Code, relating to the disposition of fees, fines, and forfeitures;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SLATER, Chairman.

**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2621—An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2180—An act to amend section 3804 of the Political Code and to add to said code a new section to be numbered 3804c, relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes;

Assembly Bill No. 2181—An act to amend section 3804 of the Political Code, relating to time of filing claims for refund of taxes erroneously or illegally collected; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Judiciary to which was referred:

Assembly Bill No. 1417—An act to amend section 3054 of the Code of Civil Procedure, relating to extension of time for trial in civil.

Assembly Bill No. 1418—An act to amend, by the retirement, with retirement allowance, of members of the Supreme Court and of the District Courts of Appeal, and of judges of the superior courts.

Assembly Bill No. 1488—An act to amend section 1440 of the Probate Code, relating to the appointment of guardian.

Assembly Bill No. 1701—An act to amend section 42 of the Probate Code, relating to guardians and deputies.

Assembly Bill No. 2007—An act to amend section 457 of the Code of Civil Procedure, relating to summary judgment.

How had the same really consideration, and respectfully request the same back and recommendations that they are good.

Committee membership—9; committee vote: Ayes—0.

HAYS, Chairman.

### Adjournment.

At eleven o'clock and fifty-two minutes p.m. on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Tuesday, May 25, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

SENATE CHAMBER.

SACRAMENTO, Tuesday, May 25, 1937.

At ten o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hays, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Baggins, Crumpton, Cunningham, DeJoy, Donald, Fletcher, Garrison, Gordon, Hays, Haffner, Hunter, Johnson, Keating, Keeler, Kuykendall, Law, McBride, McCall, McGowan, Morgan, Murray, Nelson, Olson, Peterson, Phillips, Pritchard, Powers, Quinn, Rice, Sandberg, Sigwell, Slater, Tinkle, Wagy, Westover, Williams, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Monday, May 24, 1937, the further reading was, on motion of Senator Mixter, dispensed with.

### Leave of Absence.

Senator Swing was, on motion of Senator Rich, granted leave of absence for this morning.

### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arch Lyons of Modesto.



On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Rosenberg, of Exeter, President of Tulare County Farm Bureau; P. E. Cigrand, and M. W. Dula, Regional Director of State Farm Bureau, Visalia.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harold L. Croy of San Diego.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Dan Baratini of Sacramento.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Rose Ruscito, teacher, and the following students of the Washington School of Sacramento: Raymond Henlinger, Melvin Fehr, Hobart Reeves, Wallace Wright, Gordon Dunston, Velveleen Hutchinson, Mary Smith, Carlo Carini, Richard Miller, Rex Glass, Vern Nelson, Jerome Russell, Burnadette Robinson, Marjorie Little, Elta Durbin, Adolphina Cisneroz, Mardella Yee, Patsy Benton, Marie Roberts, Betty Joe Givins, Deloris Payton, Grace Harcourt, Cecelia Rodriguez, and Song Yee.

### Messages from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 429—An act to amend sections 731, 732 and 733 of the Agricultural Code, relating to butter distributing, cutting and wrapping licenses;

Senate Bill No. 498—An act to amend section 812 of the Fish and Game Code, relating to mussels;

Senate Bill No. 499—An act to amend section 808.5 of the Fish and Game Code, relating to jackknife clams;

Senate Bill No. 507—An act to amend section 7 of the "Vital Statistics Registration Act," relating to death certificates;

Senate Bill No. 511—An act to amend sections 800, 803, 804, 814 and 815 of the Military and Veterans' Code, relating to veterans' farm and home purchase;

Senate Bill No. 515—An act relating to the purchase of wool from producers, prohibiting deductions for tags, fribs, crutchings or other off-wools, based upon a percentage of the weight or value of the wool, and providing a penalty for violation thereof;

Senate Bill No. 528—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park;

Senate Bill No. 654—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

Senate Bill No. 609—An act to amend section 32d of the California Irrigation District Act, relating to the payment of principal or interest on funding or refunding bonds;

Senate Bill No. 610—An act to amend section 32e of the California Irrigation District Act, relating to the irrevocable allocation of proceeds of contract to payment of principal or interest on bonds and to revenue bonds;

Senate Bill No. 628—An act to amend section 5 of an act entitled "An act providing for the prevention and suppression of forest fires," approved May 2, 1919, relating to enforcement of the act;

Senate Bill No. 701—An act to amend sections 81 and 85 of the Agricultural Code, relating to district agricultural associations;

Senate Bill No. 710—An act to amend section 468 of the Civil Code, relating to the construction, operation and abandonment of railroads;

Senate Bill No. 711—An act to repeal an act approved April 15, 1880, entitled "An act to compel railroad corporations, or individuals owning railroads, to operate their roads," and to repeal an act approved February 9, 1897, entitled "An act to

provides for the management and operation of railroads above certain elevations," relating to the operation of railroads and granting permission for failure to comply therewith.)

Senate Bill No. 740.—An act to amend sections 1 and 5 of an act entitled "An act for the relief of certain commercial districts and for their purchase comprising exception to the general plan and to such district and making available to such districts the proceeds of section 9 of the act of Congress entitled 'An act to authorize a uniform system of inspection throughout the United States,' approved July 1, 1898, as amended, and to declare the emergency of this act so that effect immediately," approved February 1, 1936, relating to commercial districts.

Senate Bill No. 741.—An act to amend section 1576 of the Penal Code, relating to the State prison.

Senate Bill No. 750.—An act amending section 692 of the Political Code, relating to the payment of fees to judicial officers, judges and commissioners," etc., approved April 30, 1935.

Senate Bill No. 849.—An act to add sections 100 and 101 to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 15, 1936, concerning cities of the sixth class in relation to the furnishing to such cities of special services by bonded, contract, or other methods.

Senate Bill No. 870.—An act to amend sections 1201, 1202 and 1203, and to add section 1204 to the Fish and Game Code, relating to seals.

Senate Bill No. 874.—An act to amend the California Irrigation District Act by amending section 7 thereof and by adding a new section therein to be designated section 7A, all relating to the acquisition of lands from one irrigation district.

Senate Bill No. 875.—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the financing of improvements.

Senate Bill No. 880.—An act to amend sections 351, 368, 369, 344, 351, 352, 361, 368, 369, 374, 375, 401 and 402 to, to add four new sections to be designated 363, 364, 365 and 366 to, and to amend sections 360, 363, 341 and 342 of the Streets and Highways Code, relating to the improvement of various State highway routes.

Senate Bill No. 900.—An act to amend chapter 2000.—An act authorizing the government and government and department of gas service within the territory of gas service, city and county, incorporated city or town, or municipal utility district, or other public district," amended April 16, 1935, as amended by amending section 1, relating to the financing of district service to the territory of gas service, city and county, incorporated city or town, municipal utility district or other public district.

Senate Bill No. 904.—An act to amend section 300 of the Agricultural Code, relating to water.

Senate Bill No. 905.—An act authorizing the Director of Finance to provide for the sale in bulk of certain State lands therein described.)

Senate Bill No. 907.—An act to amend section 611.6 of and to add sections 62.5 and 600.5 to the Fish and Game Code, relating to sealions from its district waters on December 1, 1936, and to make other and more detailed regulation thereof, and making certain provisions to be made now described.

Senate Bill No. 980.—An act to add section 5 to an act entitled "An act creating a mechanism district in the County of Sacramento District No. 10, providing for a mechanism and providing for the government and control thereof," denoting District No. 10 of Yuba County, California, and providing for the dissolution of the mechanism, system, fields of land, water and other works of mechanism, if said district," approved May 26, 1936, relating to the dissolution of funds expended for the payment of certain bonds of said district.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 ROBERT AUGUST DEANER, Assistant Clerk.

The above reported Senate bills referred to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 24, 1937.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 16.—An act to amend sections 718 and 865 of the Fish and Game Code, relating to seals.

Senate Bill No. 18.—An act to amend section 307 of the Penal Code, relating to the sale and use of liquor.

Senate Bill No. 62.—An act to amend sections 1 and 1e of, and to add sections 1e and 12.5 to, the State Narcotics Act, relating to habit forming, narcotic and other dangerous drugs and substances.

Senate Bill No. 81.—An act to add section 1576.5 to the Penal Code, relating to hours of labor of juvenile or State prisoners.

Senate Bill No. 91.—An act to amend section 6750 of the School Code, relating to the use of school buildings.

Senate Bill No. 111.—An act to add section 3627d to the Political Code, relating to value of works of art.

Senate Bill No. 191—An act to amend section 737p of the Political Code, relating to the salary of the superior judge of the county of Kings;

Senate Bill No. 258—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship;

Senate Bill No. 261—An act to add section 134 to the Streets and Highways Code, relating to the acquisition of property within cities for highway purposes;

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments;

Senate Bill No. 276—An act to amend sections 271, 275, and 283 of the Agricultural Code, pertaining to apirary inspection and registration;

Senate Bill No. 277—An act to add a new section to the Agricultural Code to be numbered section 132.5, relating to pest control;

Senate Bill No. 279—An act to amend section 155 of the Agricultural Code, pertaining to weed free areas;

Senate Bill No. 327—An act to amend section 629 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict;

Senate Bill No. 336—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists;

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto;

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 50 thereof relating to redemption of land sold for delinquent assessments and the conveying of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 60, giving to said act a short title, all relating to the Sacramento and San Joaquin Drainage District, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 378—An act to amend sections 402, 404, 410, and 415 of the Vehicle Code, and to add thereto sections 410.5, 415.5, 417 and 418, relating to civil liability and financial responsibility of owners and operators of vehicles;

Senate Bill No. 403—An act to amend sections 292, 297, 311, and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses;

Senate Bill No. 409—An act to amend sections 350 and 351 of the Vehicle Code, to add thereto section 355, and to repeal section 309 thereof, relating to the operation of vehicles by agents and the responsibility of other persons therefor;

Senate Bill No. 413—An act to add sections 52, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches;

Senate Bill No. 414—An act to amend sections 621 and 675 of the Vehicle Code, relating to motor vehicles;

Senate Bill No. 428—An act to amend section 493 of the Fish and Game Code, relating to night fishing.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 26—Relative to memorializing the President of the United States and the members of Congress to extend the life of the Federal Public Works Administration for a period of two years after next June 30, and further memorializing Congress to earmark the sum of \$350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under P. W. A. to local communities;

Senate Concurrent Resolution No. 47—Relative to references to Golden Gate International Exposition in license plates issued for motor vehicles in the years 1938 and 1939.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 26 ordered to enrollment.

Senate Concurrent Resolution No. 47 ordered to enrollment.







Senate Bill No. 1137—An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof and providing for the appointment of one reporter secretary.

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701, and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles; And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above Senate bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Concurrent Resolution No. 21—Relative to honoring Captain Charles M. Weber, pioneer;

Senate Concurrent Resolution No. 26—Relative to reports of the Department Encampment of Grand Army of the Republic.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolutions Nos. 24 and 26 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith;

Senate Bill No. 165—An act to amend sections 6010 and 7015 of the Insurance Code, both relating to county mutual fire insurers;

Senate Bill No. 188—An act to amend section 5 of Chapter 191, Statutes of 1923, entitled, "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts;

Senate Bill No. 199—An act to add sections 1128 and 1129 to the Probate Code, relating to establishing a procedure for transfer of testamentary trusts after final distribution;

Senate Bill No. 207—An act to amend section 137 of the Fish and Game Code, relating to game refuges;

Senate Bill No. 231—An act to amend section 36 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 163 of the Statutes of 1929, known as the Water Conservation Act of 1929, and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, page 2045, as amended, relating to the length of time that bonds issued under the provisions of that act may run to maturity.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 260—An act to amend sections 1426j and 1426d of the Civil Code, relating to notices of location of lode and placer mining claims;

Senate Bill No. 314—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools;

Senate Bill No. 408—An act to amend sections 738, 740, and 741 of the Vehicle Code, relating to procedure upon arrest;

Senate Bill No. 441—An act to amend sections 1022, 1032, and 1037 of the Agricultural Code, relating to fertilizing materials;

Senate Bill No. 496—An act to amend section 2 of the Corporate Securities Act, to exempt from the provisions of said act certificates of deposit for securities approved by the California District Securities Commission for certification as legal investments for savings banks and trust companies;

Senate Bill No. 537—An act to amend an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection



in process of delivery, to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 928—An act to add section 1280.5 to the Fish and Game Code, relating to deer tag license;

Senate Bill No. 931—An act to amend section 1270, and repeal sections 1271, 1271.5 and 1272 of the Fish and Game Code, relating to deer, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 969—An act to amend sections 5892, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10, inclusive, to, the Harbors and Navigation Code, relating to the management and control of harbors created, developed and improved under the provisions of Part II of Division VIII of said code;

Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws;

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School;

Senate Bill No. 1120—An act to amend sections 4260, 4272 and 4285 of the Political Code, relating to compensation for public services to counties;

Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets.

JAMES G. SMYTH, Chief Clerk of Assembly,  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

### Consideration of Daily File.

#### Second Reading of Assembly Bills.

**Assembly Bill No. 2581**—An act to amend sections 1 and 3 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur contests," approved by the electors November 4, 1924, relating to amateur boxing, sparring and wrestling matches and exhibitions.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Military Affairs, the following amendments to Assembly Bill No. 2581 were read and adopted:

##### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out the comma and "four of whom are".

## Amendment No. 2.

On page 1, line 9, of the printed bill, to read: "and to amend section 207 of the Penal Code, relating to the following: 'and any person'."

## Amendment No. 3.

On page 2, line 2, of the printed bill, to read: "and to amend section 207 of the Penal Code, relating to the following: 'and any person'."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2770**—An act to add section 207 of the Penal Code, relating to prevention of cruelty to animals.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 32**—An act to amend section 228 of the Political Code, relating to the publication of items of each session of the Legislature.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2206**—An act to amend section 216 of the Penal Code, relating to fines.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2904**—An act to add section 211 of the Civil Code, relating to corporations.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2677**—An act to add a new section to be numbered 2011 14 to the Political Code, relating to powers of boards of supervisors.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2013**—An act to add section 216 to the Vehicle Code, relating to procedure upon arrest.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2809**—An act to regulate the carrying of vehicles upon the public highways of this State, defining the term "carrying" and providing for the licensing of vehicles in regard to the privilege of using the public highways and for the use of regulating persons engaged in carrying and providing such fees shall be a lien and for the enforcement of such fines and the collection and disposition of such fines and imposing penalties for violation thereof, and to repeal an act entitled "An act to regulate the carrying of motor vehicles upon the public highways of this State, defining the term 'carrying' and providing for the licensing of motor vehicles in regard to and imposing penalties for violation thereof," approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately.

## Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 2809 was read and adopted:



**Amendment No. 1.**

On page 3, line 2, of the printed bill, as amended, after "Treasury", insert a comma and the following: "and are hereby appropriated out of said fund for the support of the Department of Motor Vehicles."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1209**—An act to amend sections 770 and 777 of the Vehicle Code, relating to the disposition of fees, fines, and forfeitures.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1209 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended May 10, 1937, strike out the word and numerals "and 777".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended May 10, 1937, strike out "fees, fines," and insert in lieu thereof "fines".

**Amendment No. 3.**

On page 1 of the printed bill, as amended May 10, 1937, strike out all of lines 13 to 23, both inclusive.

**Amendment No. 4.**

On page 2 of the printed bill, as amended May 10, 1937, strike out all of lines 1 to 17, both inclusive.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2912**—An act creating the office of Park Engineer in the State Department of Public Works, and relating to the powers and duties thereof and the qualifications, compensation and tenure of appointees thereto.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2912, the following amendment, offered by Senator Hollister, was read and adopted:

**Amendment No. 1.**

On page 1, line 15, of the printed bill, as amended, after "hereunder", insert the following: ", and he shall not be a member of the State Employees' Retirement System during such period".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2621**—An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2180**—An act to amend section 3804 of the Political Code and to add to said code a new section to be numbered 3804c relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes.

## Consideration of Committee Amendments

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2180 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, after the word "shall" insert the following: "for the tax year 1933-1934."

**Amendment No. 2.**

On page 2, line 27, of the printed bill, after the word "hereinafter" insert the words: "in an action against the county for refund of taxes."

**Amendment No. 3.**

On page 2, line 41, of the printed bill, after the word "here" insert the word "hereinafter."

**Amendment No. 4.**

On page 2, line 42, of the printed bill, after the word "hereinafter", insert the following: "for the tax year 1933-1934."

**Amendment No. 5.**

On page 2, line 49, of the printed bill, after the word "hereinafter" insert the following: "in an action against the county for refund of taxes."

**Amendment No. 6.**

On page 2, line 50, of the printed bill, insert and the word "year" and insert in line 50 after the word "but" and strike the word "year", insert the following: "1933-1934."

**Amendment No. 7.**

On page 2, line 19, of the printed bill, strike out the actual word insert the following: "in an action against the county for refund of taxes."

Bill read second time, ordered in reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 2181**—An act to amend section 1804 of the Political Code, relating to time of filing against the refund of taxes erroneously or illegally collected.

## Consideration of Committee Amendments

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2181 were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, after the words "here" insert the word "hereinafter."

**Amendment No. 2.**

On page 2, line 19, of the printed bill, after the words "but a bill", insert the following: "for the tax year 1933-1934."

**Amendment No. 3.**

On page 2, line 21, of the printed bill, strike out the words following the words "tax levy", and insert the words: "or an action against the county for the refund of taxes."

Bill read second time, ordered in reprint, and re-referred to Committee on Judiciary.

**Assembly Bill No. 117**—An act to amend section 1054 of the Code of Civil Procedure, relating to extension of time for acts to be done.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 353**—An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1488**—An act to amend section 1440 of the Probate Code, relating to the appointment of guardians.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1704**—An act to amend section 42 of the Probate Code, relating to bequests and devises.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2307**—An act to amend section 437c of the Code of Civil Procedure, relating to summary judgments.

Bill read second time, and ordered on file for third reading.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Westover, and Young—24.

The Secretary announced the absentees.

Time, ten o'clock and thirty-seven minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Unfinished Business.

**Senate Bill No. 679**—An act to add section 352a to the Political Code, relating to salaries or wages of State officers and employees.

#### Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 679, read previously.

The question being: Shall Senate Bill No. 679 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Westover, and Young—25.  
NOES—None.

**Assembly Bill No. 3**—An act to amend sections 1, 3, 4, 5, 6, 10, 11, 12 and 13 of the Unfair Practices Act, to repeal sections 8 and 15 of said act, and to add sections 5.5, 15, 16 and 17 thereto, all relating to unfair trade practices.

#### Consideration of Senate Amendments.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 3?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl,

McGovern, Mosinger, Pomeroy, Quinn, Rife, Schenck, Sewell, Slater, Tackle, Wagy, Westover, Williams, and Young. 28.

#### Appointment of Committee on Conference.

The President announced the appointment of Senators Crittenden, Parkman and Tackle as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 3.

**Senate Bill No. 898**—An act to amend section 4 of an act entitled "An act to authorize and control the deposit in books of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to securities for such deposits.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 898.

##### Amendment No. 1.

On page 1, line 7, of the title of the printed bill, as amended, strike out "registration documents," and insert in lieu thereof the following: "securities for such deposits."

##### Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, before the word "attorney," insert the following: "as to competency, by the"

##### Amendment No. 3.

On page 2, line 44, of the printed bill, as amended, strike out the following "and after:"

##### Amendment No. 4.

On page 2, line 45, of the printed bill, as amended, strike out the following "they".

##### Amendment No. 5.

On page 2, line 48, of the printed bill, as amended, strike out the period and insert in lieu thereof the following: "and as to competency of such securities by the attorney of such county, city and county, city, town, municipality, or other public or municipal corporation."

##### Amendment No. 6.

On page 3 of the printed bill, as amended, after the period on line 8, strike out the remainder of said line and all of lines 9, 10 and 11.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 898?

The roll was called and Assembly amendments to Senate Bill No. 898 concurred in by the following vote:

AYES—Senators Ruggie, Crittenden, Cunningham, DeLap, Dond, Fletcher, Gordon, Hays, Hoffner, Houslin, Jorgensen, Keating, Kewig, Knowland, Law, McGill, McGiverty, Mosinger, Olson, Parkman, Pomeroy, Powers, Quinn, Schenck, Sewell, Slater, Swag, Tackle, Wagy, Westover, Williams, and Young. 32.

NOES—None.

Senate Bill No. 898 ordered to enrollment.

**Senate Bill No. 989**—An act to amend sections 2 971 and 2 1040 of the School Code, relating to boards of education.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 989.

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "Section 2 971", and insert in lieu thereof the following: "sections 2 971 and 2 1040".



**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "election of".

**Amendment No. 3.**

On page 1 of the printed bill, following line 9, add the following:

"SEC. 2. Section 2.1040 of the School Code is hereby amended to read as follows:

2.1040. In every high school district formed and existing in an incorporated city or town, or in a single school district, the board of education or board of school trustees of the incorporated city or town or school district shall constitute the high school board, and shall have the management and control of the high school in said district unless otherwise provided in the charter governing any such city."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 989?

The roll was called, and Assembly amendments to Senate Bill No. 989 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

Senate Bill No. 989 ordered to enrollment.

**Senate Bill No. 66**—An act authorizing the State Treasurer to issue duplicate bonds, coupons, or other evidences of indebtedness, except warrants, of the State of California when the originals have been lost or destroyed, to stop payment of such lost or destroyed bonds, coupons, or other evidences of indebtedness, and to pay such bonds, coupons, or other evidences of indebtedness, if his records show them to be outstanding and unpaid, and providing for the State to take security against loss or damage that may be incurred on account of the lost instruments and the payment thereof or the issuance of the duplicates.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 66.

**Amendment No. 1.**

On page 1 of the printed bill, beginning in the first line of the title, after the word "State", strike out "of California through its proper officers, departments or agencies", and insert in lieu thereof the word "Treasurer".

**Amendment No. 2.**

On page 1, line 6 of the title of the printed bill, after the word "destroyed," insert the following words, "to stop payment of such lost or destroyed bonds, coupons, or other evidences of indebtedness, and to pay such bonds, coupons, or other evidences of indebtedness, if his records show them to be outstanding and unpaid, and".

**Amendment No. 3.**

On page 1, line 8 of the title of the printed bill, after the words "of the", strike out the words, "loss and", and insert in lieu thereof the following: "lost instruments and the payment thereof or".

**Amendment No. 4.**

On page 1, line 2, of the printed bill, strike out the words "Board of Control", and insert in lieu thereof the word "Treasurer".

**Amendment No. 5.**

On page 1 of the printed bill, strike out all of line 6 beginning with the word "it"; all of lines 7, 8, 9, 10, and line 11, down to and including the word "agency"; and insert in lieu thereof the following: "the said State Treasurer shall endeavor to stop payment on such lost or destroyed bonds, coupons, or other evidences of indebtedness, and shall notify the State's Fiscal Agent in New York to endeavor to stop payment of such items. The State Treasurer".

**Amendment No. 6.**

On page 1, line 14, of the printed bill, after the word "similar", insert the following: "to the lost or destroyed instruments".

**Amendment No. 7.**

On page 1, line 15, of the printed bill after the word "time", strike out the remainder of line 15, all of line 16, down to and including the word "Control," in line 17, and insert in lieu thereof the following: "When such instruments are issued, as if the bonds, coupons, or other securities of indebtedness have matured and become due and payable, the State Treasurer may pay such bonds, coupons, or other securities of indebtedness if he receives therefor to be outstanding and unpaid. Thereupon and in all cases hereafter coming under the amount of the bonds, coupons, or other securities of indebtedness so lost or destroyed, such security to be specified and approved by the State Treasurer".

**Amendment No. 8.**

On page 1, line 20, of the printed bill strike out the words "and shall pay all cost and expense" and insert in lieu thereof the following: ". The owner shall pay all costs and expense".

**Amendment No. 9.**

On page 1, line 22, of the printed bill strike out the words "officer, department or agency", and insert in lieu thereof the word "Treasurer".

**Amendment No. 10.**

On page 2, line 1, of the printed bill strike out the words "officer, department or agency to whom paper may be", and insert in lieu thereof the words "Treasurer to whom same may be".

**Amendment No. 11.**

On page 2, line 8, of the printed bill, strike out the words "officer, department or agency", and insert in lieu thereof the word "Treasurer".

**Amendment No. 12.**

On page 2, line 11, of the printed bill strike out the word "shall", and insert in lieu thereof the word "may".

**Amendment No. 13.**

On page 2, line 17, of the printed bill after the word "State", strike out the remainder of the line down to and including the word "agency", in line 18, and insert in lieu thereof the word "Treasurer".

**Amendment No. 14.**

On page 2, line 24, of the printed bill after the word "security", strike out the remainder of the line and all of line 25, and insert in lieu thereof the following: "as required by the said State Treasurer."

**Amendment No. 15.**

On page 2, line 29, of the printed bill strike out all the line after the word "that," and insert in lieu thereof the following: "if both the original and duplicate instruments are presented to and paid by, the State Treasurer, he shall not be held responsible for the duplicate payment but may rely on the security pledged by the owner at the time the duplicate instrument is issued."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 66?

The roll was called and Assembly amendments to Senate Bill No. 66 concurred in by the following vote:

**AYES:** Senators Allen, Begg, Griffenden, Cunningham, DeLap, Deed, Fletcher, Gault, Hays, Hinkle, Holliday, Jackson, Keating, Kough, Kuesterd, Low, McClung, Moxley, Olson, Parnell, Powers, Quinn, Rush, Schutky, Senwell, Slater, Waga, Westover, Williams, and Young—21.

**NOES:** None.

Senate Bill No. 66 ordered to enrollment.

Assistant Secretary Howard McIntire at the Desk.

**Senate Bill No. 257**—An act to amend section 3612 of the Political Code relating to the procedure for claiming exemption from taxation under the provisions of section 14 of Article XIII of the Constitution.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 257.

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after "tax", insert the following: "or license".

**Amendment No. 2.**

On page 1, line 8, of the printed bill, after "taxation", insert the following: "or license".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 257?

The roll was called, and Assembly amendments to Senate Bill No. 257 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Senate Bill No. 257 ordered to enrollment.

**Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and fifty-five minutes a m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Unfinished Business—(Resumed).**

**Senate Bill No. 361**—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 12 thereof, relating to the powers of the Reclamation Board, and section 37a thereof, relating to the application of moneys appropriated or made available under Chapter 176, California Statutes of 1925, all relating to reclamation.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 361.

**Amendment No. 1.**

On page 5 of the printed bill, as amended in Senate March 17, 1937, between lines 5 and 6, insert the following:

"Notwithstanding anything in this act to the contrary or in conflict herewith, the provisions hereof shall not affect in any manner the provisions of "The Central Valley Project Act of 1933," or the powers and duties therein conferred, nor shall this act ever be construed as vesting in or conferring upon the Reclamation Board any power, jurisdiction, authority or control over the construction, operation or maintenance of the Central Valley Project or any part of said project."

**Amendment No. 2.**

On page 6, line 13, of the printed bill, as amended, commencing with the word "in", strike out the remainder of said line, and all of line 14, and the word "Commission", in line 15.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 361?

The roll was called, and Assembly amendments to Senate Bill No. 361 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McColl, Metzger, Mixter, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Senate Bill No. 361 ordered to enrollment.

**Senate Bill No. 377**—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 377.

**Amendment No. 1.**

On page 1, line 14, of the printed bill, as amended, after "states" insert the following: "or emergency call."

The question being: Shall the Senate concur in the Assembly amendment to Senate Bill No. 377?

The roll was called, and the Assembly amendment to Senate Bill No. 377 concurred in by the following vote:

**AYES:** Senators Allen, Brown, Cuyler, Cushing, DeLong, Dool, Fletcher, Garrison, Gordon, Hark, Holmes, Johnson, Johnson, Keating, Keene, Kammath, Law, McLean, Miller, Olson, Phillips, Pomeroy, Powers, Rich, Sweeney, Seaton, Sutter, Tamm, Wager, Williams, and Williams—41.

**NOES:** None.

Senate Bill No. 377 ordered to enrollment.

**Senate Bill No. 404**—An act to amend sections 252, 254, 257, 265, 269, 271, 276, 274, 277, 279, 281, and 284 of the Vehicle Code, and to repeal section 275 thereof, relating to operators' and chauffeurs' licenses.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 404.

**Amendment No. 1.**

On page 1, line 2 of the text of the printed bill, as amended, strike out the comma following "of," and strike out: "and of gas motor gas [1 cc]."

**Amendment No. 2.**

On page 3, line 29 of the printed bill, as amended, strike out: "or become unskilled."

**Amendment No. 3.**

On page 4 of the printed bill, as amended, strike out lines 42 to 48, inclusive.

**Amendment No. 4.**

On page 1, line 1 of the title of the printed bill, as amended, before "276," insert: "274."

**Amendment No. 5.**

On page 4 of the printed bill, as amended, following line 38, insert the following:

**SEC. 13.** Section 274 of the Vehicle Code is hereby amended to read as follows:

274. Licenses to be Signed and Carried. (a) Every person licensed hereunder shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him, immediately on receipt thereof, and such license shall not be withdrawn or signed, provided that if the department issues a form of license whereon bears the previous signature of the licensee as shown upon the application, the license shall be valid even though not so signed.

(b) The licensee shall have such license in his immediate possession at all times when driving a motor vehicle upon a highway and shall display the same upon demand of a justice of the peace, a member of the California Highway Patrol or any peace or traffic officer enforcing the provisions of this code.

(c) Any charge under subdivision (b) of this section shall be dismissed when the person so charged produces in court an operator's or chauffeur's license theretofore duly issued to such person and valid at the time of his arrest."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 404?



The roll was called, and Assembly amendments to Senate Bill No. 404 concurred in by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Schoutky, Seawell, Slater, Tiedke, Wagy, and Williams—39.

NOES—None.

Senate Bill No. 404 ordered to enrollment.

**Senate Bill No. 425**—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 6.9, 11a, 14.5, 16½, 20½, 22a, 22b, 22c, 22d, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 26a, 26b, 26c, 27a, 27b, 27c, 27d, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 33a, 33b, 33c, 33d, 33e, 35a, 35b, 35c, 36a, 36b, 38a, 38b, 38c, 38d, 38e, 40.5, 48.5, 48.6, 49.2, 49.4, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 52½, 53.5, 53.6, 54.5, 55.2, 55.5, 55.7, 55.8, 59.5, 65a, 65b, 66.5, 67.1, 67.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 425.

##### Amendment No. 1.

On page 2 of the printed bill, as amended May 6, 1937, strike out all of lines 48 to 52, inclusive, and on page 3, strike out all of lines 1 and 2, and in line 3, strike out "anese rice wine", and insert in lieu thereof the following:

"(e) "Wine" means for the purposes of this act the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverages fortified with grape brandy, fruit brandy or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 per cent added flavoring, coloring and blending material and which contains not more than 24 per cent of alcohol by volume and shall include Vermouth and sake, known as Japanese rice wine".

##### Amendment No. 2.

On page 4, line 3, of the printed bill, as amended May 6, 1937, after the word "use", insert the words "or sale".

##### Amendment No. 3.

On page 16 of the printed bill, as amended May 6, 1937, strike out lines 28 to 36, inclusive, and insert in lieu thereof the following: "this State. No distilled spirits manufacturer's or distilled manufacturer's agent's license shall be held by any person or persons, who holds any ownership or interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, loan, mortgage or lien on any personal or real property or otherwise, in any distilled spirits wholesaler's, rectifier's or retailer's license; provided,".

##### Amendment No. 4.

On page 19 of the printed bill, as amended May 6, 1937, strike out lines 42 to 44, inclusive, and insert in lieu thereof the following: "to be fixed by the board; or".

##### Amendment No. 5.

On page 20 of the printed bill, as amended May 6, 1937, strike out lines 8 and 9, and insert in lieu thereof the word "prescribe."

##### Amendment No. 6.

On page 19, line 49, of the printed bill, as amended May 6, 1937, after the word "State", insert the following: "to any place without the State".

##### Amendment No. 7.

On page 19, line 51, of the printed bill, as amended May 6, 1937, after the word "State", and before the comma, insert the following: "to any place without the State".

**Amendment No. 8.**

On page 28, line 14, of the printed bill, as amended May 6, 1937, strike out "provided, that no wine", and strike out all of lines 47 to 48, and in line 49, strike out "stamps must be actually numbered and", and insert in lieu thereof "and shall be".

**Amendment No. 9.**

On page 30, line 44, of the printed bill, as amended May 6, 1937, insert a comma after the word "railroad".

**Amendment No. 10.**

On page 41 of the printed bill, as amended May 6, 1937, strike out lines 50 to 52, inclusive, and insert in lieu thereof the following:

"3. Distilled spirits except (a) ~~except~~ spirits derived from processes for which licenses authorizing the sale of such distilled spirits have been issued; (b) distilled"

**Amendment No. 11.**

On page 45, line 31, of the printed bill, as amended, following "Sec. 54.0", insert the following: "On and after December 31, 1937, wine shall not be produced or bottled in any form containing less than seventy percent which one of the same or similar type used for the packaging or bottling of distilled spirits."

**Amendment No. 12.**

On page 46 of the printed bill, as amended May 6, 1937, strike out lines 4 to 7, inclusive, and insert in lieu thereof the following:

"No house intended for sale in the State of California, except for export, shall be contained in bottles, jars or cans having a capacity of more than 64 ounces, nor shall there be houses, jars or cans of a capacity of 64 ounces or less sold to or purchased by an off-sale or off-sale house in the State of California, provided that nothing in this paragraph shall be construed to..."

**Amendment No. 13.**

On page 46 of the printed bill, as amended May 6, 1937, strike out lines 10 and 11, and insert in lieu thereof the following: "of a capacity of three and one-half (3 1/2) gallons or more".

**Amendment No. 14.**

On page 46, line 18, of the printed bill, as amended May 6, 1937, after the word "colon", add the following: "except that no provision of this section 54 shall be held to apply to a manufacturer of beer with respect to the location, sale and the on-sale licenses, transportation and transportation necessary to the transfer of such location and the sale of alcoholic beverages during which such location is in and upon and to be operated for the duration of the Greater California International Exposition to be held at the San Francisco Bay region in 1939 and the metropolitan area of San Francisco within the period of such exhibition, in which such manufacturer elects the provisions of this section shall not apply."

**Amendment No. 15.**

On page 47, line 7, of the printed bill, as amended May 6, 1937, strike out "in any business operating", and strike out all of line 8, and in line 9, strike out "for the premises", and insert in lieu thereof the following: "in the premises or fixtures covered by an off-sale described as one license other than the premises."

**Amendment No. 16.**

On page 47, line 10, of the printed bill, as amended May 6, 1937, strike out the period following the word "wholesaler", and insert in lieu thereof the following:

"except that any wholesaler, whether an individual, a partnership or association, which manufactures or possesses and a wholesaler's distilled spirits license which was in force on May 1, 1937, or was renewed thereof under this act, may hold or own or own or control such distilled spirits licenses or interests therein, for purposes other than the purposes for which such wholesaler's distilled spirits license was renewed. For the purpose of this subdivision the renewal of a new wholesaler's license upon the expiration of an existing wholesaler's license shall be deemed a renewal thereof."

The provisions of this subdivision shall not apply to any off-sale distilled spirits license held or to be held by any wholesaler when such off-sale distilled spirits license is necessary to enable said wholesaler to operate or continue to operate any concession or leased retail stand in any hotel, which concession or stand is required to be operated by such wholesaler pursuant to any lease or contract entered into prior to the effective date of this subdivision and such retail off-sale distilled spirits licenses may be issued to any such wholesaler for such purposes and purposes."

**Amendment No. 17.**

On page 48 of the printed bill, as amended May 6, 1937, after line 23, and before line 24, insert the following:

"(1) Directly or indirectly, hold the ownership or any interest by stock ownership or otherwise, in any firm, corporation, partnership or business, furnishing,

supplying or dealing in any office, store or restaurant furnishings or equipment, other than signs for interior use or supplies authorized to be given under this act to any person engaged in operating, owning or maintaining any on-sale premises, provided that this subdivision shall apply only to manufacturers, bottlers, importers and wholesalers of products of the brewing industry."

#### Amendment No. 18.

On page 50 of the printed bill, as amended May 6, 1937, strike out lines 3 to 31, inclusive, and insert in lieu thereof the following:

"SEC. 55.8. The board may adopt rules and regulations specifying the maximum credit terms which shall be extended to any on-sale or off-sale licensee after notices have been mailed to all manufacturers, rectifiers and wholesalers at least 30 days prior to the adoption of such rules and regulations."

#### Amendment No. 19.

On page 50, line 46, of the printed bill, as amended May 6, 1937, strike out "p.m.", and insert in lieu thereof "a.m."

#### Amendment No. 20.

On page 50 of the printed bill, as amended May 6, 1937, strike out line 51, and insert in lieu thereof the following: "person licensed as a manufacturer, distilled spirits manufacturer's agent, rectifier or wholesaler of any alco-".

#### Amendment No. 21.

On page 51 of the printed bill, as amended May 6, 1937, strike out lines 3, 4 and 5, and insert in lieu thereof the following: "p.m. of any day other than Sunday. No delivery of any distilled spirits shall be made nor caused to be made by any licensee in any precinct".

#### Amendment No. 22.

On page 51, line 7, of the printed bill, as amended May 6, 1937, strike out ", or on", and in line 8, strike out the word "Sunday".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 425?

The roll was called, and Assembly amendments to Senate Bill No. 425 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Tickle, Waggy, Williams, and Young—29.

NOES—None.

Senate Bill No. 425 ordered to enrollment.

**Senate Bill No. 465**—An act to add sections 1701.5, 1706.5, 1706.6 and 1713.6 to the Insurance Code, relating to insurance.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 465.

#### Amendment No. 1.

On page 2, line 21, of the printed bill, as amended, after the comma following "mail", insert the following: "registered and".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 465?

The roll was called, and Assembly amendment to Senate Bill No. 465 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schottky, Slater, Waggy, Westover, Williams, and Young—32.

NOES—None.

Senate Bill No. 465 ordered to enrollment.

**Senate Bill No. 539**—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 539.

**Amendment No. 1.**

On page 1, line 8, of the printed bill, strike out "(a)" and strike out all of lines 9 to 14, both inclusive, and insert in lieu thereof the following: "Within the limit of one penny, .01, of the assessed value of each city, county, city and county, or district, existing at the present or former date of which such amendment may be introduced. If such city or county or city and county or district is a charter city, all the provisions upon the levying of taxes imposed in the provisions of such charter shall apply."

**Amendment No. 2.**

On page 1, line 14, of the printed bill, after the word "and", insert a comma and the following: "and, the said fund (b) be used for."

**Amendment No. 3.**

On page 1, line 14, of the printed bill, after the word "and", insert a comma and in lieu thereof the following: "and, the said fund (b) be used for."

**Amendment No. 4.**

On page 1, line 14, of the printed bill, after the word "and", insert in lieu thereof the word "and".

**Amendment No. 5.**

On page 1, line 14, of the printed bill, after the word "and", insert the following paragraph: "The said public improvements shall not be restricted to include the construction, improvement, extension of an addition to, or other use of the facilities for the foregoing of a water supply."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 539?

The roll was called, and Assembly amendments to Senate Bill No. 539 concurred in by the following vote:

**AYES:** Senators Baggan, Cunningham, Cunningham, DeLap, Deud, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schatts, Slater, Wagy, Westover, Williams, and Young. 31.

**NOES—None.**

**Senate Bill No. 539 ordered to enrollment.**

**Senate Bill No. 730**—An act to amend section 2 of the Fish and Game Code, relating to definitions.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 730.

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 8 and 9.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 730?

The roll was called, and Assembly amendment to Senate Bill No. 730 concurred in by the following vote:

**AYES:** Senators Baggan, Cunningham, Cunningham, DeLap, Deud, Fletcher, Garrison, Gordon, Hays, Hollister, Hollister, Johnson, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schatts, Slater, Wagy, Westover, Williams, and Young. 31.

**NOES—None.**

**Senate Bill No. 730 ordered to enrollment.**



**Senate Bill No. 860** An act to amend section 3212 of the Labor Code, relating to definitions with respect to workmen's compensation.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 860.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "3a of the Workmen's Compensation," and in lieu thereof insert the following: "Labor Code,".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "Insurance and Safety Act of 1917,".

**Amendment No. 3.**

On page 1, line 2 of the title of the printed bill, after "definitions", insert the following: "with respect to workmen's compensation".

**Amendment No. 4.**

On page 1, lines 1 and 2, of the printed bill, strike out "3a of the Workmen's Compensation, Insurance and Safety Act of 1917," and in lieu thereof insert the following: "3212 of the Labor Code".

**Amendment No. 5.**

On page 1, line 4, of the printed bill, strike out "Sec. 3a", and in lieu thereof insert the following: "3212,".

**Amendment No. 6.**

On page 1, line 18, of the printed bill, strike out "salaries", and in lieu thereof insert the following: "salaried".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 860?

The roll was called, and Assembly amendments to Senate Bill No. 860 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schottky, Slater, Wag, Westover, Williams, and Young—30.

**NOES**—None.

Senate Bill No. 860 ordered to enrollment.

**Motion to Reconsider.**

Pursuant to his notice given on a previous day, Senator Phillips moved to reconsider the vote whereby Assembly Bill No. 103 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 103 reconsidered by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, McColl, McGovern, Metzger, Mixer, Phillips, Perovich, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wag, Westover, Williams, and Young—20.

**NOES**—Senators Fletcher, and Nielsen—2.

Assembly Bill No. 103 ordered placed on the third reading file.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 1425**—An act to amend section 4295 of the Political Code, relating to official service without fee.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 1425, the following amendment, offered by Senator Metzger, was read and adopted:



provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in Article 59 of this chapter."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 428**—An act to add a new section to the School Code to be numbered 4.192, relating to the insuring of employees of county superintendents of schools against liabilities imposed by law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 428 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, McBride, McGovern, Metzger, Mixter, Nielsen, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Westover—27.

NOES—None.

Title read and approved.

Assembly Bill No. 428 ordered transmitted to the Assembly.

**Assembly Bill No. 1094**—An act to amend section 487 of the Penal Code, relating to grand theft.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1094 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, and Westover—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1094 ordered transmitted to the Assembly.

**Assembly Bill No. 1097**—An act to repeal section 488a of the Penal Code, relating to theft of avocados, citrus or deciduous fruit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1097 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Westover—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1097 ordered transmitted to the Assembly.

**Assembly Bill No. 308**—An act to amend section 171a of the Penal Code, relating to the conduct of prisons, jails, and reformatories.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 308 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keough, Knowland, McBride, McColl, Metzger,

Western Name: *Phalaris, Pinnate, Pinnier, Spring, Black, Swallow, Sweet, Zebra*  
 Name: *None*

Title read and approved.

Assembly Bill No. 308 ordered transmitted to the Assembly.

## Assembly Constitutional Amendment No. 59

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by changing Section 1 of Article XI to read as follows:

The principal of taxation shall be uniformity, and there shall be no tax on real estate.

*Revised by the U.S. Customs Service, 1992. The U.S. Customs Service is the largest agency of the State of California, with an estimated 1992 revenue of \$1.2 billion. The U.S. Customs Service is the largest agency of the State of California, with an estimated 1992 revenue of \$1.2 billion. The U.S. Customs Service is the largest agency of the State of California, with an estimated 1992 revenue of \$1.2 billion.*

[illegible]

10. At such time as the directors shall deem best on the premises, "Shall a board of directors be elected or appointed by the stockholders" and annually thereafter, until the next year of the stockholders' meeting. If the directors are elected or appointed by the stockholders, the first meeting of the board shall be held on the first day of the month of January following the election of the directors, and thereafter on the first day of the month of January following each annual meeting of the stockholders. If the directors are elected or appointed by the stockholders, the first meeting of the board shall be held on the first day of the month of January following the election of the directors, and thereafter on the first day of the month of January following each annual meeting of the stockholders. If the directors are elected or appointed by the stockholders, the first meeting of the board shall be held on the first day of the month of January following the election of the directors, and thereafter on the first day of the month of January following each annual meeting of the stockholders.

Ord. 1. The board of freeholders shall, within one year after the result of the election is declared, prepare and propose a charter for the government of such city or city and county. The charter or charters shall be submitted by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city or city and county. The legislative body of said city or city and county shall, within 15 days after such filing, cause such charter to be published once in the official newspaper of said city or city and county and such edition thereof, during the day of publication (or in case there be no such official newspaper, in a newspaper of general circulation) within said city or city and county and all the editions thereof issued during the day of publication; and in any city or city and county with over 50,000 population shall cause copies of such charter to be printed on government-authorized forms and in type of not less than 10 point and shall cause copies thereof to be mailed to each of the qualified electors of such city or city and county, and shall, until the day fixed for the election upon such charter, advertise in one or more newspapers of general circulation in said city or city and county a notice that copies thereof may be had upon application therefor.

(b) Such charter shall be submitted to the electors of such city or city and county at a date to be fixed by the board of trustees, before such filing and dissolved on such charter, either at a special election held not less than 60 days from the completion of the publication of such charter, as above provided, or at the general election next following the expiration of said 60 days.

(f) AS AN ALTERNATIVE, the legislative body of any such city or city and county, on its own motion, may frame or cause to be framed a proposed charter and submit the proposal for the adoption thereof to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as herein provided for the advertisement of a charter proposed by a board of freeholders, and the election thereon held at a date to be fixed by the legislative body of such city or city and county, not less than 40 nor more than 60 days after the completion of the advertising in the official paper.



(g) If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city, and in the case of a city and county one copy shall be filed with the recorder thereof, and one in the archives of such city and county, and thereafter the courts shall take judicial notice of the provisions of such charter.

(h) The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body thereof on its own motion or on petition signed by 15 per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the clerk of the legislative body of the city or city and county. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors at the time of the holding of the next regular municipal election held not less than 60 days from the date of the filing of such petition, or submit the same at any special election called for that purpose prior to the next regular municipal election. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city or city and county, not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

(i) If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature if then in session, or at the regular or special session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter.

(j) In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby, into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

(k) The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the current registration records. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 59 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keough, Knowland, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schoitky, Seawell, Slater, Westover, and Williams—29.

NOES—None.

Assembly Constitutional Amendment No. 59 ordered transmitted to the Assembly.

**Assembly Bill No. 1761**—An act to amend section 3817a of, and to add section 3817a and 3817b to, the Political Code, relating to *redemption*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1761 passed by the following vote:

AYES: Senators Allen, Cameron, Cassingham, DeLap, Dool, Farness, Garrison, Hays, Hollister, Johnson, Johnson, Keating, Knowland, Law, McBrink, McCall, McLean, Moore, Murphy, Phillips, Pritchard, Quinn, Quinn, Rife, Schuchky, Smith, Sweeney, Tracy, West, Williams, Williams, and Youngblood.  
 NAY: None.

Title read and approved.

Assembly Bill No. 1761 ordered transmitted to the Assembly.

**Assembly Bill No. 1762**—An act to amend section 3818 of the Political Code, relating to acquisition of property on the assessment rolls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1762 passed by the following vote:

AYES: Senators Allen, Bigger, Cassingham, Cassingham, DeLap, Farness, Garrison, Hays, Hollister, Johnson, Johnson, Keating, Keating, Knowland, McBrink, Moore, Murphy, McCall, Quinn, Quinn, Pritchard, Pritchard, Pritchard, Quinn, Rife, Schuchky, Smith, Sweeney, Tracy, West, Williams, Williams, and Youngblood.  
 NAY: None.

Title read and approved.

Assembly Bill No. 1762 ordered transmitted to the Assembly.

**Assembly Bill No. 2798**—An act relating to the deduction of taxes upon the purchase of farm products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2798 passed by the following vote:

AYES: Senators Allen, DeLap, Farness, Garrison, Gentry, Hays, Hollister, Johnson, Johnson, Keating, Keating, Knowland, Law, McBrink, McCall, McLean, Moore, Murphy, Phillips, Pritchard, Quinn, Quinn, Schuchky, Sweeney, Tracy, West, Williams, and Youngblood.  
 NAY: Senators Bigger, Dool, and Murphy—3.

Title read and approved.

Assembly Bill No. 2798 ordered transmitted to the Assembly.

**Assembly Bill No. 1872**—An act to amend section 12 of the Central Valley Project Act of 1913, relating to acquisition of property by eminent domain and sale at lease of property no longer needed for the purposes of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1872 passed by the following vote:

AYES: Senators Allen, Bigger, Cassingham, Cassingham, DeLap, Dool, Fletcher, Garrison, Garrison, Hays, Hollister, Hollister, Johnson, Keating, Knowland, Law,

McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Westover—30.  
NOES—None.

Title read and approved.

Assembly Bill No. 1872 ordered transmitted to the Assembly.

**Assembly Bill No. 2404**—An act to amend the Central Valley Project Act of 1933, by amending section 3, relating to the construction of said act, and section 4, relating to project units.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2404 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, and Westover—32.  
NOES—None.

Title read and approved.

Assembly Bill No. 2404 ordered transmitted to the Assembly.

**Assembly Bill No. 1569**—An act to permit the State, counties, cities and counties, and cities to do work and expend funds to protect the beaches from erosion or the effects of erosion and to permit cooperation with other governmental agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1569 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—30.  
NOES—None.

Title read and approved.

Assembly Bill No. 1569 ordered transmitted to the Assembly.

**Assembly Bill No. 1570**—An act to amend section 4041.6 of the Political Code, relating to the appropriation and expenditure of funds by boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1570 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—30.  
NOES—None.

Title read and approved.

Assembly Bill No. 1570 ordered transmitted to the Assembly.

**Assembly Bill No. 954**—An act to amend section 4.974 of the School Code of the State of California, relating to the expenses for the issuance of school bonds.





prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1937, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2743 passed by the following vote:

**AYES.** Senators Allen, Baggart, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hollister, Jaspersen, Keating, Knowland, Law, McBride, Nielsen, Olson, Phillips, Piersovich, Quinn, Seawell, Slater, Wagy, and Westover—22

**NOES.** Senators Deneil, Hays, Hohmann, Keough, McColl, Metzger, Mixter, Parkman, Powers, Rich, Schottky, Tickle, and Young—13.

Title read and approved.

Assembly Bill No. 2743 ordered transmitted to the Assembly.

### **Postponement of Reconsideration.**

On motion of Senator McColl, the farther consideration of the motion to reconsider the vote whereby Assembly Bill No. 103 was referred to committee was continued until the next legislative day.

### **Motion to Reconsider Waived.**

Senator Crittenden waived reconsideration whereby Assembly Bill No. 249 was passed.

### **Special Order.**

Senator Seawell moved that Assembly Bill No. 1 be made a special order for today, Tuesday, May 25, 1937, at three o'clock p.m.

Motion carried and such was the order.

### **Resolution.**

The following resolution was offered:

By Senator Tickle:

Senate resolution relating to the gathering of complete information concerning all the affairs, activities and needs of the State, its departments, institutions, agencies and political subdivisions, in relation to any and all subjects of needed legislation, and the conduct of investigations concerning any and all such matters, creating a Senate Interim Committee on Governmental Affairs, and defining its powers and duties.

**WHEREAS,** It is necessary and desirable that the Senate and its members at all times have available accurate, detailed and complete information concerning the affairs, activities, and needs of the State, its departments, institutions, agencies, and political subdivisions, to the end that the Senate and its members may act advisably upon any and all subjects of needed legislation; now, therefore, be it

**Resolved by the Senate of the State of California,** That a Special Senate Committee, known as the "Senate Interim Committee on Governmental Affairs," is hereby created, to consist of the President of the Senate, the President pro tempore of the Senate, the Chairman of the Finance Committee of the Senate, the Chairman of the Judiciary Committee of the Senate, and ten (10) other members of the Senate, of the fifty-second session of the Legislature, appointed by the President of the Senate; and be it further



for the purpose by the committee, and each such subcommittee for the purpose of the study, inquiry, investigation or hearing assigned to it shall have and exercise all of the powers hereinabove conferred upon the Senate Interim Committee, limited only by the express terms of the resolution of the latter appointing and designating the subcommittee; and be it further

*Resolved*, That the Senate Interim Committee is authorized and empowered to make a final report of the results of its work and of its recommendations for proposed legislation to the Senate at and during the fifty-third session of the Legislature, such report to be printed at the State Printing Office upon the order of the committee chairman, and chargeable against the legislative printing appropriation; and be it further

*Resolved*, That for the purpose of paying the expenses of the Senate Interim Committee on Governmental Affairs, and of each of its members, and of each of its subcommittees and of the members of each subcommittee, the sum of \$5,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund for such expenses as the chairman of said Senate Interim Committee shall certify to him from time to time, which warrants the State Treasurer is hereby directed to pay.

Resolution read, and referred to Committee on Rules.

### Resolution.

The following resolution was offered:

By Senators Crittenden and Phillips:

Relative to the appointment of a committee to investigate the problems connected with agriculture and the marketing of agricultural products.

WHEREAS, Agriculture is recognized as one of the basic industries of the State of California, so that proper solutions of the problems facing agriculture and particularly those problems affecting the marketing of agricultural products, are of vital importance to the State; and

WHEREAS, These problems are of equal interest to the State, to the producer, to the distributor, and to the consumer; and

WHEREAS, In the 1935 session, the California Senate appointed an Interim Committee to investigate the effect of the marketing laws which were then passed, as well as the marketing laws which had been passed by the Federal Government, and also to investigate the price differentials between the prices paid the producer and the prices paid by the consumer for the same articles, and to investigate certain other phases of the marketing problem; and

WHEREAS, It is desirable that this investigation should continue, and that accurate information regarding present laws and regulations be secured, and that amendments to existing laws, or to proposed laws, be prepared before the 1939 session of the California Legislature, and that in particular a further investigation be made regarding price differentials; now, therefore, be it

*Resolved by the Senate of the State of California*, That the President appoint a committee of five members with wide powers to investigate the problems connected with the proper marketing of agricultural products; to determine the effects of laws and regulations now in effect, or hereafter to become effective, relating to the marketing of agricultural products, and to the differential between prices paid by producer and by consumer, and to the prices paid to California producers as compared with prices paid in the local markets and in other markets; to study cooperative marketing in this State and other States or elsewhere, to investigate mass buying and mass selling, to investigate approved methods of marketing, and to report not later than during the 1939 session of the California Legislature, with recommendations as to needed legislation; and be it further

*Resolved*, That said committee shall be and is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters hereinbefore set forth in order to enable the Senate to act judiciously and wisely upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other processes that may be issued by said committee, when directed so to do by the chairman thereof, and to do and perform any other





WHEREAS, The members and their wives have enjoyed the many courtesies and most gracious hospitality so generously extended them by Mrs. Hulda McGinn; now, therefore, be it

*Resolved*, That the members of this Senate do hereby express to Mrs. Hulda McGinn their esteem and sincere appreciation for all her many untiring courtesies, her personal charm and generous hospitality; and be it further

*Resolved*, That a copy of this resolution, duly signed by the President and Secretary of the Senate, be forwarded to her home.

Resolution read, and on motion of Senator Tickle, adopted.

### Resolution.

The following resolution was offered:

By Senator Rich:

WHEREAS, There has been adopted by the Senate a Manual of Legislative Procedure, which has been compiled for the especial use of legislative bodies, and which has been printed for its use in the State Printing Plant; and

WHEREAS, There has been a considerable demand for copies of this manual by legislative bodies of other States and persons interested in legislative procedure; and

WHEREAS, It would seem that copies of the manual should be available but that the Senate should not supply this large demand by free copies at its own expense; therefore, be it

*Resolved by the Senate*, That the Secretary of the Senate be authorized and directed to make such arrangements as will permit or secure the printing and public distribution of this manual and may arrange for the printing of the manual from the type which is now standing, or for the printing and binding of the manual and its sale by the State at the cost of the printing or printing and binding.

Resolution read, and on motion of Senator Rich, adopted.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators DeLap, Deuel, Hays, Keating, Knowland, Law, McColl, Rich, Schottky, Slater, Westover, and Williams—12.

The Secretary announced the absentees.

Time, two o'clock and seven minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Consideration of Daily File—(Resumed).

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1490**—An act to amend sections 1, 2, 12, 13, 16 and 17 of, and to add sections 12.5 and 21 to, an act entitled "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control," approved July 20, 1935, relating to structural pest control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1490 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McColl, Metzger, Olson.

Passell, Powers, Quinn, Rich, Scherby, Seawell, Slater, Swing, Wagg, Westover, Williams, and Young—48.  
None—None.

Title read and approved.

Assembly Bill No. 1470 ordered transmitted to the Assembly.

**Assembly Bill No. 526.**—An act to add a new section to be numbered section 2 to Chapter 611 of the Statutes of 1901 entitled "An act granting certain lands and salt marsh and tidelands of the State of California to the city of Oakland, including the management, use and control thereof," approved June 5, 1911, relating to the grant of lands to said city.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 526 passed by the following vote:

Ayes—Senators Allen, Biggs, Cunningham, Cunningham, DeLap, Donel, Fletcher, Hays, Hollister, Houston, Johnson, Keating, Knowland, Law, McCall, McGowan, Merritt, Quinn, Powers, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagg, Westover, Williams, and Young—47.  
None—None.

Title read and approved.

Assembly Bill No. 933 ordered transmitted to the Assembly.

**Assembly Bill No. 933.**—An act to add a new section to the Labor Code, to be numbered 2822, reading "employer's writ of execution as lien claimant."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 933 passed by the following vote:

Ayes—Senators Allen, Biggs, Cunningham, Cunningham, DeLap, Donel, Fletcher, Gossard, Hays, Hollister, Houston, Johnson, Keating, Knowland, Law, McGowan, Merritt, Quinn, Powers, Powers, Quinn, Rich, Scherby, Seawell, Slater, Swing, Wagg, Westover, Williams, and Young—41.  
None—None.

Title read and approved.

Assembly Bill No. 933 ordered transmitted to the Assembly.

**Assembly Bill No. 1526.**—An act to amend section 93 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1911, relating to the Division of State Employment agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1526 passed by the following vote:

Ayes—Senators Allen, Biggs, Cunningham, Cunningham, DeLap, Donel, Fletcher, Gossard, Hays, Hollister, Johnson, Keating, Knowland, Law, McCall, McGowan, Merritt, Quinn, Quinn, Phillips, Powers, Quinn, Rich, Scherby, Seawell, Slater, Swing, Wagg, Westover, Williams, and Young—41.  
None—Senators Houston.

Title read and approved.

Assembly Bill No. 1526 ordered transmitted to the Assembly.

**Assembly Bill No. 204**—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 passed by the following vote:

AYES—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, McBride, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 204 ordered transmitted to the Assembly.

**Assembly Bill No. 1346**—An act to amend sections 690.22 and 690.23 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1346 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, and Westover—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1346 ordered transmitted to the Assembly.

**Assembly Bill No. 2858**—An act providing for, and prescribing the duties and compensation of, the position of bailiff for the appellate department of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2858 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—30.

NOES—Senator Tickle—1.

Title read and approved.

Assembly Bill No. 2858 ordered transmitted to the Assembly.

**Assembly Bill No. 1740**—An act to amend section 718 of the Code of Civil Procedure, relating to witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1740 passed by the following vote:

AYES—Senators Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Knowland, Law, McBride, McColl, Nielsen,





Secretary Joseph A. Beek at the Desk.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1274**—An act to add section 5803.5 to the Labor Code, relating to termination of liability for workmen's compensation benefits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1274 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsensen, Keating, Keough, Knowland, Law, McBride, McColl, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1274 ordered transmitted to the Assembly.

**President Pro Tempore in the Chair.**

At three o'clock and twenty-five minutes p. m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 287**—An act to amend section 105 of the Harbors and Navigation Code, relating to navigable streams and public waterways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 287 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 287 ordered transmitted to the Assembly.

**Assembly Bill No. 2554**—An act relating to the use of lands dedicated for park purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2554 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsensen, Keough, Knowland, Law, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2554 ordered transmitted to the Assembly.

**Assembly Bill No. 931**—An act to amend section 396b of the Code of Civil Procedure, relating to transfer of civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jernegan, Keough, Kuykendall, Lamb, McInnes, Mixer, Munnell, Myers, O'Connell, Perkins, Powers, Quinn, Rink, Schaefer, Seasholtz, Shaw, Smith, Tamm, Ward, Williams, and Young, 26.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 923 ordered transmitted to the Assembly.

**Assembly Bill No. 580.**—An act to add section 443 to the Vehicle Code, relating to emergency vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 580 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jernegan, Keough, Kuykendall, Lamb, McInnes, Mixer, Munnell, Myers, O'Connell, Perkins, Powers, Quinn, Schaefer, Shaw, Smith, Seasholtz, Ward, Williams, and Young, 26.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 580 ordered transmitted to the Assembly.

**Assembly Bill No. 1214.**—An act to amend section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1214 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jernegan, Keough, Kuykendall, Lamb, McInnes, Mixer, Munnell, Myers, O'Connell, Perkins, Powers, Quinn, Rink, Schaefer, Shaw, Smith, Tamm, Ward, Williams, and Young, 26.  
**NOES.** None.

Title read and approved.

Assembly Bill No. 1214 ordered transmitted to the Assembly.

**Assembly Bill No. 946.**—An act to amend the title to Article IV, Chapter XIV, Division III of the Probate Code and to amend sections 2013, 2413, 623, 646, 733, 770, 777, 780, 830, 800, 1480, 1482, 1531, 1632 and 1533 of the Probate Code, to repeal section 2703 of the Probate Code, and to add sections 1780, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent persons and minors.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 946, the following amendments, introduced by Senator Olson, were read and adopted:

#### Amendment No. 1.

On page 5 of the printed bill, strike out lines 44 and 45, and insert in lieu thereof the following:

"SEC. 15. Section 1482 of said code is hereby renumbered as Section 1534a of the Probate Code to be included in Chapter VIII of Division IV of the Probate Code and is hereby amended to read as follows:"

**Amendment No. 2.**

On page 5, line 46, of the printed bill, strike out "1482", and insert in lieu thereof the following: "1534a".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1499**—An act to amend section 73 of the Vehicle Code, and to add thereto section 73.3, relating to definitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1499 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1499 ordered transmitted to the Assembly.

**Assembly Bill No. 2452**—An act to amend section 165 of the Vehicle Code, relating to duplicate plates and documents of registration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2452 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2452 ordered transmitted to the Assembly.

**Assembly Bill No. 1203**—An act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in this State, and by resident dealers purchasing, handling and selling used motor vehicles received or acquired from non-resident dealers; requiring the registration of all used cars brought into this State for the purpose of sale to be registered with the Department of Motor Vehicles, and requiring all such dealers to execute and deliver to each purchaser of each used motor vehicle a bond indemnifying the purchaser against failure of title or breach of warranty or fraudulent misrepresentations; requiring the delivery of a certificate of title to the vendee; defining the term dealer and vendor, and providing penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1203 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1203 ordered transmitted to the Assembly.

**Assembly Bill No. 1448**—An act to amend sections 143, 185, and 378 of the Vehicle Code, relating to the registration of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1448 passed by the following vote:

AYES: Senators Allen, Enger, Giddings, Gooding, D. Lee, Dool, Fletcher, Garrison, Hays, Hollister, Holahan, Jorgensen, Keating, Keough, Knowland, Law, McIlwain, McGill, McGovern, Murray, Nelson, Olson, Peterson, Phillips, Powers, Quinn, Rich, Schlicht, Seawall, Slater, Swing, F. Kelly, Waggy, Westmore, Williams, and Young—35.

NOES: None.

Title read and approved.

Assembly Bill No. 1448 ordered transmitted to the Assembly.

### Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Hays:

SENATE CHAMBER, SACRAMENTO, May 25, 1907.

MR. PRESIDENT: In accordance with the provisions of section 5, Article IV of the Constitution, I request permission to introduce a bill. The title of which is set forth below:

An act relating to appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Respectfully submitted,

SENATOR HAYS

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 25, 1907.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Hays to introduce a bill entitled:

An act relating to appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports that same has, and recommends that the request be granted.

(Signed) J. J.

JOHN J. KNOWLAND,

CHAIRMAN.

KNOWLAND.

To the Members of the Senate:

MAY 25, 1907.

I am authorized and requested to proceed to introduce and pass Senate Bill No. 1465 by Senator Hays.

G. J. HATFIELD.

President of the Senate.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES: Senators Allen, Enger, Giddings, Gooding, D. Lee, Dool, Fletcher, Garrison, Gooding, Hays, Hollister, Holahan, Keating, Knowland, Law, McIlwain, McGill, McGovern, Murray, Nelson, Olson, Peterson, Phillips, Powers, Quinn, Rich, Schlicht, Seawall, Slater, Swing, F. Kelly, Waggy, Westmore, Williams, and Young—35.

NOES: None.



**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 1165:** By Senator Hays—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Senate Bill No. 1165 read first time, and ordered held at the desk.

**Further Proceedings Under Call of the Senate Dispensed With.**

At three o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 2422**—An act to add Article 2a and Article 4 to Chapter 10 of Division IV of the Agricultural Code, relating to the establishment of minimum wholesale and retail prices of milk.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2422, the following amendments, offered by Senator Olson, were read and refused adoption:

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, as amended, after the word "minimum", insert the words "and maximum".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, as amended, after the word "Minimum", insert the words "and Maximum".

**Amendment No. 3.**

On page 1, line 9, of the printed bill, as amended, after the word "minimum", insert the words "and maximum"; and in line 10, after the word "minimum", insert the words "and maximum".

**Amendment No. 4.**

On page 1, line 17, of the printed bill, as amended, after the word "Minimum", insert the words "and maximum".

**Amendment No. 5.**

On page 2, line 3, of the printed bill, as amended, after the word "Minimum", insert the words "and maximum".

**Amendment No. 6.**

On page 2, line 9, of the printed bill, as amended, after the word "minimum", insert the words "and maximum"; and in line 10, after the word "minimum", insert the words "and maximum".

**Amendment No. 7.**

On page 2, line 14, of the printed bill, as amended, after the word "minimum", insert the words "and maximum"; and in line 15, after the word "minimum", insert the words "and maximum".

**Amendment No. 8.**

On page 2, line 34, of the printed bill, as amended, after the word "minimum", and before the word "wholesale", insert the words "and maximum"; and after the word "minimum", and before the word "retail", insert the words "and maximum".

**Amendment No. 9.**

On page 2, line 45, of the printed bill, as amended, after the word "minimum", insert the words "and maximum".

**Amendment No. 10.**

On page 2, line 47, of the printed bill, as amended, strike out "reasonable", and insert in lieu thereof the word "actual".

**Amendment No. 11.**

On page 3, line 14, of the printed bill, as amended, after the word "minimum", insert the words "and maximum"; and in line 15, after the word "minimum", insert the words "and maximum".

**Amendment No. 12.**

On page 3, line 20 of the printed bill, as amended, following the word "section", and the period, insert the following: "The words 'a reasonable return upon money and capital invested' in Article 24, section 1, are intended to mean a fair profit of not exceeding 3 1/2 per cent on money actually invested in the sale of milk or fluid cream distributed, packaged, actually used in bottling and distributing fluid milk or fluid cream of any manufacturer or actually used in that portion of the business of any retail store, restaurant, cannery or other place in the sale of fluid milk or fluid cream to consumers."

**Amendment No. 13.**

On page 4, line 7, of the printed bill, as amended, after the word "price", strike out the word "less", and insert in lieu thereof the words "higher or lower".

**Amendment No. 14.**

On page 4, line 40 of the printed bill, as amended, strike out the word "seven" and insert in lieu thereof the word "five"; strike out the words "inserted in line 41" and in line 41, strike out "less".

**Amendment No. 15.**

On page 4, line 41 of the printed bill, as amended, strike out the word "three" and insert in lieu thereof the word "one"; and after the word "be", insert the letter "n", and strike the letter "s", from the word "persons".

**Amendment No. 16.**

On page 4, line 41, of the printed bill, as amended, strike out the word "producer-distributor", and the words "and the word 'line'"; and in line 45, strike the letter "s" from the word "persons"; and also strike out the word "one", and insert in lieu thereof the word "three"; and add the letter "s" to the word "persons".

**Amendment No. 17.**

On page 4, line 46, of the printed bill, as amended, strike out "less", and insert the word "have".

**Further Amendments from the Floor.**

During third reading of Assembly Bill No. 2422 the following amendments, offered by Senator Jespersen, were read:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of lines 12 to 16, inclusive, and insert in lieu thereof the following:

"7326.11. The director may upon the petition of sixty days prior to the (disputations and retail stores doing business in a marketing area) within a substantial and marketing plan as is often called the processing of this chapter, designate and prescribe or provide methods for negotiating and processing."

**Amendment No. 2.**

On page 1, line 22 of the printed bill, as amended, after the word "premises", insert a period, strike out the words "but extending however the", and strike out all of line 23.

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out all of lines 1 and 2.

**Amendment No. 4.**

On page 4, line 15 of the printed bill, as amended, strike out the period and insert in lieu thereof the following: "provided the sale of unadvertised brands of fluid milk at four cents per gallon less than the prices established by the director shall not constitute a violation of this section."

**Motion.**

Senator Young moved that the amendments, offered by Senator Jespersen, be laid on the table.

Motion carried, and such was the order.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2422 passed by the following vote:

**AYES**—Senators Allen, Bagner, Christensen, DeLap, Doud, Fletcher, Gordon, Hallister, Holahan, Knecht, McBeck, McColl, McGovern, Melanson, Moxter, Nansen, Parkman, Phillips, Powers, Schenck, Seewell, Slater, Sweng, Westover, and Young—25.

**NOES**—Senators Cunningham, Garrison, Hays, Jespersen, Keating, Knowland, Olson, Quinn, Rich, Tickle, and Wagy—11.

**Title read and approved.**

Assembly Bill No. 2422 ordered transmitted to the Assembly.

**Assembly Bill No. 1180**—An act to amend sections 471, 475 and 480 of the Agricultural Code, relating to milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1180 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1180 ordered transmitted to the Assembly.

**Assembly Bill No. 2392**—An act providing for the granting by legislative bodies of municipalities of franchises for transmitting and distributing electricity or gas, providing for the duration and terms of such franchises and conditions for granting same and providing for the forfeiture thereof for noncompliance therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2392 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Olson, Powers, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2392 ordered transmitted to the Assembly.

**Assembly Bill No. 2403**—An act to amend the Central Valley Project Act of 1933, by amending section 20, relating to use of money appropriated by said act and to registration of bonds, and section 21, relating to use of money appropriated by said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2403 passed by the following vote:

**AYES**—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2403 ordered transmitted to the Assembly.

#### **Assembly Concurrent Resolution No. 41.**

Urging equal opportunity in public employment for qualified physically handicapped citizens of the State.

WHEREAS, The State of California maintains a service of counseling, vocational training and placement for physically handicapped citizens administered by the Bureau of Vocational Rehabilitation, State Department of Education, which prepares for and adjusts to suitable employment such disabled persons; and

WHEREAS, The experience of many years has demonstrated conclusively that adequately prepared physically handicapped persons are equally as efficient as normal persons in positions compatible with their respective disabilities; and

WHEREAS, There will be a financial condition on the part of some employers against the hiring or employing improved persons, regardless of their ability to perform successfully the essential work of such employers, by reason of

Enacted by the Legislature of the State of California, the Senate concurring, That the State Government, in order to encourage the full value of working for civil service examinations, should provide some incentive to full employment with specified skills and that legislative authority be given to the Legislature of the State, and on every contract and bill, to place in force and effect such employment compensation in the employment of persons, to encourage persons to the use of such employment opportunities for the State, to the end that there be more an effective supply of personnel opportunities for training persons and an incentive to use for public employment as an aid to employment of such persons in private industry and business.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 41 adopted by the following vote:

AYES—Senators Taggart, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hunter, Keweenaw, Keweenaw, Low, Marshall, McQuinn, Morgan, Myers, Powers, Rusk, Schuch, Shaw, Shaw, Tinkle, Wagg, Westover, and Young—47.

NOTES—None.

Assembly Concurrent Resolution No. 41 ordered transmitted to the Assembly.

#### Assembly Concurrent Resolution No. 49.

Relative to directing the Unemployment Insurance Commission to investigate and report upon various conditions and the effect upon the operation of the Unemployment Insurance Act.

WHEREAS, The operation of the Unemployment Insurance Act of this State requires the payment of contributions from employers and their workers and the payment of benefits to unemployed workers engaged in various occupations, and

WHEREAS, The payment of benefits to such persons might cause some loss of work from the Unemployment Insurance Fund, thereby increasing the burden of such fund and resulting in a higher rate of contribution to be paid by employers and their workers engaged in such occupations, and, therefore, be it

Enacted by the Assembly of the State of California, the Senate concurring, That the commission shall study and investigate the operation of the Unemployment Insurance Act of this State and the conditions of such employers and workers to prepare a report covering the nature of the Unemployment Insurance and shall submit such report to the Legislature during the fifty-first legislative session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 49 adopted by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hunter, Keweenaw, Keweenaw, Low, Marshall, McQuinn, Morgan, Myers, Powers, Rusk, Schuch, Shaw, Shaw, Tinkle, Wagg, Westover, and Young—26.

NOTES—None.

Assembly Concurrent Resolution No. 49 ordered transmitted to the Assembly.

#### Re-reference of Assembly Bill No. 873.

Senator DeLap moved that Assembly Bill No. 873 be re-referred to Committee on Insurance.

Motion carried, and such was the order.

#### Notice of Motion to Reconsider.

Senator Pierovich gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2743 was passed.



**Recess.**

At five o'clock p.m., on motion of Senator Knowland, the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

**Reconvened.**

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Pico Conference concerning Assembly Bill No. 746—An act to add section 683 to the Vehicle Code, relating to equipment.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2773—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.  
And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Assembly Bill No. 2773 ordered placed on the unfinished business file.

**Resolution.**

The following resolution was offered:

By Senator Jespersen:

Providing for the appointment of a Senate Interim Committee on State Hospitals to conduct a thorough study of the facilities of the State hospitals and the general subject of methods of caring for the insane in order to reduce the number of patients by more effective preventive and curative measures.

WHEREAS, In March, 1936, there were 19,900 patients in State hospitals and in March of 1937 there were 20,960, and the number of such patients increases constantly at the rate of four to ten per cent per year under existing conditions; and

WHEREAS, Proper treatment has been retarded and research practically eliminated, due to the steady increase in patient load accompanied by inadequate increase in personnel and treatment facilities at the several State hospitals, through new buildings have been added from time to time, the tendency having been toward temporary care rather than a definite treatment program, accelerated by present-day measures to reduce the number of patients admitted and by improved treatment methods in clinics, the period of hospitalization and lessen the number of patients required for treatment; and

WHEREAS, It is clearly indicated that a thorough study of the present conditions of this problem is imperative, to the end that suitable measures may be devised to lessen this otherwise hopeless circle of constantly increasing patient load and consequent heavy capital outlay; and

WHEREAS, From the experience of other States, particularly that of Massachusetts, it would appear that other and different methods of caring for the insane, and early treatment of mental cases, may be ascertained and developed, with the result that need for increased housing facilities in large measure may be reduced and a portion of the savings thus effected made available for improved equipment and more adequate personnel, both medical and nonmedical, for more extensive and effective preventive and curative work, ultimately reducing the patient load at the hospitals and increasing the proportion of persons competent to attend to their own affairs and participate normally in the life of the community; now, therefore, be it

Resolved, By the Senate of the State of California: That a committee to be known as the "Senate Interim Committee on State Hospitals" is hereby created, consisting of \_\_\_\_\_ members of the Senate appointed by the President of the Senate, to conduct a thorough study of the subject of this resolution, and of every phase of same, and to report thereon, with its recommendations, to the Senate at and during the fifty-third session of the Legislature; and be it further

*Resolved*, That the committee have, on appointment of its members, shall organize by electing a chairman from its membership and may appoint and employ a secretary and such other clerical, expert and technical assistants and advisors as it may deem necessary, and be heard suggested to administer the various duties of members governing the conduct of its members and the carrying up of its work, and do it further.

*Resolved*, That the committee be authorized to do any and all things necessary to make a full and complete administration of the various business referred to and to require the production of books, documents, accounts, reports, documents and papers of every kind, in some instances to demand the attendance of witnesses and to require testimony. Each member of the committee is hereby authorized to subpoena and call all the provisions of Article VIII of Chapter II of Article I of Part III of the Political Code relating to the attendance and testimony of witnesses before the Legislature and committee thereof shall apply to the Senate. In case a committee created by this resolution and such committee is holding a hearing in or during the session of the Legislature and during the session between sessions thereof at any place or places within the State or the committee shall from time to time determine the time to continue.

*Resolved*, That all officers and confidential of the Senate shall furnish to the committee such information, reports, information and evidence connected with matter under consideration by the committee or the committee shall require, and be it further.

*Resolved*, That in each panel, advice and counsel the committee in its work, an Advisory Committee to said Senate committee is hereby created, consisting of seven members, three of whom shall be a member of the Legislature, selected as follows: Three members appointed by the President of the Senate from a list of not less than seven nominees submitted by the American Pharmacists Association; two members appointed by the President of the Senate from a list of not less than five nominees submitted by the California Medical Association; and two members appointed by the Governor, and be it further.

*Resolved*, That for the purpose of paying the expenses of the Senate Finance Committee on Members, and of the said Advisory Committee, and of the members of each of said committees, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby set apart, received and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Comptroller drawn against and supported first by such expenses as the chairman of said Senate Finance Committee shall certify to him from time to time, which warrants the State Treasurer is hereby directed to pay.

Resolution read, and ordered referred to Committee on Rules.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Sergeant was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Cummings, DeTap, Foster, Gorman, Hays, Hildner, Keating, Knight, Kinsland, Marshall, McGuire, Phillips, Quinn, Rich, Schlotzky, Slater, Tickle, Wagz, Westover, and Williams. 20.

The Secretary announced the absences.

Time, eight o'clock and forty five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Further Proceedings Under Call of the Senate Dispensed With.

At eight o'clock and fifty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

### Consideration of Daily File—(Resumed).

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2884**—An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16 to "An act authorizing the establishment,

maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency hereof and providing that this act shall take effect immediately.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2884, the following amendments, offered by Senator Slater, were read and adopted:

##### Amendment No. 1.

On page 1, lines 9 and 10, of the printed bill, strike out "maintaining the swimming pool of swimming pools of the district", and insert in lieu thereof the following: "the operation, improving, maintaining and keeping sanitary the community property or properties of the district including the cost of new construction of improvements or buildings thereon".

##### Amendment No. 2.

On page 1, line 14, of the printed bill, strike out "registered".

##### Amendment No. 3.

On page 1, line 19, of the printed bill, after "district", add the following: "or at the seat of the county government".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 800**—An act to add two new sections to the School Code to be numbered 3.352a and 4.930, relating to junior colleges maintained by high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 passed by the following vote:

**AYES**—Senators Allen, Baggar, Cunningham, DeLap, Fletcher, Hays, Hollister, Hohman, Keating, Keough, Knowland, McColl, McGovern, Parkman, Powers, Quinn, Rich, Schottky, Slater, Tickle, Wagy, Westover, Williams, and Young—24.

**NOES**—None.

Title read and approved.

Assembly Bill No. 800 ordered transmitted to the Assembly.

**Assembly Bill No. 2734**—An act to amend section 5.654 of the School Code, relating to time of trial of school employees charged with criminal or unprofessional conduct.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2734 passed by the following vote:

**AYES**—Senators Allen, Baggar, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Hohman, Keating, Keough, Knowland, McColl, McGovern, Olson, Parkman, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2734 ordered transmitted to the Assembly.

**Assembly Bill No. 2868**—An act to amend "An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and

collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act, and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately," approved August 7, 1932, by amending section 11, relating to the borrowing of money and the levy and collection of taxes to repay the same, and section 21, relating to the levy and collection of taxes, and to declare the urgency hereof.

Bill read third time.

#### Urgency Clause.

Sec. 2. That such a finding is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and that therefore no time shall be allowed.

The facts constituting such emergency are as follows:

Various political subdivisions of the State of California will be deprived of substantial part and substantial portion of certain revenues because under new law are entitled to receive at once money funds by levy from money granted to public and private sanitary facilities because such revenues those public and sanitary funds will become a great burden to the public health. Moreover, such political subdivisions will be deprived of large Federal grants in aid of public work projects are entitled to borrow money funds at once with which to carry Federal improvements work which such public in aid are concerned. That the public health be maintained in part by such Federal grants and other sanitary facilities and other facilities, which are necessary for the public health and safety. That such public health will immediately furnish needed employment to a large number of people.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Bagley, Cunningham, DeLap, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, McColl, McGowan, Miller, Nelson, Olsen, Parkhill, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—43.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2868 passed by the following vote:

AYES—Senators Allen, Bagley, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, McColl, McGowan, Miller, Nelson, Olsen, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Wagy, Westover, Williams, and Young—42.

NOES—None.

Title read and approved.

Assembly Bill No. 2868 ordered transmitted to the Assembly.

**Assembly Bill No. 2333**—An act to amend section 3785 of the Political Code, relating to the execution in duplicate and recording of tax deeds to the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2333 passed by the following vote:

AYES—Senators Allen, Bagley, Cunningham, DeLap, Donald, Fletcher, Garrison, Hays, Hollister, Jepsen, Keating, Knowland, Law, McBride, McColl, McGowan, Miller, Nelson, Olsen, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—43.

NOES—None.

Title read and approved.

Assembly Bill No. 2333 ordered transmitted to the Assembly.



**Assembly Bill No. 1788**—An act to add sections 47.1, 48.1 and 48.2 to the California Irrigation District Act, relating to actions concerning land deeded to irrigation districts for delinquent irrigation district taxes or assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1788 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1788 ordered transmitted to the Assembly.

**Assembly Bill No. 1617**—An act to amend sections 595, 596 and 605c of the Civil Code, relating to nonprofit corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1617 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1617 ordered transmitted to the Assembly.

**Assembly Bill No. 2853**—An act to add section 347 to the Civil Code and to amend section 362 of the Civil Code, all relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

The Secretary announced the absentees.

Time, nine o'clock and twenty-eight minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## Proceedings Under Call of the Senate. Unfinished Business—(Resumed).

**Senate Bill No. 140**—An act to add a new section to the California Irrigation District Act to be numbered section 47 L, relating to actions concerning land devoted to irrigation districts for delinquent irrigation district taxes or assessments.

### Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 140, read previously.

The question being: Shall Senate Bill No. 140 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—None.

**NOES**—Senators Allen, Biggar, California, Cunningham, Deuel, Fletcher, Garrison, Hays, Hottel, Hottel, Johnson, Knowland, Law, McBride, McCall, McGovern, Mixer, Nissen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagg, and Westover—29.

**Senate Bill No. 139**—An act to add sections 48 1 and 48 2 to the California Irrigation District Act, relating to actions concerning the validity or regularity of deeds for delinquent irrigation district taxes or assessments.

### Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 139, read previously.

The question being: Shall Senate Bill No. 139 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—None.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hottel, Hottel, Johnson, Knowland, Law, McBride, McCall, McGovern, Mixer, Nissen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagg, Westover, and Young—34.

## Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2594**—An act to add to the School Code sections 2 310, 2 600, 2 1021, 2 1058, 2 1061, 2 1095, 2 1111 and 2 1321, and to repeal certain acts and parts of acts specified herein, all relating to the public school system.

During third reading of Assembly Bill No. 2594, the following amendments, offered by Senator Knowland, were read and adopted:

### Amendment No. 1.

On page 1, line 8 of the title of the printed bill, as amended, strike out the following "3351, 3392."

### Amendment No. 2.

On page 1, line 29 of the title of the printed bill, as amended, after the semi-colon, insert the following: "to add to Chapter V of Part II of Division VI thereof a new article to be known as Article III."

### Amendment No. 3.

On page 3 of the printed bill, as amended, strike out all of lines 36 to 52, inclusive, and strike out all of page 4, and on page 5, strike out all of lines 1 to 25, inclusive.

**Amendment No. 4.**

On page 5, line 26, of the printed bill, as amended, strike out "4", and insert in lieu thereof the number "3".

**Amendment No. 5.**

On page 5, line 33, of the printed bill, as amended, strike out "5", and insert in lieu thereof the number "4".

**Amendment No. 6.**

On page 5, line 39, of the printed bill, as amended, strike out "6", and insert in lieu thereof the number "5".

**Amendment No. 7.**

On page 5, line 47, of the printed bill, as amended, strike out "7", and insert in lieu thereof the number "6".

**Amendment No. 8.**

On page 6, line 9, of the printed bill, as amended, strike out "8", and insert in lieu thereof the number "7".

**Amendment No. 9.**

On page 6, line 22, of the printed bill, as amended, strike out "9", and insert in lieu thereof the number "8".

**Amendment No. 10.**

On page 6, line 40, of the printed bill, as amended, strike out "10", and insert in lieu thereof the number "9".

**Amendment No. 11.**

On page 6, line 43, of the printed bill, as amended, strike out "11", and insert in lieu thereof the number "10".

**Amendment No. 12.**

On page 6, line 48, of the printed bill, as amended, strike out "12", and insert in lieu thereof the number "11".

**Amendment No. 13.**

On page 7, line 3, of the printed bill, as amended, strike out "13", and insert in lieu thereof the number "12".

**Amendment No. 14.**

On page 7 of the printed bill, as amended, strike out all of lines 11 to 23, inclusive.

**Amendment No. 15.**

On page 7, line 24, of the printed bill, as amended, strike out "16", and insert in lieu thereof the number "13".

**Amendment No. 16.**

On page 7, line 33, of the printed bill, as amended, strike out "17", and insert in lieu thereof the number "14".

**Amendment No. 17.**

On page 7, line 40, of the printed bill, as amended, strike out "18", and insert in lieu thereof the number "15".

**Amendment No. 18.**

On page 7, line 45, of the printed bill, as amended, strike out "19", and insert in lieu thereof the number "16".

**Amendment No. 19.**

On page 8, line 31, of the printed bill, as amended, strike out "20", and insert in lieu thereof the number "17".

**Amendment No. 20.**

On page 8, line 39, of the printed bill, as amended, strike out "21", and insert in lieu thereof the number "18".

**Amendment No. 21.**

On page 9, line 3, of the printed bill, as amended, strike out "22", and insert in lieu thereof the number "19".

**Amendment No. 22.**

On page 9, line 10, of the printed bill, as amended, strike out "23", and insert in lieu thereof the number "20".

**Amendment No. 23.**

On page 9, line 15, of the printed bill, as amended, strike out "24", and insert in lieu thereof the number "21".

**Amendment No. 24.**

On page 9, line 27, of the printed bill, as amended, strike out "25", and insert in lieu thereof the number "22".

**Amendment No. 25.**

On page 9, line 39, of the printed bill, as amended, strike out "26", and insert in lieu thereof the number "23".

**Amendment No. 26.**

On page 10, line 10, of the printed bill, as amended, strike out "27", and insert in lieu thereof the number "24".

**Amendment No. 27.**

On page 10, line 22, of the printed bill, as amended, strike out "28", and insert in lieu thereof the number "25".

**Amendment No. 28.**

On page 10, line 34, of the printed bill, as amended, strike out "29", and insert in lieu thereof the number "26".

**Amendment No. 29.**

On page 10, line 46, of the printed bill, as amended, strike out "30", and insert in lieu thereof the number "27".

**Amendment No. 30.**

On page 10, line 58, of the printed bill, as amended, strike out "31", and insert in lieu thereof the number "28".

**Amendment No. 31.**

On page 10, line 70, of the printed bill, as amended, strike out "32", and insert in lieu thereof the number "29".

**Amendment No. 32.**

On page 11, line 1, of the printed bill, as amended, strike out "33", and insert in lieu thereof the number "30".

**Amendment No. 33.**

On page 11, line 13, of the printed bill, as amended, strike out "34", and insert in lieu thereof the number "31".

**Amendment No. 34.**

On page 13, line 29, of the printed bill, as amended, strike out "35", and insert in lieu thereof the number "32".

**Amendment No. 35.**

On page 14, line 19, of the printed bill, as amended, strike out "36", and insert in lieu thereof the number "33".

**Amendment No. 36.**

On page 14, line 31, of the printed bill, as amended, strike out "37", and insert in lieu thereof the number "34".

**Amendment No. 37.**

On page 14, line 43, of the printed bill, as amended, strike out the following: "(see page 21)".

**Amendment No. 38.**

On page 15, line 3, of the printed bill, as amended, strike out the following: "(see page 21)".

**Amendment No. 39.**

On page 15 of the printed bill, as amended, beginning in line 8, strike out the following: "(see page 21)".

**Amendment No. 40.**

On page 15, line 23, of the printed bill, as amended, strike out "38", and insert in lieu thereof the number "35".

**Amendment No. 41.**

On page 16, line 39, of the printed bill, as amended, strike out "39", and insert in lieu thereof the number "36".

**Amendment No. 42.**

On page 21, line 3, of the printed bill, as amended, strike out "40", and insert in lieu thereof the number "37".



**Amendment No. 43.**

On page 21, line 15, of the printed bill, as amended, strike out "41", and insert in lieu thereof the number "38".

**Amendment No. 44.**

On page 21, line 27, of the printed bill, as amended, strike out "42", and insert in lieu thereof the number "39".

**Amendment No. 45.**

On page 22 of the printed bill, as amended, following line 15, insert the following: "SEC. 40. A new article is hereby added to Chapter V of Part II of Division VI of the School Code to be known as Article III and to read as follows:

**Article III. Listing of Textbooks by State Board of Education.**

6390. Any publisher desiring to offer textbooks for the use of pupils enrolled in the high schools of the State shall file with the State Board of Education at Sacramento a written application for the listing of such book or books accompanied by a uniform fee to be fixed by the State Board of Education and which shall not exceed five dollars for each book for which listing is applied, such sum to be deposited in the State treasury to the credit of the general fund.

6391. Such publisher shall also submit one copy of each book, together with a statement of the list price of said book as shown by the publisher's catalog, a statement of all discounts allowed thereon when new copies of such book are purchased, and a statement of the lowest exchange price that will be given when old books in the same subject and of the like kind and grade, but of a different series, are received in exchange."

**Amendment No. 46.**

On page 22, line 16, of the printed bill, as amended, strike out "43", and insert in lieu thereof the number "41".

**Amendment No. 47.**

On page 23, line 38, of the printed bill, as amended, strike out "44", and insert in lieu thereof the number "42".

**Amendment No. 48.**

On page 24, line 30, of the printed bill, as amended, strike out "45", and insert in lieu thereof the number "43".

**Amendment No. 49.**

On page 24, line 34, of the printed bill, as amended, strike out the following: "3,351."

**Amendment No. 50.**

On page 24, line 41, of the printed bill, as amended, strike out "46", and insert in lieu thereof the number "44".

**Amendment No. 51.**

On page 25, line 16, of the printed bill, as amended, between "1929-----866" and "1935-----232", insert the following: "1933-----238".

**Amendment No. 52.**

On page 25, line 19, of the printed bill, as amended, strike out "47", and insert in lieu thereof the number "45".

**Amendment No. 53.**

Strike out page 11 of the printed bill, as amended, and on page 12, strike out lines 1 to 42, inclusive.

Bill read, ordered to print, and on file for third reading.

(Note: The action of the Senate in amending Assembly Bill No. 2504 was rescinded on May 26, 1937. J. A. Beck, Secretary of the Senate.)

**Assembly Bill No. 2844**—An act to authorize municipal corporations to abandon parks and sell and convey the land embraced therein.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2844, the following amendment, offered by Senator Nielsen, was read and adopted:

**Amendment No. 1.**

On page 3, line 9, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", nor shall any such abandonment or sale affect or impair any right, easement or interest owned or under the control of any other governmental agency for public use other than park purposes."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2175**—An act to regulate the employment of labor on public works.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2175, the following amendment, offered by Senator Crane, was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, as amended, after the word "contracts", insert the words "for public works".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1334**—An act to amend sections 3, 4, and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health in relation thereto.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1334, the following amendments, offered by Senator McPherson, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "of", insert the following: ", and to add section 6.5 to".

**Amendment No. 2.**

On page 2, line 2 of the printed bill, strike out "and" and insert in lieu thereof the following: "may".

**Amendment No. 3.**

On page 2, line 9, of the printed bill, after the word "may" insert the following: "The State Board of Public Health is authorized to adopt administrative determinations and regulations, not in conflict with this act."

The State Board of Public Health may adopt in whole or in part the standards of purity for foods, alcoholic beverages, and wines promulgated by the Federal Alcohol Administration, United States Treasury Department.

**Amendment No. 4.**

On page 2, line 14, of the printed bill, strike out "labeled poisonous or other added", and insert in lieu thereof the following: "poisonous or other".

**Amendment No. 5.**

On page 2, line 40, of the printed bill, strike out "or", and insert in lieu thereof the following: ", or in regulations promulgated".

**Amendment No. 6.**

On page 2, line 47, of the printed bill, after "California", insert the following: ", and with reference to liquors, alcoholic beverages, and wines, the standards of purity promulgated by the Federal Alcohol Administration, United States Treasury Department, or in regulations promulgated by the State Board of Public Health".

**Amendment No. 7.**

On page 3 of the printed bill, between lines 9 and 10, insert the following: "Sec. 3. A new section to be numbered 6.5 is hereby added to said act, to read as follows:

Sec. 6.5. With reference to the labeling of beer, ale, porter, and stout, the State Board of Public Health may enforce the labeling provisions of the Alcoholic Beverage Control Act, with reference to the labeling of all other alcoholic beverages as defined in the Alcoholic Beverage Control Act, the State Board of Public Health may adopt in whole or in part the rules and regulations of the Federal Alcohol Administration, United States Treasury Department."

**Amendment No. 8.**

On page 3, line 10, of the printed bill, strike out "3", and insert in lieu thereof the following: "4".

**Amendment No. 9.**

On page 3, line 12, of the printed bill, after "and", insert the following: "Public".

**Amendment No. 10.**

On page 3, line 17, of the printed bill, strike out "mis-labeled", and insert in lieu thereof the following: "mis-labeled".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 490**—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 490, the following amendments, offered by Senator McGovern, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to repeal Chapter IIA, comprising sections 2283 to 2290, inclusive, of Title V of Part III of the Political Code, and to repeal an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927, and to add a new Chapter IIA, comprising sections 2283 to 2283.70, inclusive, to Title V of Part III of the Political Code, relating to aid to children."

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and strike out page 2, and insert in lieu thereof the following:

"SECTION 1. Chapter IIA, comprising sections 2283 to 2290, inclusive, of Title V of Part III of the Political Code, is hereby repealed.

SEC. 2. The act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1937, is hereby repealed.

SEC. 3. Chapter IIA, comprising sections 2283 to 2283.70, inclusive, is hereby added to Title V of Part III of the Political Code, to read as follows:

**CHAPTER IIA. NEEDY CHILDREN.****Article I. General Provisions.**

2283. As used in this chapter, "needy children" means the following needy minor persons: orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation.

2283.1. As used in this chapter the following terms have the meaning herein set forth:

(a) "Aid" means financial assistance and support granted under the provisions of this chapter.

(b) An "abandoned child" means one who has been abandoned by both parents for a period of one year and the whereabouts of his parents is unknown; or who has been declared "abandoned" by finding of a court.

(c) A "dependent illegitimate" child means a child whose paternity is unknown or can not be established.

(d) A "foundling" means a child deserted by both parents without means of identification.

2283.2. Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this chapter, to take charge of any child over the objection of either of the parents of such child, or of the person standing in the place of a parent to such child, except pursuant to a proper court order.

2283.3. As used in this chapter "county" includes city and county."

**Article II. State and County Aid.**

2283.10. There is hereby appropriated out of any money in the State treasury not otherwise appropriated to each institution in this State conducted for the support and maintenance of needy children and to each county maintaining such needy children, aid not in excess of the following sums:

(a) For each needy child to whom aid is given under section 2283.21 of this code, the sum of one hundred eighty dollars per annum.

(b) For each needy child who has residence in the State as defined by section 2283.25 and residence in the county as defined by section 2283.26 of this code, the sum of one hundred twenty dollars per annum.

(c) For each needy child who has residence in the State as defined by section 2283.25 of this code, but who does not have the county residence defined by section 2283.26, the sum of two hundred forty dollars per annum.



228111. If for any child who has county assistance support is necessary in addition to the amount appropriated by the State, the county shall pay for such support the sum of one hundred twenty dollars per annum, or so much thereof as is necessary for the complete care of the child.

Any county may pay from its own funds additional sums for the care of any needy child.

228112. Every county shall grant aid to any child living therein at the time of his application who does not have resources in any county as defined by section 228120 of this code, but who is otherwise eligible therefor, in any case not included up to the amount of one hundred twenty dollars per annum. The State shall reimburse the county the full amount of the aid granted to such children.

#### ARTICLE III. PERSONS ELIGIBLE.

228120. The provisions of this chapter for the support of needy children apply to and include children of a parent who is committed to a State or Federal hospital or who has been deprived of any rights by reason of commitment to any prison, whether of this or any other State or of the United States, and leprose and dependent illegitimate infants who are or have become dependent upon any institution or society, without regard to the time in which such infants have been dependent on such institutions or society.

228121. For every abandoned infant or foundling and for every dependent illegitimate infant who has been institutionalized for adoption, who is an abandoned dependent upon such institution or society there shall be paid by the State the sum of fifteen dollars per month from the time it becomes dependent upon such institution or society until its discharge, or until it is adopted or reaches the age of two years, after which age such institution or society shall receive the same sum for such infants as for orphans.

228122. No child under the age of eighteen years is a needy child within the meaning of this chapter.

228123. No child for whom specific support there is paid the sum of twenty-five dollars or more per month, under these rules the provisions of this chapter, is a needy child within the meaning of this chapter.

228124. No child institutionalized in an institution for whom a bona fide offer of a parent home has been made in writing for further care, but no institution shall be required to surrender a child to any person or religious body different from that of the child or the parents of the child.

228125. No child is eligible to receive aid unless he has residence in the State.

For the purposes of this chapter a child has residence in the State if he has been physically present in the State for one year immediately preceding the date of application or if his parent or parents have resided in the State for the period of one year immediately preceding the date of application, or if he is born in the State.

228126. Except as provided in section 228122, no child is eligible to receive the aid provided for in section 228121 unless he has had residence in the county in which application is made for the period of one year immediately preceding the date of application.

For the purposes of this chapter, the county residence of the child shall be determined in accordance with the following rules:

(a) The residence of the father determines that of the child during the lifetime of the father, unless the father has abandoned the child, has been legally deprived of his custody, or is in a living separate and apart from his wife; in the latter case the residence of the child is determined by that of the parent who has his custody.

(b) If the child's residence is not determined under subdivision (a) hereof, then the residence of the mother determines that of the child unless the mother has abandoned the child or has been legally deprived of his custody. The residence of the husband shall not be deemed the residence of the wife if they are living separate and apart and in such case each may have a separate residence dependent upon proof of the fact and not upon legal presumptions. The residence of the parent having custody of the child determines his residence.

(c) If the residence of the child is not determined under subdivisions (a) or (b) hereof, then the residence of any individual to whom his custody has been legally awarded and who has taken charge of the child with the intention of giving him a permanent home determines his residence.

(d) If the residence of the child is not determined under the provisions of subdivisions (a) or (b) or (c) hereof, his residence, if he is an orphan, is that of the last deceased parent who had his legal custody.

(e) If the child has been temporarily removed from the custody and control of his parents, his residence is the residence of the parent who last had his legal custody.

(f) If the child has been declared permanently free from the custody and control of his parents, his residence is the county in which the court order was issued.



2283.27. Any child qualifying for and receiving aid from any county, who removes to another county of the State, shall be entitled to aid after one year's residence in the county to which he has removed. The removal from one county to another county in this State of any child receiving aid shall not work a forfeiture during such one year period of the aid previously awarded. The county to which such child has removed shall provide necessary medical or hospital care, or both, during the one year period of establishment of residence under this section. Except in emergency cases the county providing such medical and hospital care shall give immediate notice to the county granting the aid. The county granting the aid shall within thirty days of receipt of notice, accede to the plan of the county to which the child has removed or provide an adequate substitute plan. If such county fails so to do within thirty days the county offering such medical and hospital care may proceed, and it may demand payment for such care from the county granting the aid. The costs of such care shall be a proper charge upon the county from which the child has removed.

2283.28. In case of a dispute between counties as to the responsibility for the support of a needy child, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be binding on the counties.

#### Article IV. Administration and Procedure.

2283.50. Except as provided in section 2283.57 of this code, application for aid in behalf of any child shall be made to the county in which the child has residence as defined in section 2283.26 of this code or if the child has not such residence in any county, but is otherwise eligible, his application may be made through the county in which he is at the time of application. The county shall promptly investigate all applications in the manner and on forms prescribed by the State Department of Social Welfare. The county shall approve or deny such application.

2283.51. If and is denied, modified, canceled or not granted within a reasonable time, the applicant or recipient shall have the right of appeal upon filing a petition with the State Department of Social Welfare, and shall be accorded an opportunity for a fair hearing. The head of the Division of Aid to Needy Children of the State Department of Social Welfare shall set the appeal for hearing before the State Social Welfare Board and shall give all parties concerned reasonable notice of the time and place of the hearing. At the hearing, the applicant or recipient may appear in person, by counsel of his own choosing, or in person and by such counsel. The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county shall then pay for the needy child the sum, if any, awarded by the State Social Welfare Board. The decision of the board shall be binding upon the county.

2283.52. If the application is granted by the county in the calendar month in which it was signed, payment of aid shall commence as of the date the application was signed; but if the application is granted by the county in a subsequent month, payment shall be commenced as of the first day of the month in which the application is granted. Thereafter all payments shall be made monthly in advance by warrant of the county.

2283.53. During such time as grants in aid are made available by the United States Government for aid to dependent children in this State, and accepted by this State, the State Treasurer, shall, from the sums so granted, pay to each county (a) an amount which shall be used exclusively as aid to dependent children, equal to that proportion specified by the United States Government in so granting or making the sums available, not counting so much of such expenditure with respect to any child for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (b) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

2283.54. From the sums appropriated in section 2283.10 of this code, the State Treasurer shall pay to the county, for each child to whom aid is given under the provisions of this chapter, an amount equal to the amount appropriated therefor in section 2283.10, less an amount which shall bear such proportion to the amount paid by the State Treasurer under the provision of subdivision (a) of section 2283.53 for any such child, as the amount appropriated in section 2283.10 bears to the total amount of aid given to the child.

2283.55. The method of computing and paying the amount provided for in sections 2283.10, 2283.53 and 2283.54, for each quarter, shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of sections 2283.10, 2283.53 and 2283.54. This estimate shall

be based on a report which shall be filed by each county containing: (1) the names of the social agencies to be recognized in such counties in conformity with the provisions of this chapter, and setting the amount appropriated or made available for the support of such agencies; (2) such other data as may be required, showing the number of needy children receiving aid under the provisions of this chapter in the county, and (3) such other information and investigations as the State Department of Social Welfare deems necessary.

2281.05 The State Department of Social Welfare shall also certify to the State Controller the amount to be received by it, reduced as hereinafter provided, as the same may be, by any sums by which it finds that its estimate for any given quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except in the event that more was paid than should be made the amount received for any given quarter, in which case it may then the amount estimated by the State Department of Social Welfare for such other quarter.

2281.06 The State Controller shall disburse from the treasury of the State, and prior to the end of the month in the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

2281.07 Reports of aid to needy children paid out under this chapter shall be presented by the respective counties to the State Department of Social Welfare, and the State Department of Social Welfare and the State Controller shall file with aid to the county accounts, shall be allowed in such counties as a credit to their general accounts, under other accounts, (1) in section 2281.08.

2281.07 A condition precedent to any aid to needy children shall be that the State Department of Social Welfare has and has the right to make the same, and the condition is that for a child who is not within the provisions of section 2281.01 or that such child is not a child who is not a child of the State, that the child does not have a child who is not a child of the State, (2) in section 2281.08.

2281.08 In the application of aid to any institution and is provided by the State Department of Social Welfare in the month in which it was received, payment of aid shall commence on the day the application was signed, but if the application is filed by an institution and is provided by the State Department of Social Welfare in a subsequent month, payment shall be commenced on the first day of the month in which the application is delivered to the State Department of Social Welfare in the month in which it is received, except where payments are made under the provisions of section 2281.01 of this code. In the event that payments of aid are made on the day of application. An institution or county which receives aid under this chapter shall be a condition precedent to the payment of aid to the State Department of Social Welfare.

2281.09 A child for aid to needy children is a condition precedent to the payment of aid to any child to receive aid, shall be provided by the institutions of that aid in the State Department of Social Welfare. Such child shall be a condition precedent to the payment of aid to the State Department of Social Welfare and the State Controller. When and if the county receives the State Controller shall draw the amount warrant for the amount of aid to be paid to the institution, and the State Treasurer, on presentation, shall pay the same from the sums appropriated in section 2281.10. No money appropriated by the State to any institution, school, and other such agency shall be expended either in the institution or in the payment of any child to any institution.

2281.10 The State Department of Social Welfare shall: (a) make rules and regulations for the proper management and care of needy children; (b) make rules and regulations for the management of any needy children; (c) inquire, at any time, into the management of any institution receiving aid under the provisions of this chapter, or into the management of any county, of aid to needy children. Such rules and regulations shall be binding upon the institutions and counties.

If compliance by an institution or county with the provisions of this chapter and the rules and regulations of the State Department of Social Welfare can not be enforced in any other manner, the institution or county refusing to comply with such provisions, rules and regulations or to permit the inquiry provided for in this section shall not thereby receive aid under the provisions of this chapter until it has complied with all such provisions, rules and regulations and has permitted the inquiry by the State Department of Social Welfare, if such inquiry is demanded.

2281.11 The State Department of Social Welfare shall make such reports, in such form and containing such information, as the Federal Social Security Board from time to time requires, and shall comply with such provisions as the board from time to time finds necessary to assure correctness and verification of such reports.

**Article V. Transportation of Needy Children.**

2283.70. A county may transport needy children to proper homes without the State, when such homes are offered, and the State shall pay one-half of the total expense necessarily incurred in effecting such transportation.

SEC. 4. This act shall become effective on the first day of the month next succeeding the ninetieth day after the final adjournment of the Fifty-second Legislature of California.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2375**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 13, 20 and 22½ thereof and by adding thereto new sections numbered 6½, 6.8, 6.9, and 9.8, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also providing that the California Toll Bridge Authority may enter into indentures or agreements containing provisions for the amount, form, maturities, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded, and refunded, sinking funds, minimum reserve requirements, and the appointment of a trustee to represent the holders of such bonds, and providing that all benefits or obligations pertaining to any bonds issued under said act shall inure to and continue for the benefit of any additional or funding or refunding bonds issued thereunder; also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes; also providing for the acquisition in eminent domain of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and rights of way and for the lease, sale, exchange or other disposition of any property or interest therein not necessary for the purposes of any such bridge; and providing that this act become effective immediately.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2375, the following amendment, offered by Senator Knowland, was read and adopted:

**Amendment No. 1.**

"of the printed bill, as amended, strike out lines 37 to 42, inclusive, and insert in lieu thereof the following:

"In the event that the Department of Public Works determines that it is for the best interests of the public highways in the State that a toll bridge or bridges or other highway crossing be acquired by negotiation and purchase or through eminent domain, and operated by the State, said department shall submit its recommendation to that effect to the California Toll Bridge Authority, together with preliminary estimates of the cost of such acquisition and a preliminary estimate of the amount required to be raised for such purpose by the issuance of revenue bonds, and a preliminary estimate of the toll charges necessary to pay, in addition to all operating and maintenance expenses, the interest and redemption of the revenue bonds proposed to be issued. If a majority of the members of the California Toll Bridge Authority concur in the recommendation of the Department of Public Works, the Author—"

Bill read, ordered to print, and on file for third reading.



**Assembly Bill No. 1295**—An act to regulate the trading in and clearing of rugs and floor coverings, providing for the licensing of persons subject to the provisions of the act and providing for the enforcement of the act by the Department of Professional and Vocational Standards.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 1295, the following amendments, offered by Senator Nielsen, were read and adopted:

**Amendment No. 1.**

On page 4, line 18, of the printed bill, after the word "after the word 'license'", strike out and delete and the following words "and to delegate powers and duties, and to combine."

**Amendment No. 2.**

On page 3 of the printed bill, strike out all of line 49.

**Amendment No. 3.**

On page 3, line 50, of the printed bill, strike out the words "such manner as is necessary."

**Amendment No. 4.**

On page 4, line 1, of the printed bill, strike out the word "He", and insert in lieu thereof the words "The licensee."

**Amendment No. 5.**

On page 8, line 7, of the printed bill, strike out the period, and insert the following: "; and such funds drawn from the corpus fund as may be required shall be used to defray the expenses of administering the provisions of the act."

**Amendment No. 6.**

On page 1, line 1 of the title of the printed bill, after the word "to", insert the word "used."

**Amendment No. 7.**

On page 8, line 27, of the printed bill, after the word "license", insert "used."

**Amendment No. 8.**

On page 8, line 40, of the printed bill, after the word "provided", insert the following: "Charitable institutions shall not be subject to license under this act."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2859**—An act to amend sections 303, 304 and 312 of the Civil Code relating to directors of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2859 passed by the following vote:

**AYES**—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Shores, Sving, Thiele, Wenz, Westover, Williams, and Young—32.

**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 2859 ordered transmitted to the Assembly.

**Assembly Bill No. 1721**—An act relating to the sale, disposition of, and control through licensing and otherwise, of prophylactics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1721 passed by the following vote:

**AYES**—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hollister, Jespersen, Keating, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn,



Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1721 ordered transmitted to the Assembly.

**Assembly Bill No. 1258**—An act to amend section 1678 of the Business and Professions Code, relating to the suspension and revocation of dental licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1258 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1258 ordered transmitted to the Assembly.

**Assembly Bill No. 1260**—An act to amend sections 1626 and 1635 of the Business and Professions Code, relating to the practice of dentistry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1260 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1260 ordered transmitted to the Assembly.

**Assembly Bill No. 1251**—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of bottles and containers used for foods, drugs and liquors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1251 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride,

McGovern, Mixer, Nelson, Olson, Peterson, Phillips, Pritchard, Powers, Quinn, Rich, Schuetzky, Seawell, Slater, Stator, Swigg, Tickle, Wagg, Westover, and Young—11.  
None—None.

Title read and approved.

Assembly Bill No. 1251 ordered transmitted to the Assembly.

**Assembly Bill No. 1253**—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 16, and 31 of, and to add section 64 to, an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs, and devices, and to the powers of the State Board of Public Health in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1253 passed by the following vote:

Ayes—Senators Allen, Bagley, Cunningham, DeLong, Dixon, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Johnston, Keith, Knott, Lusk, McBride, McCull, McGowan, Mixer, Nelson, Olson, Peterson, Phillips, Powers, Quinn, Rich, Schuetzky, Seawell, Slater, Swigg, Tickle, Wagg, Westover, and Young—31.  
None—None.

Title read and approved.

Assembly Bill No. 1252 ordered transmitted to the Assembly.

**Assembly Bill No. 1259**—An act to amend section 1748 of the Business and Professions Code, relating to dental hygienists.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1259 passed by the following vote:

Ayes—Senators Allen, Bagley, Cunningham, DeLong, Dixon, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Johnston, Keith, Knott, Lusk, McBride, McCull, McGowan, Mixer, Nelson, Olson, Peterson, Phillips, Powers, Quinn, Rich, Schuetzky, Seawell, Slater, Swigg, Tickle, Wagg, Westover, and Young—31.  
None—None.

Title read and approved.

Assembly Bill No. 1250 ordered transmitted to the Assembly.

**Assembly Bill No. 691**—An act to amend section 80 of the Agricultural Code, relating to agricultural districts.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 691, the following amendments, offered by Senator Nelson, were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the printed bill, strike out "amend section 80 of," and insert in lieu thereof the following: "add section 80.6 to"

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 28, inclusive, and on page 2, strike out lines 1 to 46, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 80.6 is hereby added to the Agricultural Code to read as follows:

80.6. The county of Sacramento constitutes Agricultural District 40a."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1899**—An act to add sections 154.1 to 154.6, inclusive, to the Agricultural Code, relating to the control of weed pests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1899 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1899 ordered transmitted to the Assembly.

**Assembly Bill No. 2792**—An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2792 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2792 ordered transmitted to the Assembly.

**Assembly Bill No. 395**—An act to amend section 537e of the Penal Code, relating to the purchase or sale of manufactured articles from which identification marks have been removed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McGovern, Metzger, Mixter, Nielsen, Olson, Quinn, Rich, Schottky, Swing, Wagy, Westover, and Young—28.

NOES—Senators Parkman, Slater, Tickle, and Williams—4.

Title read and approved.

Assembly Bill No. 395 ordered transmitted to the Assembly.

Assistant Secretary Howard McIntire at the Desk.

**Assembly Bill No. 479**—An act to amend sections 1281a, 1305, and 1310 of the Penal Code and to add a new section to that code to be numbered 1280c, all relating to the powers and duties of a court, judge, or magistrate regarding bail.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 479 passed by the following vote:

AYES—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Haglund, Hays, Holloman, Holloman, Johnson, Kneeling, Knowlton, Law, McBrink, McCall, McGowan, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schaefer, Seawell, Senter, Strong, Wade, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 479 ordered transmitted to the Assembly.

**Assembly Bill No. 34**—An act to amend section 737 of the Penal Code, relating to affidavits issued to apprehend.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 34 passed by the following vote:

AYES—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Haglund, Holloman, Johnson, Kneeling, Law, McBrink, McCall, McGowan, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schaefer, Seawell, Senter, Strong, Wade, Westover, Williams, and Young—33.  
 NOES—None.

Title read and approved.

Assembly Bill No. 34 ordered transmitted to the Assembly.

**Assembly Bill No. 808**—An act to amend sections 105 and 107 of the Civil Code, relating to decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 passed by the following vote:

AYES—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Johnson, Kneeling, Law, McBrink, McCall, Metzger, Quinn, Parkman, Phillips, Powers, Quinn, Rich, Schaefer, Senter, Strong, Wade, Westover, Williams, and Young—33.  
 NOES—Senators Gordon, and Kneeling—2.

Title read and approved.

Assembly Bill No. 808 ordered transmitted to the Assembly.

**Assembly Bill No. 2025**—An act to repeal section 3819a of the Political Code and to add a new section 3819a thereto, relating to redemption of property from tax sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2025 passed by the following vote:

AYES—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Johnson, Kneeling, Knowlton, Law, McBrink, McCall, McGowan, Metzger, Nelson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schaefer, Seawell, Senter, Strong, Wade, Wade, Westover, Williams, and Young—36.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 2025 ordered transmitted to the Assembly.



**Assembly Bill No. 88**—An act to amend section 1600 of the Welfare and Institutions Code, relating to orphaned and abandoned children.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 88, the following amendment, offered by Senator Hays, was read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend", and insert in lieu thereof the following: "repeal".

**Consideration of Assembly Bill No. 88, as Amended.**

**Assembly Bill No. 88**—An act to repeal section 1600 of the Welfare and Institutions Code, relating to orphaned and abandoned children.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 88 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

**NOES**—None.

Title read and approved, as amended.

Assembly Bill No. 88 ordered transmitted to the Assembly.

**Assembly Bill No. 89**—An act to repeal an act entitled "An act in relation to the care of orphans and abandoned children," approved March 7, 1874, relating to minor orphans and abandoned children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES**—None.

Title read and approved.

Assembly Bill No. 89 ordered transmitted to the Assembly.

**Assembly Bill No. 2893**—An act remising, releasing and quitclaiming to the Regents of the University of California certain real property in the county of Humboldt.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2893 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2893 ordered transmitted to the Assembly.

**Assembly Bill No. 81**—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 passed by the following vote:

**AYES**—Senators Allen, Binger, Crittenden, Cunningham, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holsman, Jaspersen, Keating, Knowland, Law, McGill, McGovern, Morgan, Milton, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rish, Schucka, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
**NOES**—Senator Garrison—1.

Title read and approved.

Assembly Bill No. 81 ordered transmitted to the Assembly.

**Assembly Bill No. 1085**—An act to amend section 7 of the Direct Primary Law, relating to filing fees of candidates at primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 passed by the following vote:

**AYES**—Senators Allen, Binger, Crittenden, Cunningham, DeLap, Donel, Fletcher, Gordon, Hays, Hollister, Holsman, Jaspersen, Keating, Knowland, Law, McRide, McGill, McGovern, Morgan, Milton, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Rish, Schucka, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.  
**NOES**—Senator Garrison—1.

Title read and approved.

Assembly Bill No. 1084 ordered transmitted to the Assembly.

**Assembly Bill No. 2895**—An act to add section 25.5 to, and to amend sections 6, 10, 11, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 45, 51, 52, 62, 95, 97 and 101 of an act entitled "An act to establish a system of unemployment reserves for this State and making appropriation therefor," approved June 23, 1933, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2895 passed by the following vote:

**AYES**—Senators Allen, Binger, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holsman, Jaspersen, Keating, Knowland, Law, McRide, McGill, McGovern, Morgan, Milton, Nelson, Olson, Parkman, Phillips, Ploverich, Powers, Quinn, Rish, Schucka, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 2895 ordered transmitted to the Assembly.

**Assembly Bill No. 1484**—An act to amend section 978 of the Code of Civil Procedure, respecting appeal bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1484 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holsman, Jaspersen, Keating, Knowland, Law,

McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1484 ordered transmitted to the Assembly.

**Assembly Bill No. 1479**—An act to amend section 981a of the Code of Civil Procedure, respecting dismissal of appeals from justice court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1479 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1479 ordered transmitted to the Assembly.

**Assembly Bill No. 1480**—An act to amend section 976 of the Code of Civil Procedure, respecting appeal on questions of fact, or law and fact.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1480 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1480 ordered transmitted to the Assembly.

**Assembly Bill No. 1481**—An act to amend section 975 of the Code of Civil Procedure, respecting appeals from justice's or police courts on questions of law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1481 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1481 ordered transmitted to the Assembly.

**Assembly Bill No. 1482**—An act to amend section 981 of the Code of Civil Procedure, respecting filing fee on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1482 passed by the following vote:

**AYES.**—Senators Allen, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Houston, Johnson, Keating, Knowland, Law, McBride, McColl, McGowan, Morgan, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schaffky, Seawell, Sinter, Swain, Tuckle, Waggy, Westover, and Young—35.

**NOES.**—None.

Title read and approved.

Assembly Bill No. 1482 ordered transmitted to the Assembly.

**Assembly Bill No. 1483.**—An act to amend section 280 of the Code of Civil Procedure, respecting powers of superior court on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1483 passed by the following vote:

**AYES.**—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Houston, Johnson, Keating, Knowland, Law, McColl, McGowan, Morgan, Nelson, Quinn, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schaffky, Seawell, Sinter, Swain, Tuckle, Waggy, and Westover—34.

**NOES.**—None.

Title read and approved.

Assembly Bill No. 1483 ordered transmitted to the Assembly.

**Assembly Bill No. 2841.**—An act to amend sections 4 and 8 of an act entitled "An act to provide for the organization and government of public education districts," approved July 11, 1931, relating to the creation and operation of certain districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2841 passed by the following vote:

**AYES.**—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Houston, Johnson, Keating, Knowland, Law, McColl, McGowan, Morgan, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schaffky, Seawell, Sinter, Swain, Tuckle, Waggy, and Westover—35.

**NOES.**—Senator Keating—1.

Title read and approved.

Assembly Bill No. 2841 ordered transmitted to the Assembly.

**Assembly Bill No. 685.**—An act to amend section 942 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 685 passed by the following vote:

**AYES.**—Senators Allen, Bigger, Cavanaugh, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Knowland, Law, McBride, McColl, McGowan, Morgan, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schaffky, Seawell, Sinter, Swain, Tuckle, Waggy, and Westover—33.

**NOES.**—None.

Title read and approved.

Assembly Bill No. 685 ordered transmitted to the Assembly.



**Assembly Bill No. 1642**—An act to amend the Political Code by adding thereto a new section, to be numbered 4041n, relating to the leasing of public parks acquired by special assessment, for the production of oil and gas and for the application of royalty payments to the retirement of bonds issued to acquire such parks and for the other disposition of such royalty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1642 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagyl, and Westover—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1642 ordered transmitted to the Assembly.

**Assembly Bill No. 1658**—An act to add a new section to the School Code to be numbered 4.353, relating to the manner of disbursing funds of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1658 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagyl, and Westover—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1658 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Hays:

*Resolved*, That Senate Bill No. 1165 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Williams—34.

**NOES**—None.

### Second Reading of Senate Bill No. 1165—(Out of Order).

**Senate Bill No. 1165**—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

## Consideration of Senate Bill No. 1165

Senator Bush asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1165, without reference to the Committee on Finance for purpose of passage.

## Third Reading of Senate Bill No. 1165

**Senate Bill No. 1165**—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Bill read third time.

## Permission to Vote on Senate Bill No. 1165

The question being, Shall the Senate grant permission to vote on Senate Bill No. 1165?

The roll was called, and permission granted by the following vote:

**AYES:** Senators Allen, Brown, Cameron, Cunningham, DeLoe, Ford, Fletcher, Gervais, Gillies, Hays, Housman, Hovenden, Jernegan, Keating, Keough, Knowland, Low, McBride, McLeod, McMillan, Munro, Myers, Quinn, Oliver, Paskow, Phillips, Pomeroy, Quinn, Quinn, Smith, Schiller, Schuch, Smith, Smith, Smith, Tuck, Wagg, Westcott, and Williams—47.

**NOTES:** None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1165 passed by the following vote:

**AYES:** Senators Allen, Brown, Cameron, Cunningham, DeLoe, Ford, Fletcher, Gervais, Gillies, Hays, Housman, Hovenden, Jernegan, Keating, Keough, Knowland, Low, McBride, McLeod, McMillan, Munro, Myers, Quinn, Oliver, Paskow, Phillips, Pomeroy, Quinn, Quinn, Smith, Schiller, Schuch, Smith, Smith, Smith, Tuck, Wagg, Westcott, and Williams—47.

**NOTES:** Senate Clerk—1.

Title read and approved.

Senate Bill No. 1165 ordered transmitted to the Assembly.

## Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Concurrent Resolution No. 48** by Senator Phillips: Relative to the duties of the California Commission on Intergovernmental Cooperation.

## Consideration of Senate Concurrent Resolution No. 48

Senator Phillips asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 48, without reference to committee, joint, or for purpose of adoption.

## Senate Concurrent Resolution No. 48.

Relative to the duties of the California Commission on Intergovernmental Cooperation.

**WHEREAS** The California Commission on Intergovernmental Cooperation has been proposed to be created by Senate Bill No. 664; and

**WHEREAS** Said commission is to serve without compensation; and

**WHEREAS** It is necessary and desirable that said commission be given further power to investigate the laws of this State as well as to cooperate with other States in the interchange of legislative information; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring: That the California Commission on Intergovernmental Cooperation be and it hereby is empowered

(a) To gather information and conduct investigations as to any matter concerning which the commission considers information is or will be required by the Legis-

lature, or as to any matter the investigation of which is referred to the commission by the Legislature of this State or either house thereof.

(b) To prepare or cause to be prepared such legislative measures as appear to be appropriate;

(c) To investigate and study the possibilities of reforming the system of local government with a view to simplifying the organization thereof;

(d) To render such reports as it considers desirable to the Governor and to the Legislature; and be it further

*Resolved*, That each State department, board, bureau or other agency be and they are hereby directed to cooperate with the California Commission on Intergovernmental Cooperation to the fullest extent compatible with the execution of the duties otherwise imposed upon them; and be it further

*Resolved*, That the California Code Commission and the Legislative Counsel be and they are hereby directed to furnish the commission with such legal, clerical, and other assistance as may be necessary fully to accomplish the purposes for which said commission is created.

Resolution read.

#### Recommendation by Presiding Officer.

*To the Members of the Senate:*

In accordance with the provisions of Joint Rule No. 24, I hereby recommend that the Senate grant permission to vote upon Senate Concurrent Resolution No. 48.

GEORGE J. HATFIELD,

President of the Senate.

#### Permission to Vote on Senate Concurrent Resolution No. 48.

The question being: Shall the Senate grant permission to vote on Senate Concurrent Resolution No. 48?

The roll was called, and permission granted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deard, Fletcher, Garrison, Gordon, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Senate Concurrent Resolution No. 48 ordered referred to Committee on Rules.

#### Resolution.

The following resolution was offered:

By Senator Phillips:

Senate Resolution, relative to Summary Digest and Subject List of 1937 Legislation.

*Resolved by the Senate of the State of California*, That the Legislative Counsel is hereby directed to prepare a Summary Digest of all statutes enacted at the fifty-second session of the Legislature of the State of California, and also a Subject List of all bills, constitutional amendments, and resolutions introduced in both houses of the Legislature; and be it further

*Resolved*, That copies of said Subject List be mailed to the members of the Legislature as soon as possible after adjournment sine die, and that copies of said Summary Digest be mailed to the members of the Legislature as soon as possible after the "bill signing period"; and be it further

*Resolved*, That the Secretary of the Senate is hereby instructed to cause to be printed such number of copies as he considers desirable of the Summary Digest and of the Subject List, the cost thereof to be paid from the legislative printing appropriation.

Resolution read, and on motion of Senator Phillips, adopted.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 33—An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define





Senate Bill No. 412—An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty third and fiftieth classes;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 424—An act to add two new sections to the School Code to be numbered 4.194 and 4.252, relating to instruction in the public schools;

Senate Bill No. 436—An act to amend section 120 of the Agricultural Code, relating to nursery licenses;

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12928.6, 12956, and 12957 thereto, all relating to insurance;

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1677.1, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance;

Senate Bill No. 458—An act to amend sections 1390, 1931, 1932, and 1399 of the Insurance Code, and to repeal an act entitled "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved December 24, 1911, relating to insurance;

Senate Bill No. 461—An act to amend sections 1640 and 1830 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, all relating to insurance;

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060, 11061, and 12974 of the Insurance Code, and to add section 500.5 thereto, all relating to insurance, and declaring the urgency thereof, the act to take effect immediately;

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance;

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, and 363.2 thereto, relating to live stock marks and brands;

Senate Bill No. 544—An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e and 7f to an act entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, relating to the leasing of State lands;

Senate Bill No. 553—An act to amend section 9 of, and to add section 9a to, an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, providing for the taking of gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams, and providing for the extraction of minerals other than oil and gas from lands owned by the State which are used for park purposes;

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities;

Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district;

Senate Bill No. 571. As set forth in Article 1 of Part III of Division IV of the School Code to be known as Article IVa, relating to the loss or destruction of resources or funds of school districts.

Secrets: E.O. No. 10454, as set in revised version 10442 of the National Code, relating to the non-employment, transportation, and physical rehabilitation of physically defective and handicapped persons.

**Example 1 (a)**—An individual is a member of the Product Circle, relating to a particular product, and is entitled to a discount on purchases.

Figure 10. The site is located within 10% of the 5000 ft. contour, placing it within the 100-year return period.

<sup>10</sup> Section 101, Title 580—An act to amend section 10 of the "Inheritance Tax Act of 1907," relating to inheritance tax and more particularly to the time of payment to the State. Transferred to Inheritance taxes followed by the words "inheritance and interest taxes."

Source: P.O. No. 10. Act no. 128 passed 6/21/1910, Page Twelve Act, relating to four lands stations, and providing for the redemption of said section 6.

[illegible]

Source: Box N. 100. A letter to Daniel and his Chapter 5, concerning sections 11910 to 11915, minutes of Board of Directors of Limestone Club, relating to Daniel's membership's resignation from membership.

<sup>1</sup> Senate Bill No. 10715. An act to amend sections 1 and 10 of an act entitled "An act to provide for the transportation, maintenance and construction of highways and bridges, authorizing said highway to have limited tolling for the regulation and construction of roads and bridges, and to have toll rates fixed to pay the principal and interest thereon," approved May 31, 1931, as amended, relating to amended toll rates." (S.B. 10715)

[illegible]

Section 1911, No. 114. As an exhibit on application to be awarded by the Department of Public Works for the purpose of removing and installing certain units of power at the plant owned and operated by the State of California and San Joaquin Drainage District, the amount due in Chapter 774, Statutes of 1927, is awarded.

Senate Bill No. 1244. Amended. 1954. To amend sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, providing for the inclusion of those for the representation of all living as well as dead persons.

Senate Bill No. 942. An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products; And respectfully requests your honorable body to concur in said amendments.

JAMES C. SMYTH, Chief Clerk of Assembly  
By H. ARTHUR DANIELS, Assistant Clerk

The above reported Senate bills ordered placed on the unfinished business file.

### Re-reference of Assembly Bills Nos. 258 and 259.

Senator Swing moved that Assembly Bills Nos. 258 and 259 be referred to Committee on Judiciary.

Motion carried, and such was the order.

### Re-reference of Assembly Bill No. 1635.

Senator Young moved that Assembly Bill No. 1635 be re-referred to Committee on Revision of Criminal Law and Procedure.

Motion carried, and such was the order.

### Notice of Motion to Reconsider.

Senator Allen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 808 was passed.

### Withdrawal and Re-reference of Assembly Bill No. 253.

Senator Nielsen moved that Assembly Bill No. 253 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Finance.

Motion carried, and such was the order.

### Withdrawal and Re-reference of Assembly Bill No. 1065.

Senator Olson moved that Assembly Bill No. 1065 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Labor and Capital.

Motion carried, and such was the order.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

The names of the absentees were called, and Assembly Bill No. 2853 passed by the following vote:

**AYES**—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—38.

**NOES**—Senator Olson—1.

Title read and approved.

Assembly Bill No. 2853 ordered transmitted to the Assembly.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1821**—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1821, the following amendments, offered by Senator Pierovich, were read and adopted:

#### Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "five".

#### Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 4 to 13, inclusive, and insert in lieu thereof the following: "expire as follows: One member, January 15, 1938; one member, January 15, 1939; one member, January 15, 1940; and two members, January 15, 1941; in the same order in which they have heretofore expired."

#### Amendment No. 3.

On page 2, line 20, of the printed bill, as amended, strike out "three thousand six", and insert in lieu thereof the following: "two thousand four".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2831**—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, of the State of California, consisting of retirement compensation and death benefits.

*Amendment from the Floor.*

During third reading of Assembly Bill No. 2831, the following amendment, offered by Senator Wilson, was read and adopted:

*Amendment No. 1.*

On page 4, line 14, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "or";

Bill read, ordered to print, and so filed for third reading.

**Assembly Bill No. 1754**—To and to create a Board of Examiners for Certification of Real Estate Appraisers and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, and the designation of certified public real estate valuator; and to provide the grade of penalty for violations of the provisions hereof.

*Amendment from the Floor.*

During third reading of Assembly Bill No. 1754, the following amendment, offered by Senator Phillips, was read and adopted:

*Amendment No. 1.*

On page 4, line 9, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "or";

Bill read, ordered to print, and so filed for third reading.

**Assembly Bill No. 464**—An act to amend within 1200 of the Probate Code, relating to mode of giving notice to certain parties, and subject not otherwise provided.

*Amendment from the Floor.*

During third reading of Assembly Bill No. 464, the following amendment, offered by Senator Schottky, was read and adopted:

*Amendment No. 1.*

On page 1, line 13, of the printed bill, strike out the words "or of", and insert in lieu thereof the words "and of";

Bill read, ordered to print, and so filed for third reading.

### Notice of Motion to Reconsider.

Senator Jaspersen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 982 was passed.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

THOMAS C. CASE, MAY 24, 1937

Senator J. C. Garrison, Modesto-Stanislaus County, Modesto, Calif.

DEAR SENATOR GARRISON: Please join in behalf of my family and myself in expressing to you and the Senate members of the State of California, our sincere and grateful thanks for the great record so beautifully expressed in behalf of our country, business and people. It will be a remembrance we will all cherish and a lasting tribute to the State Senate of 1937.

Sincerely your friend

GEO. H. SHANNEN



### Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

#### On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 24, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2250—An act to regulate sales and special sales of goods, wares and merchandise and to provide penalties for the violation thereof;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; noes—1.

HAYS, Chairman.

#### On County Government.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred:

Assembly Bill No. 2885—An act to amend section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GORDON, Chairman.

#### On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Assembly Joint Resolution No. 10—Relative to memorializing the Congress of the United States to designate Armistice Day as a holiday;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

QUINN, Chairman.

#### On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred:

Assembly Bill No. 2638—An act to add a new section 12a to an act entitled "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929, relating to dismissals and paroles of inmates in the California Institution for Women;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

HOLOHAN, Chairman.

#### On Public Morals.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Assembly Bill No. 549—An act to add section 13a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing;

Has had the same under consideration, and respectfully reports the same back, and recommends that the bill be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—7.

FLETCHER, Chairman.

Assembly Bill No. 549 ordered re-referred to Committee on Finance.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Assembly Bill No. 478—An act to amend section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917, relative to, and defining employees;



SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred: Assembly Bill No. 1828—An act to add section 1396.5 to the Labor Code, relating to the sale of goods made or manufactured with child labor; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

OLSON, Chairman.

### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1516—An act to add section 6.5 to, and amend section 7 of, and to repeal section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1114—An act to add Part 2, comprising Chapter 1, sections 4000 to 4083, inclusive, to Division V of the Welfare and Institutions Code, relating to aid for needy disabled persons;

Assembly Bill No. 2318—An act to amend sections 4 and 5, and to renumber and amend section 6 to be section 17 of an act entitled "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

Assembly Bill No. 2407—An act to amend section 4041.16 of the Political Code, or to amend section 202 of the Welfare and Institutions Code, relating to county care of indigents;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—2; absent—1.

WESTOVER, Chairman.

### On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1320—An act to add section 14.5 to the State Medical Practice Act, relating to unprofessional conduct;

Assembly Bill No. 2116—An act to add section 1873 to the Code of Civil Procedure, relating to blood grouping tests;

Assembly Bill No. 2140—An act to amend section 2 of an act entitled "An act to provide for the proper sanitary conditions of factories and workshops, and for the preservation of the health of employees," approved February 6, 1889, relating to sanitation of work places;

Assembly Bill No. 1981—An act to amend sections 4010, 4030, 4035, 4036, 4042 and 4044, to repeal section 4045 of, and to add section 4033.5 to, Chapter 9 in Division II of the Business and Professions Code, relating to the application of the chapter to persons, poisons and drugs;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

DELAP, Chairman.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred:

Assembly Bill No. 1265—An act to revise an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved

May 26, 1937

1900-1901

• 37 •

May 5, 1967, are presented regarding the quantity of sediments, molluscs and sponges, and bryozoan mats and number of fish burrows found.

According to the data of 1986, we used the following sections II, containing sections 1989 to 1997, sections of Division II of the Housman and Dickinson Code, and the only Chapter II containing sections 1998 to 1999, namely, in Division II of the Housman and Dickinson Code relating to the practice of veterinary medicine and surgery.

How had we done, were successful, and respectfully requests the same body with assistance and permission that the investigation be adopted, and that they be put in hand.

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[illegible]

### Adjournment

At eleven o'clock and forty seven minutes p.m., on motion of Senator Ruck, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, May 26, 1937.

LEWIS WORTH, IV, SCAMMON, Mining Clerk.

## IN SCIENCE

## References

— *Continued from p. 39* —

At ten o'clock and thirty minutes a. m. pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

## Roll Call

The roll was edited, and the following appeared in their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hale, Harlan, Hendon, Johnson, Kearney, Knapp, Knowlton, Lee, M. R. L., M. C. L., M. C. L., Miller, Mills, Nelson, Phelps, Phillips, Plummer, Pomeroy, Quinn, R. C. Smith, Samuel, Sargent, Sevier, Tule, Waggoner, Westover, Williams, and Young.

Quorum present

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kueber.

### Reading of the Journal.

During the reading of the Journal of Tuesday, May 25, 1937, the further reading was on motion of Senator Sater, dispersed with

### Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Junior Class of Laverne High School, as follows: Lois Mulgoney, Barbara Nissen, Jane E. Thornton, Dorothy Mack, Constance F. Mariso, Barbara Twohey, Rose Murray, Rita Fogar, Marian Jensen, Paul E. Dolan, Jr., Kenneth A. Burns, Thomas A. Crowley, Douglas A. Hamelle, Ralph Horrick, Robert Henry Woodward, Robert C. Leija, Carl E. Swanberg, E. Eugene Irvine, Vincent J. Frivola, and D. Verther Falconer, accompanied by Mrs. E. A. Burns, Mrs. H. A. Crowley, Mrs. C. W. Mack, and Mrs. P. E. Dolan.



On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. W. H. Augustus, Deputy County Clerk of San Mateo.

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. G. Chandler, Sheriff of Siskiyou County, of Yreka, and W. T. Davidson, Chairman of Board of Supervisors, of Fort Jones.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Shelby Higgins of Coronado.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Florence Gray of Sacramento.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. F. F. Truscott, and Mrs. P. A. Wilcox, of Los Angeles, Miss Phillis Wilcox of Glendale, and Mr. C. E. Tucker, Chief, Division of Weights and Measures.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his son, B. M. Crittenden, and his wife, Virginia Crittenden, and Mrs. B. S. Crittenden, and daughter Eudora.

### **Report of Standing Committee.**

The following report of standing committee was received and read :

#### **On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1165—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately; And reports that the same has been correctly engrossed.

KEOUGH, Chairman.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1594—An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by amending sections 1 and 3 thereof, relating to water conservation districts;

Assembly Bill No. 1674—An act to amend sections 1170, 1172, 1173, 1174, 1175, 1178, 1191, 1192, 1193 and 1196 of the Insurance Code and to add sections 1180, 1181, 1194.5 and 1194.7 thereto, all relating to investments by insurers;

Assembly Bill No. 1818—An act to amend sections 11 and 13 of, and to add section 12a to the Juvenile Court Law, or to amend sections 869, 880, 881, 882, and 883 of, and to add sections 868.10 and 884 to, the Welfare and Institutions Code, relating to juveniles;

Assembly Bill No. 1905—An act to amend section 146 of the Civil Code, relating to the disposition of community property upon the dissolution of marriages;

Assembly Bill No. 2132—An act to amend section 10, and to repeal section 9 of, and to add section 5.5 to, the "Funeral Directors and Embalmers Law," relating to the regulation of funeral directors and embalmers and the transportation of and traffic in dead human bodies, and to the State Board of Funeral Directors and Embalmers;



all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts." approved April 27, 1923, as amended, by amending sections 1 and 3 thereof, relating to water conservation districts;

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 60 Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 60.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 60, without reference to committee for purpose of adoption.

#### Assembly Concurrent Resolution No. 60.

Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That leave of absence from the State for a longer period than 60 days during their terms of office is hereby granted to his Excellency Frank F. Merriam, Governor of the State of California; to the Honorable George J. Hatfield, Lieutenant Governor of the State of California; and to the following members of the Senate and the Assembly of the fifty-second session of the Legislature of the State of California:

Senators James M. Allen, Geo. M. Biggar, Bradford S. Crittenden, R. R. Cunningham, T. H. Delap, Charles H. Denel, Ed Fletcher, J. C. Garrison, Frank L. Gordon, Ray W. Hays, J. James Hollister, James B. Holohan, Chris N. Jespersen, Thomas F. Keating, Karl P. Keough, William F. Knowland, Edward H. Law, James J. McBride, John B. McColl, Thomas McCormack, Walter McGovern, D. Jack Metzger, Frank W. Mixer, Roy J. Nelsen, Culbert L. Olson, Harry L. Parkman, John Phillips, A. L. Pierovich, Harold J. Powers, Irwin T. Quinn, W. P. Rich, Andrew R. Schottky, Jerrold L. Seawell, Herbert W. Slater, Ralph E. Swing, Edward H. Tickle, J. L. Waggy, Harry C. Westover, Dan E. Williams, and Sanborn Young.

Assemblymen Godfrey A. Andreas, Frank L. Baynham, Adron A. Beene, James J. Boyle, Arthur H. Breed, Jr., Hugh M. Burns, Michael J. Burns, Harrison W. Call, James M. Cassidy, John Gee Clark, Gordon W. Corwin, C. C. Cottrell, Melvyn I. Cronin, Ernest C. Crowley, Thomas J. Cunningham, Jennette E. Daley, Henry A. Dannerbrink, Kennett B. Dawson, Earl D. Desmond, Nelson S. Dilworth, Leon M. Donihue, Hugh P. Donnelly, C. Don Field, Gene Flint, Clinton J. Fulcher, Chester F. Gannon, James D. Garibaldi, Gordon H. Garland, Fred P. Glick, Wilbur F. Gilbert, Augustus F. Hawkins, S. L. Heisinger, Wm. B. Hornblower, Charles A. Hunt, Gardiner Johnson, William Moseley Jones, Gerald C. Kepple, Cecil R. King, Thomas H. Kuehel, E. V. Latham, Frank D. Laughlin, Jacob M. Leonard, Edgar C. Lacey, Elmer E. Lore, Charles W. Lyon, Thomas A. Maloney, Jesse M. Mayo, Frank G. Martin, Eleanor Miller, Patrick J. McMurray, Henry P. Meehan, George P. Miller, Seth Millington, Geoffrey Morgan, Fred P. Muldoon, John H. O'Donnell, Ellis E. Patterson, Paul Peek, John B. Pelletier, Jefferson E. Peyser, Fred Reeves, Kent H. Redwine, Paul A. Richie, Alfred W. Robertson, Ben Rosenthal, Harold F. Sawallisch, Hubert B. Seudder, Joseph Francis Sheehan, Charles W. Streun, Jack B. Tenney, James E. Thorpe, Rodney L. Turner, Ernest O. Voigt, Clarence R. Walker, Frank J. Waters, Clyde A. Watson, Charles M. Weber, Ralph Louis Welsh, Ray Williamson, and Samuel W. Yorty.

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and Assembly Concurrent Resolution No. 40 adopted by the following vote:

AYES: Messrs. Allen, Cortright, Cummings, Farnum, Hall, Hutton, Hurler, Johnson, Kallala, Kopp, Kuykendall, Lusk, McHenry, McCall, McConner, Morgan, Murray, Penland, Patten, Reed, Reuther, Sargent, Stone, Tracy, Van Matre, and Williams—32.  
 None: None.

Assembly Concurrent Resolution No. 40 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

AMENDED CAUTION, Sacramento, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 24, 1937, passed:

Senate Joint Resolution No. 14—Relating to recommending the President and the Congress of the United States to cause, July 11, 1937, seven members to represent California to represent with the members of the United States in the celebration of national independence and with the Secretary of Agriculture to participate in the ceremony to be held on July 4, 1937.

Senate Joint Resolution No. 15—Relating to recommending the United States President to cause a certain public square commemorating the founding of the State.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolution No. 14 and 15 ordered to enrollment.

AMENDED CAUTION, Sacramento, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 24, 1937, passed:

Senate Joint Resolution No. 16—Relating to recommending the President and the Congress of the United States to cause the State of California to be declared with the United States being members of the State of California.

And respectfully request your honorable body to cause to be transmitted to the President of the United States, California, Assistant Clerk.

Senate Joint Resolution No. 16 ordered to enrollment.

AMENDED CAUTION, Sacramento, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 24, 1937, passed:

Senate Bill No. 518—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing license.

Senate Bill No. 519—An act to amend section 241 and 282 of an act entitled "An act to amend, reorganize, amend and change in form and substitute a few departments and to create and define the same in form, for such purpose, and to create a board of law commissioners," approved March 4, 1935, as amended relating to the organization of governmental bodies and villages and other corporations thereof.

Senate Bill No. 520—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Senate Bill No. 521—An act to amend section 4 of an act entitled "An act to regulate the importation and exportation of wild birds and animals and providing a penalty for the violation of the provisions thereof," approved April 13, 1933, relating to certain birds and animals.

Senate Bill No. 522—An act to amend section 1197b of the Political Code, relating to initiative measures.

Senate Bill No. 523—An act to amend section 1197c of the Political Code, relating to initiative measures.

Senate Bill No. 524—An act relating section 1275-5 to the Fish and Game Code, relating to the possession of fish.

Senate Bill No. 525—An act to add a new section to be numbered 2593 to the Civil Code, relating to rules governing the purchase, trust deeds or other hypothecation of real property.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.



## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 43—Relative to the appointment of a Conservation Committee.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

Senate Concurrent Resolution No. 43 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 639—An act to repeal section 2322x28 and to amend section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class:

Senate Bill No. 650—An act to amend Part 3, Title 2, Chapter 8 of the Political Code, so as to add a new section thereto to be numbered section 1195c thereof, relating to printed arguments for and against proposed constitutional amendments, initiative petitions and referendum petitions:

Senate Bill No. 692—An act to amend sections 821, 822 and 827 of, the Agricultural Code, relating to fruits and vegetables:

Senate Bill No. 704—An act to add section 76 to the Agricultural Code and to repeal section 6944a of the Political Code, relating to the State Agricultural Society contingent fund:

Senate Bill No. 757—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities:

Senate Bill No. 806—An act to provide for the merger of Coachella Valley Storm Water District of Riverside County into Coachella Valley County Water District, for the validation of such merger and for the carrying on of the functions of the districts so merged.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 925—An act making an appropriation for construction, improvements and equipment of armories, arsenals, rifle-ranges and campsites, The Adjutant General, and California National Guard during the eighty-ninth and ninetieth fiscal years, and providing that this act shall take effect immediately:

Senate Bill No. 951—An act making an appropriation for the purchase of property and for the construction and improvements for State college at Chico:

Senate Bill No. 1105—An act to amend an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons, or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, by amending section 1 thereof, amending and renumbering sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act, relating to fees payable by such persons, corporations and forwarders, including motor transportation brokers, and the collection and disposition of such fees:

Senate Bill No. 1114—An act to add section 26 to an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the dissolution of police districts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1917.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed

Senate Bill No. 1146—An act to amend section 10 of the "Highway Earnings Act," relating to highway earnings, including motor transportation by such vehicles.

Senate Bill No. 1149—An act to amend sections 1105 to 1110 of the Political Code relating to the election of the members of the State Board of Forestry.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1917.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed

Senate Bill No. 9—An act to add section 741 to the Fish and Game Code, relating to the making of artificial ponds.

Senate Bill No. 40—An act to amend sections 411 and 412 of the Political Code, relating to the establishment of public nurseries by the state, under the act of Congress approved February 25, 1900, entitled "An act to promote the removal of soil phosphates, oil, and other good and nothing in the public domain."

Senate Bill No. 61—An act to amend section 101 of the Political Code, relating to fees collected by the clerk of the Superior Court.

Senate Bill No. 92—An act to add a new section to the Code of Civil Procedure, to be numbered 107, relating to the returning of a jury on or after of the usual period.

Senate Bill No. 80—An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department of Natural Resources, Division of Parks over and appearing in the State of California to the Department of Fish and Game of the State of California, and to amend sections 411 and 412 of the Political Code.

Senate Bill No. 115—An act relating to the control of ethical laboratories and the licensing of natural laboratories, bacteriologists and chemical laboratory technicians for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act, and to amend Chapter 106, Statutes of 1915.

Senate Bill No. 120—An act to amend section 101 of the Fish and Game Code relating to shadblows.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1917.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed

Senate Bill No. 172—An act to solidify the existence of water conservation districts.

Senate Bill No. 176—An act authorizing the Director of Finance to provide for the sale or lease of certain lands known as "Columbia Flats" located in Section 10, T 3 S. R 5 W. M 10 E. in the county of San Mateo.

Senate Bill No. 190—An act to amend section 422 of the Political Code, relating to salaries of officers of the initiative or the referendum.

Senate Bill No. 243—An act to add section 10857 to the Business and Professions Code, relating to the qualifications and examination of accountants.

Senate Bill No. 292—An act making an appropriation for the purchase and removal of the James W. Marshall Pioneer House, including the James W. Marshall blacksmith shop, with the purchase of land and the construction of a water system to be used in connection with the James W. Marshall Park.

Senate Bill No. 322—An act to amend section 1027 of the Political Code, relating to the Great Seal of the State of California.

Senate Bill No. 373—An act to amend section 488 of the Vehicle Code, relating to accident reports.

Senate Bill No. 422—An act to amend section 664a to the Political Code, relating to the payment of State officers and employees.

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers;

Senate Bill No. 455—An act to amend sections 10692, 10693, 10696, 10697, 10698, 10699, 10700, 10701, 10710, 10721, 10723, 10724, 10728 and 10740 of the Insurance Code, and to add sections 10699.5, 10696.5, 10696.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance;

Senate Bill No. 456—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately;

Senate Bill No. 460—An act to amend sections 16112, 16204, 16209, 16213 and 16511 of the Insurance Code, to add section 16203.5 thereto, all relating to insurance;

Senate Bill No. 461—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1762, 1764, 1772, and 1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance;

Senate Bill No. 467—An act to amend sections 1011, 1016, 1017, 1033, 1037, and 1047 of, and to add section 1056.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers;

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1044, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 472—An act to add section 44.1 to the Vehicle Code, relating to motor vehicles;

Senate Bill No. 483—An act making an appropriation to provide land for the Sonoma State Home;

Senate Bill No. 489—An act to add section 1703.5 to the Insurance Code, relating to agents for disability insurance;

Senate Bill No. 490—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended, by adding a new section thereto to be numbered section 16a, relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district, and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Senate Bill No. 495—An act to add sections 3a and 12a to the California Districts Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified;

Senate Bill No. 502—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor;

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 927—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council;

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An







schools," approved May 23, 1929, and to add to the School Code two new sections to be numbered 2830 and 5401, all relating to governing boards of school districts; Senate Bill No. 656—An act to amend section 124 of the Vehicle Code, relating to the administration of the California Highway Patrol;

Senate Bill No. 662—An act to amend section 41 of the Probate Code, relating to devises and bequests to charity;

Senate Bill No. 631—An act to amend sections 1333 and 1567 of, and to add section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 987—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California;

Senate Bill No. 1036—An act to amend section 4255 and repeal section 4255a of the Political Code, relating to compensation of officers of counties of the twenty-sixth class;

Senate Bill No. 1044—An act to add section 4260.5 to and to repeal section 2322a31 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class;

Senate Bill No. 1058—An act to repeal Chapter 1, comprising sections 1500 to 1575, inclusive, of Part 2 of Division II of the Welfare and Institutions Code and to add a new Chapter 1, comprising sections 1500 to 1580, inclusive, thereto, all relating to aid to children;

Senate Bill No. 1078—An act to amend sections 737.5 and 737.7 of the Agricultural Code, relating to persons handling and purchasing milk, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 1113—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class;

Senate Bill No. 1124—An act to amend sections 737u and 4252 of the Political Code, relating to compensation of public officers.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class;

Senate Bill No. 1138—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof;

Senate Bill No. 1145—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund;

Senate Bill No. 1150—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Boyle, Lyon, and Desmond, as a Committee on Free Conference concerning:

Assembly Bill No. 3—An act to amend sections 1, 3, 5, 6, 11 and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 15, 16 and 17 thereto, all relating to unfair trade practices.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

## Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

### On Elections.

SENATE CHAMBER, Des Moines, May 26, 1937.

MR. PRESIDENT: Your Committee on Elections has today been informed

Assembly Bill No. 2286. As per the general orders of the Direct Primary Law relating to party organizations, amendments were recommended to Senate Chamber, this morning and passed during recess.

Has had the same under consideration and respectfully reports the same has with honor recommended.

Committee membership: A. JOHNSON, CHAIRMAN; A. J. JONES, CLERK.

ALLEN, Chairman.

SENATE CHAMBER, Des Moines, May 26, 1937.

MR. PRESIDENT: Your Committee on Elections has today been informed

Assembly Bill No. 2286. As per the general orders of the Direct Primary Law relating to party organizations, amendments were recommended to Senate Chamber, this morning and passed during recess.

Has had the same under consideration and respectfully reports the same has with honor recommended.

Committee membership: A. JOHNSON, CHAIRMAN; A. J. JONES, CLERK.

ALLEN, Chairman.

### On Motor Vehicles.

SENATE CHAMBER, Des Moines, May 26, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles has today been informed

Assembly Bill No. 2286. As per the general orders of the Direct Primary Law relating to party organizations, amendments were recommended to Senate Chamber, this morning and passed during recess.

Has had the same under consideration and respectfully reports the same has with honor recommended.

Committee membership: A. JOHNSON, CHAIRMAN; A. J. JONES, CLERK.

STAYBRO, Chairman.

## Second Reading of Assembly Bills Nos. 2063, 1845 and 2298— (Out of Order).

**Assembly Bill No. 2063**—An act to add Article 2a to Chapter I of Division I of the Streets and Highways Code, amending sections 85 to 93, inclusive, relating to the creating of a Bureau of Safety Engineering, and prescribing its powers and duties.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 2063 were read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, insert after line 16, and insert as follows thereof the following: "the Safety Engineering."

#### Amendment No. 2.

On page 1, line 26 of the printed bill, as amended, insert "and highways" insert the following: "highways."

#### Amendment No. 3.

On page 1, line 26 of the printed bill, as amended, insert after "and highways" the following: "and highways."

#### Amendment No. 4.

On page 2, line 1, of the printed bill, as amended, strike out "thereof."

#### Amendment No. 5.

On page 2, line 2 of the printed bill, as amended, after "equipment", insert the following: "on the highways."

**Amendment No. 6.**

On page 2 of the printed bill, as amended, strike out line 3, and insert in lieu thereof the following: "of preventing such accidents."

**Amendment No. 7.**

On page 2, line 5, of the printed bill, as amended, after "various", insert the following: "highway construction and maintenance".

**Amendment No. 8.**

On page 2, line 10, of the printed bill, as amended, after "acute", insert a comma and the following: "taking into consideration the density of traffic and the capacity of the highway".

**Amendment No. 9.**

On page 2, line 11, of the printed bill, as amended, after "any", insert the following: "State,".

**Amendment No. 10.**

On page 2 of the printed bill, as amended, strike out lines 13 to 27, inclusive, and insert in lieu thereof the following: "vention."

**Amendment No. 11.**

On page 2, line 33, of the printed bill, as amended, after "prevention", insert the following: "with particular attention to highway construction and maintenance".

**Amendment No. 12.**

On page 2, line 37, of the printed bill, as amended, strike out "of traffic safety", and in line 38, strike out "and traffic accident prevention", and insert in lieu thereof the following: "relating to said subject".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1845**—An act to amend sections 1 and 24 of the Direct Primary Law, relating to primary elections.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2298**—An act to amend section 24 of the Direct Primary Law, relating to party conventions, membership and organization of State Central Committees and county central committees.

Bill read second time, and ordered on file for third reading.

**Message from the Governor.**

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 26, 1937.

*To the Honorable Members of the Senate of the State of California,  
Senate Chambers, State Capitol, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, James Rolph, III, as a member of the Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun, vice self, term expired, for the term ending May 2, 1941.

Very sincerely yours,

(Signed)

FRANK F. MERRIAM, Governor of California.

Communication read, and referred to Committee on Rules.

**Motion to Rescind.**

Senator Knowland moved to rescind the action of the Senate in amending Assembly Bill No. 2594 on May 25, 1937.

Motion carried.

**Motion to Reconsider Waived.**

Senator Pierovich waived reconsideration of the vote whereby Assembly Bill No. 2743 was passed.

**Motion to Reconsider Waived.**

Senator Allen waived reconsideration of the vote whereby Assembly Bill No. 808 was passed.

### Consideration of Motion to Reconsider

Pursuant to his motion given on a previous day, Senator Jepsen moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 982 was passed.

The question being on the adoption of the motion is reconsider.

The roll was called, and Assembly Bill No. 982 reconsidered by the following vote:

AYES—Senators Allen, Chapman, Cunningham, DeLong, Dool, Fletcher, Gordon, Hays, Robinson, Hanson, Jepsen, Kettling, Kneeland, Lusk, McCall, McGowan, Mixson, Olson, Packard, Phelps, Thompson, Powers, Quinn, Rich, Scherby, Smith, Swick, Tamm, Wray, Westover, Williams and Young—32.  
 NAYS—None.

### Consideration of Daily File

#### Third Reading of Assembly Bills

**Assembly Bill No. 982.**—An act to amend section 2,502 of the School Code, relating to the classification and description of persons employed by school districts in positions requiring vocational qualifications.

#### Amendments from the Floor

During third reading of Assembly Bill No. 982, the following amendments, offered by Senator Jepsen, were read and adopted:

##### Amendment No. 1.

On page 5, line 2 of the title of the proposed act, in providing, after the phrase "and the following," "and to read: 'Article two, and sections 2,581 and 2,582'."

##### Amendment No. 2.

On page 1, line 2 of said title of the proposed act, in providing, after the word "classification," and strike out all of lines 3 and 4 of said title, and insert in lieu thereof the following: "Persons having preference in vocational training, those engaged in the public school system."

##### Amendment No. 3.

On page 5 of the proposed act, in section after line 5, insert the following: "Sec. 2. A person entitled to preferential status in the School Code, in the employment of the State, shall be entitled to the following:

2,581. "1. The preference of any person holding a certificate, who teaches in any school district in the State, based on his or her record as a teacher, shall be given preference in the employment of any district in the State, based on his or her record as a teacher."

SEC. 3. A person entitled to preferential status in the School Code, in the employment of the State, shall be entitled to the following:

2,582. "Upon the expiration of the term of any certificate, the person shall be given preference in the employment of any district in the State, based on his or her record as a teacher."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1757.**—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and tourist courts.  
 Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1757 passed by the following vote:

AYES—Senators Allen, Bagge, Cunningham, Cunningham, DeLong, Dool, Fletcher, Gordon, Hays, Robinson, Hanson, Jepsen, Kettling, Kneeland, Lusk, McCall, McGowan, Mixson, Olson, Packard, Phelps, Thompson, Powers, Quinn, Rich, Scherby, Smith, Swick, Tamm, Wray, Westover and Young—32.  
 NAYS—None.

Title read and approved.

Assembly Bill No. 1757 ordered transmitted to the Assembly.



**Assembly Bill No. 628**—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 628 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 628 ordered transmitted to the Assembly.

**Assembly Bill No. 1794**—An act to add Chapter 8, comprising sections 1830 to 1830.42, inclusive, to Part 2, Division 1, of the Insurance Code, licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1794 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schotky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1794 ordered transmitted to the Assembly.

**Assembly Bill No. 101**—An act to amend section 1680 of the Labor Code, relating to the establishment of free employment bureaus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 101 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Powers, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

**NOES**—Senator Crittenden—1.

Title read and approved.

Assembly Bill No. 101 ordered transmitted to the Assembly.

**Assembly Bill No. 946**—An act to amend the title to Article IV, Chapter XIV, Division III of the Probate Code and to amend sections 201.5, 541.5, 645, 646, 752, 770, 772, 780, 830, 860, 1480, 1482, 1531, 1532 and 1533 of the Probate Code, to repeal section 930.5 of the Probate Code, and to add sections 578a, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent persons, and minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 946 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Donel, Garrison, Gordon, Hays, Hollister, Hurlbut, Johnson, Keating, Knepp, Kuntz, Law, McCall, McGowan, Morgan, Murray, Quinn, Rich, Schottky, Seawell, Slater, Swain, Tickle, Wagy, Westover, and Young—4.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 946 ordered transmitted to the Assembly.

**Assembly Bill No. 1206**—An act to add sections 34.6, 39, 51, 145.1, 344.1, 344.2, 344.3, 344.4, 392 and 392.1 to the Vehicle Code, relating to the transportation of certain flammable liquids upon highways in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1206 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Donel, Garrison, Gordon, Hays, Hollister, Hurlbut, Johnson, Keating, Knepp, Kuntz, Law, McGowan, Morgan, Murray, Quinn, Rich, Schottky, Seawell, Slater, Swain, Tickle, Wagy, Westover, and Young—4.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1986 ordered transmitted to the Assembly.

**Assembly Bill No. 2195**—An act to amend sections 500, 501, 502, and 503 of the Vehicle Code, relating to helmets and other devices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2195 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Keating, Hays, Hollister, Hurlbut, Johnson, Keating, Knepp, Kuntz, Law, McGowan, Morgan, Murray, Quinn, Rich, Schottky, Seawell, Slater, Swain, Tickle, Wagy, Westover, and Young—4.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 2195 ordered transmitted to the Assembly.

**Assembly Bill No. 1897**—An act to add Article 2a, Chapter 3, Division II to the Agricultural Code, relating to the inspection of hogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1897 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Donel, Garrison, Gordon, Hays, Hollister, Hurlbut, Keating, Knepp, Kuntz, Law, McGowan, Morgan, Murray, Quinn, Rich, Schottky, Seawell, Slater, Swain, Tickle, Westover, and Young—30.  
**NOES**—None.

Title read and approved.

Assembly Bill No. 1897 ordered transmitted to the Assembly.

**Assembly Bill No. 581**—An act to add section 303.1 to the Agricultural Code, relating to the labeling of meat and meat food products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 581 ordered transmitted to the Assembly.

**Assistant Secretary Maitland S. Pennington at the Desk.**

**Assembly Bill No. 583**—An act to add section 311.1 to the Agricultural Code, relating to uninspected meat and meat food products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 583 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—32.

**NOES**—None.

Title read and approved.

Assembly Bill No. 583 ordered transmitted to the Assembly.

**Assembly Bill No. 2178**—An act to amend section 632 of the Agricultural Code, relating to records.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2178 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—35.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2178 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

#### **Assembly Constitutional Amendment No. 1.**

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 10a to Article VI thereof, relating to removal of judges.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its fifty-second session commencing on the fourth day of January, 1937, two-thirds of all members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Article VI of the Constitution be amended by adding section 10a thereto to read as follows:

**SECTION 1.** That Article VI of the Constitution be amended by adding section 10a thereto to read as follows:

10a. Whenever a justice of the Supreme Court, or of a district court of appeal, or a judge of any court of this State, has been convicted in any court of this State or of the United States, of a crime involving moral turpitude, the Supreme Court

shall of its own motion or upon a petition filed by any person, and upon finding that such a conviction with both limbs under sentence of said justice or judge from either side shall have been or will continue of conviction between time and the payment of said fine or said justice or judge shall then be remanded from the date of such return. When such judgment of conviction is made by the Supreme Court shall enter its order permanently discharging said justice or judge and striking his name from the roll of justices and magistrates, and financing said justice or judge from either side shall have to return said name from the roll of the court of common pleas. If said judgment of conviction is made by the Supreme Court shall enter its order transmitting the conviction or will permit or order said justice or judge shall be entered in the history for the period of one year.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Cunningham, DeLap, Deane, Fletcher, Hays, Hollister, Johnson, Jorgensen, Keating, Keough, Kneeland, Lamy, McCall, McGuire, Metzger, Mixon, Nelson, Olson, Parkman, Phillips, Powers, Quinn, Roth, Schatzky, Shedd, Slater, Swing, Wagy, Westover, and Young—26.  
 NAYS—None.

Assembly Constitutional Amendment No. 1 ordered transmitted to the Assembly.

**Assembly Bill No. 269**—An act to add to the Labor Code sections 1120 and 1121 to be known as Chapter 7 of Part 3 of Division II, relating to the disciplining or discharging of any employee upon a report by a special agent, detective or so-called spy, and repealing an act relating to the same subject.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 refused passage by the following vote:

AYES—Senators Cunningham, Cunningham, DeLap, Garrison, Hollister, Jorgensen, Keating, McCall, McGuire, Nelson, Olson, Powers, Powers, Sewell, Slater, and Swing—16.

NAYS—Senators Allen, Biggar, Deane, Fletcher, Garrison, Hays, Hollister, Keough, Kneeland, Lamy, McCall, Metzger, Mixon, Parkman, Quinn, Roth, Schatzky, Tiedt, Wagy, Westover, Williams, and Young—22.

**Assembly Bill No. 472**—An act to amend section 1500 of the Civil Code, relating to the extinction of pecuniary obligations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 472 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deane, Fletcher, Garrison, Gaylor, Hays, Hollister, Hollister, Jorgensen, Keating, Keough, Kneeland, Lamy, McCall, McGuire, Metzger, Mixon, Nelson, Olson, Parkman, Phillips, Perovich, Powers, Quinn, Roth, Schatzky, Slater, Swing, Wagy, Westover, and Young—34.  
 NAYS—None.

Title read and approved.

Assembly Bill No. 472 ordered transmitted to the Assembly.

**Assembly Bill No. 1415**—An act to amend section 15 of an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to suits on assigned claims.

Bill read third time.



The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1415 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, Law, McGovern, Metzger, Mixter, Olson, Packman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—28.

**NOES**—Senator Garrison—1.

Title read and approved.

Assembly Bill No. 1415 ordered transmitted to the Assembly.

### **Recess.**

At twelve o'clock and twenty-eight minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Jespersen, Keough, Knowland, Law, McBride, Metzger, Mixter, Phillips, Powers, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—24.

The Secretary announced the absentees.

Time, two o'clock and three minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Resolution.**

The following resolution was offered:

By Senator Metzger:

Relative to the appointment of a committee to investigate the marketing of live stock.

**WHEREAS**, The production and marketing of cattle, sheep, lambs and hogs is one of the primary agricultural industries in this State; and

**WHEREAS**, It is necessary and desirable that a study of the cost of production of such animals and the cost of handling them at each stage until they reach the consumer be made in order that the Legislature be properly informed as to these facts; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a special interim committee of the Senate to be known as the Senate Interim Committee on Live Stock Marketing, to consist of five members appointed by the President of the Senate; and be it further

*Resolved*, That it shall be the duty of said committee to investigate the marketing of cattle, sheep, lambs, and hogs; to study and investigate the cost of production of such animals in the various parts of this State; to study and investigate the amount of profit made by the slaughterer, wholesaler, and other middlemen and retailers; to ascertain as nearly as possible the differential between the cost of



**Amendment No. 1.**

On page 1, lines 1 and 2 of the title of the printed bill, strike out "section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917", and insert in lieu thereof the following: "section 3351 of the Labor Code".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "8 of the act cited in the title hereof", and insert in lieu thereof the following: "3351 of the Labor Code".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 3 to 27, inclusive, and strike out all of pages 2 and 3, and insert in lieu thereof the following:

"3351. "Employer" means every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes:

(a) Aliens and minors.

(b) All elected and appointed paid public officers.

(c) All officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay.

(d) All persons engaged on any unemployment work relief program conducted by the State, a county, city, or a political subdivision of the State."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 842**—An act to add section 23.3 to an act entitled "An act to provide for a preliminary investigation report and hearing upon the organization of the special tax and assessment districts and providing certain restrictions and limitations upon the organization of same and providing for the termination of proceedings for the organization thereof by protest of the owners of a majority of the property subject to assessment for district purposes," approved June 10, 1933, relating to the districts to which said act applies, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2913**—An act to amend section 234 of the Agricultural Code, relating to bovine tuberculosis.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 863**—An act to amend sections 482, 630, 631 and 691 of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1287**—An act to add Article 4 to Chapter 10 of Division IV of the Agricultural Code, relating to the marketing and distribution of fluid milk and fluid cream.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2414**—An act to amend section 736.3 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2900**—An act to repeal Article 2 of Chapter 1 of Division III of the Agricultural Code, relating to cold storage meat.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2204**—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by

the public body regarding the contract and the insertion in the contract and bill for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a suspension in this office in contract, and providing other penalties for violation of the provisions thereof (approved May 25, 1931), relating to the employment of apprentices.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1828.**—An act to add section 1396.5 to the Labor Code, relating to the sale of goods made or manufactured with child labor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1516.**—An act to add section 6.5 to, and amend sections 7 of, and to amend section 8 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Consideration of Committee Amendments

Pursuant to the request of the Committee on Social Security, the following amendments to Assembly Bill No. 1516 were read and adopted:

##### Amendment No. 1.

On page 1, line 12 of the printed bill, as amended, after "and", insert the following: "(1)

##### Amendment No. 2.

On page 1, line 14 of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "or"

##### Amendment No. 3.

On page 1, line 14 of the printed bill, as amended, after "or", insert the following: "(2)

##### Amendment No. 4.

On page 2, line 16 of the printed bill, as amended, after "State", strike out the comma, and insert in lieu thereof a semicolon.

##### Amendment No. 5.

On page 2, line 24 of the printed bill, as amended, strike out "Service performed in Maritime employment," and insert in lieu thereof the following: "Maritime services".

##### Amendment No. 6.

On page 2, line 25 of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and"

##### Amendment No. 7.

On page 2, line 26 of the printed bill, as amended, strike out "In", and insert in lieu thereof the following: "Such contribution to the number of the United States Government or of an instrumentality of the United States, provided that in".

##### Amendment No. 8.

On page 2, line 43 of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "Provided further, that if this State should not be exempted by the Social Security Board under section 902 of the Social Security Act of any year, then the expenses incurred in such instrumentalities and their workers with respect to such year shall be refunded by the commission from the unemployment fund without interest."

Bill read, ordered to pass, and on file for third reading.



**Assembly Bill No. 1114**—An act to add Part 2, comprising Chapter 1, sections 4000 to 4083, inclusive, to Division V of the Welfare and Institutions Code, relating to aid for needy disabled persons.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2318**—An act to amend sections 4 and 5, and to renumber and amend section 6 to be section 17 of an act entitled "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2407**—An act to amend section 4041.16 of the Political Code, or to amend section 202 of the Welfare and Institutions Code, relating to county care of indigents.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1320**—An act to add section 14.5 to the State Medical Practice Act, relating to unprofessional conduct.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2116**—An act to add section 1873 to the Code of Civil Procedure, relating to blood grouping tests.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2140**—An act to amend section 2 of an act entitled "An act to provide for the proper sanitary conditions of factories and workshops, and for the preservation of the health of employees," approved February 6, 1889, relating to sanitation of work places.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1981**—An act to amend sections 4010, 4030, 4035, 4036, 4042 and 4044, to repeal section 4045 of, and to add section 4033.5 to, Chapter 9 in Division II of the Business and Professions Code, relating to the application of the chapter to persons, poisons and drugs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1265**—An act to revise an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, as amended, relating to the practice of veterinary medicine and surgery, and repealing acts and parts of acts specified herein.

### Consideration of Committee Amendments.

Pursuant to the report of the Commission on Public Health and Quarantine, the following amendments to Assembly Bill No. 1265 were read and adopted:

#### Amendment No. 1.

On page 2, line 11, of the printed bill, as amended, at the Assembly May 14th, strike out "(here)", and insert in its stead the word "section".

#### Amendment No. 2.

On page 3, line 16, of the printed bill, strike out "the", and insert in its stead the word "section".

#### Amendment No. 3.

On page 5 of the printed bill, as amended, between lines 47 and 48, insert the following paragraph:

"And that notice of the board commencing or pending a license shall be sufficient to bring the case on for consideration with it."

Bill read, ordered to print, and so for third reading.

**Assembly Bill No. 1266**—An act to repeal Chapter 11, comprising sections 4391 to 4397, inclusive, of Division II of the Health and Professional Code, and to add Chapter 11, comprising sections 4391 to 4395, inclusive, to Division II of the Health and Professional Code, relating to the practice of veterinary medicine and surgery.

### Consideration of Committee Amendments.

Pursuant to the report of the Commission on Public Health and Quarantine, the following amendments to Assembly Bill No. 1266 were read and adopted:

#### Amendment No. 1.

On page 3, line 8, of the printed bill, as amended, at the Assembly May 14th, strike out "(here)", and insert in its stead the word "section".

#### Amendment No. 2.

On page 2, line 14, of the printed bill, strike out "(here)", and insert in its stead the word "section".

#### Amendment No. 3.

On page 2, line 11, of the printed bill, as amended, after "section", insert the following:

"And that notice of the board commencing or pending a license shall be sufficient to bring the case on for consideration with it."

Bill read, ordered to print, and so for third reading.

### President Pro Tempore in the Chair.

At two o'clock and fifteen minutes p.m., Hon. William P. Roth, President pro tempore of the Senate, in the chair.

### Unfinished Business.

**Senate Bill No. 937**—An act to add a new section, to be numbered 112, to the Streets and Highways Code, relating to official grades of State highways within cities.

### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 937.

#### Amendment No. 1.

On page 1, line 8, of the printed bill, after the word "section", insert the following words:

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 937?

The roll was called, and Assembly amendment to Senate Bill No. 937 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, and Wagy—26.

**NOES**—None.

Senate Bill No. 937 ordered to enrollment.

**Senate Bill No. 945**—An act to amend section 4241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 945.

##### Amendment No. 1.

On page 1, line 9, of the printed bill, following the period, add the following new sentence: "Such deputies and employees as are allowed the auditor by the board of supervisors shall be appointed by the auditor and shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid."

##### Amendment No. 2.

On page 1, line 12, of the printed bill, following the period, add the following new sentence: "Such deputies and employees as are allowed the district attorney by the board of supervisors shall be appointed by the district attorney and their salaries shall be paid in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the district attorney is paid."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 945?

The roll was called, and Assembly amendments to Senate Bill No. 945 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, and Young—32.

**NOES**—None.

Senate Bill No. 945 ordered to enrollment.

**Assembly Bill No. 2219**—An act to amend sections 2, 3, 5, and 6 of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, relating to elections in cities of the fifth and sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2219 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Slater, Wagy, Westover, and Young—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2219 ordered transmitted to the Assembly.

**Senate Bill No. 1066**—An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards.

# Consideration of Assembly Amendment

The Senate took up for consideration Assembly amendment to Senate Bill No. 1066.

## Amendment No. 1.

On page 2, line 26, of the printed bill strike out "and".

The question being, Shall the Senate concur in Assembly amendment to Senate Bill No. 1066?

The roll was called, and Assembly amendment to Senate Bill No. 1066, introduced by the following vote:

Ayes: Senator Allen, Biggs, Cawston, Cawston, Delap, Elmer, Fletcher, Gorman, Lyster, Hark, Harkness, Johnson, Keweenaw, Keweenaw, Lusk, McCall, McCallum, Mendenhall, Moore, O'Neil, Phillips, Vernon, Quinn, Rice, Schaeffer, Searles, Smith, Young, Wagon, Wagon, and Young, all.  
 Nay: None.

Senate Bill No. 1102 ordered to enrollment.

**Senate Bill No. 1102.** An act to amend sections 2, 4, 5 and 6 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

# Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendments to Senate Bill No. 1102.

## Amendment No. 1.

On page 1, line 2 of the printed bill strike out "5 and 6", and insert in lieu thereof the following: "and 5, 6, to maintain and amend section 6 to be section 17".

## Amendment No. 2.

On page 1, line 4 of the bill of the printed bill, following the word "Districts", add a comma and the following: "including the various district and providing that the act shall have effect immediately".

## Amendment No. 3.

On page 2, line 16, of the printed bill after the word "hereby" add the following: "recommenced to be section 17 and".

## Amendment No. 4.

On page 2, line 15 of the printed bill strike out "6", and insert in lieu thereof the following: "17".

## Amendment No. 5.

On page 2, line 18, of the printed bill, after the word "for", insert the following: "the amount of the money and amount of bond which will be paid up to before the month day of day of the accounting year and year".

## Amendment No. 6.

On page 2 of the printed bill, following line 47, add the following:

"Sec. 5. There shall be no money received by or on behalf of any person or persons for the immediate possession of any goods, money, bonds, and safety, within the meaning of section 2 of Article IV of the Constitution of the State of California, any other money or any other commodity."

The facts constituting the necessity are as follows:

In Los Angeles and in other portions of the State many persons are eager to form recreation districts under the act amended by this bill but under the act as at present are unable to undertake any work thereunder because of lack of authority to construct, maintain, acquire, other than acquiring lands. If this act is passed and some authority given that work will start upon the various structures authorized by the act immediately, thus relieving in part the unemployment which during financial depression conditions still exists.

If this act does not take effect until 30 days after the adjournment of the session it will not be possible to construct the recreational facilities in time for the summer season of 1937 and the work may be delayed for over a year to the great detriment both to the people in the proposed recreation districts themselves and to the economic well being of the State of California as a whole."

Amendments read



**Urgency Clause.**

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

In Lake County and in other portions of the State many persons are eager to form recreation districts under the act amended by this bill but under the act as at present are unable to undertake any work thereunder because of lack of authority to construct recreation facilities other than swimming pools. If this act is passed and takes immediate effect then work will start upon the various structures authorized by this act immediately thus relieving in part the unemployment which despite improved economic conditions still exists.

If this act does not take effect until ninety days after the adjournment of the session it will not be possible to construct the recreational facilities in time for the summer season of 1937, and the work may be delayed for over a year to the great detriment both to the people in the proposed recreation districts themselves and to the economic well-being of the State of California as a whole.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—33.

NOES—None.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1102?

The roll was called, and Assembly amendments to Senate Bill No. 1102 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, Westover, and Young—30.

NOES—None.

Senate Bill No. 1102 ordered to enrollment.

**Senate Bill No. 19**—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8j, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 19.

**Amendment No. 1.**

Beginning on page 1, line 23, of the printed bill, and ending on page 2, line 2, strike out the following:

"The board may employ special counsel to assist the district attorney in such actions and prosecutions, but the compensation for such special counsel shall be paid only from funds derived from fines collected in prosecutions under the provisions of this act relating to poisons."

**Amendment No. 2.**

On page 2 of the printed bill, strike out all of lines 13, 14, 15 and 16.

**Amendment No. 3.**

On page 3, line 36, of the printed bill, strike out "Treasurer", and insert in lieu thereof the following: "Controller".

**Amendment No. 4.**

On page 5, line 10, of the printed bill, strike out "Committee", and insert in lieu thereof the following: "Committee".

**Amendment No. 5.**

On page 5, line 11, of the printed bill, strike out "Committee", and insert in lieu thereof the following: "Committee".

**Amendment No. 6.**

On page 5, line 11, of the printed bill, strike out "Committee", and insert in lieu thereof the following: "Committee".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 19?

The roll was called, and Assembly amendments to Senate Bill No. 19 concurred in for the following year:

**AYES.** Senators Allen, Briggs, Cushman, Cummings, Fiske, Frost, Frazier, Garrison, Gordon, Harris, Holmes, Johnson, Kettling, Kneass, Kneeland, Law, McCall, McConville, Morgan, Myers, Nelson, Phillips, Patten, Quinn, Ross, Sewell, Slater, Swain, Wagon, Weston, and Young—29.  
**NOES.** None.

Senate Bill No. 19 concurred in amendment.

**Senate Bill No. 20.**—An act to amend section 1 of an act entitled "An act to provide for the dissolution of municipal corporations of the sixth class," approved March 28, 1894, as amended, relating to the procedure necessary for such dissolution.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 20.

**Amendment No. 1.**

On page 2, line 8, of the printed bill, strike out "in twenty", and insert in lieu thereof the following: "in one year".

**Amendment No. 2.**

On page 2, line 14, of the printed bill, strike out "one year", and insert in lieu thereof the following: "Two years".

**Amendment No. 3.**

On page 2, line 15, of the printed bill, strike out "by majority", and insert in lieu thereof the following: "two-thirds".

**Amendment No. 4.**

On page 2, line 16, of the printed bill, strike out "a majority", and insert in lieu thereof the following: "two-thirds".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 20?

The roll was called, and Assembly amendments to Senate Bill No. 20 were refused concurrence for the following year:

**AYES.** None.  
**NOES.** Senators Allen, Briggs, Cushman, Cummings, DeLoe, Frost, Frazier, Garrison, Gordon, Harris, Johnson, Kettling, Kneass, Kneeland, Law, McCall, McConville, Morgan, Myers, Nelson, Phillips, Patten, Quinn, Ross, Sewell, Slater, Swain, Wagon, Weston, and Young—29.

**Senate Bill No. 61.**—An act to amend section 647 of the Penal Code, relating to vagrants.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 61.

**Amendment No. 1.**

On page 1, line 14, of the printed bill, as amended, after the words "railroad depot", insert the words "bus stations".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 61?

The roll was called, and Assembly amendment to Senate Bill No. 61 concurred in by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—34.

**NOES.** None.

Senate Bill No. 61 ordered to enrollment.

**Senate Bill No. 434.**—An act to amend the County Water District Act, approved June 10, 1913, as amended, relating to county water districts, by amending section 31 thereof and by adding to said act, as amended, new sections to be numbered and providing as follows: to wit: Section 12.1, granting to county water districts the powers of mosquito abatement districts, and section 37.1, relating to segregation of items of property on the assessment roll.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 434.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "amend", insert the following: "sections 31 and 45 of, and to add sections 12.1, 31.1 and 37.1 to".

**Amendment No. 2.**

On page 1, line 1, of the title of the printed bill, as amended, strike out "approved", and strike out lines 2 to 10, inclusive, of the title, and insert in lieu thereof the following: "relating to county water districts."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 434?

The roll was called, and Assembly amendments to Senate Bill No. 434 concurred in by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—34.

**NOES.** None.

Senate Bill No. 434 ordered to enrollment.

**Senate Bill No. 644.**—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4.369, relating to school district budgets.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 644.

**Amendment No. 1.**

On page 1, line 3 of the title of the printed bill, strike out "4.368", and insert in lieu thereof the following: "4.369".

**Amendment No. 2.**

On page 1, line 4, of the printed bill, strike out "4.368", and insert in lieu thereof the following: "4.369".

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out "a fish", and insert in its stead the following:—"*fish*".

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 644?

The roll was called, and Assembly amendments to Senate Bill No. 644 concurred in by the following vote:

**Ayes**—Senators Allen, Higgins, Cunningham, Cunningham, DeLoe, Farley, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Knecht, Law, McBride, McElroy, McHenry, Morgan, Myers, Nelson, O'Brien, Phillips, Plummer, Quinn, Rice, Schmitt, Stewart, Stone, Swift, Taylor, Webb, Winters, and Young—35.

**Noes**—None.

Senate Bill No. 644 ordered to enrollment.

**Senate Bill No. 92**—An act to amend section 637 of the Penal Code, relating to trespass.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 92.

**Amendment No. 1.**

On page 1, line 3, of the printed bill, so amended, strike out:—"

**Amendment No. 2.**

On page 1 of the printed bill, so amended, after line 10, insert the following:

"Any person who posts any sign indicating that the land affected is a State or Federal game refuge, except if this is authorized by the State or Federal Government, is guilty of a misdemeanor."

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 92?

The roll was called, and Assembly amendments to Senate Bill No. 92 concurred in by the following vote:

**Ayes**—Senators Allen, Higgins, Cunningham, Cunningham, DeLoe, Farley, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Knecht, Law, McBride, McElroy, McHenry, Morgan, Myers, Nelson, O'Brien, Phillips, Plummer, Quinn, Rice, Schmitt, Stewart, Stone, Swift, Taylor, Webb, Winters, and Young—35.

**Noes**—None.

Senate Bill No. 92 ordered to enrollment.

**Senate Bill No. 212**—An act to add sections 875.5 and 1410.6 to the Fish and Game Code, relating to nets.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 212.

**Amendment No. 1.**

On page 1, line 5, of the printed bill, so amended, striking the word "cannot", strike out the period, and insert a semicolon and the following: "The district 2 bait seines may be used to take and remove from section and game fish, to be used as bait only, subject to the restriction that such seine may not measure more than four by thirty feet in size with not to exceed one-half inch mesh stretched."

The question being, Shall the Senate concur in Assembly amendment to Senate Bill No. 212?

The roll was called, and Assembly amendment to Senate Bill No. 212 concurred in by the following vote:

**Ayes**—Senators Allen, Higgins, Cunningham, Cunningham, DeLoe, Donald, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Knecht, Law, McBride, McElroy,



McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, and Young—32.  
 NOES—None.

Senate Bill No. 212 ordered to enrollment.

**Senate Bill No. 371**—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 371.

**Amendment No. 1.**

On page 1, line 7, of the printed bill, strike out "person injured", and strike out all of lines 8 to 12, inclusive, and insert in lieu thereof the following: "type of employment as attorney at law."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 371?

The roll was called, and Assembly amendment to Senate Bill No. 371 was refused concurrence by the following vote:

AYES—Senators Keough, and Olson—2.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**Senate Bill No. 471**—An act to add a new section to the Agricultural Code to be numbered 331.5, relating to supervising hide and brand inspectors employed by the Director of Agriculture of the State of California.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 471.

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "California", insert the following: "in States bordering on the State of California,".

**Amendment No. 2.**

On page 1, line 13, of the printed bill, strike out "of", and insert in lieu thereof the word "or".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 471?

The roll was called, and Assembly amendments to Senate Bill No. 471 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Senate Bill No. 471 ordered to enrollment.

**Senate Bill No. 681**—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 681.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, between lines 19 and 20, insert the following:

SEC. 2. The expenditure herein authorized of the money appropriated by this act shall be subject to all of the provisions of Chapter 157 of the Statutes of 1937."

**Amendment No. 2.**

On page 1, line 20, of the printed bill, as amended, strike out "4", and insert in lieu thereof the figure "4".

**Amendment No. 3.**

On page 1, line 25, of the printed bill, as amended, after the word "act", insert the following: "during the eighteenth and nineteenth fiscal years".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 681?

The roll was called, and Assembly amendments to Senate Bill No. 681 concurred in by the following vote:

AYES—Senators Allen, Rogers, Cunningham, Cunningham, DeLap, Dorel, Fletcher, Garrison, Gordon, Hays, Hallahan, Hallahan, Jamieson, Keating, Keough, Knowland, Law, McRea, McLean, McGowan, Milner, Miller, Nielsen, Olson, Parkman, Phillips, Pierceval, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

NOES—None.

Senate Bill No. 681 ordered to enrollment.

**Senate Bill No. 754**—An act to amend section 22 of the California Irrigation District Act, relating to elections.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 754.

**Amendment No. 1.**

On page 2, line 22, of the printed bill, strike out the word "open", and insert in lieu thereof the following: "kept open for".

**Amendment No. 2.**

On page 2, line 24, of the printed bill, after the comma and the words "at which times", and strike out all of line 25.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 754?

The roll was called, and Assembly amendments to Senate Bill No. 754 concurred in by the following vote:

AYES—Senators Allen, Rogers, Cunningham, Cunningham, DeLap, Dorel, Fletcher, Garrison, Gordon, Hays, Hallahan, Hallahan, Jamieson, Keating, Keough, Knowland, Law, McRea, McLean, McGowan, Milner, Miller, Nielsen, Olson, Parkman, Phillips, Pierceval, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

NOES—None.

Senate Bill No. 754 ordered to enrollment.

**Senate Bill No. 908**—An act to amend sections 1299.18, 1300, 1300.1 and 1300.4 of the Agricultural Code, relating to processors of farm products.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 908.

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 49 to 50, and insert in lieu thereof the following:

"(f) Whether or not the applicant intends to process more than one hundred tons of farm products during the license year."

**Amendment No. 2.**

On page 3, line 2, of the printed bill, as amended, immediately following "of", insert the following: "raw or fresh".

**Amendment No. 3.**

On page 2, line 23, of the printed bill, as amended, after "dollars", insert the following: "for each applicant processing one hundred tons or more of farm products in their raw state, or ten dollars for each applicant processing less than one hundred tons of such products".

**Amendment No. 4.**

On page 2 of the printed bill, as amended, between lines 41 and 42, insert the following:

"(c) In case the licensee was licensed in the preceding year under this chapter, whether or not more than one hundred tons of farm products in their raw state were processed by such licensee;

(f) The number of tons of farm products which the applicant intends to process during the license year."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 908?

The roll was called, and Assembly amendments to Senate Bill No. 908 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Waggy, Westover, and Young—35.

NOES—None.

Senate Bill No. 908 ordered to enrollment.

**Senate Bill No. 1098**—An act to add sections 1184 and 1417 to the Fish and Game Code, relating to the taking of birds.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1098.

**Amendment No. 1.**

On page 1, line 10, of the printed bill, as amended, strike out "or a felony".

**Amendment No. 2.**

On page 1, line 11, of the printed bill, as amended, strike out "or punishable by", and strike out line 12, and in line 13, strike out "two years."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1098?

The roll was called, and Assembly amendments to Senate Bill No. 1098 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

NOES—None.

Senate Bill No. 1098 ordered to enrollment.

**Senate Bill No. 1106**—An act to amend sections 737n, 737e, 737ccc and 737v of the Political Code, relating to salaries of judges of the superior court.

### Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendments to Senate Bill No. 1106.

#### Amendment No. 1.

On page 1, line 1 of the title of the proposed bill, strike out "section 757", and insert in lieu thereof the following: "Sections 757a, 757b, and 757c."

#### Amendment No. 2.

On page 1 of the proposed bill, strike out line 2 of the title and insert in lieu thereof the following: "The retirement policy of the superior court."

#### Amendment No. 3.

On page 1, line 2, of the proposed bill, after "(amended)", insert the following: "to read:"

#### Amendment No. 4.

On page 1 of the proposed bill, after line 2, insert the following:

SEC. 2. Section 101a of the Federal Code is hereby amended to read as follows:

757a. The annual salary of the chief of the superior court is and for the county of California is as hereinafter follows:

SEC. 3. Section 101b of the Federal Code is hereby amended to read as follows:

757b. The annual salary of the judge of the superior court is and for the county of California is as hereinafter follows:

SEC. 4. Section 101c of the Federal Code is hereby amended to read as follows:

757c. The annual salary of the judge of the superior court is and for the county of Maricopa is as hereinafter follows:

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1106?

The roll was called, and Assembly amendments to Senate Bill No. 1106 concurred in by the following vote:

AYES: Senators Allen, Bagley, Carlsbad, Delage, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBrine, McCall, Montgomery, Morgan, Murray, Nelson, Olson, Patterson, Phillips, Potts, Quinn, Thomas, Quinn, Ross, Seawell, Senter, Sevier, Tuckie, Wagg, Westover, and Young—36.

NOTES—None.

Senate Bill No. 1106 ordered to enrollment.

**Senate Bill No. 1107**—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use.

### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1107.

#### Amendment No. 1.

On page 1, line 11, of the proposed bill, as amended, strike out the word "entire", and insert in lieu thereof the following: "the stock".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1107?

The roll was called, and Assembly amendment to Senate Bill No. 1107 concurred in by the following vote:

AYES: Senators Allen, Bagley, Carlsbad, Carlsbad, Delage, Donald, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBrine, McCall, Montgomery, Morgan, Murray, Nelson, Olson, Patterson, Phillips, Potts, Quinn, Quinn, Ross, Seawell, Senter, Sevier, Tuckie, Wagg, Westover, and Young—36.

NOTES—None.

Senate Bill No. 1107 ordered to enrollment.



**Senate Bill No. 396**—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 396.

**Amendment No. 1.**

On page 2, line 12, of the printed bill, strike out "Towel", and insert in lieu thereof the following: "Towed".

**Amendment No. 2.**

On page 2, line 48, of the printed bill, strike out "(c)", and insert in lieu thereof the following: "(e)".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 396?

The roll was called, and Assembly amendments to Senate Bill No. 396 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young 36.

**NOES**—None.

Senate Bill No. 396 ordered to enrollment.

**Senate Bill No. 645**—An act to amend sections 2,100 and 2,440 of the School Code, both relating to the change of boundaries of school districts.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 645.

**Amendment No. 1.**

On page 1, line 5, of the printed bill, strike out "tenth", and insert in lieu thereof the word "first".

**Amendment No. 2.**

On page 1, line 11, of the printed bill, strike out "tenth", and insert in lieu thereof the word "first".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 645?

The roll was called, and Assembly amendments to Senate Bill No. 645 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young 35.

**NOES**—None.

Senate Bill No. 645 ordered to enrollment.

**Senate Bill No. 721**—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 721.

## Amendment No. 1.

On page 3, line 12, of the ground law, after "of", insert the following:

## Amendment No. 2.

The report is filed in the subject file of the said testimony and is marked as follows: "Exhibit 1, A, B."

## Amendment N 2

On page 2 of the printout, after line 14, insert the following:

The Board shall keep its office in its headquarters building in the business section of the city and shall maintain a record of all communications received from and sent to the Board and a record of all communications received from and sent to the Board and a record of all communications received from and sent to the Board.

tenures, clauses or phrases be declared unconstitutional.

The question being: Shall the Senate convene in Assembly around noon in Senate Hall No. 1111?

The roll was added, and Assembly Amendments to Senate Bill No. 721 occurred in the following year:

Aves. Sander, Mike. Bird. Crows. Doves. Jays. Pigeons. Quail.  
Gardner, Hays. Hawks. Hummers. Jays. Kingbirds. Robins. Towhees. Mockers.  
McCall, M. Geese. Mergansers. Mites. Nuthatches. Owls. Juncos. Parakeets. Peewees.  
Quinn, Rick. Sparrows. Song. Thrush. Jays. Waxwings. Wrens. Goldfinches. Robins.  
Young, M.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

Senate Bill No. 777 referred to committee

**Senate Bill No. 98**—An act to add section 14 to the State Narcotic Act relating to habit forming narcotic and other dangerous drugs and substances.

### Consideration of Assembly Amendment

The Senate took up for consideration Assembly amendment to Senate Bill No. 18.

## Amendment No. 1.

(In page 1, lines 2 and 4, of the printed bill, we inserted, under (c), the words "corporation".)

The question being: Shall the Senate consent to Assembly amendment to Senate Bill No. 98?

The roll was called, and Assembly amendment to Senate Bill No. 98 concurred in by the following vote:

Aves. Sometime Allen Bigger California 1944; David Garrison Hays Hills  
ter Hillier Keating Kansas Jane M. Hill Mead McGarrity Manager Mixer.  
Nelson Olsen Phoenix Phoenix Phoenix Quinn Rick Seawell Santa Santa  
Pickle Wagy West Williams and Young

111

Senate Bill No. 98 ordered to enrollment.

**Senate Bill No. 160**—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation over the public streets, roads and highways in the State of California by motor vehicles, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 160.

**Amendment No. 1.**

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following:

"SEC. 1a. A resident farmer of California, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work as an incident to his farming operations, shall not".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 160?

The roll was called, and Assembly amendment to Senate Bill No. 160 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Senate Bill No. 160 ordered to enrollment.

**Assembly Bill No. 2773.**—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

**Consideration of Senate Amendments.**

The Senate took up for consideration Senate amendments to Assembly Bill No. 2773.

**Amendment No. 1.**

On page 2, line 35, of the printed bill, as amended, strike out the period and "County clerks may"; and strike out lines 36 to 39, inclusive; and in line 40, strike out "such meeting or", and insert in lieu thereof a comma and the following: "and".

**Amendment No. 2.**

On page 2, line 43, of the printed bill, as amended, strike out "Provided further, that said", and strike out lines 44, 45 and 46.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 2773?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 2773 by the following vote:

AYES—None.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Wagy, Westover, and Young—33.

**Appointment of Committee on Conference.**

The President announced the appointment of Senators Keating, Allen and Hays as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 2773.

**Senate Bill No. 424.**—An act to add two new sections to the School Code to be numbered 4.194 and 4.252, relating to instruction in the public schools.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 424.

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "4194", and insert in lieu thereof the number "4195".

**Amendment No. 2.**

On page 1, line 2, of the printed bill, as amended, strike out "4194", and insert in lieu thereof the number "4195".

**Amendment No. 3.**

On page 1, line 2, of the printed bill, as amended, strike out "4194", and insert in lieu thereof the number "4195".

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 424?

The roll was called, and Assembly amendments to Senate Bill No. 424 concurred in by the following vote:

**AYES.**—Senators Allen, Biggar, Crittenden, Cunningham, Donald, Flander, Garrison, Hayes, Holmes, Johnson, Johnson, Kenney, Ketchum, Law, McBrade, McCall, McGowan, Moore, Myers, Quinn, Quinn, Quinn, Phillips, Powers, Powers, Quinn, Rich, Schwall, Stiles, Strong, Tinkle, Wade, Wagner, Williams, and Young—46.

**NOES.**—None.

Senate Bill No. 424 ordered to enrollment.

**Senate Bill No. 436.**—An act to amend section 129 of the Agricultural Code, relating to January January.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 436.

**Amendment No. 1.**

On page 1 of the printed bill, inserting inserted line 25, add the following words: "Hired hands who do not sell growing plants are exempt from the provisions of this section."

The question being, Shall the Senate concur in Assembly amendment to Senate Bill No. 436?

The roll was called, and Assembly amendment to Senate Bill No. 436 concurred in by the following vote:

**AYES.**—Senators Allen, Biggar, Crittenden, Cunningham, Donald, Flander, Garrison, Hayes, Holmes, Johnson, Johnson, Kenney, Ketchum, Law, McBrade, McCall, McGowan, Moore, Myers, Quinn, Quinn, Quinn, Phillips, Powers, Powers, Quinn, Rich, Schwall, Stiles, Strong, Tinkle, Wade, Wagner, Williams, and Young—44.

**NOES.**—None.

Senate Bill No. 436 ordered to enrollment.

**Senate Bill No. 452.**—An act to amend sections 733, 1151, 1165, and 1294 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 7013, 7063, 9013, 12903, 12904, 12913, 12923, 12928, 12928, 12956 and 12957 therein, all relating to insurance.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 452.

**Amendment No. 1.**

On page 1, line 25 of the printed bill, as amended, strike out "and shall be binding upon the", strike out line 26, and insert in lieu thereof the following: "in respect to the matter".

**Amendment No. 2.**

On page 1, line 5 of the title of the printed bill, as amended, before "12956", insert the following: "12928.6."



The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 452?

The roll was called, and Assembly amendments to Senate Bill No. 452 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Williams—34.  
NOES—None.

Senate Bill No. 452 ordered to enrollment.

**Senate Bill No. 457**—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712, and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1677.1, 1677.5, and 1705.5 to said code, and to add articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 457.

##### Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 20 and 21, insert the following:

"(c) Persons directly employed by an insurer at its home or branch office, who do not solicit or negotiate insurance and who receive no commissions, and who may as part of their regular employment sign policies or other evidences of insurance."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 457?

The roll was called, and Assembly amendment to Senate Bill No. 457 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.  
NOES—None.

Senate Bill No. 457 ordered to enrollment.

**Senate Bill No. 458**—An act to amend sections 1390, 1391, 1392, and 1399 of the Insurance Code, and to repeal an act entitled "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee," approved December 24, 1911, relating to insurance.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 458.

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the comma, insert the following: "and to repeal an act entitled 'An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee,' approved December 24, 1911,".

##### Amendment No. 2.

On page 2 of the printed bill, after line 9, insert the following:

"Sec. 5. An act entitled 'An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee,' approved December 24, 1911, is hereby repealed."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 458?

The roll was called, and Assembly amendments to Senate Bill No. 458 concurred in by the following vote:

**AYES.**—Senators Allen, Bigger, Cummings, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Jorgensen, Ketting, Kettig, Law, McBride, McNeal, McQuinn, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Seawell, Slater, Sving, Tinkle, Wagy, Williams, and Young—35.

**NOES.**—None.

Senate Bill No. 458 ordered to enrollment.

**Senate Bill No. 461.**—An act to amend sections 1640 and 1830 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 2, of said code, all relating to insurance.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 461.

#### Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, strike out "and 1830", and insert therein the following: "1800".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 461?

The roll was called, and Assembly amendment to Senate Bill No. 461 concurred in by the following vote:

**AYES.**—Senators Allen, Bigger, Cummings, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Jorgensen, Ketting, Kettig, Law, McBride, McNeal, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Seawell, Slater, Sving, Tinkle, Wagy, and Westerman—35.

**NOES.**—None.

Senate Bill No. 461 ordered to enrollment.

**Senate Bill No. 466.**—An act to amend sections 705, 882, 1500, 1590, 1678, 1692, 1115, 1105, 1106, 1106A, 1106B, and 1274 of the Insurance Code and to add section 901A thereto, all relating to insurance, and declaring the urgency thereof, the act to take effect immediately.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 466.

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "and 1106A", and insert in lieu thereof a comma and the following: "1106B, and 1297A".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 466?

The roll was called, and Assembly amendment to Senate Bill No. 466 concurred in by the following vote:

**AYES.**—Senators Allen, Bigger, Cummings, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Jorgensen, Ketting, Kettig, Kierstead, Law, McBride, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Seawell, Seawell, Slater, Sving, Tinkle, Wagy, Westerman, and Williams—35.

**NOES.**—None.

Senate Bill No. 466 ordered to enrollment.

**Senate Bill No. 468.**—An act to amend section 105 of the Insurance Code, relating to insurance.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 468.

**Amendment No. 1.**

On page 1, line 12, of the printed bill, as amended, strike out the comma and "except such as is incidental to a policy", and strike out line 13, and insert in lieu thereof a period and the following:

"Nothing in this paragraph shall be deemed to limit any of the powers of title insurers."

**Amendment No. 2.**

On page 1, line 16, of the printed bill, as amended, after the word "performance", insert the following: "or in a contract indemnifying any bank, banker, broker, financial or moneyed corporation or association, any State, political subdivision, public or municipal corporation, or any officer of any State, political subdivision, public or municipal corporation".

**Amendment No. 3.**

On page 1, line 20, of the printed bill, as amended, after the comma which follows "bonds", insert the following: "notes, drafts, checks, instruments of similar character,".

**Amendment No. 4.**

On page 2, line 5, of the printed bill, as amended, strike out "custody or possession of a carrier for hire", and insert in lieu thereof the following: "exclusive custody or possession of a common carrier".

**Amendment No. 5.**

On page 2, lines 7 and 8, of the printed bill, as amended, strike out "accompanied by one or more armed guards".

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 468?

The roll was called, and Assembly amendments to Senate Bill No. 468 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

**NOES**—None.

Senate Bill No. 468 ordered to enrollment.

**Senate Bill No. 475**—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, and 363.3 thereto, relating to live stock marks and brands.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 475.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "354," and in line 3, after "362.2", strike out the comma, insert the word "and", and strike out "and 378.5".

**Amendment No. 2.**

On page 5, line 37, of the printed bill, after "shipment", insert a comma and the following: "must before slaughter, have such cattle reinspected by an inspector of the department, and".

**Amendment No. 3.**

On page 6 of the printed bill, strike out lines 13 to 20, inclusive.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 475?

The roll was called, and Assembly amendments to Senate Bill No. 475 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland,

Lee, McRae, McCall, McGowan, Morgan, Mottet, Nielsen, Olson, Perlman, Phillips, Plummer, Powers, Quinn, Rich, Seaman, Senter, Strong, Tamm, Waggoner, and Young—46.  
None—None.

Senate Bill No. 475 ordered to enrollment.

**Senate Bill No. 544**—An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e and 7f to an act entitled "An act providing for the leasing of certain State lands and making an appropriation for the purpose of this act," approved May 17, 1917, as amended, relating to the leasing of State lands.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 544.

#### Amendment No. 1.

On page 1, line 1, of the printed bill as amended, after "here", insert the following: "for purposes other than the utilization and recovery of minerals, including oil, gas and other hydrocarbons, or for purposes other than prospecting for such minerals."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 544?

The roll was called, and Assembly amendment to Senate Bill No. 544 concurred in by the following vote:

Ayes—Sensors, Allen, Christopher, Cunningham, DeLoe, Dovel, Edwards, Garrison, Graham, Hays, Hendrick, Hightower, Johnson, Keating, Knepper, Knowland, McRae, McCall, Morgan, Morris, Nelson, Peterson, Phillips, Powers, Quinn, Rich, Senter, Smith, Strong, Tamm, Wallace, Williams, and Young—52.  
None—None.

Senate Bill No. 544 ordered to enrollment.

**Senate Bill No. 553**—An act to amend section 9 of, and to add section 9a to, an act entitled "An act to remove all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General, providing for the taking of gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams, and providing for the extraction of minerals other than oil and gas from lands owned by the State which are used for park purposes.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 553.

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 13 and 14 of the title, and insert in lieu thereof the following: "of the Surveyor General, providing for the taking of gold or other"

#### Amendment No. 2.

On page 1, line 17 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "and providing for the extraction of



minerals other than oil and gas from lands owned by the State which are used for park purposes."

#### Amendment No. 3.

On page 1 of the printed bill, between lines 9 and 10, insert the following:

"The right to prospect and lease lands containing such other minerals, which lands are owned by the State as part of the State park system, may also be acquired in the manner provided by this section for other State lands; but no permit shall be issued or lease granted for such lands unless such permit or lease is first approved by the State Park Commission."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 553?

The roll was called, and Assembly amendments to Senate Bill No. 553 concurred in by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixter, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.  
NOES—None.

Senate Bill No. 553 ordered to enrollment.

**Senate Bill No. 558**—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 558.

#### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, after the period, add the following: "As to any such tunnels on State highways, the approval of the Department of Public Works shall first be obtained."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 558?

The roll was called, and Assembly amendment to Senate Bill No. 558 was refused concurrence by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Hays, Hollister, Jespersen, Law, McGovern, Mixter, Olson, Parkman, Pierovich, Schottky, Tickle, Wagy, Westover, Williams, and Young—20.

NOES—Senators Allen, DeLap, Deuel, Holohan, Keough, Knowland, McColl, Nielsen, Phillips, Quinn, Rich, Seawell, Slater, and Swing—14.

**Senate Bill No. 560**—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 560.

#### Amendment No. 1.

On page 2, line 1, of the printed bill, as amended, beginning in said line 1, strike out the following: "and setting forth the terms thereof", and insert in lieu thereof the following: "on such terms as may be agreed upon by the county superintendent of schools and the governing board of the district of proposed attendance".

**Amendment No. 2.**

On page 2, line 20, of the printed bill, as amended, strike the word "male", insert a comma, and the following: "including female students of the seventh and eighth grades of a junior high school."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 569?

The roll was called, and Assembly amendments to Senate Bill No. 569 concurred in by the following vote:

**AYES:** Senators Allen, Higgs, Cavanaugh, Cunningham, DeLoe, Hoad, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Howson, Keating, Kneiss, Kneissert, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Schottky, Sawall, Searles, Seay, Thiele, Wagner, Wenzel, Wenzel, Wenzel, and Williams—25.

**NOES:** None.

Senate Bill No. 569 ordered to enrollment.

**Senator Hays in the Chair.**

At four o'clock and twenty-seven minutes p.m., Senator Hays of the thirtieth district was called to the chair.

**Senate Bill No. 571.**—An act to add a new article to Chapter I of Part III of Division V of the School Code to be known as Article IV, relating to the loss or destruction of warrants on funds of school districts.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 571.

**Amendment No. 1.**

On page 1, line 2 of the copy of the printed bill, strike out "V" and insert in lieu thereof the following: "IV."

**Amendment No. 2.**

On page 1, line 1, of the printed bill, after line 1, insert the following: "Chapter I of Part III of Division IV, of."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 571?

The roll was called, and Assembly amendments to Senate Bill No. 571 concurred in by the following vote:

**AYES:** Senators Allen, Higgs, Cavanaugh, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Hays, Holloman, Holloman, Howson, Keating, Kneiss, Kneissert, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Schottky, Sawall, Searles, Seay, Thiele, Wagner, Wenzel, Wenzel, Wenzel, and Young—25.

**NOES:** None.

Senate Bill No. 571 ordered to enrollment.

**Senate Bill No. 607.**—An act to amend section 444d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 607.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 10 and 11, and insert in lieu thereof the following: "If the parents or guardians of such persons, when they are minors, consent thereto in writing, and if such persons, or their parents or guardians, when they are minors, are not there."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 607?

The roll was called, and Assembly amendment to Senate Bill No. 607 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Senate Bill No. 607 ordered to enrollment.

**President Pro Tempore in the Chair.**

At four o'clock and thirty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Senate Bill No. 661**—An act to amend section 42 of the Probate Code, relating to exemptions from restrictions on devises or bequests.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 661.

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "institution", insert the following: ", or to any corporation organized under the provisions of section 606 of the Civil Code".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 661?

The roll was called, and Assembly amendment to Senate Bill No. 661 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McGovern, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Senate Bill No. 661 ordered to enrollment.

**Senate Bill No. 667**—An act to amend section 585 of the Vehicle Code, relating to stolen and illegally stopped vehicles.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 667.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "and to add", and strike out lines 2 and 3, and insert in lieu thereof the following: "relating to stolen and illegally stopped vehicles."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 667?

The roll was called, and Assembly amendment to Senate Bill No. 667 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Senate Bill No. 667 ordered to enrollment.

**Senate Bill No. 869**—An act to amend section 10 of the "Inheritance Tax Act of 1934," relating to inheritance taxation and more particularly to the time of payment of the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon.

**Consideration of Assembly Amendments**

The Senate took up for considering Assembly amendments to Senate Bill No. 869.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of lines 5, 6 and 7, and insert in their stead the following: "and shall be paid to the State Treasurer."

**Amendment No. 2.**

On page 1, line 10, in the second sentence, strike out the words "after Treasurer," and insert in their stead the words "within 30 days."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 869?

The roll was called, and Assembly amendments to Senate Bill No. 869 were refused concurrence by the following vote:

**AYES**—None.

**NAES**—Senators Allen, Biggs, Cyprian, Cunningham, DeLoe, Engel, Fletcher, Garrison, Gordon, Hays, Hulsebos, Hubman, Jorgensen, Kauling, Kneale, Knowland, Law, McGill, McGovern, Morgan, Myster, Nelson, Olson, Phillips, Pierovich, Quinn, Hill, Sorensen, Swann, Swann, Olsen, Wynn, Wynn, Wynn, Wynn, and Young.

**Senate Bill No. 963**—An act to add section 6 to the Fair Trade Act, relating to fair trade practices, and providing for the separability of said section 6.

**Consideration of Assembly Amendments**

The Senate took up for considering Assembly amendments to Senate Bill No. 963.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out the words and insert in their stead the following:

An act to add section 6 to the Fair Trade Act, relating to fair trade practices, and providing for the separability of said section 6.

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 1 to 20, inclusive, and insert in their stead the following:

SECTION 1. A person selling or buying goods or any article in the state is deemed to be engaged in trade if he or she is licensed.

Sec. 6. All the provisions of this act shall remain in any community and through selling commodities at fixed trading agreement since the 19th century, which or name of the producer or owner of such commodity and if such commodity is in fair and open competition with commodities of the same general class produced by others.

Sec. 2. It is hereby declared to be the intent of the Legislature in adding section 6 to the Fair Trade Act, that if such section it should be held to be unconstitutional, the remainder of the act shall be unaffected thereby and shall continue in full force and effect.

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 1 to 28, inclusive.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 963?

The roll was called, and Assembly amendments to Senate Bill No. 963 concurred in by the following vote:

**AYES**—Senators Allen, Biggs, Cyprian, Cunningham, DeLoe, Engel, Fletcher, Garrison, Gordon, Hays, Hulsebos, Hubman, Jorgensen, Kauling, Kneale, Knowland, Law, McGill, McGovern, Morgan, Myster, Nelson, Olson, Phillips, Pierovich,



Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Senate Bill No. 963 ordered to enrollment.

**Senate Bill No. 971**—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and to renumber 14a to be section 14½, of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 971.

##### Amendment No. 1.

On page 2, line 18, of the printed bill, after the numeral "130", strike out the numeral "36", and insert the numeral "30".

##### Amendment No. 2.

On page 3, line 21, of the printed bill, after the word "product", strike out the semicolon, and insert a period; on page 3, line 21, after the period, insert the following as a new paragraph:

"Crankcase drainings, lubedistillate or any petroleum product shall not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in an internal combustion engine unless such product is: (1) Free from water and suspended matter when tested by means of centrifuge, in accordance with the American Society for Testing Materials, Standard Designation D96 35, as published in "American Society for Testing Materials Standards," 1936. (2) The neutralization number shall not be higher than 0.5 when tested in accordance with the American Society for Testing Materials, American Tentative Standard Designation D188 271, as published in "American Society for Testing Materials Standards," 1936."

##### Amendment No. 3.

On page 3, line 26, of the printed bill, after the comma following the word "purposes", strike out the word "and", and insert the word "or".

##### Amendment No. 4.

On page 3, line 29, of the printed bill, after the word "reclaimed", strike out the word "used".

##### Amendment No. 5.

On page 3, line 30, of the printed bill, after the quotation, strike out the word "used".

##### Amendment No. 6.

On page 3, line 35, of the printed bill, after the word "reclaimed", strike out the word "used".

##### Amendment No. 7.

On page 3, line 36, of the printed bill, after the quotation after the word "or", strike out the word "used".

##### Amendment No. 8.

On page 3, line 38, of the printed bill, strike out the fraction "1", and insert the fraction "1/16".

##### Amendment No. 9.

On page 3, line 38, of the printed bill, strike out the fraction "1", and insert the fraction "1/2".

##### Amendment No. 10.

On page 4, line 21, of the printed bill, before the word "lubricating", strike out the word "used".

## Amendment No. 99

On page 4, line 11, of the contract and after the word "contracted", strike out the word "and".

## Amendment No. 12.

On page 1, line 24, of the contract, after the word "that", strike the fraction  $\frac{1}{2}$  and insert the number "100".

## Amendment No. 13

On page 14, line 5, of the printed law, delete the words "for the period, and insert in lieu thereof the following: "and extended to read as follows:

[illegible]

As stated in the previous section, the provisions of this section shall be subject to the Department of Agriculture final review by October 30 of the Session of 1979, to be reported on documents with the bill in drafting and the provisions in this act.<sup>17</sup>

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 9714.

The bill was called, and Assembly amendments to Senate Bill No. 971 concurred in by the following vote:

AYES, Sebastian, Allen, Paine, Columbia, Conington, DeLoe, Gould, Fletcher, Garrison, George, Hays, Hemenway, Henshaw, Kneass, Kneass, Kneass and, Law, Mayberry, Morgan, Nichols, Olin, Parkhurst, Phillips, Plimpton, Powers, Quinn, Red, Salisbury, Sewall, Stone, Swift, Tenth, Wall, Worcester, Williams and Young. 37

None None

Senate Bill No. 271 related to enrollment.

**Senate Bill No. 1037**—An act to repeal and add Chapter 5, comprising sections 11010 to 11013, inclusive, of Part 2 of Division 2 of Insurance Code, relating to mutual workmen's compensation insurers.

### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1037.

## Amendment No. 1.

On page 4, lines 15 and 16, in the printed bill, an amended strike out that the including expenses incurred for the production of witnesses.

### Amendment No. 2.

On page 4 of the printed bill, as amended, strike out lines 48 to 51, inclusive, and on page 5, strike out lines 1 to 3, inclusive, and insert in lieu thereof the

following: "premiums actually received less return premiums during that year, except that such insurer may expend for the prevention of injuries an amount not exceeding eight per cent thereof in addition to such thirty per cent. The".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1037?

The roll was called, and Assembly amendments to Senate Bill No. 1037 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McGovern, Metzger, Myer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young 36.

**NOES**—None.

Senate Bill No. 1037 ordered to enrollment.

**Senate Bill No. 1070**—An act to amend sections 1 and 6b of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1070.

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "amend", insert the following: "sections 1 and 6b of".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1070?

The roll was called, and Assembly amendment to Senate Bill No. 1070 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young 34.

**NOES**—None.

Senate Bill No. 1070 ordered to enrollment.

**Senate Bill No. 1116**—An act to add sections 51.7 and 55 to, and to amend and renumber sections 51a and 51b as added by Chapter 427 of the Statutes of 1933, of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the disincorporation of such districts and the winding up of the affairs of disincorporated districts.





The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1116?

The roll was called, and Assembly amendments to Senate Bill No. 1116 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Senate Bill No. 1116 ordered to enrollment.

**Senate Bill No. 1142**—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1142:

##### Amendment No. 1.

On page 1, line 7, of the printed bill, following the word "Works", insert the following: "during the eighty-ninth and ninetieth fiscal years."

##### Amendment No. 2.

On page 1 of the printed bill, following line 15, insert the following:

"SEC. 2. The expenditure herein authorized of the moneys appropriated by this act shall be subject to all of the provisions of Chapter 157 of the Statutes of 1937."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1142?

The roll was called, and Assembly amendments to Senate Bill No. 1142 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Jepsersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Minter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Senate Bill No. 1142 ordered to enrollment.

**Senate Bill No. 1144**—An act to amend section 1251 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1144.

##### Amendment No. 1.

On page 3, line 16, of the printed bill, after "expended", insert the following: "or incurred".

##### Amendment No. 2.

At the end of the printed bill, insert the following:

"SEC. 10. A new section is added to the Code of Civil Procedure to be numbered 1264.9 and to read as follows:

1264.9. In any action for the acquisition hereunder of a toll road or toll bridge or the franchise for the collection of tolls thereon, the court in which such action is pending shall have jurisdiction to determine the liability of the condemning party to any county, city or other public mandatory for taxes, license fees or franchise pay-

ments and in determining the responsibility upon any such society, city or other public institution as to its responsibility in respect to its conduct and if, and in the event, any such society be so concerned against said condemning party, then and in that event an award shall be made to such society, city or other public institution, pursuant to the provisions of the law.

The question being: Shall the Senate concur in Assembly amendment number to Senate Bill No. 1144?

The roll was called, and Assembly amendments to Senate Bill No. 1144 concurred in by the following vote:

Ayes—Messrs. Allen, Bigger, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Johnson, Keating, Knecht, Kuntz, Lepp, Merrill, M. Gordon, Morgan, Myers, Nathan, Patterson, Quinn, Pomeroy, Quinn, R. B. Schott, Searcy, Smith, Sledge, Taylor, Wagner, Williams, Williams and Young—34.  
 None—None.

Senate Bill No. 1144 ordered to enrollment.

**Senate Bill No. 942.** An act to add a new chapter to Division VI of the Agricultural Code to be numbered 16, relating to marketing of agricultural products.

#### Consideration of Assembly Amendment

The Senate took up for consideration Assembly amendment to Senate Bill No. 942.

#### Amendment No. 1.

On page 14 of the printed bill as amended, strike the lines 10 to 12, inclusive, and insert in lieu thereof the following: "Notwithstanding the marketing of such commodities as livestock or farm products, shall be the Secretary of Agriculture of the United States continue to the protection of any law or laws of the United States in enforcing the marketing of such."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 942?

The roll was called, and Assembly amendment to Senate Bill No. 942 concurred in by the following vote:

Ayes—Messrs. Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Keating, Knecht, Kuntz, Lepp, Merrill, Morgan, Myers, Nathan, Johnson, Pomeroy, Pomeroy, Quinn, R. B. Schott, Searcy, Smith, Sledge, Taylor, Wagner, Williams, Williams and Young—32.  
 None—None.

Senate Bill No. 942 ordered to enrollment.

**Senate Bill No. 168.** An act to add sections 15 and 51 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 168.

#### Amendment No. 1.

On page 1, line 1 of the printed bill, strike out "5.5", and insert in lieu thereof the following: "5.1".

#### Amendment No. 2.

On page 1, line 5 of the printed bill, strike out "5.5", and insert in lieu thereof the following: "5.1".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, strike out "5.5", and insert in lieu thereof the following: "5.1".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 168?

The roll was called, and Assembly amendments to Senate Bill No. 168 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Keough, Knowland, Law, McCall, McGovern, Metzger, Meyer, Nielsen, Parkman, Phillips, Purovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—35.

**NOES**—None.

Senate Bill No. 168 ordered to enrollment.

**Senate Bill No. 205**—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 205.

**Amendment No. 1.**

On page 1, line 19, of the printed bill, after "Controller", insert the following: "or to the State Personnel Board".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, after "affidavit", insert the following: "and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes the State of California by reason of advances for expenses or for any other purpose".

**Amendment No. 3.**

On page 2, line 1, of the printed bill, after "claim", insert the following: "after deducting from such claim an amount sufficient to reimburse the State department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California".

**Amendment No. 4.**

On page 2 of the printed bill, after line 33, insert the following:

"(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city."

**Amendment No. 5.**

On page 2, line 34, of the printed bill, strike out the "(d)", and insert in lieu thereof the following: "(f)".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 205?





**Amendment No. 4.**

On page 2, line 8, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "controller".

**Amendment No. 5.**

On page 2, line 13, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "controller".

**Amendment No. 6.**

On page 2, line 20, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "controller".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 237?

The roll was called, and Assembly amendments to Senate Bill No. 237 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Knowland, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Schotky, Seawell, Slater, Swing, Tickle, Waggy, and Westover—30.

**NOES**—None.

Senate Bill No. 237 ordered to enrollment.

**Senate Bill No. 265**—An act to amend section 24 of the Direct Primary Law, relating to party conventions.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 265.

**Amendment No. 1.**

On page 6, line 7, of the printed bill, strike out "it", strike out lines 8 to 11, inclusive, and insert in lieu thereof the following: "shall certify the name of each elector so nominated, his residence and his business address to the Secretary of State. Such certificates shall be delivered to and filed with the Secretary of State. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing November election. The names of the candidates for electors of President and Vice President shall not be printed upon the ballot. The votes cast for candidates for President and Vice President of each political party shall be counted for the candidates for presidential electors of such political party whose names have been filed with the Secretary of State."

**Amendment No. 2.**

On page 9, line 17, of the printed bill, strike out "seven", and insert in lieu thereof the following: "five".

**Amendment No. 3.**

On page 8, line 43, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "seven".

**Amendment No. 4.**

On page 9, line 13, of the printed bill, as amended, after the period, add the following: "Such members shall be entitled to all the rights and privileges including the right to vote and shall have the same standing in every way as other members of the county central committee."

**Amendment No. 5.**

On page 9 of the printed bill, as amended, between lines 38 and 39, add the following:

"The county clerk of each county or city and county shall within ten days after the second Tuesday in September, following the August primary election, ascertain who is the duly elected chairman of the county central committee and shall mail a certificate to that effect to the Secretary of State.

If any chairman of any county central committee refuses to call a meeting, such a meeting may be called upon five days notice by a majority of the members of the county central committee.

Each county central committee may make rules and regulations providing:

(a) How officers of the committee may be removed.

(b) How meetings may be called, and any movement to make shall supersede anything so that set in the meeting.

(c) Whether or not justice may be paid and the settlement under which they may be made.

And such rules respecting judicial fees may require specific reference to majority vote of the members present (except in cases vacated and such of the same shall as if adopted after they are now passed).

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 265?

The roll was called, and Assembly amendments to Senate Bill No. 265 concurred in by the following vote:

AYES: Senators Allen, Bogue, Coffey, Cummings, Dyer, Fletcher, Garrison, Gordon, Hays, Holloman, Holcomb, Johnson, Ketch, Kirtland, Law, Matthews, Morgan, Myers, Thomas, Cramer, Voth, Webb, Wright, Young, Quinn, Rich, Sweeney, Senter, Swain, Taylor, Wray, Williams, and Young—21.

NOES: None.

Senate Bill No. 262 ordered to enrollment.

**Senate Bill No. 298**—An act to amend sections 4268, 4277 and 4278 of the Political Code, relating to the remuneration of county and township officers and jurors.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 298.

##### Amendment No. 1.

On page 1, line 3 of the title of the proposed bill, as amended, after "sections", insert the following: "4268."

##### Amendment No. 2.

On page 1, line 1, in the proposed bill, as amended, after "4277", and insert in lieu thereof the following: "4268."

##### Amendment No. 3.

On page 1 of the proposed bill, as amended, between lines 2 and 3, insert the following:

"4268. In counties of the third class above, the following county officers shall receive as compensation for services rendered as here by law, or by virtue of their offices, the following fees, salaries, and emoluments, to wit:

1. The auditor, eight hundred dollars per annum.
2. The district attorney, one thousand five hundred dollars per annum.
3. The county clerk, one thousand five hundred dollars per annum.

4. The board of supervisors of such county shall furnish and supply to the justices of the peace of the county, transcribing the orders of the State and amendments thereto and all necessary stationery, legal blanks and fees for the proper conduct of business.

5. Each member of the board of supervisors, not exceeding two hundred dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile, provided, that each supervisor is, in addition, allowed three hundred dollars per annum to cover business expenses at twenty-five cents per mile in visiting the courts, which said salaries and mileage shall be in full for all services.

6. In counties of this class, the chief justice of the superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justice courts of the county, and shall receive as compensation for each case tried in the superior court, a per diem of ten dollars, and for transcription of said cases, when required during the progress of the trial, he shall receive the sum of five dollars and five cents per folio for the original, and five cents per folio for each copy, or both original and civil cases, but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original and five cents per folio for copies required, said compensation for transcribing in criminal cases to be limited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the

same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

7. Grand jurors, and trial jurors shall receive the following fees and mileage: (1) Grand jurors and jurors in the superior court shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

8. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

9. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile traveled in going, one way only, while acting as juror twenty-five cents.

10. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days' attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same.

SEC. 1.5. Section 4277 of the Political Code is hereby amended to read as follows:—

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 298?

The roll was called, and Assembly amendments to Senate Bill No. 298 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dencl, Fletcher, Garrison, Gordon, Hays, Hollister, Holsman, Jespersen, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Senate Bill No. 298 ordered to enrollment.

**Senate Bill No. 313**—An act to amend the title and sections 1 and 2 of "An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument," approved June 11, 1935, relating to State lands, providing for the reservation of certain lands to be exchanged for other lands with the United States.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 313.

##### Amendment No. 1.

On page 1, line 8 of the title of the printed bill, strike out "and providing for the granting"; and in line 9, strike out "to the United States of certain State lands".

##### Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 15 to 19, inclusive.

##### Amendment No. 3.

On page 2, line 23, of the printed bill, after the last period, insert a comma and add the following: "is hereby withheld and withdrawn from sale by the State and shall be exchanged for United States land of equal value, as provided by an act entitled "An act providing for the exchange of certain lands of the State, situate in a national park, and for the management and control of the lands acquired in exchange", approved May 16, 1927, and as provided by the act of Congress approved May 21, 1928 "(Public No. 456, 70th Congress)", provided, however, if the State has not within two (2) years from and after the date this act becomes effective, made application to the United States for the exchange as herein provided, all right, title and interest of the State of California to the said NE¼ of NE¼ of Section 27, T. 30 N., R. 5 E., M. D. M., shall be vested in the United States and made a part of the Lassen Volcanic National Park".





**Amendment No. 8.**

On page 8, line 36, of the printed bill, as amended, after "under", strike out "sections 83 and 84", and insert in lieu thereof the following: "sections 83 to 84, inclusive".

**Amendment No. 9.**

On page 9, line 19, of the printed bill, as amended, strike out "chapter", and insert in lieu thereof the following: "act".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 321?

The roll was called, and Assembly amendments to Senate Bill No. 321 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—28.

**NOES**—None.

Senate Bill No. 321 ordered to enrollment.

**Senate Bill No. 326**—An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 326.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of lines 6 to 25, inclusive, and insert in lieu thereof the following: "be reported to the State Controller and deposited in the State treasury. The Division of State Lands, shall, upon receipt of said moneys, apportion the amount thereof to the several counties of the State in which such public lands are located on the basis of the respective amounts received from grazing permits and leased lands located in each such county during the period for which said moneys are received by the State; and if any such grazing district or leased land lies in more than one county of the State each such county shall receive such proportional amount of said sum as the area of such grazing district or leased public lands included within the boundary of such county shall bear to the total area of such grazing district or lease. The division shall certify said apportionment to the State Controller who thereupon, in accordance with law, shall draw his warrant in favor of each such county in the amount apportioned thereto, and the State Treasurer shall pay the same. This act shall apply to all moneys now held by the State Treasurer received from the United States Government under said act and all moneys hereafter so received."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 326?

The roll was called, and Assembly amendment to Senate Bill No. 326 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.

**NOES**—None.

Senate Bill No. 326 ordered to enrollment.

**Senate Bill No. 343**—An act to amend the title and sections 1 and 17 of "An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor" (Statutes 1935, Chapter 497), relating to the California Institution for Women.

### Consideration of Assembly Amendment

The Senate took up for consideration Assembly amendments to Senate Bill No. 14.

## Amendment No. 1.

On page 1, line 6, of the text of the present bill, after and "Section 1025 (Chapter 10), and after in the second line thereof, "inserted: May 10, 1920."

The question being, shall the Senate assent in Assembly amendments to Senate Bill No. 3411.

The roll was called, and Assembly amendments to Senate Bill No. 343 considered in the following order:

Allen, Benjamin Allen, Jagger, Christopher, Cunningham, DeLap, Deuel, Garrison,  
 Gordon, Hays, Holahan, Jackson, Kinsley, Mendenhall, May, May, M. M.,  
 Moore, M. M., M. M., M. M., M. M., M. M., M. M., M. M., M. M., M. M.,  
 Smith, Smith, Smith, Smith, Smith, Smith, Smith, Smith, Smith, Smith,  
 Note, Note, Note, Note, Note, Note, Note, Note, Note, Note,

2000

Senate Bill No. 341 ordered to second reading

**Senate Bill No. 372**—An act to amend sections 7 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof," and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, or to amend sections 4152 and 4256 of the Business and Professions Code relating to the practice of pharmacy.

## Consideration of Account, Amendments

The Senate took up the amendments to Senate Bill No. 372.

## Amendment No. 1.

On page 1, line 11 of the item of my personal file, we recorded, after "4092" insert a printing with the following: "4100"

### Amendment No. 2.

On page 2, line 41, of the printed bill as amended strike out "who shall have", and insert "and all of line 41, but of line 42, strike out "the period of not less, than one year".

## Amendment No. 3

On page 3, line 10 of the memorandum, it is provided, in part: "The act cited in the title herein" (referring to the act cited in the heading) "is not entitled 'An act to regulate the use of firearms in the State of California, and to provide a remedy for the misuse thereof, and for the appointment of a board to be known as the California State Board of Firearms,' approved March 20, 1905."

### Amendment No. 4.

On page 4 of the printed bill as amended, between lines 17 and 18, insert the following:

Sec. 25. Section 41-2 of the Business and Professions Code is hereby amended to read as follows:

4132 Registration fee for students in postsecondary class one, shall be granted to

(d) His Board of Directors shall have the right to elect and to its satisfaction,

Has graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the State Board of Pharmacy.

Amendment No. 5.

### Amendment No. 5.

On page 5, line 3, of the proposed bill, as amended, after "3", insert a comma and the following: 3.5

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 372?

The roll was called, and Assembly amendments to Senate Bill No. 372 concurred in by the following vote:

**AYES**—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Senate Bill No. 372 ordered to enrollment.

**Senate Bill No. 394**—An act to amend section 6901, 6902, and 6903 of the Labor Code, relating to train crews

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 394.

**Amendment No. 1.**

On page 2, line 45, of the printed bill, after "cars", insert a period and the following: "The provisions of this section with reference to self-propelled pile drivers or other self-propelled vehicles apply only".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 394?

The roll was called, and Assembly amendment to Senate Bill No. 394 concurred in by the following vote:

**AYES**—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

**NOES**—None.

Senate Bill No. 394 ordered to enrollment.

**Senate Bill No. 412**—An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty-third and fiftieth classes.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 412.

**Amendment No. 1.**

On page 2, line 26, of the printed bill, as amended, strike out "one thousand eight hundred dollars", and insert in lieu thereof the following: "two thousand dollars".

**Amendment No. 2.**

On page 2, line 30, of the printed bill, as amended, strike out "eight", and insert in lieu thereof the following: "nine".

**Amendment No. 3.**

On page 2, line 31, of the printed bill, as amended, strike out "ten", and insert in lieu thereof the following: "twenty".

**Amendment No. 4.**

On page 2, line 34, of the printed bill, as amended, strike out "four", and insert in lieu thereof the following: "six".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 412?

The roll was called, and Assembly amendments to Senate Bill No. 412 were refused concurrence by the following vote:

**AYES**—None.

**NOES**—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McColl,

McGovern, Morgan, Miller, Nelson, O'Connell, Phillips, Pomeroy, Powers, Quinn, Reid, Russell, Sargent, Smith, Slater, Tickle, Westcott, Williams, and Young.

### Further Proceedings Under Call of the Senate Dispensed With

At five o'clock and fifteen minutes past, further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

### Withdrawal from Committee of Assembly Bill No. 65

Senator McGovern moved that Assembly Bill No. 65 be withdrawn from Committee on Revenue and Taxation and placed on the third reading file.

#### Motion.

Senator McGovern moved that Senator McGovern's motion to withdraw Assembly Bill No. 65 from Committee on Revenue and Taxation be laid on the table.

Motion carried, and such was the order.

### Withdrawal from Committee of Assembly Bill No. 1635

Senator Morgan moved that Assembly Bill No. 1635 be withdrawn from Committee on Revision of Criminal Law and Procedure, and placed on the third reading file.

The question being on the adoption of the motion to withdraw Assembly Bill No. 1635 from the Committee on Revision of Criminal Law and Procedure.

The roll was called, and the bill was withdrawn by the following vote:

Ayes: Senators Allen, Cummings, Delaney, Dwyer, Fletcher, Garrison, Gordon, Gordon, Haddock, Johnson, Keating, McBurn, McCall, Metzger, Nelson, Parkman, Phillips, Reid, Seawell, Westcott, Williams, and Young. 21.

Noes: Senators Tickle, Hoffman, McMillan, and Wagoner. 4.

Assembly Bill No. 1635 ordered placed on the unfinished business file.

### Re reference of Assembly Bill No. 2625

Senator Seawell moved that Assembly Bill No. 2625 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

### Re reference of Assembly Bill No. 330

Senator Reid moved that Assembly Bill No. 330 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

### Withdrawal and Re-reference of Assembly Bill No. 2909

Senator Jespersen moved that Assembly Bill No. 2909 be withdrawn from Committee on Insurgency and referred to Committee on Finance.

The question being on the adoption of the motion to withdraw and re-refer.

The roll was called, and the motion carried by the following vote:

Ayes: Senators Allen, Dwyer, Cummings, Delaney, Fletcher, Garrison, Gordon, Haddock, Haddock, Johnson, Keating, McBurn, McCall, Metzger, Nelson, Parkman, Phillips, Reid, Seawell, Westcott, Williams, and Young. 21.

Noes: Senators Cummings, Dwyer, Hays, Keating, Knowland, Law, McGovern, Miller, Olson, Powers, Quinn, Seawell, Slater, Tickle, Westcott, and Williams. 18.



**Resolution.**

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$200, the same being for postage for the Senate mailing department.

RICH, Chairman.  
LAW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

**Messages from the Governor.**

The following messages from the Governor were received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 26, 1937.

To the Honorable Senate of the State of California,

*Sacramento, California.*

GREETINGS: I am submitting herewith a list of expenditures made from the Governor's secret service fund for the Special Assembly Committee on Auditing, composed of the following Assemblymen:

Hon. Leon M. Donihue, Chairman,  
Hon. Ford A. Chatters,  
Hon. C. C. Cottrell,  
Hon. Ralph W. Evans,  
Hon. C. Don Field.

Certain members of this committee, representing the entire committee, appeared before me, stating that the funds allotted to the Special Assembly Committee on Auditing, by the Assembly, had been exhausted, and also called attention to the necessity of completing the work and the investigations they had undertaken.

In answer to their request, \$20,000 was allocated to the Governor's secret service fund from the emergency fund of the State, and the amounts of these expenditures and to whom made, and the purposes for which made, are set forth in the report.

If there is further information desired relative to this matter which the records of this office will in any way disclose, I shall be very pleased to furnish the same to the Senate. Accompanying this report is copy of a certificate from the Bank of America, the Sacramento main office, setting forth the amount remaining on deposit with the bank. The original certificate from the bank is on file with the Honorable Assembly of the State of California. The amount remaining on deposit will be returned to the emergency fund of the State.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

**Governor's Secret Service Fund—1936.**

	Salary	Expenses	
Allotment to fund-----			\$20,000 00
Chatters, Ford A.-----		\$212 40	
Craig, Thomas D.-----	\$906 66	461 27	
Donovan, Helen-----	797 32		
Dunn, J. E. P.-----	217 50		
Evans, Ralph W.-----		612 66	
Field, C. Don-----		182 05	
Friedman, Leo R.-----	4,366 66	214 20	
Griffin, Robert O.-----	213 33		
Grove, Virgil-----	25 00		
Hout, Ernest G.-----	400 00	163 96	
Hughes, John W.-----	340 00	69 87	
Martinelli, E. H.-----	606 66	84 05	
Peters, W. Edmund-----	2,496 00	414 12	

## Governor's Secret Service Fund—1936—Continued

	Salary	Expenses
Hendrix, James I.	\$218.00	\$218.15
Hendricks, James H.	200.00	20.95
Hendricks, Fred		2,482.08
Hendricks, C. C.		445.85
Hendricks, Louis M.		111.90
Hendrix, John F.		42.10
Hendricks, Irving E.		42.00
Adams & Adams		50.00
Carlson, A. & Co.		18.09
Deane, M.		70.00
Rice, Douglas C.		195.00
Pauls, Ted & Ted Co.		180.85
Royal Typewriter Co.		18.00
Winters, George		7.74
Arthur P. Nugent		1.50
Archie Nugent		13.50
William H. Larkin		12.50
Arthur M. Larkin & Co.		57.50
Robert F. O'Brien		4.00
Francis O'Brien		8.51
Harold F. Campbell		5.00
Chas. Winkler		10.75
Harry Douglas		7.00
Sam Leiber		2.00
Barbara G. Rizzo		8.95
Helen, Helen		2.00
Stanton, Frances		10.25
N. L. Reed		45.80
Woodward, Margaret (for 100 family program)		
Pauline Johnson		13.24
J. Pettit		12.40
Earl L. Farris		25.00
Mrs. Louise Ariaga		4.00
James Ariaga		25.20
James H. Owen		16.25
Joseph Lombardi		14.40
Thos. W. M. Martin		18.87
Chas. M. Columbus		13.24
Expenditures	\$13,706.75	\$7,206.74

Balance as of May 20, 1937

\$997.51

Cable Address: Sacramento  
1934BANK OF AMERICA, TRUST AND NATIONAL SAVINGS ASSOCIATION  
SACRAMENTO MAIN OFFICE

SACRAMENTO, CALIFORNIA, MAY 26, 1937.

Hon. Frank F. Merriam, Governor, State of California,  
Sacramento, California.

DEAR GOVERNOR: There was \$2,000.00 deposited into my account in this office by you, known as "The Governor's secret service fund". We have paid checks amounting to \$19,092.49, charging this amount against the account, thus leaving a balance in this account of \$997.51.

Respectfully,

(Signed)

R. F. VANDENBERG, JR.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, MAY 26, 1937.

To the Honorable Members of the Senate.

State Capitol, Sacramento, California.

GREENY S. I am pleased to inform you that on April 5, 1937, I appointed A. Helen Winkler of Ripton as a member of the State Board of Education, vice J. R. Gahlan, resigned for the term ending January 15, 1940, subject to the advice and consent of the Senate.

Very sincerely yours,

(Signed) FRANK F. MERRIAM, Governor of California.

Communication read, and referred to Committee on Rules.

### Motion to Reconsider.

Senator Olson moved to reconsider the vote whereby the amendments to Senate Bill No. 265 were given concurrence.

### Motion.

On motion of Senator McGovern, Assembly Bill No. 1704 was ordered placed on the unfinished business file.

### Recess.

At five o'clock and twenty-eight minutes p.m., on motion of Senator Swing, the President of the Senate declared recess until nine o'clock p. m.

### Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Messages from the Assembly.

The following messages from the assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 6—Relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuro-psychopathic hospital for veterans of the World War;

Senate Joint Resolution No. 7—Relative to memorializing Congress to enact legislation relating to disabled veterans;

Senate Joint Resolution No. 18—Relative to memorializing the President and the Congress of the United States to take action to relieve producers of agricultural products which have been damaged by freezing;

Senate Joint Resolution No. 24—Relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in war time and the effective barring of war profits.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Joint Resolutions Nos. 6, 7, 18 and 24 ordered to enrollment.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 69—An act making an appropriation to reimburse the San Diego harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to chapter 217, Statutes of 1931;

Senate Bill No. 122—An act to amend sections 171 and 181 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 228—An act to amend section 791 of the Fish and Game Code, relating to crabs.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 69, 122, and 228 ordered to enrollment.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 83—An act to add a new section to the School Code to be numbered 4102a, relating to an appropriation for vocational rehabilitation;

Senate Bill No. 182—An act to add section 212 to the Fish and Game Code, relating to fish and game enforcement officers;

Senate Bill No. 278—An act to add sections 285 and 286 to the Agricultural Code, relating to advance payments, collections and refunds;

Senate Bill No. 149—An act to amend sections 782, 784.3 and 820 of the Agricultural Code, relating to fences, gates and enclosures.

Senate Bill No. 144—An act to amend sections 1.

Senate Bill No. 142—An act to add a new section to the numbered 4041.21 to the Political Code, relating to powers of boards of county parks.

Senate Bill No. 141—An act to amend section 96 of the "Park Act" relating to deposits of funds donated by donors to various State parks.

Senate Bill No. 138—An act to add a new chapter to be numbered Chapter 9 to Division V of the Agricultural Code, relating to studies and standards for various stock.

Senate Bill No. 136—An act to amend sections 545, 650, 662, 675.5 and 676 of the Vehicle Code, relating to motor vehicles.

Senate Bill No. 135—An act to amend section 602 of the Agricultural Code, relating to manure.

Senate Bill No. 134—An act to amend section 476 of the Political Code, relating to the duties of State officers and employees.

Senate Bill No. 133—An act to add section 464 to the Fish and Game Code, relating to game law game.

Senate Bill No. 131—An act to add section 169 to the Political Code, relating to treatment of taxes levied upon assessments to the State or any political subdivision.

Senate Bill No. 129—An act to amend sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of act entitled

"An act concerning a system for the use of the transportation of persons or property for hire on transportation upon the main routes, roads and highways in the State of California for motor vehicles and providing that there are shall take effect immediately," approved May 10, 1933, to add sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 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765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 128—An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, to add sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 127—An act to amend sections 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 126—An act to amend sections 5, 6, 7, 9, 11, 12, 13 and 14 of,

and to add sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112,



Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution;

Senate Bill No. 393—An act to amend section 159a of the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor;

Senate Bill No. 633—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions;

Senate Bill No. 665—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles;

Senate Bill No. 684—An act to amend section 32 of the Public Utilities Act, relating to public utility rates;

Senate Bill No. 773—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or highways in the State of California by motor vehicle, to take effect immediately;

Senate Bill No. 880—An act making an appropriation for the support of the agricultural prorate commission, and declaring the urgency thereof;

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof, to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor;

Senate Bill No. 1080—An act making an appropriation for the purpose of providing for a National egg laying contest;

Senate Bill No. 1155—An act to add section 432.6 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance; And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered placed on the unfinished business file.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 1.6 to Article XIII thereof, relating to the San Francisco Bay Exposition;

Assembly Joint Resolution No. 19—Relative to memorializing Congress to enact legislation relating to disabled veterans;

Assembly Bill No. 1—An act to amend sections 2, 24, 3, 4, 14, 15, 16, 17, 18, 184 and 24, to add sections 3.5, 5, and 25, and to repeal section 8 of the Old Age Security Act of the State of California, or to amend sections 2020, 2024, 2140, 2160, 2162, 2163, 2181, 2182, 2183, 2185, 2186, 2187, 2188, 2189, 2200, 2221, 2224 and 2225 of, to add sections 2009 and 2025 to, and to repeal sections 2143, 2226 and 2227 of the Welfare and Institutions Code, relating to aid to the aged;

Assembly Bill No. 4—An act to amend sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of, and to add section 1.5 to, and to repeal section 7 of an act entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, or to amend sections 3002, 3005, 3026, 3043, 3044, 3047, 3049, 3075, 3078, 3081, 3082, 3083, 3084, 3086, 3087, 3088, and 3090 of, to repeal section 3048 of, and to add sections 3005.10, 3042.10, 3087.1, 3087.2, 3087.3 and 3091 to the Welfare and Institutions Code, relating to aid to needy blind;

Assembly Bill No. 204—An act to amend section 692 of, and to add a new section to be numbered 692a to, the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust or mortgage;

Assembly Bill No. 249—An act to amend section 690.10 of the Political Code, relating to rights in and upon swamp, overflowed, marsh, tide and submerged lands;

Assembly Bill No. 308—An act to amend section 171a of the Penal Code, relating to the conduct of prisons, jails, and reformatories;

Assembly Bill No. 428—An act to add a new section to the School Code to be numbered 4.197, relating to the insuring of employees of county superintendents of schools against liabilities imposed by law;



property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessment; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding";

Assembly Bill No. 2805—An act relating to the first unit of the Southern California Prison and making an appropriation therefor;

Assembly Bill No. 2843—An act to create a Commission to Study Existing Public and Private Arboreta and Botanic Gardens and make recommendations for the establishment of a publicly owned arboretum and botanic garden;

Assembly Bill No. 2854—An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county officers and employees, namely county foresters and fire wardens as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax;

Assembly Bill No. 2091—An act to amend section 2491 of the Political Code, relating to elections in reclamation districts.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer into a closed district;

And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 1176 ordered placed on the unfinished business file.

### **Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, Fletcher, Gordon, Hays, Keough, Knowland, Metzger, Nielsen, Olson, Pierovich, Rich, Schottky, Slater, Swing, Waggy, and Young—17.

The Secretary announced the absentees.

Time, nine o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### **Proceedings Under Call of the Senate.**

#### **Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 52—Relative to Federal Aid to State or territorial veterans' homes.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

### **Consideration of Assembly Joint Resolution No. 52.**

Senator Gordon asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 52, without reference to committee for purpose of adoption.







to levy a tax for advertising, exploiting, promoting and aiding measures to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants;  
Has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

GORDON, Chairman.  
OLSON.  
WESTOVER.  
DELAPE.

#### On Public Morals.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:  
Assembly Bill No. 741—An act to regulate the practice of horology;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; noes—3.

FLETCHER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:  
Assembly Bill No. 153—An act to amend section 69 of the Civil Code, relating to issuance of licenses to marry;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; noes—3.

FLETCHER, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:  
Assembly Concurrent Resolution No. 58—Relating to the appointment of a committee of Assemblymen and Senators to represent the Legislature at the Golden Gate Bridge Fiesta, dedication and celebration of May 28, 1937;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

RICH, chairman.  
SLATER.  
TICKLE.  
KNOWLAND.  
MCCOLL.

#### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 25, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 215—An act to amend section 1 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation;

Assembly Bill No. 217—An act to amend sections 2 and 3 of, and to add section 10 to, an act entitled "An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels;

Assembly Bill No. 379—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego;

Assembly Bill No. 380—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego;

Assembly Bill No. 2124—An act relating to the acquisition or construction of a bridge or bridges connecting the State highway system across Carquinez Straits, and across the San Joaquin River connecting the counties of Sacramento and Contra Costa, and defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in relation thereto;

Assembly Bill No. 439—An act to amend section 69010 of the Political Code of the State of California, relating to the construction and maintenance of groins;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—3; committee vote: Ayes—3.

NIELSEN, Chairman.



Assembly Bill No. 2875—An act making an appropriation for the printing, publication, purchasing, and transportation of textbooks;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 614—An act to authorize the purchase of certain real property for Fresno State College and making an appropriation therefor;

Assembly Bill No. 1608—An act making an appropriation to meet a deficiency in the appropriation for printing constitutional amendments, Secretary of State's Office, for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 1609—An act to add section 37 5 to the Alcoholic Beverage Control Act, relating to moneys heretofore appropriated for administration and enforcement;

Assembly Bill No. 1779—An act making an appropriation for the support of the Sales Tax Division of the Board of Equalization during the eighty-eighth fiscal year, and to take effect immediately;

Assembly Bill No. 1908—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, and to add two new sections, to be numbered, 4a and 4b, to said act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of taxable distributions of motor vehicle fuel, the refund of said license tax under certain conditions, the acquisition of property by the State because of nonpayment of said license tax and the disposition of such property and to make an appropriation for the administration of motor vehicle fuel taxes and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1824—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19, 1, 22 and 22 5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 210—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately;

Assembly Bill No. 471—An act making an appropriation to meet a deficiency in an appropriation for the support of the Department of Motor Vehicles, and providing that this act shall take effect immediately;

Assembly Bill No. 1431—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately;

Assembly Bill No. 1685—An act to amend sections 4, 8, 9, 12, 25, 33, 38a, 39, 42, 49, 67, 78, 83, 85a, 86, and 108 of, and to add sections 3a, 33a, 75a and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California and making an appropriation therefor;







Assembly Bill No. 2887—An act making an appropriation to the Department of Finance for construction, reconstruction, repairs, improvements, equipment and furnishings in the State Capitol and the State office buildings in the city of Sacramento.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2548—An act to provide for the acquisition of the Muir Wood Toll Road by the State and the inclusion thereof in the county road system of the county of Marin, and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes—5; noes—4.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2447—An act making an appropriation for the purpose of providing for a national egg laying contest;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—5; noes—4.

SWING, Chairman.

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 950—An act to add Chapter 2, comprising sections 2500 to 2615, inclusive, to Division IV of the Welfare and Institutions Code, to amend section 5077 of the Welfare and Institutions Code, and to repeal an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1922, as amended, relating to the aid and relief of indigents;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 51—Relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southern end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 3; committee vote: Ayes—3.

PHILLIPS, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 119—An act to amend sections 4, 5, 8 and 11 of, and to add sections 4a and 4b to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to the payment and collection of taxes, and the suspension of licenses, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Revenue and Finance, to which was referred:

Assembly Bill No. 2292—An act to amend section 1067 of the Political Code, relating to property subject to taxation.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: A. KNOXLAND, Chairman.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Revenue and Finance, to which was referred:

Assembly Bill No. 2293—An act to amend section 13 of an act entitled "An act imposing a license fee on the the ownership of animals or property for use or employment upon public roads, streets and highways by the State of California," passed May 13, 1935, relating to the taxation of license-controlled animals and gear.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill do pass as amended.

Committee membership: W. CRITTENDEN, Chairman.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Revenue and Finance, to which was referred:

Assembly Bill No. 2294—An act to add sections 71, 72, 73, 74, 75, 76, 77 and 78 to the Political Code, relating to questions and written answers.

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: W. CRITTENDEN, Chairman.

KNOWLAND, Chairman.

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2295—An act to amend section 90 of the Agricultural Code, relating to license requirements.

Assembly Bill No. 2296—An act to amend section 100 of the Agricultural Code, relating to licensing licensees.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: W. CRITTENDEN, Chairman.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2297—An act to provide for the regulation of the marketing, storing and processing of agricultural products as grown for the distribution of such to the Bureau of Agriculture, to provide standards for the grading of such products, and to amend the terms of this act, to take effect immediately.

Assembly Bill No. 2298—An act to amend section 92 of the Agricultural Code, relating to agricultural license requirements.

Assembly Bill No. 2299—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural license and including provisions for leasing of property of such districts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: W. CRITTENDEN, Chairman.

KNOWLAND, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 2300—An act to amend section 797 of the Fish and Game Code, relating to abalones.

Assembly Bill No. 2301—An act to amend section 1313 of the Fish and Game Code, relating to trapping boats.

Assembly Bill No. 2663—An act to add section 919 to and repeal section 923 of the Fish and Game Code, relating to bait nets;

Assembly Bill No. 2915—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

#### SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 590—An act to amend sections 10, 11, and 46 and repealing sections 12 and 20 of the Fish and Game Code, relating to the administration of Fish and Game Laws;

Assembly Bill No. 2702—An act to add section 37 to the Fish and Game Code, relating to the preservation of fish and game;

Assembly Bill No. 2078—An act to amend section 799 of the Fish and Game Code, relating to abalones;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

McCOLL, Chairman.

#### On Oil Industries.

#### SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Assembly Bill No. 2503—An act to add to the act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, new sections to be numbered 25a, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56, creating a State Oil and Gas Commission and prescribing its powers and duties relating to the development of State lands;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

#### On Revision of Criminal Law and Procedure.

#### SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 1044—An act to amend section 1 of "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1921, relating to exhibits in criminal cases;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

LAW, Chairman.

#### On Roads and Highways.

#### SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Assembly Bill No. 672—An act to amend section 1626 of the Streets and Highways Code;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

SLATER, Vice Chairman.

#### On Live Stock and Dairying.

#### SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Live Stock and Dairying, to which was referred:

Assembly Bill No. 1495—An act to add section 391.5 to the Agricultural Code, relating to straying animals;





section 3, of the Constitution and authorizing the filing of a petition in the superior court of the county where any portion of said lands are located to determine whether said lands are so used, declaring the said tidelands and submerged lands lying above or landward from said dividing line or property line so straightened or adjusted, or so surveyed, located and established by agreement, to be released from the trust for the public purposes of commerce, navigation and fishery, and all other trusts, conditions, limitations and restrictions imposed by the granting acts and authorizing the conveyance thereof to abutting owners;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 5; committee vote: Ayes—4; absent—1.

McGOVERN, Chairman.

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 715—An act to add two new sections, to be numbered 1000a and 1000b to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions;

Assembly Bill No. 2283—An act to amend section 4300l of the Political Code, relating to fees in municipal courts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1707—An act to amend section 670 of the Code of Civil Procedure, relating to the judgment roll;

Assembly Bill No. 1709—An act to amend section 255 of the Probate Code, relating to children born illegitimate;

Assembly Bill No. 2280—An act to add a new section to be numbered 1464 to the Penal Code, relating to destruction of records in municipal court, justices' courts and police courts;

Assembly Bill No. 2284—An act to amend section 189 of the Code of Civil Procedure, relating to destruction of records in municipal courts and justices' courts;

Assembly Bill No. 2286—An act to add a new section to be numbered 10323 to the Code of Civil Procedure, relating to costs in judgments by default;

Assembly Bill No. 2552—An act to amend section 36 of the Civil Code, relating to disaffirmance by minors of contract;

Assembly Bill No. 2597—An act to amend section 2274 of the Civil Code, relating to compensation of trustees;

Assembly Bill No. 2285—An act to amend section 586 of the Code of Civil Procedure, relating to judgment by default;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—8; absent—1.

HAYS, Chairman.

### Reading of Assembly Bills—(Out of Order).

**Assembly Bill No. 1817**—An act relating to the State civil service and declaring the urgency thereof and providing that this act shall take effect immediately.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 1817 were read and adopted:

#### Amendment No. 1.

On page 1, line 10, of the printed bill, as amended, strike out "section 14 of the State Civil Service Act", and insert in lieu thereof the following: "the State Civil Service Act, relating to dismissal for cause,".

#### Amendment No. 2.

On page 1, line 12, of the printed bill, as amended, strike out "is hereby declared to", and strike out all of lines 13 to 19, inclusive, and insert in lieu thereof the following: "shall be entitled to a hearing before the board on the question of whether or not such action was taken for reasons specified in the State Civil Service Act for dismissal for cause. In the event the board shall find that such action was not so

Taken with persons should be concerned in the treatment and the health status of persons by 20, 1991, provided that the work program should be allowed and implemented for the period of 1991-1992. In each region and in 1991, the State Personnel Board will, the relevant issues of each person.

## Amendment No. 2

The page 1, line 44, of the proposed bill, as approved, reads: "notice of his appointment of a successor, and a copy of such notice, to all of said persons, and insert in each issue of the following" "Independent" a heading

## Amendment No. 4.

10. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

Appendix A 5

On page 8, line 8 of the opinion, we corrected the citation to "United States v. [redacted]" and added to the citation the following: "(1999)".

## Amendment No. 6

or, from (3.10) and (3.11),

## Amendment No. 7

On page 2 of the printed bill, as amended, insert and set out lines 12 to 14:

## Amendment No. 8.

The page 1 line 1 of the title of the printed bill, as amended, should be read "The 'New' National' Bank Act and the 'New' National Bank Act."

14) read second time, ordered to print, and go to the for third reading

**Assembly Bill No. 1017.** An act to add a new section numbered 1041.70 to the Political Code relating to nomination, power and duties of county board of supervisors.

## Consideration of Committee Amendment

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 1017 was read and adopted:

## Amendment No. 1.

The page 2 line 5 of the journal tell about the party: "the persons of ... were not the same of said day ... and after and all of time 2 to 11 ... and ... and ... in being showed the following: ... in the ..."

Roll your stomach into your chest, and use life for third reading.

**Assembly Bill No. 2194**—An act to amend section 044121 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stands, book stand and lunch room purposes.

### Consideration of Committee Amendment

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2194 was read and adopted:

## Amendment No. 1.

On page 2, line 18, of the printed bill, as amended, after the word "off," insert the following: "excepted amounts of any savings on vocational expenses incurred by the country or any of its institutions, and"

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 741** An act to regulate the practice of horology.

Bill read second time and ordered in file for third reading.

**Assembly Bill No 153**—An act to amend section 69 of the Civil Code, relating to issuance of licenses to marry.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Public Morals, the following amendment to Assembly Bill No. 153 was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, following line 6, insert the following:

"Application for a marriage license must be made at least one day and not more than thirty days, before the license shall be issued, upon a form which the county clerk shall furnish without charge. One of the parties to the marriage must sign the application before the county clerk; the other party need not appear in person at the time of making the application but must sign the application before some officer authorized by law to administer oaths and such officer shall take the acknowledgment of such signature without charge. Upon the expiration of one day and not later than thirty days after receipt of the application, duly executed and signed, the clerk may issue the license. The application shall be substantially in the following form:

**Application for License to Marry.**

Notice is hereby given----- a native of----- of the age of----- years, residing at (full address to be inserted), and----- a native of----- of the age of----- years, residing at (full address to be inserted), intend within thirty days from the date hereof, to apply to the county clerk of----- County, State of California, for license to marry."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 215**—An act to amend section 1 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 217**—An act to amend sections 1, 2 and 3 of an act entitled "An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 379**—An act to amend and renumber section 2610 of the Political Code, as added thereto by Chapter 992 of the Statutes of 1933, relating to the powers of the Board of State Harbor Commissioners for the bay of San Diego.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 380**—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2124**—An act relating to the acquisition or construction of a bridge connecting the State highway system across Carquinez Straits at or near Crockett, California, defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in relation thereto, and making moneys available therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 439**—An act to amend section 690.10 of the Political Code of the State of California, relating to the construction and maintenance of groynes.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2917**—An act to amend section 2 of an act entitled "An act granting certain lands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 10, 1933, as amended, relating to tidelands and submerged lands granting additional lands to the city of Santa Barbara, expiring the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the acceptance of certain lands by the State, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1463**—An act to amend the title of and sections 1, 3 and 4 and to add section 7 to an act entitled "An act to regulate motor boats of less than 10 gross tons, registered in California waters and carrying passengers for hire and providing a penalty for violation hereof," approved June 12, 1931, relating to motor boat regulation.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation the following amendments to Assembly Bill No. 1463 were read and adopted:

#### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "and to add."

#### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "Section 7."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2901**—An act making an appropriation for additional support of The Adjutant General and the California National Guard, including allowances to organizations, rental of armories, and maintenance of high school cadets, for the eighty-ninth and ninetieth fiscal years, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2907**—An act making an appropriation for the support of the State Board of Equalization, to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 385**—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2875**—An act making an appropriation for the printing, publication, purchasing and transportation of textbooks.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 614**—An act to authorize the purchase of certain real property for Fresno State College and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.



**Assembly Bill No. 1608**—An act making an appropriation to meet a deficiency in the appropriation for printing constitutional amendments, Secretary of State's office, for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1609**—An act to add section 37.5 to the Alcoholic Beverage Control Act, relating to moneys heretofore appropriated for administration and enforcement.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1779**—An act making an appropriation for the support of the sales tax division of the Board of Equalization during the eighty-eighth fiscal year and to take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1908**—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of taxable distributions of motor vehicle fuel, and the refund of said license tax under certain conditions.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1824**—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 210**—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately.

#### **Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 210 was read and adopted:

#### **Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, strike out "seven thousand eight hundred seventy", and insert in lieu thereof the following: "eight thousand eight hundred thirty-five".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 471**—An act making an appropriation to meet a deficiency in an appropriation for the support of the Department of

Motor Vehicles and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 471 was read and adopted:

**Amendment No. 1.**

On page 1, line 8, at the initial set, as amended, after "bodies", insert the following: "and".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1431**—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936; entitled "An act to provide for the further development of vocational education in the several States and Territories," and making an appropriation therefor, and declaring the urgency thereof and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1431 were read and adopted:

**Amendment No. 1.**

On page 1, lines 24 and 25 of the printed bill, strike out "one hundred seventy-five thousand six hundred dollars and seventy-one cents", and insert in lieu thereof the following: "one hundred thirty-seven thousand eight hundred twenty-seven dollars and seventy-one cents".

**Amendment No. 2.**

On page 2 of the printed bill, strike out lines 2 to 9 inclusive, and insert in lieu thereof the following: "Each fiscal year the State Treasurer shall deposit one hundred dollars and fifty cents for each vocational student who has completed three hundred seven dollars and sixty-five cents for each year of successful attendance, beginning with the first hundred dollars and fifty cents deposited and continuing until the sum of one thousand four hundred dollars and fifty cents has been deposited, and thereafter the sum of one thousand six hundred dollars and one cent for each year of successful attendance and thereafter the sum of one thousand two hundred dollars and fourteen cents for each year of successful attendance thereafter.".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1685**—An act to amend sections 4, 8, 9, 12, 25, 33, 35a, 39, 42, 49, 67, 78, 83, 85a, 86 and 108 of, and to add sections 3a, 13a, 15a and 83h to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 1685 were read and adopted:

**Amendment No. 1.**

On page 1, line 18, of the printed bill, as amended, after "corporations;" insert the following: "in addition to other funds so controlled, funds deposited in the State treasury and disbursed therefrom in payment of compensation, regardless of the source from which they were derived, shall be considered as directly controlled by the State for the purposes of this section."

**Amendment No. 2.**

On page 7, line 50, of the printed bill, as amended, after "fund", insert the following: "or any other fund received, in whole or in part as a donation to the State, with restrictions as to its use which prevent contributions under section 109 hereof,".

**Amendment No. 3.**

On page 8, line 20, of the printed bill, as amended, after the comma, insert the following: "and in addition to any other appropriation therefor,".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2070**—An act to add sections 9 and 10 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, making an appropriation for said commission and adding a short title to said act.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2070 were read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, as amended, following the word "treasury", insert the following: "not otherwise appropriated".

**Amendment No. 2.**

On page 1, line 7, of the printed bill, as amended, after the word "act", insert the following: "during the eighty-ninth and ninetieth fiscal year".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out all of lines 8 to 14, inclusive.

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1826**—An act making an appropriation for the eradication of bovine tuberculosis.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 1826 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, following the word "agriculture", insert the following: "during the eighty-ninth and ninetieth fiscal year".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2364**—An act making an appropriation for the concreting of fish pond pools of the State trout hatchery at or near Forest Home on Mill Creek, San Bernardino County.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2364 was read and adopted:

**Amendment No. 1.**

On page 1, line 3, of the printed bill, following the word "expended", insert the following: "during the eighty-ninth and ninetieth fiscal years".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2790**—An act relating to the care and control of venereal diseases, granting other and further powers in relation thereto

to the State Board of Public Health and its subordinate agencies, authorizing the acceptance of Federal Social Security funds and making an appropriation therefor.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2780 were read and adopted:

##### Amendment No. 1.

On page 2, line 16, of the printed bill, the words "and" strike out the word "and" and insert in lieu thereof a comma.

##### Amendment No. 2.

On page 2 of the printed bill, on paragraph between line 14 and 15 add the following:

"14.5. Nothing in this act shall be construed to interfere with the freedom of any religious or the freedom of any non-religious religious and denominational or organizations to accept voluntarily any power for holding in accordance with the language of any religious and denominational or organizations. And persons holding the right to participate in the previous passage shall, consistent with any power or power granted him by any law or any provision of this act regarding financial or financial matters. And the State of California shall have and maintain of the State Board of Public Health, including company consisting of non-religious persons and the controlling of such business and such persons in this act regarding religious or denominational or organizations to engage shall apply."

##### Amendment No. 3.

On page 4, line 16, of the printed bill, be amended, striking the word "and", insert the following: "except the following: (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) 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**Amendment No. 2.**

On page 1, line 8, of the printed bill, as amended, strike out "2", and insert in lieu thereof the figure "3".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 950**—An act to amend the title of and sections 2, 3, 4, 7 and 9, and to add sections 14 and 15 to an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents and the recovery of reimbursement therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 950 were read and adopted:

**Amendment No. 1.**

On page 1, lines 3, 4 and 5 of the title of the printed bill, as amended, (which lines appear in capital letters,) strike out "to amend section 5077 of the Welfare and Institutions Code,".

**Amendment No. 2.**

On page 6, line 9, of the printed bill, as amended, strike out "all able-bodied".

**Amendment No. 3.**

On page 6, line 10, of the printed bill, as amended, strike out "indigent persons and all", and insert in lieu thereof the following: "all unemployable unemployed".

**Amendment No. 4.**

On page 6, line 37, of the printed bill, as amended, strike out "able-bodied", and insert in lieu thereof the following: "unemployable unemployed incapacitated".

**Amendment No. 5.**

On page 7 of the printed bill, as amended, strike out lines 30 and 31, and insert in lieu thereof the following:

"2554. Neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife if they are living separate and apart and in such case each may have a separate domicile or residence dependent upon proof of the fact and not upon legal presumptions."

**Amendment No. 6.**

On page 11 of the printed bill, as amended, strike out lines 7 to 35, inclusive, and in line 36, strike out "Sec. 3.", and insert in lieu thereof the following: "Sec. 2."

**Amendment No. 7.**

On page 11, line 39, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "3".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 90**—An act providing for payment by the State for park property acquired for highway purposes in the Arroyo Seco in Los Angeles County.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2058**—An act to amend section 1144 of and to add sections 1143a, 1145a, and 1145b to the Agricultural Code, relating to egg products and providing for the keeping and giving of information in reference thereto, regulating the delivery thereof from public warehouses, regulating the containers in which egg products are packed, providing for the seizure of egg products and food products manufactured using egg products and providing an appropriation for the enforcement of Article 4 of Chapter 8 of Division V of the Agricultural Code.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2892**—An act to provide a unified and centralized program of construction, repair and improvement of State buildings, and making an appropriation for the purpose of this act.

*Consideration of Committee Amendments*

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2892 were read and adopted:

*Amendment No. 1.*

On page 1, line 7 of the printed bill, as amended, strike out "State", insert the following: "person", reading:

*Amendment No. 2.*

On page 2, line 16 of the printed bill, as amended, strike out "Seven hundred eighty-one" and insert in lieu thereof the following: "Five hundred eighty-one".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2951**—An act making an appropriation to the State Department of Finance for the purchase of real property, declaring the urgency thereof, and providing that this act shall take effect immediately.

*Consideration of Committee Amendment*

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2951 was read and adopted:

*Amendment No. 1.*

On page 1, line 2 of the printed bill as amended, strike out "SEVENHUNDRED", and insert in lieu thereof the figure "FIVEHUNDRED".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1612**—An act to amend sections 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090 and 3091 of the Labor Code, relating to master and apprentice.

*Consideration of Committee Amendments*

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 1612 were read and adopted:

*Amendment No. 1.*

On page 2, line 2 of the printed bill, as amended, strike out "the said act", strike out all of lines 4 and 5, and insert in lieu thereof the following: "Further amended as follows: (a) Section 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 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3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3821, 3822, 3823, 3824, 3825, 3826, 3827, 3828, 3829, 3830, 3831, 3832, 3833, 3834, 3835, 3836, 3837, 3838, 3839, 3840, 3841, 3842, 3843, 3844, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3860, 3861, 3862, 3863, 3864, 3865, 3866, 3867, 3868, 3869, 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880, 3881, 3882, 3883, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3998, 3999, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368, 4369, 4370, 4371, 4372, 4373, 4374, 4375, 4376, 4377, 4378, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 4389, 4390, 4391, 4392, 4393, 4394, 4395, 4396, 4397, 4398, 4399, 4400, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 4410, 4411, 4412, 4413, 4414, 4415, 4416, 4417, 4418, 4419, 4420, 4421, 4422, 4423, 4424, 4425, 4426, 4427, 4428, 4429, 4430, 4431, 4432, 4433, 4434, 4435, 4436, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4448, 4449, 4450, 4451, 4452, 4453, 4454, 4455, 4456, 4457, 4458, 4459, 4460, 4461, 4462, 4463, 4464, 4465, 4466, 4467, 4468, 4469, 4470, 4471, 4472, 4473, 4474, 4475, 4476, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496, 4497, 4498, 4499, 4500, 4501, 4502, 4503, 4504, 4505, 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4517, 4518, 4519, 4520, 4521, 4522, 4523, 4524, 4525, 4526, 4527, 4528, 4529, 4530, 4531, 4532, 4533, 4534, 4535, 4536, 4537, 4538, 4539, 4540, 4541, 4542, 4543, 4544, 4545, 4546, 4547, 4548, 4549, 4550, 4551, 4552, 4553, 4554, 4555, 4556, 4557, 4558, 4559, 4560, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575, 4576, 4577, 4578, 4579, 4580, 4581, 4582, 4583, 4584, 4585, 4586, 4587, 4588, 4589, 4590, 4591, 4592, 4593, 4594, 4595, 4596, 4597, 4598, 4599, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633, 4634, 4635, 4636, 4637, 4638, 4639, 4640, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, 4649, 4650, 4651, 4652, 4653, 4654, 4655, 4656, 4657, 4658, 4659, 4660, 4661, 4662, 4663, 4664, 4665, 4666, 4667, 4668, 4669, 4670, 4671, 4672, 4673, 4674, 4675, 4676, 4677, 4678, 4679, 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692, 4693, 4694, 4695, 4696, 4697, 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4784, 4785, 4786, 4787, 4788, 4789, 4790, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4835, 4836, 4837, 4838, 4839, 4840, 4841, 4842, 4843, 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 490

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 119 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after the word "sections", strike out "4, 5, 8 and 11", and insert in lieu thereof the following: "2, 4, 5, 7, 8, 9, 11 and 13".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill as amended, strike out "and", and insert in lieu thereof a comma, and after "4(b)", add ", 4(c), 4(d) and 4(e)".

**Amendment No. 3.**

On page 1, line 1, of the printed bill, as amended, after the word "section", strike out "4", and insert in lieu thereof "2".

**Amendment No. 4.**

On page 1 of the printed bill, as amended, between lines 2 and 3, insert the following:

"Sec. 2. Each operator of a motor vehicle within this State who transports or desires to transport for compensation or hire persons or property upon any public highway within this State shall apply to the board, on such forms as the board may prescribe, for a license to operate motor vehicles for the transportation of persons or property for hire or compensation upon public highways in this State.

Each application for a license must be accompanied by a fee of five dollars payable to the board. Upon the receipt of the application of any such operator, accompanied by such fee, the board shall issue to the applicant a license to transport for compensation or hire persons or property upon any public highway within this State; provided, however, that no license issued hereunder shall be construed to authorize the operation of any vehicle upon the public highways of this State contrary to the laws now or hereafter in effect regulating the operation of motor vehicles. No license issued hereunder shall be assignable by operation of law or otherwise.

All licenses issued under the provisions of this act shall expire on the thirty-first day of December next succeeding the date upon which they are issued. If any person shall become an operator and shall fail to apply for the license and pay the fee required hereunder within thirty days thereafter or shall fail to apply for the renewal of a license previously held and pay the license fee of five dollars prior to the first day of January of the succeeding year and shall continue to act as an operator taxable hereunder, there shall be added to the license fee to be charged to such person an amount of five dollars.

Sec. 2. Section 4 of the act cited in the title hereof is hereby amended to read as follows:"

**Amendment No. 5.**

On page 1, line 8, of the printed bill, as amended, after the word "Sec.", strike out "2", and insert in lieu thereof "3".

**Amendment No. 6.**

On page 2, line 7, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof "ten".

**Amendment No. 7.**

On page 2, of the printed bill, as amended, strike out all of lines 9 to 15, both inclusive.

**Amendment No. 8.**

On page 2, line 16, of the printed bill, as amended, after the word "Sec.", strike out "3", and insert in lieu thereof "4".

**Amendment No. 9.**

On page 2 of the printed bill, as amended, strike out all of lines 18 to 40, both inclusive, and insert in lieu thereof the following:

"Sec. 4(b). Any operator failing to pay any tax, except taxes determined by the board under the provisions of sections 4(c) and 4(d) hereof, within the time required by this act shall pay in addition to the tax a penalty of ten per cent of the unpaid amount thereof, plus interest at the rate of one-half of one per cent a month, or fraction thereof, from the date at which the tax became due and payable until the date of payment.

SEC. 5. Section 4(c) is hereby added to the act cited in the title hereof to read as follows:

Sec. 4(c). If the board is not satisfied with the return and payment of tax made by any operator, it is hereby authorized to make an additional assessment of tax due from any such operator based upon the information contained in the return or upon any information in its possession. All additional assess-





The board is hereby charged with the enforcement of the provisions of this act, except in so far as duties and powers are herein vested in the Department of Motor Vehicles, and is hereby authorized to prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of the provisions of this act.

The board may appoint accountants, auditors, investigators and such other expert and clerical assistants as it may from time to time deem necessary to enforce its powers and perform its duties under this act."

#### Amendment No. 12.

On page 4, line 28, of the printed bill, as amended, after the word "See.", strike out "5", and insert in lieu thereof "10".

#### Amendment No. 13.

On page 5 of the printed bill, as amended, between the lines 10 and 11, insert the following:

"SEC. 11. Section 9 of said act is hereby amended to read as follows:

SEC. 9. No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection under this act of any license tax sought to be collected by the Controller; but after payment of any such license tax under protest duly verified and setting forth the grounds of objection to the legality of such license tax, the operator paying such license tax may bring an action against the State Treasurer in the superior court of the county of Sacramento for the recovery of license tax so paid under protest. No such action may be instituted more than sixty days after the last day prescribed for the payment of such license tax without penalty, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment of license taxes hereunder. No grounds of illegality of the license tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the license tax.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any license taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of license tax found to have been illegally collected from the date of payment of such license tax to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any license tax paid hereunder, when such action is brought by or in the name of an assignee of the operator paying said license tax, or by any person, company or corporation other than the person, company or corporation that has paid such license tax.

If the board determines that any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board the same shall be credited on any taxes then due from the operator under this act and the balance shall be refunded to the operator, or his successors, administrators, executors or assigns, but no such credit or refund shall be allowed after three years from the date of overpayment.

If the total taxes and licenses, excluding such State taxes and licenses as are on, according to or measured by gross receipts or net income or with respect to motor vehicle fuel, becoming due and payable during a calendar year and paid during such year to this State and its political subdivisions, including municipalities, by an operator upon, or on account of the operations of, his property used exclusively to produce gross receipts from his operations taxable hereunder, shall exceed 2 per cent of such gross receipts from his operations during such year, the amount of such excess, not exceeding, however, the amount of license taxes paid hereunder during such year, shall be subject to refund upon a verified claim therefor filed with the board by such operator within ninety days after the close of such year. Thereafter the board shall examine such claim and if it shall appear to the satisfaction of the board that a refund is due, shall certify to the State Board of Control the amount thereof, and if approved by that board the same shall be credited on any taxes then due from the operator under this act and the balance shall be refunded to the operator, or his successors, administrators, executors or assigns, but no such credit or refund shall be allowed unless the claim therefor shall have been filed within the time herein specified.

Any refund or any portion thereof which is erroneously made and any credit or any portion thereof which is erroneously allowed, may be recovered in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento, in the name of the people of the State of California and such action shall be tried in the county of Sacramento unless the court with the consent of the Attorney General, orders a change of place of trial. The Attorney General must

business will permit, and the Government of the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public.

In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

**Amendment No. 13.**

On page 12, line 11 of the printed bill, so amended, after the word "shall" insert "and" and delete "the".

**Amendment No. 14.**

On page 5 of the printed bill, so amended, in the fourth of lines 4 to 50 inclusive, insert the following:

Sec. 11. Whenever any person or persons, whether or not a corporation, shall be engaged in the sale of any article or commodity in the State of New Hampshire, and shall, under this act, be found liable for having sold such article or commodity in violation of the provisions of this act, the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit. The Government of the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public. In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

The board of the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public. In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

If the Government of the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public. In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

Transfer to the Government of the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public. In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

**Amendment No. 15.**

On page 6 of the printed bill, so amended, between lines 5 and 7, insert the following:

Sec. 12. Section 11 of said act is hereby amended to read as follows:

Sec. 13. All taxes, interest and penalties due hereunder shall be paid in the form of noninterest-bearing notes to the Treasurer of the State of New Hampshire, and shall be deposited by the Treasurer in the State Treasury in the name of the State of New Hampshire. All taxes paid to the Department of Motor Vehicles hereunder shall be deposited by the State Treasurer in the name of the State of New Hampshire.

All monies received by the State of New Hampshire, having to control its business, especially public utility and natural gas business, for the public. In the event that a suit has been commenced against an operator the board shall certify such fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

The board shall certify the fact to the State Board of Control, and shall have no further jurisdiction of the suit until the issue of the suit.

Sec. 14. The tax assessed by the board under the provisions of the act shall be paid in the form of noninterest-bearing notes to the Treasurer of the State of New Hampshire, and shall be deposited by the Treasurer in the State Treasury in the name of the State of New Hampshire.

**SEC. 15.** All taxes assessed against operators prior to July 1, 1937, pursuant to the provisions of the act cited in the title hereof, as those provisions existed on January 1, 1937, and remaining unpaid on July 1, 1937, shall be collected by the Controller under the provisions of said act as amended hereby.

**SEC. 16.** The amendments to the act cited in the title hereof effected by this act shall become operative on July 1, 1937, except that the amendment hereby effected to section 2 of the act cited in the title hereof shall become operative on October 1, 1937."

#### **Amendment No. 17.**

On page 6, line 7, of the printed bill, as amended, after the word "Sec.", strike out "7", and insert in lieu thereof "17".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2923**—An act to amend section 3607 of the Political Code, relating to property subject to taxation.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2353**—An act to amend section 13 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle," approved May 15, 1933, relating to the disposition of moneys received under said act.

#### **Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 2353 were read and adopted:

#### **Amendment No. 1.**

At the end of the title of the printed bill, as amended, strike out the period and insert in lieu thereof the following: "and providing for appropriations from the revenues of said act, rather than from the general fund."

#### **Amendment No. 2.**

On page 1 of the printed bill, as amended, at the end of line 1, add the following: "as said section was numbered on January 1, 1937."

#### **Amendment No. 3.**

On page 1, line 6, of the printed bill, as amended, strike out "All" and strike out all of lines 7 to 21, inclusive, and insert in lieu thereof the following: "The moneys in said fund are hereby appropriated, subject to the provisions of any specific appropriation heretofore or hereafter made or of any budget bill hereafter enacted and section 661 of the Political Code, as follows:

(a) To pay the refunds authorized in this act.

(b) To the State Board of Equalization to carry out any duties imposed upon it by this act.

(c) To the State Controller to carry out any duties imposed upon him by this act.

(d) To the State highway fund, as hereinafter provided.

All balances in said fund after the payment of the appropriations mentioned in subdivisions (a), (b), and (c) of this section shall be transferred by the State Controller to the State highway fund. The money so transferred to the".

#### **Amendment No. 4.**

On page 2, line 4, of the printed bill, as amended, strike out "The", and strike out all of lines 5 to 8, inclusive, and insert in lieu thereof the following: "All remittances for taxes, together with interest and penalties thereon, received by the board hereunder shall be transmitted daily to the Controller with the appropriate advices as to the operators by whom such remittances have been sent. The State Controller shall keep and appropriate record of such payments.

All sums paid under the provisions of this act to the Department of Motor Vehicles shall be deposited in the State treasury to the credit of the motor vehicle fund for the support of the Department of Motor Vehicles, or in the event a motor vehicle support fund is established by law, into said latter fund.

**SEC. 2.** In the event section 13 of the act cited in the title hereof as it was numbered on January 1, 1937, is renumbered by other provisions of law, the amendments made by this act to said section shall be deemed to amend said section as so renumbered.







SEC. 2. The provisions of this act effecting changes in the computation of taxes imposed by The Personal Income Tax Act of 1935 shall be applied only in the computation of the taxes for taxable years ending on or after December 31, 1937."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 136**—An act amending section 1 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to investigation of matters affecting the economic welfare of counties and their inhabitants.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1898**—An act to amend section 50 of the Agricultural Code, relating to county agricultural commissioner.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2016**—An act to amend section 120 of the Agricultural Code, relating to nurserymen licenses.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2835**—An act to provide for the regulation of the marketing, preparing and processing of agricultural food stuffs, to provide for the administration of such act by the Director of Agriculture, to prescribe standards for the guidance of said director, and to declare the urgency of this act, to take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 2835 were read and adopted:

##### Amendment No. 1.

On page 1, line 2, of the title of the printed bill, as amended, strike out the word "agricultural", and insert in lieu thereof the word "processed".

##### Amendment No. 2.

On page 1, line 4, of the title of the printed bill, as amended, after the word "Agriculture", strike out the comma, and insert in lieu thereof the word "and".

##### Amendment No. 3.

On page 5 of the title of the printed bill, as amended, after the word "director", strike out the comma and insert in lieu thereof a period, and strike out the remaining words in the title reading as follows: "and to declare the urgency of this act, to take effect immediately."

##### Amendment No. 4.

On page 3, line 14, of the printed bill, as amended, strike out the word "manufacturing".

##### Amendment No. 5.

On page 6, line 6, of the printed bill, as amended, strike out "an", and insert in lieu thereof the word "a".

##### Amendment No. 6.

On page 6, line 39, of the printed bill, as amended, strike out "an", and insert in lieu thereof the word "a".

##### Amendment No. 7.

On page 12, line 35, of the printed bill, as amended, strike out "stores", and insert in lieu thereof the words "sales of".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2007**—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs.

### Consideration of Community Amendments

Pursuant to the request of the Committee on Agriculture, the following amendments to Assembly Bill No. 1007 were adopted and adopted:

## Ammonium Chloride 1.

On page 1, line 7 of the first paragraph, we inserted after the word "and," before the word "and the following," the words "and the following" and the word "and" preceding that the word "and" after "and."

## Amor-Imant 92-2

On page 1, line 20, of the attached bill, as amended, after the word "representative", insert the words "and the following": "except that payments to elected city and county officials are reported to the public by disclosure of income taxes and salaries of those officials."

1. *Phragmites* (Common Reed)

[illegible]

There has been much criticism of the "Two and a Half" as a representation of slavery in the national memory and historical consciousness of the South. Further criticism has been directed at the historical inaccuracy and historical distance of the title of the film. However, the film's representation of slavery in the national memory is an important contribution to the historical consciousness of the South. The film's title is a reference to the fact that the film is a historical representation of slavery in the national memory.

File and insert into: ordered to print, and on file for third reading.

**Assembly Bill No. 2857**—An Act to Amend Sections 80, 82 and 83 of the Agricultural Code, relating to agricultural districts and including provisions for leasing of property of such districts.

## The Creation of the Appendments

Presented to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 2027 were read and adopted:

## Ammonium Nitrate

On page 2, line 19, of the printed bill, as amended, after the period insert the following: "The provisions of the national child labor act apply to working houses or extensions of working houses."

## Amendment No. 2.

On page 2 of the proposed E.O. as amended, striking lines 12 and 14 insert the following:

"The Board is not authorized to the extent of payment of such association all money assigned to them for such purpose shall be repaid to the association. Such payment shall be made from money allocated to such association from the fair and exposition fund. The provisions of section 920 of the Political Code shall not apply to any repayments made under authority of this subdivision."

Bill read several times, referred to print, and set aside for third reading.

**Assembly Bill No. 231**—An act to amend section 797 of the Fish and Game Code, relating to shadings.

Read second time, and select one for the third reading

**Assembly Bill No. 2324**—An act to amend section 1313 of the Fish and Game Code, relating to trapping bear.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2663**—An act to add section 919 to the Fish and Game Code, relating to bullfrogs.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2915**—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 590**—An act to amend the Fish and Game Code, relating to fish.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 590 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, after "amend", strike out the balance of the line, and strike out all of lines 2 to 4, inclusive, and insert in lieu thereof the following: "section 10 of the".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 3 to 24, inclusive, and strike out all of pages 2, 3 and 4, and insert in lieu thereof the following: "10. There shall be a Division of Fish and Game in the Department of Natural Resources, which division shall be administered through a Fish and Game Commission consisting of five members appointed by and holding office at the pleasure of the Governor."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2702**—An act to add section 37 to the Fish and Game Code, relating to the preservation of fish and game.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2702 was read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, strike out ", striped bass".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2078**—An act to add section 793.5 to the Fish and Game Code, relating to abalones and prohibiting the taking thereof at any time in fish and game districts 15, 16 and 17.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 2078 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 799 of", and insert in lieu thereof the following: "sections 85, 794 and 799, and to add section 85.5 to".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, as amended, after "abalones", insert the following: ", and creating a new district for the regulation of the taking thereof".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 85 of the Fish and Game Code is hereby amended to read as follows:

85. District 17. The following shall constitute fish and game district 17: The waters and tidelands to high-water mark of Monterey Bay and Pacific Ocean, lying between a line extending west from Pigeon Point lighthouse and a line extending west from the mouth of Carmel River, in Monterey County, excluding the areas included in districts 15, 16 and 17A, and excluding all rivers, creeks, sloughs and lagoons emptying into the Pacific Ocean and Monterey Bay within the boundaries of this district.

Sec. 2. Section 85.5 is hereby added to said code to read as follows:

85.5. District 17A. The following shall constitute fish and game district 17A: The ocean waters and tidelands to high-water mark lying within the follow-

ing boundaries. Beginning at highway corner in Old land national park, of Point Pleasant, thence southerly 1000 feet and thence southerly along a line drawn from northeast corner highway corner to a point where same west of said corner in the County of Grant; thence southerly north to the land national boundary of the mouth of said river. Except the following northerly line north of the corner of the same relating to survey 24 shall be as shown on map.

Sec. 3. Section Two of act 1937-10 is hereby amended to read as follows:

204. It is intended to have this section amended so that all claims, supported by proper evidence, of any tract of land in the County of Grant, shall be taken up by the State of Idaho as soon as possible. The act 1937-10 is hereby amended to read as follows: "The State of Idaho shall take up any tract of land in the County of Grant, which is claimed by any person, as soon as possible."

Sec. 4. Section 100 of act 1937-10 is hereby amended to read as follows:

Bill read second time, ordered to print, and on the for third reading.

**Assembly Bill No. 2874**—An act making an appropriation for the support of the State Controller, to take effect immediately.

#### Consideration of Committee Amendments

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2874 were read and adopted:

##### Amendment No. 1

On page 1 of the printed bill, between lines 1 and 2, insert the following:

Sec. 2. The provisions of this act shall be in effect as amended by this act shall be in effect as amended by the provisions of the Statutes of 1937.

##### Amendment No. 2

On page 1, line 2 of the printed bill, delete "and", and insert "and" after the word "and".

Bill read second time, ordered to print, and on the for third reading.

**Assembly Bill No. 2409**—An act to make an appropriation for the Railroad Commission of the State of California.

#### Consideration of Committee Amendment

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2409 was read and adopted:

##### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, following the word "and", insert the following: "and the said bill shall be in effect as amended by this act."

Bill read second time, ordered to print, and on the for third reading.

**Assembly Bill No. 2887**—An act making an appropriation to the Department of Finance for construction, reconstruction, repairs, improvements, equipment and furnishings in the State Capitol and the State office buildings in the city of Sacramento.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2887 were read and adopted:

##### Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "thousand", and insert in its stead the following: "one thousand five hundred".

##### Amendment No. 2

On page 1, line 4, of the printed bill, as amended, after "Finance", add the following: ", sixty thousand dollars of which shall be used".

##### Amendment No. 3

On page 1, line 14, of the printed bill, as amended, after "Capitol", add a comma and the following: "and the remainder shall be used to subdivide Room 404-C of



the State Capitol Building into smaller offices for the Senate, and to provide necessary ventilation and electrical installation for the same".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2503** An act to add section 25a to "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surveyor General.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil Industries, the following amendments to Assembly Bill No. 2503 were read and adopted:

**Amendment No. 1.**

In line 13 of the title of the printed bill, strike out the following: "26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38."; strike out all of line 14 of the title of the printed bill, and in line 15 of the title of the printed bill strike out the following: "55 and 56." and insert in lieu thereof the following: "25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j, 25k, 25l, 25m, 25n, 25o, 25p, 25q, 25r, 25s, 25t, 25u, 25v, 25w and 25x".

**Amendment No. 2.**

On page 1, line 3, of the printed bill, after the word "act", insert the following: "from section 25a to 25x".

**Amendment No. 3.**

On page 2, line 1, of the printed bill, after the word "act", insert the following: "from section 25a to 25x".

**Amendment No. 4.**

On page 2, line 10, of the printed bill, after the word "to", strike out "56", and insert in lieu thereof "25x".

**Amendment No. 5.**

On page 2, line 13, of the printed bill, strike out "26", and insert in lieu thereof "25b".

**Amendment No. 6.**

On page 2, line 15, of the printed bill, strike out "26", and insert in lieu thereof "25b".

**Amendment No. 7.**

On page 2, line 16, of the printed bill, strike out "interests in certain".

**Amendment No. 8.**

On page 2, line 28, of the printed bill, after the word "private", strike out "or public".

**Amendment No. 9.**

On page 2, line 30, of the printed bill, strike out "27", and insert in lieu thereof "25c".

**Amendment No. 10.**

On page 2, line 32, of the printed bill, strike out "27", and insert in lieu thereof "25c", and strike out "56", and insert in lieu thereof "25x".

**Amendment No. 11.**

On page 2, line 41, of the printed bill, strike out "provided, however, that said provisions shall".

**Amendment No. 12.**

On page 2 of the printed bill, strike out all of lines 42 and 43.

**Amendment No. 13.**

On page 2, line 44, of the printed bill, strike out "28", and insert in lieu thereof "25d".

Amendment No. 14.

On page 2, line 40, of the printed bill, strike out "(8)", and insert in lieu thereof "(10)".

Amendment No. 15.

On page 2, line 41, of the printed bill, strike out "(9)", and insert in lieu thereof "(11)".

Amendment No. 16.

On page 2, line 42, of the printed bill, strike out "(10)", and insert in lieu thereof "(12)".

Amendment No. 17.

On page 2, line 43, of the printed bill, strike out "(11)", and insert in lieu thereof "(13)".

Amendment No. 18.

On page 2, line 44, of the printed bill, strike out "(12)", and insert in lieu thereof "(14)".

Amendment No. 19.

On page 2, in the printed bill, strike out all of lines 1 and 2.

Amendment No. 20.

On page 2, line 3, of the printed bill, strike out "(13)".

Amendment No. 21.

On page 2, line 39, of the printed bill, strike out "(14)", and insert in lieu thereof "(15)", and strike out "(15)", and insert in lieu thereof "(16)".

Amendment No. 22.

On page 2, line 41, of the printed bill, strike out "(16)", and insert in lieu thereof "(17)".

Amendment No. 23.

On page 2, line 42, of the printed bill, strike out "(17)", and insert in lieu thereof "(18)", and strike out "(18)", and insert in lieu thereof "(19)".

Amendment No. 24.

On page 2, line 43, of the printed bill, strike out "(19)", and insert in lieu thereof "(20)".

Amendment No. 25.

On page 2, line 44, of the printed bill, strike out "(20)", and insert in lieu thereof "(21)", and strike out "(21)", and insert in lieu thereof "(22)".

Amendment No. 26.

On page 2, line 45, of the printed bill, strike out "(22)", and insert in lieu thereof "(23)".

Amendment No. 27.

On page 2, line 46, of the printed bill, strike out "(23)", and insert in lieu thereof "(24)", and strike out "(24)", and insert in lieu thereof "(25)".

Amendment No. 28.

On page 2, line 47, of the printed bill, strike out "(25)", and insert in lieu thereof "(26)".

On page 2, line 48, of the printed bill, strike out "(26)", and insert in lieu thereof "(27)".

On page 2, line 49, of the printed bill, strike out "(27)", and insert in lieu thereof "(28)".

Amendment No. 29.

On page 2, line 50, of the printed bill, strike out "(28)", and insert in lieu thereof "(29)", and strike out "(29)", and insert in lieu thereof "(30)".

Amendment No. 30.

On page 2, line 51, of the printed bill, strike out "(30)", and insert in lieu thereof "(31)", and strike out "(31)", and insert in lieu thereof "(32)".

Amendment No. 31.

On page 2, line 52, of the printed bill, strike out "(32)", and insert in lieu thereof "(33)", and strike out "(33)", and insert in lieu thereof "(34)".

Amendment No. 32.

On page 2, line 53, of the printed bill, strike out "(34)", and insert in lieu thereof "(35)", and strike out "(35)", and insert in lieu thereof "(36)".

Amendment No. 33.

On page 2, line 54, of the printed bill, strike out "(36)", and insert in lieu thereof "(37)".

**Amendment No. 34.**

On page 4 of the printed bill, strike out all of lines 17 to 21, inclusive, and insert in lieu thereof the following: "And upon forms to be supplied by the commission. Said notice shall specify the minimum royalty requirements herein established".

**Amendment No. 35.**

On page 4 of the printed bill, strike out all of lines 22 to 52, inclusive, and insert in lieu thereof the following: "The said bill shall contain the following information: The name and address of the person bidding, and if a corporation, the State under which it is organized, and in case of a foreign corporation, the date of qualifying in this State; and such other information as the commission may require."

**Amendment No. 36.**

On page 5 of the printed bill, strike out all of lines 1 to 31, inclusive.

**Amendment No. 37.**

On page 5, line 32, of the printed bill, strike out "16", and insert in lieu thereof "11", and strike out "40", and insert in lieu thereof "25k".

**Amendment No. 38.**

On page 5, line 34, of the printed bill, strike out "40", and insert in lieu thereof "25k".

**Amendment No. 39.**

On page 5, line 35, of the printed bill, strike out "56", and insert in lieu thereof "25x".

**Amendment No. 40.**

On page 6, line 3, of the printed bill, strike out "17", and insert in lieu thereof "12", and strike out "41", and insert in lieu thereof "25l".

**Amendment No. 41.**

On page 6, line 5, of the printed bill, strike out "41", and insert in lieu thereof "25l".

**Amendment No. 42.**

On page 6, line 11, of the printed bill, strike out "18", and insert in lieu thereof "13", and strike out "42", and insert in lieu thereof "25m".

**Amendment No. 43.**

On page 6, line 13, of the printed bill, strike out "42", and insert in lieu thereof "25m".

**Amendment No. 44.**

On page 6, line 32, of the printed bill, after the word "any", strike out "Federal and".

**Amendment No. 45.**

On page 6, line 41, of the printed bill, strike out "19", and insert in lieu thereof "14", and strike out "43", and insert in lieu thereof "25n".

**Amendment No. 46.**

On page 6, line 43, of the printed bill, strike out "43", and insert in lieu thereof "25n".

**Amendment No. 47.**

On page 6, line 45, of the printed bill, strike out "strip or".

**Amendment No. 48.**

On page 7, line 25, of the printed bill, after the word "lease", change the period to a comma and add "except as to the amount of royalty".

**Amendment No. 49.**

On page 7, line 26, of the printed bill, strike out "20", and insert in lieu thereof "15", and strike out "44", and insert in lieu thereof "25o".

**Amendment No. 50.**

On page 7, line 28, of the printed bill, strike out "44", and insert in lieu thereof "25o".

**Amendment No. 51.**

On page 8, line 3, of the printed bill, strike out "21", and insert in lieu thereof "16", and strike out "45", and insert in lieu thereof "25p".

**Amendment No. 52.**

On page 8, line 5, of the printed bill, strike out "45", and insert in lieu thereof "25p", and after the word "Every", strike out the word "qualified".

**Amendment No. 53.**

On page 8, line 13, of the printed bill, strike out "thirty (30)", and insert in lieu thereof "fifteen (15)".

**Amendment No. 54.**

On page 8, line 20, of the printed bill, strike out "50", and insert in lieu thereof "17", and strike out "50", and insert in lieu thereof "17".

**Amendment No. 55.**

On page 8, line 21, of the printed bill, strike out "50", and insert in lieu thereof "17".

**Amendment No. 56.**

On page 8, line 22, of the printed bill, after the word "parcel", strike out the period and add a comma and the following: "and in the event the parcel is not sold or otherwise disposed of, the same shall remain in the hands of the donor until such time as the same shall be disposed of by the donor in his lifetime."

**Amendment No. 57.**

On page 9 of the printed bill, strike out all of line 34 in its entirety.

**Amendment No. 58.**

On page 9, line 43, of the printed bill, strike out "20", and insert in lieu thereof "15", and strike out "50", and insert in lieu thereof "15".

**Amendment No. 59.**

On page 9, line 44, of the printed bill, strike out "50", and insert in lieu thereof "15".

**Amendment No. 60.**

On page 9, line 4, of the printed bill, strike out "20", and insert in lieu thereof "10", and strike out "50", and insert in lieu thereof "10".

**Amendment No. 61.**

On page 9, line 11, of the printed bill, strike out "50", and insert in lieu thereof "15".

**Amendment No. 62.**

On page 9, line 12, of the printed bill, strike out "One copy of the amended bill on parchment and all of pages 10 to 11 inclusive."

**Amendment No. 63.**

On page 9, line 28, of the printed bill, strike out "50", and insert in lieu thereof "10", and strike out "50", and insert in lieu thereof "10".

**Amendment No. 64.**

On page 9, line 29, of the printed bill, strike out "50", and insert in lieu thereof "10".

**Amendment No. 65.**

On page 9, line 44, of the printed bill, strike out "20", and insert in lieu thereof "21", and strike out "50", and insert in lieu thereof "25w".

**Amendment No. 66.**

On page 9, line 46, of the printed bill, strike out "50", and insert in lieu thereof "25w".

**Amendment No. 67.**

On page 10, line 36, of the printed bill, strike out "50", and insert in lieu thereof "25", and strike out "50", and insert in lieu thereof "25".

**Amendment No. 68.**

On page 10, line 28, of the printed bill, strike out "50", and insert in lieu thereof "25w".

**Amendment No. 69.**

On page 10, line 45, of the printed bill, strike out "50", and insert in lieu thereof "25", and strike out "50", and insert in lieu thereof "25w".

**Amendment No. 70.**

On page 10, line 47, of the printed bill, strike out "50", and insert in lieu thereof "25w".

**Amendment No. 71.**

On page 11, line 3, of the printed bill, strike out "50", and insert in lieu thereof "24", and strike out "50", and insert in lieu thereof "25w".

**Amendment No. 72.**

On page 11, line 5, of the printed bill, strike out "50", and insert in lieu thereof "25w".

**Amendment No. 73.**

On page 8, line 17, of the printed bill, after the word "of", strike out "\$25,000", and insert in lieu thereof the following: "\$10,000".



**Amendment No. 74.**

On page 8, line 23, of the printed bill, after the word "Of", strike out "\$5,000" and insert in lieu thereof the following: "\$25,000".

**Amendment No. 75.**

On page 8, line 24, of the printed bill, after the word "lease", insert the following "then".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1044**—An act to amend section 1 of "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1921, relating to exhibits in criminal cases.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2548**—An act to provide for the acquisition of the Muir Wood Toll Road by the State and the inclusion thereof in the State highway system, and making an appropriation therefor.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2548 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and in line 4, strike out "inasmuch as", and insert in lieu thereof the following:

"SECTION 1. The Department of Public Works may acquire".

**Amendment No. 2.**

On page 2, line 5, of the printed bill, as amended, strike out the period, and strike out lines 6 to 8, inclusive, and in line 9, strike out "of", and insert in lieu thereof the following: "if the balance of the cost of acquisition is paid by the county of Marin, the City and County of San Francisco, or any other agency or combination of agencies other than the State.

(3)".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2447**—An act making an appropriation for the purpose of providing for a national egg laying contest.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 672**—An act to amend section 1626 of the Streets and Highways Code.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1495**—An act to add section 391.5 to the Agricultural Code, relating to straying animals.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2910**—An act to authorize cities and counties to convey and transfer to flood control districts storm drain improvements, drainage improvements and drainage systems in such cities or counties, including storm drain improvements, drainage improvements and drainage systems constructed by drainage improvement districts organized pursuant to an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie," approved March 21, 1903, as amended, or organized pursuant to the Drainage District Improvement Act of 1919, and prescribing the terms and conditions and the effect of such conveyance and transfer, providing for the operation, maintenance, repair and improvement of such storm drain improvements, drainage

improvements and drainage systems, and fixing liabilities with respect to obligations of such drainage districts.

Bill read second time, and ordered on the for third reading.

**Assembly Bill No. 2211.**—An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section, to be numbered 124, relating to the mortgages and interests of such district of storm drain improvements, drainage improvements and drainage systems, for the acquisition of liability for the payment of bonds of drainage districts issued for the construction of storm drain improvements, drainage improvements and drainage systems as surveyed and transferred, for the operation, maintenance, repair and improvement of such storm drain improvements, drainage improvements and drainage systems and the loss of a special tax therefor.

Bill read second time, and ordered on the for third reading.

**Assembly Bill No. 322.**—An act granting to the city of Los Angeles and the city of Long Beach the right to adjust and straighten and to survey, locate and establish existing and proposed property lines between tidelands and submerged lands heretofore granted to said cities and the lands abutting thereon, and to release certain lands from all tidal and

#### *Consideration of Committee Amendments*

Pursuant to the report of the committee on Municipal Corporations, the following amendments to Assembly Bill No. 322 were read and adopted:

#### **Amendment No. 1.**

On page 1 and 2 of the printed bill, as amended, in line 6 of the title after the word "California," strike out the remainder of said title and insert in lieu thereof the following: "To adjust or straighten a known or determined dividing line, or to survey, locate and establish the ordinary high tide line where uncertain or unknown, between and between and submerged lands and lands abutting thereon by agreement with adjoining owners, including the acceptance of the high tide line as boundary line, and to release certain lands from the public purposes of commerce, navigation and fishery and all other public purposes, franchises and liabilities imposed by the laws of the United States, growing out of title and interests held, according to all of said laws the public being shown or indicated from such natural dividing line or ordinary high tide line and the said law the purposes of navigation within the meaning of the present provisions of Article XV of the Constitution of the State of California, and otherwise to provide for the determination of such line by the courts of this State."

#### **Amendment No. 2.**

On page 2, line 16, of the printed bill, as amended, strike out: "The dividing line or property," and insert in lieu thereof the following: "The ordinary high tide."

#### **Amendment No. 3.**

On page 2, line 17, of the printed bill, as amended, insert the last word "lands" insert the word "the".

#### **Amendment No. 4.**

On page 3 of the printed bill as amended, line 18 to 24, insert and insert in lieu thereof the following: "between those lands where such high tide line constitutes the dividing line or property line between lands and is uncertain or unknown."

Provided, however, that the publicly submerged lands or other lands lying above or below and from such dividing line, property line or high tide line so adjusted or straightened or so surveyed, located and established, are not used for the purpose of navigation within the meaning of the present provisions of section 3, Article XV of."

#### **Amendment No. 5.**

On page 4, of the printed bill, as amended, after line 18, add the following section: "Sec. 4. Nothing herein contained shall deprive any city or municipal corporation may have to fix and determine by agreement or otherwise, the low tide line where such line constitutes the boundary of public lands."

**Assembly Bill No. 715**—An act to add four new sections, to be numbered 1000a, 1000b, 1000c and 1000d to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 715 was read and adopted:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, as amended on April 26, 1937, strike out the word "to", after the word "due".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2283**—An act to amend section 4300.1 of the Political Code, relating to fees in municipal courts.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Judiciary the following amendments to Assembly Bill No. 2283 were read and adopted:

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended in the Assembly on April 21, 1937, after the word "fact", strike out "and all proceedings subsequent."

**Amendment No. 2.**

On page 1, line 10, of the printed bill, as amended, strike out the word "thereto."

**Amendment No. 3.**

On page 1, line 10, of the printed bill, after the comma after the word "jury", insert the word "and".

**Amendment No. 4.**

On page 1, line 11, of the printed bill, after the comma after the word "judgment", strike out the following: "issuance of execution, and supple-".

**Amendment No. 5.**

On page 1, line 12, of the printed bill, as amended, strike out "mentary proceedings thereto."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1707**—An act to amend section 670 of the Code of Civil Procedure, relating to the judgment roll.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1709**—An act to amend section 255 of the Probate Code, relating to children born illegitimate.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2280**—An act to add a new section to be numbered 1464 to the Penal Code, relating to destruction of records in municipal court, justices' courts and police courts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2284**—An act to amend section 189 of the Code of Civil Procedure, relating to destruction of records in municipal courts and justices' courts.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2286**—An act to add a new section to be numbered 1033½ to the Code of Civil Procedure, relating to costs in judgments by default.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2552**—An act to amend section 26 of the Civil Code, relating to disaffirmance by recoupment of contract.

Bill read second time, and ordered on the first third reading.

**Assembly Bill No. 2597**—An act to amend section 2274 of the Civil Code, relating to promissory estoppel.

Bill read second time, and ordered on the first third reading.

**Assembly Bill No. 2285**—An act to amend section 150 of the Code of Civil Procedure, relating to judgment by default.

Bill read second time, and ordered on the first third reading.

**Assembly Bill No. 951**—An act to empower the Board of State Harbor Commissioners to rectify the alignment of East Street, now known as the Fishermen's, from Pacific Street to Market Street, in the City and County of San Francisco, and to sell, acquire, and condemn adjacent property, and to ratify and confirm action taken by the Board of State Harbor Commissioners in said matters.

Bill read second time, and ordered on the first third reading.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 288**—An act to add section 6362 to the Penal Code, relating to laws governing by practice and punishing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 passed by the following vote:

AYES—Messrs. Allen, Cunningham, Cunningham, DeLoe, Dorel, Fletcher, Gordon, Hays, Hedges, Johnson, Keene, Ketchum, Law, McBrat, Metzger, Miller, Nelson, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Tickle, Waggoner, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 288 ordered transmitted to the Assembly.

**Assembly Bill No. 2749**—An act authorizing cities, cities and counties, and counties, to accept title to real property, to permit the erection of buildings on public lands for museum and art gallery purposes, to permit such buildings to be operated, maintained and managed by the donors thereof or by boards of trustees appointed by the donors, or otherwise, and to permit the delegation of authority to such boards of trustees, and to permit the appropriation of money for the support of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2749 passed by the following vote:

AYES—Messrs. Allen, Cunningham, Cunningham, DeLoe, Dorel, Fletcher, Gordon, Hays, Hedges, Johnson, Keene, Ketchum, Law, McBrat, Metzger, Miller, Nelson, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Tickle, Waggoner, Williams, and Young—28.

NOES—Senator Garrison—1.

Title read and approved.

Assembly Bill No. 2749 ordered transmitted to the Assembly.



**Assembly Bill No. 50**—An act to amend sections 451, 458, 491 and 492 of, and to add section 490 1/4 to, the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 50 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—Senators McGovern, Quinn, and Slater—3.

Title read and approved.

Assembly Bill No. 50 ordered transmitted to the Assembly.

**Assembly Bill No. 473**—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 473 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 473 ordered transmitted to the Assembly.

**Assembly Bill No. 1436**—An act to amend sections 422 and 423 of the Fish and Game Code, relating to the distribution of licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1436 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Hays, Hollister, Jepsen, Keating, Keough, Knowland, McBride, McColl, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—Senators Garrison, Gordon, and Slater—3.

Title read and approved.

Assembly Bill No. 1436 ordered transmitted to the Assembly.

**Assembly Bill No. 1179**—An act to amend section 432 1/2 of the Fish and Game Code, relating to fee for boat owners transporting fishermen.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1179 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hollister, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Wagy, Westover, Williams, and Young—29.

NOES—Senators Biggar, Hays, Holohan, and Seawell—4.

Title read and approved.

Assembly Bill No. 1179 ordered transmitted to the Assembly.



**Assembly Bill No. 566**—An act to amend the title, and sections 1, 2, 3 and 5, and to repeal section 4, of an act entitled "An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property," approved March 13, 1903, as amended, to provide for suits for the collection of delinquent taxes and assessments due upon all property not a lien on real property, or not a lien on real property sufficient to secure payment thereof, together with all penalties thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 566 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 566 ordered transmitted to the Assembly.

**Assembly Bill No. 1004**—An act to amend section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1004 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1004 ordered transmitted to the Assembly.

**Assembly Bill No. 1005**—An act to amend section 581 of the Business and Professions Code, relating to the unlawful use of any diploma, certificate or transcript necessary for the practice of a healing art.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1005 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1005 ordered transmitted to the Assembly.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and twenty-seven minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator McGovern.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2369**—An act to add section 2888b to the Political Code, relating to redemption of land in a county in payment of taxes payable and interest due the county from the owner of the land.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2369 passed by the following vote:

Ayes, Senators Allen, Briggs, Cameron, Cummings, DeLay, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Johnson, Keith, Knowland, McCall, Morris, Nelson, Quinn, Powers, Powers, Quinn, Rich, Schuchky, Sewell, Slater, Smith, Wicks, Williams, Williams, and Young;—  
Nays, None.

Roll called and approved.

Assembly Bill No. 2369 ordered transmitted to the Assembly.

**Assembly Bill No. 641**—An act providing for and requiring that a record be made of the ownership of street improvement bonds, fixing the time within which such recording should be made, and providing for the effect of failure to so record.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 641, the following amendment offered by Senator Schuchky, was read and adopted:

#### Amendment No. 1.

On page 2, line 8, to the fourth line, after the word, "with, out the remainder of line 8 and all of lines 9 to 31, inclusive, to read: "including the period on line 18 and insert in line in read the following:

"The amount of the bond so sold shall not be paid until the full amount of the conditions on which said the recording of said bond for which said bond is conditionally required."

Bill read, ordered to print, and on the first third reading.

**Assembly Bill No. 21**—An act to repeal sections 273, 274, 275, 276, 277, 278, 279, 280, 281, 282 and 283, of the Political Code relating to the membership of plaintiffs for members of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Rogers, Cameron, Cummings, DeLay, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Johnson, Keith, Knowland, Law, McCall, Morris, Nelson, Quinn, Powers, Powers, Quinn, Rich, Schuchky, Sewell, Slater, Smith, Wicks, Williams, and Young;—

The Secretary announced the absentees.

Time, ten o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.



The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1577**—An act authorizing the State Treasurer to pay certain coupons of bonds issued by the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1577 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Keough, Knowland, Law, McCall, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1577 ordered transmitted to the Assembly.

**Assembly Bill No. 2200**—An act to amend section 2,972 of the School Code, relating to compensation for members of city boards of education in school districts situated wholly or partly within cities of the first and one-half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2200 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McCall, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2200 ordered transmitted to the Assembly.

**Assembly Bill No. 2499**—An act to amend sections 57 and 58 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2499 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Knowland, McCall, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Westover—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2499 ordered transmitted to the Assembly.

**Assembly Bill No. 1455**—An act relating to State lands, authorizing the Director of Finance on behalf of the State of California, to enter into contracts for the production of oil, gas and other hydrocarbons therefrom, authorizing the production and sale or other disposition of



**Assembly Bill No. 1147**—An act to amend section 6.30 of the School Code, relating to letting of contracts to lowest responsible bidder.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1147 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Hokean, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1147 ordered transmitted to the Assembly.

**Assembly Bill No. 1285**—An act to add a new section to the School Code to be numbered 4.1014 and to add a new article to Chapter I of Part V of Division IV of the School Code to be known as Article X, relating to bonds issued by school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1285 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1285 ordered transmitted to the Assembly.

**Assembly Bill No. 2904**—An act to add section 291.4 to the Civil Code, relating to corporations.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 2904, the following amendment, offered by Senator Pierovich, was read and adopted:

##### **Amendment No. 1.**

On page 1, line 4, of the printed bill, after "Act", insert "or section 3668 of the Political Code".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2119**—An act to amend section 1300.1 of the Agricultural Code, relating to processors of farm products and the licensing thereof.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 2119, the following amendments, offered by Senator Garrison, were read and adopted:

##### **Amendment No. 1.**

On page 1 of the printed bill, as amended, between lines 11 and 12, insert the following:

"Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application."

##### **Amendment No. 2.**

On page 2, line 8, of the printed bill, as amended, immediately following "off", insert the following: "raw or fresh".

## Amendment No. 2

ON PAGE 2 of the printed bill, on paragraph twelve and Thirteen, and insert in line eleven the following: "The section for paragraph Thirteen, containing the words of any provision of law relating to the operation of the State vehicle license, shall be amended, so as to bring it in conformity with the provisions of said act, and shall be changed into the following: 'The section for paragraph Thirteen, shall be amended as follows:—'

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2909.** An act to regulate the surveying of vehicles upon the public highways of this State, defining the term "surveying" and providing for the licensing of vehicles in surveying for the privilege of using the public highways and for the cost of such licensing process, composed of surveying and providing such fee shall be a law, and for the enforcement of such laws and the collection and disposition of such fees and amounts providing for violation thereof, and to repeal an act entitled "An act to regulate the surveying of motor vehicles upon the public highways of this State, defining the term 'surveying' and providing for the licensing of motor vehicles in surveying and imposing penalties for violation thereof," approved July 6, 1903, and during the session thereof, and providing that it shall take effect immediately.

## Amendments from the Floor.

During third reading of Assembly Bill No. 2909 etc., following amendment offered by Senator Stewart, was read and adopted:

## Amendment No. 1

ON PAGE 2, LINE 24, of the printed bill, on paragraph May 26, 1907, after the word "section", strike out the word "vehicle", and insert in line eleven the following: "Surveying motor."

## Amendment No. 2

ON PAGE 2, LINE 24, of the printed bill, on paragraph May 26, 1907, after the word "section", strike out the word "vehicle", and insert in line eleven the following: "Surveying motor."

## Amendment No. 3

ON PAGE 2, LINE 24, of the printed bill, on paragraph May 26, 1907, after the word "section", strike out the word "vehicle", and insert in line eleven the following: "Surveying motor." The remainder of each line.

Bill read, ordered to print, and on file for third reading.

## Resolution

The following resolution was offered:

By Senator Seawall:

Resolved, by the affirmative vote of a Senate Finance Committee on Governmental Efficiency and Economy in State Government, that report to the Senate on economy and efficiency in State Government, the financing of State Government, and the simplification of an integrated system of taxation.

**WHEREAS** The present condition of affairs in State Government is to expand, increase and increase number in its functions and expenses; and

**WHEREAS** In this growing process it very often happens that unnecessary functions, overlapping of duties, duplicate expenditures, organization or coordination in departments, and generally unnecessary expenses, are permitted to exist and are carried along without economy; and

**WHEREAS** The structure of the taxation system of this State is complex, inefficient and in need of simplification; and

**WHEREAS** The present organization of governmental departments of the State are not conducive to economy and efficiency in government; and

**WHEREAS** The present system of relation to fiscal matters is not properly integrated and coordinated; and



WHEREAS, A program of governmental reorganization was inaugurated in 1927, which program has been further developed and extended at sessions of the Legislature since then; and

WHEREAS, It will be necessary for the Legislature of the State of California and the Senate thereof to have before it reliable and dependable information concerning various departments of the State, their activities, cost of administration, and other things connected therewith in order to act wisely and judiciously concerning the aforesaid matters, and upon various bills and resolutions which will come before the Legislature touching such matters; and

WHEREAS, The investigations conducted by interim committees in the past have developed facts and information valuable to legislators in proposing legislation for the entire State of California; and

WHEREAS, It appears to be desirable that such a committee be appointed for the purpose of studying and investigating the various problems of governmental concern relating to economy and efficiency in State Government, the financing of State Government, and the establishment of an integrated system of taxation, to the end that there may be submitted to the fifty-third session of the Legislature a reasoned and authoritative report upon such matters; now, therefore, be it

*Resolved by the Senate of the State of California* That there be hereby created a Senate committee to be known as the Senate Interim Committee on Governmental Efficiency and Economy to function during the interval between the fifty-second and fifty-third sessions of the Legislature with the membership powers and duties as hereinafter set forth, to wit:

(1) Its membership be comprised of five Senators appointed by the President of the Senate.

(2) The committee is hereby authorized and directed to study completely and to investigate accurately and in detail the organization, functions and administration of the State Government, and particularly those concerned with fiscal matters and taxation and for the purposes of recommending changes therein, proposing legislation in order to promote efficiency, to reduce and eliminate costs, to provide for the consolidation of functions and the removal of duplications, and to formulate an integrated tax system and to do all other things necessary and proper to increase the efficiency and effectiveness of the State Government and the agencies and subdivisions thereof.

(3) The committee, upon the appointment of its members, shall organize, and may appoint a secretary and may employ such clerical, legal and technical assistants and adopt such rules as it may in its discretion deem necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein.

(4) All officers of the State and the heads of each and every department, agency and subdivision thereof, and all employees of every department, agency and subdivision, and all other persons, whether connected with the State Government or not, shall give and furnish to such committee, upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created.

(5) The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony.

(6) The members of such committee are, and each of them hereby is, authorized and empowered to administer oaths and all the provisions of Article VIII of Chapter II of Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution.

(7) The Sergeant at Arms of the Senate is hereby directed to serve any and all subpoenas, orders, and other processes that may be issued by such committee, when directed so to do by the committee chairman thereof and to do and perform any other service required of him by such committee or the chairman thereof.

(8) The committee is hereby authorized and empowered to make a complete investigation and report of all the matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary and convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it.

(9) The committee shall exercise its powers and perform its duties between the fifty-second and fifty-third sessions of the Legislature at such times and places as the committee determines.

(10) The committee shall make a report of the results of its study and investigation, together with a recommendation for proposed legislation to the Senate upon its convening for the fifty-third session of the Legislature; and be it further

*Resolved*, That, for the purpose of paying the expenses of such committee in connection with the powers granted and duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is



that all toll charges in connection with such bridges may be ultimately eliminated; and

WHEREAS, It will be necessary for the Legislature of the State of California and the Senate thereof to have before it reliable and dependable information concerning such toll bridges, and all matters connected therewith, in order to act advisedly and judiciously in enacting legislation upon the aforesaid matter; now, therefore, be it

*Resolved*, by the Senate of the State of California, That there is hereby created a Senate Interim Committee to be known as the Senate Interim Committee on Toll Bridges, consisting of five members of the Senate appointed by the President; and be it further

*Resolved*, That such committee is hereby authorized and directed to completely study and investigate accurately and in detail, all toll bridges, public or private, within this State, situated upon or along any part of the public highways, with a view to the feasibility and practicability of the enactment of legislation for the acquisition of such bridges by purchase or condemnation by the State of California or any agency, district or political subdivision thereof; and be it further

*Resolved*, That such survey and investigation shall include, in addition to all other matters, an appraisal of the value of such bridges, the amount that is to be paid therefor, the methods of financing the acquisition thereof and the rate of tolls, if any, which the State, or any agency, district or political subdivision thereof may find necessary to levy; and be it further

*Resolved*, That such committee is hereby authorized and empowered to make a complete investigation and study of all the matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary or convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it; and be it further

*Resolved*, That such committee upon the appointment of its members shall organize, and that such committee may appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as it in its discretion deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein; and be it further

*Resolved*, That all officers of this State and the heads of each and every department, agency, district and political subdivision thereof, and all employees of such departments, agencies, districts and political subdivisions and all other persons whether connected with the State government or not, shall give and furnish to such committee upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created; and be it further

*Resolved*, That such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of such committee are, and that each of them is hereby authorized and empowered to administer oaths, and that all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the Sergeant at Arms of the Senate is hereby directed to serve any and all subpoenas, orders and other process that may be issued by such committee, when directed so to do by the committee or by the chairman thereof, and to do and perform any other service required of him by such committee or the chairman thereof; and be it further

*Resolved*, That such committee shall make a report of the results of its study and investigation, together with its recommendations for legislation, to the Senate during the January part of the fifty-third session of the Legislature; and be it further

*Resolved*, That for the purpose of paying the expenses of such committee in connection with the powers granted and the duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is hereby appropriated from the contingent fund of the Senate, the sum of \$2,000 to be disbursed after certification by the chairman upon warrants drawn by the Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

### Notice of Motion to Reconsider.

Senator Jespersen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 50 was passed.

### Notice of Motion to Reconsider

Senator Williams gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1455 was passed.

### Notice of Motion to Rescind

Senator Menzies gave notice that on the next legislative day he would move to rescind the action by which Assembly Bill No. 2743 was passed.

### Adjournment.

At eleven o'clock and fifty-eight minutes p.m. on motion of Senator Rice, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, May 27, 1917.

ED. LEWIS WITH W. SCAMMON, Minute Clerk

## IN SENATE

### SENATE CHAMBER.

SACRAMENTO, Thursday, May 27, 1917.

At three o'clock and thirty minutes a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Black at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Bacon, Chambers, Cunningham, DeLong, Dool, Frazier, Harrison, Jackson, Hays, Henshaw, Haddock, Jennings, Kautz, Keweenaw, Knowland, Lusk, McBrat, Mead, McLaughlin, Miller, Murray, Norton, Quinn, Packard, Phillips, Pomeroy, Perkins, Quinn, Rice, Safford, Searns, Stewart, Strong, Teller, Wagon, Williams, Wood, Wright, and Young.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kinsler.

### Reading of the Journal.

During the reading of the Journal of Wednesday, May 27, 1917, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John F. Quinn, former Assemblymen from Eureka.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. C. Evans, Mayor of Riverside.

On request of Senator Bigger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Winifred Thomas and Carmel Thomas of Piedmont.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph S. Long, former Mayor of Riverside.



On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wiggs of the Cabbage Patch.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Horace Dryden of Modesto, and Mr. and Mrs. A. G. Howard of Rio Linda.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Pansy Bowen, and Mr. and Mrs. Montford L. Higgins of Sacramento.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank H. Davis, Secretary of Madera County Farm Bureau, Herman Bigelow, and Jesse Bigelow of Madera.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Gladys Wilson, Miss Gene Wilson, Mr. Bill Davis, Mrs. Letyn Davis, and Douglas Jordan.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. James H. Wolfe of Utah and Washington, D. C.; Mrs. Elsie Gardner Pickings of Seattle, Washington; Mrs. Genevieve Aiden of San Francisco; Mrs. Casperson of Sacramento, and Mr. and Mrs. Trimble of Sacramento.

### Communications.

The following communications were received, read, and ordered printed in the Journal:

ALHAMBRA, CALIFORNIA, May 24, 1937.

*Mr. J. A. Beck, Secretary of the Senate,  
Sacramento, California.*

MY DEAR MR. BECK: The family and I were deeply touched to receive your letter. We appreciate the tribute extended by the Senate to the memory of our dear husband and father. The beautifully bound leather copy of the resolutions which were passed in his honor will be very highly prized and cherished by his family.

The friendship of his associates in the Senate and Assembly were very dear to Mr. Thompson. Permit me to thank you personally for your part in preparing this testimonial.

Sincerely yours,

(MRS. N. W.) ELIZABETH L. THOMPSON.

240 MAPLE AVENUE, WATSONVILLE, CALIFORNIA, MAY 25, 1937.

*Senator James B. Holohan;*

*Geo. F. Hatfield, President of the Senate;  
Joseph A. Beck, Secretary of the Senate.*

GENTLEMEN: We thank you and the members of the fifty-second session of the Legislature for the tribute you paid our husband and father and for the exquisitely embossed resolutions which you so thoughtfully sent us.

We find it difficult to express the appreciation we feel, but we treasure the beautiful mementos of your respect for our loved one and your recognition of his unselfish devotion to the interest and activities which make for happier living. It is a comfort to know that his quiet, kindly efforts took root.

Very sincerely,

MRS. F. W. ATKINSON.  
ALICE MAE ATKINSON.

## Report.

The following minority report by Special Senate Committee on Public Utilities was received and ordered printed in the *Journal*:

# MINORITY REPORT OF THE SPECIAL SENATE COMMITTEE ON PUBLIC UTILITIES.

Pursuant to Senate Resolution Adopted June 14, 1935.

The following minority report was adopted by the Senate on the 27th day of May, 1935.

It is the opinion of the minority committee that the Commission has not thoroughly and independently investigated the existing and prospective conditions in the State of California. The minority committee and members of public utilities commission and the Commission and members of public utilities commission have been in the State of California.

Most of the public utilities in the State have been found to be in a state of financial distress and the Commission has not thoroughly investigated the conditions of public utilities.

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In order to make our position clear in respect to the majority report we herewith specifically refer to their recommendations.

1. We concur in their recommendation against any contemplated plan looking toward the complete centralization in the State of California of the existing water and electric energy facilities as the same are now being conducted and managed by the municipalities and political subdivisions of the State.

2. We do not agree with the majority recommendation that the State use the Central Valley Project as a wholesaler to local public ownership projects only. We believe that the State should confine itself to wholesale service. We know of no reason why the project should restrict its customers to public agencies, which for the most part, serve only the cities. This procedure would deny the benefits of Central Valley power to the farming districts. Private utilities, because of their large interconnected systems, and their ability to serve rural areas, should be permitted to purchase such power as may be available.

3. We concur in the general recommendation in favor of continued development of the Central Valley Water Project for the benefit of all the people of the State of California whether served by the publicly or privately owned utilities, either in the cities or rural areas.

In a condemnation proceeding before the Railroad Commission brought by the city of Tulare to acquire the electric distribution system in the city, Commissioner Whitsell, in his opinion, made the following observations with regard to the effect that the condemnation of the urban electric distribution systems by municipalities would have upon total electric rates:

"If municipalities in California continue to condemn and take over the electric distribution facilities within their corporate limits and thereby throw the greater burden of system maintenance and costs upon the backs of our rural population, the time is not far distant when the burdens will become too great and agriculture will be compelled to furnish electric energy at a figure which would not return sufficient compensation to warrant maintenance of systems. Such takings of utility facilities with their resultant disintegration of utility systems will likewise be injurious to the urban as well as the rural communities. \* \* \*

4. We can not concur in the recommendation that existing private utilities be purchased by the State if local publicly owned utilities are not to be so purchased. Either the State should confine the Central Valley Water Project to generating and wholesaling electric energy and selling it to all distributors applying, or it should go into the retail distribution of electric energy, with a view of taking over the entire distribution of such energy and making its service as complete and successful as possible. If the State goes into the local distribution business at all it should acquire all local distribution systems in the territory to be served, whether publicly or privately owned. This would prevent unnecessary duplication of service and resultant excessive costs.

5. We do not concur in the recommendation of the issuance of revenue bonds for financing the purchase or construction of public utility projects. We believe that the issuance of revenue bonds would result in serious abuses being committed by professional promoters. As a practical matter, revenue bonds are just as much a liability of the taxpayers as general obligation bonds. The majority report gives no consideration to the effect on State and local finances that would be caused by the acquisition of the private utilities. If this occurred, these properties would be taken out of the tax base. Evidence was produced before the committee to the effect that the privately owned power companies in California pay annual taxes of approximately \$15,000,000. Of this sum, the State and local governments received about \$10,000,000 and the Federal Government \$5,000,000. These taxes would be wiped out if the State purchased the private utilities and this burden would necessarily have to be shifted to other property.

Respectfully submitted,

LEONARD J. DIFANI.  
WALTER H. DUVAL.

DATED: May 21, 1937.

By order of the President, 1500 extra copies of the above report were ordered printed in addition to those appearing in the Journal.

### Resolution.

The following resolution was offered:

By Senator Westover:

WHEREAS, The people of Orange County and particularly those of the Newport Harbor District have developed and sponsored annually an event known as the Balboa Tournament of Lights, which event features decorated and illuminated water craft of every sort and which encourages spontaneous efforts on the part of the

South of Portland, California, in the center of dense woods, and through a

Witness: The University of Lagos, Lagos, by their acting Vice-Chancellor, Professor A. O. Ojo, who is being represented by the undersigned, Counsel for Students, Engr. Oluwole Ojo, Esq., Chairman, Bar Council, Lagos, for the purpose of effecting the above.

and various international and domestic law sources in the New York Human Rights Law and the efforts along these and other in developing the empirical and economic dimensions of the law in practice.

Everything that the Secretary of the Bureau has written is being withdrawn and destroyed as being the responsibility of the Secretary of the Bureau and is hereby withdrawn and destroyed from the Bureau the official Transcript of the Bureau stamp.

Simulation used, and an edition of letters. Wherever adopted.

## Messages from the Assembly

The following poems from the Assembly were received and read:

Author's address: University of Vienna, Faculty of Science, M 113, 1070 Vienna, Austria.

Mr. Thompson, I am pleased to inform you personally that the Assembly has just approved the report of the Committee on Finance regarding the proposed bill. The bill will be passed and the amount of \$1,000,000 will be available for the purpose of the proposed bill.

AMERICAN BAR ASSOCIATION  
JAMES C. HARRISON

JAMES G. SMYTH, Chief Clerk of Assembly

Approved for Release: SECRET//NOFORN May 26, 2017

Mr. President, I am pleased to return your favorable reply to the Association's letter of 10 April 1967.

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of Heating, Refrigerating and Air Conditioning Engineers

LARRY C. SMYTH, Chief Clerk of Assembly,  
Dr. H. Arthur Pascoe, Assistant Clerk

Assessment of *Chlamydia* Seroprevalence: Mean = 26.1 (9.7

May 17, 1967. I am honored to receive your letter of May 16, 1967.  
See above for my reply.

Search Committee, Amendment No. 11. A resolution to present to the people of the State of Indiana an amendment to the Constitution of the State, to adding section 44 to Article 31, relating to the address of the Governor.

By H. ARTHUR JENNINGS, Assistant Clerk.

Approved for Release 80000100, May 20, 1967

Mr. P. J. ... I am pleased to inform you that the ... the Assembly ...

the 12th round to the 13th round. The likelihood of observing success in 13 rounds is the sum of the likelihood of observing success in 12 rounds and the likelihood of observing success in 13 rounds.

15. 1946, relating to the

...and the fact that the number of structures is not too large. As we mentioned the way for study classification and comparison of these structures under various types of metrics is difficult and tedious, especially the way of manual work, and we think that this will take time.

of the Act, Chapter 380, relating to fire stock, maple and birch.

of the Constitution, relating to the Army, Navy or the Constitution.

[illegible]

*N*-75-10-18-*N*-75-14-Aw not to add section 84(a) to, and to add section 84(b) to, the Mowbray and Vickers Cattle ranching interests; farm and home purchase funds;

September 1979, relating to the discussion of laws related to the Agricultural Code, to be Chapter I of Division A of said code, to discuss the necessary changes and reforms.

JAMES G. SMYTH, Chief Clerk of Assembly.

JAMES G. SMYTH, Chief Clerk of Assembly.  
 DR. H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.



## ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 925—An act to amend section 4 "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the Contractors' State License Board;

Senate Bill No. 1013—An act to amend section 6a of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein;

Senate Bill No. 1030—An act to add section 650.3 to the Fish and Game Code, relating to salmon;

Senate Bill No. 1140—An act to authorize the State Treasurer to collect bonds and bond coupons, to pay all expense of collection and to provide for the reimbursement of the general fund for expense of collecting bonds and bond coupons for special funds.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 29—An act to amend section 4 of an act entitled "An act to provide for the reincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such reincorporation;

And appointed Assemblymen Stream, Gluck and Welsh, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

## Appointment of Committee on Free Conference Concerning Senate Bill No. 29.

The President announced the appointment of Senators Fletcher, Young and Hays, as a Committee on Free Conference concerning Senate Bill No. 29.

## ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 371—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business;

And appointed Assemblymen Cronin, Rosenthal and Johnson, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

## Appointment of Committee on Free Conference Concerning Senate Bill No. 371.

The President announced the appointment of Senators McGovern, Olson and Hays, as a Committee on Free Conference concerning Senate Bill No. 371.

## ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities;

And appointed Assemblymen Stream, Meenan and Andrews, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

**Appointment of Committee on Free Conference Concerning Senate Bill No. 558**

The President announced the appointment of Senators Fletcher, Young and Phillips, as a Committee on Free Conference concerning Senate Bill No. 558.

### Reports of Standing Committee

The following reports of standing committees were presented and read:

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 1147, An act creating a special fund to be known as the "Judges' retirement fund," providing for distribution of monies and to make appropriations therefor.

Assembly Bill No. 1148, An act to amend section 111 of the Judicial Code relating to the California Judicial Code.

Has had the honor to receive and personally examine the same, and recommends that they be read, and be introduced in Committee on Efficiency.

SHAWWILL, Chairman.

Assembly Bills Nos. 3173 and 3431, which were referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 1147, An act to add section 1067 to the Political Code, relating to the State Board of Control and providing monies for the Political Code of 1927 to provide for the same in 1937.

Assembly Bill No. 1148, An act to amend the Judges' surveyors fund and to provide for the same, relating to the Judicial Code.

Assembly Bill No. 1149, An act to amend section 111 of the Political Code, relating to the Judicial Code.

Assembly Bill No. 1151, An act providing for the creation of a fund to be known as the "Judges' retirement fund," providing for the same, and recommending that they be read, and be introduced in Committee on Efficiency.

Has had the honor to receive and personally examine the same, and recommends that they be read, and be introduced in Committee on Efficiency.

SHAWWILL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 1147, An act to add section 1067 to the Political Code, relating to the State Board of Control and providing monies for the Political Code of 1927 to provide for the same in 1937.

Assembly Bill No. 1148, An act to amend the Judges' surveyors fund and to provide for the same, relating to the Judicial Code.

Assembly Bill No. 1149, An act to amend section 111 of the Political Code, relating to the Judicial Code.

Assembly Bill No. 1151, An act providing for the creation of a fund to be known as the "Judges' retirement fund," providing for the same, and recommending that they be read, and be introduced in Committee on Efficiency.

Has had the honor to receive and personally examine the same, and recommends that they be read, and be introduced in Committee on Efficiency.

Assembly Bill No. 1152, An act to amend section 111 of the Political Code, relating to the Judicial Code.

Has had the honor to receive and personally examine the same, and recommends that they be read, and be introduced in Committee on Efficiency.

SHAWWILL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 2804, An act authorizing the Department of Natural Resources, acting through the State Park Commission, to enter into lease contracts, with option to purchase, for the use of six State parks of ocean beaches and other lands.

**Assembly Bill No. 2912**—An act creating the office of Park Engineer in the State Department of Public Works, and relating to the powers and duties thereof and the qualifications, compensation and tenure of appointees thereto; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

### **Second Reading of Assembly Bills—(Out of Order).**

**Assembly Bill No. 1347**—An act to add section 695.5 to the Political Code, relating to the State Board of Control and repealing section 695 of the Political Code as added by Chapter 923 of the Statutes of 1933. Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1606**—An act to abolish the licensed surveyors fund and to transfer the money remaining to the civil engineers fund. Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2374**—An act to add section 663.6 to the Political Code, relating to the liability of the State Treasurer for the estates of deceased persons.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2747**—An act requiring marine architects to be certified as such, specifying qualifications, rules and regulations therefor, creating a board, establishing a fund, and providing penalties.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 19**—An act to repeal sections 332, 333, 334, 335, 336, and 337 of the Political Code, relating to biennial reports of departments and agencies of the State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 30**—An act to repeal sections 241, 242, 243, and 244 of the Political Code, relating to the Controller.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 40**—An act to repeal section 537 of the Political Code, relating to warrants for wages of State printing employees.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 42**—An act to repeal section 532 of the Political Code, relating to contracts for paper.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1104**—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2804**—An act authorizing the Department of Natural Resources, acting through the State Park Commission, to enter into lease contracts, with option to purchase, for the use as State parks of ocean beaches and other lands.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2912**—An act creating the office of Park Engineer in the State Department of Public Works, and relating to the powers

and discuss thereof and the constitutional interpretation and tenure of appointment thereon.

The yeas and nays were called and resulted as follows on third reading:

#### Motion to Amend

Senator Morgan moved to amend the original bill Senate in passing Assembly Bill No. 2343.

The question being on the adoption of the motion, as proposed.

The roll was called, and the action concluded by the following vote:

Ayes—Messrs. Pugh, Cummings, Cummings, Pugh, Cook, Fisher, Green, and Hays; Absents—Hudson, Johnson, Smith, Knapp, McCall, Quinn, Miller, Perkins, Phillips, Thomas, Quinn, Cook, Johnston, Smith, White, Ward, Williams, Williams, and Young; Nil.

Nays—Messrs. Allen, Perkins, Cook, Morgan, Williams, Smith, Cook, Fisher, and Howell; and Absent—Nil.

#### Consideration of Assembly Bill No. 2743

**Assembly Bill No. 2743**—To act in general section 1781 of the Labor Code, relating to the collecting of money contract bond and the payment of the proceeds pertaining thereto.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2743 passed by the following vote:

Ayes—Messrs. Allen, Hays, Ketter, Morgan, Cook, Morgan, Cook, Perkins, Fisher, Cook, Howell, Johnson, and Young; Nil.

Nays—Messrs. Pugh, Cummings, Cummings, Fisher, Cook, Fisher, Garrison, Hays, Hays, Ketter, Ketter, Morgan, Quinn, Perkins, Phillips, Rich, Schuck, Smith, Cook, Morgan, Williams, and Young; Nil.

#### Withdrawal from Committee of Assembly Bill No. 2180

Senator Olson moved that Assembly Bill No. 2180 be withdrawn from Committee on Judiciary, and placed on the third reading file.

#### Ayes and Nays Demanded

A roll call was demanded by Senators Olson, Underhill and Garrison on the adoption of motion to withdraw Assembly Bill No. 2180.

The roll was called, and the action resulted by the following vote:

Ayes—Messrs. Pugh, Cummings, Cummings, Cook, Fisher, Green, Hall, Cook, Hudson, Johnson, Morgan, Morgan, Miller, McCall, Mixer, Nielsen, Cook, Perkins, Hays, Pugh, Quinn, Quinn, and Young; Nil.

Nays—Messrs. Allen, Fisher, Ward, Morgan, Knapp, Miller, Rich, Schuck, Shaw, Shaw, Smith, and Williams; Nil.

Assembly Bill No. 2180 ordered on third reading file.

#### Unfinished Business

**Senate Bill No. 862**—To act to amend section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class.

#### Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendments to Senate Bill No. 862.

#### Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "three thousand four", and insert in lieu thereof the following: "one thousand six".

#### Amendment No. 2.

On page 2, line 1, of the printed bill, as amended, strike out "one thousand six", and insert in lieu thereof the following: "one thousand four".



**Amendment No. 3.**

On page 2, line 44, of the printed bill, as amended, strike out "two", and insert in lieu thereof the following: "five".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 862?

The roll was called, and Assembly amendments to Senate Bill No. 862 concurred in by the following vote:

**AYES.** Senators Allen, Biggar, Crittenden, Cunningham, Delap, Dond, Fletcher, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pionovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—32.

**NOES.** None.

Senate Bill No. 862 ordered to enrollment.

**Re-reference of Senate Bill No. 33.**

Senator Swing moved that Senate Bill No. 33 be re-referred to Committee on Judiciary.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Fletcher, Young and Olson on the adoption of the motion to re-refer.

The roll was called, and the motion lost by the following vote:

**AYES.** Senators Allen, Crittenden, Cunningham, Delap, Hays, Jepsen, Keough, McGovern, Mixer, Pionovich, Powers, Rich, Schottky, Seawell, Swing, and Tickle—16.

**NOES.** Senators Biggar, Dond, Fletcher, Garrison, Hollister, Keating, Knowland, McColl, Nielsen, Olson, Phillips, Slater, Waggy, Westover, and Young—15.

**Unfinished Business—(Resumed).**

**Senate Bill No. 33.**—An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers by the Commissioner of Corporations; to limit and regulate their charges; to authorize and regulate the assignment of wages, salary, commissions, or other compensation for services when given to a personal property broker as security for a loan of or as consideration for the payment of money, credit, goods or things in action; to provide for the administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for the violation of this act.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 33.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 1 to 6, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers by the Commissioner of Corporations; to limit and regulate their charges; to author-

**Amendment No. 2.**

On page 1, line 3, of the printed bill, as amended, after "words", insert the following: "and terms".

**Amendment No. 3.**

On page 1, line 7, of the printed bill, as amended, after "any", insert the following: "assistant".



**Amendment No. 13.**

On page 3 of the printed bill, as amended, strike out lines 46 to 48, inclusive, and insert in lieu thereof the following:

"SEC. 8. Section 10 of said act is hereby amended to read as follows:

Sec. 10. The payment of money, credit, goods, or things in".

**Amendment No. 14.**

On page 4 of the printed bill, as amended, strike out line 2, and insert in lieu thereof the following: "by which such assigned compensation exceeds the amount of".

**Amendment No. 15.**

On page 4 of the printed bill, as amended, strike out lines 8 to 11, inclusive, and insert in lieu thereof the following:

"SEC. 9. Section 11 of said act is hereby amended to read as follows:

Sec. 11. (a) The personal property broker making any loan, or the broker arranging, negotiating or procuring it for".

**Amendment No. 16.**

On page 4 of the printed bill, as amended, strike out line 19, and insert in lieu thereof the following: "how computed, how and when such note is repayable, and the".

**Amendment No. 17.**

On page 4 of the printed bill, as amended, strike out line 21, and insert in lieu thereof the following: "in such note. Also such other information as the commissioner".

**Amendment No. 18.**

On page 4 of the printed bill, as amended, strike out line 37, and insert in lieu thereof the following:

"(b) Each personal property broker and broker shall:".

**Amendment No. 19.**

On page 4 of the printed bill, as amended, strike out lines 40 to 42, inclusive, and insert in lieu thereof the following: "his business. No such form or instrument shall be used after the use thereof has been disapproved by the commissioner, and the personal property broker or broker".

**Amendment No. 20.**

On page 4, line 46 of the printed bill, as amended, strike out "licensee", and insert in lieu thereof the following: "personal property broker or broker".

**Amendment No. 21.**

On page 5 of the printed bill, as amended, strike out line 1, and insert in lieu thereof the following:

"SEC. 10. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Each licensee hereunder shall on or before the fifteenth day of March of each year,".

**Amendment No. 22.**

On page 5, line 23, of the printed bill, as amended, strike out "7", and insert in lieu thereof "11".

**Amendment No. 23.**

On page 5 of the printed bill, as amended, strike out lines 32 to 34, inclusive, and insert in lieu thereof the following: "submit all advertising copy before using it. No advertising copy shall be used after the use thereof has been disapproved by the commissioner, and the personal property broker or broker notified in writing of such disapproval.

(b) No licensee hereunder shall:".

**Amendment No. 24.**

On page 5, line 44, of the printed bill, as amended, after "compensation", insert the following: "for services".

**Amendment No. 25.**

On page 6, line 9, of the printed bill, as amended, strike out "8", and insert in lieu thereof "12".

**Amendment No. 26.**

On page 6 of the printed bill, as amended, strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "the bond or bonds required under any of the provisions of this act, or that the licensee has violated any of the provisions of this act or any rule or regulation established by the commissioner under the authority of this act; or that any fact".

**Amendment No. 27.**

On page 6, line 38, of the printed bill, as amended, after "reason", insert "or reasons".

Appendix 9. 2

(b) Under 42 U.S.C. 11, if the person has no remedy, under 42 U.S.C. 11, for the

*Author's address:* Department of Mathematics, University of Illinois at Chicago, Chicago, IL 60607, USA.

The range of the ground and, in particular, water was from 48 to 51, surface and bottom in two classes are following: sand, fine sand, shingle, of clay, limestone and of small pebbles composed of limestone or a porous granitic material or border of heavy bedded, flattened rock having a low resistance.

## Amendment No. 20

On page 2 of the contract, the company stated, among other things, that it had agreed to loan the following: "one set of two new stainless steel instruments, one 3.0 mm. and one 3.5 mm."

## A - e - r - e - c - t - i - o - n - s - 28

On page 7 of the printed bid, as enclosed, strike out lines 4 and 5, and insert in their stead the following: "1. All work under this contract shall be done in accordance with the specifications of the City of New York."

## Assessment No. 22

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A . . . . .

Fig. 2. The 100% of the ground 100% in ground plan (vertical), and in

Answered 1901

(1) says "I am 40, at the present time," as appended, after "that," would be correct.

Appendix 2: *Continued*

The graph in Figure 10 is the graph of the function  $f(x) = \sin(x)$ , which is a periodic function with a period of  $2\pi$ .

A - e - m - e - s 9 76

For example, the fact that the number of people who are unemployed is not the same as the number of people who are employed is not a logical truth.

$A = C = \dots = C = 0$   $\theta_1 = \dots$

SEC. 1001. (a) Section 11 of the United States Code, as amended, strike out "11", and insert in

Am. J. Math. 9, 1887

On May 9, 1992, a 100 percent full, all-weather, rubber roof top pool was built in the basement of the building.

## Amendment No. 39

On many of these plots, a very unusual fall in frequency occurred at 100 Hz, and some of the

## Amendment No. 22

On August 8, 1990, 20 of the potential 400 are randomly selected and "10" and "20" are chosen (10 have received 1).

Amendment No. 41.

(b) except that any person who is provided with the information under this section shall be deemed to have received the information for the purposes of the Freedom of Information Act.

... ..

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## Amendment No. 42.

b) All acts and parts of acts, whether general, special or local, which in whole or in part are of a legislative nature, and which are not binding on the Government of the State, and which are not binding on the Government of the State.

## Amendment No. 43.

The paper is based on the data of the national bank, at present, 1990-1991, and the following: 1991-1992.

## Amendment No. 44.

On page 2, line 4 of the form of the petition (as provided, *form FOR-1*, insert) the following: "IHI".

## Amendment No. 15

On page 3, line 14, of the general bill, as amended, strike out "assault"

### Amendment No. 46.

The page 6, line 1, of the report shall be amended, strike out the semicolon, and insert the following: a second.

### Amendment No. 47.

On page 6, line 2, of the second bill, as amended, delete "and" and insert in lieu thereof the following: "and"



**Amendment No. 48.**

On page 7, line 16, of the printed bill, as amended, strike out "effect", and insert in lieu thereof the following: "effect".

**Amendment No. 49.**

On page 7, line 49, of the printed bill, as amended, strike out "provision", and insert in lieu thereof the following: "provisions".

**Amendment No. 50.**

On page 8, line 14, of the printed bill, as amended, after "any", insert the following: "of the".

**Amendment No. 51.**

On page 9, line 15, of the printed bill, as amended, strike out "thereunder", and insert in lieu thereof the following: "hereunder".

**Amendment No. 52.**

On page 9, line 18, of the printed bill, as amended, strike out "thereunder", and insert in lieu thereof the following: "hereunder".

**Amendment No. 53.**

On page 11, line 8, of the printed bill, as amended, after "\$50", insert a comma.

**Amendment No. 54.**

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 2, 4, 5, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers, to prescribe, fix, limit and regulate their charges; to authorize and regulate the assignment of wages, salary, commissions, or other compensation for services when given to a personal property broker as security for a loan or as consideration for the payment of money, credit, goods or things in action; to provide for administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for violation of this act."

**Amendment No. 55.**

On page 2 of the printed bill, as amended, strike out lines 18, 19 and 20, and insert in lieu thereof the following: "who, for or on behalf of any other person, arrange negotiate or procure a loan or loans to be made to such other person by a personal property".

**Amendment No. 56.**

On page 2 of the printed bill, as amended, strike out lines 23 to 28, inclusive.

**Amendment No. 57.**

On page 2 of the printed bill, as amended, strike out lines 29 to 36, inclusive, and insert in lieu thereof the following:

"(4) The word "charges" includes the aggregate interest, fees, bonuses, commissions, discounts, expenses, and other forms of compensation charged, contracted for, or received by a personal property broker or broker in connection with the arranging, negotiating, procuring, making and collecting of a loan or forbearance of money, goods or things in action, and incident to transacting the business of arranging, negotiating, procuring, making and collecting loans or forbearance of money, goods or things in action.

"(5) The word "license" means a personal property broker or broker duly licensed under this act.

"(6) The word "person" includes, without limitation, any individual, firm, copartnership, association, trust, or any other group of individuals however organized."

**Amendment No. 58.**

On page 2 of the printed bill, as amended, strike out lines 39 to 47, inclusive, and insert in lieu thereof the following:

"Sec. 2. Section 4 of said act is hereby amended to read as follows:

Sec. 4. (a) This act shall not apply to any person, association, copartnership, trust or corporation doing business as authorized under any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions or licensed pawnbrokers.

(b) Nothing contained in this act shall apply to any of the following:

1. Any nonprofit cooperative association organized under Title XXIII of Part IV of Division I of the Civil Code as said title existed at any time prior to the effective date of this amendment or under Chapter 4 of Division VI of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

2. Any corporation, association, syndicate, joint stock company or partnership



**Amendment No. 73.**

On page 5 of the printed bill, as amended, strike out line 27, and insert in lieu thereof the following: "submit all advertising copy before using it, and no advertising".

**Amendment No. 74.**

On page 5, line 28, of the printed bill, as amended, strike out "net".

**Amendment No. 75.**

On page 5, line 31, of the printed bill, as amended, after "any", insert the following: "other".

**Amendment No. 76.**

On page 5, line 36, of the printed bill, as amended, before "date", insert the following: "the".

**Amendment No. 77.**

On page 5, line 42, of the printed bill, as amended, insert a comma after "commissions".

**Amendment No. 78.**

On page 6 of the printed bill, as amended, strike out lines 4 and 5, and insert in lieu thereof the following:

"SEC. 8. Section 14 of said act is hereby amended to read as follows:

Sec. 14. The commissioner may, upon reasonable notice to the licensee, stating the contemplated action and on general terms the grounds therefor, and upon reasonable opportunity to be heard, suspend or revoke any license issued hereunder, if he shall find that said licensee has failed to maintain in effect the bond or bonds required under the provisions of this act, or that the licensee has violated any provision of this act or any rule or regulation of the commissioner; or that any fact or condition exists which if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing the original issuance of such license."

**Amendment No. 79.**

On page 6 of the printed bill, as amended, strike out lines 25 and 26, and insert in lieu thereof the following:

"SEC. 9. Section 16 of said act is hereby amended to read as follows:

Sec. 16. For the purpose of discovering violations of this act, or securing information required by him hereunder, the commissioner may, at any time, either personally or by any deputy, investigator or auditor designated by him, investigate the loans and business, and examine the books, accounts, records and files used therein of every licensee, and of every person, copartnership, trust, association and corporation who or which shall be engaged in said business, whether such person, copartnership, trust, association or corporation shall act or claim to act as principal or agent under or without the authority of this act, and for such purposes the commissioner and his representatives shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all such persons, copartners, trustees, associations and corporations. The commissioner and all persons duly designated by him shall have authority and power to administer oaths and to take the testimony of any witnesses and to issue subpoenas requiring the attendance upon any examination, investigation or hearing in any part of the State of witnesses and the production of books, documents and other things under their control. All of the provisions of Chapter II of Title III of Part IV of the Code of Civil Procedure relating to the means of production of evidence out of court shall be applicable to any examination, investigation or hearing under this act. The authority to make or conduct any such examination, investigation or hearing, including the authority to administer oaths and to subpoena witnesses, and to take their testimony may be delegated by the commissioner to any deputy, investigator or auditor appointed by him for that purpose. Such appointment shall be made by an instrument in writing signed by the commissioner over his official seal, and upon such examination, investigation, or hearing the same shall be produced by such deputy, investigator or auditor at any time upon demand therefor."

**Amendment No. 80.**

On page 6, line 41, of the printed bill, as amended, strike out "such", and insert in lieu thereof the following: "a".

**Amendment No. 81.**

On page 7, line 17, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "ore".

**Amendment No. 82.**

On page 7, line 18, of the printed bill, as amended, insert a comma after "loss".

**Amendment No. 85**

On page 1, line 10, of the printed bill, as amended, insert the following: "For services rendered, and shall be paid to the following:—the architect, engineer and surveyor named."

**Amendment No. 86**

On page 2 of the printed bill, as amended, strike out lines 24 and 25, and insert in lieu thereof the following: "with the sum not to exceed \$100,000, to be paid to the architect, engineer, surveyor, building and construction laws and the laws on laws, and subject to the same."

**Amendment No. 87**

On page 2 of the printed bill, as amended, strike out lines 29 and 30, and insert in lieu thereof the following: "subject to the approval of the committee of arranging, engineering, architecture, building and construction laws, and the laws on laws, and subject to the same."

**Amendment No. 88**

On page 2, line 32, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and subject to the same."

**Amendment No. 89**

On page 2 of the printed bill, as amended, strike out lines 35 and 36, and insert in lieu thereof the following: "with the sum not to exceed \$100,000, to be paid to the architect, engineer, surveyor, building and construction laws, and the laws on laws, and subject to the same."

**Amendment No. 90**

On page 2, line 38, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and subject to the same."

**Amendment No. 91**

On page 10, line 1, of the printed bill, as amended, strike out "12.", and insert in lieu thereof the following: "14."

The committee report that the Senate concurs in Assembly amendments to Senate Bill No. 247.

The roll was called, and Assembly amendments to Senate Bill No. 33 were adopted concurrently as by the following vote:

Ayes: Senators Bond, and Olson, 2.

Noes: Senators Allen, Rogers, Cunningham, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollins, Johnson, Keating, Knecht, Knecht, Lipp, McBride, Martin, Nelson, Phillips, Pomeroy, Pomeroy, Rich, Schmidt, Seaton, Smith, Tamm, Vane, Winters, and Young, 20.

**Senate Bill No. 83**—An act to add a new section to the School Code to be numbered 4102a, relating to an appropriation for vocational rehabilitation.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 83.

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out the following: "amend section 4102 of", and insert in lieu thereof the following: "add a new section to".

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, strike out the comma, and insert the following: "to be numbered 4102a."

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 1 to 7, inclusive, and insert in lieu thereof the following:

**SECTION 1.** A new section is hereby added to the School Code to be numbered 4102a, and to read as follows:

**4102a.** In addition to any other sums provided for in this article, there is hereby appropriated from any moneys in the State treasury not otherwise appropriated, for each fiscal year, the sum of \$100,000, or so much thereof as will equal such amount as is provided for by the State (any one Federal Government or any agency thereof having such moneys) for the purpose of this chapter.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 83?



The roll was called, and Assembly amendments to Senate Bill No. 83 were refused concurrence by the following vote:

**AYES—None.**

**NOES—**Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Keough, Knowland, McColl, Minter, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tiedke, Wagy, Westover, and Young—29.

### **Recess.**

At twelve o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### **Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### **Third Reading of Assembly Bills.**

**Assembly Bill No. 1287**—An act to add Article 4 to Chapter 10 of Division IV of the Agricultural Code, relating to the marketing and distribution of fluid milk and fluid cream.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 1287, the following amendment, offered by Senator Young, was read and adopted:

#### **Amendment No. 1.**

On page 1, line 17, of the printed bill, as amended, strike out "Article", and insert in lieu thereof the following: "Division".

Bill read, ordered to print, and on file for third reading

**Assembly Bill No. 2090**—An act to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v and 26w to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the acquisition and condemnation of rights of way or easements to gain access to said State lands, repealing all acts or parts of acts inconsistent or in conflict herewith.

#### **Amendments from the Floor.**

During third reading of Assembly Bill No. 2090, the following amendments, offered by Senator Jespersen, were read and adopted:

#### **Amendment No. 1.**

On page 7 of the printed bill, as amended, strike out line 42 after the period, and all of lines 43 to 46, inclusive, and insert in lieu thereof the following:

"No bid shall be accepted and no lease shall be made unless the same provides for payment to the State of more than thirty per cent (30%) of the amount or



**On Finance.**

SENATE CHAMBER, SACRAMENTO, MAY 26, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1157—An act to add Division IIa, comprising Chapter 1, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of needy children;

Has had the same under consideration, and respectfully reports the same back, with the recommendation that it be referred to Committee on Governmental Efficiency.

Committee membership: 9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

Senate Bill No. 1157 ordered referred to Committee on Governmental Efficiency.

**On Public Utilities.**

SENATE CHAMBER, SACRAMENTO, MAY 27, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 2410—An act to add section 2.1 to the Public Utilities Act, relating to public utilities;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 7; committee vote: Ayes—7.

PARKMAN, Chairman.  
TICKLE,  
JESPERSEN,  
YOUNG,  
MINTER,  
McBRIDE.**On Social Security.**

SENATE CHAMBER, SACRAMENTO, MAY 27, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 2705—An act to add section 130 to the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

WESTOVER, Chairman.

Assembly Bill No. 2705 ordered referred to Committee on Finance.

**Second Reading of Assembly Bills—(Out of Order).****Assembly Constitutional Amendment No. 51**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 23a of Article IV thereof, relating to officers, employees and attaches of the Legislature.**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Assembly Constitutional Amendment No. 51 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed measure, strike out lines 10 to 15, inclusive, and insert in lieu thereof the following: "and attaches, for both houses, at any regular or extraordinary session, exceed a total sum equivalent to ten dollars per day per member, said total sum to be apportioned between the two houses as the Legislature shall provide; nor shall the pay of any officer, employee".

Bill read, ordered to print, and on file.

**Assembly Bill No. 2410**—An act to add section 2.1 to the Public Utilities Act, relating to public utilities.

Bill read second time, and ordered on file for third reading.

**Unfinished Business—(Resumed).****Senate Bill No. 444**—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge

in bonds consisting of bonds of uniting that are and providing providing for valuation thereof. Approved May 23, 1931, as amended relating to the grammar, transcription and sale of bear and shells containing bonds of support.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 444.

#### Amendment No. 1.

The vote is 18-0 in favor of the amendment, and 0-0 in opposition.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 444?

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Holman moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Chapman, Cummings, Egan, Gorman, Gordon, Hays, Hollister, Holman, Johnson, Keene, Lusk, McCall, Miller, Peterson, Phillips, Quinn, Roberts, Sargent, Webb, Womack, and Young.

The Secretary announced the adjournment.

Four o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### Senator Hays in the Chair.

At two o'clock and eleven minutes p.m., Senator Hays of the thirty-ninth district was called to the chair.

#### Proceedings Under Call of the Senate

#### Unfinished Business—(Resumed).

**Senate Joint Resolution No. 25**—Relative to memorializing the President and the Congress of the United States to protect the rights of the State of California in its fisheries and the coastal area lying seaward of the State of California.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Joint Resolution No. 25.

#### Amendment No. 1.

The page is 1-1 in the printed version, and 1-1 "Secretary of the Senate", and 1-1 in the printed version.

The question being: Shall the Senate concur in Assembly amendment to Senate Joint Resolution No. 25?

The roll was called, and Assembly amendment to Senate Joint Resolution No. 25 concurred in by the following vote:

AYES: Senators Allen, Egan, Chapman, Cummings, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Johnson, Keene, Keene, Law, Miller, Roberts, Sargent, Webb, Womack, and Young.



Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, and Young 25  
 Nays—None.

Senate Joint Resolution No. 25 ordered to enrollment.

**Senate Bill No. 439**—An act to amend sections 782, 7843 and 830 of, and to add section 783.5 to the Agricultural Code, relating to fruits, nuts and vegetables.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 439.

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of lines 28 to 36, inclusive, and insert in lieu thereof the following: "standards established in this chapter. The enforcing officer may affix a warning tag or notice to any fruits, nuts or vegetables failing to comply with the standards established in this chapter."

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, as amended, after "of", insert the following: ", and to add section 783.5 to".

**Amendment No. 3.**

On page 1 of the printed bill, as amended, after line 27, insert the following:

"SEC. 1.5. Section 783.5 is hereby added to said code to read as follows:

783.5. No lot of fruits, nuts or vegetables bearing or accompanied by a certificate of inspection readily identifying such lot and issued by any agricultural commissioner, deputy, or inspector, shall be rejected from transportation or sale within this State for the purported violation of any provision of this chapter."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 439?

The roll was called, and Assembly amendments to Senate Bill No. 439 refused concurrence by the following vote:

**AYES—None.**

**NAYS—**Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keough, McColl, McGovern, Mixer, Parkman, Phillips, Quinn, Schottky, Seawell, Tickle, Wagy, Westover, and Young 25.

**Senate Bill No. 514**—An act to regulate auctions.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 514.

**Amendment No. 1.**

On page 2, of the printed bill, following line 7, add the following:

"SEC. 5. The provisions of this act shall not be construed as a limitation upon the power of any city, county or city and county to adopt other and further regulations concerning public auctions not in conflict herewith."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 514?

The roll was called, and Assembly amendment to Senate Bill No. 514 concurred in by the following vote:

**AYES—**Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Tickle, Wagy, Westover, and Young—30.

**NAYS—None.**

Senate Bill No. 514 ordered to enrollment.

**Senate Bill No. 613**—An act to amend section 96 of the "Bank Act," relating to deposits of money received by State Treasurer from trust companies.

## Consideration of Assembly Amendments.

The Senate took up for consideration Assembly Amendments to Senate Bill No. 611.

## Amendment No. 1.

On page 2, paragraph 14, line 5, of the printed bill, striking out the words "and issuing the same," and inserting the following: "in accordance with the provisions of the laws of this State relating to warrants of the State of Oklahoma."

## Amendment No. 2.

On page 2, line 19, of the printed bill, by inserting, after the words "and issuing the same," and inserting the following: "or registered warrants of the State of Oklahoma."

The question being: Shall the Senate pass on Assembly amendments to Senate Bill No. 611?

The roll was called, and Assembly amendments to Senate Bill No. 611 occurred in the following vote:

AYES—Benson, Allen, Egger, Christensen, Cunningham, DeLay, Donel, Fletcher, Garrison, Gordon, Hays, Holsteter, Holohan, Jespersen, Kenting, Kough, Knowland, Law, McCall, McCallister, Morris, Nelson, Peterson, Phillips, Pierovich, Quinn, Smith, Sorenson, Swartz, Taylor, Tisdale, Wagon, Wagoner, and Young—44.

NOTES—None.

Senate Bill No. 611 ordered to enrollment.

**Senate Bill No. 626**—An act to add a new chapter to be numbered Chapter 2 in Division 2 of the Automobile Code, relating to grades and standards for motor's work.

## Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 626.

## Amendment No. 1.

On page 1, line 24, of the printed bill, an Assembly Amendment following the printed matter the following: "All the last of amended hereby made the printed bill shall be reported."

## Amendment No. 2.

On page 1, line 24, of the printed bill, an Assembly Amendment following the printed matter the following: "and the Senate Assembly place."

## Amendment No. 3.

On page 1, line 24, of the printed bill, an Assembly Amendment following the printed matter the following: "and the Senate Assembly place."

The question being: Shall the Senate pass on Assembly amendments to Senate Bill No. 626?

The roll was called, and Assembly amendments to Senate Bill No. 626 occurred in the following vote:

AYES—Benson, Allen, Egger, Christensen, Christensen, DeLay, Donel, Fletcher, Garrison, Hays, Holsteter, Holohan, Jespersen, Kenting, Kough, Knowland, Law, McCall, McCallister, Morris, Nelson, Peterson, Phillips, Pierovich, Quinn, Sorenson, Smith, Sorenson, Swartz, Taylor, Tisdale, Wagon, Wagoner, and Young—44.

NOTES—None.

Senate Bill No. 626 ordered to enrollment.

**Senate Bill No. 766**—An act to amend sections 545, 656, 662, 675.5 and 676 of the Vehicle Code, relating to motor vehicles.

## Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 766.

**Amendment No. 1.**

On page 3, line 24, of the printed bill, as amended, after the period, add the following: "This section shall not apply to snow removal equipment equipped with adequate manually operated windshield wipers."

**Amendment No. 2.**

On page 1, line 1 of the title of the printed bill, as amended, after "656," insert the following: "662,".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, between lines 7 and 8, insert the following:

"SEC. 3. Section 662 of the Vehicle Code is hereby amended to read as follows: 662. Use of Upper and Lower Beams. It shall be permissible for headlamps to be so equipped as to permit a driver by operating a switch to depress the beams of light projected therefrom or in place of the upper beams temporarily to substitute lower beams but in no event shall such depressed or lower beams be more than two and one-half degrees of arc below the level otherwise required under this code. When any vehicle with headlamps which are so equipped approaches within five hundred feet of an oncoming vehicle, the driver shall depress or deflect the beams of such headlamps and keep the beams so depressed or deflected until the vehicles have passed each other."

**Amendment No. 4.**

On page 2, line 8, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 4".

**Amendment No. 5.**

On page 2, line 38, of the printed bill, as amended, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 5".

**Amendment No. 6.**

On page 1, line 8, of the printed bill, as amended, strike out "twenty-four", and insert in lieu thereof the following: "thirty-two".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 766?

The roll was called, and Assembly amendments to Senate Bill No. 766 concurred in by the following vote:

AYES—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holdham, Keating, Keough, Knowland, Law, McGill, McGovern, Menzger, Mixter, Nielson, Parkman, Phillips, Pirovich, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Senate Bill No. 766 ordered to enrollment.

**Senate Bill No. 878** An act to amend section 632 of the Agricultural Code, relating to samples.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 878.

**Amendment No. 1.**

On page 2, line 6, of the printed bill, as amended, following the word "delivery", insert a period, and strike out the word "and", and insert in lieu thereof the following: "In the case of market milk".

**Amendment No. 2.**

On page 2, line 14, of the printed bill, as amended, strike out the comma after the word "State", and the remainder of the line; and strike out all of line 15, and insert in lieu thereof the following: "on products handled for their own members or on products handled for nonmembers provided payments to such nonmembers are made on the same basis as payments to members."

**Amendment No. 3.**

On page 2 of the printed bill, as amended May 5, 1937, strike out all of lines 6 to 19, inclusive, and insert in lieu thereof the following: "upon delivery, and payment shall be made in accordance with the percentage of milk fat actually found in said samples. Milk and cream must be thoroughly mixed and stirred before samples are taken. Containers of a size larger than a ten-gallon milk can from





The roll was called, and Assembly amendments to Senate Bill No. 930 refused concurrence by the following vote:

**AYES**—None.

**NOES**—Senators Allen, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**Senate Bill No. 949**—An act to add section 3810 to the Political Code, relating to payment of taxes or assessments before deed or conveyance to the State or any political subdivision.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 949.

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, after "taxes", insert the following: "or assessments, or for rights of way for State highway purposes".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, following line 12, add the following: "This section does not apply to deeds or conveyances to the Veterans' Welfare Board."

**Amendment No. 3.**

On page 1, line 5, of the printed bill, strike out "State", and insert in lieu thereof the following: "street and".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 949?

The roll was called, and Assembly amendments to Senate Bill No. 949 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

Senate Bill No. 949 ordered to enrollment.

**Senate Bill No. 953**—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933; to add sections 5, 6, 7, 8, 9, 10, 12, 15, and 21 to said act; to renumber and amend sections 5, 6, 7, 8, 9, 12, 13, 14, 16, and 17 of said act; to repeal sections 10 and 15 of said act; relating to the taxing of operators engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 953.

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, strike out the words "any person having a fixed and", and strike out all of line 12.

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out all of lines 1 and 2, and in line 3, strike out the following: "eral overhead expenses of his business nor".

**Amendment No. 3.**

On page 8, line 1, of the printed bill as amended, after "dollars", insert "payable to the owner".

**Amendment No. 4.**

On page 5 of the printed bill as amended, strike out all of line 15 after "assessors" strike out lines 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**Amendment No. 5.**

On page 12, line 30, of the printed bill as amended, strike out "to be paid to the treasurer", and insert in its stead, "to be interest and penalties due".

**Amendment No. 6.**

On page 13 of the printed bill as amended, between lines 12 and 13, insert the following:

"Sec. 25. Section 24 of Article III of the Constitution is hereby amended to read as follows:

**Amendment No. 7.**

On page 17, line 48, of the printed bill as amended, strike out "Section", and insert in its stead "Section".

**Amendment No. 8.**

On page 18 of the printed bill as amended, strike out lines 47 to 51, inclusive, and on page 19, strike out lines 1 to 10, inclusive.

**Amendment No. 9.**

On page 19, line 28, of the printed bill as amended, strike out the period, and insert in its stead, "to read as follows:

"Sec. 26. If any section, subsection, clause, sentence or phrase of this act is hereby or hereafter determined to be unconstitutional, the provisions of this act in so far as they remain valid shall be severable, and shall continue in full force and effect, and the constitutionality of this act shall not be affected by the determination of the constitutionality of any one or more of its sections, subsections, clauses, sentences or phrases. The provisions of this act shall not be affected by the determination of the constitutionality of any one or more of its sections, subsections, clauses, sentences or phrases of this act in so far as they remain valid."

**Amendment No. 10.**

On page 19, line 30, of the printed bill as amended, strike out the period, and insert in its stead, "to read as follows:

"Sec. 27. This act shall be in full force and effect from and after the date of its passage by the Senate, and shall be subject to the provisions of section 1 of Article IV of the Constitution, (which shall be amended)."

**Amendment No. 11.**

On page 19 of the printed bill as amended, strike out lines 35 to 51, inclusive, and on page 20, strike out lines 1 and 2, and insert in its stead the following:

"Sec. 28. The tax imposed by the Board under the provisions of the act passed May 19, 1937, shall be paid by the owner of the property during the month of May, 1937, and shall be paid to the Treasurer of the State, with the proceeds of section 1 of Article IV of the Constitution, (which shall be amended) on or before January 1, 1937, anything in said act or in this act to the contrary notwithstanding."

**Amendment No. 12.**

On page 14, line 21 of the printed bill as amended, strike out "Jan.", and strike out lines 12 to 15, inclusive, and insert in lieu thereof "October 1, 1937".

**Amendment No. 13.**

On page 7 of the printed bill as amended, between lines 28 and 30, insert the following:

"If the total taxes and licenses, including such State taxes and licenses as are on account of or authorized by gross receipts or net income or with respect to motor vehicles (not including net tax) during a calendar year and paid during such year to this State and its political subdivisions, including municipalities, by an operator, owner, or on account of the operations or his property used exclusively to produce gross receipts from his operations taxable hereunder, shall exceed two per cent of such gross receipts from his operations during such year, the amount of such excess, not exceeding, however, the amount of license taxes paid hereunder during such year, shall be subject to refund upon a verified claim therefor filed with the board by such operator within ninety days after the close of such year. Thereafter the board shall examine such claim and if it shall appear to the satisfaction of the board that a refund is due, shall certify to the State Board of Control the amount thereof and if approved by that board the same shall be credited on any taxes then due from the operator under this act and the balance shall be refunded to the operator or his successors, administrators, executors or assigns, but no such credit or refund shall be allowed unless the claim therefor shall have been filed within the time herein specified."

**Amendment No. 14.**

On page 3 of the printed bill, as amended, strike out all of line 2, and insert in lieu thereof the following: "fee, the board shall issue to the applicant a license to trans-".

**Amendment No. 15.**

On page 3, line 16, of the printed bill, as amended, strike out "required fee", and insert in lieu thereof the following: "license fee of five dollars".

**Amendment No. 16.**

On page 1, line 7, of the printed bill, as amended, strike out the comma after "persons".

**Amendment No. 17.**

On page 2, line 2, of the printed bill, as amended, strike out the period after "indirectly", and insert in lieu thereof a comma, and strike out "The".

**Amendment No. 18.**

On page 2 of the printed bill, as amended, strike out all of lines 3 to 17, inclusive, and insert in lieu thereof the following: "but shall not mean nor include the following:

(1) Any person transporting his own property in his own motor vehicle, provided, however, that any such person making a specific charge for such transportation shall be deemed to be an "operator" hereunder;

(2) Any farmer, resident of California, who occasionally transports property for other farmers, or who transports his own farm products or who transports laborers to and from farm work as incident in his farming operations;

(3) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division VI of the Agricultural Code, to the extent only that it may be engaged in the transporting of its own property or the property of its members;

(4) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public school and whose total compensation from all sources for providing such transportation does not exceed fifty dollars in any calendar month;

Nothing contained in paragraph (1) above shall be construed as limiting the exemptions for which provision is made in paragraphs (2), (3) and (4)."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 953?

The roll was called, and Assembly amendments to Senate Bill No. 953 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

**NOES**—None.

Senate Bill No. 953 ordered to enrollment.

**President Pro Tempore in the Chair.**

At two o'clock and thirty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Senate Bill No. 1068**—An act to amend sections 5, 6, 7, 9, 11, 12, 13 and 14 of, and to add sections 9½, 12½, 13½, 13½, 13½, 19½, 19½ and 19½ to, and to repeal section 8 of the City Carriers' Act, relating to the regulation of the business of city carriers; providing for the filing of copies of insurance policies; prohibiting the transference of special license plates issued for vehicles operated by city carriers; providing for the filing with the Railroad Commission of rate schedules and investing the Railroad Commission with supervisory powers in relation thereto; prohibiting rates which are in excess of or less than the maximum or minimum rates established or approved by the Railroad Commission; providing for the filing of reports and the keeping of

includes: engineering the Railroad Commission to revoke or suspend licenses; and providing punitive and pecuniary for violations thereof.

### Consideration of Assembly Amendments.

The Senate took up the Transportation Assembly amendments to Senate Bill No. 1108.

## Amendment No. 1.

the page 8, line 13, of the proposed rule is amended, after the word "and,"

## Amendment No. 2.

On page 8, line 18, add "or the person left in possession, prior, and used in" after "the person who" and delete "the person who" after "the person who" in the same line.

## Amendment No. 3

On June 8, 1962, at the printed rate, an assumed, sufficient "net fair value" of the security, "Hammann."

## Amendment No. 4.

(On page 7 line 40) if we instead say as amended, strike off "in the value of the interest on such investment."

## Amendment No. 5.

On page 4, line 31, of the printed bill, as amended, after the word "carries" strike out the words "or" and insert in its place the word "and". See suggested amendment.

## Amendment No. 6.

On page 4, line 10, of the present bill as introduced, strike out "the preceding" and insert in its place the following: "such trustee."

## Amendment No. 7.

The part 4 of the present law on economic growth increases from 31 and 32 the following:

The method shall become effective on November 1, 1987. However, the time within which any such review calculation is used when the method becomes effective shall also be limited whenever under the provisions of this section any, upon application to the Commission by such person, that the use of such review shall be necessary for the continuation of a title and lease term. Chapter 3, 1988.

The question before shall the Senate consent in Assembly amended  
 19048 to Senate Bill No. 4198.)

The roll was called, and Assembly amendments to Senate Bill No. 1068 occurred in the following order:

[illegible]

10

Senate Bill No. 1068 ordered to second reading.

**Senate Bill No. 278.** An act to add sections 285 and 286 to the Agricultural Code relating to advance payments, collections and refunds.

### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 278.

### Amendment No. 1.

On page 1, line 1 of the bill (in the printed bill, strike out "section 22.5", and insert in lieu thereof the following: "sections 22.5 and 22.6".

### Amendment No. 2.

On page 1, line 2 of the title of the second bill immediately following "to", insert the following: "to amend the law relating to the

### Amendment No. 3.

On page 1 of the printed bill immediately following line 8, insert the following:

Sec. 2. Section 286 is hereby added to the Agricultural Code, to read as follows:

28.6. In cases where the Director is authorized to perform sampling, grading, testing, inspection or certification services in relation to agricultural products, and



to fix reasonable fees which shall pay the cost of services necessary to perform such sampling, grading, testing, inspection or certification, he may collect such fees in advance of performing the services but shall not be required to do so if, in his opinion, the benefit of such services would be lessened by such advance payment. In lieu of collecting such fees in advance the director is authorized, if he deems it necessary, to accept a bond guaranteeing payment of the fees chargeable for any such services, provided said bond is satisfactory to the director.

Against any person required to take out a license or pay fees under the provisions of this code and who fails, neglects, or refuses to take out such license or pay such fees, or who carries on or attempts to carry on the business or do any act for which such license or payment of such fees is required without such license or payment of fees, the director in addition to other remedies provided by law may direct suit in the name of the people of the State of California as plaintiff, to be brought for the recovery of the license or other fees, and in such case the director may make the necessary affidavit for and a writ of attachment may issue, without any bonds being given on behalf of the plaintiff."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 278?

The roll was called, and Assembly amendments to Senate Bill No. 278 concurred in by the following vote:

AYES—Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.  
 NOES—None.

Senate Bill No. 278 ordered to enrollment.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and fifty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Holohan.

The names of the absentees were called, and Assembly amendments to Senate Bill No. 444 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.  
 NOES—None.

Senate Bill No. 444 ordered to enrollment.

### **Withdrawal and Re-reference of Assembly Bill No. 1889.**

Senator DeLap moved that Assembly Bill No. 1889 be withdrawn from Committee on Municipal Corporations, and referred to Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

AYES—Senators DeLap, Law, Parkman, Pierovich, Powers, Rich, and Wagy—7  
 NOES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, Metzger, Nielsen, Quinn, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—22.

### **Unfinished Business—(Resumed).**

**Senate Bill No. 972**—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 10½, 11½, 13½, 13¾, 14½, 14¾, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

#### **Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 972.



**Amendment No. 5.**

On page 5, lines 22 and 23, of the printed bill, as amended, strike out "provided, however, that such", and insert in lieu thereof the following: "Such".

**Amendment No. 6.**

On page 5, line 31, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "hereof".

**Amendment No. 7.**

On page 6, line 19, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "thereon".

**Amendment No. 8.**

On page 6 of the printed bill, as amended, insert between lines 38 and 39, the following:

"This section shall become effective on November 1, 1937. However, the time within which any such carrier, operating as such when this section becomes effective, shall file its initial schedule under the provisions of this section may, upon application to the commission by such carrier and for good cause shown, be extended by the commission to a date not later than January 1, 1938."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 972?

The roll was called, and Assembly amendments to Senate Bill No. 972 refused concurrence by the following vote:

AYES—Senators Allen, Fletcher, Hays, Keating, Keough, Knowland, McColl, McGovern, Minter, Parkman, Schottky, Seawell, Swing, Tickle, and Williams—15.

NOES—Senators Baggar, Crittenden, Cunningham, DeLape, Donel, Garrison, Gordon, Hollister, Holahan, Jepsen, McBride, Metzger, Nielsen, Phillips, Powers, Quinn, Rich, Slater, Waggy, Westover, and Young—21.

**Senate Bill No. 1028**—An act to amend sections 852, 852b and 862.6 of, and to add sections 2b and 852d to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to municipal corporations.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1028.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "851,".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 20 to 25, inclusive, and on page 2, strike out lines 1 to 8, inclusive.

**Amendment No. 3.**

On page 2, line 9, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "2".

**Amendment No. 4.**

On page 2, line 38, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "3".

**Amendment No. 5.**

On page 3, line 16, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "4".

**Amendment No. 6.**

On page 3, line 14, of the printed bill, as amended, after the period, insert the following: "Except as to the number of members of the city council, the provisions of section 851 of this act shall be applicable to such municipal corporation."

**Amendment No. 7.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "and 852b", and insert in lieu thereof the following: "852b and 862.6".

**Amendment No. 8.**

On page 4 of the printed bill, as amended, after line 37, insert the following: "Sec. 5. Section 862.6 of said act is hereby amended to read as follows: 862.6. To acquire property required for the parking of motor vehicles and for the opening and laying out of any street, alley, lane or tunnel from the point where

and the same rule expense incurred in the acquisition of the required property out of the general fund of the city."

The question being, shall the Board convene in Assembly until  
 next to be held till Nov. 10/84.

The roll was called, and Assembly Amendments to Senate Bill No. 1128 occurred in the following vote:

[illegible]<sup>a</sup> Values are based on 1000 as a base and are rounded to 1 decimal place.

**Senate Bill No. 285**—An act providing for the formation of non-profit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute power to the inhabitants of the State at the lowest cost that will provide reasons for the payment of interest upon bonds or other interest-bearing indebtedness of the corporation, for creation of sinking and retirement funds to pay the principal thereof as and when the same become due for the operation and maintenance of a system, and for a depreciation fund; authorizing such corporations to construct otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the generating, production, transmission or distribution of energy; authorizing such corporations to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof.

## Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 983.

### Amendment No. 1.

[illegible]

## Amendment No. 2.

(On page 3, in the first of the second list, as completed at the end of the next to last line, strike out the simulated and insert in line content a period and strike out the last line of the slide.)

### Amendment No. 3.

The page 1 of the original bill is amended, section 7, and by line 8, strike out the first four words, through the word "State," and insert in lieu thereof the following:

"of electric energy. In every district, in cooperation among the users of the electric energy to be supplied by the transmission"

## Amendment No. 4.

On page 2 line 1 of the printed bill, is inserted strike and the word "county"

### Amendment No. 5.

On page 2, line 6, of the proposed bill as amended, strike out the words "and  
it shall not be construed as"

### Amendment No. 6.

On page 2, line 25, of the attached bill, as amended, strike out the word "leave".



**Amendment No. 7.**

On page 2, line 26, of the printed bill, as amended, strike out "or", and insert in lieu thereof the words "within the limitations specified in this act, or by".

**Amendment No. 8.**

On page 2, line 37, of the printed bill, as amended, preceding the word "energy", insert the word "electric".

**Amendment No. 9.**

On page 2, line 38, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following words: "in accordance with the terms of this act."

**Amendment No. 10.**

On page 2 of the printed bill, as amended, following line 38, insert a new paragraph reading as follows:

"(c) 'Rural district' shall mean and include such territory as is not included in any municipality and in which electric energy is not available for service to the inhabitants thereof by a publicly or privately owned public utility."

**Amendment No. 11.**

On page 2 of the printed bill, as amended, strike out lines 45 and 46, and insert in lieu thereof the following:

"(c) A reasonably certain description of the limitations of the territory in which it shall sell electric energy, but such territory shall not include any area that is not within a rural district as defined in section 3 of this act."

**Amendment No. 12.**

On page 3, line 16, of the printed bill, as amended, following the word "poration", insert the following new matter: "Appended to the certificate of incorporation shall be the names and addresses of those persons who shall have agreed in writing to purchase electrical energy from the corporation for a definitely specified period of time and in quantities of a definitely specified number of kilowatts per year per person."

**Amendment No. 13.**

On page 3, line 29, of the printed bill, as amended, strike out the word "function", and insert in lieu thereof the word "agency".

**Amendment No. 14.**

On page 3, line 10, of the printed bill, as amended, following the period, add the following:

"By laws for the management and regulation of the affairs of the corporation shall be adopted and may be amended from time to time by a majority vote of the members. All votes by the members shall be by ballot and secret and voting may be done by mail if the by-laws so provide. The by-laws of the corporation may make provisions, not inconsistent with law or its certificate of incorporation, regulating the terms on which members shall be admitted, but the terms shall be uniform for all members, making due allowance for all contributions to the capital investment of the corporation, as distinguished from rates for operating costs for the service, that shall have been made by earlier members. Any inhabitant of the territory of the corporation shall be entitled to service on request provided he pays such contribution as shall be required of him by the board of directors in order to equalize such contribution required of him with those made by earlier members and in order to pay such new member's proper share of any additional capital investment that the corporation may have to make in order to bring service to such applicant. The by laws may provide for the suspension of members, or for their expulsion, or for the suspension of service rendered to them, for nonpayment of rates or validly required contribution, and for reasonable penalties for the restoration of suspended members and the resumption of service to them on payment of arrears of rates and contributions; provided, however, that no member shall be suspended or expelled, except for nonpayment of service charges, except by a majority vote of the members present at a regular meeting or at a special meeting if due notice of the fact has been given that such action will be proposed at the special meeting. The by-laws may provide for the number, times and manner of choosing, qualifications, terms of office, official designations, powers, duties and compensation of officers of the corporation; may define a vacancy in the board or in any office and the manner of filling it; may prescribe the number of members, not less than a majority, to constitute a quorum at meetings, the date of the annual meeting, and the giving of notice thereof, and the holding of special meetings, and the giving of notice thereof; the terms and conditions on which the corporation is to render service to its members, which terms and conditions shall be uniform for all members except as otherwise in this act provided; the disposition of the revenues and receipts of the corporation; and may provide for regular and special meetings of the board and the giving of notice thereof. In all actions by the members, including elections, a majority of those voting shall prevail except that no revenue bonds or other bonds of the corporation shall be issued, or interest bearing obligations incurred, without the approval of two-thirds of the members of the corporation voting at an election held for that purpose."



**Amendment No. 31.**

On page 5, line 44, of the printed bill, as amended, following the word "assure", strike out the period, and insert in lieu thereof a semicolon and the following: "provided further, that the board shall not have power to sell or contract for the sale to any person for resale within or without its territory, any electric energy required for the service to its own consumer members in its specific territory".

**Amendment No. 32.**

On page 5, line 48, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "in accordance with the provisions of this act".

**Amendment No. 33.**

On page 6, line 1, of the printed bill, following the word "California";, strike out "provided", and strike out all of lines 2 to 26, inclusive, and insert in lieu thereof the following: "provided, however, that no corporation formed under this act shall have the right to acquire by the exercise of the right of eminent domain any properties or rights or franchises owned, or held under lease, by any privately owned public utility corporation, or any municipal corporation, utility district, municipal utility district, irrigation district or other political subdivision or public agency within or without the territory of such corporation formed under this act, if such property or rights or franchises are used or useful by such privately owned public utility corporation or such political subdivision or public agency in respect to any public utility service which such privately owned public utility corporation or such political subdivision or public agency is rendering to the public."

**Amendment No. 34.**

On page 4, line 46, of the printed bill, as amended, strike out "districts", and insert in lieu thereof "agencies".

**Amendment No. 35.**

On page 4, line 50, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon, and the following words: "except that no corporation shall sell any electric energy in any territory without first having obtained from the Railroad Commission a ruling that such territory is within a rural district as defined in this act."

**Amendment No. 36.**

On page 6 of the printed bill, as amended, between lines 30 and 31, insert the following:

"Sec. 11.5. Every person to whom is awarded a contract involving an expenditure in excess of one hundred dollars for the improvement, erection or construction of any system or portion thereof or any building, structure, or other work for any such corporation shall, before entering upon the performance of such contract, file with the board of directors of such corporation a bond complying with the provisions of an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, and all rights and remedies upon such bond so furnished shall be as provided in said act and as provided by sections 1184, 1184a, 1184b, 1184c, and 1184d of the Code of Civil Procedure."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 285?

The roll was called, and Assembly amendments to Senate Bill No. 285 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hays, Hollister, Holohan, Jepsen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Petrovich, Rich, Schortky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—30.

NOES—None.

Senate Bill No. 285 ordered to enrollment.

**President of the Senate in the Chair.**

At three o'clock and twenty-six minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Senate Bill No. 309**—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 999.

Amendment No. 1.

On page 2 of the original bill, as amended, strike out lines 12 to 21 inclusive, and insert in lieu thereof the following:

"Sec. 3. The term 'agency' means the agency created by section 2 of Article XXIV of the State Constitution, and shall include the State Physical Board, created in section 2, 1935, and the 'technical school' created in section 2, 1935 (house)."

Amendment No. 2.

On page 2, line 20 of the printed bill, as amended, strike out "10" and insert in lieu thereof the following: "9"

Amendment No. 3.

On page 2, line 20 of the printed bill, as amended, strike out "7" and insert in lieu thereof the following: "6"

Amendment No. 4.

On page 2, line 21 of the printed bill, as amended, strike out "8" and insert in lieu thereof the following: "7"

Amendment No. 5.

On page 2, line 21 of the printed bill, as amended, strike out "10" and insert in lieu thereof the following: "9"

Amendment No. 6.

On page 2, line 22 of the printed bill, as amended, strike out "10" and insert in lieu thereof the following: "9"

Amendment No. 7.

On page 2, line 22 of the printed bill, as amended, strike out "11" and insert in lieu thereof the following: "10"

Amendment No. 8.

On page 2, line 22 of the printed bill, as amended, strike out "10" and insert in lieu thereof the following: "9"

Amendment No. 9.

On page 2, line 22 of the printed bill, as amended, strike out "12" and insert in lieu thereof the following: "11"

Amendment No. 10.

On page 2, line 22 of the printed bill, as amended, strike out "13" and insert in lieu thereof the following: "12"

Amendment No. 11.

On page 2, line 22 of the printed bill, as amended, strike out "14" and insert in lieu thereof the following: "13"

Amendment No. 12.

On page 2, line 22 of the printed bill, as amended, strike out "15" and insert in lieu thereof the following: "14"

Amendment No. 13.

On page 2, line 22 of the printed bill, as amended, strike out "16" and insert in lieu thereof the following: "15"

Amendment No. 14.

On page 2, line 22 of the printed bill, as amended, strike out "17" and insert in lieu thereof the following: "16"

Amendment No. 15.

On page 2, line 22 of the printed bill, as amended, strike out "18" and insert in lieu thereof the following: "17"

Amendment No. 16.

On page 2, line 22 of the printed bill, as amended, strike out "19" and insert in lieu thereof the following: "18"

Amendment No. 17.

On page 2, line 22 of the printed bill, as amended, strike out "20" and insert in lieu thereof the following: "18"

Amendment No. 18.

On page 2, line 22 of the printed bill, as amended, strike out "21" and insert in lieu thereof the following: "19"

Amendment No. 19.

On page 2, line 22 of the printed bill, as amended, strike out "22" and insert in lieu thereof the following: "20"



# **Amendment No. 20.**

On page 3, line 31, of the printed bill, as amended, strike out "23", and insert in lieu thereof the following: "21".

# **Amendment No. 21.**

On page 3, line 38, of the printed bill, as amended, strike out "24", and insert in lieu thereof the following: "22".

# **Amendment No. 22.**

On page 3, line 45, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

# **Amendment No. 23.**

On page 3, line 46, of the printed bill, as amended, strike out "25", and insert in lieu thereof the following: "23".

# **Amendment No. 24.**

On page 3, line 51, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

# **Amendment No. 25.**

On page 4, line 23, of the printed bill, as amended, after the word "and", insert the following: "an attorney and".

# **Amendment No. 26.**

On page 4, line 27, of the printed bill, as amended, strike out "State Personnel Agency", and insert in lieu thereof the following: "board".

# **Amendment No. 27.**

On page 4 of the printed bill, as amended, strike out lines 29 to 34, inclusive.

# **Amendment No. 28.**

On page 4, line 35, of the printed bill, as amended, strike out "33", and insert in lieu thereof the following: "32".

# **Amendment No. 29.**

On page 4, lines 35 and 36, of the printed bill, as amended, strike out "State Personnel Agency", and insert in lieu thereof the following: "board".

# **Amendment No. 30.**

On page 4, line 44, of the printed bill, as amended, strike out "34", and insert in lieu thereof the following: "33".

# **Amendment No. 31.**

On page 4, line 49, of the printed bill, as amended, strike out "State Personnel Agency", and insert in lieu thereof the following: "board".

# **Amendment No. 32.**

On page 4, line 51, of the printed bill, as amended, strike out "State Personnel Agency", and insert in lieu thereof the following: "board".

# **Amendment No. 33.**

On page 5, line 1, of the printed bill, as amended, strike out "35", and insert in lieu thereof the following: "34".

# **Amendment No. 34.**

On page 5, line 10, of the printed bill, as amended, strike out "36", and insert in lieu thereof the following: "35".

# **Amendment No. 35.**

On page 5, line 34, of the printed bill, as amended, strike out ", including a report to the board," and strike out lines 35 to 38, inclusive, and insert in lieu thereof a period.

# **Amendment No. 36.**

On page 5, line 39, of the printed bill, as amended, strike out "(g)", and insert in lieu thereof the following: "(f)".

# **Amendment No. 37.**

On page 5 of the printed bill, as amended, strike out lines 43 to 48, inclusive.

# **Amendment No. 38.**

On page 5, line 49, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(g)".

# **Amendment No. 39.**

On page 6, lines 1 and 2, of the printed bill, as amended, strike out "he may deem pertinent or that may be".

**Amendment No. 49.**

On page 6 of the printed bill, as amended, strike out lines 2 to 7, inclusive.

**Amendment No. 51.**

On page 6, line 8, of the printed bill, as amended, strike out "10", and insert in lieu thereof the following: "11".

**Amendment No. 52.**

On page 6 of the printed bill, as amended, strike out line 10 to 16, inclusive.

**Amendment No. 43.**

On page 6, line 17, of the printed bill, as amended, strike out "12", and insert in lieu thereof the following: "13".

**Amendment No. 44.**

On page 6, line 18, of the printed bill, as amended, strike out "13", and insert in lieu thereof the following: "14".

**Amendment No. 53.**

On page 6, line 19, of the printed bill, as amended, strike out "14", and insert in lieu thereof the following: "15".

**Amendment No. 46.**

On page 6, line 20, of the printed bill, as amended, strike out "and the executive officers."

**Amendment No. 47.**

On page 6 of the printed bill, as amended, strike out lines 23 and 24, and insert in lieu thereof the following:

"Sec. 10. The various groups and general attorneys and other"

**Amendment No. 48.**

On page 6, line 26 and 27, of the printed bill, as amended, strike out "for the executive officers."

**Amendment No. 49.**

On page 6, line 28, of the printed bill, as amended, strike out "41", and insert in lieu thereof the following: "42".

**Amendment No. 50.**

On page 6, line 31, of the printed bill, as amended, strike out "42" and insert in lieu thereof the following: "43".

**Amendment No. 51.**

On page 6, line 32, of the printed bill, as amended, strike out "The executive officers."

**Amendment No. 52.**

On page 6, line 33, of the printed bill, as amended, strike out "other."

**Amendment No. 53.**

On page 7, line 6, of the printed bill, as amended, strike out "43", and insert in lieu thereof the following: "44".

**Amendment No. 54.**

On page 7, line 13, of the printed bill, as amended, strike out "44", and insert in lieu thereof the following: "45".

**Amendment No. 55.**

On page 7, line 14, of the printed bill, as amended, strike out "45", and insert in lieu thereof the following: "46".

**Amendment No. 56.**

On page 7, line 15, of the printed bill, as amended, strike out "46", and insert in lieu thereof the following: "47".

**Amendment No. 57.**

On page 7, line 19, of the printed bill, as amended, strike out "47", and insert in lieu thereof the following: "48".

**Amendment No. 58.**

On page 8, line 6, of the printed bill, as amended, strike out "48", and insert in lieu thereof the following: "49".

**Amendment No. 59.**

On page 8, line 9, of the printed bill, as amended, strike out "45 to 48", and insert in lieu thereof the following: "49 to 51".

**Amendment No. 60.**

On page 8, line 11, of the printed bill, as amended, strike out "49", and insert in lieu thereof the following: "52".

**Amendment No. 61.**

On page 8, line 24, of the printed bill, as amended, strike out "50", and insert in lieu thereof the following: "48".

**Amendment No. 62.**

On page 8, line 31, of the printed bill, as amended, strike out "51", and insert in lieu thereof the following: "49".

**Amendment No. 63.**

On page 8, line 38, of the printed bill, as amended, strike out "52", and insert in lieu thereof the following: "50".

**Amendment No. 64.**

On page 8, line 41, of the printed bill, as amended, strike out "53", and insert in lieu thereof the following: "51".

**Amendment No. 65.**

On page 8, line 41, of the printed bill, as amended, strike out "50 to 52", and insert in lieu thereof the following: "48 to 50".

**Amendment No. 66.**

On page 8, line 45, of the printed bill, as amended, strike out "54", and insert in lieu thereof the following: "52".

**Amendment No. 67.**

On page 9, line 9, of the printed bill, as amended, strike out "55", and insert in lieu thereof the following: "53".

**Amendment No. 68.**

On page 9, line 10, of the printed bill, as amended, strike out "the executive officer".

**Amendment No. 69.**

On page 9, line 12, of the printed bill, as amended, strike out "the president", and insert in lieu thereof the following: "any member".

**Amendment No. 70.**

On page 9, line 15, of the printed bill, as amended, strike out "56", and insert in lieu thereof the following: "54".

**Amendment No. 71.**

On page 9, line 22, of the printed bill, as amended, strike out "the executive officer".

**Amendment No. 72.**

On page 9 of the printed bill, as amended, strike out line 28, and insert in lieu thereof the following: "Sec. 55. The".

**Amendment No. 73.**

On page 9, line 29, of the printed bill, as amended, strike out "the", and insert in lieu thereof the following: "its".

**Amendment No. 74.**

On page 9, line 30, of the printed bill, as amended, strike out "of the State personnel agency".

**Amendment No. 75.**

On page 9, line 36, of the printed bill, as amended, strike out "State Personnel Agency", and insert in lieu thereof the following: "board".

**Amendment No. 76.**

On page 9, line 37, of the printed bill, as amended, after the period at the end of said line, insert the following:

"Any moneys paid to the State pursuant to such agreements shall be placed in the general fund in the State treasury to the credit of the support appropriation for the board."

**Amendment No. 77.**

On page 9, line 38, of the printed bill, as amended, strike out "58", and insert in lieu thereof the following: "56".

**Amendment No. 78.**

On page 9, line 38, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 79.**

On page 9 of the printed bill, as amended, strike out lines 42 to 48, inclusive.

**Amendment No. 80.**

On page 85, line 28, of the printed bill, as amended, insert after "the executive officer".

**Amendment No. 81.**

On page 85, line 27, of the printed bill, as amended, insert after "State Personnel Agency" and before "the board" the following: "board".

**Amendment No. 82.**

On page 85, line 26 and 27, of the printed bill, as amended, strike out "comprised" and insert in lieu thereof the following: "shall be" and insert in lieu thereof the following: "board".

**Amendment No. 83.**

On page 85, line 26, of the printed bill, as amended, strike out "comprised" and insert in lieu thereof the following: "board".

**Amendment No. 84.**

On page 12, line 15, of the printed bill, as amended, strike out "the" and insert in lieu thereof the following: "board".

**Amendment No. 85.**

On page 12, line 14 and 15, of the printed bill, as amended, strike out "the executive officer" and insert in lieu thereof the following: "board".

**Amendment No. 86.**

On page 12, line 14, of the printed bill, as amended, insert after "board", the words "shall be" and insert in lieu thereof the following: "board".

**Amendment No. 87.**

On page 12, line 14, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 88.**

On page 12, line 14, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 89.**

On page 12, line 14, of the printed bill, as amended, strike out "the preliminary examination" and insert in lieu thereof the following: "qualifications".

**Amendment No. 90.**

On page 12, line 14, of the printed bill, as amended, strike out "the exam shall be" and insert in lieu thereof the following: "the exam shall be" and insert in lieu thereof the following: "board".

**Amendment No. 91.**

On page 12, line 14, of the printed bill, as amended, strike out "The executive officer shall" and insert in lieu thereof the following: "All".

**Amendment No. 92.**

On page 13, line 9, of the printed bill, as amended, strike out "to file in his office" and insert in lieu thereof the following: "shall file in the office of the board".

**Amendment No. 93.**

On page 13, line 12, of the printed bill, as amended, strike out "by the executive officer".

**Amendment No. 94.**

On page 13, line 18, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 95.**

On page 13, line 45, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 96.**

On page 13, line 48, of the printed bill, as amended, strike out "The executive officer shall" and insert in lieu thereof the following: "the names of persons successful in such examination shall be placed".

**Amendment No. 97.**

On page 13, lines 50 and 51, of the printed bill, as amended, strike out "the names of persons successful in such examination".

**Amendment No. 98.**

On page 14, line 2, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".



**Amendment No. 99.**

On page 14, lines 5 and 6, of the printed bill, as amended, strike out "In accordance with rules adopted by the board, the executive officer", and insert in lieu thereof the following: "The board".

**Amendment No. 100.**

On page 14, lines 19 and 20, of the printed bill, as amended, strike out "the executive officer shall cause to be", and insert in lieu thereof the following: "there shall be".

**Amendment No. 101.**

On page 14, line 25, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 102.**

On page 14, lines 27 and 28, of the printed bill, as amended, strike out "the executive officer shall cause to be", and insert in lieu thereof the following: "there shall be".

**Amendment No. 103.**

On page 14, line 46, of the printed bill, as amended, strike out "State personnel agency", and insert in lieu thereof the following: "board".

**Amendment No. 104.**

On page 15, line 2, of the printed bill, as amended, strike out "the", and insert in lieu thereof the following: "this".

**Amendment No. 105.**

On page 15, line 28, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 106.**

On page 15, line 32, of the printed bill, as amended, strike out "the executive officer certify".

**Amendment No. 107.**

On page 15, line 33, of the printed bill, as amended, after the word "position", and before the period, insert the following: "be certified".

**Amendment No. 108.**

On page 15, line 34, of the printed bill, as amended, strike out "The executive officer shall then certify", and insert in lieu thereof the following: "There shall be certified".

**Amendment No. 109.**

On page 15, lines 40 and 41, of the printed bill, as amended, strike out "the executive officer shall certify", and insert in lieu thereof the following: "there shall be certified".

**Amendment No. 110.**

On page 15, lines 43 and 44, of the printed bill, as amended, strike out "it shall be the duty of the executive officer to conduct".

**Amendment No. 111.**

On page 15, lines 44 and 45, of the printed bill, as amended, strike out "until he is enabled to certify three names", and insert in lieu thereof the following: "shall be conducted until three names may be certified".

**Amendment No. 112.**

On page 16, line 2, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 113.**

On page 16, line 10, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 114.**

On page 16, line 14, of the printed bill, as amended, after the period after "Constitution", insert the following: "An appropriate eligible list shall be established for each class for which temporary appointment is made before the expiration of such appointment."

**Amendment No. 115.**

On page 16, lines 26 and 27, of the printed bill, as amended, strike out "to the executive officer".

**Amendment No. 116.**

On page 16, line 28, of the printed bill, as amended, strike out "The executive officer shall certify eligibles", and insert in lieu thereof the following: "Eligibles shall be certified".

## Amendment No. 117

On page 17, line 31, of the printed bill, as amended, strike out "executive officer" and insert in lieu thereof the following: "board".

## Amendment No. 118.

On page 17, line 31, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 119.

On page 17, line 31, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 120.

On page 17, line 31, of the printed bill, as amended, strike out "executive officer" and insert in lieu thereof the following: "board".

## Amendment No. 121.

On page 17, line 31, of the printed bill, as amended, strike out "executive officer" and insert in lieu thereof the following: "board".

## Amendment No. 122.

On page 17, line 31, of the printed bill, as amended, strike out "executive officer" and insert in lieu thereof the following: "board".

## Amendment No. 123.

On page 18, lines 22 and 23, of the printed bill, as amended, strike out "executive officer shall notify the members of the board" and insert in lieu thereof the following: "board shall".

## Amendment No. 124.

On page 18, line 32, of the printed bill, as amended, strike out "executive officer" and insert in lieu thereof the following: "board".

## Amendment No. 125.

On page 18, lines 33 and 34, of the printed bill, as amended, strike out "the following provisions of the statute, if the Legislature".

## Amendment No. 126.

On page 18, line 33, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "the".

## Amendment No. 127.

On page 18, line 36, of the printed bill, as amended, strike out "by an employee with the findings of the", and strike out all of lines 37 and 38, and insert in lieu thereof the following: ", or upon appeal of an employee, the decision of the board shall be final".

## Amendment No. 128.

On page 19, line 6, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 129.

On page 19, line 34, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 130.

On page 19, lines 34 and 35, of the printed bill, as amended, strike out "with the approval of the executive officer".

## Amendment No. 131.

On page 19, lines 34 and 35, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 132.

On page 19, line 36, of the printed bill, as amended, strike out "them", and insert in lieu thereof the following: "it".

## Amendment No. 133.

On page 19, line 38, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

## Amendment No. 134.

On page 19, lines 39 and 40, of the printed bill, as amended, strike out "through the executive officer".

## Amendment No. 135.

On page 19, line 40, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 136.**

On page 20, lines 4 and 5, of the printed bill, as amended, strike out "with the approval of the executive officer".

**Amendment No. 137.**

On page 20, lines 40 and 41, of the printed bill, as amended, strike out "In accordance with rules prescribed by the board, the executive officer", and insert in lieu thereof the following: "The board".

**Amendment No. 138.**

On page 20, line 51, of the printed bill, as amended, strike out "State personnel agency", and insert in lieu thereof the following: "board".

**Amendment No. 139.**

On page 20, line 52, of the printed bill, as amended, strike out "either the board or the executive officer", and insert in lieu thereof the following: "the board".

**Amendment No. 140.**

On page 21, line 6, of the printed bill, as amended, strike out "agency", as the same appears for the first time in said line, and insert in lieu thereof the following: "board".

**Amendment No. 141.**

On page 21, line 6, of the printed bill, as amended, strike out "State personnel agency", and insert in lieu thereof the following: "board".

**Amendment No. 142.**

On page 22, lines 28 and 29, of the printed bill, as amended, strike out "The board's decision upon the matter shall be final."

**Amendment No. 143.**

On page 22, line 38, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 144.**

On page 22, lines 47 and 48, of the printed bill, as amended, strike out "State personnel agency", and insert in lieu thereof the following: "board".

**Amendment No. 145.**

On page 23, line 26, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 146.**

On page 24, lines 6 and 7, of the printed bill, as amended, strike out "or the executive officer".

**Amendment No. 147.**

On page 25, lines 3 and 4, of the printed bill, as amended, strike out "Decisions shall be final and not subject to review by any other tribunal; provided that within", and insert in lieu thereof the following: "Within".

**Amendment No. 148.**

On page 25, line 29, of the printed bill, as amended, strike out "on the Treasurer or other"; and strike out all of line 30; and in line 31, strike out "Treasurer or other disbursing officer", and insert in lieu thereof the following: "or check payable out of State funds".

**Amendment No. 149.**

On page 25, line 35, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 150.**

On page 26, line 9, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 152.**

On page 27, line 34, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 153.**

On page 28, line 44, of the printed bill, as amended, strike out "executive officer", and insert in lieu thereof the following: "board".

**Amendment No. 154.**

On page 29, line 20, of the printed bill, as amended, strike out "the executive officer or", and insert in lieu thereof the following: "an".

**Amendment No. 155.**

On page 29, line 22, of the printed bill, as amended, strike out "the executive officer or", and insert in lieu thereof the following: "an".

**Amendment No. 156.**

On page 20 of the printed bill, as amended, between lines 14 and 15, insert the following:

"Sec. 14b. In changing terms that the State Personnel Board shall administer, enforce, perform and discharge within powers, duties, functions and jurisdiction, it is not the purpose to limit the Legislature. It is not the intent of the Personnel Board to exercise its office and powers with respect to conditions created or as allowed in other (insert in the amendment, between lines 2 and 3 of Article X, XIV, of the State Constitution, "and") in laws and regulations, subject to withdrawal or modification, interpretation of the powers, duties and jurisdiction, for its action is affected by public policy, purposes and jurisdiction as between the Personnel Board and its executive officers. It is the intent of the Legislature that such are judicial questions to be determined by the judicial department and by the legislative department, of the government of the State of California."

**Amendment No. 157.**

On page 20, line 20, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "and"

**Amendment No. 158.**

On page 2, line 26, of the printed bill, as amended, strike out "The term 'State'" and insert in lieu thereof the following: "State"

**Amendment No. 159.**

On page 4, line 10, of the printed bill, as amended, strike out "agency" and insert in lieu thereof the following: "State"

**Amendment No. 160.**

On page 4, line 22, of the printed bill, as amended, strike out "the Attorney and"

**Amendment No. 161.**

On page 6, line 4, of the printed bill, as amended, strike out "with the approval of the board"

**Amendment No. 162.**

On page 7 of the printed bill, as amended, between lines 26 and 27, insert in lieu thereof the following:

"Sec. 18. The Attorney General shall receive and represent as such representative, the board of any existing board, or as such board, as has been created by the board in any such member, and the district attorneys and".

**Amendment No. 163.**

On page 6, line 20, of the printed bill, as amended, after the period, insert the following:

"The board and Attorney shall be the representative of an interest to advise and transmit to the Attorney General in which the board has been previously advised or transmitted by the Attorney General"

**Amendment No. 164.**

On page 9, line 19, of the printed bill, as amended, after "or", insert the following: "its"

**Amendment No. 165.**

On page 9, line 20, of the printed bill, as amended, after "being", insert the following: "the State"

**Amendment No. 166.**

On page 10, line 26, of the printed bill, as amended, strike out the comma after the word "allocated".

**Amendment No. 167.**

On page 11, line 1, of the printed bill, as amended, strike out "indigency", and insert in lieu thereof the following: "indigency"

**Amendment No. 168.**

On page 13, line 45, of the printed bill, as amended, after "examination", insert a comma.

**Amendment No. 169.**

On page 14 of the printed bill, as amended, strike out lines 46 and 47, and in line 48 strike out "and", and insert in lieu thereof the following: "board and each other and employee of this State"

**Amendment No. 170.**

On page 14, line 52, of the printed bill, as amended, strike out "without restriction or limitation of any", and on page 15, line 1, strike out "kind"

**Amendment No. 171.**

On page 15, line 2, of the printed bill, as amended, strike out "and no officer or head of any", and insert in lieu thereof a period.



**Amendment No. 172.**

On page 15 of the printed bill, as amended, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following: "Any employee who shall feel aggrieved at any action taken by any superior or fellow employee in discouraging or in any manner hindering or preventing such employee from taking any examination or any other action which such employee deems beneficial to himself may appeal to the board in writing and any such".

**Amendment No. 173.**

On page 16, line 17, of the printed bill, as amended, strike out "for", as it appears the second time in said line, and insert in lieu thereof the following: "to".

**Amendment No. 174.**

On page 18, line 12, of the printed bill, as amended, strike out "No public officer shall be reimbursed by the", and strike out lines 13 and 14.

**Amendment No. 175.**

On page 24, line 14, of the printed bill, as amended, after the period, insert the following: "Service by mail shall be deemed complete upon mailing by registered mail, return receipt requested, with postage fully prepaid, to the employee at his last known address. In the case of service by mail, such service shall be proved by an affidavit filed with the board as to the facts of mailing and the filing of the return receipt. In the event the charges are returned unclaimed, the affidavit shall show that reasonable inquiry was made in determining the last known address of the employee."

**Amendment No. 176.**

On page 29, line 32, of the printed bill, as amended, strike out "an", and insert in lieu thereof the following: "the".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 309?

The roll was called, and Assembly amendments to Senate Bill No. 309 concurred in by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Dend, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

**NOES**—None.

Senate Bill No. 309 ordered to enrollment.

**Senate Bill No. 393**—An act to amend section 159a of the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 393.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 159a to", and insert in lieu thereof the following: "amend section 159a of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 9, and insert in lieu thereof the following: "not more than one-third by the State, to be".

**Amendment No. 3.**

On page 1 of the printed bill, strike out line 14, and insert in lieu thereof the following: "than one-third by the county in which the land is located on".

**Amendment No. 4.**

On page 1, line 12, of the printed bill, strike out "or", and strike out line 13, and insert in lieu thereof the following: "owning or controlling lands infested by said Austrian field cross shall contribute the remaining one-third of the expense either in money or its equivalent in labor,".

**Amendment No. 5.**

On page 1 of the printed bill, strike out lines 15 to 24, inclusive, and insert in lieu thereof the following: "visors shall allow and pay the share of the county and

[illegible]

## Amendment No. 6

On page 2, line 3, of the printed bill, after "appropriated", insert the following: "in addition to existing appropriations."

The question being: Shall the Senate receive an Assembly's address  
from the House and the Vice President?

The EEC was called (and *legally* incorporated) by simple Bill No. 22; summed up by the following text:

ALICE: Barbara Allen, Edgar, Catherine, Catherine, Helen, David, Pauline, Caroline, Harry, William, George, Joseph, George, Richard, Ed, M. Allen.  
MAY: William, Barbara, Pauline, Thomas, James, Queen, Helen, Sydney.  
SARAH: Mary, George, John, Mary, William, William, and Thomas, G.  
NANCY: James.

Source: FBI New York document no. 100-103901.

**Senate Bill No. 433**—to amend section 10841 of the Political Code, relating to the nomination of officers of municipal or territorial governments.

### Consideration of Assembly Amendments.

The Senate will try for consideration. Amendments to Senate Bill No. 111.

### Amendment No. 1.

The paper is of the standard 80 lb. uncoated bond, 10% cotton and 25% rag.

## Amendment No. 2

The paper is free of all the general rules, recommended dated in 1992, which are more significantly, passed a special law which sets the composition of any law. After passing the bill in the second half of last 70年代 in the second half of the second year.

The question facing Staff the Senate Finance Committee is: should it provide more to Social Security?

The roll was called, and Assembly participants to Senate Bill No. 611 answered in by the following vote:

[illegible]

Source: BIII, No. 673, subject to conditions.

**Senate Bill No. 665**—An act to amend sections 128 and 129 of the Vehicle Code relating to the Department of Motor Vehicles.

### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 665.

### Amendment No. 1.

On page 1, line 7, of the printed bill as amended, after "enforce", insert the following: "such":

### Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, after "tions", insert the following:

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 665?

The roll was called, and Assembly amendments to Senate Bill No. 665 concurred in by the following vote:

**AYES.** Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holoman, Jepsen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Parkman, Perovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tinkle, Wagy, Westover, and Young—31.

**NOES.** None.

Senate Bill No. 665 ordered to enrollment.

**Senate Bill No. 689.** An act to amend section 32 of the Public Utilities Act, relating to public utility rates.

#### **Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 689.

#### **Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out lines 33 to 38, inclusive, and insert in lieu thereof the following: "tation service.

In any rate proceeding where more than one type or class of carrier, as defined in this act or in the Public Utilities Act, is involved, the commission shall consider all such types or classes of carriers, and, pursuant to the provisions of this act or the Public Utilities Act, fix as maximum rates applicable to all such type or classes of carriers the lowest of the lawful rates so determined for any such type or class of carrier."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 689?

The roll was called.

#### **Call of the Senate.**

Pending the announcement of the vote, Senator Schottky moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holoman, Jepsen, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nelsen, Parkman, Perovich, Quinn, Rich, Schottky, Senwell, Slater, Swing, Tinkle, Wagy, Westover, and Young—31.

The Secretary announced the absentees.

Time, three o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at Arms to close the doors.

The Sergeant-at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### **Proceedings Under Call of the Senate.**

#### **Unfinished Business—(Resumed).**

**Senate Bill No. 773.** An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of the transportation of persons or property for hire or compensation on the public streets, roads, or

highways in the State of California by motor vehicle, to take effect immediately.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 771.

##### Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, strike out "State law" and insert "State law, and laws of the State of California," and insert at the bottom "Section 1".

##### Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 7, both inclusive.

##### Amendment No. 3.

On page 1, line 8, of the printed bill, as amended, strike out "Sec. 2" and insert in lieu thereof "Section 1".

##### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out all of lines 1 to 12 both inclusive, and insert in lieu thereof the following:

(1) The term "highway" shall include all public roads in the transportation of persons or property, the use or improvement of or from which tolls are levied, and public highways in any other public use; and, in addition, any other road or highway not otherwise defined.

(2) Any person introducing the bill proposed in the next Senate bill, provided, however, that any such person, before a meeting of the Senate, shall be deemed to be in "senatorial" territory.

##### Amendment No. 5.

On page 2 of the printed bill, as amended, strike out all of lines 22 to 52, both inclusive, and in page 3, strike out all of lines 1 to 14, inclusive.

##### Amendment No. 6.

On page 3, line 30, of the printed bill, as amended, strike out "5", and insert in lieu thereof "4".

The question being, shall the Senate concur in Assembly amendments to Senate Bill No. 771?

The roll was called, and Assembly amendments to Senate Bill No. 771 concurred in by the following vote:

Ayes: Speaker Allen, Bishop, Cunningham, DeLong, Deuel, Fletcher, Gordon, Hallgren, Hendon, Johnson, Keady, Kuykendall, Lusk, McGowan, Morgan, Muller, Phillips, Phillips, Dick, Sweeney, Seward, Smith, Saine, Wagy, Williams, and Nelson, 47.  
Nays: None.

Senate Bill No. 771 referred to enrollment.

**Senate Bill No. 880**—An act making an appropriation for the support of the Agricultural People's Commission, and declaring the urgency thereof.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 880.

##### Amendment No. 1.

On page 9 of the printed bill, as presented, between lines 39 and 40, insert the following:

Sec. 2. The expenditures herein authorized of the moneys appropriated by this act shall be subject to audit by the comptroller of Chapter 157 of the Statutes of 1937.

##### Amendment No. 2.

On page 9, line 40, of the printed bill, as amended, strike out "2", and insert in lieu thereof the figure "4".

##### Amendment No. 3.

On page 9, line 39, of the printed bill, as amended, following the word "comptroller", add the following: "for the thirty sixth and thirtieth fiscal years".

The question being, shall the Senate concur in Assembly amendments to Senate Bill No. 880?



The roll was called, and Assembly amendments to Senate Bill No. 880 concurred in by the following vote:

**AYES**—Senators Allen, Baggat, Cretenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Hothorn, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Parkman, Phillips, Pirovich, Rich, Schottky, Seawell, Slater, Swing, Waggy, and Young—28.

**NOES**—None.

Senate Bill No. 880 ordered to enrollment.

**Senate Bill No. 891** An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 891.

##### Amendment No. 1.

On page 3, line 18, of the printed bill, as amended, after "association" insert the following: "at the board's expense".

##### Amendment No. 2.

On page 3, line 23, of the printed bill, as amended, strike out "; and any", and strike out lines 23 to 26, inclusive and insert in lieu thereof a period.

##### Amendment No. 3.

On page 5, line 25, of the printed bill, as amended, strike out "a", and insert in lieu thereof the following: "an annual".

##### Amendment No. 4.

On page 5, line 42, of the printed bill, as amended, strike out "such action", and insert in lieu thereof the following: "any action by the board".

##### Amendment No. 5.

On page 5, lines 43 and 44, of the printed bill, as amended, strike out "of the county or city and county within which such license was to be exercised".

##### Amendment No. 6.

On page 2, line 44, of the printed bill, as amended, strike out ", provided that all greyhounds per", and insert in lieu thereof a period.

##### Amendment No. 7.

On page 2 of the printed bill, as amended, strike out lines 45 to 51, inclusive.

##### Amendment No. 8.

On page 7 of the printed bill, as amended, strike out lines 42 to 46, inclusive, and insert in lieu thereof the following: "upon receipt of the same and credited to the "Greyhound racing fund," which fund is hereby created."

##### Amendment No. 9.

On page 8 of the printed bill, as amended, strike out lines 2 to 6, inclusive, and insert in lieu thereof the following: "the State Controller shall, at the end of each fiscal year, transfer such moneys in the following proportions and to the several special funds hereinafter named, which funds are hereby created:

One-sixth thereof to the Veterans' Home fund, to be expended in such manner as may be hereafter provided by law; one sixth to the wine and grape show fund, to be allocated, as may hereafter be provided by law, under the supervision of the Depart-".

##### Amendment No. 10.

On page 8 of the printed bill, as amended, strike out lines 21 to 23, inclusive, and insert in lieu thereof the following: "pies shall be transferred to the Department of Institutions construction and repair fund; no such grape and".

##### Amendment No. 11.

On page 8 of the printed bill, as amended, strike out lines 27 to 31, inclusive, and insert in lieu thereof the following: "Institutions construction and repair fund to be expended in such manner as may hereafter be provided by law. Except as to the aforesaid sum of twenty thou-".

## Am. 10. 10. 10. 20. 10.

the same Agent to find out if the money was in fact paid, before the Agent  
had written (1937), and asked to pay around the sum of "fifty dollars".

## Amendment No. 12

and printed at the Government Printing Office, Washington, D.C., 1964. 144 pages. \$4.00 (hard cover). \$2.00 (paper cover). The book is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20540.

As to the effect of the increase in demand, it can be said that it is the price of the factor that has been paid (and that has to be paid) for the use of the factor that has been appropriated.

## A - c - e - e - d - o - 18

[illegible]

The question being, shall the Senate advise the Assembly, agreed  
yea to Senate bill No. 3017.

The bill was referred, and Assembly amendments to Senate Bill No. 891 introduced on the following day.

Other important books, papers, theses, and dissertations, 1973-74, David, Gar  
Hans, Stephen, Harry, Herbert, Dorothea, Eugene, Kenneth, Kriestad, Lew,  
Maxine, Nathan, Pauline, Dorothea, Patricia, Quinn, Ruth, Scholtzky, Sewell,  
Suzanne, Wayne, Paula, Wynn, and Yvonne 30

*Synonym:* *lind* No. 900 according to specification.

**Senate Bill No. 1084**—An act to amend sections 1 and 2 of, and to add sections 3 and 4 to an act entitled "An act relating to late shipments of grain, and wool sold in bags," approved May 27, 1910, relating to sales of farm products.

## Consideration of Assembly's Amendment

The Senate took up for consideration Assembly amendment to Senate Bill No. 1084.

## Amendment No. 1.

On page 1, Item 2 and 3, of the second bill are amended, strike out "black,"

The question being: Shall the Senate concur in Assembly amendment next to Senate Bill No. 4084?

The roll was called, and Assembly attachment to Senate Bill No. 1084 occurred as by the following vote:

[illegible]

NOTE—Senator Garrison—1.

Senate Bill No. 1084 ordered to enrollment.

**Senate Bill No. 1135**—An act to add section 433.6 to the Political Code to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 1135.

**Amendment No. 1.**

On page 1, line 8, of the printed bill, as amended, after "issued", insert the following: "by an insurance company authorized to do business in this State,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1135?

The roll was called, and Assembly amendment to Senate Bill No. 1135 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Senate Bill No. 1135 ordered to enrollment.

**Senate Bill No. 323**—An act to add section 661.8 to the Political Code, relating to the payment of claims against the State and indorsing of warrants issued therefor.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 323, read previously.

The question being: Shall Senate Bill No. 323 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—None.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**Senate Bill No. 1137**—An act to add section 4237.1 to the Political Code, providing a salary for court phonographic reporters and for payment thereof and providing for the appointment of one reporter secretary.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1137.

**Amendment No. 1.**

On page 1, line 10, of the printed bill, strike out the words "criminal and civil."

**Amendment No. 2.**

On page 1, line 11, of the printed bill, strike out all of line 11, and the words "before the grand jury" in line 12, and insert in lieu thereof the words "for reporting any court or grand jury proceedings and for reporting for any department of the county government."

**Amendment No. 3.**

On page 1, line 13, of the printed bill, strike out the words "on behalf".

**Amendment No. 4.**

On page 1, line 14, of the printed bill, strike out the word "of", and insert in lieu thereof the word "to".

**Amendment No. 5.**

On page 1, line 17, of the printed bill, strike out "a", and insert in lieu thereof "the".





have been said, that outside interests have attempted to influence legislation by resorting to improper methods and means, and though upon the occasion last mentioned the members from the Tully eighth Senatorial District stated upon the floor of the Senate that such charges bore no reference to members of the Senate, the gravity of these charges is such as to involve and cast a reflection upon the reputation and integrity of the members of the Legislature and it is imperative that the truth or falsity of such charges be at once investigated and determined, and time is of the essence of such inquiry; now, therefore, be it

*Resolved by the Senate of the State of Colorado*, That a Special Committee of the Senate is hereby created, to consist of three members of the Senate appointed by the President of the Senate, to wait upon Senator Culbert L. Olson and exhaustively and forthwith to investigate those grave charges, to the end that the Legislature and the people of the State may be informed as to the veracity or untruth of the aforementioned charges; and be it further

*Resolved*, That the committee proceed at once diligently to ascertain all the facts and report thereon to the Senate at the earliest possible moment; and be it further

*Resolved*, That the committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects heretofore referred to and relating thereto and to do any and all things necessary or proper in connection therewith and to do and perform such and all of the things necessary or convenient to enable it to exercise the powers and perform the duties granted to it or imposed upon it; and be it further

*Resolved*, That the committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of the committee are, and each of them is, hereby authorized and empowered to administer oaths, and that all of the provisions of Article VIII, Chapter II, Title I, Part III of the Penal Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to the committee.

Resolution read, and ordered referred to the Committee on Rules.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Concurrent Resolution No. 49:** By Senator Olson—Relative to the appointment of a Joint Legislative Committee to investigate charges of corrupt practices.

Senate Concurrent Resolution No. 49 read, and referred to Committee on Rules.

### Resolution.

The following resolution was offered:

By Senator Slater:

WHEREAS, The Senate has been fortunate this session in having in attendance an old friend and former officer of the Senate, who is not now officially connected with the Senate, but whose attachment thereto has prompted him in being constantly in attendance, and unflinching in his efforts to be of assistance to the officers and members of the Senate; and

WHEREAS, This faithful friend, John T. Young, popularly known as "Casey," a devotee of our National sport—baseball—heralded and known as Casey at the Bat, has manifested a most commendable interest in the affairs of the Senate and the well-being of its members; now therefore be it

*Resolved*, That the Senate does hereby extend its thanks to this former officer for his many courtesies, and extends its best wishes that upon reconvening of this body at its next session, he may again be among those present; and be it further

*Resolved*, That the Secretary of the Senate be, and he is hereby instructed, to present a copy of this resolution to the said John T. (Casey) Young.

Resolution read, and on motion of Senator Slater, adopted.

## Resolution.

The following resolution was offered:

By Senator Trible:

Resolved, That the following money request be presented this day of Senate adjourn and not before coming from the next call of the Senate to take effect upon adjournment of the next 2d May 28, 1907.

Payable Western Statesmen

Per Day  
6 days per week  
\$1.00

Resolution read, and on motion of Senator Trible adopted.

## Resolution.

The following resolution was offered:

By Senator Phillips:

Whereas, The American Legislative Association offers a series of general sessions to the various State Legislatures, and through them to the people of the States;

Whereas, There is nothing so good as seeing the members of legislatures representing States in legislative and legislative practice and otherwise, during the membership of members with corresponding members of such legislatures; and

Whereas, There is also nothing so good as seeing the members of a legislative assembly, legislative or "House Committee" which committee consists of members selected by legislative vote, acting as if legislative members and especially in the preparation of legislative and in the official "Journal" of the Legislature; and

Whereas, There is nothing so good as seeing the members of various legislative sessions of these legislatures, which legislatures have been selected by the members of a State Legislature, to the next year when they are elected to the next year's session of the Legislature, and so on, the members of the Legislature, and especially in the preparation of legislative and in the official "Journal" of the Legislature; and

Resolved, That the Secretary of the Association be authorized to receive the members of the Legislature, and especially in the preparation of legislative and in the official "Journal" of the Legislature; and

Resolution read, and referred to Committee on Unfinished Business.

## Resolution.

The following resolution was offered:

By Senator Phillips:

Whereas, The American Legislative Association holds annually under the auspices of the American Legislative Association, through legislative effort among the Legislatures, and especially in the preparation of legislative and in the official "Journal" of the Legislature; and

Whereas, No conference also furnishes an exceptional opportunity for the discussion of legislative matters and the preparation of legislative and in the official "Journal" of the Legislature; and

Resolved, That the Secretary of the Association be authorized to receive the members of the Legislature, and especially in the preparation of legislative and in the official "Journal" of the Legislature; and

Resolution read, and on motion of Senator Phillips, adopted.

## Resolution.

The following resolution was offered:

By Senator Nielsen:

Whereas, The 8th annual session of the Legislature of the State of California has been the occasion for the introduction of a large and varied number of bills, constitutional amendments and measures; and

WHEREAS, The repeated orders for printing amendments to such bills, constitutional amendments and measures have required a devoted application by the State Printer to his duties in service to the Legislature; and

WHEREAS, The effectiveness of the services rendered by the State Printer and the men and women under his supervision have, during the fifty-second session of the California Legislature, been of continuous aid and assistance to the members of the California Senate; now therefore, be it

*Resolved by the Senate of the State of California, That George H. Moore, State Printer, and all of his assistants, be and they are hereby highly commended for the excellent services rendered to the Senate of the State of California at the fifty-second session thereof; and be it further*

*Resolved, That the Secretary of the Senate be and he is hereby directed to transmit copies of this resolution to the said George H. Moore, State Printer, with the request to him to communicate the contents thereof to all employees of the State of California under his supervision.*

Resolution read, and on motion of Senator Nielsen, adopted.

### **Statement Concerning Senate Bill No. 773.**

By Senator DeLap, made on his request for concurrence in Assembly amendments:

Senate Bill No. 773, as amended by the Assembly on May 21st, and 26th, is now written into Senate Bill No. 953.

As amended, the farmer, the merchant, and the cooperative associations are excluded from the Transportation License Tax Act when they are transporting their own goods in their own vehicles, even though a differential in price exists between the farm, or the merchants' place of business, and the point of delivery.

However, in the case of a merchant who wishes to add a specific charge for transportation, the 3 per cent transportation tax would apply to such charges.

The exemption for the farmers and cooperatives is broad enough so that if they add a charge for delivery, they would still be excluded from the act.

This bill, as well as Senate Bill No. 953, should be approved and sent to the Governor.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1081**—An act to amend section 10 of the State Civil Service Act, relating to examinations.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 1081, the following amendment, offered by Senator McGovern, was read and adopted:

#### **Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out lines 4 to 8, inclusive, and in lieu thereof insert the following: "and voluntarily dissolve:

(a) By the vote or written consent of the holders of shares representing a majority of the voting power, or of a majority of the members entitled to vote stating such election to wind up and dissolve; or

(b) Whenever the corporation has an even number of directors who can not agree as to the management of its affairs so that its business can no longer be conducted to advantage by the vote or written consent of the holders of shares representing fifty per cent or more of the voting power, or of fifty per cent or more of the members entitled to vote stating such election to wind up and dissolve."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2204**—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture

for each calendar day, or portion thereof, any monies so paid less than the sum so paid for a regulation to that effect in contract, and providing other penalties for violation of the provisions thereof. Approved May 22, 1937, subject to the report of the committee.

#### Amendments from the Floor

During third reading of Assembly Bill No. 2287, the following amendments offered by Senator Nichols were read and adopted:

##### Amendment No. 1.

On page 1, line 1 of the printed bill, by inserting "and the" after "As well as the proceeds from the sale of said lands and from the sale of the" and at the end of the bill, after the word "and" insert the following: "And to the further trust."

##### Amendment No. 2.

On page 2 of the printed bill, by inserting, after line 2 in 2 indented, and by striking out the following:

"Section 4. A new section to be inserted (1937) is hereby added to the Code of Civil Procedure."

"(1937) Reading to the Senate shall become the law of the State."

##### Amendment No. 3.

On page 2, line 19 of the printed bill, by inserting, after the word "and" insert in line thereof the following: "and."

Bill read, returned to print, and on the 1st third reading.

**Assembly Bill No. 2298**—Is not in actual session 31 of the Direct Primary Law, relating to party nominations, membership and organization of those political committees and county central committees.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2298, the following amendments offered by Senator Thomsen, were read and adopted:

##### Amendment No. 1.

On page 3 of the printed bill, strike out line 36, and insert in lieu thereof the following:

"(1) He is a delegate to the State convention."

"(2) The same."

##### Amendment No. 2.

On page 3 of the bill of the printed bill, strike out the words "that said" and insert in the words "and" and as a separate paragraph the following:

"and said"

##### Amendment No. 3.

On page 3, line 10 of the printed bill, strike out the comma and "and that said" and insert in lieu thereof a comma and a number (1) after the following:

"(1) said"

##### Amendment No. 4.

On page 4, line 11 of the printed bill, strike out the comma and "and the", and insert in lieu thereof a period, and in lieu thereof, the following:

"The State primary laws shall be amended to read in such a way that these amendments, which shall become the law of the State at the session of the committee, shall meet at Sacramento on the day following the third Thursday in September, that the committee shall be composed either in person or by proxy, that every proxy must be filed at the office of the Secretary of State not later than ten o'clock of the morning of the meeting of the committee and that such proxy must be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths."

"(f) Three forms of proxy are inclosed, one of each of which he must send with each of said returns. "Yes"

##### Amendment No. 5.

On page 4, line 15, of the printed bill, strike out "second Saturday", and insert in lieu thereof the following: "day".



**Amendment No. 6.**

On page 4 of the printed bill, between lines 31 and 32, insert the following:

"The Secretary of State shall also inclose with such notice three copies of the following form of proxy for attendance at the meeting of the State Central Committee:

**PROXY FOR ATTENDANCE AT THE STATE  
CENTRAL COMMITTEE**

**MEETING AT SACRAMENTO, IN THE YEAR, 19 \_\_\_\_**

I, \_\_\_\_\_, duly qualified to sit as a member of the State Central Committee meeting at Sacramento in the year 19 \_\_\_\_ by virtue of (being a delegate to the State convention) (my appointment thereto by \_\_\_\_\_; said appointment having been duly filed in the office of the Secretary of State on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_) (strike out part inapplicable) do hereby designate \_\_\_\_\_;

(name) (post-office address)  
as my proxy with full power to act for me in every respect as a duly qualified member of the State Central Committee meeting at Sacramento on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In witness whereof I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Member)

Signed and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public.

**Amendment No. 7.**

On page 4, line 33, of the printed bill, after the comma add the following: "the chairman of each county central committee of the party,".

**Amendment No. 8.**

On page 4 of the printed bill, between lines 42 and 43, add the following: "Each delegate to the State convention shall send a notice by mail to each of such appointees which will inform him that he is a member of the committee, that the committee will meet in Sacramento on the day following the convention, that the meeting may be attended either in person or by proxy, that every proxy must be filed in the office of the Secretary of State not later than ten o'clock of the morning of the meeting of the committee and that such proxy must be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths. Each delegate shall inclose with such notice one copy each of the forms of proxy sent to such delegate by the Secretary of State."

**Amendment No. 9.**

On page 5 of the printed bill, strike out lines 16 to 19, inclusive, and insert in lieu thereof the following: "and shall certify the name of each elector so nominated, his residence and his business address to the Secretary of State. Such certificates shall be delivered to and filed with the Secretary of State. The Secretary of State shall cause the names of candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing November election. The names of the candidates for electors of President and Vice President shall not be printed upon the ballot. The votes cast for candidates for President and Vice President of each political party shall be counted for the candidates for presidential electors of such political party whose names have been filed with the Secretary of State."

**Amendment No. 10.**

On page 5, line 30, of the printed bill, after "shall", add the following: "immediately notify such newly appointed members by mail or telegraph and shall also".

**Amendment No. 11.**

On page 5, line 31, of the printed bill, strike out "and post-office addresses", and insert in lieu thereof the following: "of all".

**Amendment No. 12.**

On page 5, line 33, of the printed bill, strike out "thirty-".

**Amendment No. 13.**

On page 5, line 36, of the printed bill, strike out "thirty-".

**Amendment No. 14.**

On page 5 of the printed bill, strike out lines 38 to 51, inclusive, and on page 6, strike out lines 1 to 26, inclusive.

**Amendment No. 15.**

On page 6, line 46, of the printed bill, strike out "second Saturday", and insert in lieu thereof the following: "day".

*A. ... ..*

[illegible]

## Amendment No. 17.

On page 15, line 26, of the account roll, under the heading, "Total," and the following: "Such amounts shall be received in full for capital and performance bonds for right to mine and shall have the same meaning as every other monetary amount of the United States and its territories."

## A ..... 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845,

On page 9 of the printed bill, between lines 19 and 20, add the following:

The county clerk of each county or city and county shall within ten days after the second Tuesday in May, A. D. 1907,

If any member of the society should be invited to call a meeting, such a meeting may be called and the society may be a company of the society of the

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(iv) Whether or not pressure was applied and the conditions under which it was

NOTE: The use of the word "shall" in this contract is hereby validated and made of the same effect as if substituted with the word "must".

Full results, ordered by grade, are in the far right column.

**Assembly Bill No. 1408.**—An act to add section 47.5 to the Alaska Department of Fish and Game, relating to certain funds appropriated for administration and management.

### Assessments from the Floor.

During third reading of Amendment Bill No. 109, the following amendments, offered by Senator Spring, were read and adopted:

## Amendment No. 1.

On page 7 of the original bill, the word "and" of lines 4 and 5, inclusive, of the title, was changed to "or" during the Committee.

<sup>5</sup> Translated into English from the Russian edition, 1964, pp. 27, 31, 31a, 33, 37, and 67.5.

## Amendment No. 2.

On page 9 in the program file, strike out all of lines 1 to 7, inclusive, and insert as follows the following:

of the Alcoholic Beverage Control Act is hereby

[illegible]

Table 2. Summary of all variables as factors included in model as follows.

8. The tax imposed hereunder shall be due and payable by the twentieth day of the month following each calendar month, beginning with the month of June, 1937. Each manufacturer or importer shall on or before the twentieth day of June, 1937, and on or before the twentieth day of each month thereafter prepare and submit to the board a statement of such wine as the board may prescribe, showing the quantity of wine sold by such manufacturer or importer during the preceding calendar month, the amount of tax due for the month covered by the statement, and such information as the board may deem necessary for the proper administration of this act, provided that in the case of wine such return

shall be filed in accordance with the provisions of section 23b of this act. The manufacturer or importer shall deliver the return together with a remittance payable to the Controller for the amount of tax due to the office of the board. Returns shall be signed by the manufacturer or importer or his duly authorized agent, and shall be verified by oath.

The board for good cause may extend for not to exceed ten days the time for making any return and payment required hereunder.

SEC. 3. Section 26a of said act is hereby amended to read as follows:

SEC. 26a. Any manufacturer or importer of beer or wine failing to pay any tax, except taxes determined by the board under the provisions of sections 26b and 26c hereof, within the time required by this act shall pay in addition to the tax a penalty of ten per cent of the unpaid amount thereof, plus interest at the rate of one-half of one per cent a month, or fraction thereof, from the date at which the tax became due and payable until the date of payment.

SEC. 4. Section 26b of said act is hereby amended to read as follows:

SEC. 26b. If the board is not satisfied with the return and payment of tax made by any manufacturer or importer of beer or wine, it is hereby authorized to make an additional assessment of tax due from any such manufacturer or importer based upon the information contained in the return or upon any information in its possession. All additional assessments shall bear interest at the rate of one-half of one per cent per month, or fraction thereof, from the twentieth day after the close of the month or months, as the case may be, for which the additional assessment is imposed until the date of payment. If any part of the deficiency for which the additional assessment is imposed is due to negligence or intentional disregard of the act or authorized rules and regulations, a penalty of ten per cent of the amount of the additional assessment shall be added, plus interest as above provided. If any part of the deficiency for which the additional assessment is imposed is due to fraud or an intent to evade the tax, a penalty of fifteen per cent of the amount of the additional assessment shall be added, plus interest as above provided. The board shall give to the manufacturer or importer written notice of such additional assessment.

SEC. 5. Section 26c of said act is hereby amended to read as follows:

SEC. 26c. If any manufacturer or importer of beer or wine shall fail, neglect, or refuse to file a return within the time required herein, the board shall make an estimate of the amount of alcoholic beverage sold by said manufacturer or importer for the month or months for which such manufacturer or importer failed to make a return and upon the basis of such estimated amount shall compute and assess the tax payable by such manufacturer or importer, adding to the amount of tax so determined a penalty equal to ten per cent thereof. All such assessments shall bear interest at the rate of one-half of one per cent per month, or fraction thereof, from the twentieth day after the close of the month or months, as the case may be, for which such assessments are imposed until the date of payment. If the neglect or refusal of a manufacturer or importer to file a return as required by this act was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to fifteen per cent thereof in addition to the ten per cent penalty as above provided. Promptly thereafter the board shall give to the delinquent written notice of such estimate, tax, and penalty.

SEC. 6. A new section to be numbered 26d is hereby added to said act to read as follows:

SEC. 26d. Any manufacturer or importer of beer or wine against whom an assessment is made by the board under the provisions of sections 26b or 26c hereof may petition for a reassessment thereof within fifteen days after the date of mailing the notice thereof to such manufacturer or importer. If a petition for reassessment is not filed within said fifteen day period the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within said fifteen day period the board shall reconsider the assessment and if the manufacturer or importer has so requested in his petition, shall grant said manufacturer or importer an oral hearing and shall give the manufacturer or importer ten days notice of the time and place thereof. The board shall have power to continue the hearing from time to time as may be necessary.

The order or decision of the board upon a petition for reassessment shall become final fifteen days after the date of mailing the notice thereof to such manufacturer or importer.

All assessments made by the board under the provisions of section 26b or 26c hereof shall become due and payable at the time they become final and if not paid when due and payable there shall be added thereto a penalty of ten per cent of the amount of the tax.

SEC. 7. A new section to be numbered 26e is hereby added to said act to read as follows:

SEC. 26e. Except in the case of a fraudulent return or neglect or refusal to make a return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the manufacturer or importer of beer or wine within three years after the return of such manufacturer or importer was filed.





and wholesalers, except as provided under sections 27, 27a, 27b, and 27c of this act. In exceptional instances the board may sell such stamps to city and county sale distilled spirits licensees and other persons. No rectifier or wholesaler of distilled spirits shall purchase distilled spirits excise stamps, except from the board or its duly authorized agents, nor dispose of such excise stamps except to on- or off-sale distilled spirits licensees when making sales of distilled spirits to such licensees as provided in section 23b.

SEC. 17. Section 37 of said act is hereby amended to read as follows:

Sec. 37. All moneys collected as fees and under the excise tax provisions of this act shall be deposited in the State treasury to the credit of the alcohol beverage control fund, which fund is hereby created. All moneys in said fund are hereby appropriated as follows:

1. Fifty per cent of all moneys collected from fees in each half of every calendar year, after allowance of refunds thereof provided for in this act, to be paid semi-annually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount so collected throughout the State, and the State Controller shall during the months of April and October of the year, draw his warrants upon said fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled hereunder for the last completed half year:

2. The expenditures heretofore or hereafter authorized by the Legislature to carry out the provisions of this act, except the refunds of fees and excise taxes provided for herein, shall be made exclusively from the remaining fifty per cent of moneys collected from fees, and no part thereof from the fifty per cent of fees payable to counties, cities and counties, and cities under the provisions of subdivision 1 of this section, or from the excise taxes collected under the provisions of this act:

3. Such amount as is necessary for the allowance of the refunds provided for in this act:

4. In addition to any other appropriation, for expenditure by the board in carrying out the provisions of this act during the eighty-ninth and ninetieth fiscal years, the sum of four hundred thousand dollars, or so much thereof as may be necessary, together with such amounts as may be made available pursuant to section 661 of the Political Code; provided, however, that the appropriation made by this subdivision shall be subject to all the provisions of Chapter 157, Statutes of 1937:

5. The unencumbered balances remaining on June 30, 1937, in the appropriations made under subdivisions 1, 2, 3, 4, and 5 of Section 37 of the act cited in the title hereof, as those provisions existed on January 1, 1937, shall be transferred by the Controller to the general fund as of June 30, 1937; provided, however, that the encumbered balances remaining in said appropriations on said date shall continue to be available for expenses incurred during the eighty-seventh and eighty-eighth fiscal years:

6. All moneys collected under the excise tax provisions of this act, except such amount as is necessary for the allowance of the refunds of such excise taxes provided for hereunder, shall be transferred monthly to the general fund by the Controller;

7. Any remaining balance, after deducting the appropriations available for the current fiscal year, shall be transferred to the general fund on order of the Controller.

All moneys appropriated out of the alcohol beverage control fund to be used by the State Department of Public Health for enforcement work shall be expended as provided in "An act preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded food, liquor and drugs, and making an appropriation," approved March 11, 1907. The Director of Public Health shall communicate to the State Board of Equalization any findings which indicate that such act has been violated by any holder of a license under this act.

SEC. 18. Section 67.5 of said act is hereby amended to read as follows:

Sec. 67.5. No tax under this act shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier when such alcoholic beverages are to be used without this State; nor in such case need such common carrier procure a license under this act for purpose of purchasing such alcoholic beverages from a licensed manufacturer, rectifier, importer or wholesaler.

Whenever distilled spirits are sold by manufacturers, rectifiers, importers or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by such carriers partly within the State and partly without the State on board boats or trains the tax imposed by section 24 of this act shall not be levied on the sales made by manufacturers, rectifiers, importers or wholesalers, nor shall the tax be collected in accordance with the provisions of sections 33 to 33c, but the excise tax on sales of distilled spirits in such cases shall be levied and collected as provided in this section.

An excise tax is hereby levied on sales of distilled spirits made by common carriers on board boats and trains in California at the same rates as set forth in section 24. On or before the first day of each month such common carriers shall render to the board a verified report of the sales of distilled spirits made by such common carriers on board trains and boats in California in the calendar month

resulting in serious bleeding wounds, as was shown and seen at the South Bay Laboratory, Newport, Rhode Island, on the morning of the accident. This was done with a knife of the same size and shape as the knife used in the test.

The South Bay, Rhode Island, 22-year hatchery experiment in producing the juvenile of the yellow perch, *Perca flavescens*, was continued. The hatchery used about 100 eggs per year, deposited in water with high salt content. For the purpose of the experiment, the eggs were placed in a glass jar of water, and the water was changed daily. The eggs were placed in a glass jar of water, and the water was changed daily. The eggs were placed in a glass jar of water, and the water was changed daily.

On May 27, 1937, the eggs were placed in a glass jar of water, and the water was changed daily. The eggs were placed in a glass jar of water, and the water was changed daily. The eggs were placed in a glass jar of water, and the water was changed daily. The eggs were placed in a glass jar of water, and the water was changed daily.

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Bill read, ordered to report, and on the day fixed for reading.

**Assembly Bill No. 2558.** An act to amend sections 1144 of act to add sections 1144A, 1144B and 1144C to the Agricultural Code, relating to egg products and providing for the harvest and giving of information to farmers relative to the delivery of eggs from public warehouses, providing for the marketing of whole egg products and hatchery products for the season of egg products and hatchery products manufactured using egg products and providing an appropriation for the enforcement of Article 4 of Chapter 2 of Division V of the Agricultural Code.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2558, the following amendments offered by Senator Skyles, were read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, so amended, delete and insert 11 to 14, inclusive, and insert in the amended bill the following:

"144A. All egg products which are sold in the common and sold in the State shall be sold only in one container."

Bill read, ordered to report, and on the day fixed for third reading.

**Assembly Bill No. 2563.** An act to add sections 25a to 25e to the act to amend all sections in title 10, to provide for administration of the forests and resort on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the taking and regulation of the yield and granting of mining permits and leases; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing and so amending all acts in conflict herewith, providing for an appropriation to defray the cost of administering this act, approved May 22, 1931, as amended relating to the powers of the Superior Council.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2563, the following amendments offered by Senator Wagon, were read and adopted:

#### Amendment No. 1.

On page 2 of the printed bill, so amended, delete and insert 26 to 31, inclusive, and on page 6, delete and insert 1 to 4, inclusive, and insert in the amended bill the following:

"Sec. 26. These forest lands, according to section 27 of this act shall be sold for cash, in the manner or in accordance provided in that section."

offering by bid to pay to the State the highest cash bonus, to be paid at the time of execution by the State of the lease therefor. In addition to such cash bonus, each lessee shall pay to the State a royalty at twenty per cent of the value, of all the oil, gas, casinghead gasoline, or other hydrocarbon substances produced and saved from said State lands."

#### Amendment No. 2.

On page 8 of the printed bill, as amended, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "said lease for the amount of cash bonus to be paid to the State and sign and execute".

#### Amendment No. 3.

On page 8, lines 29 and 30, of the printed bill, as amended, strike out "percentages of amount or value of production bid", and insert in lieu thereof the following: "amounts offered as a cash bonus".

#### Amendment No. 4.

On page 8, line 32, of the printed bill, as amended, strike out "percentage", and insert in lieu thereof the following: "bonus".

Bill read, ordered to print, and on file for third reading

**Assembly Bill No. 1425**—An act to amend section 4295 of the Political Code, relating to official service without fee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1425 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holden, Keating, Keough, Kneass, Law, McGovern, Metzger, Olson, Parkinson, Phillips, Pirovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1425 ordered transmitted to the Assembly.

#### President Pro Tempore in the Chair.

At four o'clock and forty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

**Assembly Bill No. 641**—An act providing for and requiring that a record be made of the ownership of street improvement bonds, fixing the time within which such record-ling should be made, and providing for the effect of failure to so record.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 641 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Hays, Hollister, Holden, Keating, Keough, Kneass, McColl, McGovern, Metzger, Nelson, Olson, Parkinson, Phillips, Pirovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 641 ordered transmitted to the Assembly.

**Assembly Bill No. 1393**—An act to amend section 6531 of the School Code, relating to the operation of school district libraries as branch county libraries.

Bill read third time.

The question being on the passage of the bill.





The roll was called, and Assembly Bill No. 1625 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.  
NOES—None.

Title read and approved.

Assembly Bill No. 1625 ordered transmitted to the Assembly.

**Assembly Bill No. 1520**—An act to amend section 41 of, and to repeal section 59 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1520 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Olson, Phillips, Piorovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.  
NOES—None.

Title read and approved.

Assembly Bill No. 1520 ordered transmitted to the Assembly.

**Assembly Bill No. 2844**—An act to authorize municipal corporations to abandon parks and sell and convey the land embraced therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2844 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Piorovich, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.  
NOES—None.

Title read and approved.

Assembly Bill No. 2844 ordered transmitted to the Assembly.

**Assembly Bill No. 2878**—An act providing ways and means for liquidating, refinancing and readjusting defaulted bonds and warrants secured by, or payable out of proceeds derived from, special assessments and special taxes; for judicial proceedings to carry out such purpose; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain; for the acquisition and cancellation of such obligations of such bonds and warrants held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of



The roll was called, and Assembly Bill No. 2343 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holoban, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Pirovich, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES.** None.

Title read and approved.

Assembly Bill No. 2343 ordered transmitted to the Assembly.

**Assembly Bill No. 2358.**—An act to amend sections 1 and 2 of an act originally entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvement," approved April 26, 1909, the title of which as amended by act approved July 20, 1935, reads as follows: "An act to authorize municipal corporations to issue bonds for the purpose of acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts therein or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act," as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2358 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holoban, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES.** None.

Title read and approved.

Assembly Bill No. 2358 ordered transmitted to the Assembly.

**Assembly Bill No. 1111.**—An act to empower the City and County of San Francisco to appropriate and pay over to Number One-a District Agricultural Association for its general use such sums of money as said city and county may from time to time determine.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1111 passed by the following vote:

**AYES.** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holoban, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Sewell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES.** None.

Title read and approved.

Assembly Bill No. 1111 ordered transmitted to the Assembly.





**Recess.**

At five o'clock and twenty one minutes p.m., on motion of Senator Tickle, the President pro tempore of the Senate declared recess until nine o'clock p.m.

**Reconvened.**

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following Senate resolutions, to wit:

Senate Concurrent Resolution No. 49: By Senator Olson. Relative to the appointment of a Joint Legislative Committee to investigate charges of corrupt practices; and

Resolution by Senator Tickle. Relative to investigation of and report to the Senate as to certain charges in respect to asserted attempts of members of the Legislature improperly to influence legislation, creating a special Senate committee therefor, and defining the powers and duties of the committee; Has had same under consideration, and recommends as a substitute therefor a

Resolution by Senators Knowland, Tickle, McCall, Slater and Rich. Relative to asserted commission of crimes against the legislative power, and calling upon the Attorney General and district attorneys to investigate the same and to prosecute any and all offenders.

Which resolution is attached hereto, and recommend the Senate adopt same:

Senate resolution, relative to asserted commission of crimes against the legislative power, and calling upon the Attorney General and district attorneys to investigate the same and to prosecute any and all offenders.

WHEREAS, Certain statements have been made within and without the legislative halls to the effect that corruption exists within the membership of the Legislature, and that persons have attempted to influence legislation by resorting to improper methods and means, and specifically on the evening of May 26, 1937, the Senator from Los Angeles charged that he had evidence of corruption affecting members of the Assembly but in no way affecting members of the Senate; and

WHEREAS, The Senate considers it the solemn obligation of any member of either house of the Legislature having or believing that he has information as to the commission or asserted commission of any criminal offense by another member of the Legislature, to furnish that information and all details thereof promptly and faithfully to the Attorney General, who is the chief law officer of the State, and to the district attorney of the county wherein the offense may have occurred; and

WHEREAS, It is deemed the duty of the Attorney General as such chief law officer and of the district attorney of the county where any such offense may have occurred, promptly and exhaustively to investigate all pertinent facts and vigorously to prosecute the offenders in the appropriate courts if the investigation indicates it is reasonably probable that a criminal offense has been committed; and

WHEREAS, It seems inappropriate for the Legislature or either house thereof to undertake to investigate itself in such a case; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Attorney General of the State and the district attorney of any county in which any such offense is asserted to have occurred be and they are hereby requested and urged to take cognizance of the making of such statements and charges, investigate thoroughly and vigorously to the fullest extent within their power every phase of the subject of this resolution, and promptly bring to the bar of justice any member of the Legislature and any other person who may appear to have committed any such offense.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

**Motion.**

Senator Rich moved that the report of the Committee on Rules be adopted.

Motion seconded by Senators Olson and Deuel, and the report, with the resolution, unanimously adopted by the Senate.

## M...

Sensitive High ground that is critical aspect of the alluvial floodplain is designated by the Army Corps of Engineers as critical floodway. The South Fork of the River is designated as critical floodway by the Army Corps of Engineers.

Most of the authors, and all the reviewers, are grateful to the National Science Foundation for its support of this work.

## Report of Standing Committee (Resumed)

The following report of working conditions was received and read:

Received 15 November 1997; accepted 15 November 1997

Mr. PIERCE: Your Committee on Finance is willing and anxious to follow the Attorney General in this direction.

For the complete program of the course,

On November 1, 1955, I received a letter from him that on April 1, 1955, I appeared at A. Hefner-Wesner's Symposium on the Biology of the Great Lakes of Minnesota. That I, Dr. Schindler, occupied the first vacant position (January 15, 1956) seemed to me the proper and natural result of the Symposium.

JULIAN P. HOFFMAN, University of California

That had the largest number of immigrants, and, especially, people like James Smith, and accordingly that the Government has no objection.

† *Chamaecrista* sensu lato = *C. nictitans* var. *lutea* (L.) Greene.

864 P. H. R. Jansen et al.

### Consideration of Appointment by the Governor

### Major Contracting Agreement of the Corporation

Senator Rich moved that the Senate confirm and consent to the appointment of A. Horst Wagner of Wisconsin to a member of the State Board of Education.

The President put the question: "Will the Senate confirm and consent to the appointment of A. Robert Winslow?"

The bill was called with the following result:

ASTON, S. Summary of the History Committee's Recommendations. In: Planning Grants and Grants Made. Oxford: Oxford District Nursing Society, 1970. 100 pp. 10s. 6d. Mailed A5 format. Single. Volume 10 of the Planning Grants Series. Superintendent, Nursing School, Oxford University and Westminster.

— — —

$$A_{11} = \begin{pmatrix} 1 & 0 \\ 0 & 1 \end{pmatrix}$$

When again the President announced that the senate had notified him and consented to the appointment of A. Heber Wunder as a member of the State Board of Education.

### Report of Standing Committee—(Resumed).

The following report of building conditions was received and read:

## On Rules

Submitted: December 8, 1997; Accepted: May 17, 1997

Ms. Pansky, Your Committee on Rules will accept the following message from the Council:

by the President, Secretary of the Society  
of the State of Tennessee.

State Capitol, Sacramento, California.

On August 28, 1941, I was pleased to receive word that you are also interested with the affairs now transacted at the Service. James H. Kelly III, now a member of the Board of Public Health, is the director of the Service at San Francisco. San Pedro and Sausalito, along with other coastal cities are now being visited by the Army during May 2, 1944.

*V. ... ..*

FRANK F. MURRIAM Governor of California

Has had the same spine lengthening, and resultant reports the same back and  
restlessness that the organism is sustained.

Continued on inside back cover

RICH, Chairman.

## Consideration of Appointment by the Governor.

### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of James Rolph, III, of San Francisco, as a member of the Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun.

The President put the question, "Will the Senate confirm and consent to the appointment of James Rolph, III?"

The roll was called, with the following result:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—30.

**NOES**—None.

### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of James Rolph, III, as a member of the Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun.

## Report of Committee on Free Conference.

The following report of the Committee on Free Conference was received and read:

### Concerning Senate Bill No. 558.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

**MR. PRESIDENT:** Your Committee on Free Conference concerning:

Senate Bill No. 558—An act authorizing cities to construct public improvements; Reports that it has met a like committee of the Assembly, consisting of Assemblymen Stream, Meehan and Andreas, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendment, and that the bill be further amended as follows:

### Amendment No. 1.

On page 1, line 4, of the printed bill, as amended in Assembly on May 11, strike out the following words: "As to any such turn", and also strike out all of lines 5 and 6.

STREAM,  
ANDREAS,  
MEEHAN.

Assembly Committee on Free Conference.

FLETCHER,  
PHILLIPS,  
YOUNG.

Senate Committee on Free Conference.

### Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jepsen, Keating, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Slater, Tickle, Westover, and Young—29.

**NOES**—None.

## Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:





**On Finance.**

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1711—An act creating a special fund to be known as the "Judges' retirement fund," providing for disbursements therefrom, and to make appropriations therefor;

Assembly Bill No. 1498—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to compensation of members of the Unemployment Reserves Commission;

Assembly Bill No. 1575—An act making an appropriation for support of the Veteran's Home of California for the eighty-ninth and ninetieth fiscal years and providing that this act shall take effect immediately;

Assembly Bill No. 2451—An act to amend section 112 of the Vehicle Code, relating to the California Highway Patrol;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1261—An act making an appropriation to the Department of Motor Vehicles to pay claims against the State of California, and declaring the urgency thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2863—An act making an appropriation to the Division of Fish and Game, Department of Natural Resources;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1280—An act to add section 1395 to the Agricultural Code, relating to the suppression of rodents, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 116—An act making an appropriation for the enforcement of standards, quality and identity, in the manufacture and sale of California wines and brandy.

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1886—An act to provide for salary adjustments for certain employees in the State civil service, making an appropriation therefor and providing that this act shall take effect immediately;

Assembly Bill No. 2247—An act to amend sections 28a, 65a, 65d, 78, 79, 83a, and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor;

Assembly Bill No. 2708—An act making an appropriation for the establishment, maintenance and support of an industrial workshop and sales room for the adult blind in San Diego;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your committee on Finance, to which was referred:

Assembly Bill No. 2920—An act to make an additional appropriation to the Department of Public Works to carry out the unified and centralized program of construction, repair and improvement of State property, including State buildings, declaring the urgency thereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your committee on Finance, to which was referred:

Assembly Bill No. 2879—An act making an appropriation for the support of the State colleges, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—4.

SWING, Chairman.

### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 214—An act to amend section 20 of an act entitled "An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create the office of Yacht and Ship Brokers Commissioner within the Department of Professional and Vocational Standards; and to provide for the enforcement of said act and penalties for the violation thereof," approved July 20, 1935, relating to the suspension and revocation of licenses;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SEAWELL, Chairman.

### On Elections.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 2626—An act to amend section 2 of the act entitled "An act to regulate the method of nominating, voting for and electing candidates for judicial offices at primary and general elections, by giving each office a designating number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election," approved May 2, 1927, relating to the method of nominating, voting for and electing candidates for judicial offices at primary and general elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

ALLEN, Chairman.

### Second Reading of Assembly Bills—(Out of Order).

**Assembly Bill No. 2873**—An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner, making an appropriation and authorizing contributions by certain agencies for the purpose of carrying out the provisions of the act, and creating the Colorado River fund.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2873 were read and adopted.





**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out all of line 5, and insert in lieu thereof the word "is".

**Amendment No. 3.**

On page 2, line 9, of the printed bill, as amended, strike out "seventy seven thousand", and all of line 10, and insert in lieu thereof the following: "ten thousand nine hundred eighty and 12 100 dollars. (\$210,980 12) shall be".

**Amendment No. 4.**

On page 2, line 11, of the printed bill, as amended, strike out "\$195,514", and insert in lieu thereof the figures: "\$127,449.52".

**Amendment No. 5.**

On page 2, line 12, of the printed bill, as amended, strike out "\$18,753.09", and insert in lieu thereof the following figures: "\$18,916.84".

**Amendment No. 6.**

On page 2, line 23, of the printed bill, as amended, after the second word "in", insert the following: "that fund, or portion of such fund in the State treasury out of which the Department of Motor Vehicles is supported", and also strike out the last word "the", in said line 23.

**Amendment No. 7.**

On page 2, line 24, of the printed bill, as amended, strike out the following: "motor vehicle fund in the State treasury", and strike out the following figures in said line 24, "\$14,851.33", and insert in lieu thereof the figures "\$16,635.88".

**Amendment No. 8.**

On page 2 of the printed bill, as amended, strike out all of line 26, and in line 27, strike out the words "the State treasury".

**Amendment No. 9.**

On page 2, line 42, of the printed bill, as amended, after the word "treasury", insert the following: "": \$84.35 out of any money in the estates of deceased persons fund in the State treasury".

**A. B. 1801—GENERAL CLAIM BILL.**

Total as passed by Assembly----- \$277,304 21  
Additional items approved by Board of Control:

Item No.			
70 1/2	C. E. Moonman & Geo. C. Ferch-----	\$13 75	
77 1/2	Dale Holland, Treas. of Santa Clara County--	83 45	
160 1/2	Kelleher & Browne-----	71 23	168 43
Items added to Senate Finance Committee:			
167	Massachusetts Life Insurance Co. (s 369)-----	3,092 17	
168	Northwestern National Insurance Co.-----	316 34	
169	Board of Equalization-----	150 00	3,558 51
<b>Total</b> -----			<b>\$281,031 15</b>

Less: Items disallowed by Senate Finance Committee:			
50	Clude C. Shoemaker-----	25,000 00	
147	William E. Lancy-----	40,000 00	
151	A. R. Patterson-----	1,118 40	
152	Eugene W. Rowland-----	444 00	
153	Harry T. Sewell-----	263 00	
154	C. W. Booth-----	2,934 27	
164	J. B. Case-----	291 36	70,051 03

Total as approved by Senate Finance Committee----- \$210,980 12

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2879**—An act making an appropriation for the support of the State colleges, to take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2879 were read and adopted:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, as amended, following the word "appropriated", strike out the comma and the word "to", and strike out all of lines 5 to 9, inclusive, and insert in lieu thereof the following: "for the support of the State colleges during the eighty-ninth and ninetieth fiscal years.

and 3. The money so appropriated will be expended in the manner provided for by Chapter 157 of the Statutes of 1957 for the support of and from and shall be disbursed in the manner provided by various parts of the Statutes of 1957, in the case of the amount for the 60 sessions or sessions of 1958 to meet a request that there shall be:

#### Amendment No. 2.

On page 1, line 25, of the printed bill, as amended, strike out "and", insert the following: "Under the authority of law and Chapter 157 of the Statutes of 1957."

#### Amendment No. 3.

On page 1, line 11, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and".

#### Amendment No. 4.

On page 1, line 25, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and".

#### Amendment No. 5.

On page 1, line 25, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and".

#### Amendment No. 6.

On page 1, line 25, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and".

#### Amendment No. 7.

On page 1 of the printed bill, as amended, between lines 25 and 26, insert the following: "Upon each executive order the amount allocated shall be transferred to the Director of the State Department of the Public Insurance."

#### Amendment No. 8.

On page 1, line 25, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "and".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2920**—An act to make an additional appropriation to the Department of Public Works to carry out the initial and continued program of construction, repair and improvement of State property, including state buildings, deferring the urgency thereof and providing that the act shall take effect immediately.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2920 was read and adopted:

#### Amendment No. 1.

On page 1, line 2, of the printed bill, strike out "\$6,000,000", and insert in lieu thereof the following: "\$5,000,000".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1711**—An act creating a special fund to be known as the "Antiques Collection Fund", providing for disbursements therefrom, and to make appropriations therefor.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1498**—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriations therefor," approved June 25, 1957, relating to a system of unemployment reserves.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1575**—An act making an appropriation to meet a deficiency in the appropriation for support of the Veterans' Home, of

California for the eighty seventh and eighty eighth fiscal years and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2451**—An act to amend section 112 of the Vehicle Code, relating to the California Highway Patrol.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1201**—An act making an appropriation to the Department of Motor Vehicles to pay claims against the State of California.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1886**—An act relating to employees in the State civil service.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2247**—An act to amend sections 78 and 79 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2708**—An act making an appropriation for the establishment, maintenance and support of an industrial workshop and sales room for the adult blind in San Diego.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 565**—An act to amend section 3681a, Political Code, relating to the correction of errors in the assessment of real estate or in any subsequent step in the collection of the taxes thereon and for the reassessment of real estate when on account of error a delinquent tax thereon can not be enforced or when an assessment of property may have been adjudged to be invalid for error of assessment, or in the acts therein, or later.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1896**—An act to add a new section to the Political Code, to be known as section 443, relating to the transfer of moneys from special funds and other State accounts; the creation and reimbursement of the general cash revolving fund and the issuance of warrants against such fund; the issuance, indorsement and sale of registered warrants payable out of the general fund; providing for the obtaining of legal opinions relative to the legality of State warrants and making appropriation therefor; confirming the validity of warrants heretofore registered pursuant to section 441 of the Political Code and now outstanding, including warrants issued, registered and sold under the plan relating to such warrants provided for by resolution of the State Board of Control adopted November 24, 1936; and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1555**—An act to amend section 177 of the Vehicle Code relating to the suppression for the maintenance of the Department of Motor Vehicles.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2502**—An act making an appropriation for the support of employees of State employment agencies in the State Department of Employment.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2925**—An act making an appropriation for printing portfolios of governors of California, and allowing the State Department of Finance to issue and the printers deposit.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2921**—An act making an appropriation to the emergency fund specified in Item 187 of section 1 of an act entitled "An act making appropriation for the support of the government of the State of California and for various public purposes, in accordance with the provisions of section 14.13 Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1900, declaring the necessity thereof, and providing that this act shall take effect immediately," approved May 4, 1907, for the purposes therein specified.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1592**—An act making appropriation for auditing of the State Board of Education two persons following the report thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 2026**—An act to amend section 244 an act entitled "An act to organize the method of conducting voting for and electing candidates for national offices at primary and general elections the State, each office a designated number for the purpose of meeting where two or more judges or justices of any court of record are to be chosen for the same term of the same session," approved May 8, 1907, relating to the method of conducting voting for and electing candidates for national offices at primary and general elections.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 116**—An act making an appropriation for the enforcement of standards, weight and identity, in the manufacture and sale of California wine and brandy.

#### Consideration of Committee Amendment

Pursuant to the request of the Committee on Finance, the following amendment to Assembly Bill No. 116 was read and adopted:

#### Amendment No. 1.

On page 1, line 2 of the printed bill, striking the word "and" insert the following: "and the appropriate expenditure thereof."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 1280**—An act to add section 199.5 to the Agricultural Code, relating to the suppression of rodents, and to make an appropriation therefor.



**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 1289 was read and adopted:

**Amendment No. 1.**

On page 1, line 23, of the printed bill, as amended, following the word "expended", insert the following "during the eighty-ninth and ninetieth fiscal years".

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2863**—An act making an appropriation to the Division of Fish and Game, Department of Natural Resources.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2863 were read and adopted:

**Amendment No. 1.**

On page 1, line 6, of the printed bill, following the word "control", insert the following: "during the eighty-ninth and ninetieth fiscal years".

**Amendment No. 2.**

On page 1 of the printed bill, following line 9, insert the following:

"Sec. 2. The expenditures herein authorized of the moneys appropriated by this act shall be subject to all the provisions of Chapter 157 of the Statutes of 1937."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2705**—An act to amend section 105 of the Welfare and Institutions Code, relating to compensation of members of the Social Welfare Board.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2705 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 3 of the title, and insert in lieu thereof the following: "of the Director of Social Welfare."

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 16 to 22, inclusive, and insert in lieu thereof the following: "the Director of Social Welfare shall receive a salary of six thousand dollars per annum."

Bill read second time, ordered to print, and on file for third reading.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dengel, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Knowland, Law, McColl, McGowan, Metzger, Mexter, Nelson, Olson, Perlman, Phillips, Purovich, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—34.

The Secretary announced the absentees.

Time, nine o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate  
Reports of Standing Committee

The following reports of standing committees were received and read:  
On Engagement, Enrollment and Practice.

1992. *Journal of Management Studies*, 29(1), 1-15.

Source: *International Encyclopedia of the History of Language*, Vol. 10, Oxford: Oxford University Press, 2000.

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Source: U.S. Bureau of Economic Analysis (1994) and U.S. Census Bureau (1994).

<sup>20</sup> *Id.* at 102 n. 12. 18 U.S.C. § 1503 (relating to tampering with witnesses).

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Robert Bellamy, 1890. All out to support Justice. 1890. *The Political State*, page 104. In the center of the engraving is the statue of Justice.

And, incidentally, the two wings have been separately protected and preserved at New York State and the University of Michigan. Both are now in the same place.

[illegible]

Source: *Financial Times*, London, 20 July 1997.

Mr. T. J. ...

<sup>1</sup> *Journal of the American Medical Association*, 1990; 263: 1000-1001.

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1996). The authors also found that the use of the word "and" in the sentence "I am a doctor and I am a mother" was more likely to be used by women than men.

[illegible]

These results are in line with previous research. For example, in a study of 1998 and 1999, the authors found that the proportion of respondents who reported that they had been sexually abused in the past 12 months was 1.5%.

[illegible]

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Source: [1] No. 107. A 19th-century version of the "Wonders of the World" story.

Source: *Journal of American XIII of the Commission*.

Small, 1998; N. J. B. Alcock, in review). The authors of this Special Issue have been asked to use this opportunity to highlight all findings that can improve our understanding of the evolution of the brain.

Journal of the American Statistical Association, Vol. 93, No. 463, 1998, pp. 1120-1126

And further that the same have been correctly classified and presented in the

KEOLHI CHANG

KEITH, J. H. (1961)

Submitted: October 26, 1997; Accepted: March 17, 1997

Mr. Parnell: Your Committee on Engineering, Environment and Printing has

*Z. Naturf.* **19**, 1964, A 1, and B 1, with special 104 to the *Spectrochim. Acta*, 1964, 19, 1045, for the determination of elements in soils, where the authors also mention

Source: F. N. S. A. and the Census Bureau, 1971, 1975, and 1980 of the A25.

Small, Inc., No. 277. All rights reserved. Printed in the United States of America.

Source: R.S. No. 106, Act of 1906, section 204 of the Code of Civil Procedure, relating to executors.

Senate Bill No. 363—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending the title thereof to include refunding bonds, by amending section 59 thereof relating to redemption of land sold for delinquent assessments and the conveyancing of lands not redeemed, by amending section 59 thereof relating to the authorization, issuance, sale and application of the proceeds of refunding bonds, and by adding a new section to said act to be numbered 66, giving to said act a short title, all relating to the Sacramento and San Joaquin Drainage District, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 377—An act to amend section 401 of the Vehicle Code, relating to liability for operation of authorized emergency vehicles;

Senate Bill No. 403—An act to amend sections 292, 297, 311, and 332 of the Vehicle Code, relating to operator's and chauffeur's licenses;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 413—An act to add sections 52, 515.5, 637.5, and 670.5 to the Vehicle Code, and to amend section 625 thereof, relating to trailer coaches;

Senate Bill No. 425—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 38, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 58, 60, 61, 62, 65, 66, and to repeal section 29 of the Alcoholic Beverage Control Act, and to add thereto sections 6.5, 6.6, 6.7, 6.8, 6.9, 11a, 14.5, 161, 204, 22a, 22b, 22c, 23a, 23b, 24.2, 24.3, 24.4, 24.5, 24.7, 25a, 26b, 26c, 27a, 27b, 27c, 27d, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g, 32a, 32b, 32c, 32d, 33a, 33b, 33c, 33d, 33e, 33f, 33g, 33h, 33i, 33j, 33k, 33l, 33m, 33n, 33o, 33p, 33q, 33r, 33s, 33t, 33u, 33v, 33w, 33x, 33y, 33z, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i, 34j, 34k, 34l, 34m, 34n, 34o, 34p, 34q, 34r, 34s, 34t, 34u, 34v, 34w, 34x, 34y, 34z, 35a, 35b, 35c, 35d, 35e, 35f, 35g, 35h, 35i, 35j, 35k, 35l, 35m, 35n, 35o, 35p, 35q, 35r, 35s, 35t, 35u, 35v, 35w, 35x, 35y, 35z, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, 36k, 36l, 36m, 36n, 36o, 36p, 36q, 36r, 36s, 36t, 36u, 36v, 36w, 36x, 36y, 36z, 37a, 37b, 37c, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37l, 37m, 37n, 37o, 37p, 37q, 37r, 37s, 37t, 37u, 37v, 37w, 37x, 37y, 37z, 38a, 38b, 38c, 38d, 38e, 38f, 38g, 38h, 38i, 38j, 38k, 38l, 38m, 38n, 38o, 38p, 38q, 38r, 38s, 38t, 38u, 38v, 38w, 38x, 38y, 38z, 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i, 39j, 39k, 39l, 39m, 39n, 39o, 39p, 39q, 39r, 39s, 39t, 39u, 39v, 39w, 39x, 39y, 39z, 40a, 40b, 40c, 40d, 40e, 40f, 40g, 40h, 40i, 40j, 40k, 40l, 40m, 40n, 40o, 40p, 40q, 40r, 40s, 40t, 40u, 40v, 40w, 40x, 40y, 40z, 41a, 41b, 41c, 41d, 41e, 41f, 41g, 41h, 41i, 41j, 41k, 41l, 41m, 41n, 41o, 41p, 41q, 41r, 41s, 41t, 41u, 41v, 41w, 41x, 41y, 41z, 42a, 42b, 42c, 42d, 42e, 42f, 42g, 42h, 42i, 42j, 42k, 42l, 42m, 42n, 42o, 42p, 42q, 42r, 42s, 42t, 42u, 42v, 42w, 42x, 42y, 42z, 43a, 43b, 43c, 43d, 43e, 43f, 43g, 43h, 43i, 43j, 43k, 43l, 43m, 43n, 43o, 43p, 43q, 43r, 43s, 43t, 43u, 43v, 43w, 43x, 43y, 43z, 44a, 44b, 44c, 44d, 44e, 44f, 44g, 44h, 44i, 44j, 44k, 44l, 44m, 44n, 44o, 44p, 44q, 44r, 44s, 44t, 44u, 44v, 44w, 44x, 44y, 44z, 45a, 45b, 45c, 45d, 45e, 45f, 45g, 45h, 45i, 45j, 45k, 45l, 45m, 45n, 45o, 45p, 45q, 45r, 45s, 45t, 45u, 45v, 45w, 45x, 45y, 45z, 46a, 46b, 46c, 46d, 46e, 46f, 46g, 46h, 46i, 46j, 46k, 46l, 46m, 46n, 46o, 46p, 46q, 46r, 46s, 46t, 46u, 46v, 46w, 46x, 46y, 46z, 47a, 47b, 47c, 47d, 47e, 47f, 47g, 47h, 47i, 47j, 47k, 47l, 47m, 47n, 47o, 47p, 47q, 47r, 47s, 47t, 47u, 47v, 47w, 47x, 47y, 47z, 48a, 48b, 48c, 48d, 48e, 48f, 48g, 48h, 48i, 48j, 48k, 48l, 48m, 48n, 48o, 48p, 48q, 48r, 48s, 48t, 48u, 48v, 48w, 48x, 48y, 48z, 49a, 49b, 49c, 49d, 49e, 49f, 49g, 49h, 49i, 49j, 49k, 49l, 49m, 49n, 49o, 49p, 49q, 49r, 49s, 49t, 49u, 49v, 49w, 49x, 49y, 49z, 50a, 50b, 50c, 50d, 50e, 50f, 50g, 50h, 50i, 50j, 50k, 50l, 50m, 50n, 50o, 50p, 50q, 50r, 50s, 50t, 50u, 50v, 50w, 50x, 50y, 50z, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 51h, 51i, 51j, 51k, 51l, 51m, 51n, 51o, 51p, 51q, 51r, 51s, 51t, 51u, 51v, 51w, 51x, 51y, 51z, 52a, 52b, 52c, 52d, 52e, 52f, 52g, 52h, 52i, 52j, 52k, 52l, 52m, 52n, 52o, 52p, 52q, 52r, 52s, 52t, 52u, 52v, 52w, 52x, 52y, 52z, 53a, 53b, 53c, 53d, 53e, 53f, 53g, 53h, 53i, 53j, 53k, 53l, 53m, 53n, 53o, 53p, 53q, 53r, 53s, 53t, 53u, 53v, 53w, 53x, 53y, 53z, 54a, 54b, 54c, 54d, 54e, 54f, 54g, 54h, 54i, 54j, 54k, 54l, 54m, 54n, 54o, 54p, 54q, 54r, 54s, 54t, 54u, 54v, 54w, 54x, 54y, 54z, 55a, 55b, 55c, 55d, 55e, 55f, 55g, 55h, 55i, 55j, 55k, 55l, 55m, 55n, 55o, 55p, 55q, 55r, 55s, 55t, 55u, 55v, 55w, 55x, 55y, 55z, 56a, 56b, 56c, 56d, 56e, 56f, 56g, 56h, 56i, 56j, 56k, 56l, 56m, 56n, 56o, 56p, 56q, 56r, 56s, 56t, 56u, 56v, 56w, 56x, 56y, 56z, 57a, 57b, 57c, 57d, 57e, 57f, 57g, 57h, 57i, 57j, 57k, 57l, 57m, 57n, 57o, 57p, 57q, 57r, 57s, 57t, 57u, 57v, 57w, 57x, 57y, 57z, 58a, 58b, 58c, 58d, 58e, 58f, 58g, 58h, 58i, 58j, 58k, 58l, 58m, 58n, 58o, 58p, 58q, 58r, 58s, 58t, 58u, 58v, 58w, 58x, 58y, 58z, 59a, 59b, 59c, 59d, 59e, 59f, 59g, 59h, 59i, 59j, 59k, 59l, 59m, 59n, 59o, 59p, 59q, 59r, 59s, 59t, 59u, 59v, 59w, 59x, 59y, 59z, 60a, 60b, 60c, 60d, 60e, 60f, 60g, 60h, 60i, 60j, 60k, 60l, 60m, 60n, 60o, 60p, 60q, 60r, 60s, 60t, 60u, 60v, 60w, 60x, 60y, 60z, 61a, 61b, 61c, 61d, 61e, 61f, 61g, 61h, 61i, 61j, 61k, 61l, 61m, 61n, 61o, 61p, 61q, 61r, 61s, 61t, 61u, 61v, 61w, 61x, 61y, 61z, 62a, 62b, 62c, 62d, 62e, 62f, 62g, 62h, 62i, 62j, 62k, 62l, 62m, 62n, 62o, 62p, 62q, 62r, 62s, 62t, 62u, 62v, 62w, 62x, 62y, 62z, 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 63x, 63y, 63z, 64a, 64b, 64c, 64d, 64e, 64f, 64g, 64h, 64i, 64j, 64k, 64l, 64m, 64n, 64o, 64p, 64q, 64r, 64s, 64t, 64u, 64v, 64w, 64x, 64y, 64z, 65a, 65b, 65c, 65d, 65e, 65f, 65g, 65h, 65i, 65j, 65k, 65l, 65m, 65n, 65o, 65p, 65q, 65r, 65s, 65t, 65u, 65v, 65w, 65x, 65y, 65z, 66a, 66b, 66c, 66d, 66e, 66f, 66g, 66h, 66i, 66j, 66k, 66l, 66m, 66n, 66o, 66p, 66q, 66r, 66s, 66t, 66u, 66v, 66w, 66x, 66y, 66z, 67a, 67b, 67c, 67d, 67e, 67f, 67g, 67h, 67i, 67j, 67k, 67l, 67m, 67n, 67o, 67p, 67q, 67r, 67s, 67t, 67u, 67v, 67w, 67x, 67y, 67z, 68a, 68b, 68c, 68d, 68e, 68f, 68g, 68h, 68i, 68j, 68k, 68l, 68m, 68n, 68o, 68p, 68q, 68r, 68s, 68t, 68u, 68v, 68w, 68x, 68y, 68z, 69a, 69b, 69c, 69d, 69e, 69f, 69g, 69h, 69i, 69j, 69k, 69l, 69m, 69n, 69o, 69p, 69q, 69r, 69s, 69t, 69u, 69v, 69w, 69x, 69y, 69z, 70a, 70b, 70c, 70d, 70e, 70f, 70g, 70h, 70i, 70j, 70k, 70l, 70m, 70n, 70o, 70p, 70q, 70r, 70s, 70t, 70u, 70v, 70w, 70x, 70y, 70z, 71a, 71b, 71c, 71d, 71e, 71f, 71g, 71h, 71i, 71j, 71k, 71l, 71m, 71n, 71o, 71p, 71q, 71r, 71s, 71t, 71u, 71v, 71w, 71x, 71y, 71z, 72a, 72b, 72c, 72d, 72e, 72f, 72g, 72h, 72i, 72j, 72k, 72l, 72m, 72n, 72o, 72p, 72q, 72r, 72s, 72t, 72u, 72v, 72w, 72x, 72y, 72z, 73a, 73b, 73c, 73d, 73e, 73f, 73g, 73h, 73i, 73j, 73k, 73l, 73m, 73n, 73o, 73p, 73q, 73r, 73s, 73t, 73u, 73v, 73w, 73x, 73y, 73z, 74a, 74b, 74c, 74d, 74e, 74f, 74g, 74h, 74i, 74j, 74k, 74l, 74m, 74n, 74o, 74p, 74q, 74r, 74s, 74t, 74u, 74v, 74w, 74x, 74y, 74z, 75a, 75b, 75c, 75d, 75e, 75f, 75g, 75h, 75i, 75j, 75k, 75l, 75m, 75n, 75o, 75p, 75q, 75r, 75s, 75t, 75u, 75v, 75w, 75x, 75y, 75z, 76a, 76b, 76c, 76d, 76e, 76f, 76g, 76h, 76i, 76j, 76k, 76l, 76m, 76n, 76o, 76p, 76q, 76r, 76s, 76t, 76u, 76v, 76w, 76x, 76y, 76z, 77a, 77b, 77c, 77d, 77e, 77f, 77g, 77h, 77i, 77j, 77k, 77l, 77m, 77n, 77o, 77p, 77q, 77r, 77s, 77t, 77u, 77v, 77w, 77x, 77y, 77z, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, 78p, 78q, 78r, 78s, 78t, 78u, 78v, 78w, 78x, 78y, 78z, 79a, 79b, 79c, 79d, 79e, 79f, 79g, 79h, 79i, 79j, 79k, 79l, 79m, 79n, 79o, 79p, 79q, 79r, 79s, 79t, 79u, 79v, 79w, 79x, 79y, 79z, 80a, 80b, 80c, 80d, 80e, 80f, 80g, 80h, 80i, 80j, 80k, 80l, 80m, 80n, 80o, 80p, 80q, 80r, 80s, 80t, 80u, 80v, 80w, 80x, 80y, 80z, 81a, 81b, 81c, 81d, 81e, 81f, 81g, 81h, 81i, 81j, 81k, 81l, 81m, 81n, 81o, 81p, 81q, 81r, 81s, 81t, 81u, 81v, 81w, 81x, 81y, 81z, 82a, 82b, 82c, 82d, 82e, 82f, 82g, 82h, 82i, 82j, 82k, 82l, 82m, 82n, 82o, 82p, 82q, 82r, 82s, 82t, 82u, 82v, 82w, 82x, 82y, 82z, 83a, 83b, 83c, 83d, 83e, 83f, 83g, 83h, 83i, 83j, 83k, 83l, 83m, 83n, 83o, 83p, 83q, 83r, 83s, 83t, 83u, 83v, 83w, 83x, 83y, 83z, 84a, 84b, 84c, 84d, 84e, 84f, 84g, 84h, 84i, 84j, 84k, 84l, 84m, 84n, 84o, 84p, 84q, 84r, 84s, 84t, 84u, 84v, 84w, 84x, 84y, 84z, 85a, 85b, 85c, 85d, 85e, 85f, 85g, 85h, 85i, 85j, 85k, 85l, 85m, 85n, 85o, 85p, 85q, 85r, 85s, 85t, 85u, 85v, 85w, 85x, 85y, 85z, 86a, 86b, 86c, 86d, 86e, 86f, 86g, 86h, 86i, 86j, 86k, 86l, 86m, 86n, 86o, 86p, 86q, 86r, 86s, 86t, 86u, 86v, 86w, 86x, 86y, 86z, 87a, 87b, 87c, 87d, 87e, 87f, 87g, 87h, 87i, 87j, 87k, 87l, 87m, 87n, 87o, 87p, 87q, 87r, 87s, 87t, 87u, 87v, 87w, 87x, 87y, 87z, 88a, 88b, 88c, 88d, 88e, 88f, 88g, 88h, 88i, 88j, 88k, 88l, 88m, 88n, 88o, 88p, 88q, 88r, 88s, 88t, 88u, 88v, 88w, 88x, 88y, 88z, 89a, 89b, 89c, 89d, 89e, 89f, 89g, 89h, 89i, 89j, 89k, 89l, 89m, 89n, 89o, 89p, 89q, 89r, 89s, 89t, 89u, 89v, 89w, 89x, 89y, 89z, 90a, 90b, 90c, 90d, 90e, 90f, 90g, 90h, 90i, 90j, 90k, 90l, 90m, 90n, 90o, 90p, 90q, 90r, 90s, 90t, 90u, 90v, 90w, 90x, 90y, 90z, 91a, 91b, 91c, 91d, 91e, 91f, 91g, 91h, 91i, 91j, 91k, 91l, 91m, 91n, 91o, 91p, 91q, 91r, 91s, 91t, 91u, 91v, 91w, 91x, 91y, 91z, 92a, 92b, 92c, 92d, 92e, 92f, 92g, 92h, 92i, 92j, 92k, 92l, 92m, 92n, 92o, 92p, 92q, 92r, 92s, 92t, 92u, 92v, 92w, 92x, 92y, 92z, 93a, 93b, 93c, 93d, 93e, 93f, 93g, 93h, 93i, 93j, 93k, 93l, 93m, 93n, 93o, 93p, 93q, 93r, 93s, 93t, 93u, 93v, 93w, 93x, 93y, 93z, 94a, 94b, 94c, 94d, 94e, 94f, 94g, 94h, 94i, 94j, 94k, 94l, 94m, 94n, 94o, 94p, 94q, 94r, 94s, 94t, 94u, 94v, 94w, 94x, 94y, 94z, 95a, 95b, 95c, 95d, 95e, 95f, 95g, 95h, 95i, 95j, 95k, 95l, 95m, 95n, 95o, 95p, 95q, 95r, 95s, 95t, 95u, 95v, 95w, 95x, 95y, 95z, 96a, 96b, 96c, 96d, 96e, 96f, 96g, 96h, 96i, 96j, 96k, 96l, 96m, 96n, 96o, 96p, 96q, 96r, 96s, 96t, 96u, 96v, 96w, 96x, 96y, 96z, 97a, 97b, 97c, 97d, 97e, 97f, 97g, 97h, 97i, 97j, 97k, 97l, 97m, 97n, 97o, 97p, 97q, 97r, 97s, 97t, 97u, 97v, 97w, 97x, 97y, 97z, 98a, 98b, 98c, 98d, 98e, 98f, 98g, 98h, 98i, 98j, 98k, 98l, 98m, 98n, 98o, 98p, 98q, 98r, 98s, 98t, 98u, 98v, 98w, 98x, 98y, 98z, 99a, 99b, 99c, 99d, 99e, 99f, 99g, 99h, 99i, 99j, 99k, 99l, 99m, 99n, 99o, 99p, 99q, 99r, 99s, 99t, 99u, 99v, 99w, 99x, 99y, 99z, 100a, 100b, 100c, 100d, 100e, 100f, 100g, 100h, 100i, 100j, 100k, 100l, 100m, 100n, 100o, 100p, 100q, 100r, 100s, 100t, 100u, 100v, 100w, 100x, 100y, 100z, 101a, 101b, 101c, 101d, 101e, 101f, 101g, 101h, 101i, 101j, 101k, 101l, 101m, 101n, 101o, 101p, 101q, 101r, 101s, 101t, 101u, 101v, 101w, 101x, 101y, 101z, 102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 102i, 102j, 102k, 102l, 102m, 102n, 102o, 102p, 102q, 102r, 102s, 102t, 102u, 102v, 102w, 102x, 102y, 102z, 103a, 103b, 103c, 103d, 103e, 103f, 103g, 103h, 103i, 103j, 103k, 103l, 103m, 103n, 103o, 103p, 103q, 103r, 103s, 103t, 103u, 103v, 103w, 103x, 103y, 103z, 104a, 104b, 104c, 104d, 104e, 104f, 104g, 104h, 104i, 104j, 104k, 104l, 104m, 104n, 104o, 104p, 104q, 104r, 104s, 104t, 104u, 104v, 104w, 104x, 104y, 104z, 105a, 105b, 105c, 105d, 105e, 105f, 105g, 105h, 105i, 105j, 105k, 105l, 105m, 105n, 105o, 105p, 105q, 105r, 105s, 105t, 105u, 105v, 105w, 105x, 105y, 105z, 106a, 106b, 106c, 106d, 106e, 106f, 106g, 106h, 106i, 106j, 106k, 106l, 106m, 106n, 106o, 106p, 106q, 106r, 106s, 106t, 106u, 106v, 106w, 106x, 106y, 106z, 107a, 107b, 107c, 107d, 107e, 107f, 107g, 107h, 107i, 107j, 107k, 107l, 107m, 107n, 107o, 107p, 107q, 107r, 107s, 107t, 107u, 107v, 107w, 107x, 107y, 107z, 108a, 108b, 108c, 108d, 108e, 108f, 108g, 108h, 108i, 108j, 108k, 108l, 108m, 108n, 108o, 108p, 108q, 108r, 108s, 108t, 108u, 108v, 108w, 108x, 108y, 108z, 109a, 109b, 109c, 109d, 109e, 109f, 109g, 109h, 109i, 109j, 109k, 109l, 109m, 109n, 109o, 109p, 109q, 109r, 109s, 109t, 109u, 109v, 109w, 109x, 109y, 109z, 110a, 110b, 110c, 110d, 110e, 110f, 110g, 110h, 110i, 110j, 110k, 110l, 110m, 110n, 110o, 110p, 110q, 110r, 110s, 110t, 110u, 110v, 110w, 110x, 110y, 110z, 111a, 111b, 111c, 111d, 111e, 111f, 111g, 111h, 111i, 111j, 111k, 111l, 111m, 111n, 111o, 111p, 111q, 111r, 111s, 111t, 111u, 111v, 111w, 111x, 111y, 111z, 112a, 112b, 112c, 112d, 112e, 112f, 112g, 112h, 112i, 112j, 112k, 112l, 112m, 112n, 112o, 112p, 112q, 112r, 112s, 112t, 112u, 112v, 112w, 112x, 112y, 112z, 113a, 113b, 113c, 113d, 113e, 113f, 113g, 113h, 113i, 113j, 113k, 113l, 113m, 113n, 113o, 113p, 113q, 113r, 113s, 113t, 113u, 113v, 113w, 113x, 113y, 113z, 114a, 114b, 114c, 114d, 114e, 114f, 114g, 114h, 114i, 114j, 114k, 114l, 114m, 114n, 114o, 114p, 114q, 114r, 114s, 114t, 114u, 114v, 114w, 114x, 114y, 114z, 115a, 115b, 115c, 115d, 115e, 115f, 115g, 115h, 115i, 115j, 115k, 115l, 115m, 115n, 115o, 115p, 115q, 115r





Senate Bill No. 992—An act to amend section 1 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to a Commission on Uniform State Laws;

Senate Bill No. 1110—An act to repeal an act entitled "An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students," approved May 14, 1929, relating to the registration, enrollment, and attendance of students at the California Polytechnic School;

Senate Bill No. 1126—An act to add section 903 to the Fish and Game Code, relating to nets;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

### Motion to Reconsider.

Senator Westover moved to reconsider the vote whereby the amendments to Assembly Bill No. 2503 were adopted.

### Ayes and Noes Demanded.

A roll call was demanded by Senators Westover, Olson and Jespersen on the adoption of the motion to reconsider.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Garrison, Jespersen, Olson, and Westover—4.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Parkinson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tieke, Wagy, Williams, and Young—35.

### Re-reference of Assembly Bill No. 2900.

Senator Jespersen moved that Assembly Bill No. 2900 be re-referred to Committee on Live Stock and Dairying.

Motion carried, and such was the order.

### Re-reference of Assembly Bill No. 2553.

Senator Swing moved that Assembly Bill No. 2553 be re-referred to Committee on Public Morals.

Motion carried, and such was the order.

### Consideration of Daily File—(Resumed).

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2175**—An act to regulate the employment of labor on public works.

#### Amendment from the Floor

During third reading of Assembly Bill No. 2175, the following amendment, offered by Senator Olson, was read and adopted:

#### Amendment No. 1.

On page 1, line 10, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the word "twenty".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 702**—An act to amend section 19x24 and to repeal section 19x31 of the Juvenile Court Law, relating to the probation officer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Know-



AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 1193 ordered transmitted to the Assembly.

**Assembly Bill No. 2622**—An act to define business opportunity brokers and salesmen; to provide for the regulation, supervision and licensing thereof by the State Real Estate Division and the Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2622 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2622 ordered transmitted to the Assembly.

**Assembly Bill No. 717**—An act to amend sections 667 and 688 of the Political Code, relating to claims and actions against the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 717 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 717 ordered transmitted to the Assembly.

**Assembly Bill No. 1261**—An act to amend sections 1650, 1651, 1654, and 1655, and repealing sections 1656 and 1657, of the Business and Professions Code, relating to registration of licenses with county clerks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1261 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1261 ordered transmitted to the Assembly.

**Assembly Bill No. 2176.** An act defining farm labor contractors providing for the licensing thereof and for the issuance of permits to such farm labor contractors by the Director of Labor Statistics and Law Enforcement, subject upon farm labor contractors who contract with any crop owner or contractor plant, stock, vegetable, fruit, or other products belonging to or in which such crop owner has an interest and providing that the activities of such act shall be in compliance.

Will read it and fix

This self was called, and, journeying, did the Elio journey to the Ea  
how long time.

1990. *Marine Plant Cell Culture*. David Fisher, Mary Howell, Joseph  
Harris, Ronald Kautsky, Jack Nelson, Anthony Quinn, Susan Quinn,  
William Stewart, Qian Wang, Peter Williams and Feng Xu.  
Kluwer Academic Publishers, Dordrecht, Holland, 1990. 260 pp. 1990.  
\$45.00.

According to the 1976 national assessment, in the English

**Assembly Bill No. 2945**—As amended, section 718a of the Civil Code, imposing restrictions, on defendants or insurers thereof, in cases involving:

1515 *Journal of Clinical Pharmacy and Therapeutics*, 2001, 26, 1511-1515

The situation changed on the 12th of the fall.

The soil was watered, and Alexander Hall Co. seed passed by the screening table.

[illegible]

Title read and approved:

Assembly Bill No. 2001 passed transmitted to the Governor.

**Assembly Bill No. 802.**—An act to add section 922 to the Fish and Game Code, relating to and regulating the subject of fishing within the boundaries of the State of California.

Full name: \_\_\_\_\_

The questions below are the averages of the 1993

This bill was introduced and Assembly Bill No. 802 refused passage by the following vote:

[illegible]

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**Assembly Bill No. 2831**—An act to provide for the creation, establishment, and adjustment with other plans, systems, of a retirement system for employees of the several counties and districts as defined herein, of the State of California, consisting of retirement compensation, and death benefits.

With small  $\beta$  and  $\gamma$  time

The transition begins on the passage of the bill.



The roll was called, and Assembly Bill No. 2831 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Jespersen, Keough, Knowland, McBride, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Slater, Westover, Williams, and Young—27.

**NOES**—Senators Hays, Law, McColl, Rich, Schottky, Swing, Tickle, and Waggy—8.

Title read and approved.

Assembly Bill No. 2831 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

**Assembly Bill No. 722**—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13, and to repeal sections 14, 14a, 14b, 15, 16 and 18 of the Planning Act; to add sections 2.2, 2.4, 2.6, 4.3, 4.6, 5.5, 6.3, 6.6 and 17 thereto, and to renumber and amend sections 17, 19 and 20 thereof as sections 14, 15 and 16, respectively, relating to State, regional, county and city planning.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 722, the following amendments, offered by Senator Gordon, were read:

**Amendment No. 1.**

On page 2, lines 3 and 4, of the printed bill, as amended, strike out "shall adopt and establish as herein provided", and insert in lieu thereof the following: "may adopt and establish".

**Amendment No. 2.**

On page 2, line 5, of the printed bill, as amended, after the period, insert the following: "Every city and every county adopting and establishing a master plan shall do so as herein provided."

**Amendment No. 3.**

On page 2, lines 10 and 11, of the printed bill, as amended, strike out "may, and of each county shall," and insert in lieu thereof the following: "and of each county may".

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Jespersen, Gordon and Deuel, on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Deuel, Fletcher, Gordon, Hays, Jespersen, Keough, Metzger, Nielsen, and Powers—9.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Mixer, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—29.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 722 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—34.

**NOES**—Gordon, Jespersen, Powers, and Quinn—4.

Title read and approved.

Assembly Bill No. 722 ordered transmitted to the Assembly.

**Assembly Bill No. 2892**—An act to provide a unified and centralized program of construction, repair and improvement of State buildings,

and making an appropriation for the purposes of this act, declaring the emergency thereof, and providing this act shall take effect immediately.

*Amendment from the Floor.*

During third reading of Assembly Bill No. 2832, the following amendment, offered by Senator Irvine, was read and adopted:

*Amendment No. 1.*

On page 1, line 26 of the second bill, as amended, strike out "and 'have become' and insert in their stead the following: "were rendered ineffectual."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2762**—An act to add section 37 to the Fish and Game Code, relating to the preservation of fish and game.

*Amendments from the Floor.*

During third reading of Assembly Bill No. 2762, the following amendments, offered by Senator McColl, were read and adopted:

*Amendment No. 1.*

On page 1, line 1 of the first of the general bill, as amended, substitute "175, and insert in line second the following: "114."

*Amendment No. 2.*

On page 1, line 1 of the second bill, as amended, substitute "37" and insert in line second the following: "114."

*Amendment No. 3.*

On page 1, line 1 of the second bill, as amended, substitute "37", and insert in line third the following: "114."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2857**—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural districts and limiting provision for taking of property of such districts.

*Amendments from the Floor.*

During third reading of Assembly Bill No. 2857, the following amendments, offered by Senator McConner, were read and adopted:

*Amendment No. 1.*

On page 1, line 11 of the second bill, as amended, strike out "he paid for" and insert in line 1 and 2, and insert in line thereof the following: "further be allowed an amount in commutation with the value of the State Board of Control has not so many years, and he is to serve local bills, and he is to serve the State Board of Control in the position of the agricultural ship council."

*Amendment No. 2.*

On page 1, line 11 of the second bill, as amended, strike out "paid," and insert in line 11 and 12, and insert in line thereof the following: "further be allowed an amount in commutation with the value of the State Board of Control has not so many years, and he is to serve local bills, and he is to serve the State Board of Control in the position of the agricultural ship council."

Bill read, ordered to print, and on file for third reading.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day unanimously refused to pass from its amendments to:

SENATE BILL No. 300—An act to amend section 19 of the Inheritance Tax Act of 1905, relating to inheritance taxation, and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon:

And appointed Assemblymen Williamson, Patterson and Baynham, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

**Appointment of Committee on Conference.**

The President announced the appointment of Senators Tickle, Knowland and Hays, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Senate Bill No. 869.

**ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 412.—An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty-third and fiftieth classes;

And appointed Assemblymen Crowley, Miller, George P., and Cunningham, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

**Appointment of Committee on Conference.**

The President announced the appointment of Senators Biggar, Law, and Cunningham as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Senate Bill No. 412.

**Unfinished Business—(Resumed).**

**Assembly Bill No. 1176**—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1176?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1176 by the following vote:

AYES—None.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nolsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**Appointment of Committee on Conference.**

The President announced the appointment of Senators Young, McColl, and Metzger as a Committee on Conference, to meet with a like committee from the Assembly, to consider amendments to Assembly Bill No. 1176.

**Re-reference of Assembly Bill No. 103.**

Senator DeLap moved that Assembly Bill No. 103 be re-referred to Committee on Labor and Capital.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 217.**

Senator Pirovich moved that Assembly Bill No. 217 be re-referred to Committee on Commerce and Navigation.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 2136.**

Senator Powers moved that Assembly Bill No. 2136 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

**Re reference of Assembly Bill No. 1370.**

Senator Hadden moved that Assembly Bill No. 1370 be re-referred to Committee on Agriculture.

Motion carried, and such was the order.

**Re reference of Assembly Bill No. 439.**

Senator Hollister moved that Assembly Bill No. 439 be re-referred to Committee on Commerce and Navigation.

Motion carried, and such was the order.

**Re reference of Assembly Bill No. 2917.**

Senator Hollister moved that Assembly Bill No. 2917 be re-referred to Committee on Commerce and Navigation.

Motion carried, and such was the order.

**Re reference of Assembly Bill No. 1754.**

Senator Jorgensen moved that Assembly Bill No. 1754 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Re reference of Assembly Bill No. 2881.**

Senator Bell moved that Assembly Bill No. 2881 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

**Further Proceedings Under Call of the Senate Dispensed With.**

At eleven o'clock and fifty-four minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Adjournment.**

At eleven o'clock and fifty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until nine o'clock a.m., Friday, May 28, 1937.

ELLSWORTH W. SCAMMON, Minute Clerk.

**IN SENATE****SENATE CHAMBER**

SATURDAY, Friday, May 28, 1937.

At nine o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hayfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call**

The roll was called, and the following answered to their names:

Senators Allen, Egger, Gammeter, Greening, DeLoe, DeLoe, Fletcher, Garrison, Smith, Hale, Hollister, Hollister, Jorgensen, Keating, Kozick, Kozick, Low, McDevitt, Moore, Morrison, Murray, Miller, Nason, Olson, Parkman, Phillips, Plummer, Powers, Quinn, Rich, Schmitt, Selwell, Slater, Spring, Tinkle, Wells, Williams, Williams, and Young, Jr.

Quorum present.

**Prayer.**

Prayer was offered by Rev. E. J. Caldwell.



### Reading of the Journal.

During the reading of the Journal of Thursday, May 27, 1937, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. W. Stratton of Modesto, former director of Modesto Irrigation District.

On request of Senators Mixer and Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. Heber Winder, member of State Board of Education, Riverside.

On request of Senators Crittenden and Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harry Hoffman, Mr. Al Lindley and Mr. Chauncey Clarence De Young, all of Stockton.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. S. L. Sersain and Ferdinand Fletcher of San Diego.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry D. Cameron of Ocean Park.

### Communication.

A communication was received from the Silverado Grange, recommending the acquisition by the State of California of the Carquinez Toll Bridge.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 4117—An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, Roster or Register of California State Government, and repealing certain acts specified herein;

Senate Bill No. 657—An act making an appropriation for the addition of another story to the building known as the annex to the State Printing Plant;

Senate Bill No. 672—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment;

Senate Bill No. 674—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Pardons, Department of Penology;

Senate Bill No. 675—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments;

Senate Bill No. 676—An act making an appropriation for office accommodations for the Superintendent of Collection Agencies;

Senate Bill No. 1002—An act to amend an act entitled "An act creating a revolving fund for purchase of balled paper, prescribing its use and appropriating money therefor," approved June 7, 1913, as amended, relating to the revolving fund, making an appropriation therefor, and providing that it shall go into immediate effect;

Senate Bill No. 604—An act to amend an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tidelands described in the above mentioned act;

Senate Bill No. 770—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco;



Senate Bill No. 312—An act to repeal Chapter 2 of Part I of Division VI of the Welfare and Institutions Code, comprising sections 5259 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5259 to 5264, inclusive, to repeal Chapters 3 and 4 of Part IV of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded;

Senate Bill No. 339—An act to add section 246a to the Penal Code, relating to assault by a convict;

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escapes;

Senate Bill No. 344—An act to amend section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners;

Senate Bill No. 346—An act relating to parole and the conditional release of prisoners.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children;

Senate Bill No. 370—An act relating to the California Commission for the Golden Gate International Exposition, further defining its powers and duties and making an appropriation therefor;

Senate Bill No. 556—An act to amend section 2924½ of the Civil Code, relating to deficiency judgments;

Senate Bill No. 781—An act to amend the title of, and to add section 18a to, the State Medical Practice Act, relating to remedies for violations thereof;

Senate Bill No. 782—An act to add sections 2372 5, 2410 and 2411 to the Business and Professions Code, relating to disciplinary proceedings within the chapter on medicine;

Senate Bill No. 783—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof;

Senate Bill No. 996—An act to amend section 737½, w. of the Political Code, relating to the salary of judges of the county of Sonoma;

Senate Bill No. 1021—An act to amend section 1602 of the Dental Practice Act, relating to members of the State Board of Dental Examiners.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1111—An act making an appropriation for the dredging of certain portions of San Diego Bay;

Senate Bill No. 1130—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale;

Senate Bill No. 1134—An act to amend section 985 of the Political Code, relating to official bonds.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 1111, 1130 and 1139 ordered to enrollment.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2025—An act to repeal section 3819a of the Political Code and to add a new section 3819a thereto, relating to redemption of property from tax sales;

Assembly Bill No. 2333—An act to amend section 3785 of the Political Code, relating to the execution in duplicate and recordation of tax deeds to the State;

Assembly Bill No. 2895—An act to amend sections 6, 10, 11, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 45, 51, 52, 62, 95, 97, and 101 of, an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.





Senate Bill No. 968. An act to add section 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof;

Senate Bill No. 1038. An act to add section 1041.29 to the Political Code, relating to reports relating to financial statements by county supervisors;

Senate Bill No. 1122. An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

The above reported bills ordered on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 135. An act to amend sections 14, 13, 15, 15c and 21 of, and to add section 11a to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts; authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts;

Senate Bill No. 144. An act to amend sections 5, 6, 7, 8, 10 and 11 of, and to add section 13 to, an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 185. An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act, to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Senate Bill No. 304.—An act to amend section 1 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation, preventing discrimination between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

Senate Bill No. 331.—An act to amend section 1271.5 and to add section 1271.6 to the Fish and Game Code, relating to deer, declaring the urgency of this act to take effect immediately;

Senate Bill No. 809. An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act;

Senate Bill No. 1111. An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith; providing for an appropriation

in selling the same at substantially less cost" received May 23, 1897, reading as follows:

ALL INFORMATION RECEIVED FROM MEMBERS OF THE BOARD OF INVESTIGATION.

JAMES C. WHITE, Chief Clerk of Assembly.  
By C. W. BROWN, Assistant Clerk.

The above reported title received on the published business file.

SACRAMENTO JOURNAL, SACRAMENTO, May 27, 1897.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly reported that on May 23rd letters be received.

James C. White, Chief Clerk of Assembly, in relation to the report of the Board of Investigation on the Commission of the State, the following letters were received by the Assembly, reading as follows: 1 to 6, inclusive, relating to the same subject, respectively.

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MR. PRESIDENT, I am directed to inform your honorable body that the Assembly reported that on May 23rd letters be received.

James C. White, Chief Clerk of Assembly, in relation to the report of the Board of Investigation on the Commission of the State, the following letters were received by the Assembly, reading as follows: 1 to 6, inclusive, relating to the same subject, respectively.

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ALL INFORMATION RECEIVED FROM MEMBERS OF THE BOARD OF INVESTIGATION.

JAMES C. WHITE, Chief Clerk of Assembly.  
By C. W. BROWN, Assistant Clerk.

The above reported title received on the published business file.

### Communication.

The following communication was received and ordered printed in the Journal:

Office of California Department of State Fisheries, SACRAMENTO.  
To the Assembly of the State of California.  
SACRAMENTO, May 27, 1897.

SIR, I have pleasure in acknowledging the receipt of the Assembly, reading as follows: 1 to 6, inclusive, relating to the same subject, respectively.

The above reported title received on the published business file.

James C. White, Chief Clerk of Assembly, in relation to the report of the Board of Investigation on the Commission of the State, the following letters were received by the Assembly, reading as follows: 1 to 6, inclusive, relating to the same subject, respectively.

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and reinstatement of licenses for operators and chauffeurs. Whenever any operator's or chauffeur's license is suspended, revoked or reinstated, a copy of that order is immediately transmitted to the police and other law enforcement agencies, as well as to the local office of the California Highway Patrol. In addition to this individual notice, the department prepares a monthly record of suspensions, revocations, and reinstatements, which is furnished to local law enforcement officers. The facilities of the department have always been completely available to local enforcement officers, and any request for information concerning the license of any individual driver is immediately answered by the department giving all available information from the records of the department.

#### Expenditures of the Department of Motor Vehicles.

The interim committee's report dealing with the expenditures of the department treats its expenditures by divisions whereas such expenditures must be considered from a departmental standpoint as each and every division of the department is so closely interwoven with each other that it can not be separated and all divisions must operate as one unit and as a department.

The interim committee states that an examination of the State budget during past years and for the coming biennium disclose increasing expenditures by the department, which they conclude are excessive and out of proportion to the services actually rendered. It appears this statement has been made primarily upon comparing the total vehicle registrations of each year against the budget allowed. This would be logical and proper if such figures actually showed the increased activities and services rendered from year to year. One must stop and consider, however, some of the details in connection with a registration and the volume of work handled in order to obtain a fair idea of the necessary expense to render these services required by law and demanded by the public. It must be remembered that California is second only to the State of New York in number of vehicles registered.

The following statements enumerate a few of the activities and services which were rendered by the Division of Registration during the year 1936:

There were two million four hundred seventy-six thousand (2,476,000) vehicles registered. It was therefore necessary for the Division of Registration to make eleven records on each registration or a total of twenty-seven million two hundred thirty-six thousand (27,236,000) records. There were filed in the Sacramento office seven million four hundred twenty-eight thousand (7,428,000) individual items and, in addition thereto, a public record list of all registrations for the general use of the public, and a list for apportionment purposes.

The Division of Registration maintained in its Los Angeles office and in its San Francisco office complete numerical files by license numbers of all registrations for the convenience of the public and the law enforcement officers of those cities. The maintenance of these files required the filing of an additional three million nine hundred fifty-two thousand (5,952,000) items. In addition to the records for 1936, these two branch offices also maintained numerical files by license numbers for the year 1935 which contain in excess of six million (6,000,000) records.

The Division of Registration handled one million one hundred twenty-four thousand eight hundred eighty-four (1,124,884) transfers which required the making of eleven records on each, and the filing of five million six hundred twenty-four thousand four hundred twenty (5,624,420) additional items in the files mentioned.

In order to handle this number of transfers, the records of the department were searched one million one hundred twenty-four thousand eight hundred eighty-four (1,124,884) times, and each and every application was checked and verified against the stolen and embezzled car files as required by law.

There were ninety-four thousand nine hundred forty-seven (94,947) chattel mortgages on vehicles deposited with the department. All were examined to see that they were properly certified by a notary, that the mortgagee thereon was either the legal owner of record or was going on as the new legal owner, that in each case the certified copy of the chattel mortgage compared with the certificate of ownership forwarded therewith and that the mortgage covered the vehicle described in the certificate of ownership. The filing of chattel mortgages requires extensive correspondence as the mortgagees in thousands of cases fail to present the proper clearance papers or discrepancies appear which prevent the department from effecting transfer. In coping with the banks and finance companies, by whom the majority of mortgages are deposited, the department has developed a "Notice of deposit," in triplicate form, which is used extensively. When a chattel mortgage is deposited at Sacramento these forms are stamped to show the date received and are then filed in the three records of the department.

There were two hundred nineteen thousand six hundred ninety-eight (219,698) no fee nonresident permits issued and it was necessary to examine the foreign State registration cards in each case before the permit could be issued. In connection therewith, it was necessary to make and file in the Sacramento office six hundred fifty-nine thousand ninety-four (659,094) individual records.

The Bureau of Registration issued in 1936 four thousand five hundred sixty eight plates for automobiles and one thousand eight hundred and one for trucks, vans and light trailers and also a number of new permits for use on the highways. There are four thousand of these which are subject to annual renewal. The Bureau also has issued permits for motorcycles amounting to six hundred and thirty of the latter group to be driving in light duty in farm areas.

The Department also handles many requests for permits for persons with licenses from other states, especially those of the States of California, Oregon, Nevada and Idaho. The Bureau will accept all permits subject to such laws as California has and will issue such permits subject to such laws as California has. The Bureau will also accept all permits subject to such laws as California has. The Bureau will also accept all permits subject to such laws as California has. The Bureau will also accept all permits subject to such laws as California has.

In the Department of Motor Vehicles there are certain other agencies grouped by the Bureau of Registration. The Department also has the Bureau of Motor Vehicle Inspection and the Bureau of Motor Vehicle Inspection. The Bureau of Motor Vehicle Inspection is the Bureau of Motor Vehicle Inspection. The Bureau of Motor Vehicle Inspection is the Bureau of Motor Vehicle Inspection. The Bureau of Motor Vehicle Inspection is the Bureau of Motor Vehicle Inspection.

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The Department through the Bureau of Registration, issued and received four thousand five hundred and eighty eight (4,588) permits regarding the registration of motor vehicles subject to such laws as California has. The Bureau of Motor Vehicle Inspection is the Bureau of Motor Vehicle Inspection. The Bureau of Motor Vehicle Inspection is the Bureau of Motor Vehicle Inspection.

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There were 13,742 licenses suspended in 1936 which compared to 1932 shows an increase of 331 per cent.

There were 2,186 licenses canceled and revoked in 1936 which compared to 1932 shows an increase of over 500 per cent.

There were 79,996 applications for duplicate licenses in 1936 which had to be verified and checked against the filed records before a duplicate could be issued.

There were also a great number of cases required to be acted upon by the Division of Drivers' Licenses covering operators who failed to satisfy a judgment and who were required to surrender their licenses and the registration of their vehicles which entailed a tremendous amount of detail checking and correspondence in order to handle.

The Division of Accounting in order to properly compile records on registrations so that the motor vehicle and gas tax fees are properly apportioned to the counties according to residence addresses of the registered owners are required to maintain a very accurate and minute detail report of all registrations and all fees received.

In order to properly and efficiently handle the budgeting and disbursements of the funds allotted for the support of the department the Division of Accounting is required to maintain a detail system of accounts.

The Division of Accounting also in order to maintain a proper cost accounting record on all motor vehicle equipment purchased and used by the department has established a cost record which has enabled the department to purchase vehicles that have proven by actual use to be both economical and efficient in operation.

The committee has stated: "It should be remembered that the California Vehicle Act, as revised in 1923, contained substantially the present code provisions relating to registration, the issuance of certificates of ownership and registration cards, the examination and licensing of drivers and other provisions. Since 1923, there has not been radical amendment to the vehicle laws imposing additional duties or functions upon the above mentioned divisions of the department, except in one or two respects." This statement is erroneous and misleading. Any person fully cognizant of the provisions of the 1923 Vehicle Act will admit that amendments passed in the intervening years from 1923 to 1935, as well as new provisions which have been enacted, have greatly increased the duties and functions of the respective divisions of the department.

I charged the California Highway Patrol with the duty of carrying out the provisions of the Caravan Act where I felt it rightfully belonged. The personnel previously engaged in the enforcement of this act consisted of those men stationed at the various border checking stations. This personnel at one time was a part of the Division of Registration but in order to better supervise the work of the checking stations including the enforcement of the Caravan Act the entire personnel was transferred to the California Highway Patrol. The funds previously provided in the budget of the Division of Registration for the maintenance of these stations were likewise transferred to the Highway Patrol and became a part of its operating budget.

The committee's assertion that a substantial part of the functions of the department having to do with registration and examining of operators and chauffeurs has been thrust upon the personnel of the Highway Patrol and are met out of its budget indicates a misunderstanding of the actual facts.

Let us go back a few years and review the establishment of the main county patrol offices prior to 1929 when they were brought under State control. At that time each county had its own patrol, established primarily for the purpose of patrolling the highways. In performing their work, they encountered violators of the registration and operators laws and through a procedure considered proper and endeavoring to assist the motorist and citizenry of their county the patrolman would take the applicant to the patrol office and help him prepare the necessary application for registration or an operator's license. In some counties there were no patrol offices, so the patrolman would assist the applicant either on the roadside or at his home. This service grew to be a part of every patrolman's life and a duty that the motorist expected from him. In 1929 when all county patrolmen were placed in State service and through the following years this practice has continued so that today every office of the Highway Patrol is a vital and important link of the organization of the department, and is so considered by the motoring public. This condition being a fact, and in order to render a better service to the public without any additional expense to it, I ordered the distribution of 1936 license plates through the patrol offices located in towns and cities in which the Division of Registration did not have an established office. During the renewal period of 1936, the patrol offices issued approximately 250,000 sets of automobile license plates. They also accepted many thousands of applications and fees for the registration of commercial vehicles all of which was a direct service enjoyed by the motoring public for the first time. This additional work in many instances was performed by members of the patrol who were incapacitated to such an extent that they were not physically fit for patrol duty.



As previously stated, a departmental Bureau of Personnel was established which has ten (10) civil service employees as its total complement, and the Bureau of Statistics was likewise made a part of administration and has a personnel complement of twenty-one (21).

All employees of the administration staff were bona fide civil service employees of the department before being transferred to administration with the single exception of the administrative adviser.

Considering the committee's comments relative to salary adjustments in the lower brackets and with respect to traffic officers, it is pointed out that in the biennial budgets submitted for legislative approval in 1931, 1933 and 1935 as well as the budget now before you for consideration, provisions were and have been made for appropriate revisions and increase in salaries for the entire department. The appropriations provided for in 1931, 1933 and 1935 were approved by the Legislature. You are aware, however, of the conditions which have existed during the past six years in so far as the general finances of the State are concerned and realize that in view of such conditions a policy was established which prohibited a general revision and increase in salaries until such time as the general finances would permit.

#### **The Division of Drivers' Licenses.**

The interim committee has dealt mainly in generalities concerning the Division of Drivers' Licenses. The division has been given every assistance which appropriations to the department would permit and the division has been expanded and has been able to do more effective work in eliminating dangerous and unsafe drivers from the highways than ever before.

The service which the Division of Drivers' Licenses could render to the motorists of California is still materially restricted by the lack of adequate funds. More careful and thorough examinations of drivers' license applicants should be given than the budget of the division now permits. The greatest work which the division can perform in making the highways safe is the work, begun principally during the past biennium, of taking away the privilege of operating motor vehicles from those persons who, by their actual driving record, either by being involved in a number of accidents or by numerous convictions for violation of the safety provisions of the traffic laws or both have proved that they can not or will not operate vehicles with safety to themselves or others upon the highway. This work of the division has scarcely been begun and promises, with reasonable financial support, to be very effective in curbing deaths upon the highways.

The funds proposed in the budget—1937-1939, are practically the amount now being expended by the Division of Drivers' Licenses, and in order to enable the division to further improve its functions, additional funds should be allotted to the division. In so far as I am concerned I have no objection to "ear-marking" additional funds for the division.

#### **Cost of Maintaining the California Highway Patrol.**

The interim committee has made a chart showing the total personnel and the cost of operation of the California Highway Patrol from 1929 to 1936 and infers that the duties of the California Highway Patrol have not been sufficiently increased during the intervening years to warrant the additional cost as shown for the year 1936. The department can well substantiate the expenses incurred and, while it is impossible to cover all factors concerning the operating cost of the patrol during each of these years, your attention is called to a few of the major items which have caused an increase in personnel and cost of operation.

In 1929, the total personnel of the Highway Patrol, including officers and clerical help, was only 417 but in 1932, the California Highway Patrol took over the entire personnel of the Los Angeles Motor Patrol, Mono County, Inyo County and Alpine County, which added 90 employees to the existing personnel.

Between July, 1933, and July, 1934, the personnel of the Highway Patrol, including clerks, investigators, patrolmen, etc., was increased by 42 new members. From July, 1934, to July, 1935, there was an increase in the total membership of the personnel of 66. The majority of this personnel consisted of traffic clerks who were assigned to the county offices of the Highway Patrol thus relieving the members of the patrol for patrol duties.

Between July 1, 1935, and December 31, 1936, there was an increase of 95 in the total personnel of the patrol, 37 of this increase of personnel was necessary in order to patrol the new Oakland San Francisco Bay Bridge. The rest of the new officers and clerks were assigned to augment the patrols and clerical force in the various counties.

In order that the patrol could more efficiently combat modern traffic and crime problems, it became necessary to install up-to-date radio equipment in a large number of California Highway Patrol cars.

In 1929 the patrol was not required to patrol the highways at night. The Legislature of 1931, however, provided for the patrol of the highways at night as well as the daytime which materially affected its operation and cost.

Each succeeding session of the Legislature has added duties to the Highway Patrol, such as enforcing the edicts of the State Railroad Commission, enforcing of the suspension of operators who have failed to pay their tax to the Board of







in the time devoted to the subject. The interim committee states that both it and the advisory committee were surprised to learn of the many duties imposed upon the Highway Patrol and particularly that so many of the functions of the Division of Registration and the Division of Drivers' Licenses have been transferred to and imposed upon the patrol. As previously pointed out, that prior to the creation of the California Highway Patrol and since its inception the public has relied upon the patrolmen and the various county offices for services appertaining to all functions of the department. It is a service to which the public is rightfully entitled, and should any attempt be made to adopt or enforce any rule or regulation to deprive the public of this service, the indignation of the public would be heard over the length and breadth of the State.

Your attention is called to the specific provisions of the Vehicle Code which sets forth the duties of the Highway Patrol and particularly to sections 108 and 135. Section 108 provides that the work of the department shall be divided into at least two divisions to be known respectively as the Division of Registration and the Division of Enforcement to be known as the California Highway Patrol. Section 135 specifically provides that the primary duty of the California Highway Patrol shall be the enforcement of the provisions of this code and of any and all other acts respecting the use or operation of vehicles upon public highways. In view of these provisions no functions of the Division of Registration or of the Division of Drivers' Licenses have been transferred to or imposed upon the Highway Patrol except in the instance when certain patrol offices assisted in the distribution of license plates during the renewal periods of 1936 and 1937 which has been covered by previous comments.

As facts will disclose, neither the Division of Registration, the Division of Drivers' Licenses, Division of Accounting or Administration have any police powers of enforcement officers which of necessity compels them to look to and depend upon the Highway Patrol to enforce the provisions of the code.

#### Activities of the California Highway Patrol.

Exclusive of the executive personnel, clerical help, district inspectors and captains, the Highway Patrol consists of 601 uniformed traffic officers whose primary duties are to patrol the highways. Of this number, the 1936 records will show an average of 25 men absent each day due to injuries and illness, 120 men absent each day due to earned days off and vacations, 50 men incapacitated for patrol work due to injuries in line of duty but who were engaged in other activities of the patrol making a daily average of 204 men unavailable for road patrol work. Of the remaining daily average of 397 available men, 247 men were assigned to daylight patrol duty and 150 men for night patrol duty and to perform other duties imposed upon the patrol by statute.

In addition to the men actually assigned regular patrol duties, there are also captains and district inspectors of the patrol that operate upon the highways and do patrol work in conjunction with their other supervisory duties.

There are 20,120 miles of paved highways and 58,648 miles of improved secondary highways, making a total mileage of 78,768. The 20,120 miles of paved highways must be patrolled regularly, thus, considering the average number of men available for patrol duty, there is one officer for each 81.45 miles during daylight hours, and one officer for each 134.01 miles at night. In addition to patrolling the paved highways, the 58,648 miles of secondary highways must be patrolled at various intervals. One can therefore readily see the imperative need for additional patrolmen.

The committee states it is preferred to have all patrolmen conspicuous on the highway, however, in view of the above facts, it is difficult to see how the patrolmen can be conspicuous except by rarity.

The interim committee comments upon the activities of the patrol with respect to the checking of garages for abandoned and stolen motor vehicles and wrecking establishments and auto camps. You are respectfully referred to section 135, paragraph "D" of the Vehicle Code which requires the Highway Patrol "To inspect any vehicle of a type required to be registered hereunder on a highway or in any garage or repair shop for the purpose of locating stolen vehicles and investigating the title and registration thereof." This readily shows that these activities are prerogatives of the patrol, and not exclusive duties of the local police.

Concerning school bus regulations and the inspection of the equipment used, and the use of officers trained in the requirements and provisions of the code in giving traffic safety talks, a study of the actual statistics will prove that during the past year the activity has materially reduced the number of accidents causing injuries and deaths to our school children. I do not believe that you or the parents of our children would want this work discontinued. Certainly any action that we can take that will add to the safety of our children is not to be considered in terms of dollars and cents.

Concerning the committee's report relative to "Escorting large caravans" the department has given this matter considerable thought and has endeavored in every way possible to reduce this type of activity for the patrolmen. However, it must be borne in mind, and as the Attorney General of the State of California

tax rates, operators only can be prevented from operating upon the highways and that it is the duty of the Highway Patrol to see that such operators are operated only due safety to other highway users.

The measures here first mentioned along the lines performed by the patrol with regard to the removal of vehicles and transportation of persons. In these measures, your attention is called to the importance of the rules contained in section 244, paragraph (2), which require the Highway Patrol. "To secure full compliance with the requirements of this rule." This activity is not designed to get out of the way of the accident. The transportation of persons is an emergency with the consideration of the duty of saving persons and the authority conferred by the Department to make recommendations since that this activity is contemplated with more dispatch and less delay than any other method that could be employed.

### The Traffic Accident Situation—National and Traffic Accident Situation in California

The measures mentioned in traffic problems are based primarily upon accident and human factors in the accident itself. Control and those suggested by this Department and to be used by the traffic accident situation in the future are based upon the principle which would require that the accident situation be the subject of reducing such accidents. This accident situation, in fact, always will be a permanent problem and this fact must be recognized.

The measures mentioned in traffic accidents are given a full picture in working order. For each accident, the Department is given a full picture in working order. The accident of each accident is given a full picture in working order as well as the accident of each accident. The accident of each accident is given a full picture in working order as well as the accident of each accident.

With this in mind, the Department has suggested some ways of preventing the accident of each accident. The Department has suggested some ways of preventing the accident of each accident. The Department has suggested some ways of preventing the accident of each accident.

Department will show that it is possible to prevent the accident of each accident. The Department will show that it is possible to prevent the accident of each accident. The Department will show that it is possible to prevent the accident of each accident.

These facts being fully recognized, there is no question that the accident of each accident is the accident of each accident. The accident of each accident is the accident of each accident. The accident of each accident is the accident of each accident.

The measures which are suggested here are the subject of accident of each accident. The measures which are suggested here are the subject of accident of each accident. The measures which are suggested here are the subject of accident of each accident.

It is in your Department's interest to see that the accident of each accident is the accident of each accident. The accident of each accident is the accident of each accident. The accident of each accident is the accident of each accident.

The measures mentioned here are the subject of accident of each accident. The measures mentioned here are the subject of accident of each accident. The measures mentioned here are the subject of accident of each accident.

By dividing the number of gallons of gasoline used in each State in the New York, 691 gallons per car, Pennsylvania 671, Illinois 701, California 688.

Dividing the number of miles of highways in each of these States we discover that in New York there are 27.8 miles per mile of available highway, in Pennsylvania 20.1, in Illinois 22.7 and in California 27.7.

Thus the average car in New York and California travels about the same distance per year and the density of cars on the highway are virtually identical. Since the population of New York is more than double that of California, and since the population is divided within an area smaller than the size of California, one would expect that accident conditions would be worse in New York than in

California, if it is true that the traffic accident problem depends on population density, or urbanization. Yet, on the basis of gasoline consumption, the death rate in New York is lower than in California. It is also worth noting that this rate, while stationary in New York (1 per cent plus) in California has shown a 12 per cent drop in the years from 1930 to 1935.

The traffic accident problem is in no sense finally solved in New York since there were 79,592 accidents in 1935. (Report, Bureau of Motor Vehicles, Legislative Document No. 11, 1936 Appendix.) Bearing in mind the data indicating the greater degree of urbanization in New York one might anticipate, following the committee's argument, a greater severity of accidents there as expressed by the ratio of accidents to deaths. Dividing deaths into all accidents in New York the chance of a fatality in case one is involved in an accident is one in 27. This contrasts with California where there is one chance of a death in 19 city accidents and one chance in 6 in rural accidents. While it is not necessary to erect a contradictory hypothesis in order to demonstrate the unsoundness of the opinions of the interim committee on this point, it appears not illogical to infer that the lesser degree of severity in New York accidents when compared with California accidents is a function of their location and type, i.e., city accidents of less severity.

<i>California 1935—</i>		
City accidents -----	24,819	Deaths----- 1,351
Rural accidents -----	8,910	Deaths----- 1,455
<hr/>		
Total accidents -----	33,729	Deaths----- 2,806
<i>New York 1935—</i>		
All accidents -----	79,592	Deaths----- 2,917

Respectfully submitted.

RAY INGELS,  
Director of Motor Vehicles.

SACRAMENTO, CALIFORNIA, May 28, 1937.  
We concur:

E. RAYMOND CATO,  
Chief, California Highway Patrol.  
HOWARD E. DEEMS,  
Registrar of Vehicles.  
J. C. TOOMEY,  
Chief, Division of Accounting.  
PAUL MASON,  
Chief, Division of Drivers' Licenses.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2792. An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 2792?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 2792 by the following vote:

AYES—Senators DeLap, Parkman, and Phillips—3.

NOES—Senators Allen, Bigger, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—29.

### Appointment of Committee on Conference.

The President announced the appointment of Senators Seawell, Holohan and DeLap as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 2792.



### Call of the Senate.

Senator Dilling moved a call of the Senate.  
Motion carried.

The Speaker was directed to call the roll.

The roll was called, and the following answered in their names:

Spears, Allen, Rogers, Cummings, DeLoe, Fletcher, Gooding, Hays, Harrison, Kewenaw, Lutz, Mitchell, Mulholland, Quinn, Smith, Adams, Hark, Schaefer, Senate.  
Selling, Wynn, Winters, and Young, all.

The Secretary announced the absence of

Time, nine o'clock and one minute later.

The President of the Senate directed the Sergeant at Arms to place the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Unfinished Business.

**Senate Joint Resolution No. 25**—Relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its islands and the coastal area lying seaward of the State of California.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Joint Resolution No. 25.

#### Amendment No. 1.

On page 1, line 1, of the printed bill, insert the designation "and" and "and" in the second sentence.

The question being: Shall the Senate concur in Assembly amendment to Senate Joint Resolution No. 25?

The roll was called, and Assembly amendment to Senate Joint Resolution No. 25 answered in by the following vote:

AYES: Allen, Bagley, Cummings, DeLoe, Fletcher, Gooding, Hays, Harrison, Kewenaw, Kewenaw, Lutz, Mulholland, Quinn, Smith, Adams, Hark, Schaefer, Senate, Selling, Wynn, Winters, and Young, all.  
None, None.

Senate Joint Resolution No. 25 returned to enrollment.

**Senate Bill No. 166**—An act to establish a California Agricultural Labor Relations Board for the mediation and arbitration of agricultural labor disputes and for auxiliary purposes, and to prescribe its powers and duties.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 166.

#### Amendment No. 1.

On page 1, line 1, of the printed bill, insert the designation "and" between the words "and" and the word "and", and the word "and".

#### Amendment No. 2.

On page 1, line 11, of the printed bill, strike out the sentence beginning with the word "The", and ending with the words following the word "obstacles."

#### Amendment No. 3.

On page 1, line 12, of the printed bill, strike out the words "Sec. 2. General Powers, etc.", and insert in its stead and immediately before the word "All", the following:



"(b) It is a matter of common knowledge that protection by law of the right of employees to organize and bargain collectively, by eliminating or mitigating certain recognized sources of labor disputes and by encouraging amicable adjustment of grievances between employers and employees has tended to promote harmonious employer-employee relations. One of the purposes of this act is to stimulate and encourage the practice of collective bargaining between employers and employees and to protect the exercise by workers of full freedom of association, self organization, and designation of representatives of their own choosing, in connection with negotiations concerning the terms and conditions of their employment, or other mutual aid or protection."

#### Amendment No. 4.

On page 1, line 20, of the printed bill, strike out the designation "(b)" before the word "Representatives", and insert in lieu thereof the following: "(c)".

#### Amendment No. 5.

On page 1, line 21, of the printed bill, strike out the phrase beginning with the word "any", and ending with the period following the word "kind" in line 22, and insert in lieu thereof the following: "interference or coercion by either party over the designation of representatives by the other."

#### Sec. 2. When used in this act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include an employee engaged in interstate commerce, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(7) The term "labor dispute" includes any controversy concerning terms, tenure or conditions, of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee."

#### Amendment No. 6.

On page 2, line 27, of the printed bill, strike out the figures "1939", and insert in lieu thereof the following: "1938."

#### Amendment No. 7.

On page 2, line 29, of the printed bill, strike out the figures "1940", and insert in lieu thereof the following: "1939."

#### Amendment No. 8.

On page 2, line 31, of the printed bill, strike out the figures "1941", and insert in lieu thereof the following: "1940."

#### Amendment No. 9.

On page 2, line 41, of the printed bill, strike out the figures "815", following the word "of", and insert in lieu thereof the following: "\$20".

#### Amendment No. 10.

On page 2, line 44, of the printed bill, strike out the figures "\$6,000", following the word "of", and insert in lieu thereof the following: "\$7,500".

#### Amendment No. 11.

On page 3, line 7, of the printed bill, strike out the sentence beginning with the word "The", and ending with the period following the word "provided", in line 9.



or other conditions of employment; provided, that any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

SEC. 10. The board shall decide in each case whether, in order to insure to employees their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

SEC. 11. Whenever a question arises concerning the representation of employees, the board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding authorized by this act or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain such representatives.

SEC. 12. Whenever an order of the board made pursuant to section 15 is based in whole or in part upon facts certified following an investigation pursuant to section 11, and there is a petition for the enforcement of or hearing on such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 19, and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

SEC. 13. The board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8). This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

SEC. 14. Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the board, or any agent or agency designated by the board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing, or the board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

SEC. 15. The testimony taken by such member, agent or agency, or the board, shall be reduced to writing and filed with the board. Thereafter, in its discretion, the board upon notice may take further testimony or hear argument. If upon all the testimony taken, the board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the board shall state its findings of fact and shall issue an order dismissing the said complaint.

SEC. 16. Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

SEC. 17. In case of contumacy or refusal to obey a subpoena issued to any person, any superior court of the State of California, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 18. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or



in matters of temperance, justice, or things pertaining which he is concerned with having obtained his previous opinion, and investigation, as usually it appears without, unless that such individual as having said and he manage from previous and maintenance but instead considered to be an individual.

[illegible][illegible]

THE 11. No objection shall be made that should or might have the right, its holder, upon its expiry, shall be considered as was born, unless the person is subject to some or other such obstacle, shall be caused because of immaturity, incompetency. The findings of the board as to the facts shall be given free evidence of the fact itself.

Sec. 25. The jurisdiction of the court shall be exclusive and its judgments and decrees, until by final appeal they are reversed or affirmed as to some point involved.

[illegible]

Fig. 24. The temperature of spreading with sections 19 to 29, millimeters, from 90, mm, mean, randomly selected in the study, according to a study of the benefits

544. 30. Nothing in this article is intended to go in conjunction with or  
to limit in any way the right to strike.

See 30. Any person who shall willfully cause, procure, attempt or interfere with, or who shall conspire to cause, procure, attempt or interfere with any member or any branch or any of his agents or employees in the performance of duties proper to his office and shall be guilty of a misdemeanor.

## Amendment No. 18.

On page 7, line 14, of the second bill, strike out the words "See 13" preceding the words "hereby," and insert in lieu thereof the following: "See 26"

## Amendment No. 10.

the page 7, line 16 of the original text, written that words: "See 14" preceding the words "Commission" and insert in line thereof the following: "See 27"

## Amendment No. 20.

On page 7, line 22, at the second full stroke of the word "Dec. 15", preceding the word "18", and insert a line through the following: "Dec. 18".

## Amendment No. 21.

(c) under 7. 2. 1. 2. of the following law No. 48, insert the following :

20. This act may be known and cited as the California Labor Rela-

The question is, *Shall the Senate concur in Assembly amendments to Senate Bill No. 1667?*



The roll was called, and Assembly amendments to Senate Bill No. 166 refused concurrence by the following vote:

AYES—Senator Hays.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Knowland, Law, McColl, Mixer, Nielsen, Parkman, Quinn, Schottky, Slater, Wagy, Westover, and Young—22.

**Senate Bill No. 182**—An act to add section 21.2 to the Fish and Game Code, relating to fish and game enforcement officers.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 182.

**Amendment No. 1.**

On page 1, line 9, of the printed bill, as amended, strike out "The minimum salary of sergeants in the fish and", and all of lines 10, 11, 12, 13, and in line 14 the words "has been reached".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 182?

The roll was called, and Assembly amendment to Senate Bill No. 182 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holohan, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Slater, Wagy, Westover, and Young—25.  
NOES—None.

Senate Bill No. 182 ordered to enrollment.

**Senate Bill No. 572**—An act to add a new section to be numbered 4041.33 to the Political Code, relating to powers of boards of supervisors.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 572.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "\$4041.20", and insert in lieu thereof the following: "4041.33".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "4041.20", and insert in lieu thereof the following: "4041.33".

**Amendment No. 3.**

On page 1, line 3, of the printed bill, strike out "4041.20", and insert in lieu thereof the following: "4041.33".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 572?

The roll was called, and Assembly amendments to Senate Bill No. 572 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Slater, Wagy, Westover, and Young—25.  
NOES—None.

Senate Bill No. 572 ordered to enrollment.

**Senate Bill No. 355**—An act appropriating money for fireproof vault equipment in the office of the Secretary of State.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 355.

**Amendment No. 1.**

On page 1, line 8, of the present bill, as amended, strike the word "for" and insert the following: "to be expended during the ensuing year out of the general fund."

The question being: Shall the Senate concur in the Assembly amendment to Senate Bill No. 1152?

The roll was called, and the assembly amendment to Senate Bill No. 1152 concurred in by the following vote:

**AYES:** Senators Allen, Rogers, Cunningham, O'Leary, Daniel, Phillips, Gaudin, Graham, Hays, Hollister, Johnson, Lawrence, Lewis, McCall, McGowan, Mearns, Quinn, Quinn, Parkman, Quinn, Scherby, Sney, Swine, Wagy, Westcott, and Williams—29.

Senate Bill No. 1152 ordered to enrollment.

**Senate Bill No. 1152.**—An act making an appropriation to pay the claims of A. A. Dore against the State of California.

**Consideration of Assembly Amendment.**

The Senate took up for consideration the Assembly amendment to Senate Bill No. 1152.

**Amendment No. 1.**

On page 1, of the present bill, as amended, strike line 1 to 3 inclusive and in line thereof insert the following:

"SECTION 4. The sum of one thousand seven hundred thirty-two dollars and no cents or more (\$1,732.00) is."

The question being: Shall the Senate concur in the Assembly amendment to Senate Bill No. 1152?

The roll was called, and the assembly amendment to Senate Bill No. 1152 concurred in by the following vote:

**AYES:** Senators Allen, Rogers, Cunningham, O'Leary, Daniel, Phillips, Gaudin, Graham, Hays, Hollister, Johnson, Lawrence, Lewis, McCall, McGowan, Mearns, Quinn, Quinn, Parkman, Quinn, Scherby, Sney, Swine, Wagy, Westcott, and Williams—29.

Senate Bill No. 1152 ordered to enrollment.

**Senate Bill No. 673.**—An act making an appropriation for office accommodations for the Bureau of Immigration and Customs.

**Consideration of Assembly Amendment.**

The Senate took up for consideration the Assembly amendment to Senate Bill No. 673.

**Amendment No. 1.**

On page 1, line 2, of the present bill, as amended, strike the word "for" and insert the following: "nurses";

The question being: Shall the Senate concur in the Assembly amendment to Senate Bill No. 673?

The roll was called, and the Assembly amendment to Senate Bill No. 673 concurred in by the following vote:

**AYES:** Senators Allen, Rogers, Cunningham, O'Leary, Daniel, Phillips, Gaudin, Hays, Hollister, Johnson, Lawrence, Lewis, McCall, McGowan, Mearns, Quinn, Quinn, Parkman, Quinn, Scherby, Sney, Swine, Wagy, Westcott, and Williams—27.

**NAYES:** None.

Senate Bill No. 673 ordered to enrollment.

**Senate Bill No. 1029.**—An act making an appropriation to the State Printing Plant, declaring the urgency thereof and providing that this act shall take effect immediately.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1029.

**Amendment No. 1.**

On page 1, line 2, of the printed bill, as amended, strike out "to the State Printing Plant", and insert in lieu thereof the following: "out of any money in the State treasury not otherwise appropriated, to the Bureau of Printing, Department of Finance".

**Amendment No. 2.**

On page 1, line 6, of the printed bill, as amended, after "Controller", insert the following: "all such payments".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1029?

The roll was called, and Assembly amendments to Senate Bill No. 1029 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBrade, McColl, McGovern, Nielsen, Olson, Quinn, Schottky, Slater, Swing, Wagy, Westover, and Williams—27.

**NOES**—None.

Senate Bill No. 1029 ordered to enrollment.

**Senate Bill No. 501**—An act to amend sections 735, 735.1, 735.3, 735.4, 735.8, 736, 736.1, 736.2, 736.3, 736.4, 737.5, 737.6, 737.7, 737.8, 737.9, 737.10, 737.11, 737.12, and the article headings of Articles 2 and 4 of Chapter 10 of Division IV and to repeal sections 736.5, 736.6, 736.7, 737, 737.1, 737.2, 737.3, 737.4, and the article heading of Article 3 of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 501:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, as amended, strike out "Section 736.1", and insert in lieu thereof the following: "sections 736.1, 737.7 and 737.11".

**Amendment No. 2.**

On page 5 of the printed bill, as amended, between lines 13 and 14, insert the following:

"SEC. 2. Section 737.7 of the Agricultural Code is hereby amended to read as follows:

737.7. (a) The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter, is a misdemeanor. The unfair practice provisions described in this chapter are hereby declared to apply to all distributors, whether or not a plan is in effect in the area in which a distributor is licensed or carries on business.

(b) Every distributor must pay or make true and prompt accounting and returns for fluid milk or fluid cream delivered to him or it at the time and in the manner specified in the contract with the producer; failure to make such payment or to make full and true accounting and returns is hereby declared to be a violation of this chapter.

(c) Any person who violates any provision of a stabilization and marketing plan shall be liable civilly in the sum of \$500 for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State treasury to the credit of the Department of Agriculture fund.

SEC. 3. Section 737.11 of the Agricultural Code is hereby amended to read as follows:

737.11. (a) The director may, after due hearing upon a verified complaint signed and filed with the director by any interested person, revoke or suspend any such license as the case may require, when he is satisfied that the licensee has





**Senate Bill No. 356.**—An act to add section 13.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly Amendments to Senate Bill No. 356.

#### Amendment No. 1.

On page 1 of the printed bill, as amended, between lines 21 and 22, insert the following: "ten thousand dollars to the Department of Finance for supervision and auditing of district agricultural fairs and district agricultural associations"

#### Amendment No. 2.

On page 2, line 25, of the printed bill, as amended, strike out "permanent", and strike out all of lines 26 to 37, inclusive, and insert in lieu thereof the following: "expenditure without regard to fiscal years, as follows: Twenty-five per cent for permanent improvements at, or support of, the California Polytechnic School; thirty-three per cent for permanent improvements at, or support of, the University of California; the remainder for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, in such amounts as may be allocated by executive order of the Director of Finance."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 356?

The roll was called, and Assembly amendments to Senate Bill No. 356 concurred in by the following vote:

**AYES.**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Slater, Swing, Wagy, Westover, and Williams—27.

**NOES.**—None.

Senate Bill No. 356 ordered to enrollment.

#### Assistant Secretary Howard McIntire at the Desk.

**Senate Bill No. 1164.**—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1164.

#### Amendment No. 1.

On page 1, line 12, of the printed bill, strike out the period, and add the following: ", provided, however, that if a member of said board is duly qualified to represent the district for which he is chosen at the time of his election or appointment he shall not thereafter during the time of his office become disqualified because of any change which the Legislature may make in the boundaries of the equalization districts within the State."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1164?

The roll was called, and Assembly amendment to Senate Bill No. 1164 concurred in by the following vote:

**AYES.**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Knowland, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—27.

**NOES.**—None.

Senate Bill No. 1164 ordered to enrollment.

**Senate Bill No. 446**—An act to add section 1872 to the Code of Civil Procedure, relating to compensation for expert testimony.

*Consideration of Assembly Amendments.*

The Senate took up for consideration Assembly amendments to Senate Bill No. 446.

*Amendment No. 1.*

On page 1, line 2 of the original bill, strike out "inserted 1872" and insert in its stead the following: "inserted 1876 and 1887".

*Amendment No. 2.*

On page 1, line 2 of the bill as the original bill, strike out "commenced 1876".

*Amendment No. 3.*

On page 2 of the original bill, following line 17, add the following language: "The State shall in every case be the holder of trial testimony, in part or in whole."

NOTE: Whenever an expert witness gives his opinion, he pays legal fees; consequently, he tends to give the branch he is paid, and he tends to give prejudicial advice by repeating words.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 446?

The roll was called, and Assembly amendments to Senate Bill No. 446 concurred in by the following vote:

**AYES:** Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Donel, Fletcher, Gorman, Hays, Hutton, Johnson, Knowlton, McHenry, McHenry, McGowan, Nelson, Quinn, Schottke, Seawell, Slater, Strong, Wagon, Westover, Williams.

**NAKS:** None.

Senate Bill No. 446 ordered to enrollment.

**Senate Bill No. 283**—An act to amend section 781 of the Code of Civil Procedure, relating to the execution of judgments.

*Consideration of Assembly Amendment.*

The Senate took up for consideration Assembly amendment to Senate Bill No. 283.

*Amendment No. 1.*

On page 1, line 14 of the original bill, as amended in the Senate on May 16th, strike out "eight" and insert in its stead the word "ten".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 283?

The roll was called, and Assembly amendment to Senate Bill No. 283 concurred in by the following vote:

**AYES:** Senators Allen, Biggar, Crittenden, Cunningham, DeLoe, Donel, Fletcher, Gorman, Hays, Hutton, Johnson, Knowlton, McHenry, McGowan, Nelson, Quinn, Schottke, Seawell, Slater, Strong, Wagon, Westover, Williams, and Young—29.

**NAKS:** None.

Senate Bill No. 283 ordered to enrollment.

**Senate Bill No. 1154**—An act to add section 454.5 to the Political Code, relating to disbursing officers' accounts.

*Consideration of Assembly Amendments.*

The Senate took up for consideration Assembly amendments to Senate Bill No. 1154.

**Amendment No. 1.**

On page 1, line 16, of the printed bill, following the period after the word "thereto", insert a new sentence as follows: "Nothing in this section shall apply to money drawn or collected by the Regents of the University of California".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, following the comma, insert the following: "and Controller".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1154?

The roll was called, and Assembly amendments to Senate Bill No. 1154 concurred in by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jorgensen, Knowland, Law, McBride, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Senate Bill No. 1154 ordered to enrollment.

**Senate Constitutional Amendment No. 31**—A resolution to propose to the people of the State of California an amendment to the Constitution by adding section 29 to Article IV of the Constitution, relating to State money.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 31.

**Amendment No. 1.**

On page 1, line 12, of the printed bill, strike out the words "any money".

**Amendment No. 2.**

On page 1, line 13, of the printed bill, following the word "whatever", insert the following: "rather than money in the control of or collected by the Regents of the University of California".

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 31?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 31 concurred in by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Jorgensen, Knowland, Law, McBride, Myer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

Senate Constitutional Amendment No. 31 ordered to enrollment.

**Senate Bill No. 1163**—An act to amend sections 5 and 31, and to add sections 25 and 12a to the "Reclamation Board Act," approved December 24, 1911, as amended, relating to the name of said board and the number of members thereof, its powers and duties, providing for a short title to said act, and providing an appropriation for the purposes of this act, all relating to reclamation and flood control.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1163.

**Amendment No. 1.**

On page 2, line 20, of the printed bill, following the word "expended", insert the following: "in accordance with law during the eighty-ninth and ninetieth fiscal years".

## Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 21 to 23 inclusive, and insert in lieu thereof the following: "and shall have full and complete force."

The question being, Shall the Senate concur in Assembly amendment number two to Senate Bill No. 1164?

The yeas were called, and Assembly amendment to Senate Bill No. 1164 concurred in by the following vote:

Yeas—Assembly: Allen, Beyer, Christopher, Cunningham, Fisher, Frost, Frazier, Geronzi, Hansen, Holliman, Johnson, Johnson, Kuykendall, Lusk, McElrath, McFall, McGowan, Miller, Nelson, Olson, Peterson, Quinn, Pyle, Quinn, Rial, Roberts, Stewart, Wilson, Wilson, Yule, Yule, and Young—22.  
Nays—None.

Senate Bill No. 1164 declared to be enrolled.

**Senate Bill No. 750.** An act to amend section 722 of the Fish and Game Code relating to the sale of fish.

## Consideration of Assembly Amendments.

The Senate took up the consideration Assembly amendments to Senate Bill No. 750.

## Amendment No. 1.

On page 1, line 1 of the bill of the printed bill, as amended, strike out "section 722 of", and insert in lieu thereof the following: "Sections 65 and 722 of and to add sections 651 and 723 to."

## Amendment No. 2.

On page 1, line 2 of the bill of the printed bill, as amended, strike out "and of fish", and insert in lieu thereof the following: "taking and sale of fish, and animal matter, and therein, but the caption remain."

## Amendment No. 3.

On page 1, line 1 of the printed bill, as amended, strike out "722", and insert in lieu thereof the following: "65".

## Amendment No. 4.

On page 1 of the printed bill, as amended, between lines 2 and 3, insert the following:

"Sec. 65. Chapter 2. The following shall constitute fish and game district 2. Those portions of the following counties and waters to-wit: Monterey, Mendocino, Colusa, Yuba, Sutter, Nevada, Shasta, and Mary."

Sec. 6. Section 65 is hereby added to the Fish and Game Code to read as follows:

"Sec. 6. Section 24. The following shall constitute fish and game district 24. That portion of Lake County not included in district 21. All portions of the lake situated in district 2 shall have same the same and effect as district 24 except that in such portions that have no district 24 shall include with any portions of the lake situated within the same."

Sec. 3. Section 65 of the Fish and Game Code is hereby amended to read as follows:

## Amendment No. 5.

On page 1, line 3 of the printed bill, as amended, strike out "Clear Lake", and insert in lieu thereof the following: "District 24."

## Amendment No. 6.

On page 1, line 4 of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "24."

## Amendment No. 7.

On page 1, line 9 of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "24."

## Amendment No. 8.

On page 1 of the printed bill, as amended, immediately following line 11, insert the following:

"Sec. 4. Section 722 is hereby added to the Fish and Game Code to read as follows:

"722. Between November 15 and March 15, catch taken in district 24 may be sold exclusively to the State of California outside of district 24 at the following



provisions of this section are followed. Every person desiring to transport catfish out of district 24 for the purpose of sale shall give written notice of his intention so to do, such notice being given to any deputy, employee, or agent of the commission and to state the place where such catfish may be inspected, the name of the person who intends to transport such catfish out of district 24, and the gross weight of the catfish to be so transported. The duplicate of each such notice shall be signed by the commission's deputy, employee, or agent who received the original and shall bear the date and time of day such notice was received by him. Within twenty-four hours after such notice is so given to the commission, the commission may inspect such catfish to determine by whom such catfish were taken, the poundage taken by each such fisherman, and the total number of pounds of catfish to be transported out of district 24. Upon such inspection, the commission's deputy, employee, or agent inspecting such load shall make out a duplicate report showing the gross weight of the catfish to be so transported, the name of the person transporting the same, and the destination or destinations where such person intends to sell such catfish. The original copy of such report shall be retained by the commission for its information and the duplicate copy thereof shall be given to the person transporting such catfish. If the commission fails to make such inspection within such twenty-four hour period, such catfish may be transported out of district 24 without such inspection by the commission. Possession by the person named therein of the aforesaid duplicate report covering the catfish being so transported shall constitute proof of the lawfulness of his acts in so transporting such catfish out of district 24 for sale elsewhere in this State. In case the commission has failed to inspect a particular load of catfish, possession by the person named therein of the duplicate copy of the notice herein required to be given to the commission shall constitute prima facie evidence of the lawfulness of his acts in so transporting such catfish out of district 24; if such duplicate copy of said notice shows on its face that the original thereof was received by the commission at least twenty-four hours previously. Any person following the provisions of this section may possess any number of lawfully taken catfish."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 750?

The roll was called, and Assembly amendments to Senate Bill No. 750 were refused concurrence by the following vote:

**AYES—Senators Garrison, Gordon, Law, and Schottky—4.**

**NOES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Duval, Fletcher, Hollister, Holohan, Jepsen, Knowland, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—27.**

**Senate Bill No. 938—**An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalones and providing for a new district to regulate the taking thereof.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 938.

#### Amendment No. 1.

On page 1, line 10, of the printed bill, as amended, strike out "point", and strike out all of lines 11, 12, 13, 14, 15, 16 and 17; in line 18, strike out "mentioned junction"; and insert in lieu thereof "southside of the pier at San Simon thence westerly three miles, thence southerly to a point three miles west of the southern boundary of the State Park at Cambria in San Luis Obispo County, thence easterly to the southwest point of the State Park at Cambria."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 938.

The roll was called, and Assembly amendment to Senate Bill No. 938 concurred in by the following vote:

**AYES—Senators Allen, Bigger, Cunningham, DeLap, Duval, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.**

**NOES—None.**

**Senate Bill No. 938 ordered to enrollment.**

**Senate Bill No. 1038**—An act to add section 1041.25 to the Political Code, relating to reports pending to financial statements by county supervisors.

*Consideration of Assembly Amendments.*

The Senate took up for consideration Assembly amendments to Senate Bill No. 1038:

**Amendment No. 1.**

On page 1, line 4 of the second bill, strike out the words "1931.25", and insert in lieu thereof the following: "1041.25".

**Amendment No. 2.**

On page 1, line 1 of the second bill, strike out "1931.25", and insert in lieu thereof the following: "1041.25".

**Amendment No. 3.**

On page 1, line 5 of the second bill, strike out "1931.25", and insert in lieu thereof the following: "1041.25".

The question being "Shall the Senate concur in Assembly amendments to Senate Bill No. 1038?"

The roll was called, and Assembly amendments to Senate Bill No. 1038 concurred in by the following vote:

*Ayes:* Messrs. Allen, Blaney, Colquhoun, Cummings, Taylor, Todd, Garrison, Gordon, Hays, Holmes, Houston, Johnson, Johnson, McMillen, McMillen, Miller, Nelson, Olson, Peterson, Phillips, Quinn, Quinn, Quinn, Schuchter, Seaton, Smith, Wilson, Wilson, Wilson, Wilson, and Young, 41.

*Noes:* None.

Senate Bill No. 1038 ordered to enrollment.

**Senate Bill No. 1122**—An act to amend section 78 of an act entitled "An act to provide for the creation, establishment, and adjustment with order and economy of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

*Consideration of Assembly Amendments.*

The Senate took up for consideration Assembly amendments to Senate Bill No. 1122:

**Amendment No. 1.**

On page 1, line 5 of the second bill, as amended, strike out "June", and insert in lieu thereof the following: "From and after January 1, 1937, until January 1, 1937, when another date is stated on the first day of the calendar month last occurring that on which he attains the age of seventy-five years."

Other lines as pointed to the above paragraph every".

**Amendment No. 2.**

On page 1 of the second bill, as amended, between lines 7 and 24, insert the following:

"(14) If he be employed by the Department of Natural Resources and his principal duties consist of active prevention and suppression of fires and he attains the age of 65 years, or being his retirement date then paragraph shall apply to persons whose principal duties require such service as distinguished from other service and are similar to the service now authorized in the profiles in said department, under the classification of range, State Fire Guard, Assistant State Fire Chief, and shall not apply to persons whose principal duties are those of telephone operator, clerk, stenographer, typewriter, messenger, or inspection clerks not falling within the scope of active prevention or suppression of fires, when, though such persons are subject to occasional call to such occasionally called upon to perform duties within the scope of active prevention and suppression of fires, or".

**Amendment No. 3.**

On page 1, line 24 of the second bill, as amended, strike out "(b)", and insert in lieu thereof the following: "(c)".

**Amendment No. 4.**

On page 1, line 3 of the second bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

**Amendment No. 5.**

On page 2 of the printed bill, as amended, after line 10, add the following: "Every employee of the university who becomes a member on January 1, 1938, when this act becomes effective as applied to such employees, and who at that time, has attained the age of seventy years, shall be retired forthwith."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1122?

The roll was called, and Assembly amendments to Senate Bill No. 1122 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—None.

Senate Bill No. 1122 ordered to enrollment.

**Senate Constitutional Amendment No. 28**—Proposed amendment to the Constitution, by adding Article XXVI thereto, relative to motor vehicle taxation and revenues.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 28.

**Amendment No. 1.**

On page 1, line 16, of the printed measure, as amended, after "fuel", insert the following: "for use in motor vehicles upon the public streets and highways".

**Amendment No. 2.**

On page 1, line 18, of the printed measure, as amended, strike out "the following purposes", and insert in lieu thereof the following: "highway purposes, as follows".

**Amendment No. 3.**

On page 3 of the printed measure, as amended, strike out lines 21 to 23, inclusive, and insert in lieu thereof the following: "or the "Use Tax Act of 1935," as amended; nor shall it affect or repeal any pro-".

The question being put: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 28?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 28 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McGovern, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

Senate Constitutional Amendment No. 28 ordered to enrollment.

**Senate Bill No. 135**—An act to amend sections 11, 13, 15, 15c, and 21 of, and to add section 11a to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the tenure and powers of the general manager, the redemption of and signatures to bonds, civil service, and the establishment of a retirement system, all relating to municipal utility districts.

### Consideration of Assembly Amendments

The Senate will lay for consideration Assembly amendments to Senate Bill No. 135.

#### Amendment No. 1

On page 1, line 11, of the printed bill as amended March 5, 1907, strike out the word "and", and insert in its stead the word "or".

#### Amendment No. 2

On page 1, line 16, of the printed bill, as amended, strike out the words "that they" and insert in its stead the words "a majority".

#### Amendment No. 3

On page 1, line 16, of the printed bill, as amended, after the words "thereupon passed" insert the following: "And on each day thereafter, or from any number of which shall be the stated representation of the members."

#### Amendment No. 4

On page 11, line 1, of the printed bill, as amended, change the word "will" to "may".

#### Amendment No. 5

On page 11, line 16, of the printed bill, as amended, strike out the word "insert", and insert in its stead the word "delete".

#### Amendment No. 6

On page 11 of the printed bill, as amended, strike out the entire line 11, and the full two pages, and the entire following line and "will" 16, line 12, and insert in its stead the following: "within the calendar within fifteen days after the day of the adjournment the printed bill shall be passed the same."

#### Amendment No. 7

On page 11 of the printed bill, as amended, strike out lines 7, 8 and 9 and insert in its stead the following: "thereupon, or thereafter, be deleted."

#### Amendment No. 8

On page 11, line 11, of the printed bill, as amended, strike out the word "they", and insert in its stead the word "will".

#### Amendment No. 9

On page 11, line 16, of the printed bill, as amended, strike out the word "insert" and insert the following: "and upon the adjournment, or at the adjournment of regular session, or at the adjournment of special session, or at the adjournment of the session of each session."

#### Amendment No. 10

On page 11, between lines 7 and 8, of the printed bill, insert the following: "Nothing in this section shall be construed to prevent passage by the Senate, or by the House, of any bill that may be introduced in either of such bodies."

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 135?

The roll was called, and Assembly amendments to Senate Bill No. 135 concurred in by the following vote:

Aye: Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Giddens, Hays, Hoffman, Hendon, Jackson, Kitching, Lee, McQueen, Mixer, Nielsen, Perham, Phillips, Powers, Quinn, Smith, Somerville, Stewart, Stinson, Swain, Tamm, Wagon, Wagoner, and Young. 24.

Not aye: None.

Senate Bill No. 135 ordered to enrollment.

**Senate Bill No. 183**—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 14 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public



Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 183.

##### Amendment No. 1.

On page 2, line 28, of the printed bill, as amended, after the period, add the following: "Said term shall not include, however, the placing, erecting, constructing or maintaining of advertising structures or signs pertaining exclusively to the business of the person placing such structures or signs."

##### Amendment No. 2.

On page 4, line 1, of the printed bill, as amended, strike out the figure "400", and insert in lieu thereof the following: "800".

##### Amendment No. 3.

On page 4, line 3, of the printed bill, as amended, strike out the figure "400", and insert in lieu thereof the following: "800".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 183?

The roll was called, and Assembly amendments to Senate Bill No. 183 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young 31.

NOES—None.

Senate Bill No. 183 ordered to enrollment.

**Senate Bill No. 144**—An act relating to State lands, permitting the holders of certificates of purchase of certain State lands to complete purchases thereunder, notwithstanding any past forfeiture of such lands to the State for default in interest payments or taxes.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 144.

##### Amendment No. 1.

On page 1, in the last line of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", declaring the urgency thereof and providing that this act shall take effect immediately."

##### Amendment No. 2.

On page 4 of the printed bill, as amended, after line 47, insert the following: "SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore take effect immediately.

The following is a statement of facts constituting such necessity:

This act will permit holders of certificates of purchase of certain state-owned school lands, as to which the holders are delinquent, to redeem the lands covered by such certificates within the period specified in this act.

If the benefits of this act are not available to such holders until 90 days after final adjournment of the fifty-second session of the Legislature, many of these certificate holders will lose the beneficial value of this act by reason of sales by the State of the lands covered by the certificates, which lands are now subject to sale by the State as a result of delinquency."



The roll was called, and Assembly amendments to Senate Bill No. 304 concurred in by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Law, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagye, Westover, and Young—28.

**NOES**—Senators Allen, Cunningham, Knowland, McBride, and McGovern—5.

Senate Bill No. 304 ordered to enrollment.

**Senate Bill No. 331**—An act to amend section 252 and to add section 252.5 to the Fish and Game Code, relating to refuges.

**Consideration of Assembly Amendment.**

The Senate took up for consideration the Assembly amendment to Senate Bill No. 331.

**Amendment No. 1.**

On page 1, line 6, of the printed bill, as amended, after "that", insert the following: ", except when traveling is done over a public highway or other public thoroughfare or right of way,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 331?

The roll was called, and Assembly amendment to Senate Bill No. 331 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagye, Westover, Williams, and Young—33.

**NOES**—None.

Senate Bill No. 331 ordered to enrollment.

**Senate Bill No. 809**—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act.

**Consideration of Assembly Amendment.**

The Senate took up for consideration the Assembly amendment to Senate Bill No. 809.

**Amendment No. 1.**

On page 3, line 45, of the printed bill, strike out "required", and insert in lieu thereof the following: "acquired".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 809?

The roll was called, and Assembly amendment to Senate Bill No. 809 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagye, Westover, Williams, and Young—36.

**NOES**—None.

Senate Bill No. 809 ordered to enrollment.

**Senate Bill No. 1141.**—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to insert sections 16a and 16b of "An act to reserve all minerals in State lands to provide for examination, classification and report on the actual and other character of State lands; to provide for the granting of patents and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid; and granting certain preference rights; to provide for the making of rules, regulations and orders necessary to carry out the purposes of this act; and providing any or parts of with in similar manner, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands.

*Consolidation of Assembly Amendments.*

The Senate took up for consideration the Assembly amendments to Senate Bill No. 1141.

*Amendment No. 1.*

On page 1, line 10, of the printed bill, after the word "discovery", insert the words "and the discovery," leaving unamended that he paid the owner for any surface improvements on land taken or claimed to such use."

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 1141?

The roll was called, and Assembly amendments to Senate Bill No. 1141 concurred in by the following vote:

**AYES:** Senators Allen, Bunker, Coleman, Cunningham, Delany, Evans, Fletcher, Gorman, Griffin, Hahn, Hoffman, Johnson, Johnson, McCall, Morrison, Myers, Nelson, Quinn, Quinn, Phillips, Richmond, Peters, Shattuck, Smith, Wang, West, Wilcox, Williams, and Young—25.  
None—None.

Senate Bill No. 1141 returned to enrollment.

**Senate Bill No. 21.**—An act to end second CTD of the Penal Code relating to racing  
100 read third time.

*Consolidation of Assembly Amendments.*

The Senate took up for consideration Assembly amendments to Senate Bill No. 21.

*Amendment No. 1.*

On page 1, lines 2 and 4, of the printed bill, so amended, strike out "reflections, or any other interference or obstruction," and insert in lieu thereof the following: "obscure, or obscure."

*Amendment No. 2.*

On page 1, line 2, of the printed bill, so amended, before "refuse" as a separate paragraph add a comma and the following:  
"(1a)"

*Amendment No. 3.*

On page 1, line 8, of the printed bill, so amended, strike out "being or carrying in such dog or being in" and insert in lieu thereof the following: "by means or means in such dog or being, or  
(3a)"

*Amendment No. 4.*

On page 1, line 10, of the printed bill, so amended, after the comma add the following: "or"

(3) Who knowingly causes any horse or dog to any race within a period of twenty-four hours, when any person or person's servant has been appointed to such horse or dog.

*Amendment No. 5.*

On page 1, of the printed bill, so amended after line 14 add the following:

The term "express" shall include all interests and preparations and derivatives.



The term "narcotic" shall include opium and all its alkaloids, salts, preparations and derivatives, cocaine and all its salts, preparations and derivatives and substitutes.

The term "stimulant" shall include any and all substances used for the purpose of stimulating the nervous system of a horse or dog."

**Amendment No. 6.**

On page 1, line 10, of the printed bill, strike out "felony", and insert "misdemeanor".

**Amendment No. 7.**

On page 1, line 12, of the printed bill, strike out "State prison", and insert in lieu thereof "county jail".

**Amendment No. 8.**

On page 1, line 13, of the printed bill, strike out "ten", and insert in lieu thereof "two".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 21?

The roll was called, and Assembly amendments to Senate Bill No. 21 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Law, McBride, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Swing, Waggy, Westover, Williams, and Young—29.

NOES—None.

Senate Bill No. 21 ordered to enrollment.

**Senate Bill No. 223**—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price from the sale of jute bags.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 223.

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out all of line 10, and in line 11, strike out "used for the purchase of", and insert in lieu thereof the following: "set aside and reserved within the permanent revolving fund created by Section 1 of an act entitled 'An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin,' approved March 9, 1885, for use in purchasing".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 223?

The roll was called, and Assembly amendment to Senate Bill No. 223 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Law, McBride, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Schottky, Swing, Waggy, Westover, and Williams—26.

NOES—None.

Senate Bill No. 223 ordered to enrollment.

**Senate Bill No. 440**—An act to amend sections 1064, 1071, and 1074 of the Agricultural Code, pertaining to economic poisons.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 440.



## Second Reading of Assembly Bills—(Out of Order).

**Assembly Bill No. 2593**—An act to amend sections 5720 and 5750 of the School Code, relating to leaves of absence of persons employed in school districts requiring certification requirement.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 1238**—An act to amend sections 510, 542, 560 and 584 of, and to add section 511 to, the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics, and courses in the avoidance of war and physical combat, in connection therewith.

Bill read second time, and ordered on file for third reading.

## Report of Standing Committee.

The following report of standing committee was received and read:

### On Rules.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following resolutions, to wit:

Resolution No. A, by Senator Swing—A resolution authorizing the appointment of a committee to Study Methods and Means for Promoting the Temperate Use of Alcoholic Beverages; to consider, study and recommend laws, rules and regulations which will promote the improvement of social, moral and economic conditions surrounding and relating to the sale, disposal and use of such beverages, and relating to the administration and enforcement of the laws, rules, and regulations governing the manufacture, sale, disposal and use of such beverages, defining the scope of such study and the powers and duties of such committee, and providing an appropriation for the expenses thereof;

Resolution by Senators Crittenden and Phillips—A resolution relative to the appointment of a Committee to Investigate the Problems Connected with Agriculture and the Marketing of Agricultural Products;

Resolution by Senator Seawell—Relating to the appointment of a Senate Interim Committee on Governmental Efficiency and Economy to study, investigate and report to the Senate on economy and efficiency in State Government, the financing of State government and the establishment of an integrated system of taxation;

Resolution by Senators Pierovich and McColl—Relating to the investigation of the administration and operation of the California Insurance Laws and the Workmen's Compensation Insurance and Safety Act of 1917, and any codification thereof, creating a Senate committee for the conduct thereof, and defining its powers and duties;

Resolution by Senator Parkman—Relating to the establishment of an Interim Committee for the Investigation of Toll Bridges;

Resolution by Senators Gordon and Metzger—Relative to a special committee on fish and game administration to be known as the "Senate Interim Committee on Fish and Game Administration";

Have had said resolutions under consideration and your committee respectfully reports said resolutions back and recommends that the Senate refuse to adopt any of said resolutions; however, if the Senate concludes that it is necessary that any of the said resolutions should be adopted, then we respectfully recommend that the amounts appropriated in said resolutions be reduced as follows, to wit:

Resolution No. A, by Senator Swing: From \$5,000 to \$2,000.

Resolution by Senators Crittenden and Phillips: From \$5,000 to \$2,000.

Resolution by Senator Seawell: From \$5,000 to \$2,000.

Resolution by Senators Pierovich and McColl: From \$1,500 to \$1,000.

Resolution by Senator Parkman: From \$2,000 to \$1,000.

Resolution by Senators Gordon and Metzger: From \$1,500 to \$1,000.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

## Motion.

Senator Rich moved that the report of the Committee on Rules, regarding Senate interim committees, be adopted.





**Resolution.**

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of \$1496.90 to pay the bills and for the purposes set forth below, and the Treasurer is hereby directed to pay the same:

State Supply Department -----	\$430 46
Hammond Typewriter Co -----	158 82
H. S. Crocker Co. -----	7 07
State Department of Finance -----	155 58
Claude G. Putnam, Illuminating Resolutions -----	325 00
Western Union -----	84 90
Postal Telegraph -----	32 52
Pac. Tel. and Tel. Co. -----	115 25
Cascade Towel Supply Co. -----	37 29
Ford Ellis Co. -----	96 00
Railway Express Agency -----	55 00
	<hr/>
	\$1496 90

RICH.  
LAW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Law, McBride, McGill, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Petrovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the sum of \$2,950 be, and the same is hereby appropriated out of the fund for pay of officers, and other employees of the Senate, to the order of Joseph A. Beek, Secretary, for services of self and other officers and employees in arranging and preparing the bills, books and all other records of the Senate, in filing the same with the Secretary of State as provided by law, and for compiling, correspondence, mailing and otherwise attending to the business of the Senate, subsequent to adjournment of the fifty-second session of the Legislature.

For the further purpose of indexing, correcting, comparing and proofreading the Journal of the Senate of the fifty-second session of the Legislature, and making the information therein contained readily available for the use of members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the fifty-second session.

And for the further purpose of compiling, preparing and having printed after final adjournment a Final Calendar of the legislative business of the fifty-second session, said calendar to comprise the history of all bills introduced, their authors, the number that shall have become laws, those that shall have been read a second time, and any and all such other information as will provide a perfect history of the session's business and a guide for the information of subsequent sessions of the Legislature. When said Final Calendar is prepared, the Secretary is directed to forward one copy to each public library in the State, which may apply for same, and one copy to each member of the Senate; and be it further

*Resolved*, That the State Controller is hereby authorized and directed to draw his warrant upon the unexpended balance of the fund provided for the pay of officers, and all other employees of the Senate, in favor of Joseph A. Beek, Secretary of the Senate, in the sum of \$2,950, and the Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keough, Knowland, Law,



**Amendment from the Floor.**

During third reading of Assembly Bill No. 2007, the following amendment, offered by Senator Slater, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, as amended, strike out all of lines 9 to 11, inclusive, and insert in lieu thereof the word "county".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2318**—An act to amend sections 4 and 5, and to renumber and amend section 6 to be section 17 of an act entitled "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2318, the following amendments, offered by Senator Slater, were read and adopted:

**Amendment No. 1.**

On page 1, line 22, of the printed bill, as amended, strike out "either".

**Amendment No. 2.**

On page 1, line 23, of the printed bill, as amended, after "roads," insert the following: "bridges, road repair, bridge repair,".

**Amendment No. 3.**

On page 2, line 2, of the printed bill, as amended, strike out "condemnations", and insert in lieu thereof the following: "condemnation".

**Amendment No. 4.**

On page 2, line 5, of the printed bill, as amended, strike out "project", and insert in lieu thereof the following: "projects".

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 2140**—An act to amend section 2 of an act entitled "An act to provide for the proper sanitary conditions of factories and workshops, and for the preservation of the health of employees," approved February 6, 1889, relating to sanitation of work places.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 2140, the following amendments, offered by Senator Olson, were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "2 of an act entitled "An act to pro-", and strike out lines 2, 3, and 4 of the title, and insert in lieu thereof the following: "2351 of the Labor Code, relating to sani-".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "2 of the act cited in the title hereof", and insert in lieu thereof the following: "2351 of the Labor Code".

**Amendment No. 3.**

On page 1 of the printed bill, strike out lines 3 to 10, inclusive, and insert in lieu thereof the following:

"2351. Every factory or workshop in which one or more persons are employed shall be so ventilated while work is carried on that the air will not become injurious to the health of the employees; and shall also be so ventilated as to render harmless, as far as practicable, all injurious gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein."

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 1081**—An act to amend section 10 of the State Civil Service Act, relating to examinations.





### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly appointed Messrs. Lyon, Hornblower and Sawallisch, as a Committee on Free Conference Concerning

Assembly Bill No. 2792. An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1934, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Motion.

Senator Biggar moved that Senate Bill No. 750 be recalled from the Assembly for purpose of re-referring it to Committee on Fish and Game.

Motion carried, and such was the order.

### Motion to Reconsider.

Senator Rich moved to reconsider the vote whereby Assembly Bill No. 2857 was amended on May 26, 1937.

Reconsideration granted.

### Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

### Recess.

At ten o'clock a.m., on motion of Senator Rich, the President of the Senate declared recess until ten o'clock and five minutes a.m.

### Reconvened.

At ten o'clock and five minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Approval of Journals.

The Senate Journals of Wednesday, May 19, 1937; Thursday, May 20, 1937; Friday, May 21, 1937; Saturday, May 22, 1937; Monday, May 24, 1937; Tuesday, May 25, 1937; Wednesday, May 26, 1937, and Thursday, May 27, 1937, were on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

### Call of the Senate.

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Meyer, Phillips, Pienovich, Rich, Slater, Swing, Waggy, Westover, Williams, and Young. 29.

The Summary presented the following:

There are a number of other factors that can affect the results of a survey. For example, the way the questions are asked can influence the responses. The order of the questions can also affect the results. The length of the survey can also be a factor. A longer survey may lead to more fatigue and less accurate responses. The mode of administration (e.g., paper vs. electronic) can also have an impact. Finally, the representativeness of the sample is crucial. If the sample is not representative of the population, the results will be biased.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The *Biographical Index* having been furnished with the names of the candidates, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate

## Third Reading of Assembly Bills—(Resumed)

**Assembly Bill No. 1711**—An act creating a special fund to be known as the "League Investment Fund," providing for disbursements therefrom, and to make appropriations thereon.

Am 20. April 1880

During third reading of Assembly Bill No. 1711, the following amendment, offered by Senator Hays, was read and adopted:

August 2, 1901

The paper is one of the present will, is intended, with the "I" which the present will is intended to be.

Full text available at <http://www.oxfordjournals.org/>

## Resolution

116 *Journal of Planning Literature* / May 2008

Whitaker, Thomas J. D. D., late General and Governor of the Territory and is now residing in the Territory of New Mexico.

<sup>10</sup> Although the authors are not aware of any studies that have examined the impact of timing of the treatment on the results, it is possible that the timing of the treatment may be important.

Wandering. As the current rises the bridge falls on the downstream side. Excessive rainfall has brought to prominence the lower arches and bridge, and against strong currents the bridge is likely to be thrown through the air.

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†  $\text{C}_{10}\text{H}_{16}$  was purified by distillation (b.p. 68°C/1 mm Hg) and stored over molecular sieves.

Windsor: The Windsor Hotel, located on the Hudson River, is 80 years old.

*O. pumila*. There are considerable differences in the length between adults, and the females have a wider head and larger mandibles than the males (see Table 1).

\* Another 17% said they thought that the travelling public should pay the smallest share of the cost of the rail service.

Assisted by the Bureau of the State of California. That if Senate Bill No. 24 becomes a law, the National Foundation be hereby directed, as soon as possible, to open and conduct in a spirit of scientific and historic investigation, at its halls, engaged on the Congress Ground and on other ground owned or under its State, an historical work of the monument, to and the cost of operation and maintenance of such images, not to be paid by the State.

Receiving Unit, one of the members is sent to the holders of the Railroad Commissions of the State of California.

Resolved itself, and on motion of Senator Nelson adopted.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PUGH: I am pleased to inform your honorable body that the Assembly has passed this day passed as amended.

Amending Article 125 and to amend sections 2 and 3 of the same.

Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation;

And respectfully requests your honorable body to concur in said amendments

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 443.

##### Amendment No. 1.

On page 3, line 5, of the printed bill, strike out "Attorney General pursuant to", and insert in lieu thereof the following: "Board of Managers to assist the Attorney General in the performance of his duties under".

##### Amendment No. 2.

On page 3, line 6, of the printed bill, strike out "or be prescribed by law".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 443?

The roll was called, and Assembly amendments to Senate Bill No. 443 concurred in by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixer, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Wagy, Westover, Williams, and Young—29.

NOES—None.

Senate Bill No. 443 ordered to enrollment.

**Senate Bill No. 690**—An act to create a commission to promote traffic safety upon the streets and highways of this State.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 690.

##### Amendment No. 1.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "in the Department of Motor Vehicles".

##### Amendment No. 2.

On page 1, lines 3 and 4, of the printed bill, as amended, strike out "who shall be the chairman of the commission,".

##### Amendment No. 3.

On page 1, line 28, of the printed bill, as amended, strike out "highway", and insert in lieu thereof the following: "traffic".

##### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 22 and 23, and insert in lieu thereof the following: "lature or contributed by civic or public agencies for the carrying out of such traffic safety work."

##### Amendment No. 5.

On page 2, line 29, of the printed bill, as amended, strike out "and publish".

##### Amendment No. 6.

On page 2, line 37, of the printed bill, as amended, strike out "If the", and strike out lines 38 and 39.

##### Amendment No. 7.

On page 2 of the printed bill, as amended, strike out lines 9, 10, and 11

**Amendment No. 8.**

The page 2, line 22, of the printed bill, is amended, strike out the figure "5" and insert in lieu thereof figure "4".

**Amendment No. 9.**

The page 2, line 22, of the printed bill, is amended, strike out the figure "6" and insert in lieu thereof figure "5".

**Amendment No. 10.**

The page 2, line 22, of the printed bill, is amended, strike out the figure "7" and insert in lieu thereof figure "6".

**Amendment No. 11.**

The page 2, line 22, of the printed bill, is amended, strike out the figure "8" and insert in lieu thereof the figure "7".

The question being, Shall the Senate concur in Assembly amendment number 11, Senate Bill No. 680?

The roll was called, and Assembly amendments to Senate Bill No. 680 concurred in by the following vote:

AYES: Messrs. Allen, Brown, Thompson, Tillam, David, Garrison, Gorman, Hamilton, Hendon, Jorgensen, Ketchum, Kilgus, Lee, McPherson, Moran, Mosier, Orr, Morgan, Myers, Quinn, Parsons, Phillips, Campbell, Rogers, Quinn, Rice, Rossmore, Slater, Tracy, Tilden, Wagon, Watson, and Young, 40.

NAYES: None.

Senate Bill No. 680 ordered to be enrolled.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

Assembly President, Sacramento, May 28, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day unanimously agreed to concur in amendments to:

Senate Bill No. 430. As so amended known by Title and Sec. as had to and section 793.5 to the Agricultural Code, relating to fruits, nuts and vegetables; And approved Amendments Senators Kilgus, Campbell and Hamilton, as a Committee on Free Conference, to meet with the committee from the Senate.

JAMES C. SMYTH, Chief Clerk of Assembly.  
H. C. W. HERR, Assistant Clerk.

**Appointment of Committee on Free Conference  
Concerning Senate Bill No. 430.**

The President announced the appointment of Senators Phillips, Lyttleton and Jorgensen, as a Committee on Free Conference to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 430.

Assembly President, SACRAMENTO, May 28, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day unanimously agreed to concur in amendments to:

Senate Bill No. 87. As so amended known by Title and Sec. as to the number 5100, relating to the commission for conditional indultification. And approved Amendments Senators Moran, George, Lee and Griffith, as a Committee on Free Conference to meet with the committee from the Senate.

JAMES C. SMYTH, Chief Clerk of Assembly.  
H. C. W. HERR, Assistant Clerk.

**Appointment of Committee on Free Conference  
Concerning Senate Bill No. 87.**

The President announced the appointment of Senators Slater, Tickle and Kneeland, as a Committee on Free Conference to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 87.



### Report of Committee on Free Conference.

The following report of the Committee on Free Conference was received and read:

#### Concerning Assembly Bill No. 2773.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning

Assembly Bill No. 2773: An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers. Reports that it has met a like committee of the Assembly, consisting of Assemblymen Scudder, Gilbert and Glick, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 45 and 46

#### Amendment No. 2.

On page 4 of the printed bill, as amended, strike out lines 30 to 36, inclusive

#### Amendment No. 3.

On page 5, line 1, of the printed bill, as amended, strike out "He", and insert in lieu thereof the following: "Except in counties of the first class, he"

#### Amendment No. 4.

On page 6, line 16, of the printed bill, as amended, before "Not", add the following: "(i)".

#### Amendment No. 5.

On page 6, line 28, of the printed bill, as amended, strike out "(i)", and insert in lieu thereof the following: "(j)".

#### Amendment No. 6.

On page 6, line 43, of the printed bill, as amended, before "In", add the following: "(k)".

KEATING,  
ALLEN,  
HAYS

Senate Committee on Free Conference

SCUDDER  
GILBERT  
GLICK.

Assembly Committee on Free Conference

Report of Committee on Free Conference read

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Knowland, Law, McBride, McGovern, Metzger, Nielsen, Phillips, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—28

NOES—None.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

#### Concerning Senate Bill No. 412.

SENATE CHAMBER, SACRAMENTO, May 28, 1937

MR. PRESIDENT: Your Committee on Free Conference Concerning

Senate Bill No. 412: An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty-third and fiftieth classes:

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Crowley, Miller, George P., and Cunningham, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

**Amendment No. 1.**

On page 2, line 25, of the printed bill, so amended, strike out "Two thousand dollars" and insert in lieu thereof the following: "ten thousand (\$10,000) hundred dollars."

**Amendment No. 2.**

On page 1, line 26, of the printed bill, so amended, strike out "and" and insert in lieu thereof the following: "or."

**Amendment No. 3.**

On page 3, line 19, of the printed bill, so amended, strike out "county", and insert in lieu thereof the following: "city."

**Amendment No. 4.**

On page 2, line 34, of the printed bill, so amended, strike out "and", and insert in lieu thereof the following: "or."

CUNNINGHAM  
LAW  
HIGGAR

Senators Committee on Free Conference

CUNNINGHAM  
CHITWICK  
MILLER

Senators Committee on Free Conference

Report of Committee on Free Conference read

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES**—Senators Allen, Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jepsen, Keating, Knowland, Law, McHenry, Morgan, Quinn, Perkins, Hall, Roberts, Smith, Suter, Strong, Wagon, Williams, and Young, 25.  
NAYS—None.

Senate Bill No. 419 ordered to parchment.

**Re reference of Senate Bill No. 750.**

Senator Higgar moved that Senate Bill No. 750 be re-referred to Committee on Pulp and Game.

Motion sustained, and roll was the same.

**Unfinished Business—(Resumed)**

**Senate Constitutional Amendment No. 34.**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State to amend sections 14, 15 and 16 of Article XIII, relating to the exemption of certain property from taxation.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 34.

**Amendment No. 5.**

On page 1, line 11, of the printed document, after the second, insert the following: "all nonexempt and other personal property therein".

**Amendment No. 2.**

On page 2, line 14, of the printed document, before "shall", insert the following: "and all personal property, used in connection with such institutions,".

The question being: Shall the Senate amend in Assembly amendments to Senate Constitutional Amendment No. 34.

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 34 considered in by the following vote:

**AYES**—Senators Allen, Bigger, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holman, Jepsen, Keating, Knowland, Law,

McGovern, Metzger, Nielsen, Parkman, Phillips, Schottky, Seawell, Slater, Swing, Waggy, Westover, Williams, and Young 29.  
 NOES None.

Senate Constitutional Amendment No. 34 ordered to enrollment.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 33—An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers by the Commissioner of Corporations; to limit and regulate their charges; to authorize and regulate the assignment of wages, salary, commissions, or other compensation for services when given to a personal property broker as security for a loan of or as consideration for the payment of money, credit, goods or things in action; to provide for the administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for the violation of this act;

And appointed Assemblymen Johnson, Lyon and Tenney as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

#### Appointment of Committee on Free Conference Concerning Senate Bill No. 33.

The President announced the appointment of Senators Fletcher, Deuel and Young, as a Committee on Free Conference to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 33.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 166—An act to establish a California Labor Relations Board for the mediation and arbitration of labor disputes and for ancillary purposes, and to prescribe its powers and duties.

And appointed Assemblymen Clark, Robertson and Burns, Michael J., as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

#### Appointment of Committee on Free Conference Concerning Senate Bill No. 166.

The President announced the appointment of Senators Crittenden, Hays and Seawell, as a Committee on Free Conference to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 166.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 907**—An act to amend section 336a of the Code of Civil Procedure, relating to limitations of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 907 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Kauting, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich,

Quinn, Rich, Schofield, Shepard, Stone, Strong, Wagy, Westover, Williams, and Young—29.

Nays—None.

Title read and approved.

Assembly Bill No. 2094 ordered transmitted to the Assembly.

**Assembly Bill No. 2094**—An act to add to the School Code sections 2110, 2100, 2102, 2103, 2104, 2105, 2111 and 2112; and to repeal certain acts and parts of acts specified herein, all relating to the public school system.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2094 passed by the following vote:

Ayes—Senators Allen, Hagar, Christensen, Cunningham, DeLoe, Denel, Fletcher, Garrison, Gordon, Hays, Higgins, Hudson, Johnson, Keating, Kinsland, Law, McHale, Miller, McQuinn, Morgan, Quinn, Rich, Parkman, Phillips, Pierovich, Quinn, Rich, Schofield, Shepard, Stone, Strong, Wagy, Westover, Williams, and Young—29.

Nays—None.

Title read and approved.

Assembly Bill No. 2119 ordered transmitted to the Assembly.

**Assembly Bill No. 2119**—An act to amend section 1500.1 of the Agricultural Code, relating to premiums of farm products and the licensing thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2119 passed by the following vote:

Ayes—Senators Allen, Hagar, Christensen, Cunningham, DeLoe, Denel, Fletcher, Garrison, Gordon, Hays, Higgins, Hudson, Johnson, Keating, Kinsland, Law, McHale, Morgan, Morgan, Quinn, Rich, Parkman, Phillips, Pierovich, Quinn, Rich, Schofield, Shepard, Slater, Strong, Tickle, Wagy, Westover, Williams, and Young—29.

Nays—None.

Title read and approved.

Assembly Bill No. 2119 ordered transmitted to the Assembly.

**Assembly Bill No. 464**—An act to amend section 1290 of the Probate Code, relating to mode of giving notice to certain claimants, and where not otherwise prescribed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 464 passed by the following vote:

Ayes—Senators Allen, Hagar, Christensen, DeLoe, Denel, Garrison, Gordon, Higgins, Hudson, Johnson, Keating, Law, McHale, Miller, McQuinn, Morgan, Quinn, Parkman, Phillips, Quinn, Rich, Schofield, Slater, Strong, Tickle, Wagy, Westover, Williams, and Young—29.

Nays—Senators Keating and Fisher—2.

Title read and approved.

Assembly Bill No. 464 ordered transmitted to the Assembly.

**Assembly Bill No. 2682**—An act to amend section 702 of the Code of Civil Procedure, relating to redemption of property.



Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2862 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBrade, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2862 ordered transmitted to the Assembly.

**Assembly Bill No. 2336**—An act to add Chapter 5 to Division 1 of the Fish and Game Code, relating to the licensing of land owners to collect fees or other charges for the privilege of hunting on their land.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2336 passed by the following vote:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hollister, Jespersen, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Wagy, Westover, and Young—24.

NOES—Senators Allen, Holohan, Keating, McBride, Powers, Slater, Swing, and Williams—8.

Title read and approved.

Assembly Bill No. 2336 ordered transmitted to the Assembly.

**Assembly Bill No. 1334**—An act to amend sections 3, 4, and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs, and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1334 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1334 ordered transmitted to the Assembly.

**Assembly Bill No. 1613**—An act to amend sections 1, 10, 14 and 17 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and



certain new sections to be designated sections 2a, 2b, 2c, 2d, 2e and 2f respectively, relating to and providing for a civil service system for said district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Waggy, and Westover—30.

NOES—Senators Powers, and Tickle—2.

Title read and approved.

Assembly Bill No. 290 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 18.

Relative to memorializing the President and Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities and other political subdivisions within the provisions of such act relating to old age benefits.

WHEREAS, The Federal Social Security Act exempts from the old age benefit provisions of such act persons performing service in the employ of a State political subdivision thereof; and

WHEREAS, thousands of employees of the State of California and of its counties, cities and other political subdivisions are desirous of securing the old age benefits provided for by the Federal Security Act, now denied to them; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to enact legislation amending the Federal Social Security Act so as to enable any State that may desire to do so to bring the employees of such State, and the employees of its counties, cities and other political subdivisions, within the beneficent provisions of said act relating to old age benefits;

*Further resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and such Senators and Members of the House of Representatives from California are respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, and Westover—33.

NOES—None.

Assembly Joint Resolution No. 18 ordered transmitted to the Assembly.

**Assembly Bill No. 277**—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 passed by the following vote:

AYES—Senators Allen, Cunningham, DeLap, Garrison, Gordon, Hays, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman,

*(Saskatchewan Journal printed from material received from the following sources: The Saskatchewan Journal, Regina, Sask., and the following:)*

Title read and approved.

Assembly Bill No. 579 ordered transmitted to the Assembly.

**Assembly Bill No. 579**—An act to amend sections 4, 5, 6 and 12 of the Direct Primary Law, relating to primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 passed by the following vote:

*AYES: Senators: Allen, Bagg, Cameron, Davidson, Hays, Hollander, Hildebrand, Joseph, Keating, Kitchin, Laid, McBurn, McCall, McCreary, Morgan, Nelson, Quinn, Parkin, Phillips, Pritchard, Quinn, Quinn, Robt. Schottky, Seaman, Suter, Wain, Wain, Wain, and Williams—20.*  
*NOTES: Nelson, Cunningham—1.*

Title read and approved.

Assembly Bill No. 579 ordered transmitted to the Assembly.

**Assembly Bill No. 1308**—An act to transfer the Federal State Hospital from the Department of Institutions to the State Board of Prison Institutions; to amend sections 164 and to insert Chapter 2 of Part 4 to Division VI, comprising sections 164 to 175, inclusive, of the Welfare and Institutions Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1308 passed by the following vote:

*AYES: Senators: Allen, Bagg, Cameron, Cunningham, Davidson, Hays, Hollander, Hildebrand, Keating, Laid, McBurn, McCall, McCreary, Morgan, Nelson, Quinn, Pritchard, Phillips, Pritchard, Quinn, Quinn, Robt. Schottky, Seaman, Suter, Wain, Wain, Wain, and Williams—20.*  
*NOTES: Nelson.*

Title read and approved.

Assembly Bill No. 1308 ordered transmitted to the Assembly.

**Assembly Bill No. 1728**—An act to amend section 8 and to repeal sections 14 and 14 of "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1916, relating to elections in cities of the fifth and sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1728 passed by the following vote:

*AYES: Senators: Allen, Bagg, Cameron, Cunningham, DeLay, Garrison, Gordon, Hays, Hollander, Hildebrand, Joseph, Keating, Laid, McBurn, McCall, McCreary, Morgan, Nelson, Quinn, Parkin, Phillips, Pritchard, Quinn, Robt. Schottky, Seaman, Suter, Wain, Wain, and Williams—20.*  
*NOTES: Nelson.*

Title read and approved.

Assembly Bill No. 1728 ordered transmitted to the Assembly.

**Assembly Bill No. 32**—An act to amend section 528 of the Political Code, relating to the publication of laws of each session of the Legislature.



Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 32 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 32 ordered transmitted to the Assembly.

**Assembly Bill No. 2206**—An act to amend section 273c of the Penal Code, relating to fines.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2206 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2206 ordered transmitted to the Assembly.

**Assembly Bill No. 2904**—An act to add section 291.4 to the Civil Code, relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2904 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, Metzger, Parkman, Phillips, Pierovich, Powers, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—25.

NOES—None.

Title read and approved.

Assembly Bill No. 2904 ordered transmitted to the Assembly.

**Assembly Bill No. 2677**—An act to add a new section to be numbered 4041.34 to the Political Code, relating to powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2677 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2677 ordered transmitted to the Assembly.

**Assembly Bill No. 2013**—An act to add section 735.5 to the Vehicle Code, relating to procedure upon arrest.



The roll was called, and Assembly Bill No. 117 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, Metzger, Mixer, Nielsen, Parkman, Powers, Schottky, Slater, Swing, Tickle, Wagy, and Williams—24.

**NOES**—Senators DeLap, and Quinn—2.

Title read and approved.

Assembly Bill No. 117 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 1488**—An act to amend section 1440 of the Probate Code, relating to the appointment of guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1488 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Westover—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1488 ordered transmitted to the Assembly.

**Assembly Bill No. 2307**—An act to amend section 437c of the Code of Civil Procedure, relating to summary judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2307 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, and Westover—29.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2307 ordered transmitted to the Assembly.

#### **Assembly Joint Resolution No. 10.**

Relative to memorializing the Congress of the United States to designate Armistice Day as a holiday.

**WHEREAS**, The eleventh day of November is the day when all persons throughout the civilized world celebrate the return of peace at the end of the World War; and

**WHEREAS**, It is desirable to keep alive in the hearts of the American people the memory of that joyous day; and

**WHEREAS**, The pursuit of routine labor and business is inconsistent with the proper contemplation of the significance of that day; now, therefore, be it

*Resolved*, That the Assembly and the Senate of the State of California, jointly, respectfully urge the Congress of the United States to enact legislation to declare the eleventh day of November a national holiday; and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, and to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that the Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.





ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1757—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches;

And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1757?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1757 by the following vote:

AYES—None.

NOES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—33.

#### **Appointment of Committee on Conference.**

The President announced the appointment of Senators Allen, Williams and Garrison as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1757.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 10½, 11½, 13½, 13½, 14½, 14½, 20½, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles;

And appointed Assemblymen Burns, Hugh M., Garibaldi and Beene, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

#### **Appointment of Committee on Free Conference Concerning Senate Bill No. 972.**

The President announced the appointment of Senators Hays, Phillips and Jespersen, as a Committee on Free Conference to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 972.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 61—Relative to the designation of members of the Legislature to represent the State of California at the Golden Jubilee Celebration of the Tournament of Roses at Pasadena on New Year's Day, 1939.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

#### **Consideration of Assembly Concurrent Resolution No. 61.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 61, without reference to committee for purpose of adoption.

#### **Assembly Concurrent Resolution No. 61.**

Relative to the designation of members of the Legislature to represent the State of California at the Golden Jubilee Celebration of the Tournament of Roses at Pasadena on New Year's Day, 1939.

WHEREAS, The world renowned Tournament of Roses is held annually on New Year's Day in the city of Pasadena and is attended by hundreds of thousands of visitors from all over the United States and from a great many foreign countries; and

Wormers. This annual festival was supposed to be celebrated 50 years ago, and Wormers is one of the prettiest towns and some of the finest Tournées west of Hatteras. It is supposed that the hosts of Chaucer and particularly the last of them passed in the place represented in the morning of the Great Jubilee celebration. See, London, etc.

[illegible]

*[Faint handwritten text]*

The question hangs on the adoption of the resolution.

The bill was referred, and Assembly Concurrent Resolution No. 61 adopted by the following vote:

[illegible]

Assembly Concurrent Resolution No. 91 ordered transmitted to the Assembly.

Approved: C. C. KENNEDY, SECRETARY, MAY 28, 1937

Mr. FARMER: I am pleased to inform your honorable body that the Assembly

At present, the American Association for the Advancement of Science is organizing a representative of the Association to attend and observe the annual congress and the work being done at the International Foundation in Moscow.

JAMES C. SMITH, Chief Clerk of Assembly,  
and C. W. BROWN, Assistant Clerk.

Assembly Committee Resolution No. 67 read and referred to Committee on Rules.

**Further Proceedings Under Call of the Senate Dispensed With.**

At ten o'clock and forty minutes a.m., further proceedings under the seal of the Senate were dispensed with, on motion of Senator *Swaine*.

### Reports of Committees on Free Conference.

The following reports of Committees on Free Conference were received and read:

Concerning Assembly Bill No. 1757.

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RECEIVED MAY 28 1937

Ms. A.9.2.8.1 v.1, folio 10r  
The first page of the manuscript shows a large initial 'M' in red ink, followed by the text 'M...'. The rest of the page contains several lines of handwritten text in a cursive script.

According to N. 1777, Article 1, regarding the question, on first, sanitation and preservation of public health and public order.

Results that it has and a free conference of the Assembly, consisting of Assemblymen Langston, M. M. Martin, and Hyatt, and results that the Committee on Free Conference has agreed to recommend the following:

That the Assembly moved on the Senate amendments, and that the bill be further amended as follows:

### Amendment No. 1.

On page 2, lines 23 and 24 of the second bill, as amended, strike out "Division of Investigation and Housing" and insert in lieu thereof the following "general

ALLEN  
WILLIAMSON  
GARRISON.

Secret Committee on Free Conference.

PAUL HILLIN  
M. MURRAY  
1975

### Assembly Committee on Free Conference

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Williams—30.

NOES—None.

#### Concerning Senate Bill No. 83.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning:

Senate Bill No. 83—An act to add a new section to the School Code to be numbered 4.102a, relating to an appropriation for vocational rehabilitation.

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Scudder, Miller, George P., and Cottrell, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the word "amount", insert the following: "in excess of sixty-five thousand dollars".

SLATER  
TICKLE  
KNOWLAND

Senate Committee on Free Conference.

SCUDDER,  
MILLER, GEORGE P.  
COTTRELL.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Williams—31.

NOES—None.

Senate Bill No. 83 ordered to enrollment.

#### Concerning Senate Bill No. 972.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning:

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 10½, 11½, 13½, 13¾, 14½, 14¾, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Burns, Hugh M., Beane and Garbald; and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended in Assembly May 25, 1937, strike out "11½".





### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1521**—An act to amend section 44 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 1521, the following amendments, offered by Senator Crittenden, were read:

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend", and insert in lieu thereof "repeal".

##### Amendment No. 2.

On page 1, line 2, of the printed bill, as amended, strike out "amended, to read as follows:", and insert in lieu thereof "repealed".

##### Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 19, inclusive.

##### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 1 to 6, inclusive.

#### Motion.

Senator Knowland moved that the amendments to Assembly Bill No. 1521 be laid on the table.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Crittenden, McColl and Seawell on the adoption of motion to lay the amendments on the table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, Metzger, Mixter, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—26.

**NOES**—Senators Crittenden, Hollister, Jespersen, McBride, McColl, Nielsen, Olson, Quinn, and Seawell—9.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1521 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1521 ordered transmitted to the Assembly.

**Assembly Bill No. 2247**—An act to amend sections 28a, 65a, 65d, 78, 79, 83a, and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2247, the following amendments, offered by Senator Seawell, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, between and Lines 1 to 3, inclusive, of the same, add, after the first comma, the following: "An act to amend section 26 of the act entitled 'An act to amend'."

**Amendment No. 2.**

On page 1, line 3 of the bill, at the end of the sentence, an amended article on the revenue from "taxes" and under the line to add, insert the following: "and."

**Amendment No. 3.**

On page 2 of the printed bill, as amended, between and Lines 1 to 24, inclusive, add at the end of the line and add 1 to 15, inclusive.

**Amendment No. 4.**

On page 2, line 14, at the end of the bill, as amended, insert the "Sec. 4.5" and insert in the bill the following: "Section 4."

**Amendment No. 5.**

On page 2 of the printed bill, as amended, between and Lines 25 to 32, inclusive, and under the bill of page 2 and 3.

Bill read, reviewed by press, and on file for third reading.

**Assembly Bill No. 2581.**—An act to amend sections 1 and 2 of an act entitled "An act to authorize leasing and selling contents for prizes or purses, or where an individual has a contract, and limiting such leasing contents to 12 months, to make an Athletic Commission empowered to license such contents, and the participants therein, to preserve exhibitions, games which should be held with contents held, to declare that amateur boxing contests conducted under section 417 of the Penal Code shall be subject to the provisions of that measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged, submitted to without such amateur contests," approved by the assembly November 4, 1934, relating to amateur boxing, sporting and sporting matches and exhibitions.

Bill read third time.

The question being on the passage of the bill.

The bill was read, and Assembly Bill No. 2581 passed by the following vote:

Ayes—Senators Allen, Barnard, Cavanaugh, DeLoe, Ford, Fletcher, Gorman, Harrison, Hatcher, Kirtley, Kirtley, Low, McBride, McCall, Miller, Noland, Olson, Orin, Ford, Wagon, Wagon, and York.—39.

Noes—Senators Bunker, Cavanaugh, Morrison, Perkins, Phillips, Pomeroy, Thomas, and Stone.—8.

Table read and approved.

Assembly Bill No. 2581 adopted transmitted to the Assembly.

**Assembly Bill No. 2809.**—An act to regulate the caravaning of vehicles upon the public highways of this State, during the term "caravaning" and providing for the licensing of persons in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravaning and providing such fees shall be a lien and for the enforcement of such fines and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled "An act to regulate the caravaning of motor vehicles upon the public highways of this State, during the term 'caravaning' and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof," approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 16. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety and as such shall take effect immediately.

The following is a statement of facts constituting such necessity:

Experience has shown that, due to climatic conditions, the caravaning of vehicles occurs almost exclusively during the spring and summer months. It is necessary, therefore, in order to regulate caravan vehicles, the number of which is now increasing, that this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Denel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

NOES—Senators Cunningham, Garrison, Knowland, McGovern, Olson, Pierovich, and Powers—7.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2809 passed by the following vote:

AYES—Senators Allen, Crittenden, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

NOES—Senators Cunningham, Garrison, Knowland, McGovern, Olson, Pierovich, and Powers—7.

Title read and approved.

Assembly Bill No. 2809 ordered transmitted to the Assembly.

**Assembly Bill No. 2770**—An act to add section 607ff to the Civil Code, relating to prevention of cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2770 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

NOES—Senators Gordon, Law, McBride, and Powers—4.

Title read and approved.

Assembly Bill No. 2770 ordered transmitted to the Assembly.

**Motion to Reconsider.**

Senator Westover moved to reconsider the vote whereby Assembly Bill No. 2851 was passed.

The question being on the adoption of the motion to reconsider.

The roll was call, and the motion to reconsider refused adoption by the following vote:

AYES—Senators Gordon, Jespersen, Knowland, McBride, McGovern, Phillips, Pierovich, and Powers—8.

NOES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Law, McColl, Metzger, Mixer, Nielsen, Parkman, Quinn, Rich, Schottky, Slater, Swing, Wagy, and Young—25.





### Reconvened.

At ten o'clock and fifty-five minutes a.m., the Senate reconvened.  
Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined.

Senate Joint Resolution No. 26—Relative to memorializing the President of the United States and the members of Congress to extend the life of the Federal Public Works Administration for a period of two years after next June 30, and further memorializing Congress to earmark the sum of \$350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under PWA to local communities;

Senate Bill No. 16—An act to amend sections 718 and 865 of the Fish and Game Code, relating to shad;

Senate Bill No. 18—An act to repeal section 397 of the Penal Code, relating to the sale and use of opium;

Senate Bill No. 54—An act to add section 4506 to the Political Code, to repeal certain acts superseded by the Political Code and the Code of Civil Procedure, all relating to courts of justice and various officers connected therewith;

Senate Bill No. 62—An act to amend sections 1 and 1c of, and to add sections 1c and 13.5 to, the State Narcotic Act, relating to habit forming, narcotic and other dangerous drugs and substances;

Senate Bill No. 66—An act authorizing the State Treasurer to issue duplicate bonds, coupons, or other evidences of indebtedness, except warrants, of the State of California when the originals have been lost or destroyed, to stop payment of such lost or destroyed bonds, coupons, or other evidences of indebtedness, and to pay such bonds, coupons, or other evidences of indebtedness, if his records show them to be outstanding and unpaid, and providing for the State to take security against loss or damage that may be incurred on account of the lost instruments and the payment thereof or the issuance of the duplicates;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined.

Senate Bill No. 188—An act to amend section 5 of Chapter 191, Statutes of 1923, entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts;

Senate Bill No. 267—An act to amend section 538 of the Code of Civil Procedure, relating to attachments;

Senate Bill No. 279—An act to amend section 155 of the Agricultural Code, pertaining to weed free areas;

Senate Bill No. 314—An act to add a new article to Chapter IV of Part I of Division I of the School Code to be known as Article IV, relating to the supervision of the health of pupils enrolled in elementary schools;

Senate Bill No. 327—An act to amend section 629 of the Code of Civil Procedure, relating to judgments notwithstanding the verdict;

Senate Bill No. 357—An act to repeal sections 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555 and 1556 of the Penal Code, and to add sections 1548, 1548.1, 1548.2, 1548.3, 1549, 1549.1, 1549.2, 1549.3, 1550, 1550.1, 1550.2, 1550.3, 1551, 1551.1, 1551.2, 1551.3, 1552, 1552.1, 1552.2, 1553, 1553.1, 1553.2, 1554, 1554.1, 1554.2, 1555, 1555.1, 1555.2, 1556, 1556.1 and 1556.2 to the Penal Code, all relating to proceedings against fugitives from justice and proceedings in this State against persons charged with crime in other States, and to make the law uniform with reference thereto;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.



registration of bonds, and section 21, relating to use of money appropriated by said act;

Senate Bill No. 685—An act to amend section 12 of the Central Valley Project Act of 1933, relating to acquisition of property by eminent domain and sale or lease of property no longer needed for the purposes of said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 730—An act to amend section 2 of the Fish and Game Code, relating to definitions;

Senate Bill No. 732—An act to amend sections 1 and 9 of an act entitled "An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1935, relating to assessment districts;

Senate Bill No. 735—An act to amend section 1576 of the Penal Code, relating to the State prisons;

Senate Bill No. 800—An act to amend section 525 of the Fish and Game Code, relating to water flow through a dam;

Senate Bill No. 874—An act to amend the California Irrigation District Act by amending section 75 thereof and by adding a new section thereto to be designated section 75a, all relating to the exclusion of lands from an irrigation district;

Senate Bill No. 875—An act to amend the California Irrigation District Act by amending section 61 thereof, relating to the incurring of indebtedness;

Senate Bill No. 893—An act to amend sections 251, 308, 340, 344, 351, 352, 361, 368, 369, 374, 377, 404 and 425 of, to add four new sections to be numbered 503, 504, 505 and 506 to, and to repeal sections 603, 611, 644, and 642 of the Streets and Highways Code, relating to the descriptions of various State highway routes; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 898—An act to amend section 4 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to securities for such deposits;

Senate Bill No. 913—An act to add a new section to be numbered 32d to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to weights and measures;

Senate Bill No. 989—An act to amend sections 2971 and 21040 of the School Code, relating to boards of education;

Senate Bill No. 991—An act to amend section 611.6 of and to add sections 62.5 and 290.5 to the Fish and Game Code, relating to steelhead trout in certain streams in district 1, creating a new fish and game district in relation thereto, and making certain provisions as to such new district;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at eleven o'clock a.m.

KEOUGH, Chairman.





act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, relating to certain State lands and the production and disposition of oil, gas and other hydrocarbon substances therefrom, providing for the acquisition and condemnation of rights of way or easements to gain access to said State lands, repealing all acts or parts of acts inconsistent or in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2090 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Denel, Fletcher, Gordon, Hollister, Holohan, Jepsersen, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Quinn, Rich, Schottky, Tickle, and Williams—22  
 NOES—Senators Garrison, Law, Olson, Slater, and Westover—3

Title read and approved.

Assembly Bill No. 2090 ordered transmitted to the Assembly.

**Assembly Bill No. 2785**—An act relating to radio intercommunication service between the State and several counties in the State and authorizing the State and the counties to enter into agreements in respect thereto and to defray the cost of such service.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2785 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Denel, Garrison, Gordon, Hollister, Holohan, Jepsersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Waggy, and Westover—25  
 NOES—None.

Title read and approved.

Assembly Bill No. 2785 ordered transmitted to the Assembly.

**Assembly Bill No. 2388**—An act to amend the title of the Central Valley Project Act of 1933 and to add to said act a new section to be numbered 15a, relating to the power of the Water Project Authority of the State of California to contract with the United States of America for the construction, maintenance and operation of said project, to contract with the United States of America for the purchase of project works and properties and for the repayment of the cost thereof, to perform duties as may be prescribed by acts of Congress now in effect or hereafter adopted, and to otherwise cooperate with the United States of America relative to said project.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2388 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Quinn, Rich, Schottky, Slater, Tickle, Waggy, Westover, and Williams—26.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2388 ordered transmitted to the Assembly.

**Assembly Bill No. 400**—An act to amend section 2280 of the Political Code, relating to taxes and to railroad corporations.

Call your local office today.

The bill was called, and Assembly Bill No. 490 passed by the following vote:

[illegible]

100

Table 2 continued

Assembly Bill No. 496 is hereby transmitted to the Assembly.

**Assembly Bill No. 441**—An act to amend Section 1007 of the Welfare and Institutions Code, relating to needy children.

1991 Total Trade Volume

How beautiful, Yelling out the message of Our Will

The roll was called, and *Journalist Hall* No. 401 joined by the following vote:

1995. *Japanese Area Vagans Compendium*. Daiei, Fukuoka, Japan.  
Hirakawa, Hiroyuki. 1999. *Seisaku Shokunin*. Tokai, M. Gakko, Mori-  
oka, Miyagi. 2000. *Shin Shuppan*. Quin, Bunko, Shizuoka. 2001. *Shin Shuppan*.  
Wakayama, Wakayama-shi.

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

Aspirin, 100 Mg, 400 mg (transmitted to the Assembly)

**Assembly Bill No. 1271.**—An act to add new provisions to the Insurance Code to be numbered 11605 and 11606, relating to requirement that all licensed employees be insured for workmen's compensation.

2011 年 12 月 31 日

The passage of the bill.

The act was signed, and Amendment Bill No. 2771 passed by the following vote:

Aves. Schmitt, Allen, James, Gundersen, Gunderson, Tread, Fiedler, Gar,  
H. H. Gundersen, H. H. Gundersen, H. H. Gundersen, H. H. Gundersen, H. H. Gundersen,  
McGovern, Metzger, Moxter, Nielsen, Phillips, Quinn, Rich, Schottky, Slater,  
Samp, Tread, Tread, and Young, 18  
N. S. N. S.

100

Title read and approved.

Assembly that No. 1121 ordered transmitted to the Assembly

**Assembly Bill No. 2867.**—An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issuance and sale or exchange of refunding bonds and the retirement of original bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to extend the time of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding.

and to provide for the use of Federal bankruptcy courts therein, and to provide for the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not consenting to the refunding proceedings and for the acquisition of any security of such obligations consisting of real property situated in the State of California or any rights therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2867 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Denel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCall, McGovern, Metzger, Myer, Nielsen, Phillips, Pierovich, Quinn, Schottky, Slater, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2867 ordered transmitted to the Assembly.

**President of the Senate in the Chair.**

At eleven o'clock and three minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

**Assembly Bill No. 1588**—An act to amend sections 1, 2, 4, 6, 9, 10, 14, 17, 31 and 33 of, and to add section 34 to, the Assessment Bond Refunding Act of 1933, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, and the issuance of refunding bonds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 12. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The indebtedness of special improvement districts payable from ad valorem assessments or from general taxes is, in many instances, greater than the property within the district can bear. Pyramiding of the taxes and assessments has resulted in districts becoming almost entirely delinquent and in preventing the upbuilding and development of the lands in such districts. In many of such districts general taxes and the special assessments have been delinquent for several years. In many of such districts large blocks of land have been sold to the State for delinquency in the payment of taxes and assessments and deeds to the State have been issued thereon. Property in these districts which comprise substantial areas is almost entirely unproductive of revenue for school, city and county purposes. In some districts this lack of revenue has hampered and prevented the city from providing adequate police and fire protection, sanitation and other health facilities. By refunding the obligations of such districts under this act, delinquent general taxes will be paid speedily, the properties will be restored to the tax roll and tax revenues will be provided to meet the urgent needs of the cities, school districts and counties. Unless this relief is immediately given, many thousands of property owners will lose their property, millions of dollars in taxes will be uncollectible, and funds necessary to provide for the safety and health of the inhabitants of many districts will not be supplied. The immediate refinancing of the indebtedness of these districts as provided in this act will save property owners from loss of their property, restore property to the tax rolls, provide funds needed for public safety, sanitation and health purposes, and permit building and development now stopped by fear of pyramiding.

Urgency clause read.

The question being on the adoption of the urgency clause.





of these districts as provided in this act will save property owners from loss of their property, restore property to the tax rolls, provide funds needed for public safety, sanitation and health purposes, and permit building and development now stopped by fear of pyramiding.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1849 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McGovern, Mixer, Nielsen, Olson, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—28.

**NOES**—None.

**Title read and approved.**

Assembly Bill No. 1849 ordered transmitted to the Assembly.

**Assembly Bill No. 2884** An act to amend and renumber sections 6 and 7, to renumber section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency hereof and providing that this act shall take effect immediately.

**Bill read third time.**

#### **Urgency Clause.**

**SEC. 14.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

In Sonoma County and in other portions of the State many persons are eager to form recreation districts under the act amended by this bill but under the act as at present are unable to undertake any work thereunder because of lack of authority to issue bonds. If this act is passed and takes immediate effect then work will start upon the various structures authorized by this act immediately thus relieving in part the unemployment which despite improved economic conditions still exists.

If this act does not take effect until ninety days after the adjournment of the session it will not be possible to construct swimming pools and other structures in time for the summer season of 1937 and the work may be delayed for over a year to the great detriment both to the people in the proposed recreation districts themselves and to the economic well-being of the State of California as a whole.

**Urgency clause read.**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—31.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2884 passed by the following vote:

Other members: John, Roger, Christopher, David, Thomas, Stephen, Gordon, Harman, Graham, Lawrence, Timothy, Raymond, Lynn, Michael, Matthew, Morgan, Miriam, Norman, Oliver, Frederick, William, Douglas, Quincy, Erik, William, Stefan, Susan, Philip, Mary, Barbara, William, and Henry.

Table read and approved

A sample of 100,000 2004 national respondents to the Assembly

**Assembly Bill No. 2291**—For get machine an appropriation for additional support of The Infant Guard and the California National Guard, including increased to construction, rental of armories, and maintenance of High School Cadets and Naval Midia, for the eight-month and month-twenty-two days, and providing that this act shall take effect immediately.

Will you be there?

The question being on the passage of the bill

The roll was passed, and Assembly Bill No. 2801 passed by the following vote:

[illegible]

1. The first group of people who are not in the labor force are those who are not in the labor force for any reason. This group is the largest and includes people who are not in the labor force for any reason.

Tide read and averaged.

Assembly Bill No. 2011 entered transmittal to the Assembly.

**Assembly Bill No. 2297**—An act relating to appropriation for the support of the State Board of Equalization, to take effect immediately.

13.11.2004 08:00:00

The question being on the passage of the bill.

The roll was voted, and Assembly Bill No. 2607 passed by the following vote:

Aves. Audubon, Allen, Baird, Bangs, Brewster, DeKay, Ivers, Plafieau, Garrison,  
Gould, Hutton, Hutton, Ingersoll, Newell, Knapp, Kennard, Lusk, M. Bird,  
McCall, Maynard, Mayson, Miller, Nelson, Osborn, Parkman, Peabody, Pennington,  
Peters, Rock, Schuchky, Seale, Sillig, Tucke, Ward, Westcott, Williams, and  
Young.

10

Title read and approved.

Assembly Bill No. 2002 ordered transmitted to the Assembly

**Assembly Bill No. 383.**—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors, to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 481 passed by the following vote:

AYES, Sewall, Allen, Baggot, Cunningham, DeLap, Duvel, Fletcher, Garrison,  
Gordon, Holster, Hudson, Jaspersen, Keating, Keough, Knowland, Law, McBride,

McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 383 ordered transmitted to the Assembly.

**Assembly Bill No. 2875**—An act making an appropriation for the printing, publication, purchasing, and transportation of text books.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2875 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly bill No. 2875 ordered transmitted to the Assembly.

**Assembly Bill No. 614**—An act to authorize the purchase of certain real property for Fresno State College and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 614 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 614 ordered transmitted to the Assembly.

**Assembly Bill No. 1608**—An act making an appropriation to meet a deficiency in the appropriation for printing constitutional amendments, Secretary of State's office, for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1608 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1608 ordered transmitted to the Assembly.

### Motion to Reconsider

Resolved being agreed to reconsider the vote whereby Assembly Bill No. 1899 was referred to Committee.

Motion carried.

### Third Reading of Assembly Bills—(Resumed)

**Assembly Bill No. 1699.**—An act to add section 31.5 to the Alcoholic Beverage Control Act relating to license territories appropriated for administration and enforcement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1699 passed by the following vote:

**AYES.**—Barnard, Allen, Bigger, Cummings, DeLoe, Dool, Fletcher, Garrison, Graham, Harman, Harman, Johnson, Keating, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, and Young, 40.

**NAYES.**—None.

Title read and approved.

Assembly Bill No. 1699 ordered transmitted to the Assembly.

**Assembly Bill No. 1779.**—An act making an appropriation for the support of the State Tax Division of the Board of Equalization during the ninety-ninth fiscal year, and to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1779 passed by the following vote:

**AYES.**—Barnard, Allen, Bigger, Cummings, DeLoe, Dool, Fletcher, Garrison, Graham, Harman, Harman, Johnson, Keating, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich, Young, 40.

**NAYES.**—None.

Title read and approved.

Assembly Bill No. 1779 ordered transmitted to the Assembly.

**Assembly Bill No. 1908.**—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, and to add two new sections to be numbered 4a and 4b, to said act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of license distributions of motor vehicle fuel, the refund of said license tax under certain conditions, the acquisition of property by the State because of nonpayment of said license tax and the disposition of said property and to make an appropriation for the administration of motor vehicle fuel taxes and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1908 passed by the following vote:

**AYES.**—Barnard, Allen, Bigger, Cummings, DeLoe, Dool, Fletcher, Garrison, Graham, Harman, Harman, Johnson, Keating, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nelson, Olson, Parkman, Phillips, Pierovich,



Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1908 ordered transmitted to the Assembly.

**Assembly Bill No. 210**—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 210 ordered transmitted to the Assembly.

**Assembly Bill No. 471**—An act making an appropriation to meet a deficiency in an appropriation for the support of the Department of Motor Vehicles and providing that this act shall take effect immediately.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 471 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 471 ordered transmitted to the Assembly.

**Assembly Bill No. 1431**—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: There exists in the State of California at the present time an emergency due to the existing economic conditions prevailing throughout the United States, which economic conditions have resulted in a great increase in the unemployment of this State. This act constitutes a means whereby training and vocational education may be extended to the unemployed to fit them for positions in which they may be employed in lieu of the positions which they lost through no fault of their own.

**Urgency clause read**

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—SOURCES Ailes, Bigger, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hansen, Harman, Jorgensen, Keough, Knowland, Law, McBride, Merrill, Morrison, Metzger, Myster, Nielsen, Olson, Packman, Phillips, Pierovich, Powers, Quinn, Reed, Schuchler, Simon, Strong, Toldt, Wagon, Westover, and Young—10.

NAYES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1431 passed by the following vote:

AYES—SOURCES Ailes, Bigger, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hansen, Harman, Jorgensen, Keough, Knowland, Law, McBride, Merrill, Morrison, Metzger, Myster, Nielsen, Olson, Packman, Phillips, Pierovich, Powers, Quinn, Reed, Schuchler, Simon, Strong, Toldt, Wagon, Westover, and Young—10.

NAYES—None.

Title read and approved.

Assembly Bill No. 1431 ordered transmitted to the Assembly.

**Assembly Bill No. 1685**—An act to amend sections 4, 8, 9, 12, 25, 33, 35, 39, 41, 43, 47, 72, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1685 passed by the following vote:

AYES—SOURCES Ailes, Bigger, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hansen, Harman, Jorgensen, Keough, Knowland, Law, McBride, Merrill, Morrison, Metzger, Myster, Nielsen, Olson, Packman, Phillips, Pierovich, Powers, Quinn, Reed, Schuchler, Simon, Strong, Toldt, Wagon, Westover, and Young—10.

NAYES—None.

Title read and approved.

Assembly Bill No. 1685 ordered transmitted to the Assembly.

**Assembly Bill No. 2070**—An act to add sections 2 and 10 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the Statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, making an appropriation for said commission and adding a short title to said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2070 passed by the following vote:

AYES—SOURCES Ailes, Bigger, Cunningham, Delap, Donald, Fletcher, Garrison, Gordon, Hansen, Harman, Jorgensen, Keough, Knowland, Law, McBride,

McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2070 ordered transmitted to the Assembly.

### Motion to Reconsider.

Senator Swing moved to reconsider the vote whereby Assembly Bill No. 1609 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 1609 reconsidered by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McElroy, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

### Re-reference of Assembly Bill No. 1609.

Senator Swing moved that Assembly Bill No. 1609 be re-referred to Committee on Finance.

Motion carried, and such was the order.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts;

Senate Bill No. 536—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California;

Senate Bill No. 947—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose and to make an appropriation therefor;

Senate Bill No. 1151—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately;

Senate Bill No. 824—An act to amend section 755 of the Probate Code, relating to sales of property of the estates of decedents;

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

Assistant Secretary Howard McIntire at the Desk.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2364**—An act making an appropriation for the concreting of fish pond pools of the State trout hatchery at or near Forest Home on Mill Creek, San Bernardino County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2364 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger,





The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Myer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1826 passed by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1826 ordered transmitted to the Assembly.

**Assembly Bill No. 2051**—An act making an appropriation to the State Department of Finance for the purchase and improvement of real property, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

**SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting such necessity are as follows: Owing to the aftermath of the present financial depression and the diminution of taxes resulting therefrom and the consequent lack of money and funds wherewith to defray the expense of State governmental functions and duties, it is imperative for the immediate preservation of the public peace, health and safety that the State conserve its money and funds and in particular that its costs and expenses for maintaining, housing and furnishing office space for its agencies be reduced to the most economical figure to the end that it may be able to maintain and discharge its governmental functions and duties. That by purchasing and improving real property at the present time and by means of the appropriation heretofore mentioned, and using the property for State purposes, the State will be enabled to obtain space and accommodations at a figure compatible and commensurable with the exigencies of its present financial ability to pay therefor. Unless the real property is purchased and improved and used for State purposes at the present time the State will be unable to discharge its duties properly or at all, or to house, care for, and protect the property of this State, and as a result its governmental functions and duties will be impaired.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Myer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

**NOES**—Senator Tickle—1.

The question being on the passage of the bill.



Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2409 ordered transmitted to the Assembly.

**Assembly Bill No. 2874**—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2874 passed by the following vote:

AYES—Senators Allen, Baggar, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2874 ordered transmitted to the Assembly.

**Assembly Bill No. 1612**—An act to amend sections 3071, 3072, 3073, 3074, 3075, 3076, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090 and 3091 of, and to add sections 3092, 3093, 3094 and 3095 to, and to repeal sections 3070, 3077, 3078 and 3079 of, the Labor Code, relating to master and apprentice, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1612 passed by the following vote:

AYES—Senators Cunningham, DeLap, Denel, Fletcher, Garrison, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—29.

NOES—Senators Allen, Baggar, Gordon, Hays, Holahan, Mixter, Rich, and Wagy—8.

Title read and approved.

Assembly Bill No. 1612 ordered transmitted to the Assembly.

**Assembly Bill No. 2887**—An act making an appropriation to the Department of Finance for construction, reconstruction, repairs, improvements, equipment and furnishings in the State Capitol and the State office buildings in the city of Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2887 passed by the following vote:

AYES—Senators Allen, Baggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2887 ordered transmitted to the Assembly.

**Assembly Bill No. 2548**—An act to provide for the acquisition of the Main Ward Toll Road by the State and the inclusion thereof in the county road system of the county of Maricopa and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2548 passed by the following vote:

**AYES**—Senators Allen, Bagley, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holtzner, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCall, McCallum, Mitchell, Myers, Nelson, Quinn, Phillips, Patterson, Powers, Quinn, Ryan, Schott, Stewart, Swann, Tuckie, Wagon, Wessover, Williams and Young—21.

**NOES**—Senators Hays and Holohan—2.

Title read and approved.

Assembly Bill No. 2548 ordered transmitted to the Assembly.

**Assembly Bill No. 2447**—An act making an appropriation for the purpose of providing for a national engineering contest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2447 passed by the following vote:

**AYES**—Senators Allen, Bagley, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holtzner, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCall, McCallum, Mitchell, Myers, Nelson, Quinn, Phillips, Patterson, Powers, Quinn, Ryan, Schott, Stewart, Swann, Tuckie, Wagon, Wessover, Williams and Young—21.

**NOES**—Senators Hays and Holohan—2.

Title read and approved.

Assembly Bill No. 2447 ordered transmitted to the Assembly.

**Assembly Bill No. 116**—An act making an appropriation for the enforcement of standards of quality and identity in the manufacture and sale of California grapes and brands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 116 passed by the following vote:

**AYES**—Senators Allen, Bagley, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holtzner, Holohan, Jorgensen, Keating, Keough, Knowland, Law, McCall, McCallum, Mitchell, Myers, Nelson, Quinn, Phillips, Patterson, Powers, Quinn, Ryan, Schott, Stewart, Swann, Tuckie, Wagon, Wessover, Williams and Young—21.

**NOES**—None.

Title read and approved.

Assembly Bill No. 116 ordered transmitted to the Assembly.

**Assembly Bill No. 2502**—An act making an appropriation for the support of the Division of State Employment Agencies in the State Department of Employment, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2502 passed by the following vote:

**AYES**—Senators Bagley, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Holtzner, Holohan, Jorgensen, Keating, Keough, Knowland,



Law, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2502 ordered transmitted to the Assembly.

**Assembly Bill No. 2921**—An act creating a special emergency fund for expenditure on written authorization of the State Department of Finance to meet increased cost of support of State institutions, when and if commodity prices increase, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2921 passed by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2921 ordered transmitted to the Assembly.

**Assembly Bill No. 2920**—An act to make an additional appropriation to the Department of Public Works to carry out the unified and centralized program of construction, repair and improvement of State property, including State buildings, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: The existing buildings, structures and equipment are wholly insufficient and inadequate to enable the State to discharge its duty properly to house, care for and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2920 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman,

[illegible]

With great interest and approval

Annexure III (a) 2000 referred transmitted to the Assembly

**Assembly Bill No. 1201**—*for making an appropriation to the Department of Motor Vehicles to pay claims against the State of California and deducting the expense thereof.*

III. *Small Group Case*

The question arising in the paragraph of the 10<sup>th</sup>

The roll was called, and Assembly Bill No. 7231 passed by the following vote:

H.	Hobson	J.	Jasper	K.	Kearney	L.	Leahy	M.	Mason	N.	Nelson	O.	O'Brien	P.	Parker	R.	Ryan	S.	Shaw	T.	Taylor	V.	Van	W.	White	X.	Xavier	Y.	Young	Z.	Zimmerman
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Vilho Voutilainen and others

Assembly Bill No. 1201 referred to and amended in the Assembly

**Assembly Bill No. 2708**—An act making an appropriation for the maintenance, reconstruction and support of an industrial workshop and sales room for the whole held in San Diego.

Read third time.

The question being on the passage of the bill

The bill was read and amended. On 2208 passed by the following majority:

[illegible]

Title and approval

Assembly Bill No. 2708 ordered transmitted to the Assembly.

**Assembly Bill No. 2873.**—An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner, making an appropriation and authorizing contributions by certain agencies for the purpose of carrying out the provisions of the act, and creating the Colorado River Fund.

Will read third time

The question being as to the measure of the ball

The roll was called, and Assembly Bill No. 2873 passed by the following vote:

Alex. Ashton A. Bigger Catherden Chas. Gibson Deed Fletcher Garrison Gooden Hays Hanson Harlan Johnson Keating Knowland Law M. P. Lee M. G. L. McCall Miller Nilsson Olsen Parkman Phillips Perovich Powers Quinn Sargent Smith Southey Spivey Tuck's Wages Westover Williams and Young 35

Nov. 20

Title read and approved.

Assembly Bill No. 2873 ordered transmitted to the Assembly

**Assembly Bill No. 1896**—An act to amend section 441 of the Political Code and to add a new section to the Political Code, to be known as section 443, relating to the transfer of moneys from special funds and other State accounts; the creation and reimbursement of the general cash revolving fund and the issuance of warrants against such fund; the issuance, indorsement, sale, rate of interest upon and payment of registered warrants payable out of the general fund; providing for the obtaining of legal opinions relative to the legality of State warrants and making appropriation therefor; confirming the validity of warrants heretofore registered pursuant to section 441 of the Political Code and now outstanding, including warrants issued, registered and sold under the plan relating to such warrants provided for by resolution of the State Board of Control adopted November 24, 1936; and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1896 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1896 ordered transmitted to the Assembly.

**Assembly Bill No. 1592**—An act making appropriation for auditing of the State Relief Administration California Toll Bridge Authority accounts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1592 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1592 ordered transmitted to the Assembly.

**Assembly Bill No. 2879**—An act making an appropriation for the support of the State colleges, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2879 passed by the following vote:

AYES—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielson, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.





against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1801 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 1801 ordered transmitted to the Assembly.

**Assembly Bill No. 1498**—An act to amend section 76 of an act entitled "An act to establish a system of unemployment reserves for this State, and making appropriation therefor," approved June 25, 1935, relating to compensation of members of the unemployment reserves commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1498 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1498 ordered transmitted to the Assembly.

**Assembly Bill No. 1575**—An act making an appropriation for support of the Veterans' Home of California for the eighty-ninth and ninetieth fiscal years and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1575 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—39.

NOES—None.

Title read and approved.

Assembly Bill No. 1575 ordered transmitted to the Assembly.

**Assembly Bill No. 2451**—An act to amend section 112 of the Vehicle Code, relating to the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The bill was read, and Assembly Bill No. 935 passed by the following vote:

1979. *Shoreline Atlas of the United States*. Cambridge, MA: Ballou, Brown, Florence Gosselin, George, Hans Melville. (Atlantic Journal, Working Group, Coastal and Marine Information Management, Marine Science, Marine Fisheries, Ocean Policy, and Planning Group, P.O. Box 5, Little Neck, NY 11060. Tel.: 718/466-7400. Fax: 718/466-7401.)

(continued from page 101)

Assembly Hall the 1833 address transmitted to the Assembly.

Assembly Bill No. 1280. To amend section 1742 of the Agricultural Code, relating to the suppression of rodents, and to make an appropriation therefor.

8441. *Journal of the American Veterinary Medical Association*

The question being on the passage of the bill.

The roll was voted and Accepted: Roll No. 1280 passed by the following vote:

[illegible]

Title found and approved

Assembly Hall No. 1280 ordered transmitted to the Assembly.

Secretary, Joseph A. Root at the Desk

**Assembly Bill No. 2025**—An act relating to appropriation for painting portions of the rooms of the California State Department of Fish and Game and the provisions thereof.

TABLE 1. *continued* (see p. 100)

The speediest ferry in the country left the city

The roll was called, and Assembly Bill No. 7001, passed by the following vote:

AYLES, Samuel, Vice, Hays, Chairman, Connecticut, DeLong, David, Treasurer,  
Cleveland, Ohio; HAYS, Hiram, Treasurer, Vermont; KATZ, Kenneth, Jr.,  
M. D., M. C. O., Michigan; MILES, Milton, New York; PERKMAN, Phillips, Pier-  
mont, Federal Reserve Bank, Buffalo, New York; SALTER, Samuel, York, West  
Virginia; WILLIAMS, and YERGEN, .

Title read and approved

Assembly Bill No. 2023, ordered transmitted to the Assembly

**Assembly Bill No 1886**—An act relating to employees in the State civil service.

1311 York St. (1st fl.) - 1st fl.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1886 passed by the following vote:

AYES, Sumner Allen, Baggett, Catherine, Coughlin, Delia, Doud, Fletcher, Gifford, Corbin, Hays, Hattie, Hildner, Jessamine, Kering, Kenneth, Knowland, Jane, McBurn, Mary, McGuire, Maudie, Meyer, Norman, Olson, Parkland, Phyllis, Pomeroy, Frances, Quinn, Robert, Satterly, Seawall, Slater, Swing, Thiele, Wally, Wessner, Wynne, and Young, 20.

\_\_\_\_\_

Title read and approved

Assembly Bill No. 1886 ordered transmitted to the Assembly.

## Reports of Committees on Free Conference.

The following reports of Committees on Free Conference were received and read:

### Concerning Senate Bill No. 930.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

Reports that it has had a like committee of the Assembly, consisting of Assemblymen Mayo, Hornblower and Patterson, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

### Amendment No. 1.

On page 1, line 9, of the printed bill, after the word "jumping", add the words "or striped bass".

MCCOLL  
YOUNG  
MEIZNER

Senate Committee on Free Conference

HORNBLOWER  
MAYO.  
PATTERSON.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Bizzar, Crittenden, Cunningham, DeLap, Davis, Fletcher, Garrison, Hays, Hollister, Holahan, Jensonson, Keating, Kneale, Kneeland, Law, McBride, McColl, McGowan, Meizner, Miller, Nelson, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Scholten, Schwell, Slater, Swing, Tinkle, Waga, Westover, Williams, and Young—37.

NOES—None.

Senate Bill No. 930 ordered to enrollment.

### Concerning Senate Bill No. 439.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning:

Senate Bill No. 439—An act to amend section 784.3 of the Agricultural Code, relating to fruits, nuts and vegetables;

Reports that it has had a like committee of the Assembly, consisting of Assemblymen Dilworth, Garland and Donnelly;

And reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

### Amendment No. 1.

On page 2, line 8, of the printed bill, as amended, after the word "inspector" insert the following: "holding a valid standardization certificate".

### Amendment No. 2.

On page 2, line 10, of the printed bill, as amended, after the word "collector", insert the following: "except that such certified lot of fruits, nuts or vegetables may be held for inspection at any time by any enforcing officer holding a valid standardization certificate, and if such enforcing officer shall find that the certified lot of fruits, nuts or vegetables is in violation of any provisions of this chapter known or known to the collector who shall within twenty-four hours cause to be made a reinspection of said certified lot of fruits, nuts or vegetables, and said lot of certified fruits, nuts or vegetables shall be released or rejected in accordance with the findings upon such reinspection".

JENSENSEN  
CRITTENDEN  
PHILLIPS

Senate Committee on Free Conference

DILWORTH.  
GARLAND.  
DONNELLY.

Assembly Committee on Free Conference.





Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Senate Bill No. 771—An act to amend section 473a of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State;

Senate Bill No. 1139—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 671, 771 and 1139 ordered placed on the unfinished business file.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 423—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof, to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof;

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance;

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor;

Senate Bill No. 585—An act to amend sections 551 and 700 of the Welfare and Institutions Code, relating to the Juvenile Court Law;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 423, 453, 578 and 585 ordered placed on the unfinished business file.

#### ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection;

Senate Bill No. 426—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California;

Senate Bill No. 1165—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bills Nos. 720 and 426 ordered placed on the unfinished business file.

#### Re-reference of Senate Bill No. 1165.

Senator Rich moved that Senate Bill No. 1165 be re-referred to Committee on Rules.

Motion carried, and such was the order.

#### Unfinished Business—(Resumed).

**Senate Bill No. 453**—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance.

#### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 453.

#### Amendment No. 1.

On page 1, line 24, of the printed bill, as amended, before "are", insert the following: "of the Insurance Code".



**Senate Bill No. 771**—An act to amend section 473 of the Political Code, relating to services of attorneys for various departments, boards, agencies and commissions of this State.

**Consideration of Assembly Amendment.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 771.

**Amendment No. 1.**

On page 1, line 10, of the printed bill, as amended in the Senate on May 17, 1937, after the comma after the word "Board", insert the following: "Board of Dental Examiners of California".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 771?

The roll was called, and Assembly amendment to Senate Bill No. 771 concurred in by the following vote:

**AYES:** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Sater, Swang, Wagy, Westover, Williams, and Young—36.

**NOES:** None.

Senate Bill No. 771 ordered to enrollment.

**Senate Bill No. 1139**—An act to amend sections 649, 649a, 651a and 651d of the Civil Code, relating to colleges and seminaries of learning.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 1139.

**Amendment No. 1.**

On page 2, line 3, of the printed bill, as amended, after "corporation", insert "hereafter incorporated".

**Amendment No. 2.**

On page 2, line 10, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "or if any corporation now existing is hereafter authorized by its amended articles of incorporation to confer such degrees or to issue such certificates or diplomas, such corporation".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1139?

The roll was called, and Assembly amendments to Senate Bill No. 1139 concurred in by the following vote:

**AYES:** Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McCall, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Sater, Swang, Tinkle, Wagy, Westover, Williams, and Young—39.

**NOES:** None.

Senate Bill No. 1139 ordered to enrollment.

**Senate Bill No. 296**—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 296.

Appendix 2.

The study is based on a survey of 1000 people in the United Kingdom, carried out in 1997. The survey was carried out by the British Social Attitudes Survey, which is a part of the British Social Attitudes Survey, which is a part of the British Social Attitudes Survey.

## Amendment No. 2

Amendment No. 2

*L. ... ..*

The third part of the program will involve an oral presentation by the 10 authors and 100 other participants, and follow by two sessions of discussion. The first session will be devoted to the discussion presented by the 10 authors and 100 other participants.

[illegible]

On page 11, line 26, at the second full stop add "and" and insert in full round the following:-

*[Faint, illegible text]*

[illegible]

The *Journal of the Royal Society of Medicine* is a quarterly journal, published in London, 100, The Strand, W.C.2.

The bill was called, and Assembly announced by Senate Bill No. 1790 introduced in the Vice Chancellors' office.

[illegible]

**Senate Bill No. 178.**—An act to hold Section 27 to the Fish and Game Code, relating to training schools for officers enforcing fish and game laws.

## Consolidation of Accounts, Amendments

The House took up for consideration Assembly Joint Resolutions to Set-  
tle Bill No. 178.

## Amendment No. 1.

On page 1, line 7-8 the title of the journal ( $\text{H}_2\text{O}$ , vol. 107) and insert it by adding the following: "H<sub>2</sub>O".

## Amendment No. 2

The word "and" of the second line, in parentheses, strike out "37", and insert as follows the following: "37 &".

### Amendment No. 3

The page 1, line 2 of the proposed bill, as amended, strike out "37%", and insert in lieu thereof the following: "37.5".

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 175?

The roll was called, and Assembly amendments to Senate Bill No. 178 concurred in by the following vote:

AMES, Samuel, Vice-President, Chamberlain, DeLay, Doud, Fletcher, Giddens, Gorman, Hays, Henson, Hough, Johnson, Keating, Kneuch, Knowland, Law, MacCall, Martin, May, Mayes, Nelson, Olsen, Parkman, Phillips, Pritchard, Puffer, Quinn, Reed, Smith, Sizer, Sving, Tickle, Wagg, Westover, Williams, and Young. 37

1. 1. 1. 1.

Senate Bill No. 178 ordered to enrollment.



**Senate Bill No. 423**—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 423.

**Amendment No. 1.**

On page 2 of the printed bill, as amended April 23d, strike out all of lines 34, 35, 36, 37, 38 and 39.

**Amendment No. 2.**

On page 3, line 30, of the printed bill, as amended, strike out the word "except", and strike out all of line 31; and in line 32, strike out the words "shall not be required with renewal applications,".

**Amendment No. 3.**

On page 3, line 28, of the printed bill, as amended, strike out the word "the", all of line 29, and in line 30, the words and figures "the provisions of section 17 hereof".

**Amendment No. 4.**

On page 5, line 36, of the printed bill, after the word "hereunder", insert the following: "if demanded by the customer".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 423?

The roll was called, and Assembly amendments to Senate Bill No. 423 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

Senate Bill No. 423 ordered to enrollment.

**Unfinished Business.**

**Senate Bill No. 426**—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

**Consideration of Assembly Amendment.**

The Senate took up for consideration, the Assembly amendment to Senate Bill No. 426.

**Amendment No. 1.**

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "two thousand two hundred seventy-five", and insert in lieu thereof the following: "five thousand".

The question being: Shall the Senate concur in the Assembly amendment to Senate Bill No. 426?

The roll was called, and the Assembly amendment to Senate Bill No. 426 concurred in by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Keough, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Westover, Williams, and Young—31.

**NOES**—Senators DeLap, Hays, Knowland, Rich, Swing, and Wagy—6.

Senate Bill No. 426 ordered to enrollment.



**NOTES.**—Senators Crittenden, Cunningham, DeLap, Garrison, Hays, Hobbs, Keating, Knowland, Lusk, Olson, Parkman, Phillips, Pomeroy, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—22.

**Senate Bill No. 812.**—An act to amend section 1 of an act entitled "An act to define motor carrier transportation agent, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved May 15, 1933, as amended.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 812.

##### Amendment No. 1.

On page 2, line 49, of the printed bill, as amended May 14, 1937, strike out the words "regularly engaged", and insert in lieu thereof the word "employed".

##### Amendment No. 2.

On page 3 of the printed bill, as amended, May 14, 1937, strike out lines 13 to 21, inclusive, and insert in lieu thereof the following: "State of California, or whose ownership by the registered owner or by any member of the family of a registered owner, of a pleasure vehicle".

##### Amendment No. 3.

On page 3 of the printed bill, as amended May 14, 1937, immediately following line 34, insert a new paragraph reading as follows:

"(p) The term 'pleasure vehicle' when used in this act shall mean every motor vehicle used on, or operated over, the public highways of this State for the sole use and benefit of the owner or operator thereof, which said motor vehicle while being so used or operated for the use and benefit of the owner or operator thereof is not used or operated in violation of Chapter 339, Statutes of 1933 as amended, or Chapter 91, Statutes of 1915, as amended, or this act."

##### Amendment No. 4.

On page 5 of the printed bill, as amended May 14, 1937, immediately after line 20, add the following two paragraphs:

"(i) that the proposed operation by applicant will not impair the efficient public service of any common carrier of passengers then serving the public to, from, or between any city, city and county, or municipality proposed to be served by applicant.

(j) that each and every city, city and county, or municipality to, from, or between which applicant proposes to serve is then being inadequately served by the common carriers of passengers then authorized by the commission to serve the same."

##### Amendment No. 5.

On page 1, line 7, of the printed bill, as amended May 26th, 1937, after the word "many", insert the word "passenger".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 812?

The roll was called, and Assembly amendments to Senate Bill No. 812 refused concurrence by the following vote:

**AYES.**—Senators Allen, Fletcher, Jepsen, Keegan, McColl, Metzger, Parkman, Pierovich, Powers, Schottky, Seawell, Tickle, and Williams—13.

**NOES.**—Senators Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hobbs, Keating, Knowland, McBride, Mexter, Olson, Phillips, Quinn, Rich, Slater, Waggy, Westover, and Young—20.

#### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1801—An act making an appropriation to pay the claim of the Chief Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately;

And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

The question being, Shall the Senate pass on from Senate amendments to Assembly Bill No. 1001?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1001 by the following vote:

*Ayes*—Senators Davis and Deane—2.

*Nays*—Senators Allen, Baggot, Carrington, Carrington, DeLoe, Donel, Fletcher, Garrison, Goodrich, Hays, Hutton, Hutton, Jasperson, Keating, Keough, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Plimpton, Thomas, Wilson, Winters, Williams, Young—37.

#### Administration of Committee on Conference

The President announced the appointment of Senators Rife, Easton, Leland and Hays as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1001.

#### Third Reading of Assembly Bills—(Resumed)

**Assembly Bill No. 1035**—An act to amend section 902 of the Penal Code, relating to larceny.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1035 passed by the following vote:

*Ayes*—Senators Allen, Baggot, Carrington, Carrington, DeLoe, Donel, Goodrich, Hutton, Hutton, Jasperson, Keating, Keough, Knowlton, Law, McBride, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Plimpton, Thomas, Wilson, Winters, Williams, and Young—37.

Bill read and approved.

Assembly Bill No. 1035 ordered transmitted to the Assembly.

**Assembly Bill No. 1121**—An act to amend sections 770 and 4240 of the Political Code, relating to the compensation of public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1121 passed by the following vote:

*Ayes*—Senators Allen, Baggot, Carrington, Carrington, DeLoe, Donel, Fletcher, Garrison, Goodrich, Hays, Hutton, Hutton, Jasperson, Keating, Keough, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Plimpton, Thomas, Wilson, Winters, Williams, Young—37.

Bill read and approved.

Assembly Bill No. 1121 ordered transmitted to the Assembly.

**Assembly Bill No. 983**—An act to repeal Article II of Chapter II of Part II of Division II of the School Code, relating to the governing body of a newly organized school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 983 passed by the following vote:

*Ayes*—Senators Allen, Baggot, Carrington, Carrington, DeLoe, Donel, Fletcher, Garrison, Goodrich, Hays, Hutton, Hutton, Jasperson, Keating, Keough, Knowlton, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Park-



man, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.  
 NOES—None.

Title read and approved.

Assembly Bill No. 983 ordered transmitted to the Assembly.

**Assembly Bill No. 984**—An act to repeal section 4788 of the School Code and to add a new chapter to Part II of Division IV of said code to be known as Chapter IIa, relating to county elementary school supervision funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 984 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.  
 NOES—None.

Title read and approved.

Assembly Bill No. 984 ordered transmitted to the Assembly.

**Assembly Bill No. 988**—An act to add a new section to the School Code to be known as section 2992, relating to gifts, donations, bequests and devises to school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.  
 NOES—None.

Title read and approved.

Assembly Bill No. 988 ordered transmitted to the Assembly.

**Assembly Bill No. 978**—An act to amend sections 2879 and 2880 of the School Code, relating to elections for members of governing boards of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 978 ordered transmitted to the Assembly.

**Assembly Bill No. 2375.**—Amended to amend Chapter 163, Statutes of 1879, approved June 10, 1879, so subsequently amended, entitled and being and cited as "California Toll Bridge Authority Act," by amending the title thereof and by inserting, sections 17, 20 and 22 thereof and by adding thereto new sections numbered 27, 28, 29, and 30, relating to toll collecting additional duties, powers and limitations respecting the construction and financing of toll bridges, and providing for the acquisition of the business and sale of revenue bonds for the purpose of setting, paving, building and refunding outstanding bonds on certain conditions and providing for the thereof and the power for which the same may be issued; also providing that the California Toll Bridge Authority may enter into indentures or agreements containing provisions for the payment, terms, maturity, redemption, transfer and interest of bonds, the terms and conditions upon which the same shall be issued, sold, and interest, principal, and refunded sinking funds, amounts, interest, and payments, and the appointment of a person to represent the holders of such bonds, and providing that all bonds or indentures pertaining to any bridge issued under said act shall have to be paid continue for the deposit of any additional or sinking or refunding bonds issued thereunder; also providing that all bonds and all moneys therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes; also providing for the acquisition by purchase or otherwise of real property for the purpose of exchange of the same for real property needed for the purpose of such bridges; also providing for the acquisition of property and right of way and for the lease, sale, exchange or other disposition of real property or interest therein and necessary for the purpose of any such bridge; and providing that this act, however effective immediately.

Bill read third time.

#### Legislative Counsel.

Sec. 4. This act is hereby declared to be an urgent measure within the meaning of article 1, section 17, of the Constitution of the State of California, and it is hereby provided, that the legislative committee of the senate shall advise and report upon this bill to the senate at once, and therefore the said senate shall advise immediately.

The following is a statement of the facts constituting such emergency: The immediate completion of the construction of the toll bridge and approaches thereto, on the fact of San Francisco, from the City and County of San Francisco to the County of Alameda, as to be toll bridge and include provision for the transportation, storage and movement of persons and property, is essential to afford adequate transportation for persons and property to and from Alameda County to San Francisco and the County of Alameda, at the earliest possible time, and for the convenience of the public, safety, health and welfare. To meet end and to provide for the immediate completion of the construction, including and maintenance of said bridge and the toll bridge, it is essential that this act go into effect immediately.

Legislative Counsel read.

The question being on the adoption of the foregoing clause.

The roll was called, and the negative clause adopted by the following vote:

Ayes: Spencer, Allen, Wilson, Cunningham, Clough, DeLap, Deuel, Fletcher, Garrison, Gorman, Hays, Williams, Hendricks, Johnson, Keene, Kinnland, Law, McRae, McKittrick, McLaughlin, Morgan, Myler, Nelson, Olson, Phillips, Purvich, Purvis, Quinn, Schaefer, Sewell, Slater, Strong, Tickle, Wagg, Westover, Williams, and Young—46.

Nays: None.

June 1, 1887.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2375 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2375 ordered transmitted to the Assembly.

**Assembly Bill No. 1024**—An act to add section 171b to the Civil Code, relating to the separate property of the wife.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1024 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, Williams, and Young—38.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1024 ordered transmitted to the Assembly.

**Assembly Bill No. 1559**—An act to repeal section 3897 of the Political Code and to add sections 3897 and 3897.1 thereto, relating to the sale of property deeded to the State for delinquent taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1559 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Rich, Schottky, Slater, Swing, Waggy, Westover, Williams, and Young—33.

**NOES**—Senators Pierovich, and Tickle—2.

Title read and approved.

Assembly Bill No. 1559 ordered transmitted to the Assembly.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred

Assembly Bill No. 2827—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Advisory Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; providing for cooperation between the State Soil Conservation Advisory Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations; and making an appropriation for paying the expenses of the State Soil Conservation Advisory Committee;





### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1261—An act to amend sections 1650, 1651, 1654, and 1655 and repealing sections 1656 and 1657, of the Business and Professions Code, relating to registration of licenses with county clerks;

Assembly Bill No. 1577—An act authorizing the State Treasurer to pay certain coupons of bonds issued by the State of California;

Assembly Bill No. 2831—An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the several counties and districts as defined herein, of the State of California, consisting of retirement compensation and death benefits;

Assembly Bill No. 2176—An act defining farm labor contractors, providing for the licensing thereof and for the issuance of permits to such farm labor contractors by the division of labor statistics and law enforcement, before such farm labor contractor can contract with any crop owner to cultivate, plant, tend, irrigate, harvest, pack or process crops belonging to or in which such crop owner has any interest and providing that the violation of such act shall be a misdemeanor;

Assembly Bill No. 2090—An act relating to certain State lands and the production and disposition of oil, gas, and other hydrocarbon substances therefrom, repealing all acts or parts of acts inconsistent or in conflict therewith, and making appropriations for carrying out its purposes;

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 827—An act to amend section 762 of the Probate Code of the State of California, relating to the sale of property belonging to an estate which is subject to any lien;

Senate Bill No. 820—An act to amend section 43006 of the Political Code, relating to public administrator's fees.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Laughlin, McMurray and Breed, as a Committee on Free Conference Concerning:

Assembly Bill No. 1757—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Redwine, Garland and Watson, as a Committee on Free Conference Concerning:

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Assembly Bill No. 3—An act to amend sections 1, 3, 5, 6, 11 and 13 of the Unfair Practices Act, to repeal section 15 of said act, and to add sections 15, 16 and 17 thereto, all relating to unfair trade practices.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Firearms Commission concerning Senate Bill No. 1000, as amended, which was passed by the Assembly on May 27, 1937, and is now pending in the Senate.

JAMES O. SMYTH, Chief Clerk of Assembly.  
By E. W. Dwyer, Assistant Clerk.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Firearms Commission concerning Senate Bill No. 1000, as amended, which was passed by the Assembly on May 27, 1937, and is now pending in the Senate.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

JAMES O. SMYTH, Chief Clerk of Assembly.  
By E. W. Dwyer, Assistant Clerk.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

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Assembly CHAMBER, SACRAMENTO, May 28, 1937.

JAMES O. SMYTH, Chief Clerk of Assembly.  
By E. W. Dwyer, Assistant Clerk.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

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Assembly CHAMBER, SACRAMENTO, May 28, 1937.

JAMES O. SMYTH, Chief Clerk of Assembly.  
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Assembly CHAMBER, SACRAMENTO, May 28, 1937.

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Assembly CHAMBER, SACRAMENTO, May 28, 1937.

JAMES O. SMYTH, Chief Clerk of Assembly.  
By E. W. Dwyer, Assistant Clerk.

Assembly CHAMBER, SACRAMENTO, May 28, 1937.

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Assembly CHAMBER, SACRAMENTO, May 28, 1937.

authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person, to provide for licensing retail dealers in such firearms and regulating sales thereunder, and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act;

Senate Bill No. 642—An act to amend section 5,120 of the School Code, relating to the issuing of credentials by the State Board of Education;

Senate Bill No. 1018—An act to amend section 1200 of the Fish and Game Code, relating to doves;

Senate Bill No. 1103—An act to amend sections 270 and 270a of the Penal Code, relating to failure to provide;

Senate Bill No. 1109—An act to amend section 2 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to petitions for incorporation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 88—An act to amend section 1507 of the Welfare and Institutions Code, relating to aid to needy children;

Assembly Bill No. 2178—An act to amend section 632 of the Agricultural Code, relating to records;

Assembly Bill No. 2195—An act to amend sections 500, 501, 503, 504, and 505 of the Vehicle Code, relating to felonies and other offenses;

Assembly Bill No. 2490—An act to amend sections 57 and 58 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 101—An act to amend section 1680 of the Labor Code, relating to the establishment of free employment bureaus;

Assembly Bill No. 628—An act to amend section 216 of the Vehicle Code, relating to registration of motor vehicles;

Assembly Bill No. 946—An act to amend the title to Article IV, Chapter XIV, Division III of the Probate Code, and to amend sections 541.5, 645, 646, 752, 770, 772, 780, 830, 860, 1480, 1482, 1531, 1532 and 1533 of the Probate Code, to repeal section 930.5 of the Probate Code, and to add sections 578a, 1518 and 1519 to the Probate Code, all relating to the estates of deceased persons, incompetent person and minors;

Assembly Bill No. 1794—An act licensing and regulating persons engaged in the business of writing, procuring and furnishing bail and bail bonds in criminal actions and providing penalties for the violation thereof;

Assembly Bill No. 50—An act to amend section 451 of the Agricultural Code, relating to dairies and dairy products;

Assembly Bill No. 641—An act providing for and requiring that a record be made of the ownership of street improvement bonds, fixing the time within which such recording should be made, and providing for the effect of failure to so record.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2358—An act to amend sections 1, 2, 3, 4, and 5 of an act originally entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, the title of which as amended by act approved July 20, 1935, reads as follows: "An act to authorize municipal corporations to issue bonds for the purpose of acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts, therein or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act," as amended;

Assembly Bill No. 2849—An act to amend sections 4 and 23 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the pun-





Senate Bill No. 474—An act to amend sections 737f, 737k, 737r, 737ff and 737zz of the Political Code, relating to the compensation of judges of the superior court.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate bills ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1½ of Article XIII, relating to exemptions of property on account of military service;

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the second paragraph of section 1 of Article IV of the Constitution of said State, relating to the time for submission of initiative measures to the electors;

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to section 31 of Article IV of the Constitution of said State, relating to the lending of public credit.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

The above reported Senate amendments ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Senate Bill No. 930—An act to add section 461 to the Fish and Game Code, relating to prizes for game.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Assembly Bill No. 1757—An act to regulate the operation, conduct, sanitation, use and maintenance of trailer camps and trailer coaches.

JAMES G. SMYTH, Clerk Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Assembly Bill No. 1176—An act to amend section 1286 of the Fish and Game Code, relating to transporting deer.

JAMES G. SMYTH, Clerk Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 10½, 11½, 13½, 14½, 14½, 20½, 20½ and 21½, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles.

JAMES G. SMYTH, Clerk Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Senate Bill No. 83—An act to add a new section to the School Code to be numbered 4.102A, relating to an appropriation for vocational rehabilitation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.



the county for the fiscal year 1934-1935, were, in round figures, \$45,000 increasing to \$54,000 the following year, to \$210,000 for the year just ending and with an estimated \$400,000 for next year. This is of course for all relief in these groups, not aliens alone. It should also be noted that the Old Age Security Act is the only relief law of this State which requires citizenship.

The county with the greatest demands upon it for alien relief was of course Los Angeles, while only Mono County reported no aliens on relief. Proportionately, Imperial County has the most difficult situation.

The most complete report, in the short time available, came from Sacramento County and this report is worthy of careful analysis. It points out for example that in the county hospital 24.3 per cent of the patients are aliens. However, present admissions to the hospital show a reducing figure which indicates that some of our alien problem is due to previous immigration policies rather than to a present policy.

The same report shows a total of over \$1,000,000 spent in the county for relief to aliens which is approximately 18 per cent of the county total.

The report from the Department of Penology shows that approximately 16 per cent of the inmates of our penal institutions are aliens (19 per cent in San Quentin, 11 per cent in Folsom and 14 per cent in Tehachapi). Perhaps we should consider the larger percentage in San Quentin as of interest, as this is our prison for first offenders. Of the 987 foreign-born inmates in San Quentin, 294 have deportation proceedings pending against them.

Briefly, therefore, all that can be reported to the Senate prior to the adjournment of the fifty-second session is that this is a problem of vital importance. We are unquestionably spending over \$5,000,000 a year in California in the support of men and women on our relief rolls who are not citizens of the United States. Even if we admit the necessity of caring for these men and women, the question still arises whether this is a county and State problem or distinctly a Federal problem. It is a question which should be given a thorough investigation at the earliest possible moment. Some arrangement should be made to conclude the analysis of the figures still coming in as the result of the resolution of May 10th so that these may be sent later to the members of the Senate.

Respectfully submitted.

JOHN PHILLIPS.

#### **Re-reference of Assembly Bill No. 1171.**

Senator Denel moved that Assembly Bill No. 1171 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

#### **Re-reference of Assembly Bill No. 1173.**

Senator Denel moved that Assembly Bill No. 1173 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

#### **Re-reference of Assembly Bill No. 1868.**

Senator Quinn moved that Assembly Bill No. 1868 be referred to Committee on Education.

Motion carried, and such was the order.

#### **Re-reference of Assembly Bill No. 1029.**

Senator Quinn moved that Assembly Bill No. 1029 be re-referred to Committee on Revision of Criminal Law and Procedure.

Motion carried, and such was the order.

#### **Re-reference of Senate Bill No. 671.**

Senator Parkman moved that Senate Bill No. 671 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

#### **Re-reference of Senate Concurrent Resolution No. 48.**

Senator Phillips moved that Senate Concurrent Resolution No. 48 be re-referred to Committee on Rules.

Motion carried, and such was the order.

## Report of Standing Committee

The following report of standing committee was presented and read:

## On Engraving, Enrolment and Printing.

SUGAR CHAMBER, SACRAMENTO, May 28, 1897.

MR. CHAMBER: Your Committee on Engraving, Enrolment and Printing has the honor

to report that Resolution No. 14—Resolved by recommending the President and the Congress of the United States transmit the H. R. 10000, which pertains to engraving on the United States seal, to the House of Representatives by the completion of the seal, and to the Secretary of Agriculture to receive the seal, and to the Secretary of the Treasury to receive the seal.

Resolution No. 15—Resolved by recommending the United States Post Office Department to send a printed circular recommending the sending of Post Office.

Resolution No. 16—Resolved by the recommendation of a Committee on Engraving.

Section 100, Sec. 10, H. R. 10000 to be read section 100 of the Fish and Game Code, relating to the seal of the United States.

Section 101, Sec. 10, H. R. 10000 to be read section 101 of the Fish and Game Code, relating to the seal of the United States. An act to provide for the seal of the United States, and to provide for the seal of the United States.

Section 102, Sec. 10, H. R. 10000 to be read section 102 of the Fish and Game Code, relating to the seal of the United States.

Section 103, Sec. 10, H. R. 10000 to be read section 103 of the Fish and Game Code, relating to the seal of the United States.

And report that the same have been carefully examined, and presented to the Governor on the twenty-eighth day of May, 1897, at two o'clock p. m.

KEITH GIL, Chairman.

SUGAR CHAMBER, SACRAMENTO, May 28, 1897.

MR. CHAMBER: Your Committee on Engraving, Enrolment and Printing has the honor

to report that the President and the Congress of the United States transmit the H. R. 10000, which pertains to engraving on the United States seal, to the House of Representatives by the completion of the seal, and to the Secretary of Agriculture to receive the seal, and to the Secretary of the Treasury to receive the seal.

Resolution No. 17—Resolved by recommending the President and the Congress of the United States transmit the H. R. 10000, which pertains to engraving on the United States seal, to the House of Representatives by the completion of the seal, and to the Secretary of Agriculture to receive the seal, and to the Secretary of the Treasury to receive the seal.

Section 104, Sec. 10, H. R. 10000 to be read section 104 of the Fish and Game Code, relating to the seal of the United States.

Section 105, Sec. 10, H. R. 10000 to be read section 105 of the Fish and Game Code, relating to the seal of the United States.

Section 106, Sec. 10, H. R. 10000 to be read section 106 of the Fish and Game Code, relating to the seal of the United States.

Section 107, Sec. 10, H. R. 10000 to be read section 107 of the Fish and Game Code, relating to the seal of the United States.

Section 108, Sec. 10, H. R. 10000 to be read section 108 of the Fish and Game Code, relating to the seal of the United States.

And report that the same have been carefully examined, and presented to the Governor on the twenty-eighth day of May, 1897, at two o'clock p. m.

KEITH GIL, Chairman.

SUGAR CHAMBER, SACRAMENTO, May 28, 1897.

MR. CHAMBER: Your Committee on Engraving, Enrolment and Printing has the honor

to report that the President and the Congress of the United States transmit the H. R. 10000, which pertains to engraving on the United States seal, to the House of Representatives by the completion of the seal, and to the Secretary of Agriculture to receive the seal, and to the Secretary of the Treasury to receive the seal.

Resolution No. 18—Resolved by recommending the President and the Congress of the United States transmit the H. R. 10000, which pertains to engraving on the United States seal, to the House of Representatives by the completion of the seal, and to the Secretary of Agriculture to receive the seal, and to the Secretary of the Treasury to receive the seal.

Section 109, Sec. 10, H. R. 10000 to be read section 109 of the Fish and Game Code, relating to the seal of the United States.

Section 110, Sec. 10, H. R. 10000 to be read section 110 of the Fish and Game Code, relating to the seal of the United States.

Section 111, Sec. 10, H. R. 10000 to be read section 111 of the Fish and Game Code, relating to the seal of the United States.



Senate Bill No. 422—An act to amend section 664a to the Political Code, relating to the payment of State officers and employees;

Senate Bill No. 438—An act to amend sections 2 and 4 of an act entitled "An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof," approved April 13, 1933, relating to permits and to species illegally entered or kept;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 442—An act to amend section 1075 of the Agricultural Code, pertaining to economic poisons;

Senate Bill No. 454—An act to amend section 826 of, and to add section 821.5 to, the Insurance Code, relating to corporate securities and their issuers;

Senate Bill No. 455—An act to amend sections 10632, 10633, 10636, 10637, 10638, 10639, 10700, 10701, 10710, 10721, 10723, 10724, 10728, and 10740 of the Insurance Code, and to add sections 10639.5, 10639.6, 10639.6, 10722.5, 10722.6, 10722.7, 10725.5, and 10726.5 thereto, all relating to life insurance;

Senate Bill No. 456—An act to amend sections 10112, 10204, 10209, 10213, and 10511 of the Insurance Code, to add section 10204.5 thereto, all relating to insurance;

Senate Bill No. 460—An act to amend section 12974 of the Insurance Code, to repeal section 12975 thereof, and to add sections 12975 and 12975.5 thereto, all relating to the insurance fund in the State treasury, making an appropriation, and providing the same shall take effect immediately;

Senate Bill No. 464—An act to amend sections 1761, 1763, and 1766 of the Insurance Code, to repeal sections 1762, 1764, 1772, and 1773 thereof, and to add sections 1760.5 and 1775.5 thereto, all relating to insurance;

Senate Bill No. 470—An act to amend sections 945, 970, 973, 1644, 11016, 12356, 12357, and 12358 of the Insurance Code, and to add sections 939 and 1325.5 thereto, all relating to insurance;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 472—An act to add section 44.1 to the Vehicle Code, relating to motor vehicles;

Senate Bill No. 483—An act making an appropriation to provide land for the Sonoma State Home;

Senate Bill No. 489—An act to add sections 1703.5 to the Insurance Code relating to agents for disability insurance;

Senate Bill No. 490—An act to amend the "American River Flood Control District Act," approved May 28, 1927, as amended by adding a new section thereto to be numbered section 164, relating to the issuance of refunding bonds at a lower interest rate in exchange for outstanding bonds of the district; and containing a provision declaring this act to be an emergency matter, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Senate Bill No. 495—An act to add sections 3a and 12a to the California District Securities Commission Act, relating to the certification of bonds as available for legal investments and to the issuance of certificates of deposit for securities so certified;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 502—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, and to make an appropriation therefor;

Senate Bill No. 504—An act to amend sections 890 and 898 of the Military and Veterans Code, relating to veterans, and making an appropriation for aid to veterans' dependents;

Senate Bill No. 516—An act to amend section 4041.18 of the Political Code, relating to construction of public buildings;



Senate Bill No. 863—An act providing for the control, management, and jurisdiction over certain lands owned by the State of California and situated in the county of Humboldt;

Senate Bill No. 892—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California;

Senate Bill No. 925—An act making an appropriation for construction, improvements and equipment of armories, arsenals, rifle ranges and camp sites, The Adjutant General and California National Guard during the eighty ninth and ninetieth fiscal years, and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 927—An act to amend section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council;

Senate Bill No. 951—An act making an appropriation for the purchase of property and for construction and improvements for State college at Chico;

Senate Bill No. 960—An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein;

Senate Bill No. 1036—An act to amend section 4255 and repeal section 4255a of the Political Code, relating to compensation of officers of counties of the twenty sixth class;

Senate Bill No. 1044—An act to add section 4260.5 to and to repeal section 2322A31 of the Political Code, relating to compensation of officers, officials and deputies in counties of the thirty-first class;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1078—An act to amend sections 737.5 and 737.7 of the Agricultural Code, relating to persons handling and purchasing milk, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 1106—An act to amend sections 737n, 737e, 737ccc and 737v of the Political Code, relating to salaries of judges of the superior court;

Senate Bill No. 1107—An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use;

Senate Bill No. 1113—An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class;

Senate Bill No. 1138—An act to add section 66a to the Code of Civil Procedure, relating to the number of superior court judges in and for the county of Ventura, and providing for the appointment thereof;

Senate Bill No. 1149—An act to amend section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization;

Senate Bill No. 1150—An act to add section 246.1 to the Code of Civil Procedure, relating to verified statements by jurors;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

### Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

**Recess.**

At twelve o'clock and one minute p.m., on motion of Senator R. L. the President of the Senate declared recess until twelve o'clock and forty-five minutes p.m.

**Reconvened.**

At twelve o'clock and forty-five minutes p.m., the Senate reconvened. Hon. William F. Elmer, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Cook at the desk.

**Call of the Senate.**

Senator Elmer issued a call of the Senate.

Rolling called.

The Secretary was directed to call the roll.

The roll was called, and the following answered in their names:

Senators Epper, Cummings, Elmer, Gaskill, Halliday, Johnson, McCann, Miller, Quinn, Thomas, Van Dine, Quinn, Williams, and Young. 15.

The Secretary announced the attendance.

There, twelve o'clock and forty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Unfinished Business—(Resumed).**

**Senate Bill No. 218.** The act to authorize and empower boards of supervisors to levy a tax for advertising, exhibiting, promoting and selling measures to preserve, and to develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for investigating, gathering statistics and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 218, read previously.

The question being: Shall Senate Bill No. 218 become a law, notwithstanding the objections of the Governor?

The roll was called and the objections of the Governor sustained by the following vote:

Ayes—None.

Nays—Senators Allen, Hagan, Cummings, Cummings, Dilling, Elmer, Elmer, Gaskill, Hays, Halliday, Johnson, Quinn, Quinn, Lee, McCoy, McCann, Miller, Miller, Quinn, Thomas, Van Dine, Quinn, Williams, and Young. 21.

**Reports of Standing Committees.**

The following reports of standing committees were received and read:

**On Finance.**

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 79, Relative to additional construction in connection with the proposed State building plan;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it be adopted as amended.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Concurrent Resolution No. 55—Relative to a coordinated State building plan;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—8; noes—1.

SWING, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 62—Relative to designating a representative of the State to attend and observe the Viticultural Congress and the wine judging at the International Exposition in Paris;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

RICH, Chairman.

SLATER.

TICKLE.

MCCOLL.

KNOWLAND.

#### On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 2924—An act to repeal "An act to provide for the sale of an excess of water when owned by a municipality and repealing an act entitled 'An act to provide for the sale of an excess of water when owned by a municipality,' approved March 27, 1897," approved April 10, 1911;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

McGOVERN, Chairman.

DELAP.

NIELSEN.

OLSON.

GARRISON.

### Second Reading of Assembly Bills—(Out of Order).

**Assembly Bill No. 2924**—An act to repeal "An act to provide for the sale of an excess of water when owned by a municipality and repealing an act entitled 'An act to provide for the sale of an excess of water when owned by a municipality,' approved March 27, 1897," approved April 10, 1911.

Bill read second time, and ordered on file for third reading.

**Assembly Concurrent Resolution No. 59**—Relative to additional construction in connection with the coordinated State building plan.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Concurrent Resolution No. 59 were read and adopted:

##### Amendment No. 1.

On page 2, line 2, of the printed measure, strike out "\$5,000.00", and insert in lieu thereof the following: "215,000.00".

##### Amendment No. 2.

On page 2 of the printed measure, between lines 5 and 6, insert the following:

"State Fair buildings .....	750,000
Capitol electroliers .....	16,250
California School for the Deaf.....	200,000".

Bill read, ordered to print, and on file.

Assistant Secretary, Bureau of Education at the Desk

Third Reading of Assembly Bills (Resumed)

**Assembly Bill No. 1148.**—An Act to amend section 2711a of the Civil Code to authorize making the Board of ports to perform actions relating to that section.

1911 *Journal of the Royal Society of Medicine*

The question being on the number of the 100

The rail was cut off, and Assembly Bill No. 1188 passed by the following vote:

Department:  Title:  Office:  Country:   
 Home Address:  Phone:  Fax:  E-mail:   
 Mailing Address:  City:  State:  ZIP:  Postal Code:   
 Other:

Assembly Bill No. 1136 is hereby transmitted to the Assembly.

**Assembly Bill No. 221**—to amend section 90 of the Agricultural Code, relating to agricultural districts.

1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729

The question being on the passage of the bill.

That bill was introduced, and Assembly Bill No. 691 refused passage by the following vote:

Author: *James J. Frawley, Transportation Safety Program, Graduate Institute of Technology, Michigan State University, East Lansing, Michigan 48824, U.S.A.*

M. H. HALL, *Manager*; M. J. C. FLEMING, *Editor*; W. H. SCHUBERT, *Secretary*; S. M. S. SMITH, *Editor*; W. H. WILSON, *and* *Others*, *Ill.*

Table 2 and 3 continued

Assembly Bill No. 271 related to the Assembly

**Assembly Bill No. 253**—to amend an act to provide for the retirement with retirement allowance of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts.

Half good, half bad.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 passed by the following vote:

Agar, Anderson, Baker, Campbell, DeLoft, Fisher, Gaudin, Gledits, Hays, Hollister, Jepperson, Kneeland, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Peterson, Quinn, Rasmussen, Sorenson, Thomsen, Wadsworth, Young, 24

NOTE: \*Author: Anna Hansen, Kempt, Law, Peterson, Shuler, Tiedke, and

Text read and approved.

Assembly Hall No. 333 ordered transmitted to the Assembly

**Assembly Bill No. 1711.** An act creating a special fund to be known as the "Judges' retirement fund," providing for disbursements therefrom, and to make appropriations therefor.

Bill read third time.

The question being on the passage of the bill.

The bill was called and Assembly Bill No. 1711 refused passage by the following vote:

*Assoc. Scribes v. Assn. Hatters*, 106 U.S. 513; *McCaff. Parkman, Slater, and Tickle*, -7.

**NOES**—Senators Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, McGovern, Metzger, Mixer, Nielsen, Phillips, Powers, Rich, Schottky, Seawell, Swing, Wagy, Westover, and Young—22.

### **Motion to Reconsider.**

Senator Allen moved to reconsider the vote whereby Assembly Bill No. 1711 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 1711 reconsidered by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—33.

**NOES**—Senator Keating—1.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At one o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

### **Reconsideration of Assembly Bill No. 1711.**

**Assembly Bill No. 1711**—An act creating a special fund to be known as the "Judges' retirement fund," providing for disbursements therefrom, and to make appropriations therefor.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1711 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1711 ordered transmitted to the Assembly.

### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 939**—An act to amend sections 9e and 9d of, and to add sections 9e and 9f to, the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to workmen's compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 939 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 939 ordered transmitted to the Assembly.

### **President of the Senate in the Chair.**

At one o'clock and three minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.





McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young 33  
 NOES—None.

Title read and approved.

Assembly Bill No. 2733 ordered transmitted to the Assembly.

**Assembly Bill No. 2885**—An act to amend section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2885 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Daniel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Kenting, Keough, Knowland, Law, McColl, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Porovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2885 ordered transmitted to the Assembly.

**Assembly Bill No. 2175**—An act to regulate the employment of labor on public works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2175 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Kenting, Keough, Knowland, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2175 ordered transmitted to the Assembly.

**Assembly Bill No. 842**—An act to add section 23 3 to an act entitled "An act to provide for a preliminary investigation report and hearing upon the organization of the special tax and assessment districts and providing certain restrictions and limitations upon the organization of same and providing for the termination of proceedings for the organization thereof by protest of the owners of a majority of the property subject to assessment for district purposes," approved June 10, 1933, relating to the districts to which said act applies, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health, peace and safety within the meaning of section 1 of Article IV of the Constitution of this State. The following is a statement of the facts constituting such necessity:

Certain sanitary districts have been organized within this State pursuant to the provisions of Chapter 171 of the Statutes of 1923 and have inadvertently neglected to comply with the provisions of the act which this act amends. The health and welfare of the citizens of this State within the areas so affected are immediately involved and in order to assure such persons necessary and desirable sanitary facilities it is necessary that this act take effect immediately.



**Re-reference of Assembly Bill No. 1081.**

Senator Young moved that Assembly Bill No. 1081 be re-referred to Committee on Civil Service.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 1295.**

Senator Tickle moved that Assembly Bill No. 1295 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 2250.**

Senator Tickle moved that Assembly Bill No. 2250 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

**Withdrawal from Committee of Assembly Bill No. 2250.**

Senator Jespersen moved that Assembly Bill No. 2250 be withdrawn from Committee on Judiciary for purpose of passage.

The question being on the adoption of the motion to withdraw.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bizzar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

**Consideration of Assembly Bill No. 2250.**

**Assembly Bill No. 2250**—An act to regulate sales and special sales of goods, wares and merchandise, and to provide penalties for the violation thereof.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bizzar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

The Secretary announced the absentees.

Time, one o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2913**—An act to amend section 234 of the Agricultural Code, relating to bovine tuberculosis.





**Secretary Joseph A. Beek at the Desk.**

**Assembly Bill No. 2204**—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2204 passed by the following vote:

**AYES**—Senators Allen, Biggar, DeLap, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McColl, Metzger, Mixter, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Wagy, Westover, and Young—25

**NOES**—Senators Nielsen, and Olson—2.

Title read and approved.

Assembly Bill No. 2204 ordered transmitted to the Assembly.

**Assembly Bill No. 1828**—An act to add section 1396 5 to the Labor Code, relating to the sale of goods made or manufactured with child labor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1828 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Nielsen, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Westover—27.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1828 ordered transmitted to the Assembly.

**Assembly Bill No. 1114**—An act to add Part 2, comprising Chapter 1, sections 4000 to 4083, inclusive, to Division V of the Welfare and Institutions Code, relating to aid for needy disabled persons.

#### **Amendment from the Floor.**

During third reading of Assembly Bill No. 1114, the following amendment, offered by Senator Westover, was read and adopted:

#### **Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, strike out "4083", and insert in lieu thereof the following: "4084".

#### **Consideration of Assembly Bill No. 1114, as Amended.**

**Assembly Bill No. 1114**—An act to add Part 2, comprising Chapter 1, sections 4000 to 4084, inclusive, to Division V of the Welfare and Institutions Code, relating to aid for needy disabled persons.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 1114 passed by the following vote:

Ayes—Messrs. Allen, Briggs, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Johnson, Keating, Keith, McCall, Merrill, Nelson, Olin, Perkins, Phillips, Pomeroy, Quinn, Quinn, Ryan, Smith, Smith, Smith, Tamm, Webb, Weston, Williams, and Wright;—  
Nays—Messrs. Davis and Jackson.

Title read and approved, as amended.

Assembly Bill No. 1114 ordered transmitted to the Assembly.

**Assembly Bill No. 2218**—An act to amend sections 4 and 5, and to renumber and amend section 6 of an act entitled "An act authorizing the establishment, maintenance and operation of recreation districts," approved June 10, 1901, relating to recreation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2218 passed by the following vote:

Ayes—Messrs. Allen, Briggs, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Johnson, Keating, Keith, McCall, Merrill, Nelson, Olin, Perkins, Phillips, Pomeroy, Quinn, Quinn, Ryan, Smith, Smith, Smith, Tamm, Webb, Weston, Williams, and Wright;—  
Nays—None.

Title read and approved.

Assembly Bill No. 2218 ordered transmitted to the Assembly.

**Assembly Bill No. 1516**—An act to add section 6 to, and amend section 4 of, and to amend section 5 of an act entitled "An act to establish a system of unemployment insurance for this State, and making appropriations therefor," approved June 16, 1903, relating to a system of unemployment insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1516 passed by the following vote:

Ayes—Messrs. Allen, Briggs, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Johnson, Keating, Keith, Keough, Knowland, Law, McCall, McCall, Merrill, Quinn, Quinn, Olin, Perkins, Phillips, Pomeroy, Quinn, Quinn, Ryan, Smith, Smith, Smith, Tamm, Webb, Weston, and Williams;—  
Nays—None.

Title read and approved.

Assembly Bill No. 1516 ordered transmitted to the Assembly.

**Assembly Bill No. 2497**—An act to amend section 4041.16 of the Political Code, or to amend section 202 of the Welfare and Institutions Code, relating to county care of indigents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2497 passed by the following vote:

Ayes—Messrs. Allen, Briggs, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Johnson, Keating, Keough, Knowland, Law, McBride,

McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2407 ordered transmitted to the Assembly.

**Assembly Bill No. 1320**—An act to add section 145 to the State Medical Practice Act, relating to unprofessional conduct.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1320 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 1320 ordered transmitted to the Assembly.

**Assembly Bill No. 2116**—An act to add section 1873 to the Code of Civil Procedure, relating to blood grouping tests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2116 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 2116 ordered transmitted to the Assembly.

**Assembly Bill No. 2140**—An act to amend section 2 of an act entitled "An act to provide for the proper sanitary conditions of factories and workshops, and for the preservation of the health of employees," approved February 6, 1889, relating to sanitation of work places.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2140 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2140 ordered transmitted to the Assembly.

**Assembly Bill No. 1981**—An act to amend sections 4010, 4030, 4035, 4036, 4042 and 4044, to repeal section 4045 of, and to add section 4033.5 to, Chapter 9 in Division II of the Business and Professions

Code, relating to the suppression of the Chapter on physicians, surgeons and druggists.

BILL read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1263 passed by the following vote:

AYES—SIMPSON, BAKER, BRIDGES, CHAMBERLAIN, DELAP, DODD, GARRISON, GORDON, HARRIS, HATHORN, HEDDER, JENSEN, KESTING, KROGH, KROGHEN, LANE, McBRIDE, MERRILL, MORGAN, MURPHY, NELSON, PARKMAN, PHILLIPS, PIEROVICH, QUINN, QUINN, RICH, SCHUBERT, STARR, SWING, THOMAS, WAGNER, WESTCOTT, WILSON, and YOUNG—34.

Title read and approved.

Assembly Bill No. 1263 ordered transmitted to the Assembly.

**Assembly Bill No. 1265**—An act to revise an act entitled "An act to amend the better regulation of practitioners of veterinary medicine and to regulate the practice of veterinary medicine in the State of California, as provided for the creation of a board of five members who shall act under and in accordance with the provisions of this act, to provide for their appointment and define their powers, duties and compensation; to define offenses connected therewith contrary to the provisions of this act, and providing penalties for the violation thereof, providing for the removal or suspension, in certain cases, of license issued hereunder, and to repeal an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 25, 1881, and all other acts or parts of acts in conflict herewith," approved May 5, 1872, as amended, relating to the practice of veterinary medicine and surgery, and repealing acts and parts of acts aforesaid hereto.

BILL read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1265 passed by the following vote:

AYES—SIMPSON, BAKER, BRIDGES, CHAMBERLAIN, DELAP, DODD, GARRISON, GORDON, HARRIS, HATHORN, HEDDER, JENSEN, KESTING, KROGH, KROGHEN, LANE, McBRIDE, MERRILL, MORGAN, MURPHY, NELSON, PARKMAN, PHILLIPS, PIEROVICH, QUINN, QUINN, RICH, SCHUBERT, STARR, SWING, THOMAS, WAGNER, WESTCOTT, WILSON, and YOUNG—34.

None dissenting thereon and thereon.

Title read and approved.

Assembly Bill No. 1266 ordered transmitted to the Assembly.

**Assembly Bill No. 1266**—An act to repeal Chapter 11, comprising sections 4800 to 4805, inclusive, of Division II of the Business and Professions Code, and to add Chapter 11, comprising sections 4800 to 4805, inclusive, to Division II of the Business and Professions Code, relating to the practice of veterinary medicine and surgery.

BILL read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1266 passed by the following vote:

AYES—SIMPSON, BAKER, BRIDGES, CHAMBERLAIN, DELAP, DODD, GARRISON, GORDON, HARRIS, HATHORN, HEDDER, JENSEN, KESTING, KROGH, KROGHEN, LANE, McBRIDE, MERRILL, MORGAN, MURPHY, NELSON, PARKMAN, PHILLIPS, PIEROVICH,



Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams and Young—35.

NOES—Senators Fletcher, and Olson—2.

Title read and approved.

Assembly Bill No. 1266 ordered transmitted to the Assembly.

**Assembly Bill No. 2298**—An act to amend section 24 of the Direct Primary Law, relating to party conventions, membership and organization of State central committees and county central committees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2298 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hollister, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Piercevich, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—30.

NOES—Senators Hays, Metzger, Minter, Rich, and Schottky—5.

Title read and approved.

Assembly Bill No. 2298 ordered transmitted to the Assembly.

**Assembly Bill No. 1845**—An act to amend sections 1 and 24 of the Direct Primary Law, relating to primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1845 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Garrison, Hays, Hollister, Holahan, Jespersen, Keating, Law, McBride, McColl, McGovern, Metzger, Minter, Nielsen, Parkman, Phillips, Piercevich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—31.

NOES—Senators Cunningham, Deuel, Gordon, Keating, Olson, and Williams—6.

Title read and approved.

Assembly Bill No. 1845 ordered transmitted to the Assembly.

**Assembly Bill No. 2063**—An act to add Article 2a to Chapter 1 of Division 1 of the Streets and Highways Code, embracing sections 85 to 93, inclusive, relating to the creation of a Bureau of Safety Engineering, and prescribing its powers and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2063 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Holahan, Jespersen, Keating, Knowland, Law, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Piercevich, Quinn, Seawell, Slater, Swing, Tickle, and Young—24.

NOES—Senators DeLap, Deuel, Hays, Hollister, Keough, McBride, Powers, Rich, and Williams—9.

Title read and approved.

Assembly Bill No. 2063 ordered transmitted to the Assembly.

#### **Assembly Concurrent Resolution No. 65.**

Relative to a coordinated State building plan.

WHEREAS, A legislative measure entitled "An act to provide a unified and centralized program of construction, repair and improvement of State buildings, and making an appropriation for the purposes of this act," is now being considered by the Legislature, which measure provides for a unified and centralized program of construction, repair and improvements to carry out the provisions of said act, and



*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article VI thereof a new section to be numbered 5½, and to read as follows:

Sec. 5½. The superior courts shall review the actions of any administrative officer, board or commission to the extent and in the manner provided by the Legislature. The writs of certiorari or review, mandamus, prohibition, quo warrantu and habeas corpus may be modified by the Legislature for this purpose or it may provide another writ therefor.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Constitutional Amendment No. 62 adopted by the following vote:

**AYES.** Senators Allen, Biggar, Catherlin, Cunningham, DeLap, Deane, Fletcher, Garrison, Gordon, Hays, Hollister, Holden, Jefferson, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Minter, Nansen, Olson, Packman, Phillips, Piersovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

**NOES.**—None.

Assembly Constitutional Amendment No. 62 ordered transmitted to the Assembly.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

#### Concerning Senate Bill No. 33.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

**MR. PRESIDENT:** Your Committee on Free Conference Concerning:

Senate Bill No. 33—An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 23, of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, so as to provide for the licensing of personal property brokers and brokers by the Commissioner of Corporations; to limit and regulate their charges; to authorize and regulate the assignment of wages, salary, commissions, or other compensation for services when given to a personal property broker as security for a loan of or as consideration for the payment of money, credit, goods or things in action; to provide for the administration and enforcement of this act by the Commissioner of Corporations; and to provide penalties for the violation of this act; Reports that it has met a like committee of the Assembly, consisting of Assemblymen Johnson, Tenney and Lyon, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 2, line 3, of the printed bill, as amended May 25, 1937, strike out the word "money", and insert in lieu thereof the following: "money, and taking in the name of the lender, or in any other name, in whole or in part, as security for such loan, any contract or obligation involving the forfeiture of rights in or to personal property, the use and possession of which property is retained by other than the mortgagee or lender, or all who are engaged in the business of lending money and taking in the name of the lender, or in any other name, in whole or in part as security for such loan, any lien on, assignment of, or power of attorney relative to wages, salary, earnings, income or commission."

#### Amendment No. 2.

On page 2 of the printed bill, as amended May 25, 1937, strike out lines 12 to 16, inclusive.

#### Amendment No. 3.

On page 5 of the printed bill, as amended May 25, 1937, strike out lines 45 to 51, inclusive, and on page 6, strike out lines 1 to 16, inclusive, and insert in lieu thereof the following:

"1. Deliver to the borrower at the time the loan is made either a copy of each paper signed by the borrower, or a statement in the English language setting forth the name and address of the borrower; the name, address and license number of the personal property broker and of the broker (if any); the date and amount of





but no State has made the law effective. Your bill as passed by Senate should become law. Better pass no law than the one passed by Assembly.

Best Wishes.

WILLIAM T. FOSTER."

The above telegram was read to the Conference Committee. These amendments do not suit me for I do not think it is fair as no one, in my opinion, is going to loan \$50 and receive in return 2 per cent interest per month, or one dollar as a total compensation. We find ourselves in this position. Eighteen bills on this subject were introduced and 17 killed. It is the last day of the session. We must decide whether to pass this bill and try it out for two years or kill it and leave the sky the limit.

Salary bond brokers are getting from 2 to 600 per cent annually, and the personal experience of one of my dear friends, which I have already told you about, forced him to pay on a \$50 loan approximately 100 per cent per annum, with a \$300 car as security.

Ninety per cent of our citizens can not borrow money from our banks, and today they are the prey of the avaricious bond brokers. Something must be done, although I feel the 2 per cent interest to the personal bond broker's reloads in the smaller brackets is too low on \$50 to \$100 loans at least.

I voted concurrence for the following reasons: First, I believe in the rule of the majority, but my colleagues have out-voted me. Second, we must have regulation. I feel my obligation is to the large majority of unfortunate people who have to borrow. Time only can tell whether this bill, if passed, is just or not. Personally, I think the rate of interest to small loans should be 3 per cent, instead of 2 per cent.

With this explanation the responsibility is yours how to vote on this question.

SENATOR FLETCHER.

### Resolution.

The following resolution was offered:

By Senators Jespersen, Deuel, Parkman, Gordon, Nielsen, Mixer, Crittenden and Williams:

WHEREAS, Since the last previous session of this Legislature, there was taken from our midst, the Honorable Isaac Jones, a former member of the Assembly of this State; and

WHEREAS, Isaac Jones served the people of his State through the years with devotion, courage, and sincerity of purpose, he was unflinching in his determination to at all times stand for those principles which he believed to be right and just; and

WHEREAS, His life and work was and is an inspiration to all who knew him and served with him in public life; therefore, be it

*Resolved*, That when this Senate adjourns sine die, it do so out of respect to the memory of Isaac Jones; be it further

*Resolved*, That a copy of this resolution be spread on the minutes of this Senate and that the Secretary of the Senate be instructed to send a properly engrossed copy of this resolution to the family of Isaac Jones.

Resolution read, and unanimously adopted by a rising vote of the Senate.

### Report.

The following report by Special Senate Committee on Investigation of Agriculture Problems was received, and ordered printed in the Journal:

#### REPORT OF SENATE INVESTIGATING COMMITTEE ON THE INVESTIGATION OF AGRICULTURAL PROBLEMS.

Pursuant to Resolution Passed by the Senate and Reported in Senate Journal of May 21, 1935, at Page 2221; Also Resolution Passed by the Senate and Reported in Senate Journal of May 24, 1935, at Page 2346; and Also Pursuant to Resolution Passed by the Senate on January 22, 1937, and Appearing in the Senate Journal of that Date, at Page 10.

MEMBERS OF THE COMMITTEE: Senator Bradford S. Crittenden, Chairman; Senator C. H. Deuel, Secretary; Senators Thomas McCormack, D. Jack Metzger, Frank L. Gordon, Henry A. Perry, Nelson T. Edwards, J. I. Wagy, and Edgar W. Stowe.

MEMORANDUM OF AGED COMMITTEES ON COMMERCE AND PRODUCTION OF THE PRESENT  
 SENATE, REPORTED TO THE SENATE, AND SUBMITTED TO THE SENATE DAILY  
 JOURNAL, JANUARY 22, 1935, BY SENATORS NELSON T. EDWARDS, JAMES D. HALLAM,  
 and THOMAS A. SPOONER, MEMBERS OF THE SENATE OF CALIFORNIA, PERCY,  
 EDWARDS, AND SPOONER.

(Letter of Transmittal.)

To the Senate:

Your Committee on the Administration of Agricultural Programs suggested several other opportunities for service to your body than that of submitting the record of its deliberations.

First of all, the Committee might determine the effect of the enactment of laws of the new agricultural programs and of reports of the administration of these laws. The Committee has been engaged in this work.

We believe considerably that information has been received by the committee which will assist you in your work as a member of the legislative branch, particularly the question of agriculture, commerce, and industry.

The Committee has been so active in the legislative and executive branches of the State that it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions, and it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions, and it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions.

Your committee has been active in the legislative and executive branches of the State that it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions, and it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions.

The Senate Agricultural Committee was organized and began its work on the 10th of January and has since that time been active in the legislative and executive branches of the State that it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions.

Members of the Senate Agricultural Committee have been active in the legislative and executive branches of the State that it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions.

It will be seen that the Senate Agricultural Committee has been active in the legislative and executive branches of the State that it has been able to submit to the Senate during the last session, December 7, 1934, approximately 100 bills and resolutions.

SENATE RESOLUTION, AS AMENDED

FOR SENATE CONSIDERATION AND ACTION

WHEREAS, The agricultural industry of the State of California is one of the most important and profitable of all the people of the State and the production of agricultural products is one of the most important and profitable of all the people of the State and the production of agricultural products is one of the most important and profitable of all the people of the State.

WHEREAS, The State of California is one of the most important and profitable of all the people of the State and the production of agricultural products is one of the most important and profitable of all the people of the State.

WHEREAS, The agricultural industry of the State of California is one of the most important and profitable of all the people of the State and the production of agricultural products is one of the most important and profitable of all the people of the State.

WHEREAS, There are now in effect, and pending, many regulations affecting the marketing of agricultural products, many of which are experimental;

WHEREAS, It is necessary that in the future laws be enacted perpetuating laws in effect, and pending, many regulations affecting the marketing of agricultural products, many of which are experimental;

WHEREAS, A Senate Committee was organized on January 6, 1935, to study marketing matters and regulations and the law of the State was able to complete its investigation and report to the Senate on January 10, 1935.

Resolved by the Senate of the State of California, That the President of the Senate appoint a committee of seven members to investigate the matters hereinbefore set forth and to report to the Senate on or before the 1st day of May, 1935, the effect of the laws and regulations now in effect on the marketing of agricultural products and the differential between the price paid to the producer and the price paid to the consumer.

duce and the price paid by the consumer, the price paid to California producers of agricultural products as compared with the price paid in the local markets and in other markets; to investigate the effect of mass buying and distribution upon the prices of agricultural products; to investigate the effect upon consumption of agricultural products of various methods of selling and distribution of agricultural products; and to inspect generally the Department of Agriculture and to investigate complaints in regard to inspection of agricultural products, to study the operation of cooperative marketing in this State and in other States, and to report during the first week of the next ensuing session of the Legislature with recommendations as to needed legislation; and be it further

*Resolved*, That said committee is hereby authorized and empowered to use such agencies of the University of California, the State Department of Agriculture and other governmental agencies as may be available to aid it in making studies and developing facts to be used in its investigations.

*Resolved*, That said committee shall be and is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters hereinbefore set forth in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses; require the production of papers, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee, and that said committee be, and it is hereby given leave, to sit during the sessions of the Legislature of 1935 and the sessions of 1937, and between said times to hold meetings throughout the State at such places as may be convenient to the committee, and to the witnesses and parties interested. Said committee may hold a public or executive meeting as may be necessary or desired; and be it further

*Resolved*, That the sum of \$2,500 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of the said committee, and the State Treasurer is hereby authorized and directed to pay the same." (Page 2221 Senate Journal, May 21, 1935.)

"Resolution ---, January 22, 1937.

WHEREAS, The Senate, during the fifty-first regular session, adopted a resolution authorizing the President of the Senate to appoint a committee to investigate the agricultural industry of the State of California; and

WHEREAS, Said committee now has three vacancies; and

WHEREAS, There are additional matters which it is necessary and appropriate that said committee investigate; and

WHEREAS, From the moneys appropriated for the use of said committee there remains on hand the unexpended sum of \$834.34; now, therefore, be it

*Resolved by the Senate of the State of California*, That the remaining members of said committee be continued as such committee, with all the powers and authority set forth in this resolution and in the resolution under which said committee was originally appointed, and that the President of the Senate immediately appoint three members to fill the vacancies on said committee; and be it further

*Resolved*, That said committee continue in existence throughout the fifty-second session of the Legislature, and make its report on or about the first day of April, 1937, and at such other times as may be necessary; and be it further

*Resolved*, That the sum of \$834.34, being the unexpended balance from the original appropriation for the benefit of this committee, be reappropriated for the purposes of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto, for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same."





product, the general store and other organized distributors and advertise intensively throughout the United States the sale of chosen produce at a price very reasonable to the consumer and profitable to the producer and distributor. Heavy contributions were made to this advertising fund by the producers and by the distributors. The result of this drive is enlightening. It resulted in getting together for the first time in the sale of any fruit, the grower, the processor and the distributor. This had a most encouraging result. The crop was readily moved at a fair price to all. It created a demand among our people for fresh fruit just as well as for Jell-O, Jellwell, Royal Pudding, and other competitive substitutes. It increased the demand and the taste among our people not only for peaches, but for fruit generally. It helped to correct what appears to be a fact, that the American people consume 28 per cent less fruit than they should for a well balanced diet. It stopped the sale of peaches at a loss, which would thereby bring down the price of all fruit and it did what seems to be remarkable—it increased the sale of foodstuff by distributing stores 5 per cent more in all lines during the week of the peach drive than the weeks preceding such drive. In other words, the money spent by the distributor in helping to sell the surplus in peaches held up the price of other competing articles and increased generally the sales of foodstuffs by such stores or distributing agencies. Therefore it seems possible to increase the demand for the purchase of any agricultural commodity by an intensive educational and advertising campaign.

It is encouraging to know that there is a movement on foot to continue this stabilizing committee and to continue this effort, and it includes in its ranks all cooperative organizations, farm organizations, such as farm bureaus, the Grange, and the producers, generally.

Mr. Merritt rather eloquently stated, "We have been hiding our light under a bushel," and with the help of legislation heretofore enacted and the organization of growers and the help of various distributing agencies the outlook for marketing of agricultural products seems now to be more hopeful.

The efforts heretofore mentioned resulted in changing a condition where the producer was selling one million cases of peaches less each year for several years to where the opposite was true, that is the market was immediately stabilized and the products sold at a profit to the grower. It is clear that there must be a same cooperative effort continued between the grower and all organized distributors. Consumers do not purchase that which they know nothing of. Consumers must be told of the existence and the merits of a commodity before they desire to purchase it. In this particular commodity the producer and the processor contemplate spending 50 cents a ton this year in creating a market for the peach crop. The price determined on by this joint action should be one in which the producer will receive a fair price, the canner receive a profit and the distributor receive his usual margin between cost and retail price.

#### New York Meeting.

Mr. W. T. Webber, Sales Manager of the California Walnut Growers Association, appeared before our committee and gave a very illuminating account of a joint meeting held in New York City on last May 26th and 27th, between members of the executive committee and others of the Food and Grocery Chain Stores of America, Inc., and a special committee of the National Cooperative Council. He explained that the first group represented an aggregate of some 22,000 retail units throughout the United States, and the National Cooperative Council being an organization of farm cooperatives consisting of some 4,000 individual cooperative marketing organizations and representing a total of 1,500,000 farmer-members over the entire country.

This meeting was held as a result of an invitation extended by President Hunter C. Pickett of the Chain Stores Association to Vice President C. C. Teague of the Cooperative Council.

*Your committee went into the study of the joint activities of the chain store and other distributing agents, and the cooperative council, not for the purpose of interesting itself in the problems of the chain stores but to determine the value to consumers of the methods undertaken by them to benefit the farmer and producer in the marketing of his products. We were hopeful that the methods adopted by this concerted group might possibly be useful to the members of the Legislature in determining the value of present legislation and possibly the need for other and better legislation. And it must be kept in mind in the reading of this report, that is the only purpose of the committee in going into these matters.*

At the meeting the following persons were present representing companies and associations:

Hunter C. Pickett, president, David Pender Grocery Company, Norfolk, Virginia.

Chas. F. Adams, treasurer, and B. F. Goldrick, vice president, First National Stores, Inc., Boston, Mass.

Lewis W. Cole, chairman, Steiden Stores, Inc., Louisville, Kentucky.

Thomas P. Cauley, president, Danahy-Faxon Stores, Inc., Buffalo, N. Y.



labor they can not be induced to join the movement toward socialism or communism; but when they can not make a fair living they will perhaps listen to demagogues and agitators.

You who have a large capital interest in chain stores and a large stake in the capitalistic system certainly have an interest in keeping the farmer in the capitalistic class.

How serious this is can be judged by the report of the National Industrial Conference Board on farm income.

The National Industrial Conference Board, a statist organization with offices at New York City, reports that there are 5,565,000 farmers in the United States; that the proportion of the national income of these farmers was in 1929, 8812 per family, in 1932, 8424. Such reward is altogether insufficient to this important group of American society engaged in producing the food and fibre supply of the American people. Public welfare demands that the economic conditions and purchasing power of this important group be improved if they continue to be what they always have been—an important part of the sound thinking American public.

General R. E. Wood, president of Sears, Roebuck & Company, recently declared: 'The population classed as rural, including towns of 2,500 and under, amounts to 53,000,000 or approximately 40 per cent of our population, and all of this population may be said to be directly dependent on agriculture. Not only the population of the small town, but also the bulk of the population of other towns and cities in the territory of the Mississippi are dependent on agriculture, for there is little manufacturing in this section.'

You frequently see the statement that farmers constitute scarcely 25 per cent of the gainfully employed, but this statement does not tell the story, for 40 per cent of our population is directly dependent on agriculture and the other 60 per cent of the population is indirectly dependent on agriculture as the primary wealth.

I have referred to the social side of the farm problem, and in many ways it is the most important side of the problem. If I read my history rightly, no urban civilization has perpetuated itself. There are many reasons for this—time forbids my going into them. A body of independent freeholders living on the land, has been in all times and in all places the strength of a State. If our American State is to endure, we need the stability, sound thinking and patriotism of the 6,000,000 American farmers. If they become impoverished, if we have a body of poor farm tenants resting upon large landholders, our social order will indeed be threatened. As I see it, it is the patriotic duty and the very deep interest of every American industrialist to do everything in his power to promote the stability and the prosperity of the American farmer. It is equally the duty of labor for in the best analysis the jobs and wages of labor depend on the flow of new primary wealth from the farm.'

The understanding of our committee, therefore, is that we are here at the invitation of the chains to give them our opinion based on our wide contacts with agricultural producers as to the reasons for the unsympathetic attitude of agriculture generally toward the chains. After careful consideration we have given the opinion in the foregoing statement.

We have no doubt that, from the point of view of the chains, these practices can be justified. While, of course, the committee will be glad to listen to any explanation or discussion of these practices, we are confident that the belief upon which the opposition to agriculture is based is so deep seated and general that it will not be possible to dissipate it unless these practices are eliminated or modified."

Two days of thoughtful, amiable and constructive discussion followed at that gathering, and all of the points in Mr. Teague's statement were fully considered, it appearing that the chain stores and large distributors were dependent upon fostering cooperative agriculture so that they might receive an adequate and dependable quantity of agricultural products for sale. *The cooperative group expressed the opinion that it was unwise and improper for one group of distributors to demand and enjoy advantages over other groups in the same class but at lesser size and having power. It was pointed out that unfair advantages according to the receipt of brokerage, discounts and unearned advertising allowances are detrimental to the best interests of agriculture, smaller distributors, and the nation as well.*

Following the discussion of that meeting the following resolutions were adopted:

"WHEREAS, Over a period of years the competition in the buying of the products of the farm at the point of production has resulted in certain practices among middlemen dealing in agricultural products of charging and demanding brokerage allowances and other price concessions which are interpreted by the producers as being against their best interests; and

WHEREAS, Today, in the orderly marketing of larger quantities of farm produce by cooperative organizations and others, the adoption of a new price basis, free of any claim by the buyer or brokerage or any unearned allow-





He said that the President of the Federal Commodities Corporation told him they had allocated some millions of dollars at this time to buy these distressed cattle, but found as a result of the drive by retail distributors to dispose of the meat, that it wasn't necessary for them to buy any quantity of cattle. It was a very small sum they spent. Not over 1 per cent of the sum allocated was spent to buy cattle, because there was no need for it. (Idem.)

Mr. Webber stated that as a result of the drive heretofore mentioned in the sale of peaches, dried fruits and meat, that the independent retailers over the country sold proportionately as much peaches and as much dried fruits and as much meat as did the better organized chain stores. He emphasized again that the bases of the success of the whole movement was that distributors can not by virtue of their large buying and distributing power, expect or demand or force the farmers to sell their products for less than they will sell to a distributor of the same class, but who has not the tremendous buying power. (Page 47 idem.)

Mr. Webber stated that in his opinion the movement did as much for the independent grocers as it did for agriculture, for the simple reason that it convinced the chain stores that they should discontinue the practice of meeting or lower prices. That if the competitor to the chain store is not allowed to live and prosper, more than one half of our retail outlets in the country are lost to agriculturists. (Page 48 idem.)

Mr. Webber stated in substance that the walnut industry was not especially benefited by the movement because it was not especially needed. In that case the California Walnut Growers Association has control of 85 per cent of all walnuts grown, and is in a position therefore, to control the marketing of that commodity and also to carry on sufficient advertising to make the industry prosperous, and it is not comparable to most of the other agricultural crops. (Page 50 idem.) where, in the case of the dried fruit there was a great surplus and prices were increased following the drive, although they did not reach the desired price level.

#### Principle Back of Advertising.

Mr. Webber was asked by Senator Deuel, "Can you enlarge the capacity of the human stomach?" His answer was as follows:

"That is a moot question, Senator. The direct result of these things is the statistics put out by the people who were in charge of the campaigns and it indicates that the sale of directly competitive products was not hurt. For example, on the theory perhaps that the man or woman who wants lamb will buy lamb, but she will use the turkey in addition because of the heavy advertising and the sales push that is behind it. In other words, it isn't so much the question of enlarging the human stomach as it is to get them to use more of certain kinds of food; for example, the beef and meat deal, as I understand it, the only effect it had was upon imported canned meats, the only noticeable effect on the sale of any product of that sort. For example, lamb sold just as well (at least, I understand it did), but they just eased up.

Again Senator Deuel asked: "Then there must have been an increased capacity to consume?"

Mr. Warren's answer was as follows:

"Not necessarily; the people can eat and do eat more of certain lines at one time than they will at another. *Certain classes of people can eat more, and would eat more, if sold on the idea; and that, of course, is what is back of all advertising.* I think the peach deal didn't hurt the canned pineapple at all, but certain allied things that went with peaches, (perhaps the things that go to make desserts that peaches are in), and the sale of those products was increased along with the sale of the peaches. For example, it doesn't necessarily take a larger stomach to have a peach dessert after you have had your regular meal, but unless the peaches are put on the table, you won't eat them; and unless the housewife was urged and convinced that it would be a good thing to do so, she won't spend the money to put them on.

Mr. Webber in answering Senator Gordon's question in regard to his conclusions as to the merits of the Prorate Bill, replied in substance that he thought the Prorate Bill a very good law and very helpful; also he commended the State Marketing Act and the California A.A.A. He referred to the marketing of lemons under the Prorate Act as presumably the best example of its successful operation.

Director Brook stated that sweet potatoes and apples had also taken advantage of the Prorate Act successfully.

Mr. Bancroft appeared before your committee. He is a farmer, and spoke, he said, just as a farmer, but stated that he is chairman of the deciduous department of the Farm Bureau. He was familiar with the efforts put forth in behalf of the canned peach producers, but personally was not interested in that crop. As an official of the Farm Bureau he spoke in the interest of all farm crops, but personally is particularly interested in canned pears. He had interested himself and studied the operation in behalf of the canned peaches in order to determine whether or not the same might not be accomplished in behalf of canned pears at times when the pears were a drag on the market. He stated that the drive heretofore mentioned contacted not only 22,000 stores of the chain store group, but also extended

in 1909. He said he had been in business for 20 years and he mentioned the experience of Mr. Morris that the price received was in the average range of 10¢ per bushel of apples for one of the seasons. There is but one thing that is a record there in the last 10 years, the price being 10¢ per bushel, but it was received in the last few years only of 1911-1912.

When the statistics are taken, they show that the price received for apples in 1911-1912 was 10¢ per bushel, but in 1913-1914 it was 12¢ per bushel, and in 1914-1915 it was 14¢ per bushel. This shows that the price received for apples in 1911-1912 was 10¢ per bushel, but in 1913-1914 it was 12¢ per bushel, and in 1914-1915 it was 14¢ per bushel.

He also mentioned the experience of the United Fruit Company in 1911-1912. He reported that the company had been in business for 20 years and he mentioned the experience of the company that the price received was in the average range of 10¢ per bushel of apples for one of the seasons. There is but one thing that is a record there in the last 10 years, the price being 10¢ per bushel, but it was received in the last few years only of 1911-1912.

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He brought out clearly the fact that notwithstanding all of the statutes heretofore enacted in regard to marketing apples, the situation is still the same, and this is the fact that the United Fruit Company is still in business and is still in business.

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#### Summary of Marketing Testimony.

The foregoing is a brief summary of testimony taken by most responsible men all over the State in regard to what conditions have put forth recently in the interest of marketing of apples in the State of Washington.

It is the recommendation of the State that some of the practices which have heretofore been in vogue in the State have been managed by processors and producers who have not been in the State for a long time, and it is the recommendation of the State that some of the practices which have heretofore been in vogue in the State have been managed by processors and producers who have not been in the State for a long time.

age and commission to the farmer and of determining for him a net price, second, the abrogation of the practice of loss leaders, which also results in the sale of that commodity at less than cost and which then results in bringing down the price of all similar articles. It also shows the need of the abrogation of "advertising allowances, and quantity discounts," and also the need for the abrogation of the control or supply by direct or indirect financing of the farmer by the purchaser.

The testimony shows quite conclusively that where there is reliable information in advance that there will be a large hold-over or overproduction of a given commodity, that it is possible to move that commodity at a fair price to all without injury to the sale of other commodities. In fact the necessary advertising to dispose of the surplus results in the sale of that commodity in addition to the sale of the other commodities of a similar nature.

The testimony along this line shows that in many instances the present statutes are working favorably and to the interest of the farmers. These statutes include the California Marketing Act, the Title A and the Prorate Act.

### Peach Mosaic.

At our session in Pasadena, there was presented to the committee a new problem to the peach industry. It is very distressing and painful to those engaged in a comparatively small valley known as Yucaipa, California. A delegation appeared before the committee and was presented by Assemblyman Corwin. Mr. Corwin stated as follows:

*"Mr. Chairman, and Members of the Senate and Assembly Committees:*

We have had a new disease descend on our peach industry known as the peach mosaic, in San Bernardino County. We have with us two of the growers from Yucaipa who want to tell us something about it, and I think Mr. A. M. Storch is the spokesman, so I will present Mr. Storch, and let him tell his story."

Mr. Storch stated he was a small orchardist and was one of the committee of the peach growers who appeared before the committee. He described an effort being put forth by the State to eradicate and to destroy orchards in that part of the country, which were claimed to be infected with the "peach mosaic" disease. He stated that the State Department of Agriculture claims the morbidly spreads like wildfire; that it is fatal to the trees and that it will ruin the fruit, but that the growers in that district do not admit these claims on the part of the State to be true. At this point in his statement the committee, at the suggestion of Senator Donel asked Director Brock to explain to the committee what he understood the problem to be and what the State was doing about it.

Mr. Brock stated that it was a disease discovered in Colorado, Arizona, Nevada, Utah, New Mexico and California; and that it had been in California for a number of years. It was originally called the 1933 peach disease because they were unable to identify it. Later on it was identified by the University of California as the same disease discovered in Colorado and other States mentioned. In Colorado the Federal Government and State shared in an eradication campaign and uprooted the infected trees, and that the department in California has started a similar campaign there.

He further stated that the department had met with stubborn resistance; the people denying it is peach mosaic, but that the department relied on experts; that the disease is incurable; that the leaves become smaller, mottled and the fruit is lumpy; the department tries to obtain the cooperation of the owner, having him sign a waiver and then removing the trees; there are somewhere around 250,000 trees affected and 6000 have been removed. Twenty thousand trees have been removed from abandoned orchards.

He stated that the information had by the department from a Dr. Conrad is that from one infected tree in a planting where they were experimenting, it spread to 60 per cent of the planting in one year's time. In Colorado they believe they have discovered the vector that carries the disease. It is a species of aphid that carries the disease.

### Procedure.

Our procedure in this matter is as follows. We give the Agricultural Commissioner a statement of the danger of the disease, and it is then his duty to serve notice upon the owner of the infected property and give them a reasonable length of time in which to take out the trees. If they neglect or refuse, he must go in and perform the work himself; the cost of such work becomes a lien on the property.

Mr. Brock stated that property owners contend they should be paid and that this is a policy question for the Legislature to decide and not for the department. The department claims the Constitution prohibits a gift to any one; the property owners contend it is not a gift but indemnity would be a payment for condemned property made in the interest of the Commonwealth. There is a suit pending in the courts in regard to the entire matter.





following resolutions were passed at a meeting by directors of the California Farm Bureau Center. These resolutions read as follows:

*Resolved*, That we recommend that the University of California, through its Agricultural Extension Service, be designated as the State agency to administer the Soil Conservation and Domestic Allotment Act when the necessary State laws are enacted in accordance with the provisions of Federal law; be it further

*Resolved*, That this legislation should provide for a State committee of five farmer producers, appointed by the Dean of the College of Agriculture from a list of nominees named by the county committees or associations directors. Each county shall make one nomination for a committeeman on the State committee; be it further

*Resolved*, That it shall be the duty of the State committee to cooperate with the Agricultural Extension Service in the development and administration of the various programs under the act. We recommend that all possible safeguards be incorporated in the act so as to prevent interferences with the existing research, teaching and extension activities of the College of Agriculture."

The act at the present time is being administered in the State under the direction of the Secretary of Agriculture by the College of Agriculture and the Extension Service thereof in a plan similar to which the old Agricultural A A A program was administered.

This committee recommends that the thing to do is for the State Legislature to designate that same agency to administer these programs with the assistance of this committee of farm producers mentioned herein. (Page 59 *idem*.)

The act itself will have to make other provisions in addition to those providing for its administration and a bill or its final form had not been prepared at the time of the meeting of this committee, but it is understood that the Federal Government will pay for the financing of this activity. It is clear from the recommendations that the theory in this entire set-up is that the university would be the agency to carry out all of the provisions of the Federal Act that they will be the sole judges of the method by which the money is to be paid and of the facts in regard to every individual claim and that there will be no appeal to any court as a matter of right for any claimant who might feel the department had not followed the law in the matter.

May it not be time, now that the depression seems to be over, that some thought should be given to the distribution of public money according to general rules of law so that an impartial court can determine each claim, and that it would not entirely rest on the members of a department who receive their authority from the executive branch of the government? It would appear that the Federal Secretary of Agriculture would finally pass on appointments and all rules, regulations and activities of the local agents.

Your committee, at this time, makes no recommendations as to the feasibility of this act, the method of its administration or provisions generally. Following will be a copy of proposed act and recommendations in regard to State legislation which has been furnished the committee.

It appears that in order to qualify for benefit payment for sowing alfalfa you must comply with rules and regulations set up in regard to that crop, that they may change from time to time, may be different in different communities and the determination of compliance with the rules depends upon the interpretation by those who make them. It may be that this matter should be given careful study, however, this committee finds that should the Federal Government determine to continue this, that this State should comply in so far as possible in order to obtain what relief the Federal Government desires to give the farmers.

#### **Tenant Farmers.**

Senator Metzger presented a matter to the committee on his own motion. That is, he stated he was informed there was a great amount of tenant farming in California for the reason that bank loans are foreclosed by holding companies and that such holding companies continue operating, selling and speculating in said land and renting it and thus operating by such holding companies may continue indefinitely. He continued that it appeared to him that this was a menace to agriculture and that there should be legislation to cure such a condition. He argued that if banks were not permitted to hold that holding companies should not be permitted to hold it longer than the necessary time for liquidation. The committee is impressed by this statement and recommends consideration of some sort of reform in regard to this particular.

#### **Brush Burning.**

Senator Metzger then read into the record a copy of Senate Bill No. 1339, recorded in Chapter 302, Statutes of 1935, in regard to drive for the burning of brush and debris on water sheds for experimental purposes. He introduced a Mr. H. J. Wilson, member of the farm bureau in Tehama County. Mr. Wilson stated that their farm center in Tehama County has passed a resolution favoring having a certain



After a general discussion by the committee in regard to the matter, it was moved that we adjourn to meet in San Francisco and invite the Railroad Commission to be present and explain to us, if they will, their interpretation of the recent trucking act and particularly as it affects rates and also that the Board of Equalization be invited to be present.

### Truck Regulation.

Pursuant to resolution of the committee passed at Pasadena, your committee met on December 14th and 18th at the State Building in the city of San Francisco. Most of the time was taken up at the hearing in receiving testimony favorable and unfavorable to the recent truck regulation enacted at the last session of the Legislature.

Among those present were the following:

- Walter J. Lattin, representing the steam railroads;
- John Curry, for California Gardeners' Association and California Wood-growers' Association;
- Walter L. Miller, for California Farm Bureau Federation;
- J. Richard Townsend, J. B. McAlister, for Stockton Traffic Bureau, Stockton Chamber of Commerce, City of Stockton, Stockton Port District and San Joaquin Farm Bureau Federation;
- J. B. Gilmore and Edward M. Berol, for the Truck Owners' Association and San Francisco Dealers' Association;
- Carl R. Schultz, for Chichester Transportation Company and for certain shippers;
- John A. McCurdy, for Poultry Producers of Central California;
- H. B. Abbott, for Board of Equalization;
- Fred R. Wolford, for Challenge Cream & Butter Association;
- Frank Battistini, for Tomato Growers, Vallejo District;
- W. F. Francis, for Davis Creamery Association;
- Sunborn, Roehl & St. Clair, by E. L. MacLeod, for the Tank Truck Operators Association;
- M. B. Harris, Leon O. Whitsell, Wallace L. Ware, and Frank R. Devlin, for the Railroad Commission of the State of California.

The committee was assisted and honored by the presence of the Railroad Commission members throughout the hearing on the truck matters.

At the opening Commissioner Harris requested Commissioner Ware be permitted to present a prepared statement on behalf of the commission. This very carefully prepared study is herein set forth as follows:

"MR. WARE: Mr. Crittenden and Senators of the committee:

This statement referred to by Senator Harris is the result of the collaboration of the members of the Railroad Commission in which we have unanimously concurred. It is a brief paraphrasing of this 134 page order, dated November 9, 1936, that involves the fixation and the stabilization of petroleum rates in California. I will read the statement.

This statement is made on behalf of the commission:

We understand the committee desires to be informed of the interpretation placed by the commission upon the recently enacted statutes relating to transportation and desires to be informed of the policy pursued in establishing rates under those statutes.

The commission is glad of this opportunity to inform your committee on these vital questions.

Before doing so, however, we believe it would be helpful to briefly direct the committee's attention to what we believe were the underlying reasons which prompted the enactment of the 1935 statutes.

For some number of years transportation in California, because of inadequate regulatory laws, has been demoralized. The commission recognized this in 1932 and in that year instituted on its own motion an investigation into the transportation conditions prevailing in the State. Special notices of the investigation were sent to over 13,000. Twenty-four hearings were had at various points in the State. Two hundred forty-one witnesses testified, representing shippers and receivers of freight, chambers of commerce, shipping organizations and transportation companies. A questionnaire was sent to 12,418 shippers and receivers of freight.

From the evidence received at the hearing and from the return to the questionnaire two facts stood out in bold relief. First, transportation in California was demoralized and, second, the overwhelming majority of the representatives of industry, agriculture and business desired stabilization in transportation and transportation rates. They were particularly disturbed because a system of unknown transportation charges and practices were being introduced into an economic structure which had been built upon a system of known charges and practices."

SENATOR DEUEL: Will you repeat that, Mr. Ware, please?

MR. WARE: These shippers were particularly disturbed because a system of unknown transportation charges and practices were being introduced into





transportation rates of competing carriers, cost of other means of transportation, and would fail to provide an equality of transportation rates for the users of these facilities, for a new and more complete system of transportation. Thus, as the commission stated in its Decision No. 29-267, rendered November 9, 1935, in the so-called petroleum case:

"... the views and wishes of the shipping public have been seen to coincide precisely with the mandate of California's Legislature to the effect that public interest demands and requires the competitive force and preservation of highway truck competition. In a word the interest of public interest is in favor of regulated and perpetuated competition."

The policy of the Legislature follows closely the policy of Congress in the regulation of interstate commerce. • • •

That is the end of the quotation from the decision. I resume the statement.

"The statutes became effective September 16, 1935. The commission thereupon organized a new Transportation Department consisting largely of engineers and rate experts. They immediately commenced a survey of transportation conditions. One of their major tasks was to determine the fair cost of transporting property by truck. Comprehensive reports having been made, numerous hearings were held, and rates on various commodities prescribed. We have available for the committee copies of all decisions rendered thus far. I will here only refer to one of those decisions, the petroleum case, which definitely outlines the procedure followed by the commission and the interpretation placed upon the statutes. The procedure followed was substantially this:

First, upon petition of the Tank Truck Operators' Association, a California corporation, composed of members engaged in the heretofore unregulated movement of a substantial proportion of the refined petroleum products transported in California by tank trucks, alleging that the rates charged for the transportation of petroleum and petroleum products by highway carriers and common carriers by railroad were unduly and unreasonably low, insufficient and discriminatory, the commission instituted an investigation of such rates and made all rail and truck carriers respondents to the proceeding.

Second, the commission constituted members of its engineering and rate divisions to prepare an independent and impartial analysis of the cost of moving refined petroleum products by truck over the public highways.

Third, notice of hearings were sent to all known interested shippers and receivers of petroleum products, chambers of commerce and trade associations.

Fourth, the oil companies were specifically invited to attend the hearing and freely express their views.

A comprehensive record was developed in this proceeding. From the evidence developed from witnesses there representing the oil companies, the transportation companies affected, and the independent investigation made by the commission's own staff, the commission established, first, sufficient, reasonable and nondiscriminatory rates for trucks and, secondly, just and sufficient rail rates upon the following basis:

1. The truck rates are based upon the cost figures presented by the engineering division of the commission. They are lower,—in some cases materially lower, than rates which would result from cost studies presented by representatives of the tank truck industry. The truck rates prescribed by the commission bring above an over-all increase of truck revenue of about 3.86 per cent.

2. The rail rates are based upon the so-called southwestern scale prescribed by the Interstate Commerce Commission in Refined Petroleum Products in the southwest, 177 I. C. C., 381, 174 I. C. C., 745, increased approximately 20 per cent to compensate for the difference in operating conditions in this territory. They are on a lower level than this commission found to be reasonable in numerous rate cases in the past, and lower than the Interstate Commerce Commission found to be reasonable for application in this territory in the Mountain Pacific cases, 192 I. C. C. 539, in the year 1933.

It is true rail rates will be increased materially, the increases ranging from 7 per cent to 118 per cent. On the surface these increases may appear drastic, but when viewed in the light of their historical background they are easily justified as reasonable. It must be borne in mind that the rail rates are an outgrowth of a bitter rate which was fought for years between the railroads and trucks for the gasoline traffic, an economic rate war contrary to public interest which never would have been permitted had the present statutes been in effect. There is evidence in the record to show that the present rail rates are in some cases only 17 per cent of the rates maintained by the railroads prior to the time the rate war commenced. There is evidence in the record to show that the present rail rate of the railroads from the Los Angeles Basin to Imperial is 35½ per cent of the rate found reasonable by this commission in 1927, in *Bird vs. Southern Pacific Company*, 33 C. R. C., 259. The rate prescribed by the commission in the petroleum case from the



It is clear from the statement of Commissioner Ware that elements other than actual costs are to be taken into consideration, and therefore, it may be uncertain as to what we may ultimately expect from this truck regulation. To illustrate:

QUESTION—SENATOR GORDON TO COMMISSIONER WARE: "Would you set a rate so as to protect some other transportation system, such as a railroad or some other truck line, from losing business, and therefore raise the rates sometimes above the compensatory rate of return in order to protect some other line of transportation?"

ANSWER BY COMMISSIONER WARE: "It is not the purpose of any member of this commission to create an artificial rate for the aggrandizement or the peculiar advantage of any agency of transportation. I take it that it is not within our legal right to do such a thing, because in consideration and interpretation of section 13½, which you gentlemen of the Legislature passed in the session of 1935, that section affords an express mandate to this commission to permit any rate sufficiently low by any means of transportation to meet existing competition, but not to go below it."

Mr. Ware further stated that in fixing rates for trucks, section 10 of the Highway Carriers' Act, inhibits this commission from establishing a rate higher than the rates currently charged by common carriers.

Now, the construction of that in plain language means these trucks will be permitted to meet, of course, the competition of common carriers, the rate concurrently being charged by common carriers.

In other words, it is clear that the commission does permit the raising and lowering of rates to meet competition, and in so doing the question is whether or not the public interest is best served.

It is clear that when the law permits and the commission sets rates based on anything other than the various legitimate costs and reasonable profit allowed, that competition between different methods of transportation is to that extent abrogated and the benefit of such competition is not enjoyed by the public.

At that session representative of the Farm Bureau, Walter L. Miller, attorney, was present, and called to the attention of the committee that any increase in the cost of transportation was directly brought back to the producer and was very difficult to pass on; secondly, that we should in regulating truck transportation take into account the different types of highway carriers. He called attention of the committee to the fact that there are different types of highway carriers and that the producer should receive the benefit of the different types of carriers, the rate on each one being based on the cost of production of that particular carrier and not based on any general rule of cost, thus giving the shipper the benefit of competition.

Mr. Miller was against any regulation of transportation of a farmer hauling his own commodity to market, or a farmer hauling a neighbor's crop to market, when it is not a principal part of his business but is more or less incidental.

Mr. Miller opposed the collection of any money by the agency doing the regulating whether it be a small amount or large amount. He preferred that it be collected by the State generally and not by the regulatory agents. He felt that the commission should be financed adequately out of the general funds of the State.

Mr. Miller seemed to agree in principal with the statements of the commission hereinbefore contained excepting as to the methods of collecting of fees.

It is quite impossible to deal fairly with a statement of the Railroad Commission and the recent decisions of the Railroad Commission in regard to truck regulation, and we believe the committees interested should so far as possible read some of the decisions of the Railroad Commission on truck regulation, and if possible, the transcript of the committee on the hearings at San Francisco, particularly the petroleum decision, and others following.

Mr. John Curry appeared before the committee representing the California Cattlemen's Association and California Woolgrowers. He stated they were interested in the gasoline case, not because they use so much gasoline but because it apparently is going to be used as a precedent in other cases; that the truck service is very valuable to the cattlemen.

He believes the views of former Commissioner Carr to be the correct views at this time and he read to the committee the dissenting opinion of former Commissioner Carr, which is in the following words, letters and figures, to wit:

"I dissent from the order.

Heavy increases in all known rates for the transportation of gasoline are made. Believing that transportation rates should not be increased by public authority except for clear and impelling reasons, and that such reasons are not here present, it is appropriate that I state briefly my views.

Four interests are involved.

*First:* The well organized tank truck operators engaged in a highly specialized business urge the commission (a) to fix minimum rates for the haulage of gasoline by tank truck which will insure them better earnings and (b) to protect them in higher earnings by forbidding their rail competitors to charge rates lower than the minimums fixed for the trucks, except where, for long





*Second:* There is the idea that the railroads need more money and that their rates should be sharply increased in the hope of accomplishing this end. The railroads here oppose any increase in their rates.

*Third:* This case, in substance and effect, is an application by the tank truck operators for an increase in rates. Does their financial position as here disclosed call for the granting of their request?

As the railroads in their quest for gasoline traffic have made successive reductions in their rates, the truck operators have persistently and vigorously asserted that they were being ruined. It is doubtless true that every commissioner at the time *Re Gasoline Rates*, 30 C.R.C. 37, 153, was decided, thought the tank truck operators would be in an unduly financial condition. What the truckers now claim that condition to have been under the lowered rail rates is depicted in their Exhibit 1, which is a summarization separately and collectively of the revenues and expenses of 15 operators, and which is declared to be a representative cross section of the entire industry.

Reduced to an annual basis, the collective or combined showing is:

Revenue	\$2,300,000 00
Costs	2,280,000 00
Net for return	20,000 00
'Estimated value of plant and equipment'	1,928,000 00
Rate of return	1%
Per cent increase in revenue to yield 8 per cent.	5.86%

Included in the claimed value of \$1,928,000 is an item of equipment of \$472,500, the depreciated book cost of which is \$22,607. The equipment thus valued is depreciated at the rate of \$118,125 per annum. The annual depreciation actually charged was \$12,921. These items pertain to one operator. If the property base be adjusted only to reflect the book depreciated cost of this one item and the cost figure be adjusted to reflect the depreciation actually charged the return becomes about 8 per cent. It may safely be asserted that never in the long history of the commission has a utility been permitted to increase its rates on such a weak and inconclusive showing of earning as here made. With private truck operators under new legislation seeking aid from public authority analogous to that long accorded in proper cases to public utilities, they should be held to the full and convincing showing of need demanded of public utilities when seeking rate increases.

*Fourth:* A defense or appraisal of the order not expressed in the long opinion may be advanced by its sponsors based upon assumptions not only in striking contrast to the picture painted in the opinion respecting the need or lack of need for a differential between rail and truck rates, but inconsistent with some of the representations made and testimony given.

This in substance is that the truck rates prescribed really will increase the revenue of the truck operators only about 4 per cent; that the oil companies not only allocate to the tank trucks the preponderance of the gasoline movement but pay the trucks for transportation substantially more than the corresponding rail scale; that this may take the form of higher than rail rates for the competitive business, but more likely takes the form of relatively higher rates where the movement is to noncompetitive points; that the minimum rates for the trucks where lower than the rates now received will be voluntarily observed by the trucks as going rates; and that hence increases in rates may be offset by such voluntary decreases, with the net effect that as to the operators mentioned in Exhibit No. 1 their reported gross revenue of \$2,300,000 will be increased by only about \$90,000 and that incidentally discrimination in rates (which may well be under such assumptions) will be corrected.

Indeed, this theory is the only alternative to the conclusion that the order grants the truck operators increases in rates far in excess of anything warranted by even their maximum claims as to deficient earnings.

Acceptance of the assumption or inference that the oil companies are paying the trucks rates higher overall than the rail scale of course (a) destroys the factual picture upon which is based conclusions upon the issue of differentials and (b) is irreconcilable with (1) the representations of the truck operators, (2) the testimony of one major oil company traffic officer that truck and rail rates were the same, and (3) the testimony of all the oil company officers that, as stated in the opinion, 'factors of minimum weights, speed in transit, flexibility of service, loading and unloading, credit arrangements, and settlement of claims, as they are related to the rails on the one hand, and the trucks on the other, justify no monetary differential in rate.'

Referring back to the interests involved in this case—

The railroads do not seek, but oppose a change in rates. The gasoline using public is not interested in bearing increased transportation costs. The tank truck operators constitute the only interest desiring the higher rates here ordered. Their maximum claim respecting earnings calls for rates which



## RESOLUTION No. 10—WEATHER BUREAU.

*Resolved*, That we request the American Farm Bureau Federation to endorse extensions and improvements in the work of the Weather Bureau, in research, in collection and publication of data and in the forecasting.

## RESOLUTION No. 11—FOURTH SECTION RELIEF.

*Resolved*, That we affirm our position taken by Resolution No. 5 passed November 15, 1934, to secure modification of the fourth section of the Interstate Commerce Act; and, be it further

*Resolved*, That we urge the American Farm Bureau Federation and all Senators and Representatives from this State to support the Pettengill Bill and other legislation necessary to secure such relief.

## RESOLUTION No. 12—INTEREST RATES ON FEDERAL LOANS.

*Resolved*, That we favor continuance of an interest rate of not more than 3½ per cent on Federal Land Bank loans; that we are in favor of reduction of the interest rate on Land Bank Commissioner loans to within one-half of 1 per cent of the interest rate on Federal Land Bank loans and we believe that the differential between the rate on commissioner's loans and land bank loans should never be greater than one-half of 1 per cent; and we recommend that, in the case of Land Bank Commissioner's loans, the period of amortization be extended, at the request of the borrower, and with the consent of the local farm loan association, to periods not in excess of 20 years.

## RESOLUTION No. 13—FARM FORESTRY.

*Resolved*, That we endorse the principles of farm forestry to aid agriculture, increase farm-forest income, conserve water resources, increase employment and advance the general welfare of people living on farms, through investigation and cooperation by the Forest Service of the United States Department of Agriculture with Federal, State, and other agencies in the establishment and protection of farm forests and harvesting, utilization and marketing of the products thereof, including the planting and care of trees on now denuded and treeless farm areas where conditions favor the growing of trees. We urge the passage of a Farm Forestry Act at the next session of Congress with adequate appropriations for carrying on cooperative farm forestry work by the Government.

## RESOLUTION No. 14—RESEARCH ON WATER ALKALINITY.

*Resolved*, That we request the American Farm Bureau Federation to urge the Secretary of Agriculture to inaugurate and provide for fundamental research of soil and water alkalinity as well as plant tolerance thereto.

## RESOLUTION No. 15—CUBAN AVOCADOS.

*Resolved*, That we favor the protection of domestic avocado producers from unregulated competition by Cuban avocados, and we urge modification of the Reciprocal Trade Agreement of 1934, and the adoption of a tariff on all avocados imported to accomplish this purpose.

## RESOLUTION No. 17—GOLD DREDGING.

*Resolved*, That we condemn the present practice of gold dredging which results in permanent destruction of natural agricultural resources and we recommend that the board of directors conduct a study of the problem with a view to finding a solution.

## RESOLUTION No. 18—CENTRAL VALLEY WATER PROJECT.

*Resolved*, That we unqualifiedly endorse the Central Valley Water Project and request the American Farm Bureau Federation to also endorse the same and to use all proper means to obtain continuing appropriations from Congress for the expeditious consummation.

## RESOLUTION No. 21—DEPORTATION OF ALIENS.

*Resolved*, That we earnestly recommend and insist that the proper authorities take the necessary steps immediately to deport all aliens who are convicted of subversive activities, and that this resolution be brought to the attention of the American Farm Bureau Federation.

## RESOLUTION No. 22—HIGHWAY PATROL.

WHEREAS, The California State Highway Patrol has been severely and unjustifiably criticized in its endeavors to properly function as guardians of the public highways during times of strikes, and labor disturbances; and  
WHEREAS, These activities have been confined solely to the functions which the laws of the State intend; therefore be it

*Resolved*, That we strongly commend the California State Highway Patrol for their fair and efficient enforcement of the laws under their jurisdiction, and favor legislation that will strengthen their authority.

## RESOLUTION No. 24—CANNING CROP COMMITTEES.

*Resolved*, That we urge the American Farm Bureau Federation to sponsor the organization of canning crop growers' committees or dependents in the farm bureaus of all States that produce canning crops and to promote

cooperating among each other in the solution of the problem of common crop production.

*Keywords:* Nationalism; nationalism; nationalism; nationalism

Winners: The University of California College of Agriculture, Davis Branch, has already submitted entries in three previous (24 years) previous trials but has never won a prize.

We assume  $W_0$  being (not with) increasing (decreasing) nonlinear costs. As not most the benefits of using network are given to those that are not using, therefore,  $\lambda_1 \leq 0$ .

*Published.*—List and names of the President and Board of Managers in the University of California are given, very judiciously and advantage, in the budget of the College of Agriculture as far as possible to indicate the 1896-97 work of the system for the year in 1896. Figures relating to the budget of President of Kansas.

1. *Journal of the American Medical Association*, 1977; 237: 1001-1002.

Excluded. Fight to support the American Peace Officers' Association in the action of Congress to increase the benefits afforded to men in the United States and to have such action made as they are entitled to maintain the dignity of the military and naval forces.

Removal of the Residuals in State-Space Systems

*E. coli* O157:H7 is a serotype of *E. coli* that is associated with hemorrhagic colitis and hemolytic uremic syndrome. It is a rare serotype, but it is the most common cause of hemolytic uremic syndrome in children in the United States. It is also the most common cause of hemolytic uremic syndrome in adults in the United States. It is a rare serotype, but it is the most common cause of hemolytic uremic syndrome in children in the United States. It is also the most common cause of hemolytic uremic syndrome in adults in the United States.

11000 Grand Blvd., Minneapolis, MN 55425, U.S.A. E-mail: jay@comcast.net

Remark. What we have the presentation of the Homomorphism  $\varphi$  from  $\mathcal{C}$  to  $\mathcal{D}$ .

Downloaded At: 11:53 11 September 2009

Recognition by the Government of the Republic of China of the Republic of China as the only legitimate government of China.

*Abstract.* Prior to the formation of the Committee by State and Federal officials, a meeting of a group of local scientists, teachers, and high school students gathered on the campus of the University of Wisconsin at Fond du Lac to discuss the possibility of a survey and to discuss the need for the National Park, Dinosaur Conservation, and Education Center.

14. *How many people are there in your family?*

**Remark.** That we emphasize the study of the leading parts of these series and of the remaining low-frequency terms is due not least to the difficulties that arise with the more complex series.

Manuscript received 15 November 1997; accepted 15 July 1998.

*Resolved.* That the members of the Society of Friends in England be invited to send to the Convention, which is now being held at the residence of the author of country.

11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847

It is noted that the Italian and French Governments have been in talks for a long time in the matter of fisheries and the matter of competition of sardines with a view of increasing steadily production of the sardine industry.

Research No. 20—Bureau of Military Legislation, Service Department  
of the Army, 1910.

The United States Department of Agriculture has established a Bureau of Poultry in the United States Department of Agriculture and has organized the National Poultry Research Institute to conduct research.

11. *Phragmites* L. Trin.

*Residue.* There are millions of liquid residues being pumped into lakes which will very definitely cause harm to the animal kingdom of fishes. Such insects and their predators are not yet known, and aquatic vegetable life may be swept or washed away. In general the harmful material being dumped on shore or in lake will flow into streams.

Figure 1. (a)  $\text{N}_2$  flux (g  $\text{N}_2$   $\text{m}^{-2}$   $\text{d}^{-1}$ ) and (b)  $\text{N}_2$  flux (g  $\text{N}_2$   $\text{m}^{-2}$   $\text{d}^{-1}$ )

**WHILE** the breeding season of 12 species of terns have returned to a rugged Point Barrow, Colville Arctic Nests Department has been able to get and record early nest counts in breeding colonies and from these determine sex.

Resolved, That a California Farm Bureau Edible Nuts Department be

R. S. STEIN, N. J. P. STOUT, and M. C. WATSON, PHOENIX

*Proposed:* That we request the Federal Trade Commission to make an investigation of the marketing of agricultural commodities with the purpose



of developing means of securing for the producer a larger share of the price paid by the consumer for such commodities.

**RESOLUTION NO. 42—CONTROL OF MIGRATORY WATER FOWL.**

*Resolved*, That we take steps to determine the damage done to crops of farmers in the Sacramento Valley by migratory water fowl, and to present such information to the proper agencies of the State and National Government, with a demand that necessary steps be taken by them to protect farmers against loss due to such damage or that farmers be granted the right to protect their crops free from the threat of arrest and punishment, such action being consistent with the constitutional rights of citizens to protect their life and property.

**RESOLUTION NO. 44—CONTROL OF AUSTRIAN FIELD CRESS.**

*Resolved*, That the seriousness of the infestation of California agricultural lands by Austrian Field Cress demands immediate and drastic measures for control and eradication, and that we request the American Farm Bureau Federation to assist us in having the Federal Government establish a Civilian Conservation Camp in Modoc County for the purpose of controlling this pest.

**RESOLUTION NO. 45—RANGE BULL REGULATION.**

*Resolved*, That we favor rigid enforcement of the present range bull regulation in grazing districts, national forests, and other public lands.

**RESOLUTION NO. 48—CARRYING CAPACITY OF RANGE LAND.**

*Resolved*, That we believe that the determination of the carrying capacity of range lands should be the result of systematic study followed by approval of all parties concerned and that a controlling factor in determining such carrying capacity should be the amount of feed that can be sowed by the grazing area rather than the number of head of stock run on the land during any one year.

**RESOLUTION NO. 49—PREDATORY ANIMAL CONTROL IN NATIONAL PARKS.**

*Resolved*, That we request the Secretary of Interior to instruct the National Park Service to permit the trapping and hunting of predatory animals within national parks or to build coyote proof fences around such parks to protect private lands and live stock thereon from coyotes that breed within national parks.

**RESOLUTION NO. 50—USE OF DRAG NETS AND SEINES.**

*Resolved*, That we recommend that the use of drag nets and purse seines be prohibited in the coastal waters of California and that the use of any net be prohibited within a radius of three miles of the Santa Ynez River.

**RESOLUTION NO. 52—IMPORTATION OF INFECTED LIVE STOCK.**

*Resolved*, That we oppose the importation into the United States of all live stock or animal products from any country known to be infested with foot and mouth, rinder-pest, and other contagious animal diseases and that we request the support of the American Farm Bureau Federation in securing prohibition of such importation.

**RESOLUTION NO. 54—WOOL GOODS LABELING.**

*Resolved*, That we favor national legislation requiring the labeling of goods as to their wool content and that the assistance of the American Farm Bureau Federation be solicited for this purpose.

**RESOLUTION NO. 55—TARIFF ON CANNED GOODS.**

*Resolved*, That we favor at least a 50 per cent increase in the tariff on canned meats from all foreign countries and that we request the American Farm Bureau Federation to assist in securing action by the Tariff Commission to this effect.

**RESOLUTION NO. 56—APPRECIATION.**

WHEREAS, The wonderful weather, beautiful scenery, bountiful hospitality and courtesy provided for the success of our annual meeting by the Los Angeles County Farm Bureau, adjoining county farm bureaus, the Agricultural Extension Service, the city of Pasadena, and the county of Los Angeles, and

WHEREAS, We are aware of the great effort and time expended by our friends in making complete the arrangements for a successful week, and

WHEREAS, The Farm Bureau chorus, through their unselfish devotion to Farm Bureau spirit, and the F-H Club Group, through their efforts and participation have immeasurably added to the success of this auspicious occasion; now, therefore, be it

*Resolved*, That we express our deep and heartfelt appreciation to all those Farm Bureau friends and guests who have aided so well in the success of this convention."

Following are the resolutions presented by the last convention of the California Woolgrowers Association and the California Cattlemen's Association:

"MR. CURRY: Mr. Chairman, I am going to synopsize the resolutions that we adopted at our last convention asking for new legislation, or changes in

legislation. Quite a number were adopted which relate to the lime and brand law. It is about this legislation.

Now, one important matter is, we want to have red lights and signs for our first emergency legislation.

The next one is entitled, *Live Foreman, Foreign Born, Foreign, etc.* In that we pass to the following committee of laws. We refer you to Senate Messages for January 1936 and then call that all legislation passed will be introduced in this session on different areas in order to work out some definite method some law is before you.

The next one is that all abandoned roads and bridges be kept in order that they may be used for carrying big trucks and fulfill some of our purposes in building roads, preventing highway or live stock sale from off the highways.

The next one is that the Range Riders Association be organized to continue on a strictly voluntary basis.

The next one is that we passed the process of extending the marketing and grading of meat within the State of California along the lines of the proposed Federal law, and call that the State Bureau of Agriculture to prepare the act and come with the State Finance Committee. And we want to say that such a committee was appointed consisting of seven men, and they collected some time with Messrs. Gordon, Morgan and Perry, and attended our committee.

The next one is that the California Highway Commission build and maintain from State or State Highway funds any road.

The next one is that we have in communication where 90 per cent or more of the land is used for live stock that no transfer of live stock shall occur unless the value of the land exceeds \$10,000 and has been certified by a fence.

Next, *Prohibit* that the State Finance Commission with private efforts should collect money from the State of California.

Next, *prohibit* the owner of the present *Foreman Law*, except to protect the live stock industry.

Next, *allow* that the present law relating to light hunting be amended to exclude private land.

Next, *allow* the present program of extension of live stock in California, and within the Fish and Game Commission to use increased efforts in the control of game, or other matters.

Next, *allow* that some other law be passed and legislation which would prohibit members, individually or collectively, with other members, from treating their live stock for the prevention of animal disease.

The next one is that the State Bureau of Agriculture be given the right to make and make the program for the marketing of the live stock public and of such matters, or such matters, through the Fish and Game Commission may have approval.

Next is that certain of our members are contributing to the feeding and care of the live stock of the State and asking that we urge the Legislature to continue that they be supported for their aid.

The next one is to remove any bills which would remove the settlement from some private land, through which they produce vaccines and serum for treating their animals.

That is all I have.

We make the other recommendations in regard to those as to those presented by the Farm Bureau.

#### In Conclusion

Your committee believes that the three major subjects, to wit: Marketing of Agricultural Products, Soil Conservation, and Truck Regulation, are vital to agriculture. We recommend as follows:

That all bills affecting the marketing of agricultural products be carefully considered from the standpoint of the producer and that if measures are presented which will augment and encourage competitive activity between the producer, the processor and the distributor, that such bills be supported.

That it is the duty of the State, if possible, to merge all efforts which are now being put forth under existing law and all efforts being put forth by private corporations into one effective movement for the stabilization of agricultural prices and for the prevention of surplus production, and for the profitable sale of all surplus production in a way preventing the lowering of prices of any particular commodity or any commodity which is in competition therewith.

We recommend that the State cooperate with the Federal Government in some method of soil conservation whereby the State may obtain the benefit of offers of assistance by the Federal Government. The bills are not in such form as to be definitely recommended.

From what appears in the testimony before the committee, we find that truck regulation so far is wholly unsatisfactory, very far reaching in its effects and even questionable as to whether or not it is beneficial to the general public:

We recommend that simpler rules be adopted, based solely on cost of production of the individual haul so that any individual hauler may haul freight for hire at the cheapest possible rate at which he can pay expenses, with fair wages for reasonable hours work and a reasonable return; that he should be permitted to do that notwithstanding it may be injurious to a less efficient or a different mode of transportation.

Your committee begs leave to present this as a preliminary and partial report; that it may submit further reports as the session progresses.

Respectfully submitted.

BRADFORD S. CRITTENDEN, Chairman.  
F. L. GORDON.  
D. JACK METZGER.  
J. I. WAGY.  
J. JAMES HOLLISTER.  
JOHN PHILLIPS.  
CHARLES H. DEUEL.  
HAROLD J. POWERS.

### Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock and fifty-three minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Jespersen.

The names of the absentees were called, and Assembly Bill No. 2250 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Hoboham, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—34.

**NOES**—Senators Hays, Rich, and Wagy—3.

Title read and approved.

Assembly Bill No. 2250 ordered transmitted to the Assembly.

### Recess.

At one o'clock and fifty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Call of the Senate.

Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hoboham, Keating, Knowland, Law, McBride, McColl, McGovern, Rich, Slater, Tickle, Wagy, Westover, Williams, and Young—22.

The Secretary announced the absentees.

Time, two o'clock and two minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.  
Reference of Assembly Bill No. 1817

Senator Deuel moved that Assembly Bill No. 1817 be referred to Committee on Civil Service.

Mathieu asserted and such was the order.

### Report of Committee on Free Conference

The following report of the Committee on Free Conference was received and read:

Concerning Senate Bill No. 166

Submitted: 17 August 1996; Accepted: 25 May 1997

Mr. P. J. ... (The text is too blurry to transcribe accurately, but it appears to be a list of names and titles.)

Senate Bill No. 110. To act to establish a Chicagoan Labor Relations Board for the purpose and purposes of labor disputes and to provide process and to establish the process and laws.

Clark, Robertson and Burns, Michael J., and reports that the Committee on

That and will be referred to the Committee on Agriculture and that the following conditions be adopted:

**Abstract.** The duration of short exposures for the diffraction method is

WHILE AN  $\mathcal{F}$ -closed positive definite form defines a group structure on  $\mathcal{A}$ , the projection

WHEREAS, After diligent efforts to pass one or more such bills, it is now obvious that no such legislation can be passed in this session;

Wetland. Dunes on the beach were home to a few shrubs and trees and several large driftwood logs. In riparian areas of the Stream, island grass, low-lying shrubs and a few trees, and grassy areas on sand dunes and

Wentworth, W. 1993. The most common cause of death in the United States is heart disease. *Heart Watch* 100: 12-13.

Weyrauch, J. (1990) If the class is the only common effect, can we conclude that it is the cause? In *Philosophy of Science*, 57, 103-110.

branch urge upon the Governor of the State of California that he, from time to time, should call attention to the fact that the State of California is a free State, and that the people of the State are entitled to the same rights and privileges as the people of any other State. The Governor of the State of California is the only one who can call attention to the fact that the State of California is a free State, and that the people of the State are entitled to the same rights and privileges as the people of any other State. The Governor of the State of California is the only one who can call attention to the fact that the State of California is a free State, and that the people of the State are entitled to the same rights and privileges as the people of any other State.

ment mediation board, but only as a policy to be followed in case an occasion exists

CULTURE AND THE CITY

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NEWELL

— *Journal of the American Medical Association*, 1934, 102, 1031.

CHAPTERS

1901 12 15

MIRNICK MICHAEL J.

Access the Conference on Free Conference

### Re-reference of Senate Bill No. 166.

Senator Cullender moved that Senate Bill No. 166 be re-referred to Committee on Agriculture.

And so married, and such was the order

### Resolution.

The following resolution was adopted:

By Senators Crittenden, Hays and Sewell.

**WARNING:** The information is given in reference for the interested reader and

**WHITTAKER.** There is nothing before him but a mass of letters, and  
 a few papers, and

WHEREAS, After diligent efforts to pass one or more of such bills, it is now obvious that no labor legislation will ever pass at this session, and



WHEREAS, Parts of the State have been torn by labor disputes and there are now serious labor disturbances in several parts of the State, causing great loss both to labor and to business, and great anxiety to our people; and

WHEREAS, Within the next two years labor disturbances may arise, threatening the public peace and safety, and causing further economic loss; and

WHEREAS, The Governor of the State is the only public official now in a position to assist in directing mediation for settlement of such disturbances; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the Legislature of the State of California does hereby urge upon the Governor of the State of California that he, from time to time, when a necessary occasion may arise, appoint a fair and impartial Mediation Board, fairly representative of the diversified interests of the State, for the purpose of assisting in the early settlement of any labor dispute that may arise, the duties of which board shall not continue longer than necessary to assist with reference to any given labor disturbance, the Governor to authorize the payment of the necessary expenses of such mediation from the emergency fund; and be it further

*Resolved.* That this resolution is not to be construed as recommending a permanent Mediation Board, but only as a policy to be followed in case an occasion exists.

Resolution read, and on motion of Senator Crittenden, adopted

### Third Reading of Assembly Bills—(Resumed).

#### Assembly Concurrent Resolution No. 58.

Relating to the appointment of a committee of Assemblymen and Senators to represent the Legislature at the Golden Gate Bridge Fiesta, dedication and celebration of May 28, 1937.

WHEREAS, On May 28, 1937, a fiesta and ceremonies in dedication of the Golden Gate Bridge will be held at Crissey Field, the Presidio, San Francisco; and

WHEREAS, The formation of the Golden Gate Bridge and Highway District has been an invaluable aid in the achievement of this unmatched engineering and structural project; and

WHEREAS, It is altogether fitting and proper that the Legislature of the State of California be represented at such dedication and celebration, and that such representation be composed of legislators elected from the counties forming a part of the Golden Gate Bridge and Highway District; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Legislature of the State of California hereby appoints and delegates a committee to represent the Legislature at the Golden Gate Bridge Fiesta on May 28, 1937; and be it further

*Resolved.* That such committee be composed of the Assemblymen from the first, fifth, seventh, twelfth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth assembly districts, and of the Senators of the second, fourth, eleventh, twelfth, thirteenth and fourteenth senatorial districts.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 58 adopted by the following vote:

AYES—Senators Biggar, DeLap, Dene, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McColl, McGovern, Rich, Slater, Tickle, Wag, Westover, Williams, and Young—22.

NOES—None.

Assembly Concurrent Resolution No. 58 ordered transmitted to the Assembly.

**Assembly Bill No. 2194**—An act to amend section 4041.21 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stand, cigar stand and lunch room purposes.

Bill read third time.

#### Re-reference of Assembly Bill No. 2194.

Senator Keough moved that Assembly Bill No. 2194 be re-referred to Committee on County Government.

*Ayes and Nays Demanded.*

A roll call was demanded by Senators Gordon, Slater and Garrison on the adoption of the motion to re-refer to committee.

The roll was called, and the motion lost by the following vote:

**AYES:** Senators Jaspersen, Krough, Law, and Rich—4.

**NOES:** Senators Phillips, Cunningham, DeLoe, David, Fletcher, Garrison, Gordon, Halsted, Holahan, Keating, Krough, Kuntz, LaFay, Plummer, Quisenberry, Hays, Holscher, Keating, Krough, McCall, McGovern, Metzger, Mixer, Quisenberry, Schaefer, Shiao, Tule, Wagg, Wagoner, Williams, and Young—22.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2194 passed by the following vote:

**AYES:** Senators Hagg, Cunningham, DeLoe, David, Fletcher, Garrison, Gordon, Halsted, Holahan, Keating, Krough, Kuntz, LaFay, Plummer, Quisenberry, Hays, Holscher, Keating, Krough, McCall, McGovern, Metzger, Mixer, Quisenberry, Schaefer, Shiao, Tule, Wagg, Wagoner, Williams, and Young—29.

**NOES:** None.

Title read and approved.

Assembly Bill No. 2194 ordered transmitted to the Assembly.

**Assembly Bill No. 741**—An act to regulate the practice of horology. Bill read third time.

*Re reference of Assembly Bill No. 741.*

Senator Jaspersen moved that Assembly Bill No. 741 be re-referred to Committee on Public Morals.

*Ayes and Nays Demanded.*

A roll call was demanded by Senators McGovern, Shiao and McBrink on the adoption of the motion to re-refer to committee.

The roll was called, and the motion lost by the following vote:

**AYES:** Senators Cunningham, David, Hays, Holahan, Jaspersen, Krough, Law, Metzger, Nason, Plummer, Quisenberry and Rich—11.

**NOES:** Senators Allen, Hagg, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Halsted, Keating, McCall, McCall, McGovern, Mixer, Quisenberry, Schaefer, Shiao, Tule, Wagg, Wagoner, Williams, and Young—24.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 passed by the following vote:

**AYES:** Senators Allen, Hagg, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Halsted, Holscher, McCall, McGovern, Mixer, Nason, Plummer, Quisenberry, Schaefer, Shiao, Tule, Wagg, Wagoner, Williams, and Young—22.

**NOES:** Senators DeLoe, David, Hays, Holahan, Jaspersen, Keating, Krough, Metzger, Plummer, and Rich—10.

Title read and approved.

Assembly Bill No. 741 ordered transmitted to the Assembly.

**Assembly Bill No. 2180**—An act to amend section 4804 of the Political Code and to add to said code a new section to be numbered 4804e, relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2180 passed by the following vote:

**AYES:** Senators Allen, Hagg, Crittenden, Cunningham, Fletcher, Garrison, Halsted, Holahan, Keating, Law, McBrink, McCall, McGovern, Metzger, Mixer, Nason,

sen, Olson, Parkman, Petrovich, Powers, Quinn, Schottky, Seawell, Slater, Wagy, Westover, and Young—27.

NOES—Senators DeLap, Hays, Jepsersen, Keough, Knowland, Rich, Swing, and Williams—8.

Title read and approved.

Assembly Bill No. 2180 ordered transmitted to the Assembly.

**Assembly Bill No. 1645**—An act to amend section 400 of the Civil Code of California, relating to the voluntary winding up and dissolution of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1645 refused passage by the following vote:

AYES—Senators Garrison, Hollister, Keating, McColl, McGovern, Metzger, Olson, Powers, Schottky, and Williams—10.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hays, Holahan, Jepsersen, Keough, Knowland, Law, McBride, Nielsen, Parkman, Phillips, Petrovich, Quinn, Rich, Slater, Wagy, Westover, and Young—24.

**Assembly Bill No. 215**—An act to amend section 1 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 215 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Duval, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 215 ordered transmitted to the Assembly.

**Assembly Bill No. 380**—An act to amend section 3559 of the Harbors and Navigation Code, relating to the powers of the State Board of Harbor Commissioners for the bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 380 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Duval, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Petrovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 380 ordered transmitted to the Assembly.

**Assembly Bill No. 2124**—An act relating to the acquisition or construction of a bridge or bridges connecting the State highway system across Carquinez Straits, and across the San Joaquin River con-





The roll was called, and Assembly Bill No. 1463 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1463 ordered transmitted to the Assembly.

**Assembly Bill No. 2247**—An act to amend sections 28a, 65a, 65d, 78, 79, 83a, and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2247 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Donel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Williams—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2447 ordered transmitted to the Assembly.

**Assembly Bill No. 1824**—An act to amend an act entitled "An act to conserve the agricultural wealth of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall, therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions confronting many agricultural producers throughout the State are such as to require immediate remedy if their purchasing power and tax

parking facility are to be improved and maintained and that members of young and old generations are to be encouraged to participate in the 1938-1939 membership of agricultural communities since this offers opportunity of good use to be of benefit during the current year.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES: Senators Allen, Egan, Greenberg, Greenhouse, Holroy, Tread, Phillips, Garrison, Gaudin, Hays, Holliman, Holliman, Johnson, Keating, Knight, Land, Lee, McBrink, Mead, McQuinn, Morgan, Miller, Noyes, Quinn, Pappas, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—27.

NOES: None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1824 passed by the following vote:

AYES: Senators Allen, Hays, Greenberg, Greenhouse, Holroy, Tread, Phillips, Garrison, Gaudin, Hays, Holliman, Holliman, Johnson, Keating, Knight, Land, Lee, McBrink, Mead, McQuinn, Morgan, Miller, Noyes, Quinn, Pappas, Phillips, Pierovich, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagz, Westover, Williams, and Young—27.

NOES: None.

Title read and approved.

Assembly Bill No. 1824 ordered transmitted to the Assembly.

**Assembly Bill No. 950.** An act to add Chapter 2, comprising sections 2400 to 2415, inclusive, to Division IV of the Welfare and Institutions Code; to amend section 5077 of the Welfare and Institutions Code; and to repeal an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1935, as amended, relating to the aid and relief of indigents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 950 passed by the following vote:

AYES: Senators Allen, Beyer, Greenberg, Greenhouse, Holroy, Tread, Phillips, Garrison, Hays, Holliman, Holliman, Johnson, Keating, Knight, Land, Lee, McBrink, Mead, McQuinn, Morgan, Miller, Pappas, Phillips, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagz, Westover, and Young—24.

NOES: Senators Olson, and Tilden—2.

Title read and approved.

Assembly Bill No. 950 ordered transmitted to the Assembly.

#### Assembly Joint Resolution No. 51.

Relative to memorializing the President and Congress to take such steps as may be necessary to end a moratorium through the southern end of the Colorado Silver Standard to allow shipping vessels to enter the bay of San Diego at its southern end.

WHEREAS, The bay of San Diego possesses one of the finest harbors in the world, and

WHEREAS, The fleet of the United States of America, makes extensive use of said bay, and

WHEREAS, There is only one entrance to said bay which direction would constitute an entrance to said bay in the month of May 1937.

WHEREAS, The constitution of a harbor through the southern end of the Colorado Silver Standard would result in a segregation of the vessels of the United States from ordinary commerce and thus facilitate the use of said bay by both

classes of vessels, and also render the bay more valuable in time of war; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California hereby memorializes and petitions the President and the Congress of the United States to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; and be it further

*Resolved.* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California are hereby respectfully requested to urge such action.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 51 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Assembly Joint Resolution No. 51 ordered transmitted to the Assembly.

**Assembly Bill No. 90**—An act providing for payment by the State for park property acquired for highway purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 passed by the following vote:

AYES—Senators Allen, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Westover—30.

NOES—None.

Title read and approved

Assembly Bill No. 90 ordered transmitted to the Assembly.

**Assembly Bill No. 2058**—An act to amend section 1144 of, and to add sections 1143a, 1145a and 1145b to the Agricultural Code, relating to egg products and providing for the keeping and giving of information in reference thereto, regulating the delivery thereof from public warehouses, regulating the containers in which egg products are packed, providing for the seizure of egg products and food products manufactured using egg products and providing an appropriation for the enforcement of Article 4 of Chapter 8 of Division V of the Agricultural Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2058 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers,

*Upper Rich, Seattle, Skunk, Stone, Young, Tapp, Wain, Westmore, and Wil-*  
*son—15.*

*Name—None.*

Title read and approved.

Assembly Bill No. 2036 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and we have this, cannot be amended.

Senate Bill No. 305. As yet, the amendments 1.10, 1.11, 1.12 and 1.14 of the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the provision of courses in military science and tactics in connection therewith.

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DAVIES, Assistant Clerk.

Senate Bill No. 305 ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and we have this, cannot be amended.

Senate Constitutional Amendment No. 3—Ordered transmitted to article XIII, section 11 of the Constitution, relating to provisions of property in relation to military service.

And respectfully requests your honorable body to concur in said amendment.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DAVIES, Assistant Clerk.

Senate Constitutional Amendment No. 3—Ordered placed on the unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2027. As yet, nothing has been introduced for the contingent expenses of the Assembly and members thereof, the said bill, and, which amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. PIERCE, Assistant Clerk.

Assembly Bill No. 2027 read first time.

### Consideration of Assembly Bill No. 2027

Senator Rich asked for, and this granted, unanimous consent for the consideration of Assembly Bill No. 2027, without reference to the Committee on Finance for purpose of passage.

#### Resolution.

The following resolution was offered:

By Senator Rich:

*Resolved*, That Assembly Bill No. 2027 presents a case of urgency, so that time is used in section 16 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days at each time as hereby disposed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, B. Allen, Connelley, Connelley, Delap, Donoh, Fletcher, Garrison, Gordon, Hays, Hoffman, Hunsaker, Jaspersen, Knutling, Knutling, Law,



McBride, McColl, McGovern, Metzger, Mixer, Nielson, Olson, Parkman, Phillips, Pienovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tackle, Wagon, Westover, Williams, and Young—38.

NOES—None.

#### Second Reading of Assembly Bill No. 2927.

**Assembly Bill No. 2927**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

#### Unfinished Business—(Resumed).

**Senate Bill No. 508**—An act to amend sections 5.10, 5.42, 5.93 and 5.101 of the School Code of the State of California, and to add thereto a new section to be numbered 5.88a, all relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith.

#### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 508.

##### Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "5.60 and 5.84", and insert in lieu thereof the following: "5.93 and 5.101".

##### Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after the comma, insert the following: "and to add thereto a new section to be numbered 5.88a, all".

##### Amendment No. 3.

On page 1, line 10, of the printed bill, after the word "may", insert a comma and the following: "as hereinafter provided,".

##### Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 7 to 35, inclusive, and insert in lieu thereof the following:

"Sec. 3. A new section is hereby added to the School Code to be numbered 5.88a and to read as follows:

5.88a. The Director of Education, with the approval of the State Board of Education, may establish at any one or more of State colleges courses in military science and tactics complying with the laws of the United States made and provided with reference to R. O. T. C. units in educational institutions. No student enrolled in any State college shall be required to enroll in any course in military science and tactics.

Sec. 4. Section 5.93 of the School Code is hereby amended to read as follows: 5.93. The State Board of Education in standardizing the courses of instruction offered in the several State colleges of the State shall prescribe a course in physical education and shall make the completion of such course a requirement for graduation.

A student enrolled in a course in military science and tactics shall be given the same credit as though enrolled in the course in physical education prescribed under this section, and the receipt by such student of the same number of credits he would have received had he successfully completed such prescribed course in physical education shall be deemed to be the equivalent of the completion of such required course in physical education.

Sec. 5. Section 5.101 of the School Code is hereby amended to read as follows: 5.101. The determination of the time and standards for graduation from the State colleges; provided, that no student who is not a candidate for a teaching credential shall be required as a condition to graduation or otherwise to enroll in more than six units of pedagogy.

No student shall be required as a condition to graduation, or for any other purpose, to enroll in any course in military science and tactics."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 508?

The roll was called, and Assembly amendments to Senate Bill No. 508 refused concurrence by the following vote:

AYES—Senators Jespersen, Knowland, and Olson—3.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Law, McBride, McColl,

McGovern, Morgan, Myers, Nelson, Phillips, Phillips, Powers, Quinn, Rich, Schottel, Seawall, Slater, Wagon, Wastover, Williams, and Young—37.

**Senate Constitutional Amendment No. 9.** A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 21 of Article XIII, relating to exemptions of property on account of military service.

#### Consideration of Assembly Amendments.

The Senate took up the consideration Assembly amendments to Senate Constitutional Amendment No. 9.

##### Amendment No. 1.

On page 1 of the printed measure, strike out lines 13 and 14, and insert in lieu thereof the following: "except otherwise ordered by the court, subject to order of war, but confined in past service or when after such service in time of war."

##### Amendment No. 2.

On page 1, line 16, of the printed measure, strike out "including time and service in time of peace".

##### Amendment No. 3.

On page 1, line 20, of the printed measure, after "except", insert the following: "in time of war".

##### Amendment No. 4.

On page 1 of the printed measure, strike out lines 25 and 26, and insert in lieu thereof the following: "Service in any other such service in time of war has been refused from active duty service in time of war."

##### Amendment No. 5.

On page 2, line 5, of the printed measure, after "United States", insert the following: "in time of war".

##### Amendment No. 6.

On page 2, line 15, of the printed measure, after "made", insert the following: "under the provisions of this measure, no person having any exemption from shall have exemption while the provisions of this measure shall remain thereto, but shall they otherwise be held?"

##### Amendment No. 7.

On page 2, line 16, of the printed measure, strike out "act", and insert in lieu thereof the following: "action".

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 9?

The roll was called and Assembly amendments to Senate Constitutional Amendment No. 9 concurred in to the following vote:

**AYES.** Senators Aves, Baggett, Chapman, Cunningham, Irvine, Fletcher, Garrison, Garrison, Hays, Haskins, Haskins, Hughes, Kaufman, Keene, Latt, McBrat, McGill, McGowan, Morgan, Myers, Nelson, Otter, Phillips, Phillips, Powers, Quinn, Rich, Seawall, Seawall, Slater, Slone, Slone, Tinkle, Wagon, Wastover, Williams, and Young—37.

**NOES.** None.

Senate Constitutional Amendment No. 9 ordered to enrollment.

#### Report of Committee on Free Conference

The following report of the Committee on Free Conference was received and read:

##### Concerning Assembly Bill No. 1801.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference concerning

Assembly Bill No. 1801—An act making an appropriation to pay the claim of the Chief Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof, and providing that this act shall take effect immediately;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Cottrell, Turner, and King, and reports that the Committee on Free Conference has failed to reach any agreement whatever.

COTTRELL,  
TURNER,  
KING,

Assembly Committee on Free Conference.

KNOWLAND,  
RICH,  
HAYS.

Senate Committee on Free Conference.

#### Appointment of Second Committee on Conference.

The President announced the appointment of Senators Deuel, DeLap and Wagy, as a second Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1801.

#### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received.

##### Concerning Senate Bill No. 869.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference, Concerning

Senate Bill No. 869—An act to amend section 19 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to the time of payment to the State Treasurer of inheritance taxes collected by the county treasurers and interest thereon;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Williamson, Patterson, and Baynham, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments.

TICKLE,  
KNOWLAND,  
HAYS.

Senate Committee on Free Conference.

WILLIAMSON,  
PATTERSON,  
BAYNHAM

Assembly Committee on Free Conference.

#### Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Bagley, Critchfield, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Proctor, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Senate Bill No. 869 ordered to enrollment.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 720—An act to amend sections 305 and 307 of the Agricultural Code, relating to slaughtering establishments and meat inspection, and making an appropriation;

And appointed Assemblymen O'Donnell, Rosenthal and Mayo, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Appointment of Committee on Free Conference.  
Concerning Senate Bill No. 720.

The President assigned the appointment of Senators Metzger, Ciftenden and Young as a Committee on Free Conference to meet with a like committee from the Assembly to consider Assembly amendments to Senate Bill No. 720.

RECEIVED BY THE EDITOR: MAY 28, 1967

Mr. PIERCE: I am afraid in different parts of the country that the Assembly on this day repeatedly refused to do battle with the unconstitutional law.

[illegible]

JAMES C. SMITH, Chief Clerk of Assembly.  
 E. C. W. BAKER, Assistant Clerk.

### Appointment of Committee on Free Conference Concerning Senate Bill No. 812.

The President announced the appointment of Senators Gordon, Delap and Perkins, and a Committee on Free Conference to meet with a like committee from the Assembly to consider Assembly amendments to Senate Bill No. 412.

### Motion to Reconsider

Senator Phillips moved to reconsider the vote whereby the Assembly amendments to Senate Bill No. 1018 were refused enactment.

The question being on the adoption of the motion to reconsider

The roll was called, and reconsideration refused by the following vote:

AMES: Southern Cross, Inc., Delag, David, Phelan, Gordon, Hays, Janssen, Koenig, Kowalski, Mangan, Olson, Phillips, Saling, Wainman, and Williams. 15  
 NILES: Southern Cross, Inc., Haines, H. Hays, Ketting, Lee, McDiels, McCall, McGovern, Miller, Nelson, Phillips, Pomeroy, Thomas, Quinn, R. H. Scholtz, Seawall, Suter, Todd, Wag, and Young. 21

### Report of Standing Committee.

The following report of standing committee was received and read:

### On Education.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937

MR. PRESIDENT: Yes, General, as I thought, all which was referred.

Assembly Bill No. 11,800, as amended, relating to sections 5.10, 5.12, 5.00 and 5.84 of, and to add section 5.11 to, the Statutes of the State of California, relating to the establishment of a R.O.T.C. center in San Francisco and the funding of courses in military science and tactics, and courses in the conduct of war and physical training, by the following:

Assembly Bill No. 2740. As to the second sections 5.720 and 5.750 of the School Code, relating to removal or exclusion of persons involved in School districts requiring certification requirements. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

TICKLE, Chairman.



### Second Reading of Assembly Bills—(Out of Order).

**Assembly Bill No. 1238**—An act to amend sections 5.10, 5.42, 5.60 and 5.84 of, and to add section 5.11 to, the School Code of the State of California, relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics, and courses in the avoidance of war and physical combat, in connection therewith.

#### Amendments from the Floor.

During second reading of Assembly Bill No. 1238, amendments, offered by Senator Jespersen, were read and withdrawn.

Bill ordered on file for third reading.

**Assembly Bill No. 2593**—An act to amend sections 5.720 and 5.750 of the School Code, relating to leaves of absence of persons employed in school districts requiring certification requirement.

Bill read second time, and ordered on file for third reading.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 119**—An act to amend section 5 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to the collection of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 passed by the following vote:

**AYES**—Senators Allen, Cunningham, Deuel, Fletcher, Garrison, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—30.

**NOES**—None.

Title read and approved.

Assembly Bill No. 119 ordered transmitted to the Assembly.

**Assembly Bill No. 2923**—An act to amend section 3607 of the Political Code, relating to property subject to taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2923 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2923 ordered transmitted to the Assembly.

### Re-reference of Assembly Bill No. 153.

Senator Westover moved that Assembly Bill No. 153 be re-referred to Committee on Public Morals.

Motion carried, and such was the order.

### Re reference of Assembly Bill No. 1646

Senator Quinn moved that Assembly Bill No. 1646 be re-referred to Committee on Corporations and Financial Institutions.

Motion carried, and such was the order.

### Re reference of Assembly Bill No. 379

Senator Fletcher moved that Assembly Bill No. 379 be re-referred to Committee on Commerce and Navigation.

Motion carried, and such was the order.

### Re reference of Assembly Bill No. 2353

Senator Hays moved that Assembly Bill No. 2353 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

#### Motion to Reconsider.

Senator Garrison moved to reconsider the vote whereby Assembly Bill No. 2352 was re-referred to committee.

#### Ayes and Nays Demanded.

A roll call was demanded by Senators Allen, Jorgensen, and Seawell on the adoption of the motion to reconsider the vote whereby Assembly Bill No. 2352 was re-referred to committee.

The roll was called, and the motion reconsidered by the following vote:

**Ayes:** Senators Allen, Dwyer, Christiansen, Christiansen, Garrison, Hoffmeyer, Holman, Kottang, Kottang, Law, McCall, McQuinn, Morgan, Myer, Nielsen, Parkman, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, and Williams—24.

**Nays:** Senators DeLoe, Bond, Gaudin, Hays, Jorgensen, Kneeland, McBrine, Phillips, Rich, Swing, Westover, and Young—12.

#### Motion to Suspend the Rules.

Senator McCall moved that the Rules be suspended in order to consider Assembly Bill No. 2353 without reference to Committee on Finance.

The question being on the adoption of the motion to suspend the Rules.

The roll was called, and the motion refused adoption by the following vote:

**Ayes:** Senators Allen, Dwyer, Christiansen, Christiansen, Garrison, Hoffmeyer, Holman, Kottang, Kottang, Law, McCall, McQuinn, Morgan, Myer, Nielsen, Parkman, Pierovich, Powers, Quinn, Seawell, Slater, Tickle, and Williams—24.

**Nays:** Senators DeLoe, Bond, Gaudin, Hays, Jorgensen, Kneeland, Phillips, Rich, Slater, Swing, Westover, and Young—12.

### Re-reference of Assembly Bill No. 2353.

By order of the President, Assembly Bill No. 2353 was re-referred to Committee on Finance.

#### Withdrawal from Committee of Assembly Bill No. 2353.

Senator Garrison moved that Assembly Bill No. 2353 be withdrawn from Committee on Finance for purpose of passage.

The roll was called, and Assembly Bill No. 2353 withdrawn from the Committee on Finance by the following vote:

**Ayes:** Senators Allen, Dwyer, Christiansen, Christiansen, Garrison, Hoffmeyer, Holman, Kottang, Kottang, Law, McCall, McQuinn, Morgan, Myer, Nielsen, Pierovich, Powers, Quinn, Seawell, Slater, and Williams—24.

NOES—Senators DeLap, Denel, Fletcher, Gordon, Hays, Jespersen, Knowland, McBride, Olson, Phillips, Rich, Slater, Swing, Tickle, Wagy, Westover, and Young—17.

#### Statement.

By Senator Swing:

Assembly Bill No. 2353 was never received by the Committee on Finance, and never acted upon or considered by the Committee on Finance.

#### Point of Order.

Senator Rich raised the point of order that, "The withdrawal of the bill from the Committee on Finance for the purpose of passage is in violation of Rule 30 of the Senate Rules."

#### Decision on Point of Order.

The President announced his decision, and declared the point of order not well taken.

#### Consideration of Assembly Bill No. 2353—(Resumed).

**Assembly Bill No. 2353**—An act to amend section 13 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle," approved May 15, 1933, relating to the disposition of moneys received under said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2353 refused passage by the following vote:

AYES—Senators Allen, Baggar, Crittenden, Cunningham, Garrison, Hollister, Holohan, Kenting, Keough, McGovern, Metzger, Nielsen, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, and Williams—19.

NOES—Senators DeLap, Denel, Fletcher, Gordon, Hays, Jespersen, Knowland, Law, McBride, McColl, Mixter, Olson, Phillips, Rich, Slater, Swing, Tickle, Wagy, Westover, and Young—20.

#### Recess.

At two o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared recess until two o'clock and thirty-five minutes p.m.

#### Reconvened.

At two o'clock and thirty-five minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2927**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 2927, the following amendment, offered by Senator Knowland, was read and adopted:

#### Amendment No. 1.

On page 1, lines 7 and 8, of the printed bill, strike out "without regard to fiscal years," and insert in lieu thereof the following: "only for expenses incurred during

the eighth, ninth and tenth years, and shall not exceed the total number given any of these thousand dollars.

Bill read, ordered to print, and on file for third reading.

**Assembly Bill No. 136**—An act to authorize and empower boards of supervisors to levy a tax for advertising, exploration, promoting and aiding measures to preserve, and to develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties, and also for providing for the collection and maintaining records as to matters affecting the economic welfare of their several counties and their inhabitants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 passed by the following vote:

Ayes: Samuel Hanson, Christopher Christensen, Garrison, Gordon, Hays, Hoffman, Hultman, Johnson, Kesting, Knecht, Kneeland, Lee, McMillan, McGill, McGovern, Metzger, Mixer, Nielsen, Paulsen, Phillips, Quinn, Rich, Smalley, Smith, O. Torkle, Williams, Williams, and Young, 20.  
Non-voting: Phillips, 2.

Title read and approved.

Assembly Bill No. 150 ordered transmitted to the Assembly.

**Assembly Bill No. 1750**—An act to add sections 23, 24, 25, 103, 104, 107 and 108 to The Personal Income Tax Act of 1935, relating to taxation and varied income credits.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Senator Thelen moved a call of the Senate.  
Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators: Christensen, Christensen, DeLoe, Fletcher, Garrison, Gordon, Hays, Hoffman, Hultman, Johnson, Kesting, Knecht, Kneeland, Lee, McMillan, McGill, McGovern, Metzger, Mixer, Nielsen, Paulsen, Phillips, Quinn, Rich, Smalley, Smith, O. Torkle, Williams, Williams, and Young, 20.

The Secretary announced the absentees.

Time, two o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1898**—An act to amend section 50 of the Agricultural Code relating to county agricultural commissioner.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1898 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Mixter, Nielsen, Parkman, Phillips, Quinn, Rich, Schottky, Swing, Tickle, Westover, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1898 ordered transmitted to the Assembly.

**Assembly Bill No. 2835**—An act to provide for the regulation of the marketing, preparing and processing of agricultural foodstuffs, to provide for the administration of such act by the Director of Agriculture, to prescribe standards for the guidance of said director, and to declare the urgency of this act, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2835 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Rich, Schottky, Slater, Swing, Westover, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2835 ordered transmitted to the Assembly.

**Assembly Bill No. 2007**—An act to amend section 92 of the Agricultural Code, relating to appropriations for agricultural fairs.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such emergency are as follows:

There has been made available out of the "Fair and exposition fund" an appropriation of money to the several county and district agricultural fairs of this State. Under present law this money is available for payment of premiums and capital outlay only. As many of the fairs require money for rent of equipment and to meet expenses in connection with the preparation of fairs to be held during the calendar year 1937 it is necessary that this act take effect immediately to make such money available.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2007 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride,

McCall, McGovern, Metzger, Miller, Nelson, Olson, Parkman, Phillips, Quinn, Rice, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—32.  
None—None.

Title read and approved.

Assembly Bill No. 2017 ordered transmitted to the Assembly.

**Assembly Bill No. 2857**—An act to amend sections 86, 88 and 89 of the Agricultural Code, relating to agricultural districts and making provision for leasing of property of said districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2857 passed by the following vote:

AYES—Senators Baggett, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Miller, Nielsen, Parkman, Phillips, Quinn, Rick, Schottky, Slater, Swing, Tickle, Williams and Young—29.  
None—None.

Title read and approved.

Assembly Bill No. 2937 ordered transmitted to the Assembly.

**Assembly Bill No. 2394**—An act to amend section 1313 of the Fish and Game Code, relating to trapping bear.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2394 passed by the following vote:

AYES—Senators Baggett, Crittenden, Cunningham, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Miller, Nielsen, Olson, Parkman, Phillips, Rice, Slater, Swing, Tickle, Westover and Williams—28.  
None—None.

Title read and approved.

Assembly Bill No. 2794 ordered transmitted to the Assembly.

**Assembly Bill No. 2663**—An act to add section 919 to and repeal section 923 of the Fish and Game Code, relating to bull nets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2663 passed by the following vote:

AYES—Senators Baggett, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Miller, Nielsen, Olson, Parkman, Phillips, Rick, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—41.  
None—None.

Title read and approved.

Assembly Bill No. 2663 ordered transmitted to the Assembly.

**Assembly Bill No. 2915**—An act to amend section 487.5 of the Fish and Game Code, relating to use of trout roe or spawn.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2915 passed by the following vote:

AYES—Senators Baggett, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jorgensen, Keating, Knowland, Law, McBride,

McCull, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—30.

NOES—None.

Title read and approved.

**Motion to Reconsider.**

Senator Young moved to reconsider the vote whereby Assembly Bill No. 2915 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Fletcher, Hollister, Jespersen, McCull, Nielsen, Phillips, and Young—7.

NOES—Senators Biggar, Crittenden, Cunningham, Garrison, Gordon, Hays, Holohan, Keating, Keough, Knowland, Law, Olson, Parkman, Quinn, Rich, Schottky, Slater, Swing, Westover, and Williams—19.

Assembly Bill No. 2915 ordered transmitted to the Assembly.

**Assistant Secretary Howard McIntire at the Desk.**

**Assembly Bill No. 590**—An act to amend sections 10, 11, and 46 and repealing sections 12 and 20 of the Fish and Game Code, relating to the administration of fish and game laws.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 590 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Law, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, and Williams—25.

NOES—Senators Garrison, Hollister, Knowland, McBride, McCull, Olson, Slater, Westover, and Young—9.

Title read and approved.

**Motion to Reconsider.**

Senator Tickle moved to reconsider the vote whereby Assembly Bill No. 590 was passed.

The question being on the adoption of the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Hollister, McBride, Tickle, and Young—4.

NOES—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, Law, McCull, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Westover, and Williams—29.

Assembly Bill No. 590 ordered transmitted to the Assembly.

**Assembly Bill No. 2078**—An act to amend section 799 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2078 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McCull, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2078 ordered transmitted to the Assembly.

**Motion to Reconsider.**

Senator Garrison moved to reconsider the vote whereby Assembly Bill No. 2124 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 2124 reconsidered by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hayes, Hollister, Johnson, Keating, Knight, Knapp, Law, McBrine, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Quinn, Rife, Schottky, Seydell, Smith, Spring, Tamm, Westover, Williams, and Young—37.

NOTES—None.

**Reconsideration of Assembly Bill No. 2124.**

**Assembly Bill No. 2124**—An act relating to the acquisition or construction of a bridge or bridges connecting the State highway system across Carquidest Straits and across the San Joaquin River connecting the counties of Sacramento and Colusa, and defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in relation thereto.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2124 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hayes, Hollister, Johnson, Keating, Knight, Knapp, Law, McBrine, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rife, Schottky, Seydell, Smith, Spring, Westover, Williams, and Young—34.

NOTES—Senator Tamm—1.

Title read and approved.

Assembly Bill No. 2124 ordered transmitted to the Assembly.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 2927**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2927 passed by the following vote:

AYES—Senators Allen, Bigger, Cunningham, DeLong, Fletcher, Garrison, Hayes, Hollister, Johnson, Keating, Knight, Knapp, Law, McBrine, McCall, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rife, Schottky, Seydell, Smith, Spring, Tamm, Westover, Williams, and Young—35.

NOTES—None.

Title read and approved.

Assembly Bill No. 2927 ordered transmitted to the Assembly.

**Secretary Joseph A. Beek at the Desk.**

**Assembly Bill No. 1044**—An act to amend section 1 of "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1921, relating to exhibits in criminal cases.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1044 passed by the following vote:

AYES—Senators Allen, Buggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1044 ordered transmitted to the Assembly.

**Assembly Bill No. 672**—An act to amend section 1626 of the Streets and Highways Code.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 672, the following amendment, offered by Senator Phillips, was read and adopted:

**Amendment No. 1.**

On page 1, line 2 of the title on the printed bill, as amended, after "Code", insert the following: "relating to relief of special assessment districts".

**Consideration of Assembly Bill No. 672, as Amended.**

**Assembly Bill No. 672**—An act to amend section 1626 of the Streets and Highways Code, relating to relief of special assessment districts.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 672 passed by the following vote:

AYES—Senators Allen, Buggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, Williams, and Young—35.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 672 ordered transmitted to the Assembly.

**Assembly Bill No. 2910**—An act to authorize cities and counties to convey and transfer to flood control districts storm drain improvements, drainage improvements and drainage systems in such cities or counties, including storm drain improvements, drainage improvements and drainage systems constructed by drainage improvement districts organized pursuant to an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie," approved March 21, 1903, as amended, or organized pursuant to the Drainage District Improvement Act of 1919, and prescribing the terms and conditions and the effect of such conveyance and transfer, providing for the operation, maintenance, repair and improvement of such storm drain improvements, drainage improvements and drainage systems, and fixing liabilities with respect to obligations of such drainage districts.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 2910, the following amendment, offered by Senator Olson, was read:

**Amendment No. 1.**

On page 1, line 5, of the printed bill, after "supervisors", strike out the comma, and insert in lieu thereof the following: "if prior thereto a majority of the



of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XVI thereof one new section to be section 11, and to read as follows:

Sec. 11. Notwithstanding any other provision of this Constitution, no county or municipality to which any loan has been made, as provided for in the Unemployment Relief Bond Act of 1933, shall be required to pay to the State the principal amount of such loan or any portion thereof, or any interest thereon, nor shall any officer or officers mentioned in said act withhold from any payment or payments referred to in section 23 of said act, to any county or to or on account of any municipality, any amount of money to apply to any such loan, or to any installment thereof, or to any interest thereon, but such officer or officers shall distribute to such counties or municipalities all money therein referred to which would have been distributed if no such loan had been made; and the obligation of each respective county or municipality for each such loan is hereby canceled and exonerated, and each note evidencing any such loan is hereby canceled and shall have no further force or effect; provided further, that refund shall be made to any county or city and county which has made payments of principal and interest in the amount of such payments.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Constitutional Amendment No. 48 refused adoption by the following vote:

AYES—Senators Allen, Fletcher, Hollister, Law, McColl, McGovern, Mixter, Olson, Parkman, Swing, and Westover—11.

NOES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Keough, Knowland, McBride, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Tinkle, Wagy, Williams, and Young—26.

### Communications.

The following communications were received, and on request of Senator Olson, ordered printed in the Journal:

(Telegram.)

LONG BEACH, CALIFORNIA, May 28, 1937.

Senator Culbert Olson.

City Council this date passed resolution protesting the passage of Assembly Bill No. 2503 in the Senate in its present amended form.

E. L. McDONALD, City Clerk.

(Telegram.)

LOS ANGELES, CALIFORNIA, May 28, 1937.

Senator Culbert L. Olson, Capitol.

The City Council of the city of Los Angeles unanimously adopted resolution today protesting against the passage of Assembly Bill No. 2503 in its present amended form, or in any form that would take away from the cities of Los Angeles and Long Beach mineral rights underlying the tidelands within these cities which rights have been heretofore granted to these cities by the State. We urgently request that you do everything possible to prevent passage of such a bill because we feel that such an act would constitute an unwarranted and unfair invasion of the property rights of the two cities mentioned. Los Angeles is depending on oil income from harbor lands to help amortize harbor bonds and thus reduce burden on Los Angeles taxpayers.

ROBT. DOMINGUEZ,

City Clerk of the City of Los Angeles.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 2503**—An act to add section 25a to "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict

herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the powers of the Surgeon General.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 2501 the following amendments, offered by Senator Olson, were read:

##### Amendment No. 1.

On page 2, line 15, of the printed bill, as amended, after "certain", insert the following: "interests in certain."

##### Amendment No. 2.

On page 2, line 28, of the printed bill, as amended, after "private", insert the following: "or public."

##### Amendment No. 3.

On page 2 of the printed bill, as amended, strike out line 41, and insert in lieu thereof the following: "and, S. H. M. provided, however, that said provisions shall not apply to any interests, including rights of usufructuary lands heretofore granted to any trust, trust, if it and any similar provision were also granted to such trust (part)."

##### Amendment No. 4.

On page 3, line 47, of the printed bill, as amended, strike out "All or any", and insert in lieu thereof the following: "Each".

##### Amendment No. 5.

On page 3 of the printed bill, as amended, after line 51 and 52, and on page 4, strike out lines 1 to 44, inclusive, and insert in lieu thereof the following:

"Sec. 251. The commission shall, within ninety (90) days after the effective date of this act, publish once a week for three consecutive weeks, in a newspaper of daily and general circulation, or the weekly or tri-weekly and in three other newspapers of daily and general circulation, one published in the city of Los Angeles and one published in the city of San Francisco, and published in the city of Long Beach, notice that the act, hereafter will be known, and that persons desiring to file the said notice need fill out and file, within thirty days from the last date of publication of said notice, a questionnaire with the commission. Said notice shall require the questioner identify requirements person mentioned. Said questionnaire shall be on the standard form furnished by the commission and shall contain questions relating to the following information:

1. The exact name in which the person filing the questionnaire proposes to file.
2. Whether the nature of the questionnaire is an individual, partnership, unincorporated partnership, business trust, corporation, or joint stock association. In case of a person filing a questionnaire as an individual he shall give his residence and business address for five years last past. In case of a partnership or unincorporated partnership, the names, addresses, and residences for five years last past for all members shall be given. This information as to individual officers or trustees and beneficiaries shall be filed in the case of business trusts and joint stock associations.

3. In the case of business trusts, corporations, joint stock associations, or partnerships, the name of the State of which corporate power under which the filer is organized or incorporated and the period of time that said filer has been qualified to do and has done business in the State of California.

4. The period of time the filer has engaged in the oil business in this State and in what branch thereof.

5. Such other information as the commission may require.

Said statement of information shall be verified under oath by pleadings in a civil action. All statements shall be accompanied by a certified or cashier's check payable to the order of the State Treasurer in the sum of \$100, as an examination fee, which in no case shall be returned. Statements so filed shall be public records and shall be open to inspection by any person or his duly authorized agent filing statements heretofore. Immediately upon receipt of said statements the commission shall proceed to examine the same for the purpose of carrying out the provisions of this act. If such questionnaire be deemed insufficient by the commission, the commission shall within fifteen (15) days from receipt of said questionnaire, notify by writing the person filing the same of his objections, and such person shall, within fifteen (15) days thereafter, file an amended statement setting forth the information requested. Said commission shall complete the examination of all such questionnaires within one hundred twenty (120) days after the effective date hereof, provided, however, that he shall be authorized to extend said time of one hundred twenty (120) days an additional thirty (30) days.



Within one hundred twenty (120) days after the effective date of this act, unless said time be extended by the commission, as hereinbefore provided the commission shall prepare a list of persons qualified and entitled to bid for lease of said parcels.

Within twenty (20) days after the preparation of said list of qualified bidders, the commission shall send out to each person qualified and entitled to bid, a form of lease for each parcel, the only difference in said leases being the description of the parcel.

**SEC. 11.** Section 25k is hereby added to said act to read as follows:

**Sec. 25k.** Each parcel of the said State lands subject to lease pursuant to provisions 25a to 25n, inclusive, hereof shall be offered for lease in the manner as provided in said sections, to that qualified bidder offering by bid to pay to the State the highest per centum in amount and value of the oil, gas, casinghead gasoline or other hydrocarbon substances from said State lands but no bid shall be accepted and no lease shall be made unless the same provides for payment to the State of more than thirty per cent (30%) of the amount or value of the production of oil and gas from any wells drilled thereunder, when the average daily production thereof during a period of thirty consecutive producing days exceeds 200 barrels of oil, and for payment to the State of more than forty per cent (40%) of the value of such production, when the average daily production thereof during a period of thirty consecutive producing days exceeds one thousand barrels of oil and for payment to the State of more than fifty per cent (50%) of the value of such production when the average daily production thereof during a period of thirty consecutive producing days exceeds two thousand barrels of oil."

#### **Amendment No. 6.**

On page 6, line 40, of the printed bill, as amended, after "Every", insert the following: "qualified".

#### **Amendment No. 7.**

On page 6 of the printed bill, as amended, strike out lines 46 and 47, and insert in lieu thereof the following: "said lease for fixing the percentage of amount or value of production of oil, and the percentage of amount or value of production of gas and casinghead gasoline proposed to be paid or to be delivered to the State as royalty, and sign and execute the lease as lessee and return it to".

#### **Amendment No. 8.**

On page 7 of the printed bill, as amended, strike out line 20, and insert in lieu thereof the following: "percentages of amount or value of production bid for each".

#### **Amendment No. 9.**

On page 7, line 22, of the printed bill, as amended, strike out "bonus", and insert in lieu thereof the following: "percentage".

#### **Amendment No. 10.**

On page 7, line 47, of the printed bill, as amended, after the period, add the following: "One copy of an accepted bid or lease, after its execution by the commission for or on behalf of the State, shall be recorded in the county in which the lands are located and shall be filed with the Secretary of State.

Neither the right to bid nor any lease awarded hereunder shall be capitalized for the sale of any interest thereunder or for the issuance or sale of stock in any corporation or any unit of interest in any trust or other entity or person holding such right or lease."

#### **Motion.**

Senator Wagy moved that the amendment to Assembly Bill No. 2503, offered by Senator Olson, be laid on the table.

#### **Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and McGovern on the adoption of the motion to table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holahan, Keating, Law, McBride, McColl, Mixer, Nielson, Phillips, Pierovich, Powers, Rich, Schattky, Sewell, Swing, Todd, Wagy, and Young—26.

**NOES**—Senators Garrison, Hollister, Jepsen, Keough, Knowland, McGovern, Metzger, Olson, Quinn, Slater, Westover, and Williams—12.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2503 passed by the following vote:

**AYES**—Senators Allen, Bigger, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Holahan, Keating, Keough, Law, McBride, McColl, Mixer, Nielson, Park-



are located to determine whether said lands are so used; declaring the said tidelands and submerged lands lying above or landward from said dividing line or property line so straightened or adjusted, or so surveyed, located and established by agreement, to be released from the trust for the public purposes of commerce, navigation and fishery, and all other trusts, conditions, limitations and restrictions imposed by the granting acts and authorizing the conveyance thereof to abutting owners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 322 ordered transmitted to the Assembly.

**Assembly Bill No. 715**—An act to add two new sections, to be numbered 1000a and 1000b to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 715 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keough, Knowland, McBride, McColl, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Wagy, Westover, and Williams—29.

NOES—None.

Title read and approved.

Assembly Bill No. 715 ordered transmitted to the Assembly.

**Assembly Bill No. 1707**—An act to amend section 670 of the Code of Civil Procedure, relating to the judgment roll.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1707 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, McBride, McColl, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1707 ordered transmitted to the Assembly.

**Assembly Bill No. 1709**—An act to amend section 255 of the Probate Code, relating to children born illegitimate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1709 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGowan, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 1709 ordered transmitted to the Assembly.

**Assembly Bill No. 2597**—An act to amend section 2274 of the Civil Code, relating to compensation of trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2597 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGowan, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schatzky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2627 ordered transmitted to the Assembly.

**Assembly Bill No. 2283**—An act to amend section 4399 of the Political Code, relating to fees in municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2283 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGowan, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schatzky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2283 ordered transmitted to the Assembly.

**Assembly Bill No. 2280**—An act to add a new section to be numbered 1464 to the Penal Code, relating to destruction of records in municipal court, justices' courts and police courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2280 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McCall, McGowan, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schatzky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 2280 ordered transmitted to the Assembly.

**Assembly Bill No. 2284**—An act to amend section 189 of the Code of Civil Procedure, relating to destruction of records in municipal courts and justices' courts.



Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2284 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2284 ordered transmitted to the Assembly.

**Assembly Bill No. 2286**—An act to add a new section to be numbered 1033½ to the Code of Civil Procedure, relating to costs in judgments by default.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2286 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Keough, Knowland, Law, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2286 ordered transmitted to the Assembly.

**Assembly Bill No. 2285**—An act to amend section 586 of the Code of Civil Procedure, relating to judgment by default.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2285 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keough, Knowland, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2285 ordered transmitted to the Assembly.

**Assembly Bill No. 951**—An act to empower the Board of State Harbor Commissioners to rectify the alignment of East Street, now known as the Embarcadero, from Pacific Street to Market Street, in the City and County of San Francisco, and to sell, acquire, and condemn adjacent property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 951 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich,

Powers, Quinn, Rich, Schenck, Seawell, Slater, Spring, Wagg, Westover, and Young—35.

None—None.

Title read and approved.

Assembly Bill No. 251 ordered transmitted to the Assembly.

**Assembly Bill No. 2552**—An act to amend section 30 of the Civil Code, relating to disaffirmance by minors of contract.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2552 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Kautzsch, Law, McBride, McCall, McGovern, Munger, Nelson, Olson, Packard, Phillips, Pritchard, Quinn, Quinn, Rich, Schenck, Seawell, Slater, Spring, Wagg, Westover, and Young—34.

None—None.

Title read and approved.

Assembly Bill No. 2553 ordered transmitted to the Assembly.

**Assembly Bill No. 1425**—An act to add section 151.5 to the Agricultural Code, relating to straying animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1425 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, Cunningham, DeLap, Doud, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Kautzsch, Law, McBride, McCall, McGovern, Nelson, Olson, Packard, Pritchard, Quinn, Quinn, Schenck, Seawell, Slater, Spring, Wagg, Westover, and Young—32.

None—None.

Title read and approved.

Assembly Bill No. 155 ordered transmitted to the Assembly.

**Assembly Bill No. 1555**—An act to amend sections 776, 777, 779, and 781 and to repeal section 778 of the Vehicle Code, relating to funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1555 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, Cunningham, DeLap, Doud, Fletcher, Gordon, Hays, Hollister, Jorgensen, Kautzsch, Law, McBride, McCall, McGovern, Munger, Nelson, Olson, Packard, Phillips, Pritchard, Quinn, Quinn, Rich, Schenck, Seawell, Slater, Spring, Wagg, Westover, and Young—33.

None—None.

Title read and approved.

Assembly Bill No. 1555 ordered transmitted to the Assembly.

**Assembly Bill No. 2410**—An act to add section 85 to the Public Utilities Act, relating to public utilities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2410 passed by the following vote:

AYES—Senators Allen, Baggett, Cunningham, Cunningham, DeLap, Fletcher, Gordon, Hays, Hollister, Jorgensen, Kautzsch, Law, McBride, McCall, McGovern,

Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2410 ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 51.**

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 23a of Article IV thereof, relating to officers, employees and attaches of the Legislature.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its fifty-second regular session commencing on the fourth day of January, 1937, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that section 23a of Article IV of the Constitution be amended to read as follows:

SEC. 23a. The Legislature may provide for additional help; but in no case shall the total expense for officers, employees and attaches, for both houses, at any regular or extraordinary session, exceed a total sum equivalent to ten dollars per day per member, said total sum to be apportioned between the two houses as the Legislature shall provide; nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The Legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service.

Bill read.

The question being on the adoption of the bill.

The roll was called, and Assembly Constitutional Amendment No. 51 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—Senator Hays—1.

Assembly Constitutional Amendment No. 51 ordered transmitted to the Assembly.

**Further Proceedings Under Call of the Senate Dispensed With.**

At three o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

The names of the absentees were called, and Assembly Bill No. 1750 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

NOES—Senators Knowland, and Rich—2.

Title read and approved.

Assembly Bill No. 1750 ordered transmitted to the Assembly.

**Withdrawal from Committee of Senate Bill No. 330.**

Senator Swing moved that Senate Bill No. 330 be withdrawn from Committee on Roads and Highways, and placed on the unfinished business file.

Motion carried.

**Re-reference of Assembly Bill No. 2016.**

Senator Phillips moved that Assembly Bill No. 2016 be re-referred to Committee on Agriculture.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 231.**

Senator Jespersen moved that Assembly Bill No. 231 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

**Re-reference of Assembly Bill No. 2702.**

Senator McColl moved that Assembly Bill No. 2702 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1606**—An act to abolish the deceased survivors fund and to transfer the moneys remaining to the civil engineers fund.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1606 passed by the following vote:

**AYES**—Senators Allen, Brown, Cuthbertson, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Moore, Nelson, Olson, Parkman, Phillips, Parnovich, Powers, Quinn, Rich, Schuchke, Seawell, Senter, Spring, Tinkle, Wages, Westover, Williams, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 1606 ordered transmitted to the Assembly.

**Assembly Bill No. 2374**—An act to add section 6910 to the Political Code, relating to the liability of the State Treasurer for the estates of deceased persons.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2374 passed by the following vote:

**AYES**—Senators Allen, Brown, Cuthbertson, Cunningham, DeLoe, Fletcher, Garrison, Gordon, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCall, McGovern, Metzger, Moore, Nelson, Olson, Parkman, Phillips, Parnovich, Powers, Quinn, Rich, Schuchke, Seawell, Senter, Spring, Tinkle, Wages, Westover, Williams, and Young—37.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2374 ordered transmitted to the Assembly.

**Assembly Bill No. 2747**—An act requiring marine architects to be certified as such, specifying qualifications, rules and regulations therefor, creating a board, establishing a fund, and providing penalties.  
Bill read third time.

**Re-reference of Assembly Bill No. 2747.**

Senator Jespersen moved that Assembly Bill No. 2747 be re-referred to Committee on Governmental Efficiency.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2747 passed by the following vote:

**AYES**—Senators Allen, Cuthbertson, Cunningham, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Knowland, McColl, McGovern, Metzger, Olson, Parkman, Parnovich, Seawell, Spring, Tinkle, Westover, and Young—21.



NOES—Senators Biggar, DeLap, Hays, Jespersen, Knowland, Law, McBride, Mixer, Nielsen, Phillips, Powers, Quinn, Rich, Schottky, Slater, Wagy, and Williams—17.

Title read and approved.

Assembly Bill No. 2747 ordered transmitted to the Assembly.

**Assembly Bill No. 19**—An act to repeal sections 332, 333, 334, 335, 336, and 337 of the Political Code, relating to biennial reports of departments and agencies of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 19 ordered transmitted to the Assembly.

**Assembly Bill No. 30**—An act to repeal sections 241, 242, 243, and 244 of the Political Code, relating to the Controller.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Mixer, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 30 ordered transmitted to the Assembly.

**Assembly Bill No. 40**—An act to repeal section 537 of the Political Code, relating to warrants for wages of State printing employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 40 ordered transmitted to the Assembly.

**Assembly Bill No. 42**—An act to repeal section 532 of the Political Code, relating to contracts for paper.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 42 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Jorgensen, Keating, Koough, Knowland, Lee, McRee, McCall, McIntosh, Moore, Miller, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Schuchter, Sewell, Slater, Spring, Telle, Wagy, Westover, Williams, and Young—26.  
**NOTES**—None.

Title read and approved.

Assembly Bill No. 42 ordered transmitted to the Assembly.

**Assembly Bill No. 1347**—An act to add section 695 1/2 to the Political Code relating to the State Board of Control and repealing section 695 of the Political Code as added by Chapter 973 of the Statutes of 1933. Bill read third time.

**Motion to Re-refer Assembly Bill No. 1347.**

Senator Tackle moved that Assembly Bill No. 1347 be re-referred to Committee on Government Efficiency.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1347 passed by the following vote:

**AYES**—Senators Allen, Fletcher, Garrison, Hays, Hollister, Knowland, Nelson, Olson, Rye, Slater, Spring, Wagy, and Young—13.  
**NOTES**—Senators Bigger, Crittenden, Cunningham, DeLap, Gordon, Jorgensen, Keating, Koough, Lee, McRee, McCall, McIntosh, Moore, Miller, Parkman, Phillips, Pomeroy, Powers, Quinn, Sewell, Telle, Westover, and Williams—23.

Title read and approved.

Assembly Bill No. 1047 ordered transmitted to the Assembly.

**Assembly Bill No. 1104**—An act to amend section 31 of the Optometric Law, relating to the suspension and revocation of certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1104 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Hollahan, Keating, Koough, Knowland, Lee, McRee, McCall, McIntosh, Moore, Miller, Nelson, Olson, Parkman, Phillips, Pomeroy, Powers, Quinn, Rye, Schuchter, Sewell, Slater, Spring, Telle, Wagy, and Young—27.  
**NOTES**—None.

Title read and approved.

Assembly Bill No. 1104 ordered transmitted to the Assembly.

**Assembly Bill No. 2804**—An act authorizing the Department of Natural Resources, acting through the State Park Commission, to enter into lease contracts, with option to purchase, for the use of State parks of ocean beaches and other lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2804 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Hollahan, Jorgensen, Keating, Koough, Knowland,

Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—38.

NOES—None.

Title read and approved.

Assembly Bill No. 2804 ordered transmitted to the Assembly.

**Assembly Bill No. 2912**—An act creating the office of Park Engineer in the State Department of Public Works, and relating to the powers and duties thereof and the qualifications, compensation, and tenure of appointees thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2912 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, Westover, Williams, and Young—35.

NOES—Senators Hays, Rich, and Tickle—3.

Title read and approved.

Assembly Bill No. 2912 ordered transmitted to the Assembly.

**Assembly Bill No. 565**—An act to amend section 3681a, Political Code, relating to the correction of errors in the assessment of real estate or in any subsequent step in the collection of the taxes thereon and for the reassessment of real estate when on account of error a delinquent tax thereon can not be enforced, or when an assessment of property may have been adjudged to be invalid for error of assessment, or in the acts therein, or later.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 565 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holahan, Jespersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 565 ordered transmitted to the Assembly.

**Assembly Bill No. 2626**—An act to amend section 2 of the act entitled "An act to regulate the method of nominating, voting for and electing candidates for judicial offices at primary and general elections by giving each office a designating number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election," approved May 2, 1927, relating to the method of nominating, voting for and electing candidates for judicial offices at primary and general elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 209 passed by the following vote:

**AYES:** Senators Allen, Piggot, Cunningham, DeLong, Fletcher, Garrison, Gordon, Hays, Holloman, Holahan, Keating, Keough, Knowland, Low, McBride, McColl, McGovern, Meyer, Nelson, Olson, Patterson, Phillips, Pirbright, Powers, Quinn, Rich, Schwartz, Slater, Tishie, Ward, Westover, Williams, and Young—35.

**NOES:** None.

Title read and approved.

Assembly Bill No. 209 ordered transmitted to the Assembly.

**Assembly Bill No. 214**—An act to amend section 20 of an act entitled "An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create the office of Yacht and Ship Brokers Commission within the Department of Professional and Vocational Standards, and provide for the enforcement of said act and penalties for the violation thereof," approved July 20, 1935, relating to the suspension and revocation of licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 214 passed by the following vote:

**AYES:** Senators Allen, Cunningham, Cunningham, DeLong, Fletcher, Hays, Holloman, Holahan, Keating, Keough, Knowland, Low, McBride, McColl, McGovern, Meyer, Nelson, Olson, Patterson, Phillips, Pirbright, Powers, Quinn, Rich, Schwartz, Slater, Tishie, Ward, Westover, Williams, and Young—35.

**NOES:** Senators Ferguson and Young—2.

Title read and approved.

Assembly Bill No. 214 ordered transmitted to the Assembly.

**Assembly Bill No. 1465**—An act to amend sections 2875, 2878, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, to repeal section 2884 of the School Code, to repeal an act entitled "An act relating to the opening and closing of polls at school elections," approved May 14, 1929, and to add sections 2876½, and 2877 to the School Code, relating to school district elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1465 passed by the following vote:

**AYES:** Senators Allen, Piggot, Cunningham, DeLong, DeLong, Fletcher, Garrison, Gordon, Hays, Holloman, Holahan, Keating, Keough, Knowland, Low, McBride, McColl, McGovern, Meyer, Nelson, Olson, Patterson, Phillips, Pirbright, Powers, Quinn, Rich, Schwartz, Slater, Tishie, Ward, Westover, Williams, and Young—36.

**NOES:** None.

Title read and approved.

Assembly Bill No. 1465 ordered transmitted to the Assembly.

**Assembly Bill No. 982**—An act to amend section 5502 of the School Code relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 982 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Knowland, Law, McBride, McGovern, Mixter, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 982 ordered transmitted to the Assembly.

**Assembly Bill No. 1017**—An act to add a new section numbered 4041.26 to the Political Code, relating to jurisdiction, powers and duties of county boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1017 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Garrison, Hollister, Holohan, Jespersen, Keough, Knowland, McBride, McColl, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Slater, Swing, and Westover—21.

NOES—Senators Cunningham, Deuel, Fletcher, Gordon, Hays, Law, Mixter, Powers, Quinn, Rich, Seawell, Tickle, Wagy, Williams, and Young—15.

Title read and approved.

Assembly Bill No. 1017 ordered transmitted to the Assembly.

**Assembly Bill No. 2863**—An act making an appropriation to the Division of Fish and Game, Department of Natural Resources.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2863 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2863 ordered transmitted to the Assembly.

**Assembly Bill No. 2871**—An act to add section 4056 to the Political Code, relating to the issuance of bonds by counties for the purpose of providing for county exhibits at domestic or foreign expositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2871 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McColl, McGovern, Mixter, Olson, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2871 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 2827 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Allen, Biggs, Christman, DeLap, Donald, Fletcher, Garrison, Gordon, Hagg, Hollister, Johnson, Keating, Keough, Linn, McBrine, McCall, McGovern, Morgan, Myers, Olson, Peterson, Phillips, Pritchard, Priors, Rick, Scholtyse, Seaton, Slater, Swine, Tickle, Wagg, Westmore, Williams, and Young. 25.

**NOES.** None.

### Third Reading of Assembly Bill No. 2827.

**Assembly Bill No. 2827.** An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion; creating a State Soil Conservation Advisory Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; providing for cooperation between the State Soil Conservation Advisory Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations; and making an appropriation for paying the expenses of the State Soil Conservation Advisory Committee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2827 passed by the following vote:

**AYES.** Senators Allen, Biggs, Christman, Christman, DeLap, Donald, Fletcher, Garrison, Hagg, Hollister, Johnson, Keating, Keough, Linn, McBrine, McCall, McGovern, Morgan, Myers, Olson, Peterson, Phillips, Priors, Rick, Scholtyse, Seaton, Slater, Swine, Tickle, Wagg, Westmore, Williams, and Young. 25.

**NOES.** None.

Title read and approved.

Assembly Bill No. 2827 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Senator Olson.

*Resolved*, That Assembly Bill No. 2824 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES.** Senators Biggs, Christman, DeLap, Donald, Fletcher, Garrison, Hagg, Hollister, Hollister, Johnson, Keating, Keough, McCall, McGovern, Morgan, Myer, Olson, Peterson, Phillips, Pritchard, Priors, Rick, Scholtyse, Seaton, Slater, Swine, Tickle, Wagg, Westmore, Williams, and Young. 21.

**NOES.** None.

**Third Reading of Assembly Bill No. 2924**

**Assembly Bill No. 2924**—An act to repeal "An act to provide for the sale of an excess of water when owned by a municipality and repealing an act entitled 'An act to provide for the sale of an excess of water when owned by a municipality' approved March 27, 1897," approved April 10, 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2924 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—35.

**NOES**—Senator Fletcher—1.

Title read and approved.

Assembly Bill No. 2924 ordered transmitted to the Assembly.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That Assembly Bill No. 2593 presents a case of urgency, as that bill is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—37.

**NOES**—None.

**Third Reading of Assembly Bill No. 2593.**

**Assembly Bill No. 2593**—An act to amend sections 5720 and 5750 of the School Code, relating to leaves of absence of persons employed in school districts requiring certification requirement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2593 passed by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holahan, Jepsen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, Williams, and Young—36.

**NOES**—None.

Title read and approved.

Assembly Bill No. 2593 ordered transmitted to the Assembly.





bered 5,88a, all relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith. And appointed Assemblymen Gannon, Clark and Hawkins as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

**Appointment of Committee on Free Conference  
Concerning Senate Bill No. 508.**

The President announced the appointment of Senators Quinn, Knowland and Nielsen, as a Committee on Free Conference to meet a like committee from the Assembly to consider Assembly amendments to Senate Bill No. 508.

**Report of Second Committee on Free Conference.**

The following report of Committee on Free Conference was received.

**Concerning Assembly Bill No. 1801.**

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Second Committee on Free Conference Concerning:

Assembly Bill No. 1801—An act making an appropriation to pay the claim of the Chief Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Field, Garland, and Rosenthal, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

**Amendment No. 1.**

On page 1, of the printed bill, as amended, strike out line 3, and in line 4, strike out "(210,980.12)", and insert in lieu thereof the following: "fifty-six thousand two hundred seventy-one and 48/100 dollars (\$256,271.48)".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out lines 7 to 10, inclusive, and in lieu thereof insert the following:

"SEC. 2. The sum of two hundred fifty-six thousand two hundred seventy-one and 48/100 dollars (\$256,271.48) shall be paid as follows: \$172,449.52 out".

**Amendment No. 3.**

On page 2, line 2, of the printed bill, as amended, after the semicolon, insert the following: "\$291.36 out of any money in the petroleum and gas fund in the State treasury;"

DEUEL.  
DE LAP.  
WAGY.

GARLAND.

FIELD.

ROSENTHAL.

Senate Committee on Free Conference

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Keough, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagv, Westover, Williams, and Young—35.

NOES—None.

**Resolution.**

The following resolution was offered:

By Senators Deuel, Wagv and DeLap:

WHEREAS, The Free Conference Report on Assembly Bill No. 1801, which has been this day adopted by the Assembly of the State of California, increases the items of appropriation under Assembly Bill No. 1801 in the sum of \$45,291.36; and



Reports that it has met a like committee of the Assembly, consisting of Assemblymen O'Donnell, Rosenthal and Mayo, and reports that the Committee on Free Conference has agreed to recommend the following:  
That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

**Amendment No. 1.**

On page 2, line 32, of the bill, as amended May 14th, strike out "1,130,000", and insert in lieu thereof the following "500,000".

METZGER.  
YOUNG.  
CRITTENDEN.

Senate Committee on Free Conference.

O'DONNELL.  
ROSENTHAL.  
MAYO.

Assembly Committee on Free Conference.

**Re-reference of Senate Bill No. 720.**

Senator Metzger moved that Senate Bill No. 720 be re-referred to Committee on Finance.

Motion carried, and such was the order.

**Report of Committee on Free Conference.**

The following report of Committee on Free Conference was received:

**Concerning Senate Bill No. 812.**

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning:

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commissioner of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Hornblower, Garland, and Dawson, and reports that the Committee on Free Conference has agreed to recommend the following:  
That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

**Amendment No. 1.**

On page 3 of the printed bill, as amended May 26, 1937, strike out lines 14 to 24, inclusive, and insert in lieu thereof the following: "State of California; (c) while operated by the registered owner of a pleasure vehicle or by any member of his family in the transportation of persons to the same destination as that of the operator or to a place through which the operator passes on the way to his destination, whether any consideration is paid to the operator or not, if the operation of the motor vehicle is for purposes other and additional to that of carrying the persons paying the compensation and is not in the regular course of business."

**Amendment No. 2.**

On page 4 of the printed bill, as amended May 26, 1937, strike out lines 16 to 21, inclusive, and insert in lieu thereof "Ten (\$10) dollars."

**Amendment No. 3.**

On page 5 of the printed bill, as amended May 26, 1937, strike out lines 22 to 31, inclusive.

**Amendment No. 4.**

On page 1, line 14 of the title of the printed bill, as amended May 26, 1937, following the word "that", strike out the remainder of line 14, and line 15 down to and including the word "that".

**Amendment No. 5.**

On page 1, line 8, of the printed bill, as amended May 26, 1937, following the word "regulated", strike out the remainder of line 8, and on page 2, line 1, strike out the following: "hazards and wear and tear on public highways and".

**Amendment No. 6.**

On page 2, line 3, of the printed bill, as amended May 26, 1937, strike out "that the highway's may be rendered safer for the", and in line 4, strike out the words "use of the general public".

**Amendment No. 7.**

On page 4 of the printed bill, as amended May 26, 1937, strike out "without annexes", and on page 5, strike out lines 1 to 4, inclusive.

PARKMAN  
GORDON  
DE LAP

Senate Committee on Free Conference

HORNBLOWER  
GAILLARD  
DAWSON

Assembly Committee on Free Conference

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES.** Senators Allen, Buggs, Crippenden, Cunningham, DeLap, Dewel, Fletcher, Garrison, Hastings, Henson, Johnson, Keough, Knevel, Linn, McBride, McGill, Morgan, Myers, Olson, Parkman, Phillips, Pirovich, Powers, Robt, Seawell, Slater, Swang, Tickle, Waggy, Westover, Williams and Young—32.

**NOES.** None.

Senate Bill No. 812 ordered to enrollment.

**Report of Committee on Free Conference**

The following report of Committee on Free Conference was received:

**Concerning Senate Bill No. 508.**

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference, consisting of

SENATE BILL NO. 508.—An act to amend sections 3410, 3412, 3493 and 3494 of the School Code of the State of California; and to give priority in appropriation to be granted to the State of California, all subject to the establishment of R. O. T. C. units in State colleges and the teaching of cadets in military science and tactics in secondary schools; Reports that at this point of the consideration of the Assembly, consisting of Assemblymen Hawkins, Clark and Gannon, and informs that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments.

QUINN  
NIELSEN  
KNOWLAND

Senate Committee on Free Conference

CLARK  
HAWKINS  
GANNON

Assembly Committee on Free Conference

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES.** Senators Allen, Buggs, Crippenden, Cunningham, DeLap, Dewel, Fletcher, Garrison, Gordon, Hays, Henson, Hastings, Jespersen, Keough, Knowland, Linn, McBride, McGill, McGowan, Morgan, Myers, Olson, Parkman, Phillips, Pirovich, Powers, Quinn, Robt, Schatzky, Seawell, Slater, Swang, Tickle, Waggy, Westover, Williams and Young—37.

**NOES.** None.

Senate Bill No. 508 ordered to enrollment.

**Re-reference of Assembly Bill No. 1238.**

Senator Quinn moved that Assembly Bill No. 1238 be re-referred to Committee on Military Affairs.

Motion carried, and such was the order.



**Unfinished Business—(Resumed).**

**Senate Bill No. 1051**—An act to add section 366f to the Political Code, relating to the conditions of employment at the Preston School of Industry.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 1051, read previously.

The question being: Shall Senate Bill No. 1051 become a law, notwithstanding the objections of the Governor?

The objections of the Governor sustained by a unanimous vote of the Senate.

**Senate Bill No. 1052**—An act to add section 1278 to the Welfare and Institutions Code, relating to conditions of employment at Preston School of Industry.

**Sustaining Governor's Veto.**

Message from the Governor announcing his objections to Senate Bill No. 1052, read previously.

The question being: Shall Senate Bill No. 1052 become a law, notwithstanding the objections of the Governor?

The objections of the Governor sustained by a unanimous vote of the Senate.

**Senate Bill No. 330**—An act to add section 588.10 to the Vehicle Code, relating to parking.

**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 330.

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, strike out "add section 588.10 to", and insert in lieu thereof the following: "amend section 588 of".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 588 of the Vehicle Code is hereby amended to read as follows:

588. When Parking or Standing at an Angle Prohibited. Except when loading or unloading merchandise, no person shall park or leave standing any vehicle at the curb or edge of a State highway unless both right wheels of the vehicle are within 18 inches of the curb or edge of such highway except that local authorities may provide otherwise under the following circumstances:

(a) Where a State highway within a city is divided into two separate roadways with one-way traffic on each such roadway, each of which is not less than 50 feet from curb to curb.

(b) Where a State highway is within a business district and the roadway is surfaced and delineated by curbs on each side thereof, and such surfaced roadway between curbs is more than 65 feet in width, and there are no street car or other railway tracks on such roadway."

**Amendment No. 3.**

On page 1, line 15, of the printed bill, as amended, after the comma, insert the following: "or discharging passengers,".

**Amendment No. 4.**

On page 1, line 27, of the printed bill, as amended, strike out "sixty-five", and insert in lieu thereof the following: "approximately sixty".

**Amendment No. 5.**

On page 1 of the printed bill, as amended, following line 28, insert the following:

"(c) When the Director of Public Works finds that such parking will not interfere with traffic and consents thereto in writing."



Senate Bill No. 69—An act making an appropriation to reimburse the San Diego Harbor improvement fund for the moneys transferred from that fund to the general fund pursuant to Chapter 217, Statutes of 1931;

Senate Bill No. 98—An act to add section 1.4 to the State Narcotic Act, relating to habit-forming narcotic and other dangerous drugs and substances;

Senate Bill No. 160—An act to add section 1a to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from the tax;

Senate Bill No. 168—An act to add sections 1.5 and 5.1 to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to county fire protection districts;

Senate Bill No. 205—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor;

Senate Bill No. 228—An act to amend section 791 of the Fish and Game Code, relating to crabs;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 237—An act to amend sections 10b, 10c, 10d, 10e, and 10g of the State Narcotic Act, relating to fines and forfeitures;

Senate Bill No. 333—An act authorizing the use, for major construction and equipment of plant quarantine border inspection stations, of moneys already appropriated; declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 396—An act to amend sections 692, 698, 699, 701 and 716 of the Vehicle Code, relating to size, weight, loading and operation of vehicles;

Senate Bill No. 424—An act to add two new sections to the School Code to be numbered 4.195 and 4.252, relating to instruction in the public schools;

Senate Bill No. 436—An act to amend section 120 of the Agricultural Code relating to nursery licenses;

Senate Bill No. 457—An act to amend sections 760, 761, 765, 1640, 1643, 1647, 1649, 1656, 1661, 1662, 1663, 1675, 1676, 1677 and 1706 of the Insurance Code, to repeal sections 762, 1665, 1667, 1669, 1710, 1711, 1712 and Article 3 of Chapter 5, Part 2, Division 1 comprising section 1730, of said code, to add sections 763.5, 783.5, 1648.5, 1677.4, 1677.5, and 1705.5 to said code, and to add Articles 3 and 4, comprising sections 1730 to 1750, inclusive, to Chapter 5, Part 2, Division 1 of said code, all relating to insurance;

Senate Bill No. 466—An act to amend sections 705, 882, 1500, 1590, 1678, 1679, 1713, 1765, 11060, 11061, and 12974 of the Insurance Code, and to add section 900.5 thereto, all relating to insurance, and declaring the urgency thereof, the act to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 774—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Senate Bill No. 942—An act to add a new chapter to Division VI of the Agricultural Code to be numbered 10, relating to marketing of agricultural products;

Senate Bill No. 987—An act to amend section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed five rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California;

Senate Bill No. 1066—An act to amend sections 840, 842, 844, 845 and 845.1 of, and to add sections 842.6, 844.1, 844.2 and 844.3 to, the Agricultural Code, relating to honey standards;

Senate Bill No. 1070—An act to amend sections 1 and 65 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing every district so created to issue bonds for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 28, 1921, as amended, relating to municipal utility districts.

And reports that the same have been carefully examined and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engineering, Transportation and Printing has examined:

Senate Joint Resolution No. 6, Relative to authorizing the President and Congress of the United States to issue, together with money issued by Congress and in the construction of a nonpartisanizable hospital for Veterans of the World War.

Senate Joint Resolution No. 7, Relative to authorizing Congress to accept legislation pending in pending session.

Senate Bill No. 96—An act to amend sections 937 of the Penal Code, relating to larceny.

Senate Bill No. 111—An act to add sections 875.5 and 1410.5 to the Food and Game Code, relating to game.

Senate Bill No. 121—An act to amend section 1 of an act entitled "An act providing for the construction of a permanent fund for the purchase of land to be incorporated in the State Prison at San Quentin," approved March 9, 1886, relating to the receiving land from the manufacture and sale of silk.

Senate Bill No. 294—An act to amend sections 243 and 28b of an act entitled "An act to allow incorporation of cities and villages to issue and authorize the sale of bonds to be issued and sold within three years from the date of such passage and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to the distribution of incorporation bonds and villages and fire companies (Theory).

And reports that the same have been carefully examined and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engineering, Transportation and Printing has examined:

Senate Bill No. 301—An act to amend the Food and Game Code, sections 1 and 17 of "An act to authorize an institution for the treatment, care and education of women convicted of a felony the establishment of which is in the State of California. In return for its maintenance, support and government, that to make an appropriation therefor," approved May 9, 1929, relating to the California Institution for Women.

Senate Bill No. 328—An act to amend sections 1380, 1391, 1392 and 1399 of the Insurance Code, and to repeal section 1393. An act allowing certain classes of contracts for the exchange of premiums, permitting negotiations therefor and fixing a license fee," approved December 24, 1931, relating to insurance.

Senate Bill No. 468—An act to amend section 105 of the Insurance Code, relating to insurance.

Senate Bill No. 471—An act to add a new section to the Agricultural Code to be numbered 441.5 relating to summarizing field and brand inspectors employed by the Director of Agriculture of the State of California.

Senate Bill No. 509—An act to amend section 3012 of the Political Code, relating to elections under section 1 of Article XIII of the Constitution.

Senate Bill No. 525—An act to amend section 737.6 of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Diego.

And reports that the same have been carefully examined and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engineering, Transportation and Printing has examined:

Senate Bill No. 556—An act to amend section 9 of, and to add section 9a to, an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the quantity and other character of State lands, to provide for the granting of patents and leases to prospect for and take any such minerals, to provide for the funds and revenues to be paid, and granting certain administrative rights, to provide for the making of titles, resolutions and contracts necessary in carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the



powers of the Surveyor General, providing for the taking of gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams, and providing for the extraction of minerals other than oil and gas from lands owned by the State which are used for park purposes;

Senate Bill No. 560—An act to repeal an act entitled "An act relating to the attendance of pupils attending school in a district other than the district in which they reside," approved April 6, 1929; to repeal sections 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415 and 3.416 of the School Code; and to add three new sections to the School Code to be numbered 2.21, 2.22 and 3.301, all relating to the attendance of pupils residing in one district upon the schools of another district;

Senate Bill No. 571—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article IVa, relating to the loss or destruction of warrants on funds of school districts;

Senate Bill No. 573—An act to add a new section to be numbered 2953 to the Civil Code, relating to debts secured by mortgages, trust deeds or other hypothecation of real property;

Senate Bill No. 607—An act to amend section 4041d of the Political Code, relating to the care, treatment, transportation, and physical rehabilitation of physically defective and handicapped persons;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 644—An act to repeal Chapter III of Part III of Division IV of the School Code and to add to the School Code a new section to be numbered 4.369, relating to school district budgets;

Senate Bill No. 645—An act to amend sections 2.100 and 2.440 of the School Code, both relating to the change of boundaries of school districts;

Senate Bill No. 661—An act to amend section 42 of the Probate Code, relating to exemptions from restrictions on devises or bequests;

Senate Bill No. 667—An act to amend section 585 of the Vehicle Code, relating to stolen and illegally stopped vehicles;

Senate Bill No. 681—An act to authorize and direct the Division of Water Resources of the Department of Public Works to prosecute efforts, on behalf of the Water Project Authority of the State of California, in aid of the construction of the Central Valley Project, and making an appropriation therefor;

Senate Bill No. 945—An act to amend section 1241 of the Political Code, relating to the compensation of county officers in counties of the twelfth class;

Senate Bill No. 719—An act to add sections 100 and 1324 to the Fish and Game Code, relating to muskrats;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 721—An act to amend section 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State;

Senate Bill No. 754—An act to amend section 22 of the California Irrigation District Act, relating to elections;

Senate Bill No. 806—An act to provide for the merger of Coachella Valley Storm Water District of Riverside County into Coachella Valley County Water District, for the validation of such merger and for the carrying on of the functions of the districts so merged;

Senate Bill No. 842—An act to amend section 4140 of the Political Code, relating to the duties and rights of county recorders;

Senate Bill No. 876—An act to amend section 137 of the Agricultural Code, relating to liens for county charges in the abatement of pests;

Senate Bill No. 963—An act to add section 6 to the Fair Trade Act, relating to fair trade practices, and providing for the separability of said section 6;

Senate Bill No. 969—An act to amend sections 5892, 5900, 5901, 5902 of, and to add sections 5900.1 to 5900.10, inclusive, to, the Harbors and Navigation Code, relating to the management and control of harbors created, developed and improved under the provisions of Part II of Division VIII of said code;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engineering, Environment and Printing has examined:

Senate Bill No. 984—An act to amend sections 22, 23, 24 and 50 of "An act to protect the natural resources of petroleum and gas from waste and destruction relating to the creating of a Department of Natural Resources for the protection of such waste and destruction, providing for the organization of a State Oil and Gas Supervision, providing for license and permits, fixing the commission, providing for the regulation of drilling and completion, securing the best interests and conservation, providing for the payment of petroleum and gas taxes, regarding all persons operating petroleum and gas wells to make certain reports, permitting and authorizing agreements in the interests of conservation, providing for wells by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the payment of tax and, providing for assessment of charges to be paid by consumers and providing for the collection thereof, and making an appropriation for the purchase of this act," approved June 10, 1931, as amended, relating to protection of the natural resources of water, petroleum and gas from drainage, waste and destruction, and providing for license required of drilling of oil and gas wells.

Senate Bill No. 1000—An act to add section 5004 to the Fuel and Gas Code, relating to mines.

Senate Bill No. 1037—An act to repeal and add Chapter 5, comprising sections 11910 to 11920, inclusive, of Part 2 of Division 2 of the Business Code, relating to the coal workers' compensation law.

Senate Bill No. 1058—An act to repeal Chapter 1, comprising sections 1500 to 1575, inclusive, of Part 2 of Division II of the Welfare and Institutions Code and to add a new Chapter 1, comprising sections 1500 to 1580, inclusive, relating to and in addition.

Senate Bill No. 1060—An act to add sections 1183 and 1117 to the Fuel and Gas Code, relating to the taking of title.

And reports that the same have been correctly amended and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engineering, Environment and Printing has examined:

Senate Bill No. 1106—An act to amend section 26, as amended, "An act relating to fees to be paid to the Railroad Commission for railroad transportation, express, transportation freight for certain classes of mail, for the carrying of mail, and passenger transportation, owing to the title being owing to the transportation of property, for the use of the public highway under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission and providing penalties for the violation of this act," approved July 14, 1926, is amended, section 1 through, repealing and re-enacting sections 2, 3 and 4, and adding new sections 2, 4, 6, 7, 8 and 9 to said act relating to fees payable by such persons, corporations, and forwarders, including motor transportation business, and the collection and deposit of such fees.

Senate Bill No. 1114—An act to add section 26, as amended, "An act to allow municipalities, cities and villages to establish, create and maintain a police department, to provide for the foundation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purposes and to create a fund of police commissions," approved April 20, 1927, relating to the dissolution of police districts.

Senate Bill No. 1116—An act to amend sections 507, 517 and 518, and to amend and renumber sections 512 and 516 as added by Chapter 427 of the Statutes of 1921, of an act entitled "An act providing for the boundaries of police utility districts in unincorporated territory, authorizing such districts to issue bonded obligations for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and the carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory, including the discontinuance of such districts and the winding up of the affairs of discontinued districts.

Senate Bill No. 1124—An act to amend sections 737a and 4252 of the Political Code, relating to compensation of public officers.

And reports that the same have been correctly amended, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1125—An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class;

Senate Bill No. 1142—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District as provided for in Chapter 774, Statutes of 1927, as amended;

Senate Bill No. 1144—An act to amend section 1251 of, and to add sections 1264.1, 1264.2, 1264.3, 1264.4, 1264.5, 1264.6, 1264.7 and 1264.8 to the Code of Civil Procedure, relative to eminent domain proceedings, including those for the condemnation of toll bridge or toll road franchises;

Senate Bill No. 1145—An act to amend section 1 of an act entitled "An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin Prison manufacturing revolving fund;

Senate Bill No. 1146—An act to amend section 10 of the "Highway Carriers' Act," relating to highway carriers, including rates chargeable by such carriers; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 452—An act to amend sections 733, 1151, 11658, and 12924 of the Insurance Code, to repeal sections 12903, 12904, and 12923 thereof, and to add sections 704.5, 706.5, 903.5, 12903, 12904, 12919, 12923, 12928.5, 12928.6, 12956, and 12957 thereto, all relating to insurance;

Senate Bill No. 461—An act to amend sections 1640 and 1830 of the Insurance Code and to add Chapter 7, comprising sections 1800 to 1815, to Part 2, Division 1, of said code, relating to insurance;

Senate Bill No. 467—An act to amend sections 1011, 1016, 1017, 1033, 1037, and 1047 of, and to add section 1056.5 to, the Insurance Code, all relating to proceedings in cases of insolvency or delinquency of insurers;

Senate Bill No. 475—An act to amend sections 332, 336, 338, 341, 343, 346, 350, 356, 362, 366, 367 and 377 of the Agricultural Code and to add sections 363.1, 363.2 and 363.3 thereto, relating to live stock marks and brands;

Senate Bill No. 544—An act to amend sections 1, 2, 3, 4, 4a, 5, 6, 7 and 8 of, and to add sections 7a, 7b, 7c, 7d, 7e and 7f to an act entitled "An act providing for the leasing of certain State lands and making an appropriation for the purposes of this act," approved May 17, 1917, as amended, relating to the leasing of State lands;

Senate Bill No. 692—An act to amend sections 821, 822 and 827 of, the Agricultural Code, relating to fruits and vegetables;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 747—An act to amend section 841 of, and to add section 841a to, the Military and Veterans' Code, relating to veterans' farm and home purchase funds;

Senate Bill No. 966—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements;

Senate Bill No. 1013—An act to amend section 6d of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and relating to existing utilities therein;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at three o'clock p.m.

KEOUGH, Chairman.



### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully requests to return to Senate consideration:

Assembly Bill No. 950. An act to amend Chapter 2, comprising sections 2500, 2501 and 2502, and sections 14 and 15, as amended, entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents and the removal of incompetent thereto. And requests that your honorable body return thereto.

JAMES G. SMYTH, Chief Clerk of Assembly.

DR. C. W. HUNTER, Assistant Clerk.

The question being, Shall the Senate receive from Senate amendments to Assembly Bill No. 950?

The roll was called, and the Senate refused to receive from Senate amendments to Assembly Bill No. 950 by the following vote:

AYES: Senate, 1.

NAME: Senator A. H. Hoge, Chairman. Committee: D. L. Dink, President; Garrison, Gentry, Hays, Hoffman, Hutton, Johnson, Kneib, Lyle, McBratney, McGill, McQuinn, Murray, Myers, Nelson, Peterson, Phillips, Powers, Quinn, Quinn, Lusk, Roberts, Russell, Senter, Senter, Williams, and Young. 34.

### Appointment of Committee on Conference.

The President announced the appointment of Senators Hays, Hutton and Tackle, as a Committee on Conference, to meet with a like committee from the Assembly to consider Senate amendments to Assembly Bill No. 950.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly approved Messrs. Roberts, Lusk and Russell as a Committee on Free Conference.

Assembly Bill No. 950. An act to amend Chapter 2, comprising sections 2500 to 2515, inclusive, of Division IV of the Welfare and Institutions Code and to amend an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents.

JAMES G. SMYTH, Chief Clerk of Assembly.

DR. C. W. HUNTER, Assistant Clerk.

### Reports of Committees on Free Conference

The following reports of Committees on Free Conference were received:

#### Concerning Assembly Bill No. 950.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference, consisting

Assembly Bill No. 950. An act to amend Chapter 2, comprising sections 2500 to 2515, inclusive, of Division IV of the Welfare and Institutions Code, and to amend an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents.

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Roberts, Desmond and Lusk, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 1 of the printed bill, as amended in Senate May 26, 1937, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following:

"2500. Every county and every city and county shall relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by State hospitals or other State or private institutions."

#### Amendment No. 2.

On page 2, lines 18 and 19, of the printed bill as amended in Senate May 26, 1937, strike out "unemployable unemployed incapacitated indigent", and insert



in lieu thereof the following: "indigent, who is not incapacitated by reason of age, disease, or accident,".

TICKLE.  
HAYS.  
HOLOHAN.

Senate Committee on Free Conference.

REDWINE.  
LORE.  
DESMOND.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

**AYES**—Senators Allen, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, Minter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, and Williams—22

**NOES**—Senators Biggar, Crittenden, Keating, McColl, McGovern, Phillips, Quinn, Slater, Swing, and Young—10.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning

Senate Bill No. 720—An act to amend sections 395 and 397 of the Agricultural Code, relating to slaughtering establishments and meat inspection, and making an appropriation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Assembly Bill No. 2792—An act to amend sections 28a, 65a, 65d, 83a and 109 of, to add section 8a to, and to repeal section 84a of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol, and making an appropriation therefor.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning:

Assembly Bill No. 1801—An act making an appropriation to pay the claim of the Chief Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly approved Assembly Bill No. 1048, entitled an Act to amend Section 1048 of the Penal Code, relating to the Commission on Law Conference Concerning

Assembly Bill No. 1048—An act to amend section 1048 of the Penal Code of the General Assembly of the State of California, relating to the Commission on Law Conference Concerning

To amend the Commission on Law Conference

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BERRY, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly approved Assembly Bill No. 1048, entitled an Act to amend Section 1048 of the Penal Code, relating to the Commission on Law Conference Concerning

Assembly Bill No. 1048—An act to amend section 1048 of the Penal Code of the General Assembly of the State of California, relating to the Commission on Law Conference Concerning

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BERRY, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Commission on Law Conference Concerning

Senate Bill No. 1048—An act to amend section 1048 of the Penal Code, relating to the Commission on Law Conference Concerning

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JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Commission on Law Conference Concerning

Senate Bill No. 24—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities, and the powers of public utilities in the use of land, and including and defining toll bridges, and toll bridge corporations as public utilities.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

Senate Bill No. 24 ordered to amendment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1334—An act to amend sections 3, 4, and 11 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the trade therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Board of Public Health in relation thereto;

Assembly Bill No. 164—An act to amend section 1200 of the Probate Code, relating to mode of giving notice in certain instances, and where not otherwise prescribed;

Assembly Bill No. 2119—An act to amend sections 1299.18, 1300, 1300.1, 1300.2, 1300.3, 1300.4, 1300.5, and 1300.6 of the Agricultural Code, relating to processors of farm products and the licensing thereof;

Assembly Bill No. 2594—An act to add to the School Code sections 2310, 2400, 2877, 2.1021, 2.1058, 2.1061, 2.1095, 2.1111 and 2.1321; and to repeal certain acts and parts of acts specified herein, all relating to the public school system;

Assembly Bill No. 1908—An act to amend sections 1, 3, 7 and 11 of the Motor Vehicle Fuel License Tax Act, relating to the definition of terms used in said act, the imposition of a license tax thereunder, the determination of taxable distributions of motor vehicle fuel, and the refund of said license tax under certain conditions;

Assembly Bill No. 2196—An act to amend sections 2, 19 and 20 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to repeal section 33 of said act; to renumber section 32 of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

## ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1319—An act to amend section 1 of an act entitled "An act to provide against the selling, purchase, barter or bartering, the altering or the use of any fraudulent degrees, certificates or transcripts to be used in obtaining a license or certificate to practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of applicants in examinations, required under the Medical Practice Act, the Osteopathic Initiative Act, the Chiropractic Initiative Act, or any other act," approved April 7, 1927, relating to the unlawful use of degrees, certificates or transcripts necessary for the practice of a healing art;

Assembly Bill No. 116—An act making an appropriation for the enforcement of standards, quality and identity, in the manufacture and sale of California wines and brandy;

Assembly Bill No. 123—An act to make an appropriation for the purchase or construction of a dam and water distribution system in Napa County, declaring the urgency hereof, to take effect immediately;

Assembly Bill No. 210—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately;

Assembly Bill No. 277—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons;

Assembly Bill No. 290—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by amending sections 2, 3, 4 and 16 and by adding thereto certain new sections to be designated sections 2a, 2b, 2c, 2d, 2e and 2f, respectively, relating to the powers of said district and providing for a civil service system for said district;

Assembly Bill No. 471—An act making an appropriation to meet a deficiency in an appropriation for the support of the Department of Motor Vehicles, and providing that this act shall take effect immediately.

Assembly Bill No. 490—An act to repeal Chapter 11a, comprising sections 2283 to 2290, inclusive, of Title V of Part 111 of the Political Code, and to repeal an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927, and to add a new Chapter 11a, comprising sections 2283 to 2283 70, inclusive, to Title V of Part 111 of the Political Code, relating to aid to children;

Assembly Bill No. 1624—An act to add section 171b, and to amend sections 167 and 168 of, to the Civil Code, relating to the separate property and earnings of the wife;





Assembly Bill No. 1849—An act to amend sections 1, 2, 5, 7, 9, 10, 14, 16, 25, 29 and 30 of, and to add a new section to an amended section 18 to an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments, levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 29, 1935, and declaring the urgency of this act;

Assembly Bill No. 2051—An act making an appropriation to the State Department of Finance for the purchase and improvement of real property, declaring the urgency thereof, and providing that this act shall effect immediately;

Assembly Bill No. 2063—An act to add Article 2a to Chapter 1 of Division I of the Streets and Highways Code, embracing sections 85 to 93, inclusive, relating to the creation of a Bureau of Safety Engineering, and prescribing its powers and duties;

Assembly Bill No. 2070—An act to add sections 9 and 10 to an act entitled "An act creating a Commission to Codify, Consolidate, Revise or Compile the Statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, making an appropriation for said commission and adding a short title to said act;

Assembly Bill No. 2140—An act to amend section 2351 of the Labor Code, relating to sanitation of work places;

Assembly Bill No. 2175—An act to regulate the employment of labor on public works;

Assembly Bill No. 2180—An act to amend section 3804 of the Political Code and to add to said code a new section to be numbered 3804c, relating to the refund of taxes erroneously or illegally collected and to credit by offset of erroneously or illegally collected taxes against current taxes;

Assembly Bill No. 2194—An act to amend section 4041.21 of the Political Code, relating to powers and duties of boards of supervisors and permitting boards of supervisors to rent or lease space in county courthouses for news stand, cigar stand and lunch room purposes;

Assembly Bill No. 2298—An act to amend section 24 of the Direct Primary Law, relating to party conventions, membership and organization of State Central Committees and county central committees;

Assembly Bill No. 2318—An act to amend sections 4 and 5, and to renumber and amend section 6 to be section 17 of an act entitled "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts;

Assembly Bill No. 2336—An act to add Chapter 5 to Division I of the Fish and Game Code, relating to the licensing of landowners to collect fees or other charges for the privilege of hunting on their land;

Assembly Bill No. 2364—An act making an appropriation for the concreting of fish pond pools of the State trout hatchery at or near Forest Home on Mill Creek, San Bernardino County;

Assembly Bill No. 2375—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as subsequently amended, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 5, 13, 20 and 22 thereof and by adding thereto new sections numbered 6, 6.5, 6.9, and 9.8, relating to and prescribing additional duties, powers and limitations regarding the construction, acquisition and financing of toll bridges; and providing for the authorization of the issuance and sale of revenue bonds for the purpose of retiring, paying, funding and refunding outstanding bonds on certain conditions and prescribing the form thereof and the amount for which the same may be issued; also validating and declaring binding in all respects all bonds heretofore issued under said act; also providing that the California Toll Bridge Authority may enter into indentures or agreements containing provisions for the amount, form, maturities, registration, transfer and interchange of bonds, the terms and conditions upon which the same shall be issued, sold, paid, retired, funded, and refunded, sinking funds, trustees to receive and disburse revenues, minimum reserve requirements, and the appointment of a trustee to represent the holders of such bonds, and providing that all benefits or obligations pertaining to any bonds issued under said act shall inure to and continue for the benefit of any additional or funding or refunding bonds issued thereunder; also providing that all bonds and all income therefrom issued under said act shall be exempt from taxation, except transfer, inheritance, and estate taxes; also providing for the acquisition in eminent domain

of real property for the purpose of exchange of the same for real property needed for the purpose of such bridge, also providing for the acquisition of property and rights of way and for the same, such exchange or other disposition of any property or interest therein and necessary for the purpose of any such bridge, and providing that this act become effective immediately.

Assembly Bill No. 2806. An act to amend the title of, and to add section 150 to the "Central Valley Project Act of 1936," relating to the interest and duties of the Water Project Authority.

Assembly Bill No. 2807. An act to make an appropriation to the Department of Agriculture for certain forest lands.

Assembly Bill No. 2810. An act to provide for the acquisition of the Hill Wood Tract land by the State and the addition thereof to the reserve-land system of the county of Marin, and making an appropriation therefor.

Assembly Bill No. 2811. An act to amend sections 1 and 2 of an act entitled "An act to authorize limited and restricted licenses for games or games of chance or amusement for or through and between such gaming cabinets to family members, to create an athletic commission composed of certain state officers and the persons therein having to prescribe conditions under which games shall be held and authorized, and to declare that against having contests conducted under section 417 of the Penal Code shall be subject to the provisions of this act and that under the sole jurisdiction of such commission, in all cases wherein an attorney has to defend a person in a criminal case, such person having been approved by the directors November 4, 1934, relating to limited gaming, gaming and wrestling matches and exhibitions."

Assembly Bill No. 2812. An act to add section 130 to the Welfare and Institutions Code, relating to compensation of the Director of Social Welfare.

Assembly Bill No. 2813. An act relating to the care and control of venereal diseases, granting more and further powers to certain officers in the State Board of Public Health and its subordinate agencies, prohibiting the acceptance of Federal Social Security funds and making it nonperpetuous character.

Assembly Bill No. 2816. An act to amend the constitution of this State, relating to the public highways of this State, defining the term "improving," and providing for the opening of vehicles on certain but the opening of some the public highways and for the use of agricultural implements engaged in harvesting and planting such trees shall be a law and for the maintenance of such lines and the correction and disposition of such lines and improving positions for vehicles thereon, and to repeal any act entitled "An act to regulate the maintenance of motor vehicles upon the public highways of this State, defining the term 'improving' and providing for the opening of some vehicles in certain and imposing penalties for violation thereof," approved July 6, 1935, defining the term "improving" and providing that it shall take effect immediately.

Assembly Bill No. 2817. An act making an appropriation for the support of the Third Department of Appeal to land (non-perpetual).

Assembly Bill No. 2818. An act creating the Columbia River Board of Fisheries and the office of Columbia River Commissioner of Fisheries, prescribing the powers and the duties of said board and commissioner.

Assembly Bill No. 2819. An act making an appropriation for the support of the State Controller to take effect immediately.

Assembly Bill No. 2820. An act making an appropriation for the support of the State colleges for the year 1937-38.

Assembly Bill No. 2821. An act to amend and renumber sections 6 and 7, to maintain section 8, and to add new sections numbered 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16 to "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 19, 1931, relating to recreation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 2822. An act making an appropriation to the Department of Planning and construction construction repairs (non-perpetual equipment) and furnishings in the State Capitol and the State office buildings in the city of Sacramento.

Assembly Bill No. 2823. An act to provide a unified and centralized program of construction, repair and improvement of State property including buildings, and making an appropriation for the purposes of this act, declaring the urgency thereof, and providing this act shall take effect immediately.

Assembly Bill No. 2824. An act to add section 291.4 to the Civil Code, relating to contractors.

Assembly Bill No. 2825. An act to make an additional appropriation to the Department of Public Works to carry out the unified and centralized program of construction, repair and improvement of State property including State buildings, declaring the urgency thereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning: Assembly Bill No. 950—An act to add Chapter 2, comprising sections 2500 to 2615, inclusive, to Division IV of the Welfare and Institutions Code, and to repeal an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, as amended, relating to the aid and relief of indigents.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference Concerning: Senate Bill No. 508—An act to amend sections 5.10, 5.42, 5.93 and 5.101 of the School Code of the State of California, and to add thereto a new section to be numbered 5.88a, all relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

#### Concerning Assembly Bill No. 2503.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Free Conference Concerning:

Assembly Bill No. 2503—An act to add to the act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, new sections to be numbered 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j, 25k, 25l, 25m, 25n, 25o, 25p, 25q, 25r, 25s, 25t, 25u, 25v, 25w and 25x, creating a State Oil and Gas Commission and prescribing its powers and duties relating to the development of State lands;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Millington, Hornblower, and Clark, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 2, line 34, of the printed bill, as amended, strike out "all".

#### Amendment No. 2.

On page 2, lines 37 and 38, of the printed bill, as amended, strike out "and more particularly described as follows, to wit:", and insert in lieu thereof the following: "lying within".

#### Amendment No. 3.

On page 3 of the printed bill, as amended, between lines 10 and 11, insert the following:

"Notwithstanding any other provisions of this act, no lease shall be executed covering any lands within said area which have been granted by the State to a municipality unless the terms and conditions of such lease have been approved by the municipality to which the lands have been granted. As to such lands the terms and conditions imposed by such municipality may include leasing in a different manner than other lands, provisions for competitive bidding on a royalty basis, or for a higher royalty, in any event not less than twenty per cent of the value of the production from such lands."

#### Amendment No. 4.

On page 5 of the printed bill, as amended, strike out lines 23 to 30, inclusive, and insert in lieu thereof the following: "and reasonable regulation thereunder."

WAGY.

WESTOVER.

HORNBLOWER.

Senate Committee on Free Conference.

CLARK.

Assembly Committee on Free Conference.







use of alcoholic beverages, and the levy and collection of license fees and taxes imposed thereon, shall give and furnish to such committee upon request and without charge such information, records and documents as said committee shall deem necessary or proper for the purposes aforesaid, or for any other purpose which said committee shall deem necessary or proper in relation to such matters, and said committee shall have power to engage any and all necessary help and assistance as shall be reasonably necessary or proper to enable it to carry out and perform the aforesaid powers and duties, and said committee is authorized and empowered to summon, subpoena, question and examine witnesses and may require the production of persons, books, accounts, records, documents and papers of every kind and take all necessary means to compel the attendance of witnesses and the production of evidence, and may grant immunity to witnesses testifying or furnishing evidence, and to cause witnesses or persons disobeying subpoena or refusing to testify or give evidence to be punished in the manner described by law. All of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses, before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the powers therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate, and/or during recess and at such times and at such place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further—

*Resolved*, That said committee report to the Senate at the next regular session of the Legislature its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

*Resolved*, That the sum of \$2,000 be and the same is hereby set aside and made available for the purpose of defraying the expenses of such committee and the members thereof, other than that required by law to be paid from the legislative help fund. Said sum to be paid from the contingent fund of the Senate and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

#### Motion to Suspend the Rules.

Senator Swing moved to suspend the rules and consider the resolution without reference to the Committee on Finance.

The roll was called, and the rules were suspended by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, Metzger, Mixer, Parkman, Perovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Williams, and Young—30.

**NOES**—Senators Knowland, Olson, and Westover—3.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Perovich, Powers, Quinn, Schottky, Seawell, Swing, Wagy, Williams, and Young—31.

**NOES**—Senators Allen, Garrison, Knowland, Olson, and Westover—5.

#### Resolution.

The following resolution was offered:

By Senator Metzger:

Relative to the appointment of a committee to investigate the marketing of livestock.

WHEREAS, The production and marketing of cattle, sheep, lambs and hogs is one of the primary agricultural industries in this State; and

WHEREAS, It is necessary and desirable that a study of the cost of production of such animals and the cost of handling them at each stage until they reach the

consumer be made in order that the Legislature be properly informed as to these facts, and, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created or special legislative committee of the Senate on the Senate Finance Committee on Laysan Island, to consist of five members appointed by the President of the Senate, and be it further

*Resolved*, That it shall be the duty of said committee to investigate the marketing of cattle, sheep, horses, and hogs, on said and immediately adjacent islands of these islands on the western part of this State, to study and investigate the various methods used by the manufacturers, processors, and other exhibitors and retailers, to determine by means of records the differential between the cost of production, the cost of such items on handling, and the amount sent to the consumer, and to study and investigate the cause and method of such transportation and the other causes which result in such losses, and be it further

*Resolved*, That said committee in conducting its said duties, meetings at any time and place within the State of California, and be it further

*Resolved*, That said committee be further authorized and empowered to do and do all things necessary or proper to full and complete investigation of the matters herein referred to, and to have sufficient and necessary to secure the production of books, accounts, receipts, and copies of any kind, or have witnesses and to conduct the examination of witnesses, and the production of witnesses. Each of the members of said committee be authorized to subscribe to any, and all of the provisions of Article III of Chapter 21, Title I, Part III of the Penal Code relating to the examination and hearing of witnesses before the Legislature, and committee thereof, and upon to the complete fulfillment upon the resolution now to and compliance of said in part pending, if not completed, and be it further

*Resolved*, That the sum of \$1,000 be and shall be paid by the Senate, for and the same to be paid, upon the date of the adjournment of the Senate for the purpose of making the payment of said committee, and the State Controller is authorized to draw the amount of the State Treasury is directed to pay such sum as may be certified by the President of the committee, if said committee is proper compensation, incurred in carrying out the provisions of this resolution.

*Resolution read.*

The question being on the adoption of the resolution.

The ayes were called, and the resolution adopted by the following vote:

AYES: Senators Allen, Egbert, Gentry, Cunningham, Cunningham, Tolson, Donald, Fletcher, Gordon, Hays, Hoffman, Hutton, Jorgensen, Keating, Kneass, Law, McLean, McQuinn, Morrison, Morgan, Miller, Nelson, Patterson, Phelan, Piersbach, Dennis, Quinn, Schallert, Seibert, Sledge, Williams, and Young—41.

NOES: Senators Garrison, Kneass, and Slater—3.

### Resolution.

The following resolution was offered:

By Senator Jorgensen.

*Provided for the appointment of a Senate Finance Committee on State Hospitals.*

To conduct a thorough study of the facilities of the State hospitals and the general subject of methods of caring for the insane, in order to reduce the number of patients by more efficient preventive and curative measures.

WHEREAS, In March, 1936, there were 19,000 patients in State hospitals and in March of 1937 there were 20,000, and the number in such patients increases constantly at the rate of 4 to 10 per cent per year under existing conditions; and

WHEREAS, Positive treatment has been obtained and research practically eliminated, due to this steady increase in patient load necessitated by increase in personnel and treatment facilities at the several State hospitals, through new buildings have been added from time to time, the number having been reduced considerably, only rather than a definite treatment program utilized by preventive measures to reduce the number of patients admitted and by improved treatment methods to shorten the period of hospitalization and lessen the number of patients returned for treatment; and

WHEREAS, It is hereby indicated that a thorough study of the several elements of this problem is imperative to the end that suitable means may be devised to break this otherwise hopeless circle of constantly increasing patient load and consequent heavy capital outlay; and

WHEREAS, From the experience of other States, particularly that of Massachusetts, it would appear that other and different methods of caring for the insane, and early treatment of mental cases, may be ascertained and developed, with the result that need for increased housing facilities in large measure may be reduced and a portion of the saving thus effected made available for improved equipment

and more adequate personnel, both medical and nonmedical, for more extensive and effective preventive and curative work, ultimately reducing the patient load at the hospitals and increasing the proportion of persons competent to attend to their own affairs and participate normally in the life of the community; now, therefore, be it

*Resolved*, By the Senate of the State of California, That a committee to be known as the "Senate Interim Committee on State Hospitals" is hereby created, consisting of three members of the Senate appointed by the President of the Senate, to conduct a thorough study of the subject of this resolution, and of every phase of that subject, and to report thereon, with its recommendations, to the Senate at and during the fifty-third session of the Legislature; and be it further—

*Resolved*, That the committee upon the appointment of its members shall organize by electing a chairman from its membership and may appoint and employ a secretary and such other clerical, expert and technical assistants and advisors as it may deem necessary, and is hereby empowered to prescribe its own rules of procedure governing the conduct of its meetings and the carrying on of its work; and be it further—

*Resolved*, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the Senate interim committee created by this resolution, and said committee is hereby given leave to sit during the session of the Legislature and during the interval between sessions thereof, at any place or places within the State as the committee shall from time to time determine; and be it further—

*Resolved*, That all officers and employees of the State shall furnish to the committee such assistance, reports, information and evidence concerning any matter under consideration by the committee as the committee shall request; and be it further—

*Resolved*, That to aid, assist, advise and counsel the committee in its work, an Advisory Committee to said Senate committee is hereby created, consisting of seven members (none of whom need be a member of the Legislature) selected as follows: Three members appointed by the President of the Senate from a list of not less than seven nominees submitted by the American Psychiatric Association; two members appointed by the President of the Senate from a list of not less than five nominees submitted by the California Medical Association; and two members appointed by the Governor; and be it further—

*Resolved*, That for the purpose of paying the expenses of the Senate Interim Committee on Hospitals, and of its said Advisory Committee, and of the members of each of said committees, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund for such expenses as the chairman of said Senate interim committee shall certify to him from time to time, which warrants the State Treasurer is hereby directed to pay.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Bigger, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Hobdank, Jepsen, Keating, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Williams, and Young—31.

**NOES**—Senators Knowland, Slater, and Wagy—3.

### Resolution.

The following resolution was offered:

By Senators McColl and Pierovich:

Relating to the investigation of the administration and operation of the California insurance laws and the Workmen's Compensation Insurance and Safety Act of 1917, and any codification thereof, creating a Senate committee for the conduct thereof, and defining its powers and duties.

**WHEREAS**, The enforcement of existing laws pertaining to workmen's compensation have placed a heavy burden upon industry; and

**WHEREAS**, Within the last two years said rates have been vastly increased in certain industries and particularly in the mining industry by virtue of an alleged







view to the feasibility and practicability of the enactment of legislation for the acquisition of such bridges by purchase or condemnation by the State of California or any agency, district or political subdivision thereof; and be it further

*Resolved*, That such survey and investigation shall include, in addition to all other matters, an appraisal of the value of such bridges, the amount that is to be paid therefor, the methods of financing the acquisition thereof and the rate of tolls, if any, which the State, or any agency, district or political subdivision thereof may find necessary to levy; and be it further

*Resolved*, That such committee is hereby authorized and empowered to make a complete investigation and study of all the matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary or convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it; and be it further

*Resolved*, That such committee upon the appointment of its members shall organize, and that such committee may appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as it in its discretion deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein; and be it further

*Resolved*, That all officers of this State and the heads of each and every department, agency, district and political subdivision thereof, and all employees of such departments, agencies, districts and political subdivisions and all other persons whether connected with the State government or not, shall give and furnish to such committee upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created; and be it further

*Resolved*, That such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of such committee are, and that each of them is hereby authorized and empowered to administer oaths, and that all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby directed to serve any and all subpoenas, orders and other process that may be issued by such committee, when directed so to do by the committee or by the chairman thereof, and to do and perform any other service required of him by such committee or the chairman thereof; and be it further

*Resolved*, That such committee shall make a report of the results of its study and investigation, together with its recommendations for legislation, to the Senate during the January part of the fifty-third session of the Legislature; and be it further

*Resolved*, That for the purpose of paying the expenses of such committee in connection with the powers granted and the duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is hereby appropriated from the contingent fund of the Senate, the sum of \$1,000 to be disbursed after certification by the chairman upon warrants drawn by the Controller upon the State Treasurer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Gordon, Holister, Jepsen, Keating, Keough, Law, McBride, McCall, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Schotky, Sewell, Williams, and Young—26.

NOES—Senators DeLap, Fletcher, Garrison, Holohan, Knowland, Olson, Slater, and Westover—8.

### Resolution.

The following resolution was offered:

By Senator Gordon:

Relative to the creation of a Senate Interim Committee on Fish and Game Administration.

WHEREAS, The Fish and Game Laws of the State of California are administered and enforced by the Division of Fish and Game in the Department of Natural Resources, which division is administered through a Fish and Game Commission; and



WHEREAS, It is desirable that this investigation should continue, and that accurate information regarding present laws and regulations be secured, and that amendments to existing laws, or to proposed laws, be prepared before the 1939 session of the California Legislature, and that in particular a further investigation be made regarding price differentials; now, therefore, be it

*Resolved by the Senate of the State of California,* That the President appoint a committee of five members with wide powers to investigate the problems connected with the proper marketing of agricultural products; to determine the effects of laws and regulations now in effect, or hereafter to become effective, relating to the marketing of agricultural products, and to the differential between prices paid by producer and by consumer, and to the prices paid to California producers as compared with prices paid in the local markets and in other markets; to study cooperative marketing in this State and other States or elsewhere, to investigate mass buying and mass selling, to investigate approved methods of marketing, and to report not later than during the 1939 session of the California Legislature, with recommendations as to needed legislation; and be it further

*Resolved,* That said committee shall be and is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters hereinbefore set forth in order to enable the Senate to act judiciously and advise upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified. The Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other processes that may be issued by said committee, when directed so to do by the chairman thereof, and to do and perform any other service required of him by said committee, and that said committee be, and it is hereby given leave, to sit during the sessions of the Legislature of 1937 and the sessions of 1939, and between said times to hold meetings throughout the State at such places as may be convenient to the committee, and to the witnesses and parties interested. Said committee may hold a public or executive meeting as may be necessary or desired; and be it further

*Resolved,* That the sum of \$2,000.00 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate; and be it further

*Resolved,* That the State Controller is hereby directed to draw his warrant for such expenses upon demand of the chairman of such committee and the Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Gordon, Hays, Hollister, Helohan, Jepsen, Keough, Law, McBrade, McCall, McGovern, Metzger, Mixer, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Swing, and Williams. 24.

NOES—Senators DeLap, Fletcher, Garrison, Knowland, Olson, Slater, Westover, and Young—8.

### Resolution.

The following resolution was offered:

By Senator Seawell:

Relating to the appointment of an Interim Committee on Governmental Efficiency for the study and investigation of the economy and efficiency in the operation of the State Government, the financing of the State Government and the State taxation system.

WHEREAS, The natural tendency of State Government is to expand, increase and become complex in its functions and expenses; and

WHEREAS, In this growing process it very often happens that unnecessary functions, overlapping of duties, improper consolidation, organization or coordination in departments, and generally unnecessary expenses, are permitted to exist and are carried along without correction; and

WHEREAS, The structure of the taxation system of this State is complex, inefficient and in need of integration; and

WHEREAS, The present organization of governmental departments of the State are not conducive to economy and efficiency in government; and







*Resolved*, That, for the purpose of paying the expenses of such committee in connection with the powers granted and duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is hereby appropriated from the contingent fund of the Senate the sum of \$2,000, to be disbursed after certification by the chairman upon warrants drawn by the Controller on the State Treasurer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Gordon, Hays, Hollister, Holohan, Jespersen, Keough, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Swing, and Williams—26.

**NOES**—Senators DeLap, Fletcher, Garrison, Knowland, Olson, Slater, Westover, and Young—8.

### Resolution.

The following resolution was offered:

By Senator Jespersen:

**WHEREAS**, The California Code Commission, as a part of its work, has in the course of preparation a draft of an Elections Code; and

**WHEREAS**, Most of this draft in mimeographed form was submitted to many interested persons and groups prior to the present session of the Legislature, but has not yet been printed and thus has not received the wide circulation and exhaustive scrutiny which such a measure should receive before submission for legislative consideration; and

**WHEREAS**, The laws included in this proposed code, embodying various portions of the Political Code, the Direct Primary Law, the Presidential Primary Act and numerous other statutes having to do with elections, are of vital concern to all citizens of this State, and to public officials charged with the administration of the Elections Laws and therefore should be widely distributed and carefully examined for as long a period and by as many persons and groups as possible before submission to the Legislature for enactment into law; now, therefore, be it.

*Resolved by the Senate of the State of California*, That the California Code Commission is hereby directed to complete the proposed Elections Code for printing as soon after the adjournment of the 1937 session of the Legislature as possible, including therein all laws relating to elections which are enacted by this session of the Legislature, and immediately to distribute the same as herein indicated; and be it further

*Resolved*, That the Secretary of the Senate is hereby instructed to have not to exceed 1500 copies of the proposed Elections Code printed, the cost thereof to be payable from the legislative printing appropriation.

Resolution read, and on motion of Senator Jespersen, adopted.

### Resolution.

The following resolution was offered:

By Senators Schottky, Young, Williams, Powers, Seawell, Quinn, Keough, Swing, McColl, Rich, Cunningham, McBride, Keating, Slater, Pierovich, Parkman, Gordon, McCormack, DeLap, Tickle, Holohan, Hays, Allen, Wagy, Biggar, Law, Metzger, Fletcher, Mixer, Deuel, Garrison, McGovern, Crittenden, Nielsen, Hollister, Jespersen, Knowland, Phillips and Westover:

**WHEREAS**, The revenue derived from present State Tax Laws is such that if these measures are unchanged no new taxes will be needed in California, and

**WHEREAS**, This desirable condition has been the direct result of a revenue system which has functioned effectively during the current biennium, and

**WHEREAS**, The returns to the State from existing revenue sources far exceed those from comparable levies in other commonwealths, and

**WHEREAS**, The cost of tax administration in California in proportion to the revenue produced is so low that it constitutes a record among the States of the Union, and

**WHEREAS**, It is self-evident that this satisfactory showing is due in no small part to the efforts of the State Board of Equalization, the State Controller, and the

Frenchmen, the Commissioners, who have deliberated thus say that now, there  
from, for it

*Enacted by the Senate of the State of California That the State Board of Education, the State Controller, and the Executive Tax Commission be and they are authorized by the Governor to make a study of the administration of existing laws and to report to the Legislature.*

*Replied:* That was a misunderstanding; the expression and some of them he agreed to examine the two pictures which have proven so effective during his recent Sickness. He said that I certainly may enjoy the months to be derived from actual patient recovery.

[Resolution read and on motion of Senator Williams, adopted.]

### Reports of Standing Committees.

The following reports of scanning competition were received and read:

### On Agriculture.

Journal of Chemical Ecology, Vol. 13, No. 1, pp. 1-10, 1987  
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Mr. PERKINS: Your Committee on Agriculture, to which was referred

As a result of the bill introduced in 1945, the price of beans and peas sold in bags was increased May 24<sup>th</sup> 1945, relating to tare on beans and peas sold in bags.

Source: R. N. Co. Agreement and License The Farmers' Union of the State of Texas, relating to the economic needs.

<sup>2</sup> See, for example, *Smith et al.* (1992), *Smith and Srinivasan* (1993), and *Smith and Srinivasan* (1994).

Similarly, for  $N_2$ ,  $2\text{CO} + \text{A}_2 \rightarrow \text{A}_2 + 2\text{CO}$ , the partial reaction (6) on the  $\text{A}_2$ -oxidation-CO<sub>2</sub> boundary is:

5. Summary: The N-600-A is used to present accurate still or film photographs of a case pointing to an individual's identity.

Schultz, H. L. N. 1911. An act to amend section 805 of the Agricultural Code creating the Bureau of Agricultural Experimentation.

relating to factory license fees upon persons engaged in dealing in, receiving

Source: E. N. 601—As per the annual returns 1911 and 1912 of the A. S.

Sample 1011 No. 200. See p. 10, paragraph 1000, 85 of The Agricultural Code.

Source: 1991 U.S. Census. All data by county except for (1) the Arizona and Utah

Sample Lot N 808 Ag sold to various customers 100, 107 and 108 of the Ag-

Sample 101) N = 50. All are in good to very good condition. 108.5 to 110.5 mm. 100%  $\text{CaCO}_3$ . All are in good to very good condition.

<sup>a</sup> See also Table 1 for the corresponding to the additional all used alternative) costs.

Sec. 1. Bill No. 88. A bill to amend sections 1 and 2 of, and to add sections

TABLE 1. *Mean*  $\pm$  *SD* of the number of eggs per female for the 10 most abundant species of the 1990 and 1991 collections. The 10 most abundant species were selected based on the total number of eggs collected. The 1990 collection was made in May and the 1991 collection was made in June. The 1990 collection was made in the same area as the 1991 collection. The 1990 collection was made in the same area as the 1991 collection.

<sup>2</sup>Source: U.S. N. 1919. All data in tables within 1 to 10 inclusive of this report entitled "An appraisement of the agricultural wealth of the State of California" are based on the results of the survey of agricultural crops and livestock.

in the State of California, and in that State meeting on August 11, 1907, the provisions for the appointment of the said judges.

**Commission:** providing for the appointment of a panel of six to review the existing employment, training and mobility of skills committees and the members of the committee for the monitoring of economic programs with priority for 12%

current, providing at the institution a private program with access to 12 cultural areas, allowing for the enhancement of such programs, providing similar opportunities for social interaction, contributing to the creation of funds for the purpose

to sing and to move (by the collection of food) and making an appropriate choice. (p. 102)

therefore, aimed at providing a full meeting to the consumption of agricultural wealth and the conversion of agricultural waste and providing for the Agribusiness Development Corporation.

Senate Bill No. 1057. As yet to add section 92.5 to the Agricultural Code relating to district agricultural associations:

relating to district agricultural associations:  
 Section 104 No. 1077—An act to add section 1300 to the Agricultural Code  
 relating to assessments of farm products.

Thus, had the same order, consideration, and respectively reports the same book was, it is recommended for the reasons that the committee action has been taken.

CRITTENDEN, Chairman.

CRITTENDEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 790—An act for the preservation of certain lands in the State of California for agricultural purposes, and prescribing penalties for violations of its provisions;

Senate Bill No. 962—An act to amend section 893 of, and to add section 897.1 to the Agricultural Code, relating to field crops;

Senate Bill No. 166—An act to establish a California Labor Relations Board for the mediation and arbitration of labor disputes and for ancillary purposes, and to prescribe its powers and duties;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

CRITTENDEN, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2150—An act to add a new article to Chapter 1, Part 1, Division II of the Labor Code to be known as Article 3, relating to farm labor contractors;

Assembly Bill No. 1370—An act to add a new section to the Agricultural Code, to be numbered 810.6, relating to the standardization of brussel sprouts;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

CRITTENDEN, Chairman.

## On Banking.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Assembly Bill No. 1433—An act to amend section 15 of the Bank Act, relating to the escheat of bank deposits unclaimed for more than twenty years and requiring the deposit thereof and the increase and proceeds thereof with the State Treasurer and providing for an action or proceeding to enforce such deposits; providing a penalty for failure to make such deposit and for an action to enforce the same; providing for certain reports and for nonliability of banks in case of suits by depositors and the defense of such suits;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

DEUEL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Banking, to which was referred:

Senate Bill No. 170—An act to amend section 51 of the Bank Act, relating to deposits by order of court;

Senate Bill No. 565—An act to amend section 101 of the Bank Act, relating to trust companies;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

DEUEL, Chairman.

## On Building and Construction.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred:

Senate Bill No. 933—An act to repeal an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," as amended;

Senate Bill No. 934—An act to amend sections 5 and 7 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act;"

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

METZGER, Chairman.

## On Building and Loan Associations.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred:

Senate Bill No. 407—An act to add section 8.09b to the Building and Loan Association Act, relating to building and loan associations;

Source: R.I. No. 0261. As per the last census, 1900, in the Seaboard and Town of Seaboard. And, consisting of Seaboard and Town of Seaboard.

Association Act, relating to conversion of a building and loan association into a Federal savings and loan association.

[illegible]

remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesman, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplementary thereto; Chapter 134 of the Statutes of 1911 and all acts amendatory thereof and supplementary thereto.

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Source: Bill No. 108, Act of 10 April 1944, Section 5 (1) to the Bundling and Transport Association Act, relating to the payment of premiums on stock.

Source: W. H. N. 1964. An act to add another S. H. to the Housing and Loan Association Act, adding to the present 4. H. book, as cited.

M. BELLER 9

### On Civil Service.

SENATE CHAMBER SACRAMENTO May 28 1937

May I please see your computer or hard copy as mine is not working

Section 104-N, D.C. Act of 1901, Chapter 36, in the State Civil Service Act relating to removal of the Personnel Board from the ranks of lay-off is in accord with the record of industrial adjustment of the structure.

Source: Bill No. 114. A bill to amend section 16 of the State Civil Service Act relating to the employment and use of work units and the creating and use of records of completed effort in the State civil service.

Armed with the information from the 1990 Census, the State and Congress are working to help the State and its citizens.

Section 1111, No. 140. An act to amend section 14 of the State Civil Service Act relating to diamonds in the State civil service.

Act," relating to promotions in the State civil service.

Section 1301 (b)(1)(N) of the Internal Revenue Code, 26 U.S.C. § 1301 (b)(1)(N). See, e.g., *United States v. 100 Acres of Land*, 469 U.S. 545, 550 (1985) (quoting 26 U.S.C. § 1301 (b)(1)(N)).

Has had the same mild consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

YOUNG, Chas. H. 71

SENAP CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT. Your Committee on Civil Service, to which was referred

Senate Bill No. 742. An Act to amend section 5 of the "State Civil Service Act," relating to the powers of the Civil Service Commission and State Personnel Board.

Senate Bill No. 743. An act to amend section 9 of the "State Civil Service Act," relating to appointments in the State civil service;

Senate Bill No. 926. As yet to amend the State Civil Service Act by adding Section 15.5 relating to qualifications.

Senate Bill No. 998. An act to amend sections 5 and 14 of the State Civil Service Act, relating to civil service;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action was taken.

YOUNG, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT. Your Committee on Civil Service, to which was referred:

Assembly Bill No. 134—An act to amend section 105 of an act entitled "An act to establish a retirement system to provide for the retirement of employees



of the State of California, and make an appropriation therefor," approved June 9, 1931, as amended, relating to part time employment of retired employees;

Assembly Bill No. 263—An act to amend section 5 of the act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under State authority, and, in that behalf, to create a State Civil Service Commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, relating to the powers of the State Civil Service Commission;

Assembly Bill No. 772—An act to amend section 10 of the State Civil Service Act, relating to lists of preliminary requirements for eligibility for examinations;

Assembly Bill No. 773—An act to amend sections 26 and 26a of the State Civil Service Act, relating to proof of status by veterans;

Assembly Bill No. 854—An act to add section 14b to the State Civil Service Act, relating to rehearing after decision by the State Personnel Board or the Civil Service Commission;

Assembly Bill No. 1348—An act to add a new section, to be numbered section 10a, to the State Civil Service Act, relating to taking of civil service examinations by employees of the State;

Assembly Bill No. 1350—An act to add a new section to the State Civil Service Act, to be numbered 13a, relating to position of State civil service employees operating machinery displaced or supplemented by new, different or additional machinery;

Assembly Bill No. 1610—An act to amend sections 1, 2, 3 and 4 and to amend the title of and to add sections 1.5, 1.6 and 5 to an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relating to civil service for counties and cities;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

YOUNG, Chairman.

#### On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 217—An act to amend sections 2 and 3 of, and to add section 10 to, an act entitled "An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration," approved June 1, 1935, relating to the registration of vessels;

Assembly Bill No. 439—An act to amend section 69010 of the Political Code of the State of California, relating to the construction and maintenance of groins;

Assembly Bill No. 2917—An act to amend section 2 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, as amended, relating to tidelands and submerged lands, granting additional lands to the city of Santa Barbara, expressing the trusts and restrictions imposed thereon, releasing certain lands from trusts and restrictions heretofore imposed, and authorizing the conveyance of certain lands to the State, and declaring the urgency thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

NIELSEN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred:

Assembly Bill No. 1345—An act granting certain salt marsh, tide, overflowed and submerged lands of the State of California to the city of Oakland, including the management, use and control thereof;

Assembly Bill No. 1600—An act to amend an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tidelands described in the above mentioned act;

Assembly Bill No. 1929. An act to amend section 4016 of the Harbors and Navigation Code, and repealing section 4016 thereof relating to harbors, navigation and commerce, wharves, piers, docks and wharves.

Senate Bill No. 129. An act to amend section 354 of the Political Code, relating to the power of courts relating to hearing matters of the State of California, or territory within those areas of land within the State of California.

Senate Bill No. 131. An act to amend section 2205 of the Political Code, relating to courts, and adding or inserting other courts.

Senate Bill No. 132. An act to amend section 2204 of the Political Code, relating to the jurisdiction and hearing of matters in courts engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 133. An act to amend section 224 of the Harbors and Navigation Code, relating to the power of courts relating to hearing matters of this State, or territory within those areas of land within the State of California.

Senate Bill No. 134. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 135. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 136. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 137. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 138. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 139. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 140. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 141. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 142. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 143. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 144. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 145. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 146. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

Senate Bill No. 147. An act to amend section 224 of the Harbors and Navigation Code, relating to the jurisdiction and hearing of matters engaged in the transportation of persons for hire on regular routes between ports within the State.

NILSEN, Chairman.

### On Conservation.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Conservation, to which was referred:

Senate Bill No. 124. An act to amend sections 6, 7, 8, 9, 10, 11, and 12 of an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, relating to State lands.

Senate Joint Resolution No. 2. Relative to recommending the President and the Congress of the United States to give some donation and territory to Yosemite National Park certain unique and valuable forest land.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

BIGGAR, Chairman.

### On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 3. A resolution to propose to the people of the State of California, an amendment to the Constitution of said State, by amending sections 2 and 15 of Article V of the Constitution of said State, relating to the Governor and Lieutenant Governor.

Senate Constitutional Amendment No. 5. A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding section 21 to Article XI thereof, relating to hospitals maintained by cities, counties, or cities and counties.

Senate Constitutional Amendment No. 6. A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 14 of Article XIII thereof, relating to bonds exempt from taxation.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX as amended in 1934 through initiative procedure, and to add a new section to be numbered 23 to Article XX, relating to alcoholic beverages;

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section 3 of Article IX of the Constitution of said State, relating to county superintendents of schools;

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 2 and 15 of Article V of the Constitution of said State, relating to the terms of office of the Governor and Lieutenant Governor;

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XIII thereof a new section to be numbered 1.4, relating to exemption of homesteaded property in this State;

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX and by adding section 23 thereto, relating to alcoholic beverages;

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by repealing section 22 of Article XX and by adding section 23 thereto, relating to alcoholic beverages;

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State repealing section 22 of Article XX thereof, relating to the rate of interest;

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XX thereof a new section to be numbered 23, relating to the legal rate of interest;

Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 19 of Article VI thereof, relating to the salaries of the Governor, the Controller and the Treasurer;

Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section 23 of, and adding sections 7.2 and 15.3 to, Article IV thereof, by amending section 11 of Article VI, and by amending section 5 of Article XI, relating to the legislative department of the State government, county government, and the salaries of judges and of county officers;

Assembly Constitutional Amendment No. 62—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article VI thereof a new section to be numbered 54, relating to the jurisdiction of superior courts of the State of California;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

KEATING, Chairman.

#### On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, May 26, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Assembly Bill No. 2897—An act to define escrow companies and regulate them and their organization, business, and operation; to license escrow companies and provide for the revocation of licenses and provide for a license fee; to define and regulate the manner of doing business, regulate their officers, directors and employees; to prescribe their rights, powers, duties and liabilities; to require accounts, reports, audits, statements and to regulate their advertising; to provide for and define the duties of the Real Estate Commissioner and the Division of Real Estate, and any employees thereof, in respect thereto;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

HOLLISTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 242—An act to add section 3440.5 to the Civil Code, relating to advancing of money to a corporation by a director or shareholder of the corporation;

Senate Bill No. 758—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale



of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 759—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities in the state and therein fraud, and to prevent fraud in the sale of securities," providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 760—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities in the state and therein fraud, and to prevent fraud in the sale of securities," providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

HOLLISTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred:

Senate Bill No. 761—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities in the state and therein fraud, and to prevent fraud in the sale of securities," providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 762—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities in the state and therein fraud, and to prevent fraud in the sale of securities," providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of "Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Senate Bill No. 982—An act to prevent fraud, coercion and imposition by the securities within the State of California of the deposit of bonds, notes, debentures and other evidence of indebtedness under, and or the consent of the holders or owners of such securities, to a protective committee agreement, and to prevent fraud, coercion and imposition by the securities and activities of protective committees organized within the State of California to act for and in behalf of the holders or owners of such securities, and for such purposes to create a commission to regulate and supervise the establishment and the operations of protective committees, depositaries under protective committee agreements, and solutions for protective committee agreements, to prescribe the powers and duties of such commission, to license members of protective committees, depositaries under protective committee agreements and solutions for protective committee agreements, and to prescribe penalties for violation of this act.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

HOLLISTER, Chairman.

### On County Government.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on County Government, to which was referred: Assembly Bill No. 3113—An act to amend section 4307 of the Political Code, relating to county charges.

Assembly Bill No. 2046—An act to amend sections 4307 and 4308 of the Political Code, relating to county charges and the district attorney's special fund.



Assembly Bill No. 2846—An act to amend section 4266 of the Political Code, relating to the compensation of county officers and jurors in counties of the thirty-seventh class;

Assembly Bill No. 2916—An act to amend the Political Code by adding thereto a new section to be numbered 4949.5, authorizing boards of supervisors to expend county funds for the dissemination of information and for publicity in connection with the payment of taxes;

Senate Bill No. 51—An act amending section 1 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, and or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to investigation of matters affecting the economic welfare of counties and their inhabitants;

Senate Bill No. 75—An act to amend section 4131 of the Political Code, relating to recording instruments by county recorder;

Senate Bill No. 102—An act to amend section 737hh of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Sacramento;

Senate Bill No. 169—An act to amend section 4307 of the Political Code, relating to county charges;

Senate Bill No. 204—An act to amend sections 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class;

Senate Bill No. 280—An act to amend section 737gg of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside;

Senate Bill No. 281—An act to amend section 4241 of the Political Code, relating to the compensation of county and township officers in counties of the twelfth class;

Senate Bill No. 299—An act to amend section 4278 of the Political Code, relating to the compensation of county and township officers in counties of the forty-ninth class;

Senate Bill No. 381—An act to amend section 737kk of Political Code, relating to the salary of judges of the superior court, in and for the county of San Diego;

Senate Bill No. 531—An act to amend section 4307 of the Political Code, relating to county charges;

Senate Bill No. 705—An act relating to the judges of the superior court in and for the county of Santa Barbara, decreasing the number and prescribing the salaries thereof;

Senate Bill No. 706—An act relating to the judges of the superior court in and for the county of Santa Barbara, decreasing the number thereof from two to one, and prescribing the salary thereof;

Senate Bill No. 748—An act to amend that certain act entitled "An act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907, Statutes of 1907, page 275, Chapter 227, amending section 1 thereof, and by adding thereto three new sections to be numbered section 2a, section 2b, and section 2c, to provide for the alteration of the existing boundary line or lines between two counties or between two or more counties;

Senate Bill No. 832—An act to amend section 737dd of the Political Code, relating to salaries of the judges of the superior court;

Senate Bill No. 845—An act relating to recorders in counties of the twentieth class;

Senate Bill No. 851—An act to amend section 737r of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lassen;

Senate Bill No. 886—An act to amend section 4041.27 of the Political Code, relating to the authorizing of county boards of supervisors to adopt a system of life, health and accident insurance, or hospital service for the benefit of all persons or groups of persons employed by the county and to pay from the general fund or salary fund of the county, a part of the premiums upon such insurance and to deduct from the compensation of employees a part of the premiums of such insurance;

Senate Bill No. 1024—An act to amend section 4300c of the Political Code, relating to the fees of county recorders;

Senate Bill No. 1042—An act to amend section 4285 of the Political Code, relating to compensation of officers, officials and deputies in counties of the fifty-sixth class;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

GORDON, Chairman.



Senate Bill No. 447—An act to amend sections 2 170, 2 190 and 2 280 of the School Code, relating to the suspension, lapsation and reestablishment of school districts;

Senate Bill No. 492—An act to authorize governing boards of school districts to reimburse persons furnishing labor and materials for buildings constructed for school districts;

Senate Bill No. 533—An act to add a new chapter to Part III of Division VI of the School Code to be known as Chapter III, relating to the establishment of a State insurance fund for the purposes of insuring real and personal property of school districts and of insuring school districts, their officers, agents and employees against liability;

Senate Bill No. 540—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto;

Senate Bill No. 567—An act to amend section 2 462 of the School Code, relating to the annexation of elementary school districts to high school districts;

Senate Bill No. 568—An act to repeal section 2 2133 of the School Code and to amend section 4 970 thereof, both relating to the issuance of bonds by school districts;

Senate Bill No. 652—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the regulation and inspection of the construction of public school buildings;

Senate Bill No. 653—An act to amend section 2 of, to an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings;

Senate Bill No. 746—An act to amend section 1 91 of the School Code, relating to the construction, design, operation, equipment and color of school buses;

Senate Bill No. 803—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories," and making an appropriation therefor;

Senate Bill No. 804—An act to amend section 3 472 of the School Code, relating to vocational courses in agriculture;

Senate Bill No. 871—An act to amend section 2 96 of the School Code, relating to expenses of school district elections;

Senate Bill No. 915—An act to add a new chapter to the School Code to be numbered Part VI of Division III thereof, relating to the regulation of private non-sectarian schools in this State;

Senate Bill No. 997—An act to add a new section to the School Code to be numbered 2 1521, relating to the membership of governing boards of school districts in organizations;

Senate Bill No. 1017—An act to amend sections 5 401, 5 501 and 5 504 of the School Code, relating to employment of teachers;

Has had the same under consideration, and respectfully reports the same back with out recommendation, for the reason that no committee action has been taken.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 98—An act to amend section 3 110 of the School Code, relating to the establishment of kindergartens;

Assembly Bill No. 390—An act relating to compulsory military training in the colleges and universities of the State of California;

Assembly Bill No. 429—An act to amend sections 5 210 and 5 212 of the School Code, relating to examinations by county boards of education of applicants for elementary teaching certificates;

Assembly Bill No. 684—An act to amend section 5 190 of the School Code, relating to health and development certificates;

Assembly Bill No. 869—An act to amend section 6 471 of the School Code, relating to powers and duties of board of school trustees and city boards of education;



Assembly Bill No. 977—An act to amend sections 21269 of the School Code, relating to the governing of grounds for security improvements of schools.

Assembly Bill No. 986—An act to amend section 4369 of the School Code, relating to the preparation and submission of annual reports.

Assembly Bill No. 987—An act to repeal Chapters II, III and IV and Articles II and III of Chapter V, all of Part V of Division V of the School Code, to repeal sections 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4448 and 4449 of the said code, to amend sections 4450, 4451, 4452, 4453 and 4454 of the said code, and to add to Part II of Division V of said code a new chapter to be known as Chapter II, all relating to conditions and grounds in the jurisdiction of the public school system.

Assembly Bill No. 1146—An act to add a new section to the School Code to be numbered 4141, relating to the grounds of pupils.

Assembly Bill No. 1144—An act to add to section 3310 to the School Code, relating to differences of land in high schools within the district in which they stand.

Assembly Bill No. 1186—An act to amend sections 6762 and 6772 of the School Code, and to add to said code two new sections to be numbered 6752 and 6763, all relating to the payment and delivery of governing boards of school districts to construction work, the use of school grounds and libraries.

Assembly Bill No. 1191—An act to add a new chapter to Part I of Division IV of the School Code to be known as Chapter IV, to replace Chapter II of Part IV of Division IV of said code, a new section to be known as Article II, and to add to said code two new sections to be numbered 4191 and 4196, all relating to the subjects of the textbooks.

Assembly Bill No. 1194—An act to amend sections 4145 of the School Code, relating to construction of improvements and other things at school district facilities.

Assembly Bill No. 1195—An act to add section 5406a to the School Code, relating to the construction of buildings and grounds.

Assembly Bill No. 1194—An act to amend sections 4142 and 4171 of the School Code, and to repeal section 4151 thereof, relating to submission of plans into the public schools.

Assembly Bill No. 1196—An act to amend section 5732 of the School Code, relating to issues of classes.

Assembly Bill No. 1194—An act to amend section 620 of the School Code, relating to grounds in school grounds.

Assembly Bill No. 1201—An act to amend section 5406b of the School Code, relating to construction of grounds for school buildings.

Assembly Bill No. 1241—An act to amend section 4112 of the School Code, relating to the construction of school houses.

Assembly Bill No. 1240—An act to add a new chapter to the School Code to be known as Chapter X of Part II of Division VI, comprising sections 6746, 6747, 6748, 6749, and 6750, comprising the State Board of Education, in accordance with laws and regulations to be adopted by it, to supply to the public, or otherwise, as necessary, textbooks to the State, other than public schools, free of cost or any charge whatever, to any pupils, all textbooks adopted for use in the said and existing elementary schools of the State, in accordance with the provisions of section 7 of Article IX of the Constitution, and of other textbooks that it may adopt for use in said schools, including the governing boards of all high school districts of the State, in accordance with laws and regulations to be adopted by the State Board of Education, to purchase and furnish textbooks in suitable attendance in high schools in the State, other than public high schools, requiring the governing boards of elementary school districts of the State to furnish to pupils attending public elementary schools in such districts, free of cost or other charge, in such pupils, all books adopted for supplementary use or for use in supplementary courses in the public elementary schools in such districts, and requiring the State Board of Education to furnish to pupils children in private institutions, in this State, when one attending institution in elementary grades in such institutions, free of cost or other charge, all books, all textbooks, including supplementary textbooks and books for use in supplementary courses, which are furnished to pupils attending public elementary schools of the State;

Assembly Bill No. 1261—An act to add a new section to the School Code to be numbered 4152, relating to trustees of funds by security improvements of schools.

Assembly Bill No. 1295—An act amending section 6471 of the School Code, relating to producing cause of boards of school trustees and boards of education.

Assembly Bill No. 1251—An act to add a new section to be numbered 6563 to the School Code, relating to inspection of school buildings, fixtures and school building equipment.

Assembly Bill No. 2509—An act to add section 6 to an act entitled "An act to create a State Medical Library under the direction of the Regents of the University of California, providing for the establishment of branches of said library and for the administration, maintenance and support of the same, and making an appropriation therefor," approved June 9, 1931, or to add section 585 to the Business and Professions Code, relating to fixed and traveling exhibits;



Assembly Bill No. 2623—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code;

Assembly Bill No. 2646—An act to add sections 1683, 1684, and 1685 to the Labor Code, relating to free employment bureaus for teachers;

Assembly Bill No. 2830—An act to amend sections 2.1370 and 2.1371 of the School Code, relating to the State Board of Education;

Assembly Bill No. 1868—An act to add a new article to Chapter I of Part 11 of Division II of the School Code to be known as Article X and to amend section 2.1232 of the School Code, both relating to the traveling expenses of certain public officers;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

TICKLE, Chairman.

#### On Elections.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 53—An act to amend sections 1195a and 1197 of, and to add sections 1195c, 1197.01, and 1197.25 to, the Political Code, relating to the printing of constitutional amendments and propositions, to be submitted to the vote of the electors;

Assembly Bill No. 999—An act to amend section 1195a of, and to add a new section to be numbered 1195c to, the Political Code, relating to the printing of constitutional amendments and propositions, to be submitted to the vote of the electors;

Senate Bill No. 119—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921;

Senate Bill No. 189—An act to amend sections 7, 23, 24 and 25 of, and to add a new section to be numbered 5.5 to, the Direct Primary Law, relating to candidates and party conventions;

Senate Bill No. 229—An act to add section 4041.21a to the Political Code, relating to use of county-owned election equipment by others than the county;

Senate Bill No. 418—An act to add section 1197b1 to the Political Code, relating to initiative petitions;

Senate Bill No. 772—An act to amend section 1197 of the Political Code, relating to election ballots;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

ALLEN, Chairman.

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 43—Relative to memorializing the President and Congress of the United States to negotiate treaties and enact legislation for the preservation of sardines and pilchards in the waters of the Pacific Ocean;

Assembly Joint Resolution No. 48—Relative to memorializing the President of the United States to extend to the government of Japan an invitation to participate in the Pacific Exposition and Merenda at Los Angeles, 1940, and declaring it to be the intention of the United States to participate in a similar exposition in that country in 1940;

Assembly Joint Resolution No. 49—Relative to the protection of migratory birds; Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 8—Relative to memorializing the President and Congress to set up a Farm Productions Board or commission to regulate production and distribution of farm products and to adopt necessary legislation therefor;

Assembly Joint Resolution No. 12—Relative to memorializing the President and Congress to enact legislation providing for a 30-Hour Week Labor Law.

Assembly Joint Resolution No. 13—Relative to memorializing the President of the United States and the Congress of the United States to negotiate reciprocal

trade agreements permitting outside of commerce to enter the United States free of duty;

Assembly Joint Resolution No. 14 Relative to communicating Congress to develop a harbor at Point Del Rio, Avenue California, and use as a submarine and military base;

Assembly Joint Resolution No. 17 Relative to communicating Congress to enact legislation providing that patients admitted within one year immediately developed afflictions who enter the service of the patient shall become the property of the United States Government;

Assembly Joint Resolution No. 25 Relative to communicating the President and Congress of the United States request legislation that would result in financial aid in the construction of a neuro-psychiatric hospital for the victims of the World War.

Has had the same order transmitted, and respectfully request the same shall have been recommended. On the same day as above for action has been passed without recommendation. On the same day as above for action has been passed without recommendation.

PHILLIPS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PHILLIPS: Your Committee on Public Health, to which was referred

Senate Joint Resolution No. 5 Relative to communicating the Public Works Administration to furnish aid in the construction of certain improvements in San Francisco Bay and the waters thereof;

Senate Joint Resolution No. 10 Relative to communicating Congress to enact legislation authorizing certain public health plants;

Senate Joint Resolution No. 13 Relative to communicating Congress to enact a general public health emergency legislation;

Has had the same order transmitted, and respectfully request the same shall have been recommended. On the same day as above for action has been passed without recommendation. On the same day as above for action has been passed without recommendation.

PHILLIPS, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PHILLIPS: Your Committee on Finance, to which was referred:

Senate Bill No. 34—An act creating a commission to be known as the California State Agricultural and Forestry Commission, providing for the membership thereof, including the powers and duties and manner of appointment thereof;

Senate Bill No. 100—An act creating a commission to be known as the California State Fish and Game Commission, and to provide for the appointment of members thereof, and the powers and duties of the Commission of the State of California, including and excepting the provisions of the general election held November 7, 1932, relating the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 100—An act creating an appropriation to the Department of Institutions provided a maximum and minimum for the same being \$1,000,000 of San Diego;

Senate Bill No. 313—An act to make an appropriation for institutional and shall extend work on the 1911 River;

Senate Bill No. 310—An act to provide for the general equipment of certain and facilities for certain, for the construction of special housing and medical facilities, and making an appropriation therefor;

Senate Bill No. 309—An act making an appropriation to pay the costs of the Medical Life Insurance Company against the State of California;

Senate Bill No. 427—An act making an appropriation for the construction of agricultural and the building of better public roads, and providing for the payment of premiums of the national fire insurance company of California;

Senate Bill No. 500—An act making an appropriation for the support of San Diego State College;

Senate Bill No. 503—An act to provide compensation for inmate persons, including charges with or without of criminal and traveling a term of prison therein;

Senate Bill No. 510—An act to amend the title and sections 1, 2, 3, 4, 5, 7, 8, and 11 of, and to add sections 12, 13 and 14 to an act entitled "An act to establish

a board to be known as the River Dam Authority to prescribe its duties, powers, functions and jurisdiction, to authorize the authority to construct a dam in River Canyon, to acquire the waters in River Creek and to sell and distribute said waters, to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters, authorizing the Department of Public Works of the State of California to operate and maintain such dam and all property appurtenant thereto, authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1935, and making an appropriation therefor;

Senate Bill No. 512—An act making an appropriation to be used in the construction of a neuro-psychiatric hospital;

Senate Bill No. 543—An act authorizing and directing the Division of Water Resources of the Department of Public Works to make an investigation of the water resources of Solano County, California, and making an appropriation therefor;

Senate Bill No. 556—An act to add section 13.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing;

Senate Bill No. 569—An act to amend sections 4.1, 4.791 and 4.881 of the School Code, relating to the apportionment of funds to school districts for the education of physically handicapped children;

Senate Bill No. 590—An act making an appropriation for the construction of the proposed "T" Tunnel connecting the highways of the Los Angeles and Long Beach harbor districts;

Senate Bill No. 596—An act making an appropriation to pay the claim of A. E. Mahood and Susie Mahood against the State of California;

Senate Bill No. 612—An act making an appropriation to pay the claim of the State Treasurer against the State of California;

Senate Bill No. 615—An act making an appropriation for the support of the State Treasurer;

Senate Bill No. 616—An act making an appropriation to pay the claim of Anna M. Madden against the State of California;

Senate Bill No. 619—An act making an appropriation for flood control and conservation in connection with Redwood Creek, in Humboldt County;

Senate Bill No. 618—An act making an appropriation for flood control in connection with the Mad River, in Humboldt County;

Senate Bill No. 620—An act making an appropriation for flood control and conservation in connection with the Van Duzen River, and its tributaries, in Humboldt County;

Senate Bill No. 728—An act making an appropriation to pay the claim of the Henry Cowell Lime and Cement Company, against the State of California;

Senate Bill No. 736—An act making an appropriation to pay the claim of the chief accounting officer for the Department of Finance against the State of California;

Senate Bill No. 751—An act making an appropriation to the Department of Motor Vehicles;

Senate Bill No. 780—An act to amend section 777 of the Vehicle Code, relating to support of the Division of Drivers' Licenses;

Senate Bill No. 791—An act to add section 13.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing;

Senate Bill No. 792—An act to add section 13.6 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing;

Senate Bill No. 794—An act making an appropriation for support at the California Polytechnic School;

Senate Bill No. 795—An act making an appropriation for major construction and equipment at the California Polytechnic School;

Senate Bill No. 798—An act to amend section 1 of an act entitled "An act to establish the California Polytechnic School in the county of San Luis Obispo and making an appropriation therefor," approved March 8, 1901;

Senate Bill No. 843—An act making an appropriation to pay the claim of William E. Laney against the State of California;

Senate Bill No. 850—An act to amend section 777 of the Vehicle Code, relating to the appropriation for the maintenance of the Department of Motor Vehicles;

Senate Bill No. 857—An act to make an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-seventh and eighty-eighth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 914—An act to appropriate the sum of one million dollars to be used in construction, renewal and repair of works for flood control on the San Diego River, to provide for the manner of expending such appropriation, and to create the San Diego River flood control fund;



Senate Bill No. 929—An act to amend Article 7 of the California Natural School Act, chapter 7, Statutes 1927.

Senate Bill No. 948—An act to add section 116 to, and entitled "An act to provide for the regulation and licensing of home cooking, home care meetings and the wagering on the future thereof; to create the California Home Raising Board for the regulation, licensing and supervision of said home cooking and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the amendments thereto without those amendments," approved June 5, 1935, relating to home cooking.

Senate Bill No. 954—An act to add section 116 to, and entitled "An act to provide for the regulation and licensing of home cooking, home care meetings and the wagering on the future thereof; to create the California Home Raising Board for the regulation, licensing and supervision of said home cooking and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the amendments thereto without those amendments," approved June 5, 1935, relating to home cooking.

Senate Bill No. 964—An act to add section 116 to, and entitled "An act to provide for the regulation and licensing of home cooking, home care meetings and the wagering on the future thereof; to create the California Home Raising Board for the regulation, licensing and supervision of said home cooking and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the amendments thereto without those amendments," approved June 5, 1935, relating to home cooking.

Senate Bill No. 977—An act making an appropriation to pay the salary of Leigh G. Gorman against the State of California.

Senate Bill No. 978—An act making an appropriation for the construction of a road from the State street railway at or near Forest Home to Mt. Cithra, San Bernardino County.

Senate Bill No. 991—An act to appropriate the sum of \$200,000 to pay the claim of Margaret H. 1925, against the State of California.

Senate Bill No. 1055—An act to provide for the erection of buildings and the furnishing of facilities for the Training School of Teachers, and making an appropriation therefor.

Senate Bill No. 1074—An act making an appropriation to pay the claim of C. I. Harrison and H. T. Pinner against the State of California.

Senate Bill No. 1079—An act to add section 116 to, and entitled "An act to provide for the regulation and licensing of home cooking, home care meetings and the wagering on the future thereof; to create the California Home Raising Board for the regulation, licensing and supervision of said home cooking and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment authorizing its enactment," approved June 5, 1935, relating to the sale and expansion fund.

Senate Bill No. 1080—An act making an appropriation for the purpose of providing for a summer home cooking school.

Senate Bill No. 1147—An act making an appropriation for capital improvements at Humboldt State College, located in Arcata, California.

Senate Bill No. 1162—An act relating to the facilities and settlement of labor disputes, creating the California Labor Mediation Board, defining its powers and duties, and making an appropriation.

Has had the same under consideration, and respectfully requests the same be laid out and reconsideration, for the reason that its committee report has been taken without recommendation, for the reason that its committee report has been taken.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred,

Senate Bill No. 720—An act to amend sections 205 and 207 of the Agricultural Code, relating to slaughtering establishments and meat inspection, and making an appropriation.

Has had the same under consideration, and respectfully requests the same be laid out and reconsideration, for the reason that its committee report has been taken.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred,

Assembly Concurrent Resolution No. 37, Relative to independent State employees and proper salary adjustments for certain State employees in low salary bracket classifications.

Assembly Bill No. 124—An act making an appropriation for construction of buildings and other improvements at the Veterans' Home of California.

Assembly Bill No. 189—An act providing for completion of investigation and report by Division of Water Resources, Department of Public Works on flood control, hydroelectric development and conservation and utilization of water supply at Salinas River Basin.



Assembly Bill No. 238—An act to amend section 1032 of the Military and Veterans Code, and making an appropriation, relating to the Veterans' Home of California;

Assembly Bill No. 253—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to money derived from horse racing, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 272—An act to appropriate eight hundred thousand dollars for flood control, including conservation and the relief of unemployment, in San Bernardino County and the Santa Ana River Basin;

Assembly Bill No. 400—An act making an appropriation to pay the claim of Dan Campbell against the State of California;

Assembly Bill No. 427—An act relating to the acquisition by the State of a site or sites in the city of Fresno, the erection thereon of a building or buildings to house all State offices and agencies, maintaining headquarters in that city, and making an appropriation therefor;

Assembly Bill No. 513—An act making an appropriation for river bank protection;

Assembly Bill No. 549—An act to add section 13a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing;

Assembly Bill No. 586—An act to provide additional land and buildings for the use of the San Francisco State College and making an appropriation therefor;

Assembly Bill No. 697—An act to amend section 56 of the Labor Code and to add to Division I thereof Chapter 6, consisting of sections 150, 151 and 152, relating to the Division of the Deaf in the Department of Industrial Relations, and making an appropriation therefor;

Assembly Bill No. 817—An act relating to the installation of concession stands in the public buildings of this State, and providing for their operation by licensed blind persons, and making an appropriation therefor;

Assembly Bill No. 848—An act making an appropriation for the purchase of real property for the San Jose State College;

Assembly Bill No. 849—An act making an appropriation for the purchase of land for the Agnews State Hospital in Santa Clara County;

Assembly Bill No. 850—An act making an appropriation for the purchase and improvement of land for Agnews State Hospital in Santa Clara County;

Assembly Bill No. 851—An act making an appropriation for the purchase of real property for the San Jose State College;

Assembly Bill No. 1002—An act to add section 781 to the Political Code, relating to the reports of the Supreme Court and the district courts of appeal;

Assembly Bill No. 1070—An act to amend section 2237 of the Political Code, relating to the establishment of an advanced vocational school in conjunction with the California School for the Deaf at Berkeley, and making an appropriation therefor;

Assembly Bill No. 1071—An act making an appropriation for major construction and equipment at California School for the Deaf at Berkeley;

Assembly Bill No. 1184—An act to provide for the permanent relief and rehabilitation of the indigent and unemployed families of the State of California by the removal of such families to new rural communities to be located upon large tracts of good agricultural land, and providing for loans by the State Department of Social Welfare to a nonprofit, cooperative agricultural association created to carry out such purpose, and to make an appropriation therefor;

Assembly Bill No. 1185—An act to make an appropriation for the support of the California Nautical School for the eighty-ninth and ninetieth fiscal years;

Assembly Bill No. 1250—An act to add Article XXI, consisting of sections 721 to 723, 11, to Chapter III of Title I of Part II of the Political Code, relating to the establishment of the Department of Self-help Cooperatives of the State of California to provide an alternative to charity, relief, and work-relief;

Assembly Bill No. 1300—An act making an appropriation to provide land and water supply for the Napa State Hospital;

Assembly Bill No. 1591—An act to amend sections 53, 141, 284, 285, 287, 289, 290, 291, 292, 293, 296, 300, and 330 of, to repeal sections 282, 286, 288 and 295 of, and to add sections 193, 269½, 301, 302, 303, 304, 305, 306 and 307 to, the Military and Veterans Code, relating to military and veteran's affairs and making an appropriation;

Assembly Bill No. 1906, Act not in passing the title and section 1 of act not enacted. Act not commencing and entitled, "to allow land for the State Purchasing Department and providing for an auditor. An act appropriating money to create a revolving fund for the State Purchasing Department, approved May 15, 1914." Approved May 15, 1914, passing (recommenced) Fund for State Purchases.

Amesbury Hill No. 1149. An undecorated, slightly S-shaped, plain ware, relating to the remaining undecorated lot.

Assembly Bill No. 4158. An act making appropriations to be used by the Attorney General in the payment of expenses in the prosecution brought by the Attorney General to the criminal trial of the United States Marshal of the District of the State of California, in compliance with the provisions of the Legislative Statutes of 1927 (Statutes of 1927, Chapter 64).

Annali di Mat. Pura Appl. (4) 197, 1998, 101–116.

<sup>a</sup> Amount: Dhs. N= 1000. Amount personally contributed (financial aid) (S.200,000) from the net and gross income after fund for the purpose of purchasing and improving on (habitation) and suitable surroundings, adding to the housing and transportation facilities.

Advances in Biology, New York: Academic Press, Inc. 1966. 344 pp. \$10.00. This monograph, by a leading expert on the subject, is a comprehensive and authoritative review of the current state of knowledge on the subject of the development of the nervous system. It is a valuable reference work for all biologists and a must for all students of the subject.

Assembly Bill No. 198. A bill providing an appropriation to be expended by the Bureau of the Department of Finance in conjunction with the city of Long Beach for the purpose of installing, improving, and protecting Atlantic Boulevard in the city of Long Beach.

Assessment Bill No. 1010. Are not holding an appropriation for the carrying out of operations and the handling of water control study and providing for the payment of treatment at the national engineering center at Missouri College.

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to be by the use of State park areas:  
Amount: \$100,000.00. All for the purpose of the acquisition of land for the establishment of a State park.

Assembly Bill No. 1181. An act appropriating money for the repairs, improvements, equipment and supplies of Sutter's Pool at Sacramento and providing for the use thereof.

Assembly Bill No. 2671 - An act to amend sections 1, 2 and 4 of, and to add sections 5 and 6 to, an act creating the California Food Bank Authority, creating the powers and duties and setting up a procedure for the appointment and removal of appropriate officers.

Assembly, H.R. No. 3992. As yet no agreed version with the Traditional Caste relating to the management of members of the Same Welfare Board.

Assessing the impact of the 1991 Agreement on the development and improvement of primary, secondary, vocational and agricultural education, supporting the State Programme of Agricultural Extension and providing agreements with qualified persons in respect thereof and making an evaluation thereof.

As amended, Bill No. 2820: An act to provide for the conduct of investigations to determine in cooperation with the Federal Government, suitable methods of health protection and removal of health hazards, and to encourage the healthful recreation of the people, and providing an appropriation therefor:

of the people, and providing an appropriation therefor;  
 Approved: 1901, No. 2848. An act to amend sections 205 and 207 of the Agricultural Code, relating to land taxation, and making an appropriation.

Assessors Bill N. 2876. All not making an application to be expended as may be approved by the Regents of the University of California for the purpose of erecting buildings and occupying buildings and other permanent improvements on the campuses of the University of California at Berkeley, Los Angeles, Davis, San Jolla, Mt. Hamilton, Riverside, and San Francisco.

Assembly Bill No. 2880. An act making an appropriation for additional support of the Department of Natural Resources, to take effect immediately:

Assembly Bill No. 2882. An act making an appropriation for the support of the State Board of Prison Directors and the divisions and agencies comprising it, to take effect immediately:

Assembly Bill No. 2883. An act to make an appropriation for construction and improvements at Santa Barbara State College.

Assembly Bill No. 2888—An act relating to the appropriation to carry out the provisions of the Public Welfare Act, and declaring the effect of Item 185 of Chapter 157 of the Statutes of 1937 in relation thereto;

Assembly Bill No. 2889—An act making an appropriation to be expended by the Department of Public Works for the purpose of operating and maintaining certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District, as provided for in Chapter 774, Statutes of 1927, as amended;

Assembly Bill No. 2890—An act making an appropriation for the construction and equipment of a building or buildings at the Humboldt State College;

Assembly Bill No. 2896—An act to provide for the participation by the State in the Golden Jubilee Celebration of the Tournament of Roses, and making an appropriation therefor;

Assembly Bill No. 2906—An act making an appropriation for major construction and equipment at the California Institution for Women;

Assembly Bill No. 2909—An act to amend sections 111 and 112 of the Labor Code, relating to the Industrial Accident Commission;

Assembly Bill No. 2922—An act making an appropriation to pay the State's portion of salaries of municipal judges assigned to the superior court;

Assembly Bill No. 2870—An act making an appropriation for the purchase of certain lands by the State;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SWING, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1699—An act to add section 37.5 to the Alcoholic Beverage Control Act, relating to moneys heretofore appropriated for administration and enforcement;

Assembly Bill No. 1754—An act to create a Board of Examiners for Certification of Real Estate Appraisers and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public real estate valuator, and to provide the grade of penalty for violations of the provisions hereof;

Assembly Bill No. 1821—An act to amend section 4 of the "Act Concerning Cosmetology," relating to the State Board of Cosmetology;

Assembly Bill No. 2872—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SWING, Chairman.

#### On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 15—An act to amend section 193 of the Fish and Game Code, relating to night fishing;

Senate Bill No. 63—An act to amend section 1177 and to repeal section 1201 of the Fish and Game Code, relating to mountain quail;

Senate Bill No. 79—An act to amend section 621.5 of the Fish and Game Code, relating to fish;

Senate Bill No. 87—An act to add section 615.2 to the Fish and Game Code, relating to trout;

Senate Bill No. 93—An act to amend section 733.5 of the Fish and Game Code, relating to yellowtail;

Senate Bill No. 94—An act to amend section 733 of the Fish and Game Code, relating to albacore;

Senate Bill No. 95—An act to amend section 715 of the Fish and Game Code, relating to white sea bass;

Senate Bill No. 96—An act to amend section 737 of the Fish and Game Code, relating to skipjack;

Senate Bill No. 97—An act to add section 735.5 to the Fish and Game Code, relating to bonito;

Senate Bill No. 154—An act to amend section 731 and to repeal section 732 of, and to add section 732.5 to, the Fish and Game Code, relating to barracuda;

Senate Bill No. 155—An act to amend section 735 of the Fish and Game Code, relating to tuna;

Senate Bill No. 179—An act to amend section 1290 of the Fish and Game Code, relating to deer skins;

Senate Bill No. 180—An act to amend sections 427 and 428 of the Fish and Game Code, relating to licenses;

Senate Bill No. 213—An act to amend sections 612, 615 and 653 of the Fish and Game Code, relating to fish;



Senate Bill No. 224—An act to amend sections 97 of the Fish and Game Code, relating to the Turkey and Mountain Sheep Hunting.

Senate Bill No. 226—An act to amend sections 154 to 156 of the Fish and Game Code, relating to trout.

Senate Bill No. 227—An act to amend sections 601 of the Fish and Game Code, relating to salmon.

Senate Bill No. 234—An act to amend sections 814 of the Fish and Game Code, relating to salmon.

Senate Bill No. 236—An act to amend sections 814 of the Fish and Game Code, relating to salmon.

Senate Bill No. 244—An act to amend sections 175 of the Fish and Game Code, relating to trout.

Senate Bill No. 245—An act to amend sections 445 of the Fish and Game Code, relating to the use of artificial lures.

Senate Bill No. 254—An act to add section 470 to Part 2 of Division IV of the Fish and Game Code, relating to commercial fishing.

Senate Bill No. 255—An act to add a new section to the Fish and Game Code, to be numbered 471, providing for requirements for persons or persons upon whom property rights are claimed, and providing for the same.

Senate Bill No. 256—An act to amend sections 487.5 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 257—An act to amend sections 456 of the Fish and Game Code, relating to Fish and Game Commission.

Senate Bill No. 258—An act to amend sections 214 of the Fish and Game Code, relating to the use of artificial lures.

Senate Bill No. 259—An act to amend sections 450 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 260—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 261—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 262—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 263—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 264—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 265—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

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Senate Bill No. 284—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 285—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 286—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.

Senate Bill No. 287—An act to amend sections 440 of the Fish and Game Code, relating to trout and salmon.



Senate Bill No. 939—An act to amend section 799 of the Fish and Game Code, relating to diving for abalones;

Senate Bill No. 940—An act to amend sections 991 and 992 of the Fish and Game Code, relating to licenses for the commercial taking of abalones;

Senate Bill No. 961—An act to add section 745 to the Fish and Game Code, relating to bonito;

Senate Bill No. 990—An act to add section 613.5 to the Fish and Game Code, relating to steelhead trout;

Senate Bill No. 994—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals;

Senate Bill No. 1012—An act to add section 610.5 to, and to repeal 611.6, 612, 613 and 615.5 of the Fish and Game Code, relating to steelhead;

Senate Bill No. 1033—An act to amend the Fish and Game Code by the addition thereto of new sections designated 37, 38 and 39, bringing about increased consumption of certain processed fish by the people of California at reasonable prices, and to empower the commission to regulate buying and selling thereof;

Senate Bill No. 1039—An act to amend sections 616 and 619 of the Fish and Game Code, relating to the opening and closing dates for fishing in District 23;

Senate Bill No. 1040—An act to amend section 429 of the Fish and Game Code, relating to license exemptions;

Senate Bill No. 1064—An act to amend section 561 of the Fish and Game Code, relating to planting of trout;

Senate Bill No. 1065—An act to amend section 429 of the Fish and Game Code, relating to issuance of licenses without payment of fees;

Senate Bill No. 1083—An act to amend section 993 of the Fish and Game Code, relating to commercial fishing licenses;

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to section 25½ of Article IV of the Constitution of said State, relating to fish and game;

Assembly Bill No. 15—An act to amend section 429 of the Fish and Game Code, relating to hunting and fishing licenses;

Assembly Bill No. 82—An act to add section 421.5 to the Fish and Game Code, relating to fishing licenses;

Assembly Bill No. 83—An act to amend section 1250 of the Fish and Game Code, relating to deer;

Assembly Bill No. 381—An act to add section 421.5 to the Fish and Game Code, relating to ocean fishing;

Assembly Bill No. 516—An act to add section 869 to the Fish and Game Code, relating to tuna;

Assembly Bill No. 1597—An act to amend section 420 of the Fish and Game Code, relating to licenses;

Assembly Bill No. 2188—An act to amend section 731 of the Fish and Game Code, relating to taking barracuda;

Assembly Bill No. 2189—An act to amend section 733.5 of the Fish and Game Code, relating to taking of yellowtail;

Assembly Bill No. 2748—An act to amend section 1313 of the Fish and Game Code, relating to trapping of animals;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

McCOLL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 750—An act to add Chapter V to Division I of the Fish and Game Code, relating to cooperation between hunters and agriculturists in relation to game propagation and preservation;

Assembly Bill No. 2136—An act to add section 240 to the Fish and Game Code, providing for and establishing a game refuge;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

McCOLL, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 1e, relating to taxation;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1171—An act to add section 2409 to the Business and Professions Code, relating to unincorporated business in the practice of dentistry.

Assembly Bill No. 1112—An act to add section 14, to the STATE MEDICAL PRACTICE Act, relating to unincorporated business in the practice of dentistry.

Assembly Bill No. 1648—An act to provide for and to regulate the certification of librarians.

Assembly Bill No. 1881—An act to amend section 1030 of the Political Code, relating to office hours.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 671—An act to amend section 675a of the Political Code, relating to payment of salaries to the Department of Finance.

Senate Bill No. 1117—An act to add Section 114, containing Chapter 3, sections 1700 to 1745, inclusive, to the Welfare and Institutions Code, relating to aid to mothers of orphan children.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 976—An act to amend Chapter 700, STATUTES OF 1929, approved June 10, 1929, as amended, amended, entitled now known and cited as "California Fish Range Act," by amending section 5 thereof, relating to the financing of the construction or reconstruction of fish bridges.

Senate Bill No. 1110—An act to add section 787 to an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and make an appropriation therefor," approved June 9, 1931, as amended, entitled in reference to STATE EMPLOYEES, including the argument and providing that the act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 806—An act to amend sections 4, 8, 9, 12, 25, 33, 38a, 39, 42, 49, 67, 78, 83, 85, 86 and 108 of, and to add sections 32, 33, 75a and 82b to an act entitled "An act to provide for the creation, organization, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California and making an appropriation therefor.

Senate Bill No. 879—An act to amend section 675 of the Political Code, relating to the powers of the Director of the Department of Finance.

Senate Bill No. 896—An act to add section 606 to the Political Code, relating to the power of the State Board of Control to authorize the writing off of bad and uncollectible accounts.

Senate Bill No. 905—An act to amend section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations.

Senate Bill No. 1070—An act creating the "California Commission on Interstate Cooperation," and defining its powers and duties.

Senate Bill No. 1100—An act to regulate the practice of tree surgery, or arboriculture, and for the appointment of a board of examiners in the matter of said regulation.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, MAY 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 145—An act to create a State Range Commission; providing for the appointment of the members of said commission; prescribing the powers, duties and authority thereof, and making an appropriation therefor.

Senate Bill No. 437—An act to amend the title of, and to add section 55.5 to, the Alcoholic Beverage Control Act, relating to the advertising of alcoholic beverages;

Senate Bill No. 561—An act to amend section 2333 of the Political Code, relating to the powers and duties of the State Department of Social Welfare;

Senate Bill No. 588—An act to amend sections 3, 10, 12, 13, 14 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended;

Senate Bill No. 703—An act to repeal section 397c of the Penal Code and to add a new section 397c thereto, relating to the sale and disposition of intoxicating liquors between certain hours;

Senate Bill No. 835—An act to amend sections 364 and 364b of the Political Code, relating to the appointment of a Director of Industrial Relations;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 10—An act to amend section 23 of the District Investigation Act of 1933, to exempt cemetery districts from the operation thereof;

Senate Bill No. 48—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriage, births and deaths, and to provide for the registration of all births and deaths, the establishment of irrigation districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to affidavits establishing of record the fact of birth;

Senate Bill No. 86—An act to amend sections 1, 2, 3, 5, 6, 11, 12 and 17 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to repeal the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1059—An act to amend sections 13, 14, 61 and 65 of, and to add sections 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 to, the "Alcoholic Beverage Control Act," relating to alcoholic beverages;

Senate Bill No. 1060—An act to amend sections 2, 6, 17 and 58 of the "Alcoholic Beverage Control Act," relating to alcoholic beverages;

Senate Bill No. 1061—An act to amend sections 3, 14 and 42 of, and to add sections 35.5, 17.5 and 50.5 to, the "Alcoholic Beverage Control Act," relating to alcoholic beverages;

Senate Bill No. 1062—An act to amend sections 1, 20, 53 and 65 of, and to add sections 4.5, 36.5, 42.5 and 65.5 to, the "Alcoholic Beverage Control Act," relating to alcoholic beverages;

Senate Bill No. 1108—An act to amend sections 2, 3, 4, 5 and 6 of, and to add sections 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, to an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountant;



and to provide the grade of pension for holders of the proposed certificate, approved March 25, 1906, relating to the property of the Board of Assessors. Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SPAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

SENATE BILL No. 815: An act to provide a code of procedure to be followed in the administration and control of the board of correction and institutions of the State.

SENATE BILL No. 816: An act to amend section 1 of an act entitled "An act to provide for the maintenance of a Commission on Fisheries and Game, the appointment of members thereof, the duties and compensation thereof, for reporting purposes," approved May 14, 1937, and to provide an appropriation therefor, relating to a Commission on Fisheries and Game.

SENATE BILL No. 818: An act to amend sections 1 and 2 of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems of a public management improvement, the State of California, and other an incorporation therein," approved June 5, 1937, relating to management of employees of the University of California.

SENATE BILL No. 820: An act to amend section 16 of an act entitled "An act relating to the creation of the department," approved June 14, 1936, relating to such department created by the State.

SENATE BILL No. 821: An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall have effect upon the adoption of a constitutional amendment relating to gaming," approved June 5, 1937, relating to horse racing. Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SPAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

SENATE BILL No. 797: An act to amend section 2 of the State Contract Act, relating to the creation, management, operation, report on improvement of any State structure, building, machine or other State improvement.

SENATE BILL No. 798: An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment relating to gaming," approved June 5, 1937, relating to horse racing.

SENATE BILL No. 799: An act to add section 675h to the Political Code and to repeal section 675d thereof, relating to the removal of members of the Department of Finance.

SENATE BILL No. 777: An act to add section 614 to the Alcoholic Beverage Control Act, relating to minors.

SENATE BILL No. 801: An act to add a new article to Chapter III of Title 1 of Part III of the Political Code, to be numbered Article 11, containing sections 260 to 269, both inclusive, relating to a Department of Revenue.

SENATE BILL No. 814: An act to establish an independent class of auditor. Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SPAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

SENATE BILL No. 832: An act to amend sections 3772, 3773, 3785, 3816, 3817, 3897, 3897a, 3897d, 3897e, 3898, and 3898a, and to repeal section 3788 of the Political Code, relating to property deeded to the State for delinquent taxes; providing for the management, control and disposal thereof.

SENATE BILL No. 602: An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act.



and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing;

Senate Bill No. 623—An act to amend section 4 of the "Act concerning cosmetology," relating to the State Board of Cosmetology;

Senate Bill No. 648—An act to amend an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growth of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, as amended, by amending section 2 thereof, relating to the duties of the State Forester;

Senate Bill No. 793—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 365—An act to amend section 473a of the Political Code, relating to attorneys for State officers and agencies;

Senate Bill No. 421—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State;

Senate Bill No. 463—An act to repeal Article III, comprising sections 375 to 375d, inclusive, of Chapter III, Title I, Part III of the Political Code, and to add Article III, comprising sections 375 and 376, to said chapter, title, and part thereof, all relating to State officers and officers having functions respecting investments of the public;

Senate Bill No. 479—An act to add a new article to Chapter III of Title I of Part III of the Political Code, to be numbered Article IIc, embracing sections 378 to 378h, both inclusive, relating to a Department of Revenue;

Senate Bill No. 494—An act to amend section 13 of an act entitled "An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately," approved June 13, 1935;

Senate Bill No. 497—An act to add section 2393.1 to the Business and Professions Code, relating to unprofessional conduct of an applicant for a certificate or a certificate holder under Chapter 5 of the Business and Professions Code and providing that advertising that professional services of a specified nature will be rendered for a particular, definite or fixed price, constitutes unprofessional conduct; Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 325—An act to amend section 7 of "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, relating to the location of the offices, museum, library, and laboratory of the State Mineralogist;

Senate Bill No. 364—An act to amend section 4 of an act entitled "An act approving the report of the California Indian Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of organization along the Sacramento River or its tributaries or some two-mile-long lands adjacent to said river, including the State Engineer to prepare plans and make survey and engineering for the purpose of reforesting the lands contained in said report of the California Indian Commission, and to make report annually, making an appropriation to pay the expenses of such construction and surveys and creating a fund to be held and disbursed for the purpose, approved December 26, 1911, relating to approval and reforestation of the present lands survey." Has had the same under consideration, and respectfully requests the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred—

Senate Bill No. 8—An act to provide an institution for the care and confinement of transient indigent paupers, to provide for the maintenance and governance thereof, to provide for commitment, removal and return to discharge from such institution, to provide possibly the institution to be suitable for the care of criminals or delinquents or juveniles, and to provide measures for preventing, curing or deterring to the causes of pauperism, recommending same when passed.

Senate Bill No. 401—An act to amend section 414 of the Political Code, relating to officers of the State Highway Department.

Senate Bill No. 12—An act to amend and reorganize section 3610 of the Political Code, as amended by Chapter 101 of the Statutes of 1935, relating to the powers of the Board of State Highway Commissioners and the use of State funds.

Senate Bill No. 135—An act to amend sections 40 and section 50 of the Alcoholic Beverage Control Act, relating to the commission of multiple offenses.

Senate Bill No. 443—An act to amend the title of section 3 of 112 of and to add sections 113 to 115 inclusive to an act entitled "An act to establish a permanent system to provide for the treatment of offenders of the State of California and make recommendations therefor," approved June 15, 1934, relating to insurance against the need for hospitalization in State institutions.

Senate Bill No. 143—An act to provide for the despatchment of all State employees.

Has had the same under consideration, and respectfully requests the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred—

Senate Constitutional Amendment No. 18—A constitution to amend to the people of the State of California an amendment to the Constitution of said State, by adding to Article IV thereof a new section to be numbered 16, relating to the power of the State Highway Commission over highways.

Has had the same under consideration, and respectfully requests the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 2427—An act to amend the Youth and Ship Builders Act. Has had the same under consideration, and respectfully requests the same back without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred—

Assembly Bill No. 7—An act to amend section 296 of the Political Code, relating to witnesses.

Assembly Bill No. 409—An act making unlawful certain discriminations in price, in services or facilities furnished, or in payment for services or facilities to be rendered in connection with the sale of commodities in the course of trade or commerce, and providing certain remedies for violation.

Assembly Bill No. 1198—An act to amend sections 3 and 6 of an act entitled "An act to provide for the supervising and to define the duties of and to license land surveyors, to provide for the taxation of such business and the taxation thereof, to make certain acts misdemeanors and to provide penalties therefor and to repeal

an act entitled "An act to define the duties of and to license land surveyors," approved March 16, 1907," approved May 24, 1933, relating to land surveyors;

Assembly Bill No. 1235—An act to amend section 7 of, and to add section 7.5 to, the Alcoholic Beverage Control Act, relating to licenses;

Assembly Bill No. 1743—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, as amended, relating to horse racing and the funds derived therefrom;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 546—An act to add section 1024 to the Political Code, relating to elective officers;

Assembly Bill No. 647—An act to amend section 9 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to the definition of employers and employees subject to the act;

Assembly Bill No. 2850—An act to amend sections 3 and 5 of an act entitled "An act to require owners of forest lands to provide a fire patrol therefor," approved June 6, 1923, relating to forest land fire patrols;

Assembly Bill No. 1052—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and payment of the prevailing rate therefor;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SEAWELL, Chairman.

### On Insurance.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 50—An act to amend section 5090 of, and to add section 5090.5 to, the Insurance Code, relating to membership in county mutual fire insurers;

Senate Bill No. 143—An act to add Chapter 16 to Part II of Division II of the Insurance Code, relating to hospital insurance for State employees;

Senate Bill No. 162—An act to amend sections 6070 and 6072 of the Insurance Code, all relating to county mutual fire insurers;

Senate Bill No. 164—An act to amend section 6049 of the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 184—An act to amend section 5090 of the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 121—An act to amend section 100 of, and to add section 122 to, the Insurance Code, and to add Chapter 14 to Part 2 of Division 2 of said code, providing for the regulation of insurance against the need for medical and hospital services, defining such services, providing standard provisions for such insurance, maintenance of reserves for the protection of insureds under such insurance, providing for the licensing of persons entering into such contracts and rendering such services and providing penalties for the violation thereof;

Senate Bill No. 337—An act to amend section 6040 of the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 462—An act to add Article 18, comprising sections 1120 to 1123, inclusive, to Chapter 1, Part 2, Division 1, of the Insurance Code, relating to insurance;

Senate Bill No. 469—An act to amend section 10846 and 10850 of the Insurance Code, to add sections 10871, 10872 and 10891 thereto, and to add Article 13a, comprising section 10892, to Chapter 9, Part 2, Division 2 thereof, all relating to life and disability insurance;

Senate Bill No. 523—An act to add Chapter 1a to Part 2 of Division 1 of the Insurance Code, comprising sections 1109 to 1138, inclusive, to add Article 3 to







Assembly Bill No. 1941—An act to amend section 4 of the County Water District Act, relating to the organization of such districts, and to elections therein, including the election and appointment of directors thereof:

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Assembly Bill No. 701—An act to add section 48b to "The California Irrigation District Act," relating to the discharge, compromise, and purchase of overlapping tax or assessment liens and titles on district-owned property:

Assembly Bill No. 780—An act relating to the redemption of property sold to irrigation districts for delinquent assessments:

Assembly Bill No. 941—An act to amend section 11 of the California Districts Securities Commission Act, relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1939, declaring this act an emergency measure enacted under the police power, providing that this act shall not apply to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such bonds:

Assembly Bill No. 1595—An act to amend an act entitled "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof, and to provide a method of dissolving such districts," approved May 16, 1919, as amended, by amending sections 3 and 6 thereof, relating to qualifications of petitioners and electors in conservancy districts: Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 1096—An act providing ways and means for liquidating, refinancing and readjusting certain indebtedness of irrigation districts in default, for judicial proceedings to carry out such purposes; for the confirmation of plans for liquidation, refinancing and readjustment; authorizing the exercise of the police power and the power of eminent domain for the acquisition and cancellation of obligations of districts held by persons not accepting such plan; declaring an emergency and the urgency hereof and providing that this act shall take effect immediately:

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

MIXTER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 400—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15j, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof:

Senate Bill No. 401—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy:

Senate Bill No. 402—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act:

Senate Bill No. 1016—An act to amend section 4 of the Chinese Water District Act, approved June 15, 1913, by inserting and adding to the organization of said districts, and to the duties and appointment of directors thereof.

Has had the same twice considered, and respectfully reports the same back without recommendation, for the reason that no transmittal notice has been taken.

MINTER, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Bill No. 131—An act relating to the distribution of property sold to irrigation districts, in subsequent sessions.

Senate Bill No. 134—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Senate Bill No. 135—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Senate Bill No. 136—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Senate Bill No. 137—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Senate Bill No. 138—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Senate Bill No. 139—An act to amend section 1111, 1112, 1113, 1114, and 1115 of section 1116 of the California Irrigation District Act, relating to the acquisition or construction of lands and the distribution of water for irrigation purposes.

Has had the same twice considered, and respectfully reports the same back without recommendation, for the reason that no transmittal notice has been taken.

MINTER, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred:

Senate Concurrent Resolution No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as Article XLV, relating to water and power development.

Has had the same twice considered, and respectfully reports the same back without recommendation, for the reason that no transmittal notice has been taken.

MINTER, Chairman.

### On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1—An act to amend section 726 of the Code of Civil Procedure, relating to mortgages and deeds of trust.

Senate Bill No. 12—An act to amend section 6804 of the Code of Civil Procedure and section 2044 of the Civil Code, relating to the hypothecation of real property and to obligations secured thereby, and providing delinquent judgments in such obligations.

Senate Bill No. 17—An act to add section 2131 to be entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil, regulating the distribution and sale of such products, defining the powers and duties of certain officers of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sellers of weights and measures, and their dealers, and other officers, defining gasoline and prescribing penalties for the violation of provisions herein, and repealing acts and parts of acts inconsistent herewith," approved June 5, 1933, relating to the regulation of the sale of gasoline.

Senate Bill No. 28—An act to amend section 685 of the Code of Civil Procedure, relating to execution of judgments.

Senate Bill No. 31—An act to amend section 84 of the Code of Civil Procedure, relating to process.

Senate Bill No. 32—An act to amend section 911 of the Probate Code, relating to attorney's fees.

Senate Bill No. 53—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or shares attached to real property, or postponement of forfeiture and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption, regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Senate Bill No. 137—An act to add section 377a to the Code of Civil Procedure, relating to actions for wrongful death;

Senate Bill No. 138—An act to add section 3615 to the Political Code, relating to the definitions of household and householder;

Senate Bill No. 153—An act to add section 3817c to the Political Code, relating to suits by public agency to quiet title;

Senate Bill No. 157—An act to add section 15a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services;

Senate Bill No. 268—An act to amend section 92 of the Civil Code, relating to grounds for divorce;

Senate Bill No. 269—An act to amend section 159 of the Civil Code, relating to postnuptial contracts;

Senate Bill No. 270—An act to amend section 158 of the Civil Code, relating to antenuptial and postnuptial contracts;

Senate Bill No. 318—An act to amend section 70 of the Civil Code, prescribing who may solemnize marriages;

Senate Bill No. 375—An act to add sections 3899, 3899.1, 3899.2, 3899.3, 3899.4, 3899.5, 3899.6, 3899.7, and 3899.8 to the Political Code, relating to the collection of money advanced in payment of taxes on real property by co-owners;

Senate Bill No. 380—An act relating to the adoption of codes of fair competition for certain trades and industries within this State and to amend Chapter 814 of the Statutes of 1935, approved July 20, A. D. 1935;

Senate Bill No. 383—An act to amend sections 3479 and 3493 of the Civil Code, relating to nuisances;

Senate Bill No. 417—An act to amend section 204 of the Code of Civil Procedure, relating to jury lists;

Senate Bill No. 530—An act to amend section 4308 of the Political Code, relating to the district attorney's special fund;

Senate Bill No. 574—An act to provide that all liens upon real estate created by mortgage, deed of trust, or otherwise, as security for indebtedness, shall be foreclosed only by action;

Senate Bill No. 575—An act to amend section 2924 of the Civil Code, relating to mortgages and trust deeds;

Senate Bill No. 577—An act to abolish deficiency judgments in all cases where a lien upon land is created by mortgage, deed of trust, or otherwise, as security for indebtedness;

Senate Bill No. 584—An act to amend sections 1, 3, 16 and 21 and to add new sections to be designated as sections 15j, 15ja and 15jb of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years," etc., approved June 5, 1915, Statutes 1915, p. 1225, being also known as Act 3966 of Title 290, pages 2074.5, Volume Two, General Laws of 1931, and known as the "Juvenile Court Law";

Senate Bill No. 586—An act to amend section 2924 of the Civil Code, relating to mortgages;

Senate Bill No. 587—An act to amend section 2924 of the Civil Code, relating to the sale of property upon foreclosure of mortgage, or sale under trust deed, or sale under power conferred in mortgages;

Senate Bill No. 591—An act to amend section 437c of the Code of Civil Procedure, relating to summary judgments;

Senate Bill No. 592—An act to amend section 583 of the Code of Civil Procedure, of the State of California, relating to dismissal of actions;

Senate Bill No. 608—An act to amend section 170 of the Code of Civil Procedure by adding a new subsection thereto to be known as subsection 7, relating to disqualification of judges in actions or proceedings by or against the Reclamation Bureau of the State of California or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency or trustee, officer, or employee thereof;

Senate Bill No. 658—An act to repeal sections 40, 41, 42 and 43 of the Probate Code, relating to limitations upon bequests and devises to charity;

Senate Bill No. 659—An act to repeal section 42 of the Probate Code, relating to the exemption of certain devises from the restrictions on bequests and devises to charity;

Senate Bill No. 686—An act to amend sections 580b and 725a of the Code of Civil Procedure and sections 2924 and 2924.5 of the Civil Code, relating to mortgages, trust deeds, and contracts for the sale of real property;

Senate Bill No. 716—An act to amend section 171 of the Code of Civil Procedure, relating to judges and justices;







States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately," approved February 1, 1935, relating to the relief of assessment districts.

Senate Bill No. 1087—An act to amend section 6 of an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor," and to repeal an act entitled "An act to define the duties of and to license land surveyors," approved March 16, 1907, relating to the scope of examinations;

Senate Bill No. 1136—An act to amend sections 52 and 54 of the Civil Code, relating to denial of civil rights;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 23, 23a and 24 of Article IV of said Constitution, relating to the legislative department;

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XX thereof, relating to interest rates;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 371—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 63—An act to prescribe and fix the maximum legal rate of interest and other compensation on loans or forbearances of any money, goods or things in action, or on accounts after demand or judgment, and to provide penalties for the violation hereof;

Assembly Bill No. 72—An act to amend sections 61, 132 and 133 of the Civil Code, relating to divorce;

Assembly Bill No. 121—An act to amend section 423 of the Probate Code, relating to nomination of administrators;

Assembly Bill No. 258—An act to add section 12 (a) to the Personal Property Brokers Act, relating to regulation of the contracts of personal property brokers;

Assembly Bill No. 259—An act to add four new sections to the Civil Code to be numbered 2981, 2982, 2983 and 2984, relating to conditional sale or lease contracts;

Assembly Bill No. 265—An act to amend section 2803 of the Labor Code, relating to the responsibility of employers for injury to or death of employees;

Assembly Bill No. 266—An act to amend sections 376 and 377 of the Code of Civil Procedure, all relating to actions for wrongful injury and death;

Assembly Bill No. 276—An act to amend section 49 of, add sections 43.5 and 1590 to, and to repeal section 3319 of, the Civil Code, all relating to causes of action;

Assembly Bill No. 278—An act to amend sections 125, 374, 375, and 1881 of, and to add section 341.5 to, the Code of Civil Procedure, relating to causes of action;

Assembly Bill No. 293—An act to amend sections 2, 3, 3½, 4, 5, 6, 7, 8, 9, 9a, and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors;

Assembly Bill No. 323—An act to amend Chapter 34, Statutes of 1927, entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by adding a new section thereto to be known as 47a, forbidding any member of the State Bar from practicing law in any other than his own name or jointly with other active members of the State Bar; and repealing



Assembly Bill No. 2282—An act to add section 1029.5 to the Code of Civil Procedure, relating to costs in civil actions;

Assembly Bill No. 2387—An act authorizing the filing of claims with and the institution of suits or actions against the people of the State of California on behalf of depositors of building and loan associations for the recovery of moneys lost by such depositors by reason of theft of building and loan association funds, caused or contributed to by the negligence of any State officer or employee, limiting recovery thereunder, providing for the allowance out of such recovery of reasonable counsel fees, waiving the defense of the statute of limitations, and providing for service of process;

Assembly Bill No. 2390—An act to provide a penalty for the violation of section 22 of Article XX of the Constitution of the State of California, relating to interest;

Assembly Bill No. 2617—An act to add three new sections to Chapter I of Title IX of Part II of the Code of Civil Procedure, to be numbered 689d, 689e and 689f, respectively, and relating to the levy on chattel mortgaged property under writs of attachment and execution, and to repeal sections 2968, 2969 and 2970 of the Civil Code, relating to the same subject;

Assembly Bill No. 2642—An act to amend sections 640, 641, 642, 645 and 646 of the Probate Code, relating to estates;

Assembly Bill No. 2797—An act to amend the Political Code of the State of California by adding thereto a new section to be numbered 3886, relating to the validation of certain tax levies;

Assembly Bill No. 2903—An act to add Title 1a, comprising sections 1110.1 to 1110.8, inclusive, to Part III of the Code of Civil Procedure, relating to a judicial examination of administrative determinations;

Assembly Bill No. 2918—An act to amend section 4460 of the Political Code, relating to newspapers of general circulation;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

HAYS, Chairman.

#### On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Assembly Bill No. 55—An act to add Chapter 2a to Part 3 of Division II of the Labor Code, relating to the dissemination of information concerning labor disputes and membership in organizations, and prescribing penalties;

Assembly Bill No. 71—An act to limit the number of cars in a train, and prescribing penalties for violation thereof;

Assembly Bill No. 103—An act to add section 207.5 to the Labor Code, relating to the payment of wages;

Assembly Bill No. 538—An act to diminish the causes of labor disputes injuriously affecting the welfare of the people of this State; to encourage the practice of collective bargaining between employers and representative employee groups; to insure to employees the right of self organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide for the establishment of a California Labor Relations Board, including provisions defining its duties and powers, for administration and assistance therein, and for enforcement and review of its findings and orders, and to provide for enforcement of this act and penalties for its violation;

Assembly Bill No. 1065—An act to establish a California Mediation Board, defining its powers and duties, to provide machinery for the mediation and arbitration of labor disputes and for ancillary purposes, to encourage the practice of collective bargaining between employers and representative employee groups; to insure to employees the right of self organization, including representation of employees and holding of elections among them; to define and prohibit unfair labor practices; to provide penalties for violation hereof;

Assembly Bill No. 1822—An act to amend sections 2, 3, 6, 7, 8, 9, 11, 12, 12a, 13, 14, 19 and 24 of the "Act concerning cosmetology," relating to the practice of cosmetology and any branch thereof;

Assembly Bill No. 1924—An act to amend section 1182 of the Labor Code, relating to minimum wages;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

OLSON, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred:

Senate Bill No. 76—An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad adequately to man their gas, gas-electric, diesel, or diesel-electric cars and locomotives;



Senate Bill No. 995. An act to encourage the removal of labor disputes by promoting the welfare of the people of this State; to encourage the practice of collective bargaining between employers and representatives of employees; to ensure to employees the right of self-organization; the right representation of employees and removal of economic barriers to peace and industrial order; more protection to persons in the establishment of a collective labor bargain; thereby securing efficiency, harmony, cooperation and peace; for administration and executive authority; and for enforcement and control of its findings and orders; and to provide for enforcement of this act and penalties for its violation.

An act relating to the construction of houses and houses and establishing an Industrial Waste Management Commission to investigate and deal with such improvement, including a criminal case, imposing fine or imprisonment, license and fixing a penalty for violation of this act. Approved May 29, 1913.

<sup>1</sup> Senate Bill No. 800. As yet, no general census of 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 8

Sample B:  $\text{Na}_2\text{SiO}_3$  As used by special method 3112 of the Laboratory, reduced to  $\text{Na}_2\text{SiO}_3$ .

Senate Bill No. 1031- An act to amend section 1 of an act to limit the meaning of the word "conspiracy" and also the using of "restraining order," and "injunction," as applied to persons having conspired and injurious in the State of California, January-March 11, 1966.

11. And the same basic coordination and sequencing system has been shown without reconstruction, for the point, that no protection system has been shown.

### On Live Stock and Dairying.

RECEIVED BY THE LIBRARY OF THE CONGRESS MAR 28 1887

Mr. PRESIDENT: Your Committee on Live Stock and Dairying to which this referred.

Am. J. Hy. 111: No. 2069. See also in original: Volume 1 of CHAPTER I of DISCUSSION III of THE APPLIED HYGIENIC CODE, Section 3, called (in that) 10000.

Has had the same under consideration, and respectfully reports the same back.

RECEIVED: CHANDLER, SALTAMARIN (1), MAY 27, 1967

MR. PRESIDENT, Your Committee on Life, Science and Learning, to which was referred

Source: Part No. 80 - Act no. 6 passed under 79) of the Agricultural Code relating to the taking possession.

Second: RUL No. 41—As set forth in sections 3, 2, and 1 of an act entitled "An act to preserve certain standards of fair competition for the meat industry, prohibiting the making of price reductions for the sale of meat and prescribing penalties for violation of this act" approved June 2, 1934, relating to the sale of meat.

Senator Bill Nix, 1958. As yet, to regulate the loans, having which, unworked or

Sept. 1940 No. 741—As per to all sections 311.4 and 311.6 to the Agricultural Club, meeting to representatives of the type bird, quantity, sex and age of bird, amount the seed of which is 3000.

Article 134 N. 718. At the establishment and prior to the use of uniform standards for the classification, grading, and marketing of the fresh products of dressed beef and veal and providing a penalty for violation of the provisions thereof:

board and retail and providing a complete consolidation of the provisions thereof.

providing facilities at various points for the

Senate Bill No. 847—An act to regulate delivery of uncooked or uncured meat to retail establishments for resale at retail.

222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

to any use of horses for resale or rental.

Section 361. No. 1000. As not to amend sections 332, 336, 338, 341, 343, 350, 354, 362, 366, 367, and 377 of the Agricultural Code and to add sections 363.1, 363.2 and 363.3 thereto relating to live stock marks and brands:

380.50 of the Agricultural Code, relating to live stock marks and brands;

Senate Bill No. 1088—As not to levy an excise tax on the sale of all butter substitutes, providing for licensing dealers therein; fixing a penalty for a violation



of the provisions of the act, and declaring that this act shall take effect immediately;

Senate Bill No. 1092—An act to add section 346.5 and to repeal sections 347 to 353, inclusive, of the Agricultural Code, relating to slaughterers;

Assembly Bill No. 838—An act to regulate delivery of uncooked or unmeared meat to any establishment for resale at retail and providing a penalty for violation hereof;

Assembly Bill No. 1299—An act to add a new article to be numbered Article 6 to Chapter 1 of Division III of the Agricultural Code, relating to the registration of stallions and jacks and the service thereof;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

POWERS, Chairman.

#### On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 14 of Article XIII, relating to exemptions of property on account of military service;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 206—An act to amend section 800 of the Military and Veterans Code, relating to definition of "veteran" for the purpose of aid to veterans in purchase of farms and homes;

Senate Bill No. 505—An act to amend sections 891 and 895 of the Military and Veterans' Code, relating to veterans' dependents educational assistance;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

QUINN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred:

Senate Bill No. 1161—An act to amend section 800 of the Military and Veterans Code, relating to The Adjutant General;

Senate Bill No. 921—An act to amend Chapter III of Division V of the Military and Veterans Code, consisting of sections 1120 and 1121, and to amend section 1262 of the Military and Veterans Code, and to repeal section 440a of the Political Code, relating to county and city institutions;

Senate Bill No. 563—An act relating to military training in the colleges and universities of the State of California;

Senate Bill No. 506—An act to amend section 890 of the Military and Veterans' Code, relating to veterans;

Senate Bill No. 513—An act to amend section 696 of the Military and Veterans' Code, approved July 5, 1935, relating to Veterans' Welfare Board, employment of veterans;

Senate Bill No. 197—An act to add section 1046 to the Military and Veterans Code, relating to the estates of deceased veterans;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

QUINN, Chairman.

#### On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 825—An act to amend section 136 of the Vehicle Code relating to the authority of certain officers and employees of the Department of Motor Vehicles;

Assembly Bill No. 1225—An act to add section 53 to the Vehicle Code, and to amend section 372 thereof, relating to weight fees for commercial vehicles;

Assembly Bill No. 2281—An act to amend section 410 of the Vehicle Code, relating to suspension of license and registration while judgment unsatisfied and until giving of proof of ability to respond in damages;

Assembly Bill No. 2625—An act to amend section 372 of the Vehicle Code, relating to registration fees;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SLATER, Chairman.



Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 1889—An act to further amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended, entitled, known and cited as "California Toll Bridge Authority Act," by adding thereto a new section numbered 224, relating to the powers of the California Toll Bridge Authority;

Assembly Bill No. 2924—An act to repeal "An act to provide for the sale of an excess of water when owned by a municipality and repealing an act entitled 'An act to provide for the sale of an excess of water when owned by a municipality,' approved March 27, 1897," approved April 10, 1911;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 839—An act to add section 12a to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, as amended, relating to the furnishing of water to such towns and villages;

Assembly Bill No. 840—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, as amended, relating to the furnishing of water to such districts;

Assembly Bill No. 1667—An act to amend section 1 of an act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1905, relating to the granting of franchises;

Assembly Bill No. 1725—An act to amend sections 1, 2, 3, 4, 5, 6, 7, and 8, of an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts; to provide for the levy of assessments or reassessments for the payment of such refunding bonds; to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal bankruptcy courts therein," approved June 5, 1933;

Assembly Bill No. 1835—An act to amend section 2 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, relating to the annexation of territory to municipal corporations;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

McGOVERN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred:

Senate Bill No. 3—An act providing an additional or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of public utilities by any political subdivision or public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on works acquired, constructed, developed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agencies proceeding under this act; and defining the terms political subdivisions and public agencies as included herein;







issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire;

Senate Bill No. 559—An act authorizing cities to issue revenue bonds by a majority vote of the electors of said city;

Senate Bill No. 583—An act providing for the creation, incorporation, government, and management of municipal power districts for the purpose of permitting municipalities and public corporations which own or operate works or systems for serving electrical energy to consolidate such works or systems; authorizing such districts to sell and distribute electrical energy, and to construct or otherwise acquire a system or systems, works, or property for the generation, transmission, and distribution of electrical energy, and to operate and manage such system, systems, works, and property; providing for the taxation of property therein and the performance by officers of counties of certain functions relating thereto and to the elections of said district; authorizing the exercise of the right of eminent domain and providing procedure therefor, and authorizing such districts to incur bonded indebtedness and regulating the issuance of bonds and providing for the payment of such bonds and rights of the holders thereof; providing for addition of area thereto and authorizing municipal corporations, public corporations, and other political subdivisions to aid and participate in the incorporation of such districts;

Senate Bill No. 769—An act to add section 2527.5 to the Political Code, relating to the State Board of Harbor Commissioners for San Francisco Harbor;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

McGOVERN, Chairman.

### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, May 28, 1937

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Senate Concurrent Resolution No. 13—Directing the Director of Finance and the Attorney General to take immediate and proper action to recover all production and proceeds of production of oil, gas or other hydrocarbon substances taken, removed and produced from State lands by means of oil wells drilled upon privately owned lands; to enjoin further trespasses; and to intervene in certain actions for the protection of the interests of the State;

Senate Bill No. 1127—An act to validate, ratify and confirm certain agreements for easements relating to lands entered into on behalf of the State of California and subject to confirmation by the Legislature thereof;

Senate Bill No. 907—An act to prevent fraud or misrepresentation in the distribution and sale of Grade No. 1 fuel oil; regulating the distribution and sale of such product; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining Grade No. 1 fuel oil and prescribing specifications for products sold or offered for sale as Grade No. 1 fuel oil; prescribing penalties for the violation of provisions hereof;

Senate Bill No. 970—An act to amend section 8 of and to add section 8a to "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Senate Bill No. 580—An act relating to the extraction, production and removal of oil and gas or other hydrocarbon substances from State lands by wells drilled upon privately owned lands;

Senate Bill No. 582—An act to amend section 7 of an act entitled "An act to protect the natural resources of petroleum and gas from waste and destruction, relating to the creation of a division in the Department of Natural Resources for the prevention of such waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the

names of the people of the State of Connecticut, authorized acceptance of applications of non-resident Indians, giving a bill for the purpose of the law providing for acceptance of Indians in the said State and providing for the collection of taxes and levies, the appropriation for the purpose of this bill. Session of 1915, as amended.

They had the honor under consideration, and respectfully beg the honor, with the following amendments, for the purpose of the law, as amended.

WAGY, Chairman.

### On Prisons and Reformatories.

SENATE JOURNAL, SENATE, May 27, 1937.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred—

SENATE BILL No. 104—An act relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 105—An act to amend sections 10 and 11 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 106—An act to amend section 10 of the State Code, relating to the State prison and the reformatory.

SENATE BILL No. 107—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 108—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 109—An act to amend section 10 of the State Code, relating to the State prison and the reformatory.

SENATE BILL No. 110—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 111—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

HOLMAN, Chairman.

### On Public Health and Quarantine.

SENATE JOURNAL, SENATE, May 27, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred—

SENATE BILL No. 112—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 113—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

SENATE BILL No. 114—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

DELAPE, Chairman.

SENATE JOURNAL, SENATE, May 27, 1937.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred—

SENATE BILL No. 115—An act to amend sections 1 and 10 of an act entitled "An act for the regulation of the manufacture, sale and transportation of adulterated, misbranded or poisonous drugs, regulating the trade in drugs and providing for the collection of taxes and levies, the appropriation for the purpose of this bill. Session of 1915, as amended."

SENATE BILL No. 116—An act to amend section 10 of the State Code, relating to the State prison and the reformatory, and to provide for the reimbursement of the State on account thereof to certain cities.

providing for certificates of authority for associations entering into medical service contracts, and rendering through members medical services and providing for the powers and liabilities of medical service associations;

Senate Bill No. 731—An act to amend section 14 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and to prescribe their powers and duties, and to repeal an article entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, by adding to said section 14 a clause relating to unprofessional conduct and advertising that certain services will be rendered for a definite or fixed price;

Senate Bill No. 903—An act to amend section 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations";

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

DE LAP, Chairman.

### On Public Morals.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred:

Senate Bill No. 594—An act to amend sections 330, 330a and 337a of the Penal Code, relating to gambling;

Senate Bill No. 29—An act to amend section 1 of an act entitled "An act to provide for the reincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such reincorporation;

Assembly Bill No. 1934—An act to add section 61.1 to the Alcoholic Beverage Control Act, relating to minors;

Assembly Bill No. 2553—An act to add section 61.5 to the Alcoholic Beverage Control Act, relating to minors on premises where alcoholic beverages are sold or served;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

FLETCHER, Chairman.

### On Public Utilities.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 77—An act to add a new section to the Penal Code, to be numbered 368b, relating to the safe manning of railroad engines;

Senate Bill No. 284—An act to amend section 24 of the Public Utilities Act, relating to highway common carriers;

Senate Bill No. 395—An act to amend sections 1 and 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man trains," approved February 20, 1911, relating to train crews;

Senate Bill No. 522—An act to amend section 28 of the Public Utilities Act, relating to public utilities;

Senate Bill No. 640—An act requiring the licensing of certain vehicles used for the transportation of property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 641—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act;



Senate Bill No. 708.—An act to amend section 468 of the Civil Code, to amend an act approved April 15, 1930, entitled "An act to compel railroad corporations, or individuals owning locomotives, to operate their engines," and to provide an act approved February 9, 1937, entitled "An act to regulate the management and operation of railroads, street-car systems, all relating to the construction, operation and administration of systems of railroads, or parts thereof, and the operating conditions for persons in service thereon."

Senate Bill No. 709.—An act to amend section 50 of the Public Utilities Act, relating to the construction, operation, maintenance and administration of railroads.

Senate Bill No. 779.—An act to amend section 12 of the Public Utilities Act, relating to public utility charges.

Senate Bill No. 810.—An act to amend section 17(a) of the Public Utilities Act, relating to the construction, operation, maintenance and administration of railroads.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred

Senate Bill No. 811.—An act amending Chapter 284, Statutes of 1935, entitled "An act to define certain water transportation agents to provide for the regulation, operation and licensing thereof, and to provide for the enforcement of said act and providing for the creation thereof," and providing an act approved August 10, 1936, entitled "An act to define certain water transportation agents, to provide for the regulation, operation and licensing thereof, and to provide for the enforcement of said act and providing for the creation thereof," approved June 1, 1934, and all acts in force of law in conflict with the provisions of this act," as amended by Chapter 284, Statutes of 1936.

Senate Bill No. 87.—An act to amend sections 501 and 501 of the Public Utilities Act, relating to willfulness of intentional act or acts.

Senate Bill No. 881.—An act relating to the government and maintenance of a Public Utility in the Hawaiian Islands of the State.

Senate Bill No. 885.—An act to add section 602a to the Labor Code, relating to union dues.

Senate Bill No. 890.—An act to amend sections 501 and 501 of the Public Utilities Act, relating to willfulness of intentional act or acts.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred

Senate Bill No. 911.—An act to add section 605 to the Public Utilities Act, relating to public utilities.

Senate Bill No. 1028.—An act to amend section 20 of the "Highway Commission Act," relating to the transportation of property for one customer.

Senate Bill No. 1129.—An act to add section 7a to the Unfair Practices Act, relating to public utilities.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred

Assembly Bill No. 1401.—An act to add section 72 to the Public Utilities Act, relating to the water works and other utilities to utilities.

Assembly Bill No. 2441.—An act to amend section 6060 of the Labor Code, relating to train crews.

Assembly Bill No. 2675.—An act to promote the safety of employees and travelers when crossing by compelling owners, barriers by artificial intelligence to their own gas, electricity, diesel, or diesel electric cars and locomotives.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred

Senate Bill No. 43.—An act to be known as the "Slot Machine Licensing Act," relating to licensing and regulating the operation of slot machines or other mechanical gambling devices, and providing for the management of this act and providing penalties for violating the provisions thereof.

Senate Bill No. 150.—An act to amend sections 3897a and 3897b and to amend sections 3897d and 3898 of the Political Code, relating to lands sold to the State for delinquent taxes.



Senate Bill No. 185—An act relating to taxation, amending section 5 of the Retail Sales Tax Act of 1935, and section 4 of the Use Tax Act of 1935, providing for exemptions;

Senate Bill No. 393—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to operators;

Senate Bill No. 385—An act to amend section 25 of the Personal Income Tax Act of 1935, relating to credit for taxes paid other States;

Senate Bill No. 562—An act to add section 3660b to the Political Code, relating to taxation of insurance companies;

Senate Bill No. 598—An act to amend section 14 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to taxation;

Senate Bill No. 734—An act to amend section 3888a of the Political Code, relating to county warrants and the medium of payment for taxes;

Senate Bill No. 775—An act to add section 3886 to the Political Code, relating to sales of property to political subdivisions while taxes remain as a lien upon the property;

Senate Bill No. 1003—An act adding section 3671c to the Political Code, providing for enforcing tax liabilities imposed by States extending like comity to this State and providing for bringing suit in other States to collect taxes due this State;

Senate Bill No. 1085—An act to amend section 2 of the Personal Income Tax Act of 1935, relating to taxation of incomes;

Senate Bill No. 1097—An act to add section 4941.14a to the Political Code, relating to community theaters;

Senate Bill No. 1115—An act to amend sections 2, 3 and 5 of the "Personal Income Tax Act of 1935," relating to income taxes;

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 13, relating to exemption from taxation of community theaters;

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding section 14.5 to Article XIII thereof, relating to exemption from taxation of certain nonprofit corporations and associations;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 65—An act to add section 5a to the "Retail Sales Tax Act of 1933," relating to exemptions, and providing that this act shall go into effect immediately;

Assembly Bill No. 262—An act to amend section 3 of the "Retail Sales Tax Act of 1933," relating to taxation;

Assembly Bill No. 268—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to exemptions from the tax imposed upon tangible personal property by said act;

Assembly Bill No. 354—An act to amend section 18 of the Inheritance Tax Act of 1935, relating to the levying of inheritance taxes;

Assembly Bill No. 617—An act to amend sections 8 and 8½ and 9 of the Retail Sales Tax Act of 1933, and section 6 of the Use Tax Act of 1935, and to add section 6½ thereto, relating to advertising and requiring posted or advertised sales prices to be exclusive of retail sales tax or the use tax and providing for tokens required in the payment of such retail sales tax or use tax;

Assembly Bill No. 1765—An act to amend "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," by adding a new section thereto relating to sales of tangible personal property for use upon vessels coursed the high seas;

Assembly Bill No. 1928—An act to repeal section 33 and to add a new section, to be numbered 33, to the Retail Sales Tax Act of 1933, relating to judicial review;

Assembly Bill No. 2199—An act to add a new section to the School Code to be numbered 4.375a, relating to refunds of taxes;



Senate Bill No. 678—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to the taxation of retail sales;

Senate Bill No. 816—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to definitions;

Senate Bill No. 817—An act to amend section 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to licenses;

Senate Bill No. 868—An act to amend section 2 of the "Inheritance Tax Act of 1935," relating to inheritance taxation and more particularly to taxation of insurance under fifty thousand dollars payable to named beneficiaries;

Senate Bill No. 902—An act to amend section 6 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the licensing and taxing of vehicles;

Senate Bill No. 1004—An act imposing a tax upon the rolling stock of car companies and car-leasing companies, providing that such tax shall be in lieu of other taxes according to value, and providing for the administration of such tax;

Senate Bill No. 1005—An act to amend sections 2, 3, 7, 11, 12 and 22 of an act entitled "An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved June 25, 1935; to repeal section 32 of said act; to renumber sections 33 and 34 of said act; relating to the taxation of the storage, use or other consumption of tangible personal property;

Senate Bill No. 1006—An act to amend sections 2, 19 and 20 of an act entitled "An act imposing a tax for the privilege of selling, renting or leasing tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 33 of said act; to renumber section 32½ of said act; relating to the taxation of the privilege of selling, renting or leasing tangible personal property.

Senate Bill No. 1007—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making an appropriation for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately;

Senate Bill No. 1020—An act to amend sections 2, 2a, 4, 6, 9, 12 and 16 of the Motor Vehicle Fuel License Tax Act, relating to bonds, licenses and tax payments required thereunder, enforcement of collection thereof, revocation of such licenses and payments of such taxes under protest, and adding four new sections to said act, to be numbered 12a, 12b, 12c and 12d, relating to correction of errors in assessments made thereunder, and repealing section 18 of said act, relating to refund of taxes or cancellation of assessments, and providing when this act shall take effect;

Senate Bill No. 1081—An act to amend section 26 of the Bank and Corporation Franchise Tax Act, relating to exchanges of drafts;

Senate Bill No. 1082—An act to prevent evasions of payment of taxes on deposits in banks;

Senate Bill No. 1093—An act relating to taxation, adding section 6.5 to the Retail Sales Tax Act of 1933, and adding section 4.5 to the Use Tax Act of 1935, providing for the exemption of purchases of tangible personal property by the State of California;

Assembly Bill No. 1815—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

KNOWLAND, Chairman.







Senate Bill No. 521—An act to add section 653.1 to the Penal Code, relating to parking;

Senate Bill No. 625—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime;

Senate Bill No. 635—An act to amend section 1512 of the Penal Code, relating to witnesses;

Senate Bill No. 651—An act to amend section 384 of the Penal Code, relating to fires;

Senate Bill No. 910—An act to amend section 6 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the control, regulation, possession, sale and use of pistols, revolvers and other firearms, capable of being concealed upon the person;

Senate Bill No. 943—An act to add section 597i to the Penal Code, relating to cruelty to animals;

Senate Bill No. 1032—An act to amend sections 1, 2½ and 13 of an act to define trust, and to provide for criminal penalties, and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State, approved March 23, 1907, as amended;

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to section 8 of Article I of the Constitution of said State, relating to grand juries;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

LAW, Chairman.

### On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Concurrent Resolution No. 8—Relative to highway planning;

Senate Concurrent Resolution No. 32—Relating to the acquisition by the State of the Carquinez Bridge;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SLATER, Vice Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Assembly Bill No. 828—An act to amend section 642 of the Streets and Highways Code, relating to State highways;

Assembly Bill No. 1295—An act to add section 612 to the Streets and Highways Code, relating to the establishment of a secondary State highway;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SLATER, Vice Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 22—An act creating the "Divisional Highway" in the City and County of San Francisco, and making it a part of the secondary highway system of this State;

Senate Bill No. 65—An act to add section 605 to the Streets and Highways Code, relating to secondary State highways;

Senate Bill No. 78—An act to add section 606 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 82—An act to add a new section to the Streets and Highways Code, to be numbered 607, relating to State highways;

Senate Bill No. 84—An act to add section 607 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 196. An act to amend section \_\_\_\_\_ of the Statutes and Highways Code, relating to county highways (the construction of right-of-way utility and the construction, improvement, reconstruction, administration and control thereof).

Public Bill No. 101. As yet no word coming from the Senate and House Com. referring to Senate Agreement. The regulations of course are not final until the committee has approved, submitted, adopted and passed. August

Source: HILL, N. 1987. An urban water resource ..... and the urban water supply crisis: solutions in North America, the importance of capital for water quantity and environmental quality, *International Association of Agricultural and Applied Sciences*.

[illegible]

Source: Bill No. 410. As well as being printed, ..... of the School and High  
ways Code, relating to State Education, has provision of money for the  
and the construction, improvement, maintenance, administration, and control of  
.....

Source: Bill No. 113. An act to amend chapter 100, of the Revised Code of Ohio, relating to State Employees, by providing for a system of merit ratings and the establishment of a merit award system, and to amend chapter 101, of the Revised Code, relating to the State Employees' Retirement System, by providing for the establishment of a merit award system.

Source: *Id.* Vol. 110. For an in-depth analysis, see also the discussion of the  
 will in *Id.*, relating to the fact that the composition of the will is not limited  
 and the resulting legal consequences, particularly, the fact that the  
 Source: *Id.* Vol. 110. For an in-depth analysis, see also the discussion of the

*Synonym:* HILL No. 179. An oak in eastern Kentucky, ... of the Hill No. 1001. The  
warty leaves, pointing to nearly horizontal, are imbricated at apex of axis thereby  
producing a scaly appearance, sometimes a brownish cast, called "scaly"  
*Synonym:* HILL No. 178. An oak in eastern Kentucky, ... of the Hill No. 1001.

ways of making the most of the available information. The importance of regard to what the user can do is emphasized by the fact that the system is designed to be used by a wide range of users, from the novice to the expert.

Source: U.S. Navy, 1945. See also an additional source cited in the Strategy and Planning Division's report, "The Navy's Role in the Pacific War," 1945.

County Jail, No. 241. Accepted as evidence, 25th in the Strain and Higgins Case (appearing in Stone's *England*).

$Z_{\text{max}} = 100$  N.  $\text{Fe} = 0.05$  At. wt. in heated sample III. 5. One Si atom and 10 H atoms. Calculated by the same method.

$Z_{\text{max}} = 110$  N.  $\text{Fe} = 0.06$  At. wt. in heated sample IV. 6. One Si atom and 10 H atoms. Calculated by the same method.

State Bill No. 201. As set in the notes of the Committee on Highway Finance relating to State Highways.

Section 1, Pub. No. 212. All not to be issued within limits of the States and Territories.

Section 617 and 618 to the Streets and Highways Department.

County 100 No. 100. As set by annual meeting 100 of the County and it shows  
County 100 No. 100. As set by annual meeting 100 of the County and it shows

Senate Bill No. 367. An act amending section 404 of the Streets and Highways Code relating to street highways.

C. 602-17-N-198      An act to add section 602 to the Streets and Highways Code concerning additional liability State highway.

collection of all taxes, assessments and other moneys necessary for the purposes

improvements and other expenses hereunder," approved June 17, 1931, as Chapter 1025 of the Statutes of 1931, relating to the Highway System of the State.

Senate Bill No. 411. An act to add a new section to the Streets and Highways Code, to be numbered 101.1, relating to fitness centers in highways.

Source: Bill No. 189. An act relating to State Highway Route 73 of the State and H. 206, S. Code, relating to State Highway Route 73;  
Source: Bill No. 189. An act relating to State Highway Route 73, the State and H. 206, S. Code, relating to State Highway Route 73;

Structure, management, institutional arrangements, and action toward the development and expansion of power's management cluster include energy agencies, State highways, spending and managing action missions of the State and

Highways Code and adding certain provisions thereto, and providing certain acts relating to public highways.

Senate Bill No. 493—An act to repeal section 612 of the Streets and Highways Code of the State of California, relating to parking;

Senate Bill No. 527—An act to establish a State highway and classifying it as a secondary State highway;

Senate Bill No. 542—An act to add section 728 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 595—An act to amend section 612 of the Streets and Highways Code, relating to State highways;

Senate Bill No. 621—An act to add section 627 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 624—An act to amend section 1621 of, and to add new sections to be numbered 1621.1, 1621.2, 1621.3 and 1621.4 to the Streets and Highways Code, relating to expenditures by counties of highway funds received from the State;

Senate Bill No. 688—An act to add section 602 to the Streets and Highways Code, establishing additional secondary State highways;

Senate Bill No. 789—An act to add section 613 to the Streets and Highways Code, establishing certain additional State highways, this act to take effect immediately and declaring the urgency thereof;

Senate Bill No. 796—An act to amend section 121 of the Streets and Highways Code, relating to highways;

Senate Bill No. 819—An act to amend section 375 of the Streets and Highways Code, relating to secondary State highways;

Senate Bill No. 872—An act to add section 635 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 956—An act to add section 503 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 999—An act to add section 637 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 1008—An act to add section 640 to the Streets and Highways Code, repealing section 612 of the Streets and Highways Code;

Senate Bill No. 1022—An act to add section 638 to the Streets and Highways Code, relating to State highways;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

SLATER, Vice Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 12—Relative to the creation of an interim joint legislative committee or council, and defining its powers and duties;

Senate Concurrent Resolution No. 16—Relating to securing the presence of Gavin W. Craig before the Legislature;

Senate Concurrent Resolution No. 19—Relative to the appointment of a joint committee of six members to recommend the legislative representative on the Personnel Board, if Fred B. Wood finds it undesirable to continue on the board;

Senate Concurrent Resolution No. 49—Relative to the appointment of a Joint Legislative Committee to investigate charges of corrupt practices;

Senate resolution by Senators Seawell and Powers—Relative to law enforcement agencies;

Senate resolution by Senator Tickle—Relative to investigation of and report to the Senate as to certain charges in respect to asserted attempts of members of the Legislature improperly to influence legislation, creating a special Senate committee therefor, and defining the powers and duties of the committee;

Senate resolution by Senator Tickle—Senate resolution relating to the gathering of complete information concerning all the affairs, activities and needs of the State, its departments, institutions, agencies and political subdivisions, in relation to any and all subjects of needed legislation, and the conduct of investigations concerning any and all such matters, creating a Senate Interim Committee on Governmental Affairs, and defining its powers and duties;

Senate resolution by Senator Jespersen—Providing for the appointment of a Senate Interim Committee on State Hospitals to conduct a thorough study of the facilities of the State hospitals and the general subject of methods of caring for the insane in order to reduce the number of patients by more effective preventive and curative measures;

Senate Concurrent Resolution No. 48—Relative to the duties of the California Commission on Intergovernmental Cooperation;

Senate Bill No. 1165—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately;

Senate resolution by Senator Metzger—Relative to the appointment of a committee to investigate the marketing of live stock;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

RICH, Chairman.







Senate Bill No. 995—An act relating to slum clearance and housing projects; to provide for the creation of housing authorities; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for the making of grants and the lending of money to housing authorities by cities and by cities and counties of the first, second and third classes, and by counties;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1494—An act to amend section 2 of an act entitled "An act to establish a system of unemployment reserves for this State, and making an appropriation therefor," approved June 25, 1935, relating to a system of unemployment reserves;

Assembly Bill No. 1855—An act to amend section 45, of an act entitled "An act to establish a system of unemployment reserves for this State and making an appropriation therefor," approved June 25, 1935, relating to unemployment reserves; Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

WESTOVER, Chairman.

### On Universities and State Colleges.

SENATE CHAMBER, SACRAMENTO, May 27, 1937.

MR. PRESIDENT: Your Committee on Universities and State Colleges, to which was referred:

Senate Bill No. 88—An act to create and establish in the city of Sacramento a college of vocational and technical training to be known as the California College of Vocational Arts; providing for its government, curricula and control, and authorizing the use of the buildings, grounds and facilities of the Sacramento Junior College District by said vocational college upon such terms and conditions as may be agreed upon;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

JESPERSEN, Chairman.

### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 891—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at two o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Joint Resolution No. 18—Relative to memorializing the President and the Congress of the United States to take action to relieve producers of agricultural products which have been damaged by freezing;

Senate Joint Resolution No. 24—Relative to memorializing the President and Congress to enact legislation relative to the conservation of wealth and industry in war time and the effective barring of war profits;

Senate Bill No. 19—An act to amend sections 5, 6, 7, 7a and 8f, and to repeal sections 8, 8a, 8b, 8c, 8d, 8e, 8g and 8i, of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to narcotics;

Senate Bill No. 59—An act to add section 6.5 to the State Narcotic Act, relating to addiction to the use of habit forming, narcotic and other dangerous drugs and substances;

Senate Bill No. 117—An act to amend section 413 of the Code of Civil Procedure, relating to service of summons;

Senate Bill No. 122—An act to amend sections 1.71 and 1.81 of the School Code, relating to the transportation of pupils, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 196—An act to amend section 1151 of the Fish and Game Code, relating to use of lights;



Senate Bill No. 393—An act to amend section 159a of the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor;

Senate Bill No. 394—An act to amend sections 6901, 6902, and 6903 of the Labor Code, relating to train crews;

Senate Bill No. 412—An act to amend sections 4262 and 4279 of the Political Code, relating to compensation of officers in counties of the thirty-third and fiftieth classes;

Senate Bill No. 434—An act to amend sections 31 and 45 of, and to add sections 12.1, 31.1 and 37.1 to the County Water District Act, relating to county water districts;

Senate Bill No. 444—An act to amend section 1 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, as amended, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 473—An act to amend sections 380.51, 380.52, 380.55 and 380.59, of the Agricultural Code, relating to live stock marks and brands;

Senate Bill No. 501—An act to amend sections 736.1, 737.7 and 737.11 of Chapter 10 of Division IV of the Agricultural Code, relating to marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 514—An act to regulate auctions;

Senate Bill No. 604—An act to amend an act entitled "Act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, by adding to said act a new section numbered section 5 thereof permitting the City and County of San Francisco, by action of its board of supervisors, to grant to the Government of the United States for the use of the Navy Department certain portions of the tide lands described in the above mentioned act;

Senate Bill No. 633—An act to add section 1083d to the Political Code, relating to the publication of notice of intention to circulate petitions;

Senate Bill No. 657—An act making an appropriation for the addition of another story to the building known as the annex to the State Printing Plant;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 674—An act making an appropriation for office accommodations for the Detective License Bureau, Division of Prisons and Paroles, Department of Penology;

Senate Bill No. 675—An act making an appropriation for office accommodations for the Division of Corporations, Department of Investments;

Senate Bill No. 676—An act making an appropriation for office accommodations for the superintendent of collection agencies;

Senate Bill No. 770—An act to add section 1915 to the Harbors and Navigation Code, relating to methods of increasing the commerce at the harbor of San Francisco;

Senate Bill No. 783—An act to add section 2436 to the Business and Professions Code, relating to remedies for the enforcement of the chapter on medicine thereof;

Senate Bill No. 809—An act to authorize counties to issue bonds for the purpose of acquiring other general obligation bonds of such county or bonds issued by or for districts therein or bonds issued for street work or other improvements of any kind or character and providing for acquiring such bonds and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act;

Senate Bill No. 839—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.



RECEIVED BY THE DIRECTOR, NATIONAL ARCHIVES, COLLEGE PARK, MARYLAND, MAY 28, 1967

MR. FIDELMONT: Your Committee (U.S. Department of Education) has received and printed last

Senate Bill No. 802. As used in heading section 4.74 of the Drafted Code relating to compensation for public officers in carrying out their office duties.

Senate Bill No. 894. An act to amend section 472 of the Penal Code, relating to the offense of public intoxication.

Source: Item No. 878—All not as stated, section 602 of the Agricultural Code relating to mortgages.

Source: Ellis, No. 100. A group of general interest [1904-1905, 1906, 1907, 1908, and 1909] in the A. J. C. covering the subject of government of these journals.

Source: Bill N. 1000. Agreement and motion bill to the Fish and Game Commission relating to various fish games.

[illegible]

Senate Bill No. 937--An act to add a new section, to be numbered 112, to the Statute and the Statute Code relating to school boards of State university cities.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

$$K_1 \in \mathcal{G}(H_1, H_2) \text{ is harmonic.}$$

Source: *Chicago Record-Herald*, 24th May 1917.

Mr. Thompson: Year's Commercial and Engineering, Electricity and Plumbing  
1906-1907

Source: Bill No. 949. As set in add. section 1511 in the Political Code, relating to payment of rates of membership before and at termination in the State of New York.

Section 101, No. 300.—An act to amend Section 1,750 of the Political Code, relating to the qualifications of officers and members of counties of the fourth class (1905).

*Summary.* 1901 No. 3071—An anal. is presented that affords both members 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14, and is reminiscent 14a, in its position 14g, of the anal. outlined

[illegible]

Session Bill No. 1002.—An act to amend an act entitled "An act creating a revolving fund for the purchase of books, periodicals, and other publications," approved June 7, 1913, as amended, relating to the revolving fund, and providing therefor, and providing that it shall go into effect.

SENATE BILL NO. 1021—An act to amend section 1602 of the Dental Practice Act relating to the members of the State Board of Dental Examiners.

Notes: 1.  $N = 1111$ . An unmarked mycorrhizosphere for the development of a mycorrhizal network (see Fig. 1).

And remarks that the same have been carefully searched, and presented to the Governor on the twenty-seventh day of May, 1867 at New Orleans.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO MAY 28 1937

MR. PRESIDENT. Your Committee on Engraving, Enrolment and Printing has examined

Senate Bill No. 1102. An act to amend sections 2, 4, and 5 of, to renumber and amend section 6 to be section 17 of "An act authorizing the establishment, maintenance, and operation of recreation districts," approved June 10, 1961, relating to recreation districts, declaring the urgency thereof and providing that this act shall take effect immediately;

Source: Bill No. 117. Act not providing for the constitution of, printing, binding, publishing and distribution of a Source Blue Book, and regarding certain acts specified herein;

to provide for the creation, establishment, and adjustment with other such



systems, of a retirement system for employees of the State of California, and make an appropriation therefor" approved June 9, 1931, relating to the State employees' retirement system;

Senate Bill No. 1130—An act to amend section 2924 and section 2924b of the Civil Code, relating to the recording of notice of default and to the giving of notice of default and of sale under deeds of trust and mortgages with power of sale;

Senate Bill No. 1131—An act to amend section 985 of the Political Code, relating to official bonds;

Senate Bill No. 1135—An act to add section 433.6 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions from the salary or wage of certain State employees for the purpose of paying premiums on a policy or certificate of insurance issued to such State employees insured under an insurance plan approved by the Director of Finance; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1137—An act to add section 4237.1 to the Political Code, providing a salary for court photographic reporters and for payment thereof and providing for the appointment of one reporter secretary;

Senate Bill No. 1148—An act to amend sections 4239d, 4239b and 4239f of the Political Code, relating to salaries of county officers of counties of the tenth class, San Joaquin County;

Senate Bill No. 1153—An act to amend section 162 of the Fish and Game Code, relating to Fish and Game District 4C;

Senate Bill No. 1164—An act to add section 3703 to the Political Code, relating to members of the State Board of Equalization;

Senate Bill No. 278—An act to add sections 285 and 286 to the Agricultural Code, relating to advance payments, collections and refunds;

Senate Bill No. 312—An act to repeal Chapter 2 of Part 1 of Division VI of the Welfare and Institutions Code, comprising sections 5250 to 5288, inclusive, to add a new Chapter 2 thereto, comprising sections 5250 to 5264, inclusive, to repeal Chapters 3 and 4 of Part 4 of Division VI of the Welfare and Institutions Code, comprising sections 7000 to 7081, inclusive, and to add a new Chapter 3 thereto, comprising sections 7000 to 7015, inclusive, relating to homes for the feeble-minded;

Senate Bill No. 341—An act to amend section 110 of the Penal Code, relating to aid in escapes;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 350—An act to amend section 288 of the Penal Code, relating to crimes against children;

Senate Bill No. 576—An act to amend section 2924f of the Civil Code, relating to deficiency judgments;

Senate Bill No. 665—An act to amend sections 128 and 129 of the Vehicle Code, relating to the Department of Motor Vehicles;

Senate Bill No. 672—An act making an appropriation for office accommodations for the Division of Real Estate Department of Investment;

Senate Bill No. 781—An act to amend the title of, and to add section 18a to, the State Medical Practice Act, relating to remedies for violations thereof;

Senate Bill No. 880—An act making an appropriation for the support of the Agricultural Prorate Commission, and declaring the urgency thereof;

Senate Bill No. 938—An act to add sections 118 and 794.5 to the Fish and Game Code, relating to abalone and providing for a new district to regulate the taking thereof;

Senate Bill No. 1038—An act to add section 4041.35 to the Political Code, relating to reports relating to financial statements by county supervisors;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 953—An act to amend sections 1, 2, 3, 4, and 11 of an act entitled "An act imposing a license fee or tax for the transportation of persons or



Senate Bill No. 240—An act to amend sections 2, 3, 34, 4, 5, 6, 7, 8, 9, 9a and 12 of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the business of contracting and the registration and licensing of contractors; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 182—An act to amend sections 1, 2, 3, 5, 6, 11, 12, 17 and 18 of, to repeal section 13 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Senate Bill No. 265—An act to amend section 24 of the Direct Primary Law, relating to party conventions;

Senate Bill No. 321—An act to amend sections 4, 15, 16, 30, 38b, 43, 51, 52, 63, 65, 65b, 65c, 65d, 67, 76, 79, 95, 101, 108, and 109 of and to add sections 23a, 23b, and 143 to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System;

Senate Bill No. 331—An act to amend section 252 and to add section 252.5 to the Fish and Game Code, relating to refuges;

Senate Bill No. 356—An act to amend section 13 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, relating to horse racing, declaring the urgency hereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 372—An act to amend sections 3 and 9 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, or to amend sections 1432 and 4256 of the Business and Professions Code, relating to the practice of pharmacy;

Senate Bill No. 439—An act to amend sections 782, 784.3 and 830 of, and to add section 783.5 to the Agricultural Code, relating to fruits, nuts and vegetables;

Senate Bill No. 508—An act to amend sections 5.10, 5.42, 5.93 and 5.101 of the School Code of the State of California, and to add thereto a new section to be numbered 5.88a, all relating to the establishment of R. O. T. C. units in State colleges and the teaching of courses in military science and tactics in connection therewith;

Senate Bill No. 558—An act authorizing cities to construct and maintain public improvements within and without the territorial boundaries of said cities;

Senate Bill No. 626—An act to add a new chapter to be numbered Chapter 9 to Division V of the Agricultural Code, relating to grades and standards for nursery stock;

Senate Bill No. 689—An act to amend section 32 of the Public Utilities Act, relating to public utility rates;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.



SENATE CHAMBER, SACRAMENTO, MAY 28, 1937

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined:

Senate Bill No. 770—An act to amend section 4 of an act entitled "An act imposing a license fee on land for the appropriation of certain interests in property for use in compensation upon the public streets, roads and highways in the State of California by corporations and providing that they not shall exercise license," approved May 15, 1935, relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

Senate Joint Resolution No. 30—A resolution to amend the Constitution of the State of California to amend the portion of the Constitution of the State of California relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the present paragraph of section 4 of Article IV of the Constitution of the State of California, relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the present paragraph of section 4 of Article IV of the Constitution of the State of California, relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the present paragraph of section 4 of Article IV of the Constitution of the State of California, relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the present paragraph of section 4 of Article IV of the Constitution of the State of California, relating to the taxation of the appropriation of portions or parcels of land in compensation on the public streets, roads and highways in the State of California by corporations, to take effect immediately.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined:

Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending sections 10, 11 and 12 of Article XIII, relating to the taxation of certain property from taxation.

Senate Bill No. 101—An act to add section 10 to Division III of the Agricultural Code, to read as follows: "10. In the taxation of certain property from taxation."

Senate Bill No. 102—An act to amend section 10 of the Agricultural Code, to read as follows: "10. In the taxation of certain property from taxation."

Senate Bill No. 103—An act to amend sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1937

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined:

Senate Bill No. 254—An act to amend sections 377B, 377C, and 377D of the Political Code relating to the Department of Professional and Vocational Standards and the boards and commissions comprising the department or subject to its jurisdiction.

Senate Bill No. 296—An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges.



in and for the City and County of San Francisco, and providing for their compensation;

Senate Bill No. 300—An act to amend section 737r of the Political Code, relating to the compensation of the judge of the superior court, Lassen County;

Senate Bill No. 306—An act to amend section 1033 of the Code of Civil Procedure, relating to cost bills in superior, municipal and justices' courts;

Senate Bill No. 309—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution;

Senate Bill No. 340—An act to amend section 220 of the Penal Code, relating to criminal assaults;

Senate Bill No. 423—An act to amend sections 3, 5, 6, 7, 9, and 11 of, and to add sections 16 and 17 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 426—An act making an appropriation to pay the claim of the Disbursing Officer of the Fish and Game Commission against the State of California;

Senate Bill No. 443—An act to add section 125 and to amend sections 2 and 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof," and repealing an act entitled "An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the salary and providing for the expense of conducting the office," approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties, and making an appropriation;

Senate Bill No. 453—An act to amend section 100 of the Insurance Code, to repeal sections 119 and 12660 to 12741, inclusive, thereof, and to add sections 12660 and 12661 thereto, all relative to land value insurance;

Senate Bill No. 474—An act to amend sections 737f, 737g, 737r, 737ff and 737tz of the Political Code, relating to the compensation of judges of the superior court;

Senate Bill No. 536—An act making an appropriation to pay the claim of George A. Sturtevant against the State of California;

Senate Bill No. 578—An act to amend sections 1, 2 and 4 of, and to add two new sections to be numbered 5 and 6 to "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, and making an appropriation therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 585—An act to amend sections 551 and 700 of the Welfare and Institutions Code, relating to the Juvenile Court Law;

Senate Bill No. 613—An act to amend section 96 of the "Bank Act," relating to deposits of money received by State Treasurer from trust companies;

Senate Bill No. 629—An act to amend section 2 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof, to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California



SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1141—An act to amend sections 2, 3, 4, 5, 7, 8, 10, 12, 13, and 17 and to repeal sections 17a and 18a of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to State lands;

Senate Bill No. 1151—An act making an appropriation for the support of the Railroad Commission of the State of California, to take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 24—An act to amend section 2 of the Public Utilities Act, relating to the definition of public utilities, and definitions of other terms used in said act, and including and defining toll bridges and toll bridge corporations as public utilities;

Senate Bill No. 83—An act to add a new section to the School Code to be numbered 4.102a, relating to an appropriation for vocational rehabilitation;

Senate Bill No. 330—An act to amend section 588 of the Vehicle Code, relating to parking;

Senate Bill No. 366—An act to add to the Probate Code a new section to be numbered section 1203a, providing for the service upon or mailing to the consular officer of the country, other than the United States, its territories or possessions, in which an heir, legatee or devisee of an intestate or testator, resides, of notice of the hearing of any petition for letters of administration and for probate of will of an intestate or testator, providing for the filing by consular officers with the county clerk of requests for such notices, and providing that the county clerk of each county and city and county shall keep a separate register wherein shall be retained the names and addresses of consular officers who make such requests;

Senate Bill No. 972—An act to amend sections 1, 3, 4, 6, 7, 8, 10, 12, 13, 14 and 15, to add sections 104, 134, 134½, 144, 144½, 204, 204½ and 214, and to repeal section 9 of the Highway Carriers' Act, relative to the use of public highways for commercial purposes by motor vehicles;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

SENATE CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 812—An act to regulate the use of public highways for commercial purposes by motor carriers of passengers operating thereon for the transportation of persons for hire or compensation; to define motor carriers of passengers and to provide for the regulation and supervision thereof and the issuance of permits thereto; to confer powers upon the Railroad Commission of California with respect to motor carriers of passengers and their agents; to prevent discriminations between various forms of transportation; to confer powers on the Department of Motor Vehicles with respect to the issuance of license plates or emblems to motor carriers of passengers; to foster a fair distribution of traffic between the several transportation agencies to the end that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1937, at four o'clock p.m.

KEOUGH, Chairman.

### Message from the Assembly.

At four o'clock and forty-five minutes p.m., a committee from the Assembly, consisting of Messrs. King, Maloney, and O'Donnell, appeared at the bar of the Senate and announced that the Assembly had no further communications to submit to the Senate, and was now prepared to adjourn sine die.

**Resolution.**

The following resolution was offered:

By Senator Rich:

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the Senate is ready to accept amendments thereto, and to ask if the Assembly has any further amendments to transmit to the Senate.

Resolution read, and on motion of Senator Rich, adopted.

**Appointment of Special Committee.**

The President announced, in accordance with the above resolution, the appointment of Senators Rich, Swing and Slater.

**Resolution.**

The following resolution was offered:

By Senator Delap:

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the Senate is ready to accept amendments thereto, and to ask if the Assembly has any further amendments to transmit to the Senate.

Resolution read, and on motion of Senator Rich, adopted.

**Appointment of Special Committee.**

The President announced, in accordance with the above resolution, the appointment of Senators Keeling, Law, and Cunningham.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your Honorable Body that the Assembly on this day transmitted to Senate amendments to:

|                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 119. | Assembly Bill No. 207. |
| Assembly Bill No. 122. | Assembly Bill No. 208. |
| Assembly Bill No. 123. | Assembly Bill No. 209. |
| Assembly Bill No. 124. | Assembly Bill No. 210. |
| Assembly Bill No. 125. | Assembly Bill No. 211. |
| Assembly Bill No. 126. | Assembly Bill No. 212. |
| Assembly Bill No. 127. | Assembly Bill No. 213. |
| Assembly Bill No. 128. | Assembly Bill No. 214. |
| Assembly Bill No. 129. | Assembly Bill No. 215. |
| Assembly Bill No. 130. | Assembly Bill No. 216. |
| Assembly Bill No. 131. | Assembly Bill No. 217. |
| Assembly Bill No. 132. | Assembly Bill No. 218. |
| Assembly Bill No. 133. | Assembly Bill No. 219. |
| Assembly Bill No. 134. | Assembly Bill No. 220. |
| Assembly Bill No. 135. | Assembly Bill No. 221. |
| Assembly Bill No. 136. | Assembly Bill No. 222. |
| Assembly Bill No. 137. | Assembly Bill No. 223. |
| Assembly Bill No. 138. | Assembly Bill No. 224. |
| Assembly Bill No. 139. | Assembly Bill No. 225. |
| Assembly Bill No. 140. | Assembly Bill No. 226. |
| Assembly Bill No. 141. | Assembly Bill No. 227. |

Assembly Constitutional Amendment No. 51.

Assembly Concurrent Resolution No. 29.

JAMES G. SMYTH, Chief Clerk of Assembly.

By H. ARTHUR DANIELS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your Honorable Body that the Assembly returns without recommendation:

|                      |                      |
|----------------------|----------------------|
| Senate Bill No. 5.   | Senate Bill No. 328. |
| Senate Bill No. 40.  | Senate Bill No. 342. |
| Senate Bill No. 51.  | Senate Bill No. 399. |
| Senate Bill No. 64.  | Senate Bill No. 406. |
| Senate Bill No. 70.  | Senate Bill No. 410. |
| Senate Bill No. 73.  | Senate Bill No. 420. |
| Senate Bill No. 158. | Senate Bill No. 433. |
| Senate Bill No. 167. | Senate Bill No. 484. |
| Senate Bill No. 175. | Senate Bill No. 491. |
| Senate Bill No. 177. | Senate Bill No. 549. |
| Senate Bill No. 219. | Senate Bill No. 520. |
| Senate Bill No. 225. | Senate Bill No. 597. |
| Senate Bill No. 235. | Senate Bill No. 637. |
| Senate Bill No. 250. | Senate Bill No. 638. |
| Senate Bill No. 251. |                      |



Senate Bill No. 643.  
Senate Bill No. 647.  
Senate Bill No. 649.  
Senate Bill No. 650.  
Senate Bill No. 668.  
Senate Bill No. 727.  
Senate Bill No. 755.  
Senate Bill No. 756.  
Senate Bill No. 802.  
Senate Bill No. 807.  
Senate Bill No. 821.  
Senate Bill No. 826.  
Senate Bill No. 912.  
Senate Bill No. 979.

Senate Constitutional Amendment No. 1.  
Senate Constitutional Amendment No. 33.  
Senate Concurrent Resolution No. 29.  
Senate Joint Resolution No. 11.  
Senate Joint Resolution No. 20.

Senate Bill No. 1014.  
Senate Bill No. 1015.  
Senate Bill No. 1056.  
Senate Bill No. 1104.  
Senate Bill No. 1118.  
Senate Bill No. 1129.  
Senate Bill No. 1131.  
Senate Bill No. 1132.  
Senate Bill No. 1133.  
Senate Bill No. 1143.  
Senate Bill No. 1155.  
Senate Bill No. 1159.  
Senate Bill No. 1160.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1937.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage:

Senate Bill No. 888—An act providing an additional or alternative method for financing the acquisition, construction or completion of public utilities by any public agency of the State authorized by law to own and operate such public utilities systems by the issuance and sale of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a statutory lien on the revenues derived from the operation of said public utility; and defining the terms public agency and public utility as included herein.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By H. ARTHUR DANIELS, Assistant Clerk.

### Reports of Special Committees.

The following reports of special committees were received:

Senators Keating, Law and Cunningham, the Special Committee appointed to notify the Assembly that the Senate was ready to adjourn, reported that they had notified the Assembly in accordance with their instructions.

Also:

Senator Rich, Swing and Slater, the Special Committee appointed to wait upon the Governor and inform him of the Senate's readiness to adjourn sine die, reported that they had performed their duty.

### Appointment of Senators to Prepare Arguments.

The President of the Senate announced the appointment of Senators to write arguments for and against Senate constitutional amendments adopted by the Legislature during the fifty-second session and to be submitted to the people as follows:

Senate Constitutional Amendment No. 9, relating to exemptions of property on account of military service.

For the amendment: Senators Roy J. Nielsen of Sacramento County and Irwin T. Quinn of Humboldt County.

Against the amendment: Senator R. R. Cunningham of Kings County.

Senate Constitutional Amendment No. 25, relating to the time for submission of initiative measures to the electors.

For the amendment: Senators Charles H. Deuel of Butte County and Culbert L. Olson of Los Angeles County.

Against the amendment: None.

Senate Constitutional Amendment No. 28, relating to motor vehicle taxation and licenses.

For the amendment: Senators William F. Knowland of Alameda County and Sæderson Young of Santa Clara County.

Against the amendment: None.

Senate Constitutional Amendment No. 31, relating to State money.

For the amendment: Senators Frank L. Gordon of Napa County and Herbert W. Slater of Sonoma County.

Against the amendment: None.

Senate Constitutional Amendment No. 32, relating to the lending of public credit.

For the amendment: Senators Roy J. Nielsen of Sacramento County and W. P. Rich of Yuba County.

Against the amendment: None.

Senate Constitutional Amendment No. 34, relating to the exemption of certain property from taxation.

For the amendment: Senators Thomas F. Keating of Marin County and Walter McEvers of San Francisco County.

Against the amendment: None.

### **Appointment of Interim Committees.**

The President of the Senate announced the appointment of Senators as set forth below to serve on the following interim committees:

Resolution by Senators Delap, Lamm, Sæding, Powers, Pierovich, Sawell, Jaspersen, Phillips, Schottay, and McBride, relating to methods and means for promoting temperate use of alcoholic beverages, adopted May 28, 1937. (Five members.)—Ralph E. Stone, Chairman, Edward H. Law, A. L. Pierovich, Harold J. Powers, and Andrew R. Schottay.

Resolution by Senator Metzger, relating to marketing of live stock, adopted May 28, 1937. (Five members.)—H. Jack Metzger, Chairman, George M. Ringer, Karl P. Kenough, Frank W. Meyer, and J. I. Wager.

Resolution by Senator Jaspersen, relating to State hospitals, adopted May 28, 1937. (Three members.)—Clas N. Jaspersen, Chairman, Ed Fletcher, and James B. Holohan.

Resolution by Senators Pierovich and McGill, relating to workmen's compensation insurance, adopted May 28, 1937. (Three members.)—John B. McGill, Chairman, Edward H. Thiele, and Dan E. Williams.

Resolution by Senator Parkman, relating to investigation of toll bridges, adopted May 28, 1937. (Five members.)—Harry L. Parkman, Chairman, F. H. Delap, Thomas F. Keating, Roy J. Nielsen, and Herbert W. Slater.

Resolution by Senator Gordon, relating to fish and game administration, adopted May 28, 1937. (Five members.)—Frank L. Gordon, Chairman, James M. Allen, Charles H. Denel, Irwin T. Quinn, and Harry C. Westover.

Resolution by Senators Crittenden and Phillips, relating to agriculture and marketing, adopted May 28, 1937. (Five members.)—Bradford

S. Crittenden, Chairman J. C. Garrison, James J. McBride, Thomas McCormack, and John Phillips.

Resolution by Senator Seawell, relating to governmental efficiency, adopted May 28, 1937 (Five members — Jerrold L. Seawell, Chairman, Ray W. Hays, William F. Knowland, W. P. Rich, and Sanborn Young.

### **Further Appointments by President of Senate.**

Pursuant to the provisions of Senate Concurrent Resolution No. 24, the President announced the appointment of Senators Knowland and DeLap as members of the committee to select and purchase a portrait of the late Charles M. Weber and arrange its hanging upon the walls of the Senate Chamber.

### **APPROVAL OF JOURNAL.**

The Senate Journal of this legislative day, Friday, May 28, 1937, was, on motion of Senator Rich, approved as corrected by the Minute Clerk.

### **FINAL ADJOURNMENT.**

Whereupon at five o'clock p.m., in accordance with the provision of Senate Concurrent Resolution No. 37, the President declared the fifty-second session of the Senate of the State of California adjourned sine die, out of respect to the memory of the late Isaac Jones, former member of the Assembly.

**JOSEPH A. BEEK,**  
Secretary of the Senate.

**GEORGE J. HATFIELD,**  
President of the Senate.

**ELLSWORTH W. SCAMMON,**  
Minute Clerk of the Senate.

**W. P. RICH,**  
President pro tempore of the Senate.

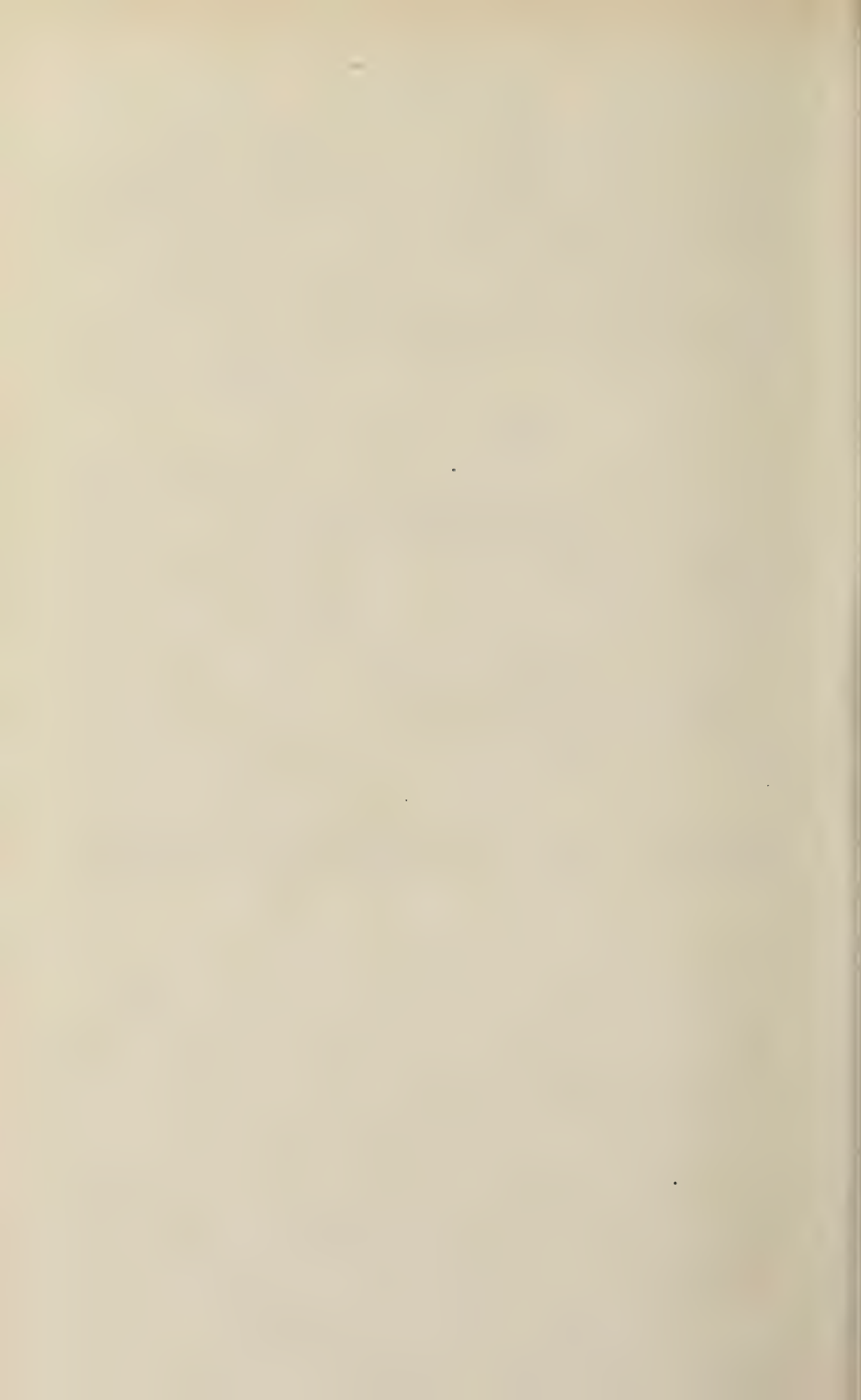
**JAMES BOYD GARRISON,**  
Assistant Minute Clerk of the Senate.

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# INDEX

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# INDEX TO SENATE JOURNAL

## A

|                                                                                                             | Page       |
|-------------------------------------------------------------------------------------------------------------|------------|
| ARREY, E. R. Extended privilege of the floor                                                                | 1219       |
| ARREY, JAMES B. Extended privilege of the floor                                                             | 2207       |
| ARREY, MRS. E. S. Extended privilege of the floor                                                           | 1721       |
| ARMSTRONG, HUGH R. House, Gov. of Missouri                                                                  |            |
| Comm. on Finance from selecting to make of Missouri's Material of Legislative                               |            |
| Proceedings                                                                                                 | 442        |
| ADAMS, MISS EADIE. Extended privilege of the floor                                                          | 1721       |
| Resolution of appointment                                                                                   | 1775       |
| ADAMS, J. R. Extended privilege of the floor                                                                | 2527       |
| ADAMS, JOHN H. Extended privilege of the floor                                                              | 718        |
| ADJOURNMENT                                                                                                 |            |
| Constitutional issues                                                                                       | 135        |
| Sine die                                                                                                    | 3505       |
| ADMISSION DAY                                                                                               |            |
| Special Committee. Amended House A. C. R. No. 15 for consideration of                                       | 2205       |
| ADVISORY PAROLE BOARD                                                                                       |            |
| Report of                                                                                                   | 2157       |
| AGED                                                                                                        |            |
| Resolution of the President and Congress to consider date of, in California                                 | 1026       |
| AGUE, THOMAS H. Extended privilege of the floor                                                             | 1521       |
| AGNEW, W. DEAN. Extended privilege of the floor                                                             | 1245       |
| AGRICULTURAL INDUSTRY                                                                                       |            |
| Appointments on committee to investigate                                                                    | 353        |
| Resolution of the Senate Committee to investigate, adopted                                                  | 352        |
| AGRICULTURAL PROBLEMS                                                                                       |            |
| Report of committee on investigation of                                                                     | 3344       |
| AGRICULTURAL PRODUCTS                                                                                       |            |
| Resolution of the Senate Committee to investigate products connected with                                   | 2950       |
| AGRICULTURAL PROBATE COMMISSION                                                                             |            |
| Appointments to                                                                                             | 1160, 1220 |
| appointments to, confirmed                                                                                  | 1178, 1268 |
| AGRICULTURE, COMMITTEE ON                                                                                   |            |
| Appointed                                                                                                   | 133        |
| ALBRECHT, R. S. Extended privilege of the floor                                                             | 2605       |
| ALCOHOLIC BEVERAGES                                                                                         |            |
| Resolution creating committee to study methods for promoting temperance use                                 | 2866, 3431 |
| ALDERMAN, ROBERT G.                                                                                         |            |
| Appointed Engineering and Firefighting Clerk                                                                | 31, 437    |
| Speech from the well                                                                                        | 349        |
| ALEXANDER, MRS. PAUL. Extended privilege of the floor                                                       | 1171       |
| ALHAMBRA UNION HIGH SCHOOL. Motion. People of, extended privilege of the floor                              | 569        |
| ALIENS                                                                                                      |            |
| Estimated relief going to                                                                                   | 1420       |
| Resolution on extended times for relief to                                                                  | 3321       |
| Resolution requesting State departments to propose legislation regarding                                    | 2973       |
| ALLEN, MRS. A. V. Extended privilege of the floor                                                           | 2124       |
| ALLEN, MAJOR C. BERT. Extended privilege of the floor                                                       | 344        |
| ALLEN, DONALD. Extended privilege of the floor                                                              | 1245       |
| ALLEN, MRS. GENEVIEVE. Extended privilege of the floor                                                      | 3116       |
| ALLEN, SENATOR JAMES M.                                                                                     |            |
| Committees appointed on                                                                                     |            |
| Contract Election                                                                                           | 16         |
| Price Conference                                                                                            |            |
| A. B. No. 1757                                                                                              | 3268       |
| A. B. No. 2773                                                                                              | 3034       |
| Interim Committee on Fish and Game Administration                                                           | 3505       |
| Demands roll call on adoption of motion to reconsider vote whereby A. B. No. 2353 was referred to committee | 3385       |
| Favorable vote on S. B. No. 310                                                                             | 1530       |
| Gives notice of reconsideration                                                                             |            |
| A. B. No. 808                                                                                               | 2994       |
| S. B. No. 349                                                                                               | 1308       |



ATTORNEY GENERAL

PAGE

|                                                                                 |      |
|---------------------------------------------------------------------------------|------|
| <i>Opinion transmitted on DUBOIS petition</i>                                   | 47   |
| <i>Opinion re legislative petition for funding airport</i>                      | 144  |
| <i>Opinion re suspension of Legislators to grant petition to Louis J. Mayer</i> | 804  |
| <i>Opinion re letter to speaking bill</i>                                       | 452  |
| AUGUSTUS MR. and MRS. W. H. Extended privilege of the floor                     | 2600 |
| ALLEN, E. T. Extended privilege of the floor                                    | 207  |
| ATKIN, FLORENCE and DALLAN Extended privilege of the floor                      | 2605 |
| AVIATION AND AIRCRAFT                                                           |      |
| Appropriation of committee on                                                   | 103  |

B

|                                                                                  |      |
|----------------------------------------------------------------------------------|------|
| BAILEY, H. J. and HENRIETTA Extended privilege of the floor                      | 1122 |
| BAILEY, A. G. Extended privilege of the floor                                    | 1292 |
| BAILEY, GEORGE F. E. Extended privilege of the floor                             | 1410 |
| BAILEY, MAE W. Transferred to 1935 session                                       | 567  |
| BAKER, DUDLEY W. Extended privilege of the floor                                 | 2600 |
| BAKER, CLAUDE Extended privilege of the floor                                    | 2047 |
| BAKER, MISS C. C. Extended privilege of the floor                                | 738  |
| BAKER, HEN. and MISS C. H. Extended privilege of the floor                       | 1784 |
| BAKER, CHAS. EDWARD                                                              |      |
| Resolution for disbandment of committee on life data and plan for interment      | 2061 |
| Committee appointed to carry out above resolution                                | 2061 |
| BAKER, MILDRED, KATHLEEN and MARGARET Extended privilege of the floor            | 1700 |
| BALL, MISS ELIZABETH Extended privilege of the floor                             | 2605 |
| BANDER, H. L. COUNTY ELEMENTARY SCHOOL, Paper of Extended privilege of the floor | 2190 |
| BANKING                                                                          |      |
| Appropriation of committee on                                                    | 148  |
| BANKS, ANNELE Extended privilege of the floor                                    | 1245 |
| BARATINI MR. and MRS. DAN Extended privilege of the floor                        | 2020 |
| BARON, J. C. Extended privilege of the floor                                     | 517  |
| BARKER, ROBERT S. Extended privilege of the floor                                | 1672 |
| BARKER, MISS GEORGE Extended privilege of the floor                              | 2040 |
| BARNES, A. J. Extended privilege of the floor                                    | 1600 |
| BARNES and SELLS PHOTO COMBINED CIRCLE                                           |      |
| Resolution of thanks to                                                          | 2740 |
| BARTLETT, MRS. E. T. Extended privilege of the floor                             | 700  |
| BARTLETT, FRED Extended privilege of the floor                                   | 1607 |
| BARTLETT, LOUIS Extended privilege of the floor                                  | 1622 |
| BEACH, E. E. and DOROTHY Extended privilege of the floor                         | 2605 |
| BEAL, ERNEST Extended privilege of the floor                                     | 1600 |
| BEAUMONT, MAXINE Extended privilege of the floor                                 | 2605 |
| BEAVER, MISS FLOYD Extended privilege of the floor                               | 700  |
| BEAVER, MRS. MARJORIE Extended privilege of the floor                            | 1730 |
| BECKER, EDDIE Extended privilege of the floor                                    | 1721 |
| Resolution of appreciation to                                                    | 1775 |
| BECKER, MILTON Extended privilege of the floor                                   | 1721 |
| Resolution of appreciation to                                                    | 1775 |
| BEER, JOSEPH A. SECRETARY OF SENATE                                              |      |
| Resolution on extension of permanent testimonial to Louis R. Mayer et al.        | 3275 |
| United Secretary of Senate                                                       | 8    |
| Resolution favor of to any existing bills of session                             | 3247 |
| Resolution favor of the bills to regulate work of session                        | 3248 |
| Resolution for printing 1500 copies Executive Order                              | 3440 |
| BELLON, MR. and MRS. WALLER Extended privilege of the floor                      | 802  |
| BENALLACK, BRIAN Extended privilege of the floor                                 | 2457 |
| BENNETT, A. W. Extended privilege of the floor                                   | 227  |
| BENNETT, H. R. Extended privilege of the floor                                   | 1820 |
| BENNETT, IVAN Extended privilege of the floor                                    | 2605 |
| BENTLEY SCHOOL, BERKELEY Students of, extended privilege of the floor            | 2477 |
| BENY, CHAS. F. Extended privilege of the floor                                   | 717  |
| BERCOVICH, Wm. Extended privilege of the floor                                   | 442  |
| BIRD, MRS. MARIE Extended privilege of the floor                                 | 1820 |
| BERKELEY WOMEN'S CITY CLUB Members of, extended privilege of the floor           | 1721 |
| BERNIER, PHILIP R. Extended privilege of the floor                               | 1692 |



|                                                                                                                                                                                                                                                                                                                                                                                                                             | PAGE            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| BERTRAND, MRS. FRED. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                   | 593             |
| BEVAN, DOROTHY J. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                      | 1171            |
| BENNERIDGE, MISS ISABELLE. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                             | 1757            |
| BEVIL, MRS. P. D. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                      | 593             |
| BIEBER, LAWRENCE. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                      | 2477            |
| BIERY, DONALD H. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                       | 227             |
| BIGELOW, HERMAN and JESSE. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                             | 3117            |
| RIGGAR, A. W. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                          | 450             |
| BIGGAR, SENATOR GEORGE M.                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| Committees appointed on.....                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Interim Committee on live stock marketing.....                                                                                                                                                                                                                                                                                                                                                                              | 3505            |
| Notifying Governor of adjournment for constitutional recess.....                                                                                                                                                                                                                                                                                                                                                            | 404             |
| Gives notice of reconsideration of S. B. No. 680.....                                                                                                                                                                                                                                                                                                                                                                       | 1748            |
| Granted leave of absence for the day.....                                                                                                                                                                                                                                                                                                                                                                                   | 893, 1090, 1602 |
| Motions.....                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| A. J. R. No. 36 be withdrawn from committee for adoption.....                                                                                                                                                                                                                                                                                                                                                               | 1150            |
| S. B. No. 241 be withdrawn from committee for amendment.....                                                                                                                                                                                                                                                                                                                                                                | 1369            |
| S. B. No. 241 be made special order.....                                                                                                                                                                                                                                                                                                                                                                                    | 1702            |
| Senate Bills Nos. 1074 and 1075 be re-referred to committee.....                                                                                                                                                                                                                                                                                                                                                            | 1590            |
| Requests permission to introduce bill.....                                                                                                                                                                                                                                                                                                                                                                                  | 790, 1232       |
| Waives reconsideration of S. B. No. 680.....                                                                                                                                                                                                                                                                                                                                                                                | 1795            |
| BILLS. See, also, SENATE BILLS and ASSEMBLY BILLS.                                                                                                                                                                                                                                                                                                                                                                          |                 |
| Introduction of, after constitutional recess, 439, 465, 471, 591, 708, 745, 791,<br>819, 889, 927, 1025, 1069, 1114, 1177, 1205, 1233, 1299, 1310, 1352,<br>1390, 1425, 1516, 1670, 1772, 1820, 1826, 1887, 1888, 1956, 1996, 2013,<br>2140, 2141, 2153, 2263, 2356, 2397, 2494, 2518, 2575, 2618, 2619, 2640,<br>2684, 2692, 2715, 2728.....                                                                               | 2960            |
| Permission requested to introduce, 439, 581, 707, 744, 790, 818, 887, 927,<br>1025, 1031, 1062, 1068, 1111, 1112, 1113, 1174, 1201, 1204, 1231, 1232,<br>1233, 1285, 1298, 1309, 1310, 1351, 1389, 1424, 1511, 1515, 1607, 1770,<br>1816, 1826, 1885, 1886, 1887, 1955, 1996, 2012, 2139, 2140, 2150, 2151,<br>2152, 2262, 2263, 2343, 2390, 2492, 2493, 2516, 2517, 2574, 2617, 2618,<br>2639, 2683, 2684, 2714, 2728..... | 2959            |
| BING, HERMAN. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                          | 1721            |
| Resolution of appreciation to.....                                                                                                                                                                                                                                                                                                                                                                                          | 1775            |
| BITTENBENDER, DUANE. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                   | 1941            |
| BLACK, JOSEPH. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                         | 1171            |
| BLAIR, GORDON. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                         | 2005            |
| BLATZ, ALFRED.                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| Appointed Assistant at Desk.....                                                                                                                                                                                                                                                                                                                                                                                            | 31              |
| Appointed Assistant Secretary.....                                                                                                                                                                                                                                                                                                                                                                                          | 437             |
| Stricken from pay roll.....                                                                                                                                                                                                                                                                                                                                                                                                 | 344             |
| BLIND, MISS KATHERINE. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                 | 1022            |
| BLUE BOOK, STATE.                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Resolution providing for distribution of, to Senators.....                                                                                                                                                                                                                                                                                                                                                                  | 2322            |
| BLUME, E. R. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                           | 1831            |
| BOARD, MR. and MRS. WILLIAM C., and ROBERT. Extended privilege<br>of the floor.....                                                                                                                                                                                                                                                                                                                                         | 1799            |
| BOARD OF EDUCATION.                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Appointment by Governor to.....                                                                                                                                                                                                                                                                                                                                                                                             | 3185            |
| BOLSWICK, MR. and MRS. OLOS. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                           | 1830            |
| BONITA SCHOOL, CROWS LANDING. Pupils of, extended privilege of<br>the floor.....                                                                                                                                                                                                                                                                                                                                            | 1756            |
| BOUNTY, MISS FAITH. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                    | 1799            |
| BOWEN, CLARISSA E.                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| Appointed Stenographer.....                                                                                                                                                                                                                                                                                                                                                                                                 | 31, 522, 817    |
| Stricken from pay roll.....                                                                                                                                                                                                                                                                                                                                                                                                 | 344, 610        |
| BOWEN, MISS PANSY. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                     | 3116            |
| BOWERS, MRS. EDWARD W. N. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                              | 1419            |
| BOYLE, MRS. FLORENCE D. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                | 1521            |
| Addresses Senate.....                                                                                                                                                                                                                                                                                                                                                                                                       | 1528            |
| BRADEN, J. H. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                          | 2527            |
| BRADLEY, J. H. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                         | 2752            |
| BREEN, MISS ELLEN. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                     | 2605            |
| BREWER, MR. and MRS. THOS. A. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                          | 2292            |
| BRIDGES, MARGUERITE.                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Appointed Stenographer.....                                                                                                                                                                                                                                                                                                                                                                                                 | 31, 438, 818    |
| Stricken from pay roll.....                                                                                                                                                                                                                                                                                                                                                                                                 | 344, 580        |
| BRISKIN, SAM. Resolution of appreciation to.....                                                                                                                                                                                                                                                                                                                                                                            | 1775            |
| BROCK, JOHN. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                           | 1651            |
| BROCKWAY, MRS. DAISY. Extended privilege of the floor.....                                                                                                                                                                                                                                                                                                                                                                  | 1830            |

|                                                    |                                       |      |
|----------------------------------------------------|---------------------------------------|------|
| BROWN, CHUR                                        | Extended privilege of the floor       | 2567 |
| BROWN, CLIFFORD                                    | Extended privilege of the floor       | 2568 |
| BROWN, MRS. E. L.                                  | Extended privilege of the floor       | 1470 |
| BROWN, FRANCES C.                                  | Extended privilege of the floor       | 1471 |
| BROWN, GRACE                                       |                                       | 1472 |
| Appointed interpreter                              |                                       | 2146 |
| Appointed from and sent                            |                                       | 2147 |
| BROWN, JAMES                                       | Extended privilege of the floor       | 2569 |
| BROWN, MRS. LULA                                   | Extended privilege of the floor       | 2570 |
| BROWNING, NORMA                                    | Appointed interpreter                 | 2148 |
| BRYAN, MARGARET                                    | Appointed interpreter                 | 2149 |
| BUCK, MISS FRANK H.                                | Extended privilege of the floor       | 1473 |
| BUDGET, HERBERT                                    | Extended by General Order             | 1474 |
| Reading a communication                            | Appointed interpreter                 | 2150 |
| BUTLER, ANDREW'S ASSOCIATION                       | Appointed interpreter                 | 2151 |
| BUTLER, EVELINE AND MAXWELL ASSOCIATION OF LOTS    | Appointed interpreter                 | 2152 |
| Extended by General Order, endorsing S. R. No. 186 |                                       | 2571 |
| Extended by General Order                          |                                       | 2572 |
| BUT, MARGARET                                      | Extended privilege of the floor       | 1475 |
| BUTLER, MRS. GEORGE                                | Extended privilege of the floor       | 1476 |
| BUTLER, JAMES E.                                   | Extended American Representative rank | 30   |
| BUTLER, EDWARD                                     | Extended privilege of the floor       | 2580 |
| BUTLER, J. L.                                      | Extended privilege of the floor       | 2581 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2582 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2583 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2584 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2585 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2586 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2587 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2588 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2589 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2590 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2591 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2592 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2593 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2594 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2595 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2596 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2597 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2598 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2599 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2600 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2601 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2602 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2603 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2604 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2605 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2606 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2607 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2608 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2609 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2610 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2611 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2612 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2613 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2614 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2615 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2616 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2617 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2618 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2619 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2620 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2621 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2622 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2623 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2624 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2625 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2626 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2627 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2628 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2629 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2630 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2631 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2632 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2633 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2634 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2635 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2636 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2637 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2638 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2639 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2640 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2641 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2642 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2643 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2644 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2645 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2646 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2647 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2648 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2649 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2650 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2651 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2652 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2653 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2654 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2655 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2656 |
| BUTLER, MRS. SUE                                   | Extended privilege of the floor       | 2657 |

## C

|                                                                                                     |      |
|-----------------------------------------------------------------------------------------------------|------|
| CADAN, IRON AND MRS. CORNELIUS C. (Commenced privilege of the floor)                                | 1987 |
| CALLIE BERNARD J. (Extended privilege of the floor)                                                 | 1991 |
| CALIFORNIA MISS BEVERLY L. (Extended privilege of the floor)                                        | 1990 |
| CALIFORNIA SENATORIAL CONFERENCE                                                                    | —    |
| CALVIN N. BERNARD J. (Extended privilege of the floor)                                              | 1991 |
| CALIFORNIA ASSEMBLY OF YOUTH (Advised of, extended privilege of the floor)                          | 1571 |
| CALIFORNIA CODE COMMISSION (Advised of, extended privilege of the floor)                            | 1619 |
| CALIFORNIA LEAGUE OF WOMEN VOTERS<br>(Extended privilege of the floor)                              | 801  |
| CALIFORNIA MEDICAL ASSOCIATION, COUNCIL OF<br>County of Los Angeles Medical Association             | 1142 |
| CALIFORNIA PRUNE AND ALMOND GROWERS' ASSOCIATION<br>(Presented and Senator will take it up at once) | 1496 |
| CALIFORNIA TOLL BRIDGE AUTHORITY<br>(Advised of, extended privilege of the floor)                   | 1421 |
| CALL, MRS. ALBERT. (Extended privilege of the floor)                                                | 1219 |
| CALL OF THE SENATE<br>Dispersal only                                                                | —    |
| A. B. No. 12                                                                                        | 1611 |
| A. B. No. 14                                                                                        | 1610 |
| A. B. No. 16                                                                                        | 1582 |
| A. B. No. 18                                                                                        | 1680 |
| A. B. No. 880                                                                                       | 1590 |
| A. B. No. 1574                                                                                      | 1738 |
| A. B. No. 1678                                                                                      | 1582 |
| A. B. No. 1750                                                                                      | 1492 |
| A. B. No. 1968                                                                                      | 2341 |
| A. B. No. 1961                                                                                      | —    |
| A. B. No. 2052                                                                                      | 2800 |
| A. B. No. 2250                                                                                      | 2800 |
| A. B. No. 2326                                                                                      | 2742 |
| A. B. No. 2826                                                                                      | 2826 |
| A. B. No. 2853                                                                                      | 2900 |

## CALL OF THE SENATE—Continued.

Dispensed With on—Continued.

PAGE

|                                                      |            |
|------------------------------------------------------|------------|
| A. B. No. 2899                                       | 2756       |
| A. J. R. No. 45                                      | 2624       |
| Report of Committee on Rules                         |            |
| 1201, 1232, 1298, 1515, 1772, 1829, 1886, 1966, 2006 | 2397       |
| S. B. No. 44                                         | 2209       |
| S. B. No. 103                                        | 1794       |
| S. B. No. 186                                        | 2497       |
| S. B. No. 222                                        | 2622       |
| S. B. No. 306                                        | 2415, 2483 |
| S. B. No. 444                                        | 3144       |
| S. B. No. 466                                        | 2179       |
| S. B. No. 474                                        | 2204       |
| S. B. No. 549                                        | 1402       |
| S. B. No. 596                                        | 1662       |
| S. B. No. 549                                        | 1796       |
| S. B. No. 729                                        | 2250       |
| S. B. No. 799                                        | 1590       |
| S. B. No. 840                                        | 2068       |
| S. B. No. 949                                        | 1198       |
| S. B. No. 947                                        | 2789       |
| S. B. No. 1101                                       | 2098, 2373 |
| S. B. No. 1161                                       | 2718       |
| S. C. R. No. 31                                      | 1844       |
| S. C. R. No. 38                                      | 2216       |
| S. C. A. No. 9                                       | 1811       |
| S. C. A. No. 11                                      | 2705       |

Moved on—

|                                                                                                                                                                                                                                          |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Absence of quorum, 386, 1031, 1063, 1269, 1304, 1899, 1987, 2000, 2029, 2059, 2092, 2143, 2150, 2174, 2259, 2266, 2323, 2416, 2465, 2506, 2545, 2567, 2781, 2830, 2855, 2868, 2930, 2952, 2965, 3016, 3066, 3196, 3226, 3252, 3279, 3327 | 3370 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|

Adoption of report of Committee on Rules.

|                                                            |      |
|------------------------------------------------------------|------|
| 1202, 1231, 1285, 1511, 1668, 1771, 1816, 1885, 1956, 2344 | 2390 |
| A. B. No. 12, urgency clause to                            | 1640 |
| A. B. No. 21                                               | 3107 |
| A. B. No. 103                                              | 2881 |
| A. B. No. 193                                              | 391  |
| A. B. No. 303                                              | 2685 |
| A. B. No. 880                                              | 2530 |
| A. B. No. 1078                                             | 2024 |
| A. B. No. 1574                                             | 1798 |
| A. B. No. 1678                                             | 2679 |
| A. B. No. 1750                                             | 3387 |
| A. B. No. 1918                                             | 2339 |
| A. B. No. 2052                                             | 2656 |
| A. B. No. 2250                                             | 3334 |
| A. B. No. 2326                                             | 2734 |
| A. B. No. 2826                                             | 2032 |
| A. B. No. 2853                                             | 2868 |
| A. B. No. 2860                                             | 2754 |
| A. C. R. No. 23                                            | 369  |
| A. J. R. No. 45                                            | 2622 |
| S. B. No. 74                                               | 2205 |
| S. B. No. 103                                              | 1794 |
| S. B. No. 166                                              | 1554 |
| S. B. No. 186                                              | 2495 |
| S. B. No. 222                                              | 2318 |
| S. B. No. 397                                              | 270  |
| S. B. No. 356                                              | 2414 |
| S. B. No. 444                                              | 3135 |
| S. B. No. 466, urgency clause to                           | 1559 |
| S. B. No. 466, rescind action in passing                   | 2175 |
| S. B. No. 471                                              | 2200 |
| S. B. No. 519                                              | 1401 |
| S. B. No. 554                                              | 932  |
| S. B. No. 563, urgency clause to                           | 1659 |
| S. B. No. 579                                              | 1795 |
| S. B. No. 689                                              | 3162 |
| S. B. No. 729                                              | 2547 |
| S. B. No. 799, urgency clause to                           | 1589 |
| S. B. No. 840                                              | 2065 |
| S. B. No. 946                                              | 1165 |

CALL OF THE SENATE. Continued.

|                                                                             |         |      |
|-----------------------------------------------------------------------------|---------|------|
| Mr. Tolson, Continued                                                       |         | Page |
| S. R. No. 1191                                                              | 2098    | 2871 |
| S. R. No. 1191                                                              |         | 2718 |
| S. C. R. No. 28                                                             |         | 1732 |
| S. C. R. No. 31                                                             |         | 1843 |
| S. C. R. No. 34                                                             |         | 2215 |
| S. C. A. No. 9                                                              |         | 1810 |
| S. C. A. No. 11                                                             |         | 2793 |
| CALDWELL, FRANCES                                                           |         |      |
| Appointed to Commission                                                     | 106, 44 | 818  |
| Speeches, House of Representatives                                          | 345     | 580  |
| CAMERON, HARRY D. Extended privilege of the floor                           |         | 1248 |
| CAMPBELL, JUDGE A. M. Extended privilege of the floor                       |         | 268  |
| CAMPBELL, MRS. H. WARD. Extended privilege of the floor                     |         | 501  |
| CAMPBELL, J. BYLWALL. Extended privilege of the floor                       |         | 508  |
| CARLETON, DAN J. Extended privilege of the floor                            |         | 1418 |
| CARLSON, MR. and MRS. E. A. Extended privilege of the floor                 |         | 1530 |
| CARLSON, MRS. THOMAS. Extended privilege of the floor                       |         | 1721 |
| CARMEL, SAN JOAQUIN HIGHWAY. Committee appointed to study and report on     |         | 2611 |
| CARMICHAEL, GEORGE, SACRAMENTO. Death of. Extended privilege of the floor   |         | 1246 |
| CARQUINEZ, BRIGIDA                                                          |         |      |
| Report of Commission for Foreign Ancestry on                                |         | 1425 |
| Resolving Mexican Railway Commission on investigation into the              |         | 802  |
| Senate. House. Report of Committee on Immigration pending                   |         | 492  |
| Statistical Bureau. Callings, copies sent to members of                     | 1849    | 1278 |
| CARRISON, GEORGE, THE GRAY. Speeches, extended privilege of the floor       |         | 1278 |
| CARRIS, MRS. JERRE. Extended privilege of the floor                         |         | 1601 |
| CARRIS, MRS. GEORGE and EUGENE. Extended privilege of the floor             |         | 2062 |
| CARRIS, JAMES W. Extended privilege of the floor                            |         | 1418 |
| CARRIS, MRS. J. C. Extended privilege of the floor                          |         | 1801 |
| CASABARY, PETER J. Extended privilege of the floor                          |         | 2000 |
| CASLEMON, EDITH SCHOOL. Students of, extended privilege of the floor        |         | 1292 |
| CASSIDY, MR. and MRS. VIL. Extended privilege of the floor                  |         | 1792 |
| CHAMBERLAIN, MRS. R. H. MOULTON and ALFRED. Extended privilege of the floor |         | 1001 |
| CHANDLER, W. O. Extended privilege of the floor                             |         | 2000 |
| CHAOCHIN, HANG, CONSUL GENERAL OF CHINA. Extended privilege of the floor    |         | 1781 |
| CHAPEL OF SENATE                                                            |         |      |
| Chapel, House of Representatives                                            |         | 97   |
| Rev. Canon A. KIRBY, cleric                                                 |         | 9    |
| CHAPMAN, MRS. DILLIUS. Extended privilege of the floor                      |         | 2401 |
| CHASE, EUGENE. Extended privilege of the floor                              |         | 50   |
| CHASE, JOHN A. Extended privilege of the floor                              |         | 2477 |
| CHASE, MISS PEARL. Extended privilege of the floor                          |         | 2564 |
| CHILDS, JUDGE JOHN E. Extended privilege of the floor                       |         | 1799 |
| CHRISTIAN, IRON FISH. Extended privilege of the floor                       |         | 54   |
| CHURCH, JOHN GAYLORD                                                        |         |      |
| Appointed to Commission                                                     |         | 115  |
| Appointed to Commission                                                     |         | 128  |
| CHURCHILL, J. FRANK. Extended privilege of the floor                        |         | 1830 |
| CHURCH, P. F. Extended privilege of the floor                               |         | 2920 |
| CIVIL SERVICE                                                               |         |      |
| Appointment of Commission on                                                |         | 123  |
| Report on Senate Committee on                                               | 174     | 175  |
| CLARK, MRS. R. C. Extended privilege of the floor                           | 502     | 501  |
| CLARK, MR. and MRS. KENT. Extended privilege of the floor                   |         | 1171 |
| CLARK, MISS LUE. Extended privilege of the floor                            |         | 1009 |
| CLARK, WILLIAM J. Extended privilege of the floor                           |         | 1531 |
| CLARKE, JUDGE ROBERT M. Extended privilege of the floor                     |         | 1721 |
| CLAWSON, WILLIAM. Extended privilege of the floor                           |         | 2005 |
| CLEMENS, MILDRED J. Extended privilege of the floor                         |         | 2825 |
| CLEMENTS, GEORGE P.                                                         |         |      |
| Appointed to Agricultural Promote Commission                                | 1160    | 1220 |
| Appointed to Commission                                                     | 1178    | 1268 |
| CLONEY, GEORGE G. Extended privilege of the floor                           |         | 1941 |
| CLOUTMAN, IRON, HAROLD C. Extended privilege of the floor                   |         | 543  |
| COATS, JUDGE ARTHUR. Extended privilege of the floor                        |         | 1419 |
| COCHRAN, MRS. T. E. Extended privilege of the floor                         |         | 887  |
| COPIES                                                                      |         |      |
| Resolution authorizing purchase and number of                               |         | 293  |
| Resolution making Sergeant-at-Arms custodian of it and of session           |         | 230  |



|                                                                                                                     | Page                                               |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| COFFMAN, JUDGE J. T. Extended privilege of the floor                                                                | 2362                                               |
| COLLS, HARRY. Resolution of appreciation to                                                                         | 1775                                               |
| COLLE, JOHN. Extended privilege of the floor                                                                        | 802                                                |
| COLLE, MRS. DUKE. Extended privilege of the floor                                                                   | 2477                                               |
| COLTAX GRAMMAR SCHOOL. Pupils of, extended privilege of the floor                                                   | 369                                                |
| COLLIER, HON. FRANK B. Extended privilege of the floor                                                              | 1782                                               |
| COLOMA SCHOOL. Pupils of, extended privilege of the floor                                                           | 2292                                               |
| COLORADO LEGISLATURE. House Joint Memorial No. 5                                                                    | 550                                                |
| COLUSA COUNTY BOYS SENATE. Members of, extended privilege of the floor                                              | 1720                                               |
| COLUSA ELEMENTARY SCHOOL. Pupils of, extended privilege of the floor                                                | 2190                                               |
| COLVIN, CHARLES F. Appointed Assistant Sergeant at Arms                                                             | 817                                                |
| COMMERCE AND NAVIGATION. Appointment of committee on                                                                | 133                                                |
| COMMITTEE.                                                                                                          |                                                    |
| Civil Service, Special, report of                                                                                   | 174                                                |
| Contingent Expenses                                                                                                 | 227, 279, 345, 346, 352, 436, 475, 925, 1389, 1666 |
| Contingent Expenses, resolution re shipment members' books and files                                                | 346                                                |
| Contingent Expenses, resolution re mileage                                                                          | 23, 436                                            |
| Contingent Expenses, resolution re Legislative Handbook and Semi-Annual Calendar                                    | 345                                                |
| Contingent Expenses, report on resolution continuing committee to investigate agricultural industry                 | 352                                                |
| Contingent Expenses, report on resolution to pay Math W. Bailey                                                     | 357                                                |
| Contingent Expenses, report on resolution to meet unpaid expenses oil investigating committee                       | 350                                                |
| Craig, Judge Gavin W., recommendations re serving papers on                                                         | 102                                                |
| Escort for President pro tempore                                                                                    | 8                                                  |
| Escort Governor to joint meeting with Assembly                                                                      | 146                                                |
| Election Contest, appointment of                                                                                    | 16                                                 |
| Free Conference. See FREE CONFERENCE.                                                                               |                                                    |
| Investigating oil and gas abstraction, State lands, report of                                                       | 282, 475                                           |
| Investigation law enforcement agencies, creation of                                                                 | 386                                                |
| Personal presentation testimonial to Louis B. Mayer et al.                                                          | 3275                                               |
| Public Morals, appointment of                                                                                       | 220                                                |
| Purchase of portrait of late Chas. M. Weber                                                                         | 3506                                               |
| Report, Joint Committee under A. C. R. No. 6                                                                        | 311                                                |
| Special Liquor Investigating, report of                                                                             | 67                                                 |
| Standing, appointment of                                                                                            | 133                                                |
| Temporary, Rules                                                                                                    | 11                                                 |
| Wait on Assembly                                                                                                    | 10, 404, 3503                                      |
| Wait on Governor                                                                                                    | 10, 404, 3503                                      |
| COMMITTEE OF THE WHOLE.                                                                                             |                                                    |
| A. C. R. No. 18, motion to consider in                                                                              | 595, 812                                           |
| Initiative S. B. No. 1 referred to                                                                                  | 174                                                |
| considered in                                                                                                       | 197, 207                                           |
| S. B. No. 304 considered in                                                                                         | 2149                                               |
| S. B. No. 309 considered in                                                                                         | 1641                                               |
| COMMITTEE MEETINGS. Time and place of                                                                               | 441, 568                                           |
| COMMONS, MRS. O. L. Extended privilege of the floor                                                                 | 1830                                               |
| COMMUNICATION.                                                                                                      |                                                    |
| Argentine Sanitary Agreement, opposing ratification of                                                              | 444                                                |
| Arnold, A. G., opposing legislation patterned after National Labor Relations Act                                    | 2616                                               |
| Atkinson, Mrs. F. W., expressing appreciation of tribute to husband                                                 | 3116                                               |
| Building Owners and Managers Association, Los Angeles, endorsing S. B. No. 186, opposing reduction of Sales Tax     | 2527                                               |
| California League of Women Voters, protesting hasty appointment to Personnel Board                                  | 803                                                |
| California Medical Association, urging passage of A. B. No. 2790                                                    | 2142                                               |
| Chief, Department of Motor Vehicles, submitting data re activities of department                                    | 3213                                               |
| Chief, Division of State Lands, re title certificates issued under Torrence Act                                     | 250                                                |
| Civilian Conservation Corps, re Congressional legislation for                                                       | 444                                                |
| Colorado Legislature, re relief of transients                                                                       | 550                                                |
| Craig, Judge Gavin W., requesting funds for preparing defense                                                       | 232, 313                                           |
| Curriculum of Social Service, U. S., requesting larger appropriation                                                | 444                                                |
| Delano Auxiliary, American Legion, re adequate water supply for State institutions, Napa County                     | 1863                                               |
| Department of Finance, transmitting copy agreement with Standard Oil Company for Easement No. 338, Huntington Beach | 1046                                               |
| Department of Social Welfare, estimating amount of relief to aliens                                                 | 1420                                               |
| Election Contest, Reindollar vs. Keating                                                                            | 18                                                 |
| Federal Farm Mortgage Corporation bonds, interest rate on                                                           | 444                                                |

## COMMUNICATION—Continued

[illegible]

|                                                                                                          | PAGE             |
|----------------------------------------------------------------------------------------------------------|------------------|
| CONWAY, LELLA. Extended privilege of the floor                                                           | 2605             |
| CONWAY, THOS. N. Extended privilege of the floor                                                         | 1831             |
| COOMBS, A. S. Extended privilege of the floor                                                            | 1045             |
| COORAN, MRS. I. N. Extended privilege of the floor                                                       | 593              |
| CORNING UNION HIGH SCHOOL. Students of, extended privilege of floor                                      | 801              |
| CORPORATIONS AND FINANCIAL INSTITUTIONS. Appointment of committee on                                     | 133              |
| CORSON, MRS. A. E. Extended privilege of the floor                                                       | 592              |
| COTTON, JUDGE A. Extended privilege of the floor                                                         | 1693             |
| COUGHLIN, D. M. Extended privilege of the floor                                                          | 268              |
| COUNCIL OF STATE GOVERNMENTS. Proclamation from                                                          | 13               |
| COUNTY GOVERNMENT. Appointment of committee on                                                           | 133              |
| COURTLAND GRAMMAR SCHOOL. Pupils of, extended privilege of the floor                                     | 758              |
| COWAN, MR. and MRS. J. GORDON. Extended privilege of the floor                                           | 802              |
| COX, JOSEPH D. Extended privilege of the floor                                                           | 885, 1830        |
| CRAFTREE, MRS. REX. Extended privilege of the floor                                                      | 1831             |
| CRAIG, JUDGE GAVIN W.                                                                                    |                  |
| Affidavit re charges in A. C. R. No. 6 to remove from office                                             | 314              |
| Communication from, appealing for funds for his defense                                                  | 232, 313         |
| Communication from Los Angeles Bar Association regarding                                                 | 15               |
| Communication from State Bar urging removal of                                                           | 48               |
| Notice of hearing of complaint concerning                                                                | 132              |
| Proceedings for removal of                                                                               | 48               |
| Recommendation of Special Committee re serving papers on                                                 | 102              |
| Report of Joint Committee created by A. C. R. No. 6                                                      | 311              |
| Resolution from Los Angeles Lawyers' Club urging removal of                                              | 50               |
| CRAIG, TED. Appointed Page                                                                               | 1024             |
| CRANDALL, W. C. Extended privilege of the floor                                                          | 169              |
| CRAVENS, MISS JANE. Extended privilege of the floor                                                      | 344              |
| CRAWFORD, DR. E. H. Extended privilege of the floor                                                      | 1830             |
| CRIDALL, ALTA B. Extended privilege of the floor                                                         | 593              |
| CRISPEN, VERNON. Extended privilege of the floor                                                         | 2477             |
| CRITTENDEN, SENATOR BRADFORD S.                                                                          |                  |
| Committees appointed on                                                                                  |                  |
| Free Conference on:                                                                                      |                  |
| A. B. No. 3                                                                                              | 2931             |
| S. B. No. 166                                                                                            | 3258             |
| S. B. No. 439                                                                                            | 3255             |
| S. B. No. 720                                                                                            | 3383             |
| Interim Committee on Agriculture and Marketing                                                           | 3505             |
| Demands roll call on—                                                                                    |                  |
| Adoption of amendments to S. B. No. 57                                                                   | 1730             |
| Adoption of amendments to S. B. No. 720                                                                  | 1210             |
| Motion to withdraw A. B. No. 2180 from committee                                                         | 3123             |
| Gives notice of reconsideration of—                                                                      |                  |
| A. B. No. 249                                                                                            | 2876             |
| S. B. No. 1101                                                                                           | 2098             |
| S. B. No. 1121                                                                                           | 2497             |
| Granted leave of absence for the day                                                                     | 1037, 2209, 2825 |
| Motions—                                                                                                 |                  |
| A. B. No. 1268 be withdrawn from Committee on Agriculture and referred to Committee on County Government | 1747             |
| Call of Senate on S. B. No. 222                                                                          | 2318             |
| Reconsider vote whereby A. B. No. 722 was re-referred to committee                                       | 2963             |
| S. B. No. 166 be made special order                                                                      | 1425             |
| S. B. No. 166 be re-referred to Committee on Agriculture                                                 | 3371             |
| S. B. No. 692 be withdrawn from Committee on Agriculture for amendment                                   | 1780             |
| S. C. A. No. 5 be re-referred to committee                                                               | 2413             |
| Remarks by, on Schottky United States Supreme Court resolution                                           | 498              |
| Requests permission to introduce bill                                                                    | 1285, 2263       |
| Resolutions                                                                                              |                  |
| Continue and fill vacancies in committee to investigate agriculture                                      | 309, 352         |
| Creating committee to investigate marketing of agricultural products, 2950,                              | 3437             |
| Election of statutory officers                                                                           | 7                |
| Memorial, former Assemblyman Isaac Jones                                                                 | 3344             |
| Urging appointment by Governor of Mediation Board                                                        | 3371             |
| CRITTENDEN, MR. and MRS. B. M. Extended privilege of the floor                                           | 3000             |
| CRITTENDEN, MRS. B. S. and MISS EUDORA. Extended privilege of the floor                                  | 3000             |
| CROCKER, E. A. Extended privilege of the floor                                                           | 1022             |
| CROISSANT, WENDA. Extended privilege of the floor                                                        | 2868             |
| CROPPER, MISS AGNES. Extended privilege of the floor                                                     | 1045             |

|                                                                                              |         |
|----------------------------------------------------------------------------------------------|---------|
| CHISHOLM, MISS GLADYS. Extended privilege of the floor                                       | 851     |
| CHISHOLM, MISS GLADYS. Extended privilege of the floor                                       | 2605    |
| CHURCHMAN, VIRGINIA                                                                          |         |
| Appointed subcommittee                                                                       | 11, 111 |
| Resolves from 1911-12                                                                        | 144     |
| CHRY, MR. and MISS HAROLD L. Extended privilege of the floor                                 | 913     |
| CLARK, JOHN C. Extended privilege of the floor                                               | 1219    |
| CLARK, WILLIAM SENATOR H. R.                                                                 |         |
| Appointed subcommittee to study                                                              | 1501    |
| Appointed to prepare introduction against S. C. A. No. 10                                    | 1504    |
| Introduced bill and resolution to study condition of agriculture S. R. No. 43 from committee | 1789    |
| Introduced bill to increase fire insurance                                                   |         |
| Resolves from 1911-12                                                                        | 707     |
| CLARK, THOMAS H. A. Extended privilege of the floor                                          | 1197    |
| CLARK, THOMAS H. A. Extended privilege of the floor                                          | 2042    |
| CLARK, LILLIAN S. Extended privilege of the floor                                            | 2077    |

D

|                                                                                                                           |                  |
|---------------------------------------------------------------------------------------------------------------------------|------------------|
| DALRY, MISS WILLIAM. Extended privilege of the floor                                                                      | 1045             |
| DALL, CHRISTOPHER                                                                                                         |                  |
| Appointed Assistant of Trust                                                                                              | 51               |
| Resolves from 1911-12                                                                                                     | 144              |
| DALL, ANN, DOLL, WOMAN JEANETTE. Taken Senate to give birth                                                               |                  |
| Assembly in hearing Hon. Paul V. McNutt                                                                                   | 1301             |
| DALLAS, MISS D. J. Extended privilege of the floor                                                                        |                  |
| DAMON, R. J. Extended privilege of the floor                                                                              | 1045             |
| DANIEL, H. C. Extended privilege of the floor                                                                             | 2025             |
| DANIEL, WARD. Extended privilege of the floor                                                                             | 1890             |
| D. A. R. (1911) CIVILIANSHIP FRANKLIN. HIGH SCHOOL GIRLS                                                                  |                  |
| Extended privilege of the floor                                                                                           | 1002             |
| DAULTON, MISS H. CLAY. Extended privilege of the floor                                                                    | 886              |
| DAYTON, W. J. Extended privilege of the floor                                                                             | 2026             |
| DAVIS, ERWIN. Extended privilege of the floor                                                                             | 2447             |
| DAVIS, MISS CATHARINE. Extended privilege of the floor                                                                    | 1711             |
| DAVIS, FRANK H. and J. C. Extended privilege of the floor                                                                 | 1779             |
| DAVIS, MRS. LELYN. Extended privilege of the floor                                                                        | 3116             |
| DEAN, GEORGE. Extended privilege of the floor                                                                             | 1117             |
| DECKY, FRED E. Extended privilege of the floor                                                                            | 1407             |
| DEFOUL, ST. AND MRS. WILLIAM. Extended privilege of the floor                                                             | 2042             |
| DELA, SENATOR C. H.                                                                                                       |                  |
| Committee appointed on                                                                                                    |                  |
| House Committee on                                                                                                        |                  |
| A. B. No. 1801                                                                                                            | 2082             |
| A. B. No. 1792                                                                                                            | 2082             |
| S. B. No. 812                                                                                                             | 2080             |
| Finance Committee on 1911 budget                                                                                          | 1005             |
| Navy Committee on purchasing of new naval vessels                                                                         | 1001             |
| President of the State of Miss. Chas. M. Wilson                                                                           | 1001             |
| Resolutions and bills on adoption of amendments to A. B. No. 1724                                                         | 2075             |
| Green notice of transmission of A. B. No. 1760                                                                            | 2846             |
| Reported by the Committee on the day                                                                                      | 1001, 1007, 1122 |
| Motion amendment to S. B. No. 774                                                                                         | 2257             |
| Motions—                                                                                                                  |                  |
| A. B. No. 103 be re-referred to Committee on Labor and Capital                                                            | 2296             |
| A. B. No. 873 be re-referred to Committee on Insurance                                                                    | 2047             |
| A. B. No. 1754 be re-referred to Committee on Finance                                                                     | 2895             |
| A. B. No. 1835 be re-referred to Committee on Municipal Corporations                                                      | 1938             |
| A. B. No. 1889 be withdrawn from Committee on Municipal Corporations and referred to Committee on Governmental Efficiency | 3144             |
| A. B. No. 274 be referred to Committee on Drainage, Swamp and Overlooked Lands                                            | 2876             |
| Call of Senate on A. B. No. 303                                                                                           | 2085             |
| S. B. No. 105 be withdrawn from committee for amendment                                                                   | 474              |
| S. B. No. 478 be re-referred to Committee on Social Security                                                              | 2788             |
| S. B. No. 773 be made special order                                                                                       | 2257             |
| S. B. No. 775 be re-referred to Committee on Revenue and Taxation                                                         | 1670             |
| S. B. No. 1127 be re-referred to Committee on Oil Industries                                                              | 2788             |
| Resolutions pertaining to the temperance bill                                                                             | 1380, 1424       |
| Resolution creating committee to promote temperate use of alcoholic beverages                                             | 3431             |
| Resolution re payment of claims of Case, Laney and Froehlinger                                                            | 3412             |



|                                                                              |                     |
|------------------------------------------------------------------------------|---------------------|
| DELAPE, MRS. T. H., CHRISTINE and T. H., JR. Extended privilege of the floor | 1721, 2867          |
| DEL PASO HEIGHTS SCHOOL. Pupils of, extended privilege of the floor          | 1651                |
| DENISON, MRS. E. S. Extended privilege of the floor                          | 1246                |
| DENNETT, HON. L. L. Extended privilege of the floor                          | 2646                |
| DENNIS, P. W. Extended privilege of the floor                                | 885                 |
| DEUEL, SENATOR CHARLES H.                                                    |                     |
| Appointed 15 Interim Committee on Fish and Game Administration               | 3505                |
| Appointed to prepare arguments for S. C. A. No. 25                           | 3504                |
| Demands roll call on amendments to A. B. No. 2124                            | 3375                |
| Demands roll call on amendments to S. B. No. 425                             | 2171                |
| Gives notice of reconsideration of S. B. No. 785                             | 1032                |
| Granted leave of absence for the day                                         | 101, 105, 168, 2362 |
| Motion                                                                       |                     |
| A. B. No. 1171 be re-referred to Committee on Governmental Efficiency        | 3322                |
| A. B. No. 1173 be re-referred to Committee on Governmental Efficiency        | 3322                |
| A. B. No. 1817 be re-referred to Committee on Civil Service                  | 3371                |
| A. B. No. 2831 be re-referred to Committee on County Government              | 2848                |
| Reconsideration of S. B. No. 785                                             | 1087                |
| Presides over Senate                                                         | 2720                |
| Requests permission to introduce bill                                        | 581, 2618           |
| Resolutions                                                                  |                     |
| Furnishings for offices of Senators                                          | 138                 |
| Memorial, Robert Assemblyman Leair Jones                                     | 3344                |
| Re payment of claims of Case, Laney and Froehlinger                          | 3412                |
| DESH, FRED J. Resolution commending, for efficient service                   | 137                 |
| DE YOUNG, CHAUNCEY C. Extended privilege of the floor                        | 3208                |
| DELLON, R. E. Extended privilege of the floor                                | 158, 885            |
| DINKINS, JOHN H. Extended privilege of the floor                             | 1021                |
| DIXON GRAMMAR SCHOOL. Pupils of, extended privilege of the floor             | 1691                |
| DIXON UNION HIGH SCHOOL. Students of, extended privilege of floor            | 1380                |
| DOCKWEILER, ISADOR. Extended privilege of the floor                          | 1652                |
| DOCUMENTS, SUPERVISOR OF                                                     |                     |
| Communication from, accompanying two legislative publications                | 1220                |
| DODGE, MRS. CHAS. H. Extended privilege of the floor                         | 1799                |
| DODGE, CHAS. L. Extended privilege of the floor                              | 2478                |
| DOEBLER, EMMA                                                                |                     |
| Appointed Stenographer                                                       | 116                 |
| Stricken from pay roll                                                       | 345                 |
| DONAHUE, RODGER. Extended privilege of the floor                             | 1419                |
| DONEHERTY, JAMES. Extended privilege of the floor                            | 1122                |
| DONOVAN, MRS. BELLE. Extended privilege of the floor                         | 2700                |
| DONOVAN, JOSEPH. Extended privilege of the floor                             | 1171                |
| DORTON, MRS. R. M. Extended privilege of the floor                           | 967                 |
| DORTON, DR. and MRS. E. E. Extended privilege of the floor                   | 2362                |
| DOUGHERTY, BERNIE. Extended privilege of the floor                           | 968                 |
| DOUGLAS, D. W. Extended privilege of the floor                               | 1862                |
| DOUGLASS, MRS. L. F., JR. Extended privilege of the floor                    | 1603                |
| DOUVILLE, MARGARET                                                           |                     |
| Appointed Stenographer at Desk                                               | 31, 437             |
| Stricken from pay roll                                                       | 344                 |
| DRAINAGE SWAMP AND OVERFLOWED LANDS. Appointment of committee on             | 133                 |
| DRAKE, J. D. Extended privilege of the floor                                 | 758                 |
| DRAPER, FRED. Extended privilege of the floor                                | 1978                |
| DRESLOW, A. M. Extended privilege of the floor                               | 1220                |
| DRIGGERS, ROY L. Extended privilege of the floor                             | 2605                |
| DROWN, MRS. H. C. Extended privilege of the floor                            | 592                 |
| DRURY, MRS. A. M. Extended privilege of the floor                            | 592                 |
| DRYDEN, MR. and MRS. HORACE. Extended privilege of the floor                 | 802, 3116           |
| DUDLEY, MR. and MRS. E. G. Extended privilege of the floor                   | 115, 2477           |
| DULA, M. W. Extended privilege of the floor                                  | 2900                |
| DUNBAR UNION SCHOOL. Pupils of, extended privilege of the floor              | 1692                |
| DUNBARTON BRIDGE. Report of California Toll Bridge Authority on              | 2428                |
| DUNCAN, MAXINE                                                               |                     |
| Appointed Stenographer                                                       | 31, 438             |
| Stricken from pay roll                                                       | 344                 |
| DUNLAP, WILLIAM. Extended privilege of the floor                             | 468                 |
| DUNLEAVY, C. J. Extended privilege of the floor                              | 1419                |
| DUNLEAVY, MR. and MRS. WILLIAM P. Extended privilege of the floor            | 1171                |
| DUPUY, L. H. Extended privilege of the floor                                 | 1941                |
| DURIAM GRAMMAR SCHOOL. Pupils of, extended privilege of the floor            | 2453                |

| PERSON                    | DATE | AMOUNT |
|---------------------------|------|--------|
| DUNN, WANDA               |      |        |
| Approved: <i>STANLEY</i>  |      |        |
| Signature: <i>STANLEY</i> | 51   | 4.88   |
| DUNN, GEORGE              |      | 4.44   |
| DUNN, JOHN, WALTER H.     |      | 11.92  |
| DUNN, MRS. W. P.          |      | 17.11  |
| DUNN, MRS. W. P.          |      | 17.11  |

## E

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## F

|                                                                                                                  |      |
|------------------------------------------------------------------------------------------------------------------|------|
| FAIRBANKS A. H. Extended privilege of the floor                                                                  | 1502 |
| FAIRBANKS GRAMMAR SCHOOL. Privilege of extended privilege of the floor                                           | 1502 |
| FAIRBANKS MRS. N. L. Extended privilege of the floor                                                             | 1500 |
| FAIR OAKS GRAMMAR SCHOOL. Privilege of extended privilege of the floor                                           | 1578 |
| FANCOLO, JOSE M. Extended privilege of the floor                                                                 | 870  |
| FARRAR, ERWIN E. Extended privilege of the floor                                                                 | 871  |
| FARVER, JAMES R. Extended privilege of the floor                                                                 | 2477 |
| FAY, RALPH W. Extended privilege of the floor                                                                    | 543  |
| FEATHER RIVER HIGHWAY. Appointment of committee to attend to the matter                                          | 2508 |
| FEDERAL COURTS. Resolution following President Roosevelt's proposed                                              | 449  |
| FEDERAL RELATIONS. Appointment of committee on                                                                   | 133  |
| FERRAT, JOHN. Extended privilege of the floor                                                                    | 1078 |
| FERRINI, A. Extended privilege of the floor                                                                      | 887  |
| FERRARI, HON. LOUIS. Extended privilege of the floor                                                             | 968  |
| FISCHER, GUS. Extended privilege of the floor                                                                    | 2060 |
| FINANCE                                                                                                          |      |
| Appointment of committee on                                                                                      | 133  |
| Resolution of committee on recommending passage of A. B. No. 700                                                 | 2064 |
| FINANCE DEPARTMENT OF                                                                                            |      |
| Communication from transmitting copy of agreement with Standard Oil Company for Eastport No. 208, Hingham, Mass. | 1046 |
| FINLEY, EMMETT L. Extended privilege of the floor                                                                | 1571 |
| FINNEY, ERWIN K. Extended privilege of the floor                                                                 | 1960 |
| FISH AND GAME. Appointment of committee on                                                                       | 133  |

| FISH AND GAME ADMINISTRATION.                                                                            |       | PAGE |
|----------------------------------------------------------------------------------------------------------|-------|------|
| Resolution creating temporary committee on.....                                                          | 2821, | 2896 |
| Personal, interim committee on.....                                                                      |       | 3605 |
| FISH AND GAME COMMISSION.                                                                                |       |      |
| Resolution to report on receipts and disbursements for predatory animal control.....                     |       | 227  |
| FISH AND GAME INITIATIVE MEASURE.                                                                        |       |      |
| Operation of Legislative Council to submission of, to electors.....                                      |       | 852  |
| FLETCHER, C. B. Extended privilege of the floor.....                                                     |       | 1671 |
| FLETCHER, THOS. ROBERT. Extended privilege of the floor.....                                             |       | 1629 |
| FISHING CONTROL.                                                                                         |       |      |
| Interim position on.....                                                                                 | 12,   | 142  |
| Procedure.....                                                                                           |       | 113  |
| Report on.....                                                                                           |       | 172  |
| FLAHERTY, R. D. Extended privilege of the floor.....                                                     |       | 1692 |
| FLETCHER, SENATOR ED.                                                                                    |       |      |
| Committee appointed on—                                                                                  |       |      |
| Free Conference on:                                                                                      |       |      |
| S. B. No. 29.....                                                                                        |       | 3130 |
| S. B. No. 33.....                                                                                        |       | 3258 |
| S. B. No. 558.....                                                                                       |       | 3121 |
| Interim Committee on State Hospitals.....                                                                |       | 3505 |
| Notifying Governor of adjournment for constitutional recess.....                                         |       | 404  |
| Demands roll call on adoption of motion to re-refer A. B. No. 508 to Committee on Labor and Capital..... |       | 2882 |
| Demands roll call on motion to re-refer S. B. No. 33 to Committee on Judiciary.....                      |       | 3124 |
| Explains vote on A. C. R. No. 53.....                                                                    |       | 1507 |
| Explains vote on S. B. No. 33.....                                                                       |       | 3343 |
| Gives notice of reconsideration of S. B. No. 979.....                                                    |       | 2169 |
| Granted leave of absence for the day.....                                                                |       | 1908 |
| Memoirs.....                                                                                             |       |      |
| A. B. No. 379 be re-referred to Committee on Finance.....                                                |       | 3275 |
| A. B. No. 379 be re-referred to Committee on Commerce and Navigation.....                                |       | 3385 |
| S. B. No. 29 be re-referred to Committee on Public Morals.....                                           |       | 3343 |
| Call of Senate on S. B. No. 564.....                                                                     |       | 932  |
| Call of Senate on S. B. No. 729.....                                                                     |       | 2547 |
| S. B. No. 72 be referred to Committee on Governmental Efficiency.....                                    |       | 2285 |
| S. B. No. 555 be withdrawn from committee for amendment.....                                             |       | 462  |
| Offers amendment to Senate Rule 8.....                                                                   |       | 55   |
| Remarks on A. C. R. No. 18 re pardon of Thos. J. Mooney.....                                             |       | 825  |
| Requests permission to introduce bill.....                                                               | 1111, | 1174 |
| Resolutions.                                                                                             |       |      |
| Constituting special committee providing offices for Senators.....                                       |       | 137  |
| Notifying Governor of adjournment for constitutional recess.....                                         |       | 404  |
| FLETCHER, FERDINAND. Extended privilege of the floor.....                                                |       | 3298 |
| FLETCHER, VIRGINIA. Extended privilege of the floor.....                                                 |       | 967  |
| FLINT, FORMER SENATOR THOMAS. Resolution relative to death of.....                                       |       | 117  |
| Senate adjourns out of respect to memory of.....                                                         |       | 124  |
| FORAN, DICK. Extended privilege of the floor.....                                                        |       | 1721 |
| Resolution of appreciation to.....                                                                       |       | 1775 |
| FORD, VIRGINIA.                                                                                          |       |      |
| Appointed Stenographer.....                                                                              | 47,   | 443  |
| Stricken from pay roll.....                                                                              |       | 344  |
| FOSTER, F. EUGENE. Extended privilege of the floor.....                                                  |       | 1900 |
| FOSTER, MR. and MRS. REGINALD and DAUGHTER. Extended privilege of floor.....                             |       | 2477 |
| FOSTER, MR. and MRS. WILLIAM. Extended privilege of the floor.....                                       |       | 1171 |
| FOUND, WALTER S. Extended privilege of the floor.....                                                    |       | 1862 |
| FOX, A. W. Extended privilege of the floor.....                                                          | 2362, | 2527 |
| FOX WEST COAST THEATRES. Resolution of thanks to.....                                                    |       | 2661 |
| FRANCHISE TAX COMMISSION.                                                                                |       |      |
| Resolution commending for results in administering Revenue Laws.....                                     |       | 3440 |
| FRANKLIN UNION GRAMMAR SCHOOL. Pupils of, extended privilege of floor.....                               |       |      |
| of floor.....                                                                                            |       | 1977 |
| FRATES, ROBERT. Extended privilege of the floor.....                                                     |       | 1861 |
| FRAZER, DR. and MRS. I. A. Extended privilege of the floor.....                                          |       | 1862 |
| FREE CONFERENCE.                                                                                         |       |      |
| Appointment of Committee on.....                                                                         |       |      |
| A. B. No. 3.....                                                                                         |       | 2931 |
| A. B. No. 236.....                                                                                       |       | 365  |
| A. B. No. 746.....                                                                                       |       | 2848 |
| A. B. No. 950.....                                                                                       |       | 3423 |
| A. B. No. 1176.....                                                                                      |       | 3206 |
| A. B. No. 1757.....                                                                                      |       | 3268 |

## FREE CONFERENCE—(cont.)

## A generalization of Cayley's theorem on Cayley graphs.

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## Reynolds's self-construction was

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| A | B | 200 | 3294 |
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| A | B | 200 | 3298 |
| A | B | 200 | 3299 |
| A | B | 200 | 3300 |
| A | B | 200 | 3301 |
| A | B | 200 | 3302 |
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| A | B | 200 | 3307 |
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| A | B | 200 | 3310 |
| A | B | 200 | 3311 |
| A | B | 200 | 3312 |
| A | B | 200 | 3313 |
| A | B | 200 | 3    |

FRIDMAN, F. I. Extended privileges of the owner.

PRIMONT SCHOOL SACRAMENTO Points of extended privilege of

PREPARED BY: Paula M. ... 2571

FRENCH W. D. Extended privilege of the donor. 71

|                                                |      |
|------------------------------------------------|------|
| THE NORTH W. H. Extended privilege of the day  | 15.5 |
| WILLIAM, WILLIAM Extended privilege of the day | 15.5 |

|                  |                                |      |
|------------------|--------------------------------|------|
| PURPER, GUYANA   | Extended privilege at the time | 1782 |
| PURPER, VIRGINIA | Extended privilege at the time | 9646 |

FRY MRS CORA Extended privilege of the floor

5

|               |                                |      |
|---------------|--------------------------------|------|
| GALBRAITH 1-1 | Extended privilege of the user | 1400 |
|---------------|--------------------------------|------|

|                      |                                  |    |
|----------------------|----------------------------------|----|
| GALVIN, MRS. CLAYTON | Excess of privilege of the floor | 11 |
|----------------------|----------------------------------|----|

|                   |                                |      |
|-------------------|--------------------------------|------|
| GARDNER, JULIA D. | Expanded mortgage at the floor | 17-1 |
|-------------------|--------------------------------|------|

|                       |                                  |      |
|-----------------------|----------------------------------|------|
| GARLOCK MRS WILLIAM A | Extended privileges of the floor | 2252 |
|-----------------------|----------------------------------|------|

|                           |                                   |      |
|---------------------------|-----------------------------------|------|
| GARRISON, MRS. WILLIAM A. | PAID-UP PRISONER, 11th floor..... | 2533 |
| GARRISON, JAMES ROYD      |                                   |      |

Approved: Assistant to Desk

|            |                 |     |
|------------|-----------------|-----|
| Apprentice | Ass. Fire Deck  | 31  |
| Apprentice | Ass. Min. Clerk | 487 |

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GARRISON, SENATOR J. C.

Controlled by  $\text{Cu}^{2+}$  ions

Price Controversy and A. B. No. 1757 \_\_\_\_\_ 1757

|                                                      |      |
|------------------------------------------------------|------|
| Interregional Committee on Agriculture and Marketing | 3505 |
|------------------------------------------------------|------|

|                                                                    |     |
|--------------------------------------------------------------------|-----|
| Papers presented by the author on Agricultural and Marketing ..... | 896 |
| Papers presented to Louis B. Mayer et al. ....                     | 927 |

De... is... will...

Added to S. B. No. 812 ..... 2537

|                             |      |
|-----------------------------|------|
| Amendments to S. B. No. 891 | 2515 |
|-----------------------------|------|

|               |           |     |      |
|---------------|-----------|-----|------|
| Amendments to | S. B. No. | 241 | 2515 |
| Amendments to | S. B. No. | 272 | 1844 |

Amendments to S. B. No. 1054..... 2864

|                                                    |      |
|----------------------------------------------------|------|
| Amendments to S. B. No. 1044-----                  | 2874 |
| Motion to re refer A. B. No. 508 to committee----- | 2880 |

|                                                       |       |
|-------------------------------------------------------|-------|
| Motion to withdraw A. B. No. 2180 from committee..... | 31:23 |
|-------------------------------------------------------|-------|



## GARRISON, SENATOR J. C.—Continued.

|                                                                                              |            |
|----------------------------------------------------------------------------------------------|------------|
| Demands Roll Call on—Continued.                                                              | PAGE       |
| Motion to re-refer A. B. No. 2194 to committee-----                                          | 3373       |
| Motion to re-refer S. B. No. 42 to committee-----                                            | 2788       |
| Motion to table motion to withdraw S. B. No. 43 from committee-----                          | 2789       |
| Gives notice of reconsideration of A. B. No. 2392-----                                       | 2697       |
| Motions-----                                                                                 |            |
| A. B. No. 546 be withdrawn from Committee on Governmental Efficiency-----                    | 1823       |
| A. B. No. 2357 be withdrawn from Committee on Finance for passage-----                       | 3385       |
| Call of Senate on adoption of report of Committee on Rules-----                              | 1231       |
| Call of Senate on S. B. No. 910-----                                                         | 1105       |
| Reconsider vote whereby A. B. No. 2124 was refused passage-----                              | 3391       |
| Reconsider vote whereby A. B. No. 2353 was referred to committee-----                        | 3385       |
| Schottky U. S. Supreme Court resolution be laid on table-----                                | 465        |
| S. B. No. 39 be re-referred to Committee on Live Stock and Dairies-----                      | 1268       |
| S. B. No. 200 be made special order-----                                                     | 799        |
| S. B. No. 888 be made special order-----                                                     | 799        |
| S. C. A. No. 19 be re-referred to Committee on Irrigation-----                               | 2265       |
| Remarks on Schottky U. S. Supreme Court resolution-----                                      | 500        |
| Remarks on A. C. R. No. 18 relative to pardon of Thos. J. Mooney-----                        | 853        |
| Requests permission to introduce bill-----                                                   | 744, 1231  |
| Resolutions-----                                                                             |            |
| Expressing appreciation to motion picture studios for entertainment at Legislative Ball----- | 1775       |
| Memorial, James M. Shannon-----                                                              | 448        |
| GARROD, LOUISE S. Extended privilege of the floor-----                                       | 1280       |
| GARTAN, MISS ANN. Extended privilege of the floor-----                                       | 1756       |
| GEARY, W. FINLAW. Extended privilege of the floor-----                                       | 593        |
| GEETING, MR. and MRS. BAXTER. Extended privilege of the floor-----                           | 1045, 1091 |
| GEETING, M. E. Appointed Assistant at Desk-----                                              | 437        |
| Appointed History Clerk-----                                                                 | 610        |
| GENERAL ASSEMBLY (THIRD) OF COUNCIL OF STATE GOVERNMENTS.                                    |            |
| Proclamation and call therefor-----                                                          | 13         |
| GEORGE, MRS. HARMON. Extended privilege of the floor-----                                    | 599        |
| GIBSON, MRS. CHAS., JR. Extended privilege of the floor-----                                 | 1022       |
| GILES, MALCOLM R. Extended privilege of the floor-----                                       | 1419       |
| GILLETT, FORMER GOVERNOR JAMES N. Resolution relative to death of-----                       | 1824       |
| Senate adjourns out of respect to memory of-----                                             | 1829       |
| GILLIAM, FLORA. Appointed Stenographer-----                                                  | 31, 437    |
| Stricken from pay roll-----                                                                  | 344        |
| GILLIAM, STANLEY. Appointed Page-----                                                        | 1024       |
| Stricken from pay roll-----                                                                  | 1178       |
| GILLIS, MRS. EDWARD. Extended privilege of the floor-----                                    | 1720       |
| GIMBLETT, DOROTHEA SEAWELL. Appointed Stenographer-----                                      | 31, 443    |
| Stricken from pay roll-----                                                                  | 244        |
| GIUSTO, GLADYS. Appointed Chief Stenographer-----                                            | 31, 437    |
| Stricken from pay roll-----                                                                  | 344        |
| GICKSMAN, MISS FRANCES. Extended privilege of the floor-----                                 | 1571       |
| GOLD, REV. GILBERT. Extended privilege of the floor-----                                     | 450        |
| GOLDMAN, M. Extended privilege of the floor-----                                             | 885, 887   |
| GOOD FRIDAY. Resolution providing for recess of Senate on-----                               | 972        |
| GOODRICH, LEROY. Extended privilege of the floor-----                                        | 227        |
| GORDON, SENATOR FRANK L. Appointed on Committee on Free Conference on S. B. No. 812-----     | 3383       |
| Appointed on Interim Committee on Fish and Game Administration-----                          | 3505       |
| Appointed to prepare arguments for S. C. A. No. 31-----                                      | 3505       |
| Demands roll call on-----                                                                    |            |
| Motion to re-refer S. B. No. 42 to committee-----                                            | 2788       |
| Motion to re-refer A. B. No. 2194 to committee-----                                          | 3373       |
| Amendments to S. B. No. 812-----                                                             | 2537       |
| Amendments to S. B. No. 891-----                                                             | 2515       |
| Amendments to S. B. No. 943-----                                                             | 1841       |
| Amendments to S. B. No. 972-----                                                             | 1844       |
| Gives notice of reconsideration of S. B. No. 597-----                                        | 1554       |
| Granted leave of absence for the day-----                                                    | 2341       |
| Motions-----                                                                                 |            |
| A. B. No. 722 be re-referred to Committee on Governmental Efficiency-----                    | 2895       |
| Call of Senate on S. B. No. 1101-----                                                        | 2098       |



|                                                                        | Page           |
|------------------------------------------------------------------------|----------------|
| GRAY, MISS FLORENCE. Extended privilege of the floor.....              | 3000           |
| GRAY, LEON. Extended privilege of the floor.....                       | 1247           |
| GRAY, Dr. P. A. Extended privilege of the floor.....                   | 1246           |
| GREEN, ALFRED C. Extended privilege of the floor.....                  | 1021           |
| GREER, HENRY. Extended privilege of the floor.....                     | 2639           |
| GRIER, MR. and MRS. C. E. Extended privilege of the floor.....         | 158, 503       |
| GRIFFIN, JUDGE THOS. F. Extended privilege of the floor.....           | 1418           |
| GROBE, MISS EURETTA. Extended privilege of the floor.....              | 2700           |
| GU IDOTTI, MR. and MRS. E. J. Extended privilege of the floor.....     | 885, 942, 1830 |
| GUSTINE ELEMENTARY SCHOOL. Pupils of, extended privilege of floor..... | 850            |

## H

|                                                                                               |                     |
|-----------------------------------------------------------------------------------------------|---------------------|
| HAEPEL, LEON and MISS CLAIRE. Extended privilege of the floor.....                            | 1043                |
| HAGGERTY, GERALD P. Extended privilege of the floor.....                                      | 269                 |
| HAIGHT, WALTER. Extended privilege of the floor.....                                          | 592                 |
| HALBERG, ALFRED. Extended privilege of the floor.....                                         | 1245                |
| HALEY, ANN M. and BARBARA E. Extended privilege of the floor.....                             | 2646                |
| HALEY, CLYDE E. Extended privilege of the floor.....                                          | 2362                |
| HALL, MARSHALL S. Extended privilege of the floor.....                                        | 1782                |
| HALLENGREN, LLOYD. Extended privilege of the floor.....                                       | 1245                |
| HAMILTON, WILMA. Extended privilege of the floor.....                                         | 2605                |
| HAMILTON CITY UNION HIGH SCHOOL. Students of, extended privilege of the floor.....            | 1122                |
| HANCOCK, MRS. ANDREW. Extended privilege of the floor.....                                    | 592                 |
| HANDBOOK, LEGISLATIVE. Resolution re preparation of.....                                      | 345                 |
| HANLEY, MRS. A. H. and ELUTAKI CAMP FIRE GROUP. Extended privilege of the floor.....          | 968                 |
| HANSEN, MRS. C. C. Extended privilege of the floor.....                                       | 1756                |
| HANSEN, KAREN. Extended privilege of the floor.....                                           | 2605                |
| HARDIN, MRS. HELENE D. Extended privilege of the floor.....                                   | 1693                |
| HARGARD, J. G. Extended privilege of the floor.....                                           | 885                 |
| HARPER, MRS. P. L. Extended privilege of the floor.....                                       | 1045                |
| HARRIS, A. L. Extended privilege of the floor.....                                            | 757                 |
| HARRIS, GENE. Extended privilege of the floor.....                                            | 1978                |
| HARRIS, H. E. Extended privilege of the floor.....                                            | 2362                |
| HARRIS, MRS. LESLIE. Extended privilege of the floor.....                                     | 1603                |
| HART, BLAIR. Extended privilege of the floor.....                                             | 885                 |
| HART, JOS. Extended privilege of the floor.....                                               | 297                 |
| HARTLEY, COMMANDER HERBERT. Extended privilege of the floor.....                              | 1652                |
| HARTNETT, MR. and MRS. M. V. Extended privilege of the floor.....                             | 1122                |
| HASELTINE, CHAS. DE B. Extended privilege of the floor.....                                   | 2571                |
| HATCH, MISS FLORINE B. Extended privilege of the floor.....                                   | 1522                |
| HATFIELD, HON. GEORGE J., LIEUTENANT GOVERNOR. Address, Mother's Day.....                     | 2324                |
| Appointments -                                                                                |                     |
| Committee pursuant to A. C. R. No. 6.....                                                     | 132                 |
| Committee on Public Morals.....                                                               | 229                 |
| Committee to wait on Assembly.....                                                            | 101, 436, 3503      |
| Committee to wait on Governor.....                                                            | 101, 436, 3503      |
| Committee to attend funeral services of late Senator Powers.....                              | 1248                |
| Committee for Admission Day Celebration.....                                                  | 2205                |
| Committee to attend Feather River Highway dedication.....                                     | 2598                |
| Committee to attend Carmel San Simeon Highway dedication.....                                 | 2611                |
| Committee to investigate agricultural industry.....                                           | 353                 |
| Committee on life data, etc., late Col. E. D. Baker.....                                      | 2661                |
| Delegate to Third General Assembly of State Governments.....                                  | 127, 138            |
| Interim Committees.....                                                                       | 3505, 3506          |
| Pages.....                                                                                    | 32, 435, 1024, 1070 |
| Member Special Liquor Investigating Committee.....                                            | 218                 |
| Standing Committees.....                                                                      | 133                 |
| Submits minority report, as member California Toll Bridge Authority, on Carquinez Bridge..... | 1435                |
| Skeleton bills—                                                                               |                     |
| announces decision regarding.....                                                             | 200                 |
| Requests opinion of Attorney General regarding.....                                           | 450                 |
| Committee for portrait of late Chas. M. Weber.....                                            | 3506                |
| Sensors to prepare arguments on Senate Constitutional Amendments.....                         | 3504                |
| HAURY, RALPHA. Appointed Stenographer.....                                                    | 97, 138             |
| Stricken from pay roll.....                                                                   | 344                 |
| HAWKS, JOHN. Extended privilege of the floor.....                                             | 2362                |

[illegible]



|                                                                                         | PAGE                  |
|-----------------------------------------------------------------------------------------|-----------------------|
| HILL, MRS. A. P. Extended privilege of the floor.....                                   | 1721                  |
| HILL, MR. and MRS. E.D. Extended privilege of the floor.....                            | 757                   |
| HILL, MRS. ROBERT. Extended privilege of the floor.....                                 | 593                   |
| HOBBS, MR. and MRS. J. P., JR. Extended privilege of the floor.....                     | 592                   |
| HOLBROOK, MABEL.....                                                                    |                       |
| Appointed Stenographer.....                                                             | 31                    |
| Appointed Clerk of Finance Committee.....                                               | 437                   |
| Stricken from pay roll.....                                                             | 344                   |
| HOLMAN, MR. and MRS. HARRY. Extended privilege of the floor.....                        | 3298                  |
| HOGIN, JAMES H. Extended privilege of the floor.....                                    | 851                   |
| HOLCHAM, FRANK E. Extended privilege of the floor.....                                  | 1830                  |
| HOLCOM, GRANT. Extended privilege of the floor.....                                     | 967                   |
| HOLLISTER, SENATOR J. JAMES.....                                                        |                       |
| Appointed on committee to investigate Agricultural Industry.....                        | 253                   |
| Demands roll call on amendments to S. B. No. 57.....                                    | 1730                  |
| Granted leave of absence for the day.....                                               | 36, 54, 101, 1160     |
| Motions.....                                                                            |                       |
| A. B. No. 439 be re-referred to Committee on Commerce and Navigation.....               | 3207                  |
| A. B. No. 1609 be re-referred to Committee on Finance.....                              | 3275                  |
| A. B. 2912 be withdrawn from Committee on Governmental Efficiency<br>for amendment..... | 2899                  |
| A. B. No. 2017 be re-referred to Committee on Commerce and Navigation.....              | 3297                  |
| S. B. No. 1097 be re-referred to Committee on Revenue and Taxation.....                 | 2415                  |
| Requests permission to introduce bill.....                                              | 470, 2617             |
| HOLLISTER, JOHN J., JR. Extended privilege of the floor.....                            | 1978                  |
| HOLLOMAN, GEO. W. and OSCAR J. Extended privilege of the floor.....                     | 1245                  |
| HOLLOMAN, SENATOR JAMES B. ....                                                         |                       |
| Committees appointed on.....                                                            |                       |
| Election Contest.....                                                                   | 16                    |
| Free Conference on.....                                                                 |                       |
| A. B. No. 950.....                                                                      | 3423                  |
| A. B. No. 2792.....                                                                     | 3222                  |
| Interim Committee on State Hospitals.....                                               | 3505                  |
| Granted leave of absence for the day.....                                               | 442, 1938, 2605, 2866 |
| Motions.....                                                                            |                       |
| A. B. No. 1370 be re-referred to Committee on Agriculture.....                          | 3207                  |
| A. C. R. No. 18 be made special order.....                                              | 595                   |
| Requests permission to introduce bill.....                                              | 818                   |
| Resolution in memory of Fred W. Atkinson.....                                           | 1404                  |
| HOLLOMAN, JOSEPHINE E. ....                                                             |                       |
| Appointed Stenographer.....                                                             | 47, 438               |
| Stricken from pay roll.....                                                             | 344                   |
| HOLMAN, LAWRENCE. Extended privilege of the floor.....                                  | 1521                  |
| HOLMAKER, J. P. Extended privilege of the floor.....                                    | 1692                  |
| HOPPE, MERVIN. Extended privilege of the floor.....                                     | 517                   |
| HORSTMAN, WILLIAM. Extended privilege of the floor.....                                 | 1283                  |
| HOSKINS, MRS. MARY. Extended privilege of the floor.....                                | 2401                  |
| HOSPITALS AND ASYLUMS. Appointment of committee on.....                                 | 133                   |
| HOSTON, ED and O. W. Extended privilege of the floor.....                               | 2752                  |
| HOWARD, MR. and MRS. A. G. Extended privilege of the floor.....                         | 802, 3117             |
| HOWE, JOHN D. Extended privilege of the floor.....                                      | 1799                  |
| HOWE, W. A. Extended privilege of the floor.....                                        | 850                   |
| HOYT, MRS. CARRY L. Extended privilege of the floor.....                                | 2700                  |
| HUFFMAN, BRUCE. Extended privilege of the floor.....                                    | 1247                  |
| HUGHES, JACK. Extended privilege of the floor.....                                      | 1651                  |
| HULL, MRS. IDA. Extended privilege of the floor.....                                    | 2124                  |
| HUGHES, MISS TERESA. Extended privilege of the floor.....                               | 2699                  |
| HULL, JAMES. Extended privilege of the floor.....                                       | 1756                  |
| HUMPHREY, J. C. Extended privilege of the floor.....                                    | 851                   |
| HUNSAKER, MR. and MRS. W. S. Extended privilege of the floor.....                       | 468, 1781, 2477       |
| HUNSBERGER, M. W. Extended privilege of the floor.....                                  | 2191                  |
| HURD, G. LANSING. Extended privilege of the floor.....                                  | 1862                  |
| HUSK, WM. A. and MISS JULITH. Extended privilege of the floor.....                      | 468                   |
| HYATT, MRS. EDWARD. Extended privilege of the floor.....                                | 1419                  |

## I

## INDEX.

|                                                                             |      |
|-----------------------------------------------------------------------------|------|
| Legislative bills, resolution directing Legislative Counsel to prepare..... | 387  |
| INDIAN CHIEF SPOTT. Extended privilege of the floor.....                    | 1346 |
| INGEL, G. H. Extended privilege of the floor.....                           | 1977 |
| INGELS, MRS. RAY and MISS BETTY. Extended privilege of the floor.....       | 1045 |

## INITIATIVE PETITION FISHING CONTROL

[illegible]

1

## FARKON, CHALLI

|                                |     |
|--------------------------------|-----|
| JACKSON, HENRY K. HAWLEY       | 197 |
| JACKSON, H. T.                 | 198 |
| JAMES, W. H.                   | 199 |
| JANSEN, PAUL                   | 200 |
| JENNISON, JOHN L. PARKER       | 201 |
| JENNISON, JAMES EDWARD         | 202 |
| JENKINS, GEORGE D.             | 203 |
| JENSEN, MRS. E. F.             | 204 |
| JORDON, WILLIAM C.             | 205 |
| JOS. JOHNSON, SENATOR CHAS. N. | 206 |
| KELLY, THOMAS                  | 207 |
| KELLY, THOMAS                  | 208 |
| KELLY, THOMAS                  | 209 |
| KELLY, THOMAS                  | 210 |
| KELLY, THOMAS                  | 211 |
| KELLY, THOMAS                  | 212 |
| KELLY, THOMAS                  | 213 |
| KELLY, THOMAS                  | 214 |
| KELLY, THOMAS                  | 215 |
| KELLY, THOMAS                  | 216 |
| KELLY, THOMAS                  | 217 |
| KELLY, THOMAS                  | 218 |
| KELLY, THOMAS                  | 219 |
| KELLY, THOMAS                  | 220 |
| KELLY, THOMAS                  | 221 |
| KELLY, THOMAS                  | 222 |
| KELLY, THOMAS                  | 223 |
| KELLY, THOMAS                  | 224 |
| KELLY, THOMAS                  | 225 |
| KELLY, THOMAS                  | 226 |
| KELLY, THOMAS                  | 227 |
| KELLY, THOMAS                  | 228 |
| KELLY, THOMAS                  | 229 |
| KELLY, THOMAS                  | 230 |
| KELLY, THOMAS                  | 231 |
| KELLY, THOMAS                  | 232 |
| KELLY, THOMAS                  | 233 |
| KELLY, THOMAS                  | 234 |
| KELLY, THOMAS                  | 235 |
| KELLY, THOMAS                  | 236 |
| KELLY, THOMAS                  | 237 |
| KELLY, THOMAS                  | 238 |
| KELLY, THOMAS                  | 239 |
| KELLY, THOMAS                  | 240 |
| KELLY, THOMAS                  | 241 |
| KELLY, THOMAS                  | 242 |
| KELLY, THOMAS                  | 243 |
| KELLY, THOMAS                  | 244 |
| KELLY, THOMAS                  | 245 |
| KELLY, THOMAS                  | 246 |
| KELLY, THOMAS                  | 247 |
| KELLY, THOMAS                  | 248 |
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| KELLY, THOMAS                  | 250 |
| KELLY, THOMAS                  | 251 |
| KELLY, THOMAS                  | 252 |
| KELLY, THOMAS                  | 253 |
| KELLY, THOMAS                  | 254 |
| KELLY, THOMAS                  | 255 |
| KELLY, THOMAS                  | 256 |
| KELLY, THOMAS                  | 257 |
| KELLY, THOMAS                  | 258 |
| KELLY, THOMAS                  | 259 |
| KELLY, THOMAS                  | 260 |
| KELLY, THOMAS                  | 261 |
| KELLY, THOMAS                  | 262 |
| KELLY, THOMAS                  | 263 |
| KELLY, THOMAS                  | 264 |
| KELLY, THOMAS                  | 265 |
| KELLY, THOMAS                  | 266 |
| KELLY, THOMAS                  | 267 |
| KELLY, THOMAS                  | 268 |
| KELLY, THOMAS                  | 269 |
| KELLY, THOMAS                  | 270 |
| KELLY, THOMAS                  | 271 |
| KELLY, THOMAS                  | 272 |
| KELLY, THOMAS                  | 273 |
| KELLY, THOMAS                  | 274 |
| KELLY, THOMAS                  | 275 |
| KELLY, THOMAS                  | 276 |
| KELLY, THOMAS                  | 277 |
| KELLY, THOMAS                  | 278 |
| KELLY, THOMAS                  | 279 |
| KELLY, THOMAS                  | 280 |
| KELLY, THOMAS                  | 281 |
| KELLY, THOMAS                  | 282 |
| KELLY, THOMAS                  | 283 |
| KELLY, THOMAS                  | 284 |
| KELLY, THOMAS                  | 285 |
| KELLY, THOMAS                  | 286 |
| KELLY, THOMAS                  | 287 |
| KELLY, THOMAS                  | 288 |
| KELLY, THOMAS                  | 289 |
| KELLY, THOMAS                  | 290 |
| KELLY, THOMAS                  | 291 |
| KELLY, THOMAS                  | 292 |
| KELLY, THOMAS                  | 293 |
| KELLY, THOMAS                  | 294 |
| KELLY, THOMAS                  | 295 |
| KELLY, THOMAS                  | 296 |
| KELLY, THOMAS                  | 297 |
| KELLY, THOMAS                  | 298 |
| KELLY, THOMAS                  | 299 |
| KELLY, THOMAS                  | 300 |
| KELLY, THOMAS                  | 301 |
| KELLY, THOMAS                  | 302 |
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| KELLY, THOMAS                  | 311 |
| KELLY, THOMAS                  | 312 |
| KELLY, THOMAS                  | 313 |
| KELLY, THOMAS                  | 314 |
| KELLY, THOMAS                  | 315 |
| KELLY, THOMAS                  | 316 |
| KELLY, THOMAS                  | 317 |
| KELLY, THOMAS                  | 318 |
| KELLY, THOMAS                  | 319 |
| KELLY, THOMAS                  | 320 |
| KELLY, THOMAS                  | 321 |
| KELLY, THOMAS                  | 322 |
| KELLY, THOMAS                  | 323 |
| KELLY, THOMAS                  | 324 |
| KELLY, THOMAS                  | 325 |
| KELLY, THOMAS                  | 326 |
| KELLY, THOMAS                  | 327 |
| KELLY, THOMAS                  | 328 |
| KELLY, THOMAS                  | 329 |
| KELLY, THOMAS                  | 330 |
| KELLY, THOMAS                  | 331 |
| KELLY, THOMAS                  | 332 |
| KELLY, THOMAS                  | 333 |
| KELLY, THOMAS                  | 334 |
| KELLY, THOMAS                  | 335 |
| KELLY, THOMAS                  | 336 |
| KELLY, THOMAS                  | 337 |
| KELLY, THOMAS                  | 338 |
| KELLY, THOMAS                  | 339 |
| KELLY, THOMAS                  | 340 |
| KELLY, THOMAS                  | 341 |
| KELLY, THOMAS                  | 342 |
| KELLY, THOMAS                  | 343 |
| KELLY, THOMAS                  | 344 |
| KELLY, THOMAS                  | 345 |
| KELLY, THOMAS                  | 346 |
| KELLY, THOMAS                  | 347 |
| KELLY, THOMAS                  | 348 |
| KELLY, THOMAS                  | 349 |
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| KELLY, THOMAS                  | 351 |
| KELLY, THOMAS                  | 352 |
| KELLY, THOMAS                  | 353 |
| KELLY, THOMAS                  | 354 |
| KELLY, THOMAS                  | 355 |
| KELLY, THOMAS                  | 356 |
| KELLY, THOMAS                  | 357 |
| KELLY, THOMAS                  | 358 |
| KELLY, THOMAS                  | 359 |
| KELLY, THOMAS                  | 360 |
| KELLY, THOMAS                  | 361 |
| KELLY, THOMAS                  | 362 |
| KELLY, THOMAS                  | 363 |
| KELLY, THOMAS                  | 364 |
| KELLY, THOMAS                  | 365 |
| KELLY, THOMAS                  | 3   |

| JESTERSEN, SENATOR CHRIS—Continued.                                        |                                    | PAGE |
|----------------------------------------------------------------------------|------------------------------------|------|
| Requests permission to introduce bill.....                                 | 1031, 1062,                        | 1068 |
| Resolutions—                                                               |                                    |      |
| Creating Senate Interim Committee on State Hospitals.....                  | 2875, 2964,                        | 3133 |
| Creating committee for promoting temperate use of alcoholic beverages..... |                                    | 3451 |
| Memorial, former Assemblyman Isaac Jones.....                              |                                    | 3344 |
| Memorial, James M. Shannon.....                                            |                                    | 448  |
| Printing and distributing Elections Code.....                              |                                    | 3410 |
| Senate Rule No. 23, offers amendment to.....                               |                                    | 55   |
| Waives reconsideration of A. B. No. 1072.....                              |                                    | 2006 |
| JESTERSEN, MRS. J. H. Extended privilege of the floor.....                 |                                    | 435  |
| JOCK, HOMER C. Extended privilege of the floor.....                        |                                    | 885  |
| JOHANSEN, BYRON. Extended privilege of the floor.....                      |                                    | 851  |
| JOHANSON, MRS. AGNETE. Extended privilege of the floor.....                |                                    | 1046 |
| JOHNSON, CHAS. M. Extended privilege of the floor.....                     |                                    | 1781 |
| JOHNSON, MR. and MRS. ED. Extended privilege of the floor.....             |                                    | 2232 |
| JOHNSON, EVALYN A. Extended privilege of the floor.....                    |                                    | 1380 |
| JOHNSON, SENATOR HIRAM W.                                                  |                                    |      |
| Celebrated on completing twenty years service in U. S. Senate.....         | 1422,                              | 1423 |
| JOHNSON, NORMAN. Extended privilege of the floor.....                      |                                    | 2477 |
| JOHNSON, MR. and MRS. WEBSTER. Extended privilege of the floor.....        |                                    | 2477 |
| JOINT CONVENTION.                                                          |                                    |      |
| Governor's budget message delivered to.....                                |                                    | 147  |
| Selecting Legislative Counsel.....                                         |                                    | 33   |
| Senate and Assembly meet in.....                                           |                                    | 146  |
| JONES, JUDGE and MRS. BENJ. Extended privilege of the floor.....           |                                    | 1022 |
| JONES, HERBERT. Extended privilege of the floor.....                       |                                    | 967  |
| JONES, LATE ASSEMBLYMAN ISAAC. Resolution relative to death of.....        |                                    | 3344 |
| JONES, ROSCOE D., JR. Extended privilege of the floor.....                 |                                    | 1091 |
| JORDAN, DOUGLAS. Extended privilege of the floor.....                      |                                    | 3116 |
| JORDAN, FRANK C. SECRETARY OF STATE.                                       |                                    |      |
| Certificate of election of Senators issued by.....                         |                                    | 5    |
| Initiative Petition re fishing control, presentation by.....               |                                    | 11   |
| JORDAN, HARRY L.                                                           |                                    |      |
| Appointed Bookkeeper to Sergeant-at-Arms.....                              | 24,                                | 438  |
| Stricken from pay roll.....                                                |                                    | 344  |
| JOSE, RICHARD. Extended privilege of the floor.....                        |                                    | 2646 |
| JOURNAL. Motion to approve.....                                            | 388, 1344, 1843, 2265, 2723, 3252, | 3503 |
| JUDICIARY. Appointment of committee on.....                                |                                    | 139  |
| JUDGES. Removal of, from office, legislative procedure for.....            |                                    | 49   |
| JUDGES OF SUPERIOR COURT, SACRAMENTO COUNTY.                               |                                    |      |
| Grand Jury recommends restoration of salaries.....                         |                                    | 106  |

## K

|                                                                                                       |                      |      |
|-------------------------------------------------------------------------------------------------------|----------------------|------|
| KEATING, SENATOR THOMAS F.                                                                            |                      |      |
| Committees appointed on—                                                                              |                      |      |
| Free Conference on A. B. No. 2773.....                                                                |                      | 3034 |
| Interim Committee on toll bridges.....                                                                |                      | 3505 |
| Notify Assembly Senate accents invitation to hear M. Amine Youssef, Egyptian Envoy Extraordinary..... |                      | 1891 |
| Notify Assembly of adjournment sine die.....                                                          |                      | 3503 |
| Demands roll call on amendments to S. B. No. 519.....                                                 |                      | 1402 |
| Election Contest, Reindollar vs. Keating.....                                                         | 16, 18, 28,          | 351  |
| Granted leave of absence for the day.....                                                             | 157, 717, 942, 1755, | 2292 |
| Requests permission to introduce bill.....                                                            | 1310,                | 2639 |
| Resolution providing Senate recess on Good Friday.....                                                |                      | 972  |
| S. C. A. No. 34, appointed to prepare arguments for.....                                              |                      | 3505 |
| KELLY, MRS. E. E. Extended privilege of the floor.....                                                |                      | 2076 |
| KELLY, DR. T. HENSHAW. Extended privilege of the floor.....                                           |                      | 1171 |
| KELLY, H. W. Extended privilege of the floor.....                                                     |                      | 2605 |
| KELLY, J. M. Extended privilege of the floor.....                                                     |                      | 802  |
| KELLY, MRS. W. F. Extended privilege of the floor.....                                                |                      | 2294 |
| KENAN, REV. DANIEL. Extended privilege of the floor.....                                              |                      | 1022 |
| KENNEDY, MRS. CLYDE C. Extended privilege of the floor.....                                           |                      | 125  |
| KENNEDY, R. C.                                                                                        |                      |      |
| Appointed to Agricultural Prorate Commission.....                                                     |                      | 1160 |
| Appointment confirmed.....                                                                            |                      | 1178 |
| KEOUGH, SENATOR KARL P.                                                                               |                      |      |
| Appointed to Interim Committee on marketing of live stock.....                                        |                      | 3505 |
| Demands roll call on motion to re-refer A. B. No. 478 to committee.....                               |                      | 3323 |
| Gives notice of reconsideration of—                                                                   |                      |      |
| A. B. No. 1766.....                                                                                   |                      | 1995 |
| S. B. No. 930.....                                                                                    |                      | 1827 |
| S. J. R. No. 15.....                                                                                  |                      | 799  |

|                                                                                                                   |                              |
|-------------------------------------------------------------------------------------------------------------------|------------------------------|
| ROUGH, SENATOR KARI, J. Continued                                                                                 | Page                         |
| Complete lists of members for the day                                                                             | 1418                         |
| M                                                                                                                 |                              |
| Amendment by Senator Olson to A. B. No. 2910, as passed                                                           | 1427                         |
| Amendment by Senator Olson to A. B. No. 2911, as passed                                                           | 1428                         |
| Amendment by Senator Olmstead to S. B. No. 188, as passed                                                         | 1435                         |
| A. B. No. 1964 be recommitted to Committee on County Government                                                   | 1442                         |
| Call of Senate on S. B. No. 549                                                                                   | 1466                         |
| Senator Olmstead's motion to withdraw S. B. No. 65 from Committee on Revenue and Taxation be tabled               | 1759                         |
| Resolution No. 10, Relating to U. S. Supreme Court building                                                       | 1767                         |
| Emergency amendments to 1917 law                                                                                  | 1888                         |
| Written communication of S. J. New York                                                                           | 1875                         |
| ROUGH, PHILLIP L. and LAURA L. Extended privilege of the floor                                                    | 807                          |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 1665                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 802                          |
| KINLEY, NEWTON. Extended privilege of the floor                                                                   | 1245                         |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 1781                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 1781                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 802                          |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 1418                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 1677                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                |                              |
| Complete lists of members                                                                                         | 147                          |
| Members from previous                                                                                             | 141                          |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 802                          |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 1345                         |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 1418                         |
| KIRKPATRICK, J. C. Extended privilege of the floor                                                                | 1503                         |
| KIRBY, MRS. MARGARET BISCOE and G. S. Extended privilege of the floor                                             | 807, 1800                    |
| KNOWLAND, SENATOR WILLIAM F.                                                                                      |                              |
| Amendment to prepare amendments for S. C. A. No. 28                                                               | 1505                         |
| Committee of conference                                                                                           |                              |
| Committee for control of the Central M. Water                                                                     | 1508                         |
| Final Committee on                                                                                                |                              |
| A. B. No. 127                                                                                                     | 1605                         |
| A. B. No. 128                                                                                                     | 1818                         |
| A. B. No. 129                                                                                                     | 1817                         |
| S. B. No. 18                                                                                                      | 1819                         |
| Interim Committee on Governmental Efficiency                                                                      | 1800                         |
| Nothing Agency of Government for constitutional cases                                                             | 181                          |
| Interim Committee on Rules                                                                                        | 11                           |
| Interim Committee on Rules and Regulations of Committee on Rules and Regulations                                  | 1247                         |
| Call of Senate on                                                                                                 |                              |
| A. B. No. 800                                                                                                     | 1807                         |
| S. B. No. 171                                                                                                     | 1800                         |
| S. C. A. No. 27                                                                                                   | 1800                         |
| Complete lists of members for the day                                                                             | 1667                         |
| M                                                                                                                 |                              |
| Action of Senate on resolving A. B. No. 1794 on May 27, 1907, as amended                                          | 1910                         |
| A. B. No. 1498 be reported to Committee on Finance                                                                | 1800                         |
| A. B. No. 1667 be recommended to Committee on Municipal Government                                                | 1841                         |
| A. B. No. 2181 be withdrawn from Committee on Revenue and Taxation and referred to Committee on Finance           | 1805                         |
| A. B. No. 1794 be recommended to Committee on Revenue and Taxation                                                | 1811                         |
| A. B. No. 2872 be recommended to Committee on Finance                                                             | 1875                         |
| A. B. No. 27 be reported to Committee on Rules                                                                    | 1800                         |
| Call of Senate on                                                                                                 |                              |
| A. B. No. 17                                                                                                      | 1840                         |
| A. B. No. 1574                                                                                                    | 1708                         |
| A. B. No. 2800                                                                                                    | 1754                         |
| S. B. No. 799 (emergency clause to)                                                                               | 1789                         |
| S. B. No. 1151                                                                                                    | 1718                         |
| S. C. R. No. 18                                                                                                   | 1815                         |
| S. B. No. 579 be recommended to Committee on Industries                                                           | 1810                         |
| S. B. No. 806 be recommended to Committee on Governmental Efficiency                                              | 1728                         |
| S. B. No. 952 be recommended to Committee on Governmental Efficiency                                              | 1710                         |
| Senate confirm appointment of Harry Lutgens to Personnel Board                                                    | 1713                         |
| Senator McGovern's motion to withdraw A. B. No. 65 from Committee on Revenue and Taxation be tabled               | 1809                         |
| S. B. No. 250 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Rev. C. L. & P. | 180                          |
| Procedural order Senate                                                                                           | 1973, 1888, 1928, 2413, 2420 |



| KNOWLAND, SENATOR WILLIAM F. Continued.                                               | PAGE       |
|---------------------------------------------------------------------------------------|------------|
| Remarks by, re A. C. R. No. 18. Opinion of Thos. J. Mooney                            | 855        |
| Remarks by, on Senate bill, S. S. Supreme Court resolution                            | 497        |
| Requests permission to introduce bill                                                 | 2150, 2492 |
| KNOWLAND, MISS EMILYAN. Extended privilege of the floor                               | 1318       |
| KNOWLAND, FORMER SENATOR J. R. Extended privilege of the floor                        | 2362       |
| KOFORD, EDWARD T. Extended privilege of the floor                                     | 2362       |
| KOLB, GEO. A. Extended privilege of the floor                                         | 1122       |
| KOVERMAN, MRS. IDA. Extended privilege of the floor                                   | 1721       |
| <b>L</b>                                                                              |            |
| LABOR AND CAPITAL. Appointment of committee on                                        | 133        |
| LADD, CARL L. Extended privilege of the floor                                         | 468        |
| LAFAYETTE SCHOOL. Papers of, extended privilege of the floor                          | 534        |
| LAGES, MISS ALFRED. Extended privilege of the floor                                   | 1091       |
| LA GUARDIA, HON. FIORELLO.                                                            |            |
| Senate invited to join with Assembly in hearing                                       | 2849       |
| Senate accepts invitation of Assembly to hear                                         | 2849       |
| LAIRD, J. DAVID. Extended privilege of the floor                                      | 942        |
| LAKE, RICHARD. Extended privilege of the floor                                        | 2571       |
| LAMPTON, MRS. L. E. Extended privilege of the floor                                   | 592        |
| LANDRETH, VERNE. Extended privilege of the floor                                      | 54         |
| LANE, CAPT. E. E. Extended privilege of the floor                                     | 1830       |
| LARKIN, CLARENCE A. Extended privilege of the floor                                   | 157        |
| LARKSPUR-CORTE MADERA SCHOOL. Papers of, extended privilege of the floor              | 570        |
| LARRICK, H. G. Extended privilege of the floor                                        | 169, 1521  |
| LARSON, ELMER.                                                                        |            |
| Appointed Assistant at Desk                                                           | 31         |
| Appointed File Clerk                                                                  | 437        |
| Stricken from pay roll                                                                | 344        |
| LAW, SENATOR EDWARD H.                                                                |            |
| Committees appointed on                                                               |            |
| Interim Committee on Alcoholic Beverages                                              | 3505       |
| Notify Assembly of adjournment sine die                                               | 3503       |
| Present testimonial to Louis B. Mayer et al.                                          | 3275       |
| Granted leave of absence for the day                                                  | 2334       |
| Motion: Call of Senate on A. B. No. 2052                                              | 2656       |
| Requests permission to introduce bill                                                 | 1309, 1515 |
| Resolution: creation of committee to promote temperate use of alcoholic beverages     | 3431       |
| LAW, JOHN.                                                                            |            |
| Appointed Page                                                                        | 1024       |
| Stricken from pay roll                                                                | 1179       |
| LAWSON, ELIZABETH.                                                                    |            |
| Appointed Stenographer                                                                | 463        |
| Stricken from pay roll                                                                | 610        |
| LAWTON, EDYTH. Extended privilege of the floor                                        | 1219       |
| LAWYERS' CLUB OF LOS ANGELES. Resolution urging removal of Judge Green W. Craig       | 50         |
| LAYMAN, KENNETH. Extended privilege of the floor                                      | 2639       |
| LEA, JOHN.                                                                            |            |
| Appointed Assistant Sergeant-at-Arms                                                  | 116        |
| Appointed Assistant at Desk                                                           | 437        |
| Stricken from pay roll                                                                | 345, 791   |
| LEAGUE, KEN. Extended privilege of the floor                                          | 2477       |
| LEASON, M. Extended privilege of the floor                                            | 1380       |
| LE BERTHOW, JOHN I. Extended privilege of the floor                                   | 2176       |
| LEFEVRE, R. W. Extended privilege of the floor                                        | 885, 1977  |
| LEGGITT, MRS. VICTORIA T. Extended privilege of the floor                             | 2527       |
| LEGISLATIVE BILL ROOM.                                                                |            |
| Resolution authorizing payment pro rata share expenses installing modern equipment in | 1747       |
| LEGISLATIVE COUNSEL.                                                                  |            |
| Directed to prepare Summary Digest of statutes enacted, 1937                          | 2990       |
| Election of                                                                           | 32         |
| Election Contest, opinion regarding                                                   | 18         |
| Initiative Petition on fishing control, opinion regarding                             | 12         |
| Initiative Petition, opinion on requested                                             | 47         |
| Legislative Digest, to be prepared by                                                 | 387        |
| Memorandum from, re S. B. No. 54                                                      | 1701       |
| Opinion as to vote required on urgency measures                                       | 1493       |
| Opinion re A. B. No. 1117, as amended                                                 | 2027       |
| Opinion re engrossed bills                                                            | 1721       |



|                                                                                  | Page                                               |
|----------------------------------------------------------------------------------|----------------------------------------------------|
| MARNELL, MRS. FRANK S. Extended privilege of the floor                           | 1171                                               |
| MARSTON, ARTHUR R. Extended privilege of the floor                               | 1653                                               |
| MARTIN, LOUIS. Extended privilege of the floor                                   | 1380                                               |
| MARTIN, MRS. OLGA. Extended privilege of the floor                               | 1830                                               |
| MARVIN, MRS. R. L. Extended privilege of the floor                               | 592                                                |
| MASON, FLORENCE I. Appointed Assistant Secretary                                 | 47                                                 |
| Stricken from pay roll                                                           | 117                                                |
| MASON, MR. and MRS. SAM. Extended privilege of the floor                         | 1418                                               |
| MASON'S MANUAL OF LEGISLATIVE PROCEDURE Testimonial as to its value              | 442                                                |
| MAST, LAURA. Appointed Stenographer                                              | 791                                                |
| MAY, HORTENSE. Appointed Stenographer                                            | 47, 522, 818                                       |
| Stricken from pay roll                                                           | 344, 580                                           |
| MAYER, LOUIS B. Resolution of appreciation to                                    | 1775                                               |
| McADOO, ROBERT A. Senate adjourns out of respect to memory of                    | 131                                                |
| McBRIDE SENATOR JAMES J. Committees appointed on—                                |                                                    |
| Interim Committee on Agriculture and Marketing                                   | 3505                                               |
| Joint Committee to attend dedication Corner San Simeon Highway                   | 2611                                               |
| Notify Assembly of—                                                              |                                                    |
| Convening of Senate                                                              | 10                                                 |
| Adjournment of Senate for constitutional recess                                  | 404                                                |
| Reconvening after constitutional recess                                          | 136                                                |
| Special Committee to present testimonial to Louis B. Mayer et al.                | 3275                                               |
| Demands roll call on—                                                            |                                                    |
| Motion to re-refer A. B. No. 741 to Committee on Public Morals                   | 3379                                               |
| Motion to re-refer A. B. No. 2316 to Committee on Revenue and Taxation           | 2903                                               |
| Granted leave of absence for the day                                             | 115, 125, 150, 167, 502, 517, 569, 717, 1318, 2039 |
| Motions—                                                                         | 2076                                               |
| Action of Senate in amending S. B. No. 548, April 22, be rescinded               | 1922                                               |
| Call of Senate on S. B. No. 186                                                  | 2495                                               |
| Senate accept invitation to attend St. Patrick's celebration in Assembly Chamber | 803                                                |
| S. B. No. 171 be re-referred to Committee on Motor Vehicles                      | 2624                                               |
| Requests permission to introduce bill                                            | 1025, 1955                                         |
| Resolutions—                                                                     |                                                    |
| Appointment of committee to present testimonial to Louis B. Mayer                | 3275                                               |
| Appreciation of work of Legislative Counsel Bureau                               | 3249                                               |
| Creating committee to promote temperate use of alcoholic beverages               | 3431                                               |
| Notifying Assembly of organization of Senate                                     | 10                                                 |
| Notifying Assembly of adjournment for constitutional recess                      | 404                                                |
| McCABE, MRS. FLOYD J. Extended privilege of the floor                            | 592                                                |
| McCANN, MRS. FRANCES L. Extended privilege of the floor                          | 2527                                               |
| McCARGAR, FRED. Extended privilege of the floor                                  | 1691, 2016                                         |
| McCARTHY, DAN W. Appointed Assistant Sergeant-at-Arms                            | 31                                                 |
| Stricken from pay roll                                                           | 344                                                |
| McCARTHY, GRACE. Appointed Stenographer                                          | 97, 438                                            |
| Stricken from pay roll                                                           | 344                                                |
| McCHESTNEY, M. P. Extended privilege of the floor                                | 517                                                |
| McCLAIN, BETTY. Extended privilege of the floor                                  | 967                                                |
| McCLAIN, LIEUT. R. J. Extended privilege of the floor                            | 717                                                |
| McCLELLAND, MRS. GEORGE. Extended privilege of the floor                         | 1419                                               |
| McCOLL, ELI S., JAMES and FLOYD. Extended privilege of the floor                 | 1045                                               |
| McCOLL, JIMMY. Appointed Page                                                    | 1070                                               |
| Stricken from pay roll                                                           | 1179                                               |
| McCOLL, SENATOR JOHN R. Committees appointed on—                                 |                                                    |
| Free Conference on S. B. No. 930                                                 | 3267                                               |
| Interim Committee on Workmen's Compensation Insurance                            | 3505                                               |
| Joint Committee to attend dedication of Feather River Highway                    | 2598                                               |
| Select Committee to attend funeral services of late Senator Frank J. Powers      | 1248                                               |
| Demands roll call on—                                                            |                                                    |
| A. B. No. 1763, motion to re-refer to Committee on Revenue and Taxation          | 3315                                               |
| S. B. No. 519, amendments to                                                     | 1403                                               |
| S. B. No. 812, amendments to                                                     | 2537                                               |
| Gives notice of reconsideration of S. B. No. 910                                 | 1040                                               |
| Granted leave of absence for the day                                             | 1282                                               |

|                                                                                                                                 |  |                                              |
|---------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------|
| MCCOLL, SENATOR JOHN R.—Continued                                                                                               |  | Pages                                        |
| Motion                                                                                                                          |  |                                              |
| R. B. No. 2016 motion to re-refer to Committee on Governmental Efficiency and Taxation                                          |  | 298                                          |
| A. B. No. 707 motion to refer to Committee on Public Health                                                                     |  | 298                                          |
| A. B. No. 708 motion to refer to Committee on Education                                                                         |  | 298                                          |
| S. B. No. 117 motion to refer to Committee on Judiciary                                                                         |  | 298                                          |
| A. B. No. 1261 motion to withdraw from Committee on Education and referred to Committee on Municipal Government                 |  | 298                                          |
| S. B. No. 55 motion to withdraw from Committee on Revenue and Taxation and referred to Committee on Governmental Efficiency     |  | 298                                          |
| In recess until later                                                                                                           |  | 171                                          |
| Recess adjourned until next meeting at 10:00 A. M.                                                                              |  | 171                                          |
| Resolves regarding emergency legislation relating Security D. Case                                                              |  | 171                                          |
| Motion                                                                                                                          |  | 161                                          |
| R. B. No. 2016 motion to refer to Committee on Governmental Efficiency                                                          |  | 210                                          |
| Motion                                                                                                                          |  |                                              |
| Civilian Commission to investigate administration of California University                                                      |  | 314                                          |
| Danahy H. Commission to investigate tolls on Carquinez Bridge                                                                   |  | 3253                                         |
| Finalizing discussion of amendments to S. B. No. 117                                                                            |  | 314                                          |
| Motion to lay S. B. No. 117 on table                                                                                            |  | 314                                          |
| Third reading of Assembly Bill S. B. No. 117, Committee on Governmental Efficiency                                              |  | 314                                          |
| MCCORMACK, SENATOR THOMAS                                                                                                       |  |                                              |
| Motion                                                                                                                          |  |                                              |
| Committee on Agriculture and Marketing                                                                                          |  | 10                                           |
| National Council of Organization of Senate                                                                                      |  | 10                                           |
| Notice of Motion                                                                                                                |  | 1510                                         |
| Gives notice of reconsideration of A. B. No. 117                                                                                |  | 1510                                         |
| General Order of Business for the day                                                                                           |  | 1510                                         |
| Motion                                                                                                                          |  |                                              |
| S. B. No. 117 motion to refer to Committee on Judiciary                                                                         |  | 1510                                         |
| S. B. No. 118 motion to refer to Committee on Agriculture                                                                       |  | 1510                                         |
| S. B. No. 119 motion to refer to Committee on Agriculture                                                                       |  | 1510                                         |
| Recess adjourned until next meeting at 10:00 A. M.                                                                              |  | 1510                                         |
| McHAY, MR. CALVIN Extended privilege of the floor                                                                               |  | 1510                                         |
| MURPHY, MRS. J. L. Extended privilege of the floor                                                                              |  | 1510                                         |
| M. DANIELS, JAMES Extended privilege of the floor                                                                               |  | 1510                                         |
| M. FAIRBANKS, A. J. Extended privilege of the floor                                                                             |  | 1510                                         |
| Appointed by Assembly on Department of Commerce                                                                                 |  | 1169                                         |
| Appointed by Assembly on Department of Commerce                                                                                 |  | 1178                                         |
| MCGILL, CATHERINE                                                                                                               |  |                                              |
| Appointed Stenographer                                                                                                          |  | 31, 438                                      |
| Stenographer from roll call                                                                                                     |  | 31, 438                                      |
| MCGINN, MRS. JULIA Resolutions of appreciation                                                                                  |  | 1510                                         |
| MCGRAHAN, MRS. S. H. Extended privilege of the floor                                                                            |  | 1510                                         |
| MCGOVERN, SENATOR WALTER                                                                                                        |  |                                              |
| Committee appointed on                                                                                                          |  |                                              |
| Compile life data and propose suitable interment of remains of Col. E. D. Baker                                                 |  | 2641                                         |
| Fifty Amendments on S. B. No. 117                                                                                               |  | 3120                                         |
| Notify Assembly Senate committee withdrawn by Hon. M. Arthur Young                                                              |  | 1891                                         |
| Election Board Extraordinary                                                                                                    |  | 3505                                         |
| Appointed to prepare arguments for S. C. A. No. 34                                                                              |  | 3505                                         |
| Demanded roll call on                                                                                                           |  |                                              |
| A. B. No. 741 motion to refer to Committee on Public Health                                                                     |  | 3373                                         |
| A. B. No. 1177 amendments to                                                                                                    |  | 2182                                         |
| A. B. No. 1783 motion to refer to Committee on Revenue and Taxation                                                             |  | 3315                                         |
| A. B. No. 2316, motion to re-refer to Committee on Revenue and Taxation                                                         |  | 2969                                         |
| S. B. No. 519, amendments to                                                                                                    |  | 1462                                         |
| Extends vote                                                                                                                    |  | 1508, 2965                                   |
| Gives notice of reconsideration of A. B. No. 1138                                                                               |  | 1685, 1690                                   |
| Granted leave of absence for the day                                                                                            |  | 101, 157, 1318, 1571, 1755, 2070, 2341, 2893 |
| Motion                                                                                                                          |  |                                              |
| A. B. No. 65 be withdrawn from Committee on Revenue and Taxation for message                                                    |  | 2050                                         |
| A. B. No. 1190, Senate's action is pending on May 11 be rescheduled                                                             |  | 2497                                         |
| A. B. No. 1261 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Public Health and Quarantine |  | 2684                                         |
| A. B. No. 1494 be re-referred to Committee on Social Security                                                                   |  | 3275                                         |



## McGOVERN, SENATOR WALTER—Continued.

## Motions—Continued.

|                                                                                                             | Page     |
|-------------------------------------------------------------------------------------------------------------|----------|
| A. B. No. 1704 be re-referred to Committee on Judiciary                                                     | 3333     |
| A. B. No. 2518 be withdrawn from Committee on Insurance and referred to Committee on Municipal Corporations | 1650     |
| A. B. No. 2732, Senate's action in amending on April 9 be rescinded                                         | 1986     |
| A. B. No. 2826, call of Senate on                                                                           | 2032     |
| A. B. No. 2826, Senate's action in adopting urgency clause be rescinded                                     | 2218     |
| A. C. R. No. 18 be considered in Committee of the Whole                                                     | 595, 812 |
| A. C. R. No. 23 be made special order                                                                       | 1375     |
| S. B. No. 769 be re-referred to Committee on Municipal Corporations                                         | 2775     |
| S. B. No. 1162 be withdrawn from Committee on Finance for passage                                           | 2810     |
| S. C. R. No. 47 be withdrawn from Committee on Motor Vehicles for adoption                                  | 2774     |
| Senate accept invitation of Assembly to hear M. Amine Youssouf, Egyptian Envoy Extraordinary                | 1890     |
| Remarks felicitating Hon. Hiram W. Johnson on completing twenty years service in U. S. Senate               | 1423     |
| Remarks respecting A. C. R. No. 18 re pardon of Thos. J. Mooney                                             | 825      |
| Requests permission to introduce bill                                                                       | 2684     |
| Resolution providing Senate recess on Good Friday                                                           | 972      |
| McGRANAGHAN, M. JAS., Extended privilege of the floor                                                       | 968      |
| McGRIFF, BETTY, Appointed Stenographer                                                                      | 2138     |
| McGUINNESS, KATHLEEN, Appointed Stenographer                                                                | 162, 817 |
| Stricken from pay roll                                                                                      | 610      |
| McINTIRE, HOWARD S., Appointed Assistant Secretary                                                          | 443      |
| Reports receipt of message from Governor                                                                    | 1782     |
| McKEACE, EVERETT C., Extended privilege of the floor                                                        | 1571     |
| McKINNON, A. D., Extended privilege of the floor                                                            | 468      |
| McLAUGHLIN, DANIEL and HAROLD, Extended privilege of the floor                                              | 268      |
| McMAHON, JOSEPH D., Extended privilege of the floor                                                         | 268      |
| McMAHON, TED V., Extended privilege of the floor                                                            | 1092     |
| McNAMARA, ARTHUR, Extended privilege of the floor                                                           | 344      |
| McNAMARA, J. E., Extended privilege of the floor                                                            | 1862     |
| McNAMARA, J. J., Extended privilege of the floor                                                            | 862      |
| McNETT, POLAND I., Extended privilege of the floor                                                          | 851      |
| McNETT, HON. PAUL V., GOVERNOR OF INDIANA, Committee appointed to receive                                   | 1269     |
| Senate receives invitation to join with Assembly in hearing                                                 | 1201     |
| Senate recesses to hear                                                                                     | 1325     |
| McSEAN, J. H., Extended privilege of the floor                                                              | 642      |
| McSEEL, E. C., Extended privilege of the floor                                                              | 1776     |
| McSHELDON, BOARD, Resolution, for appointment of by Governor                                                | 2371     |
| McSHELDON, WILLIAM and MARY, Extended privilege of the floor                                                | 2570     |
| McTAMMOUN, HELEN, Appointed Stenographer                                                                    | 31, 592  |
| Stricken from pay roll                                                                                      | 244      |
| McMANNY, H. W., Extended privilege of the floor                                                             | 1891     |
| McNEEL, CHARLES, Extended privilege of the floor                                                            | 1721     |
| McNEELY, BOARD OF SUPERVISORS, Resolutions for making session of A. B. No. 699 with clippings               | 803      |
| McNEELY, LINTON HIGH SCHOOL, Students of, extended privilege of floor                                       | 1756     |
| McNEELY, W. E., Extended privilege of the floor                                                             | 887      |
| McNEELY, MRS. FRANK E., Extended privilege of the floor                                                     | 1045     |
| MESSAGES FROM GOVERNOR, See GOVERNOR FRANK E. MER-                                                          |          |
| PIAM MESSAGES                                                                                               |          |
| MESSIAH, LOUIE, Extended privilege of the floor                                                             | 1045     |
| MESSIAH, MRS. and MRS. CLINTON, Extended privilege of the floor                                             | 886      |
| METZGER, SENATOR D. JACK, Committee appointed on—                                                           |          |
| From Conference on—                                                                                         |          |
| S. B. No. 790                                                                                               | 3383     |
| S. B. No. 930                                                                                               | 2967     |
| Trading Committee on Live Stock Marketing                                                                   | 3505     |
| Senate Committee to attend funeral of late Senator Frank J. Powers                                          | 1248     |
| Demands roll call on—                                                                                       |          |
| A. B. No. 1177 amendments to                                                                                | 2169     |
| S. B. No. 590 amendments to                                                                                 | 1910     |
| S. B. No. 642 amendments to                                                                                 | 1811     |
| Give notice of reconsideration of—                                                                          |          |
| A. B. No. 1190                                                                                              | 2071     |
| S. B. No. 178                                                                                               | 2241     |
| S. B. No. 475                                                                                               | 2985     |
| S. B. No. 968                                                                                               | 1111     |



|                                                                                                              | PAGE           |
|--------------------------------------------------------------------------------------------------------------|----------------|
| MOONEY, THOMAS J.                                                                                            |                |
| Attorney General and Legislative Council asked for opinion as to authority of Legislature to grant pardon to | 595            |
| Communications appealing for pardon of                                                                       | 445, 841, 1506 |
| Opinion of Attorney General as to nonpower of Legislature to grant pardon to                                 | 804            |
| Opinion of Legislative Council re nonpower of Legislature to grant pardon to                                 | 806            |
| Report of Referee and Findings of Fact in matter of application of, for Writ of Habeas Corpus                | 1408           |
| MOORE, DR. E. C.                                                                                             |                |
| Communication from, concurring in statements of I. Zellerbach re S. B. No. 519                               | 1019           |
| MOORE, GEORGE H., STATE PRINTER.                                                                             |                |
| Resolution commending for excellent service rendered                                                         | 3169           |
| MOORI, R. B. Extended privilege of the floor                                                                 | 1045, 2639     |
| MOORE, W. C. Extended privilege of the floor                                                                 | 158, 885       |
| MORENO, JOHN G.                                                                                              |                |
| Appointed to Board of Pilot Commissioners, San Francisco                                                     | 543            |
| Appointment confirmed                                                                                        | 550            |
| MORGAN, R. E. Extended privilege of the floor                                                                | 1830           |
| MORLEY, KENNETH E. Extended privilege of the floor                                                           | 2401           |
| MORRIS, DR. E. C. Extended privilege of the floor                                                            | 1346           |
| MORRISON, JAMES A. Extended privilege of the floor                                                           | 1756           |
| MOSS, MRS. PORTIA. Extended privilege of the floor                                                           | 2605           |
| MOTHER'S DAY.                                                                                                |                |
| Address on, by Lieutenant Governor George J. Hatfield                                                        | 2324           |
| Senate invited to join with Assembly in commemoration of                                                     | 2256           |
| Senate accepts invitation of Assembly to attend program for                                                  | 2256           |
| Senate attends program for                                                                                   | 2323           |
| MOTION PICTURE PRODUCERS ASSOCIATION. Resolution of appreciation to                                          | 1775           |
| MOTOR VEHICLES. Appointment of committee on                                                                  | 133            |
| MOTOR VEHICLES, DIRECTOR OF.                                                                                 |                |
| Communication from, commenting on Assembly Interim Committee's report on Department of Motor Vehicles        | 3213           |
| MUEHLEISEN, MRS. VESTA C. Extended privilege of the floor                                                    | 592            |
| MUNICIPAL CORPORATIONS. Appointment of committee on                                                          | 133            |
| MUENTER, MR. and MRS. WILLIAM H. Extended privilege of the floor                                             | 758            |
| MUNICIPAL HOUSING COMMISSION, LOS ANGELES.                                                                   |                |
| Communication from, endorsing A. B. Nos. 1500, 1501, 1573, and 1678                                          | 2528           |
| MURCH, IRIS. Extended privilege of the floor                                                                 | 2868           |
| MURPHY, MRS. EDITH V. A. Extended privilege of the floor                                                     | 450            |
| MURPHY, HON. MATTHEW, CONSUL OF IRISH FREE STATE.                                                            |                |
| Extended privilege of the floor                                                                              | 269            |
| MURRAY, TEX. Extended privilege of the floor                                                                 | 2017           |
| MUTH, MR. and MRS. KARL D. Extended privilege of the floor                                                   | 1045, 2232     |
| N                                                                                                            |                |
| NAGLE, WALTER H. Extended privilege of the floor                                                             | 593            |
| NAGLER, NOALE. Extended privilege of the floor                                                               | 2478           |
| NAIR, MRS. CARL. Extended privilege of the floor                                                             | 593            |
| NAPA UNION HIGH SCHOOL. Students of, extended privilege of the floor                                         | 570, 1520      |
| NATIVE SONS OF THE GOLDEN WEST. Petition from Stockton Parlor No. 7                                          | 1321           |
| NEBBE, THEO. Extended privilege of the floor                                                                 | 2124           |
| NELSON, MRS. ANDREW. Extended privilege of the floor                                                         | 1721           |
| NELSON, MRS. EDNA. Extended privilege of the floor                                                           | 967            |
| NELSON, FORMER SENATOR H. C. Extended privilege of the floor                                                 | 1691           |
| NELSON, HELEN. Appointed Stenographer                                                                        | 443            |
| NELSON, RAYMOND. Extended privilege of the floor                                                             | 802            |
| NEVILLE, MRS. WAY. Extended privilege of the floor                                                           | 1721           |
| NEWMAN, LOUIS J.                                                                                             |                |
| Communication from, re keeping Newman-Livingston Road as State highway                                       | 971            |
| Extended privilege of the floor                                                                              | 1046           |
| NICHOLS, MAXWELL. Extended privilege of the floor                                                            | 1380           |
| NICHOLSON, MISS GENE. Extended privilege of the floor                                                        | 942            |
| NIELSEN, SENATOR ROY J.                                                                                      |                |
| Appointed to prepare arguments for S. C. A. Nos. 9 and 32                                                    | 3504, 3505     |
| Committees appointed on-                                                                                     |                |
| Interim Committee on toll bridges                                                                            | 3505           |
| Notify Assembly of organization of Senate                                                                    | 10             |
| Notify Assembly of adjournment for constitutional recess                                                     | 404            |
| Special Committee for celebration of Admission Day (A. C. R. No. 15)                                         | 2205           |

|                                                                                                            |         |
|------------------------------------------------------------------------------------------------------------|---------|
| WILSON, SENATOR ROY L. Committee on Governmental Efficiency                                                | 604     |
| Office duties of consideration of                                                                          |         |
| S. B. No. 246, 246, 247, and 249                                                                           | 706     |
| A. B. No. 507, motion to which was referred passage                                                        | 2746    |
| Graded subject of discussion of the day                                                                    | 2695    |
| ALBANY                                                                                                     |         |
| A. B. No. 253, be withdrawn from Committee on Governmental Efficiency and referred to Committee on Finance | 2994    |
| S. B. No. 31, be withdrawn from Committee on Governmental Efficiency                                       | 299     |
| S. B. No. 247, 248, 247, and 249, motion to which was referred                                             | 801     |
| S. B. No. 247, 248, 247, and 249, be referred to Committee on Finance                                      | 801     |
| S. B. No. 247, 248, 247, and 249, be referred to Committee on Finance                                      | 801     |
| Present and absent                                                                                         | 278     |
| Resolutions passed on (including bill)                                                                     | 2716    |
| Resolutions                                                                                                | 1885    |
| Commending George H. Moore, State Printer, and assistants for excellent service                            | 1000    |
| Devising a Federal Commission to investigate tolls on Carquinez Bridge                                     | 3225    |
| Expenses of consideration of contract between St. Louis, War, and Pacific                                  | 2941    |
| Memorial from American League of Women                                                                     | 2944    |
| NIMMO, MISS C. M. Extended privilege of the floor                                                          | 1841    |
| NINETY-FIRST DIVISION ASSOCIATION                                                                          |         |
| Commending George H. Moore, State Printer, and assistants for excellent service                            | 1000    |
| NOLAN, JOSEPH E. SERGEANT AT ARMS                                                                          | 445     |
| Affidavit re service of papers on Judge Gavin W. Craig                                                     | 142     |
| Electoral Movement at Arms of Senate                                                                       | 8       |
| Expenses of Attorney General's office on Judge Gavin W. Craig                                              | 137     |
| Statement of Attorney General's office on Judge Gavin W. Craig                                             | 137     |
| NORTH SACRAMENTO SCHOOL. Papers of extended privilege of the floor                                         | 167     |
| NORTHEY, MRS. MARY J. Extended privilege of the floor                                                      | 2461    |
| NORTON, JOHN. Extended privilege of the floor                                                              | 887     |
| NOTRE DAME HIGH SCHOOL, ALAMEDA. Statement of extended privilege of the floor                              | 887     |
| NOTRE DAME HIGH SCHOOL, SAN JOSE. Statement of extended privilege of the floor                             | 1861    |
| NUNALLY, C. C. Extended privilege of the floor                                                             | 1941    |
| NYE, ROBERT. Extended privilege of the floor                                                               | 2756    |
| O                                                                                                          |         |
| OAKLAND HIGH SCHOOL. Statement of extended privilege of the floor                                          | 1661    |
| OATH OF OFFICE                                                                                             |         |
| Chaplain of Senate                                                                                         | 10      |
| Marion Cook                                                                                                | 10      |
| Presidential oath ceremony                                                                                 | 8       |
| Secretary of Senate                                                                                        | 10      |
| Senators                                                                                                   | 7       |
| O'CONNOR, JUDGE and MRS. CHARLES J. Extended privilege of the floor                                        | 189     |
| O'CONNOR, MISS MAUREN. Extended privilege of the floor                                                     | 1669    |
| OBELL, MARK. Extended privilege of the floor                                                               | 1830    |
| OGDEN, MRS. E. M. Extended privilege of the floor                                                          | 1692    |
| OHINIMIS, ARTHUR A.                                                                                        |         |
| Resolution commending for efficient service deceased Legislature                                           | 137     |
| OH                                                                                                         |         |
| Report of Special Committee to Investigate Absorption of State Lands                                       | 282-304 |
| Resolution for payment unpaid expenses committee investigating absorption of State Lands                   | 475     |
| OH INDUSTRIES. Appointment of committee on                                                                 | 387     |
| OLSEN, REV. CHARLES. Extended privilege of the floor                                                       | 1941    |
| OLSON, SENATOR CLARET L.                                                                                   |         |
| Appointed to prepare arguments for S. C. A. No. 25                                                         | 3504    |
| Committee appointed on                                                                                     |         |
| Committee under A. C. R. No. 6                                                                             | 132     |
| First Conference on S. B. No. 371                                                                          | 3120    |
| Demands roll call on                                                                                       |         |
| A. B. No. 478, motion to re-refer to Committee on Insurance                                                | 3323    |
| A. B. No. 508, motion to re-refer to Committee on Labor and Capital                                        | 2882    |
| A. B. No. 2180, motion to withdraw from committee                                                          | 3123    |
| A. B. No. 2503, motion to reconsider amendments to                                                         | 3200    |
| S. B. No. 33, motion to re-refer to Committee on Judiciary                                                 | 3124    |
| S. B. No. 42, motion to re-refer to Committee on Revision of Criminal Law and Procedure                    | 2788    |
| S. B. No. 43, motion to table motion to withdraw from committee                                            | 2789    |



## OLSON, SENATOR CULBERT L. Continued

| Demands Roll Call on                                                                                                        | Page            |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------|
| S. B. No. 891, amendments to                                                                                                | 2515            |
| S. B. No. 1094, amendments to                                                                                               | 2564            |
| Gives notice of reconsideration of—                                                                                         |                 |
| A. B. No. 2132                                                                                                              | 1903            |
| A. B. No. 2149                                                                                                              | 2724            |
| A. B. No. 2831                                                                                                              | 2866            |
| S. B. No. 342                                                                                                               | 1508            |
| S. B. No. 356                                                                                                               | 2415            |
| S. B. No. 357                                                                                                               | 743             |
| S. B. No. 378                                                                                                               | 1029            |
| S. B. Nos. 710-711                                                                                                          | 859             |
| Granted leave of absence for the day                                                                                        | 941, 1171, 2209 |
| Motions—                                                                                                                    |                 |
| A. B. No. 193, call of Senate on                                                                                            | 391             |
| A. B. No. 258 be withdrawn from Committee on Corporations and Financial Institutions and referred to Committee on Judiciary | 2185            |
| A. B. No. 271 be re-referred to Committee on Municipal Corporations                                                         | 3333            |
| A. B. No. 443 be withdrawn from committee for passage                                                                       | 400             |
| A. B. No. 509 be withdrawn from committee for passage                                                                       | 354             |
| A. B. No. 538 be withdrawn from committee for passage                                                                       | 2398            |
| A. B. No. 1065 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Labor and Capital        | 2994            |
| A. B. No. 1072, action in amending on April 22, 1937, be rescinded                                                          | 1557            |
| A. B. No. 1678, call of Senate on                                                                                           | 2679            |
| A. B. No. 1918, call of Senate on                                                                                           | 2339            |
| A. B. No. 1921, call of Senate on                                                                                           | 2855            |
| A. B. No. 1924 be withdrawn from Committee on Public Health and Quarantine and referred to Committee on Labor and Capital   | 2782            |
| A. B. No. 2132 be re-referred to Committee on Public Health and Quarantine                                                  | 1991            |
| A. B. No. 2180 be withdrawn from Committee on Judiciary for passage                                                         | 3123            |
| A. B. No. 2326, call of Senate on                                                                                           | 2734            |
| S. B. No. 43 be withdrawn from Committee on Revenue and Taxation                                                            | 2789            |
| S. B. No. 357, action in passing be rescinded                                                                               | 891             |
| S. B. No. 357 be recalled from Assembly                                                                                     | 891             |
| S. B. No. 579 be made special order                                                                                         | 1772            |
| S. B. No. 579, call of Senate on                                                                                            | 1795            |
| S. B. No. 785 be re-referred to Committee on Judiciary                                                                      | 1101            |
| S. B. No. 1250 be withdrawn from Committee on Judiciary and referred to Committee on Social Security                        | 2603            |
| Senate adjourn out of respect to memory of late Meredith P. Snyder                                                          | 1564            |
| Remarks on Schottky U. S. Supreme Court resolution                                                                          | 495             |
| Remarks respecting A. C. R. No. 18, re pardon of Thos. J. Mooney                                                            | 826             |
| Requests permission to introduce bill                                                                                       | 2139, 2574      |
| Resolutions—                                                                                                                |                 |
| Indorsing President Roosevelt's proposed reforms for Federal Courts                                                         | 449, 466        |
| Memorial, former Senator Leslie R. Hewitt                                                                                   | 25              |
| Memorial, former Senator Newton W. Thompson                                                                                 | 25              |
| Payment unpaid expenses oil and gas investigating committee                                                                 | 387, 390        |
| Senate Rule No. 68, offers amendment to                                                                                     | 54              |
| Waives reconsideration of S. B. No. 711                                                                                     | 1101            |
| OLSON, MRS. IDA. Extended privilege of the floor                                                                            | 1830            |
| ONN, VIRGINIA.                                                                                                              |                 |
| Appointed Stenographer                                                                                                      | 31              |
| Stricken from pay roll                                                                                                      | 117             |
| OPERATING ENGINEERS, INTERNATIONAL UNION OF.                                                                                |                 |
| Communication from, urging increased appropriation for University of California                                             | 2077, 2646      |
| OPINION. See ATTORNEY GENERAL; also LEGISLATIVE COUNSEL.                                                                    |                 |
| O'NIEL, JOHN. Extended privilege of the floor                                                                               | 1781            |
| ORLAND JOINT UNION HIGH SCHOOL. Students of, extended privilege of the floor                                                | 2157            |
| ORBORN, WHEELER. Extended privilege of the floor                                                                            | 802             |
| OVERTON, JOHN P. Extended privilege of the floor                                                                            | 757, 2362       |
| OWENS, BERNADINE.                                                                                                           |                 |
| Appointed Stenographer                                                                                                      | 31, 443         |
| Stricken from pay roll                                                                                                      | 344             |

## P

|                                                                      |      |
|----------------------------------------------------------------------|------|
| PABST, GEORGE F. Extended privilege of the floor                     | 1045 |
| PALACIOS, LAWRENCE R., JR. Extended privilege of the floor           | 593  |
| PARDONS, COMMUTATIONS, AND REPRIEVES. Message of Governor concerning | 243  |

PARKMAN, SENATOR HARRY I

|                                                                        |                |
|------------------------------------------------------------------------|----------------|
| Committee appointed on                                                 | 784            |
| Judicial Committee                                                     |                |
| Finance Committee on                                                   | 10             |
| A. R. No. 2                                                            |                |
| A. R. No. 2794                                                         | 2071           |
| S. R. No. 812                                                          | 2073           |
| Literary Committee on call to order                                    | 108            |
| Joint Committee in relation to petition of John S. and Susan H. Rogers | 2071           |
| Granted leave of absence for the day                                   | 1113, 1200     |
| Motion—                                                                |                |
| A. R. No. 3 be withdrawn from Committee on Public Utilities and        |                |
| referred to Committee on Judiciary                                     | 1824           |
| A. R. No. 1824 be withdrawn from Committee on Finance and Commerce and |                |
| referred to Committee on Public Health and Quarantine                  | 1780           |
| A. H. No. 112 be withdrawn from Committee on General Government and    |                |
| referred to Committee on Insurance                                     | 1780           |
| S. R. No. 924 be continued to Committee on Communications and          |                |
| Transportation                                                         | 1671           |
| Petition from Seattle                                                  | 1671           |
| Reports submitted to Judiciary bill                                    | 1112, 1200     |
| Resolving                                                              |                |
| Creating Senate Judicial Committee on call to order                    | 1113, 1200     |
| Motion for leave of absence for the day                                | 1113, 1200     |
| PARHILL, MISS MAE JONES. Extended privilege of the floor               | 170            |
| PATTERSON, HARRY I. Extended privilege of the floor                    | 70             |
| PATTERSON, W. M. Extended privilege of the floor                       | 117            |
| PATRIN, J. E. Extended privilege of the floor                          | 80             |
| PELLESEN, C. R. Extended privilege of the floor                        | 145            |
| PELLESEN, IVOR O. Extended privilege of the floor                      | 80             |
| PENINSULA SCHOOL, MUNDO PARK. Students on extended privilege of        |                |
| the floor                                                              | 170            |
| PENNINGTON, MISS ALE. Extended privilege of the floor                  | 2124           |
| PENNINGTON, MATTHEWS                                                   |                |
| Appointed Assistant at Law                                             | 11             |
| Appointed Assistant Secretary                                          | 107            |
| Serving from call                                                      | 104            |
| PERKINS, DR. M. ELLAN. Extended privilege of the floor                 | 100            |
| PERSONNEL BOARD                                                        |                |
| Appointing of Harry Jackson to                                         | 1150           |
| Appointed member                                                       | 2170           |
| PETERS, GEO. H. Extended privilege of the floor                        | 2100           |
| PETLIN, DOROTHY. Extended privilege of the floor                       | 2007           |
| PHILLIPS, ALBERT. Extended privilege of the floor                      | 2007           |
| PHILLIPS, J. J. Extended privilege of the floor                        | 1477           |
| PHILLIPS, SENATOR JOHN                                                 |                |
| Committee appointed on                                                 |                |
| Agricultural Industries on message                                     | 350            |
| Joint committee investigating Freedom of Movement on Transportation    | 200            |
| Finance Committee on                                                   |                |
| S. R. No. 439                                                          | 3255           |
| S. R. No. 558                                                          | 3121           |
| S. R. No. 972                                                          | 308            |
| Literary Committee on Agriculture and Marketing                        | 3505           |
| Notify Assembly of organization of Senate                              | 10             |
| Present roll call on amendments to S. R. No. 325                       | 2141, 2171     |
| Gives notice of amendments to                                          |                |
| A. R. No. 103                                                          | 2895           |
| A. R. No. 1824                                                         | 1780           |
| Granted leave of absence for the day                                   | 208, 343, 1171 |
| Motion—                                                                |                |
| A. R. No. 1265 be withdrawn from Committee on Governmental and         |                |
| County and referred to Committee on Public Health and Quarantine       | 2895           |
| A. R. No. 1754 be referred to Committee on Finance                     | 2125           |
| A. R. No. 2016 be referred to Committee on Agriculture                 | 3402           |
| A. R. No. 2149 be made special order                                   | 2084           |
| S. R. No. 28 be referred to Committee on Judiciary                     | 859            |
| S. R. No. 283 be referred to Committee on Judiciary                    | 2550           |
| S. R. No. 508, reconsider vote whereby Assembly amendments to were     |                |
| referred to conference                                                 | 3083           |
| S. R. No. 602 be referred to Committee on Education                    | 1040           |
| S. R. No. 947 be referred to Committee on Finance                      | 1226           |
| S. R. No. 947, call of Senate on                                       | 2786           |
| S. R. No. 48 be referred to Committee on Rules                         | 3021           |
| Reports on legislation introducing democracy judgments                 | 972            |
| Reports on expenditures for relief of Alaska                           | 3021           |
| Requests permission to introduce bill                                  | 1113, 1407     |

## PHILLIPS, SENATOR JOHN—Continued

Page

|                                                                               |                  |
|-------------------------------------------------------------------------------|------------------|
| Resolutions—                                                                  |                  |
| Aliens, certain State departments requested to propose desirable legisla-     |                  |
| tion relative to                                                              | 2373             |
| Appointment of committee to promote temperate use of alcoholic bever-         |                  |
| ages                                                                          | 3431             |
| Creating committee to investigate problems connected with marketing of        |                  |
| agricultural products                                                         | 2950, 3437       |
| Directing Legislative Counsel to prepare Summary Digest of Statutes,          |                  |
| 1937                                                                          | 2990             |
| Establishing Senate committee on intergovernmental cooperation                | 310              |
| Preparation of Legislative Digest                                             | 387              |
| Providing for supplying American Legislators' Association service to          |                  |
| Senators                                                                      | 3169             |
| Requesting report of relief funds to aliens                                   | 3121             |
| Urging attendance of Legislative Counsel at sessions of Legislative Reference |                  |
| Conference                                                                    | 3169             |
| PICARD, J. L. Extended privilege of the floor                                 | 1246             |
| PICKINGS, MRS. ELSIE G. Extended privilege of the floor                       | 3116             |
| PIDGEON, MRS. KARLTON I. Extended privilege of the floor                      | 468              |
| PIERCE, ADA M.                                                                |                  |
| Appointed Stenographer                                                        | 31, 438, 2264    |
| Stricken from pay roll                                                        | 344, 2101        |
| PIERCE, CARL. Extended privilege of the floor                                 | 1171             |
| PIERCE, W. J. AND PUPILS OF GUSTINE UNION HIGH SCHOOL                         |                  |
| Extended privilege of the floor                                               | 850              |
| PIEROVICII, SENATOR A. L.                                                     |                  |
| Committees appointed on                                                       |                  |
| Committee to receive former Governor Paul V. McNutt of Indiana                | 1269             |
| Interim Committee on Alcoholic Beverages                                      | 3505             |
| Select Committee to attend funeral services of late Senator Frank J.          |                  |
| Powers                                                                        | 1248             |
| Special Committee for celebration of Admission Day                            | 2205             |
| Demands roll call on—                                                         |                  |
| A. B. No. 1177, amendments to                                                 | 2182             |
| S. B. No. 425, amendments to                                                  | 2171             |
| S. B. No. 519, amendments to                                                  | 1402             |
| Gives notice of reconsideration of—                                           |                  |
| A. B. No. 2743                                                                | 2093             |
| A. C. R. No. 31                                                               | 793              |
| Granted leave of absence for the day                                          | 1282, 2232, 2258 |
| Motions                                                                       |                  |
| A. B. No. 217 be re-referred to Committee on Commerce and Navigation          | 3206             |
| A. B. No. 1934 be re-referred to Committee on Public Morals                   | 2895             |
| S. B. No. 891 be withdrawn from committee for amendment                       | 712              |
| Requests permission to introduce bill                                         | 1294, 1996       |
| Resolutions                                                                   |                  |
| Appointment of committee to promote temperate use of alcoholic beverages      | 2431             |
| Creating committee to investigate administration of California insurance      |                  |
| laws                                                                          | 3113, 3134       |
| Providing for distribution of State Blue Book to Senators                     | 2322             |
| PIKE, ROY M.                                                                  |                  |
| Appointed to Agricultural Prorate Commission                                  | 1160             |
| Appointment confirmed                                                         | 1178             |
| PILOT COMMISSIONER, SAN DIEGO                                                 |                  |
| John Gaylord Church appointed                                                 | 115              |
| Appointment confirmed                                                         | 128              |
| PILOT COMMISSIONER, SAN FRANCISCO                                             |                  |
| Appointment of John G. Morone                                                 | 513              |
| James Rolph III                                                               | 3010             |
| Appointment confirmed                                                         | 550, 3186        |
| PITTMAN, W. S. Extended privilege of the floor                                | 158, 885         |
| PITTSBURG JUNIOR HIGH SCHOOL. Students of, extended privilege of              |                  |
| the floor                                                                     | 1245             |
| PLACERVILLE GRAMMAR SCHOOL. Pupils of, extended privilege of the              |                  |
| floor                                                                         | 2477             |
| PLEASANT GROVE UNION SCHOOL. Pupils of, extended privilege of the             |                  |
| floor                                                                         | 1692             |
| POE, MAYME RIDDLE                                                             |                  |
| Appointed Stenographer                                                        | 31, 438          |
| Stricken from pay roll                                                        | 344              |
| POHEM, ARTHUR T. Extended privilege of the floor                              | 112              |
| POINT OF ORDER                                                                |                  |
| Withdrawal of A. B. No. 2353 from Committee on Finance for passage in         |                  |
| violation of Rule 30                                                          | 3386             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| POLITZER, JEROME. Extended privilege on the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2496 |
| POLLEY, MR. & MRS. EUGENE M. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1627 |
| POLE, MAJOR W. S. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2275 |
| POWERS, FORMER SENATOR FRANK J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |
| Resignation, notice to receive of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1246 |
| Subsidiary Committee to inquire financial affairs of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1248 |
| Special Committee out of session on committee on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1249 |
| POWERS, SENATOR HAROLD J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |      |
| Committee appointed, to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |      |
| Agricultural Industries, on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 249  |
| Eastern River Highway, in regard to construction of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2508 |
| Immigration Committee, on Atlantic E. passage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |
| Navy, Committee on, reappointment of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 149  |
| Desires full call on roll call on matter A. B. No. 1763 to committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2515 |
| General notice of resignation of A. B. No. 1412                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2011 |
| Granted leave of absence for the day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |      |
| H. R. No. 10500, H. R. 10501, H. R. 10502, H. R. 10503, H. R. 10504, H. R. 10505, H. R. 10506, H. R. 10507, H. R. 10508, H. R. 10509, H. R. 10510, H. R. 10511, H. R. 10512, H. R. 10513, H. R. 10514, H. R. 10515, H. R. 10516, H. R. 10517, H. R. 10518, H. R. 10519, H. R. 10520, H. R. 10521, H. R. 10522, H. R. 10523, H. R. 10524, H. R. 10525, H. R. 10526, H. R. 10527, H. R. 10528, H. R. 10529, H. R. 10530, H. R. 10531, H. R. 10532, H. R. 10533, H. R. 10534, H. R. 10535, H. R. 10536, H. R. 10537, H. R. 10538, H. R. 10539, H. R. 10540, H. R. 10541, H. R. 10542, H. R. 10543, H. R. 10544, H. R. 10545, H. R. 10546, H. R. 10547, H. R. 10548, H. R. 10549, H. R. 10550, H. R. 10551, H. R. 10552, H. R. 10553, H. R. 10554, H. R. 10555, H. R. 10556, H. R. 10557, H. R. 10558, H. R. 10559, H. R. 10560, H. R. 10561, H. R. 10562, H. R. 10563, H. R. 10564, H. R. 10565, H. R. 10566, H. R. 10567, H. R. 10568, H. R. 10569, H. R. 10570, H. R. 10571, H. R. 10572, H. R. 10573, H. R. 10574, H. R. 10575, H. R. 10576, H. R. 10577, H. R. 10578, H. R. 10579, H. R. 10580, H. R. 10581, H. R. 10582, H. R. 10583, H. R. 10584, H. R. 10585, H. R. 10586, H. R. 10587, H. R. 10588, H. R. 10589, H. R. 10590, H. R. 10591, H. R. 10592, H. R. 10593, H. R. 10594, H. R. 10595, H. R. 10596, H. R. 10597, H. R. 10598, H. R. 10599, H. R. 10600, H. R. 10601, H. R. 10602, H. R. 10603, H. R. 10604, H. R. 10605, H. R. 10606, H. R. 10607, H. R. 10608, H. R. 10609, H. R. 10610, H. R. 10611, H. R. 10612, H. R. 10613, H. R. 10614, H. R. 10615, H. R. 10616, H. R. 10617, H. R. 10618, H. R. 10619, H. R. 10620, H. R. 10621, H. R. 10622, H. R. 10623, H. R. 10624, H. R. 10625, H. R. 10626, H. R. 10627, H. R. 10628, H. R. 10629, H. R. 10630, H. R. 10631, H. R. 10632, H. R. 10633, H. R. 10634, H. R. 10635, H. R. 10636, H. R. 10637, H. R. 10638, H. R. 10639, H. R. 10640, H. R. 10641, H. R. 10642, H. R. 10643, H. R. 10644, H. R. 10645, H. R. 10646, H. R. 10647, H. R. 10648, H. R. 10649, H. R. 10650, H. R. 10651, H. R. 10652, H. R. 10653, H. R. 10654, H. R. 10655, H. R. 10656, H. R. 10657, H. R. 10658, H. R. 10659, H. R. 10660, H. R. 10661, H. R. 10662, H. R. 10663, H. R. 10664, H. R. 10665, H. R. 10666, H. R. 10667, H. R. 10668, H. R. 10669, H. R. 10670, H. R. 10671, H. R. 10672, H. R. 10673, H. R. 10674, H. R. 10675, H. R. 10676, H. R. 10677, H. R. 10678, H. R. 10679, H. R. 10680, H. R. 10681, H. R. 10682, H. R. 10683, H. R. 10684, H. R. 10685, H. R. 10686, H. R. 10687, H. R. 10688, H. R. 10689, H. R. 10690, H. R. 10691, H. R. 10692, H. R. 10693, H. R. 10694, H. R. 10695, H. R. 10696, H. R. 10697, H. R. 10698, H. R. 10699, H. R. 10700, H. R. 10701, H. R. 10702, H. R. 10703, H. R. 10704, H. R. 10705, H. R. 10706, H. R. 10707, H. R. 10708, H. R. 10709, H. R. 10710, H. R. 10711, H. R. 10712, H. R. 10713, H. R. 10714, H. R. 10715, H. R. 10716, H. R. 10717, H. R. 10718, H. R. 10719, H. R. 10720, H. R. 10721, H. R. 10722, H. R. 10723, H. R. 10724, H. R. 10725, H. R. 10726, H. R. 10727, H. R. 10728, H. R. 10729, H. R. 10730, H. R. 10731, H. R. 10732, H. R. 10733, H. R. 10734, H. R. 10735, H. R. 10736, H. R. 10737, H. R. 10738, H. R. 10739, H. R. 10740, H. R. 10741, H. R. 10742, H. R. 10743, H. R. 10744, H. R. 10745, H. R. 10746, H. R. 10747, H. R. 10748, H. R. 10749, H. R. 10750, H. R. 10751, H. R. 10752, H. R. 10753, H. R. 10754, H. R. 10755, H. R. 10756, H. R. 10757, H. R. 10758, H. R. 10759, H. R. 10760, H. R. 10761, H. R. 10762, H. R. 10763, H. R. 10764, H. R. 10765, H. R. 10766, H. R. 10767, H. R. 10768, H. R. 10769, H. R. 10770, H. R. 10771, H. R. 10772, H. R. 10773, H. R. 10774, H. R. 10775, H. R. 10776, H. R. 10777, H. R. 10778, H. R. 10779, H. R. 10780, H. R. 10781, H. R. 10782, H. R. 10783, H. R. 10784, H. R. 10785, H. R. 10786, H. R. 10787, H. R. 10788, H. R. 10789, H. R. 10790, H. R. 10791, H. R. 10792, H. R. 10793, H. R. 10794, H. R. 10795, H. R. 10796, H. R. 10797, H. R. 10798, H. R. 10799, H. R. 10800, H. R. 10801, H. R. 10802, H. R. 10803, H. R. 10804, H. R. 10805, H. R. 10806, H. R. 10807, H. R. 10808, H. R. 10809, H. R. 10810, H. R. 10811, H. R. 10812, H. R. 10813, H. R. 10814, H. R. 10815, H. R. 10816, H. R. 10817, H. R. 10818, H. R. 10819, H. R. 10820, H. R. 10821, H. R. | 2517 |
| Motion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |
| A. B. No. 1040 be referred to Committee on Civil Service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2274 |
| A. B. No. 1249 be referred to Committee on Civil Service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2508 |
| S. R. No. 4 be referred to Committee on Revenue and Taxation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2508 |
| S. R. No. 14 be referred to Committee on Immigration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1766 |
| S. R. No. 45 be referred to Committee on Immigration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1694 |
| S. R. No. 45, action on House be finished                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2500 |
| S. R. No. 45, call of Senate on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1809 |
| S. C. A. No. 18 be referred to Committee on Governmental Efficiency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1809 |
| Resignation, notice to receive of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1607 |
| Repetition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| Appointment of committee to investigate law enforcement agencies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 486  |
| Appointment of committee to investigate legislation and its practical application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      |
| Written communication of A. B. No. 1412                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2444 |
| PRELIMINARY ANIMAL CONTROL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2625 |
| Fish and Game Commission under review of animal and fish                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 426  |
| Fish and Game Commission directed to report committee and members of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |      |
| for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |      |
| PRESIDENT OF SENATE. See THE CHAIRMAN OF THE SENATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |      |
| HAYES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |
| PRESIDENT THE CHAIRMAN. SENATE W. P. Rich elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 7    |
| PRICE, J. H. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 518  |
| PRICE, MRS. W. A. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 709  |
| PRISONS AND REFORMATORIES. All members of committee on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 104  |
| PROSSER, EDWARD. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1245 |
| PRIESTER, A. E. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 260  |
| PUBLIC HEALTH AND QUARANTINE. All members of committee on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 544  |
| PUBLIC MORALS. All members of committee on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 144  |
| PUBLIC UTILITIES. All members of committee on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 144  |
| Special Committee on report of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 611  |
| Report, minority, of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3117 |
| PUBLIC WORKS, DEPARTMENT OF.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |      |
| Resolving committee on report of proposed Highway Act and from Gypsum Highway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |
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| PULCHER, JUDGE HARRY. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 570  |
| PURCELL, LOUIS. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 885  |
| PETER, L. F. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1504 |
| Q                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      |
| QUIGLEY, RUFY. Extended privilege of the floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 131  |
| QUINN, SENATOR IRWIN T.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |      |
| Assumed to examine arguments for S. C. A. No. 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3504 |
| Committees, appointed on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |
| Fire Conference on A. B. No. 746                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2848 |
| Immigration Committee on Fish and Game Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3505 |
| Special Committee to examine life data and propose suitable information of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| residents of C. E. D. Baker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2661 |
| Granted leave of absence for the day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 105  |
| Motion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |
| A. B. No. 1029 be referred to Committee on Rev. C. I. & P.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3322 |
| A. B. No. 1238 be referred to Committee on Military Affairs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3315 |
| A. B. No. 1646 be referred to Committee on Chap. & F. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3385 |
| A. B. No. 1868 be referred to Committee on Education                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3322 |
| S. C. A. No. 9, call of Senate on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1810 |
| Requests permission to introduce bill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2562 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2517 |



## QUINN, SENATOR IRWIN T. Continued

Page

|                                                             |      |
|-------------------------------------------------------------|------|
| Resolutions                                                 |      |
| Memorial, former Governor James N. Gillett                  | 1824 |
| Providing Senate recess on Good Friday                      | 972  |
| QUINN, MR. and MRS. JOHN F. Extended privilege of the floor | 3415 |
| QUINN, THOMAS L. Appointed Page                             | 2661 |

## R

|                                                                                          |                 |
|------------------------------------------------------------------------------------------|-----------------|
| RADCLIFFE, CORWIN. Extended privilege of the floor                                       | 1419            |
| RAFFETTO, MISS LYDIA. Extended privilege of the floor                                    | 1861, 2699      |
| RAILROAD COMMISSION.                                                                     |                 |
| Directed to investigate tolls on Carquinez Bridge                                        | 3253            |
| RAILSBACK, MR. and MRS. S. E. Extended privilege of the floor                            | 887, 942        |
| RAINE, REV. JOHN. Extended privilege of the floor                                        | 1799            |
| RAINES, FRANK. Extended privilege of the floor                                           | 1909            |
| RAMELLI, MR. and MRS. RUDOLPH. Extended privilege of the floor                           | 717             |
| READ, FRED W.                                                                            |                 |
| Appointed to Agricultural Prorate Commission                                             | 1220            |
| Appointment confirmed                                                                    | 1268            |
| REAVIS, J. O. Extended privilege of the floor                                            | 1692            |
| RED BLUFF ROUND-UP ASSOCIATION.                                                          |                 |
| Extends invitation to Thirteenth Annual Red Bluff Round Up                               | 1653            |
| RED BLUFF UNION HIGH SCHOOL. Students of, extended privilege of floor                    | 1379            |
| REED, MR. and MRS. JAMES. Extended privilege of the floor                                | 802             |
| REID, MARYANN.                                                                           |                 |
| Appointed Assistant Engrossing and Enrolling Clerk                                       | 2041            |
| Stricken from pay roll                                                                   | 2575            |
| REINDOLLAR, HON. CHARLES F.                                                              |                 |
| Election Contest, Reindollar vs. Keating                                                 | 16, 18, 28, 351 |
| REES, FRED C.                                                                            |                 |
| Communication from, opposing changing number of U. S. Supreme Court justices             | 462             |
| REPORTS.                                                                                 |                 |
| Advisory Pardon Board                                                                    | 2157            |
| Agricultural Problems, committee on investigation of                                     | 3344            |
| Aliens, expenditures for relief to                                                       | 3321            |
| Carquinez Bridge, California Toll Bridge Authority on                                    | 1425            |
| Carquinez Bridge, minority report by Lieut. Gov. Geo. J. Hatfield                        | 1435            |
| Civil Service, Special Senate Committee on                                               | 174             |
| Committee on Free Conference. See FREE CONFERENCE.                                       |                 |
| Committee on Rules concerning                                                            |                 |
| Initiative measures re fish control                                                      | 172             |
| Liquor Investigating Committee, continuance of                                           | 171             |
| Senate resolutions                                                                       | 3184, 3246      |
| Craig, Judge Gavin W., Special Committee re serving papers on                            | 102             |
| Joint Committee under A. C. R. No. 6.                                                    | 311, 392        |
| Dumbarton Bridge, California Toll Bridge Authority on                                    | 2428            |
| Election Contest, Reindollar vs. Keating, committee on                                   | 351             |
| Investigation of absentees under call of Senate, May 5, 1937                             | 2329            |
| Liquor Investigating Committee                                                           | 67, 86, 2702    |
| Oil and gas, abstraction of from State lands, Special Committee on                       | 282-304, 475    |
| Predatory Animal Control, by Division of Fish and Game                                   | 454             |
| Public Utilities, Special Senate Committee on                                            | 611, 3117       |
| Referee and Findings of Fact re application of Thos. J. Mooney for Writ of Habeas Corpus | 1408            |
| School buildings, Special Senate Committee on                                            | 2702            |
| Special Senate San Francisco Harbor Committee                                            | 2789            |
| RESCIND                                                                                  |                 |
| A. B. No. 1072, action in amending, rescinded                                            | 1057            |
| A. B. No. 1190, action in adopting amendments Nos. 1-2, May 11, 1937, rescinded          | 2497            |
| A. B. No. 1907, action in amending April 26, 1937, rescinded                             | 2001            |
| A. B. No. 2594, action in amending May 25, 1937, rescinded                               | 3010            |
| A. B. No. 2732, action in amending April 9, 1937, rescinded                              | 1986            |
| A. B. No. 2743, action in passing rescinded                                              | 3123            |
| A. B. No. 2826, action in adopting urgency clause to, rescinded                          | 2218            |
| S. B. Nos. 245, 246, 247, and 249, action in passing, rescinded                          | 891             |
| S. B. No. 357, action in passing, rescinded                                              | 891             |
| S. B. No. 473, action in passing, rescinded                                              | 1694            |
| S. B. No. 548, action in adopting amendments to, rescinded                               | 1922            |
| S. B. No. 637, action in passing, rescinded                                              | 1745            |
| S. B. No. 638, action in passing, rescinded                                              | 1745            |

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## RESOLUTIONS—Continued

| Memorial—Continued                                                                             | Page       |
|------------------------------------------------------------------------------------------------|------------|
| Gillett, Former Governor James N.                                                              | 1824       |
| Hewitt, Former Senator Leslie R.                                                               | 25         |
| Jones, Former Assemblyman Isaac                                                                | 3344       |
| Powers, Former Senator Frank J.                                                                | 1240       |
| Shannon, James M.                                                                              | 448        |
| Thompson, Former Senator Newton W.                                                             | 25         |
| Mileage for members and officers                                                               | 23, 436    |
| Offices for Senators, commending committee providing                                           | 137        |
| Payment of closing bills of session                                                            | 3247       |
| Payment unpaid expenses oil and gas investigating committee                                    | 387, 390   |
| Postage 96, 136, 227, 475, 610, 945, 1179, 1666, 1802, 2013, 2204, 2491, 2754                  | 3060       |
| Providing for American Legislators Association service to Senators                             | 3169, 3271 |
| Quarantine of live stock, opposing change in tariff laws for                                   | 118        |
| Railroad Commission directed to investigate tolls on Carquinez Bridge                          | 3253       |
| Recognizing "Spring has come"                                                                  | 1732       |
| Public Works, Board of, requested to survey highway leading from Geyser highway                | 2491       |
| Rules, temporary, adoption of                                                                  | 23, 26     |
| Secretary of Senate, completing work of session after adjournment                              | 3248       |
| Senate, organizing of                                                                          | 5          |
| Sergeant-at-Arms to ship Senators' papers and documents                                        | 346, 3247  |
| State Blue Book, distribution of to Senators                                                   | 2322       |
| State Board of Equalization, printing of excerpts from biennial report of, in Senate Journal   | 1210       |
| Third General Assembly, Council of State Governments, appointment of delegate to               | 118, 127   |
| Tournament of Lights, endorsing                                                                | 3119       |
| Urging President and Congress to consider care of aged persons in California a national matter | 1026, 1107 |
| Urging State Printer to continue force on 24-hour basis until all bills are printed            | 346        |
| U. S. Supreme Court, opposing increase in number of Justices of                                | 446        |
| REVENUE AND TAXATION. Appointment of committee on                                              | 134        |
| REVISION OF CRIMINAL LAW AND PROCEDURE. Appointment of committee on                            | 134        |
| REYNOLDS, MR. and MRS. C. F. Extended privilege of the floor                                   | 1782, 2156 |
| RICE, H. E. Extended privilege of the floor                                                    | 2401       |
| RICE, MRS. LUTHER. Extended privilege of the floor                                             | 2700       |
| RICH, MR. and MRS. HENRY. Extended privilege of the floor                                      | 2646       |
| RICH, SENATOR W. P.                                                                            |            |
| Appointed to prepare arguments for S. C. A. No. 32                                             | 3505       |
| Committees appointed on                                                                        |            |
| Attend dedication of Feather River Highway                                                     | 2598       |
| Committee under A. C. R. No. 6                                                                 | 132        |
| Escort Governor to joint convention with Assembly                                              | 146        |
| Interim Committee on Governmental Efficiency                                                   | 3504       |
| Notify Assembly of reconvening                                                                 | 436        |
| Notify Governor of adjournment sine die                                                        | 3593       |
| Receive former Governor Paul V. McNutt of Indiana                                              | 1269       |
| Rules                                                                                          | 11, 133    |
| Demands roll call on—                                                                          |            |
| Adoption of report of Committee on Rules re Senate interim committees                          | 3247       |
| Amendments to A. B. No. 1177                                                                   | 2030       |
| Elected President pro tempore                                                                  | 7          |
| Gives notice of reconsideration of—                                                            |            |
| S. B. No. 346                                                                                  | 1308       |
| S. B. No. 425                                                                                  | 2142       |
| Motions                                                                                        |            |
| Appointment of A. Heber Winder as member of State Board of Education be confirmed              | 3185       |
| A. B. No. 18 be referred to Committee on Rules                                                 | 1591       |
| A. B. No. 478 be re-referred to Committee on Insurance                                         | 3332       |
| A. B. No. 1078, call of Senate on                                                              | 2024       |
| A. B. Nos. 1206 and 1209 be withdrawn from committee and returned to Assembly                  | 862        |
| A. B. No. 1648 be re-referred to Committee on Governmental Efficiency                          | 3275       |
| A. B. No. 2316 be re-referred to Committee on Revenue and Taxation                             | 2903       |
| A. B. No. 2857, reconsideration of vote whereby was amended May 26, 1937                       | 3252       |
| A. B. No. 2881 be re-referred to Committee on Governmental Efficiency                          | 3207       |
| A. C. R. No. 23, call of Senate on                                                             | 399        |
| S. B. No. 103, call of Senate on                                                               | 1794       |
| S. B. No. 309 be made special order                                                            | 1889       |
| S. B. No. 330 be re-referred to Committee on Motor Vehicles                                    | 3059       |

RE H. SENATOR W. F. Continued

|                                                                               |            |
|-------------------------------------------------------------------------------|------------|
| Motion Continued                                                              | Page       |
| S. B. No. 599, to be referred to Committee on Finance                         | 2596       |
| S. B. No. 595, to be referred to Committee on Governmental Efficiency         | 714        |
| S. B. No. 1195, to be referred to Committee on Rules                          | 1094       |
| S. C. R. No. 31, call of Senate on                                            | 1843       |
| S. C. A. No. 8, to be made special order                                      | 1846       |
| Indictive Polling, Auditor General and Legislative Council to be prepared for | 47         |
| Moreno, John G., confirming appointment of, as Pilot Commissioner             | 340        |
| Rolling fund of money                                                         | 1086       |
| Recommendation whereby Senator Patrick recommended to S. B. No. 425           |            |
| to be referred to                                                             | 714        |
| Report of Committee on Rules and of Senate on adoption of                     | 1810       |
| Report of Committee on Rules to Senate with the amendments to be adopted      | 140        |
| Report of Committee on Rules to Senate amendments to be adopted               | 84         |
| Requests permission to introduce bill                                         | 439, 2714  |
| Resolutions                                                                   |            |
| Bill, to be made law of limitation                                            | 2          |
| Cable, prohibiting circulation of                                             | 20         |
| Legislative Bill, House proposed and Senate opposed meeting in session        | 174        |
| Limiting duration of speeches on floor of Senate                              | 1105       |
| Manner of Legislative Council, printing and distribution of                   | 246        |
| Notifying Assembly of reconvening after constitutional recess                 | 426        |
| Notifying Governor, Senate ready to adjourn next day                          | 25         |
| Rule, Senate No. 8, offers amendment to                                       | 5          |
| Rule, Senate No. 21, offers amendment to                                      | 56         |
| Rules, motion to fix, the regular day, introduction of                        | 3          |
| Rules, temporary, where considering an amendment of                           | 20         |
| Rules, standing, where considering an                                         | 56         |
| Senate, report, Amendment, JAMES E. to be discussed at San Francisco, May     | 1760       |
| and Meeting, 1908                                                             |            |
| Senate, report, Amendment, introduction to have, Hon. Francis E. Garrison     | 284        |
| Senate, report, Amendment, to be adopted, Motion, to be adopted               | 2450       |
| Trial of Election Contest, offers amendments to proposed Senate rules for     | 28         |
| Whereas, Senate resolution of S. B. No. 309                                   | 1000       |
| RICHARD, RAY, Extended privilege of the floor                                 | 2191       |
| RICHARDS, MR. and MRS. DAVID W., Extended privilege of the floor              | 137        |
| RICHARDS, LARRY, Extended privilege of the floor                              | 802, 1977  |
| RICHARDSON, H. L., Extended privilege of the floor                            | 718        |
| RICHIE, PAUL A., Commemorative from, regarding the setting of Times, I        |            |
| Motion                                                                        | 84         |
| RIDGEWAY, JAMES, Extended privilege of the floor                              | 2377       |
| RILEY, MR. and MRS. FRANK O., Extended privilege of the floor                 | 274        |
| RILEY, FORMER SENATOR JOSEPH, Extended privilege of the floor                 | 143        |
| RIOGIAN, THOMAS L., Extended privilege of the floor                           | 12         |
| RIPON UNION HIGH SCHOOL, Students at, extended privilege of the floor         | 2076       |
| RIPSON, MRS. PAULINE, Extended privilege of the floor                         | 392        |
| RIVERSIDE CHAMBER OF COMMERCE, Commemorative from, regarding                  |            |
| A. B. No. 518                                                                 | 2077       |
| ROADS AND HIGHWAYS, Amendment of, motion to                                   | 114        |
| ROBINS, MRS. W. F. and MISS NANCY J., Extended privilege of the floor         | 1016       |
| ROBINSON, MR. and MRS. BILL, Extended privilege of the floor                  | 1724       |
| Resolution of approval of                                                     | 1725       |
| ROBINSON, HARRY G., Extended privilege of the floor                           | 1780       |
| ROGERS, MRS. HAROLD L., Extended privilege of the floor                       | 1246, 1282 |
| ROLL, CALL                                                                    |            |
| Resolutions on                                                                |            |
| A. B. No. 478, motion to re-refer to Committee on Insurance                   | 3333       |
| A. B. No. 508, motion to re-refer to Committee on Labor and Capital           | 2882       |
| A. B. No. 699, amendments to                                                  | 1273       |
| A. B. No. 741, motion to re-refer to Committee on Public Morals               | 2573       |
| A. B. No. 1177, amendments to                                                 | 2030       |
| A. B. No. 1703, motion to re-refer to Committee on Revenue and Taxation       | 3317       |
| A. B. No. 1769, amendments to                                                 | 2093       |
| A. B. No. 2124, amendments to                                                 | 3375       |
| A. B. No. 2194, motion to re-refer to Committee on County Government          | 3373       |
| A. B. No. 2316, motion to re-refer to Committee on Revenue and Taxation       | 2005       |
| A. B. No. 2353, motion to reconsider vote whereby was re-referred to          | 3385       |
| A. B. No. 2503, motion to reconsider amendments to                            | 3200       |
| S. R. No. 5, amendments to                                                    | 2058       |
| S. B. No. 33, motion to re-refer to Committee on Judiciary                    | 3124       |



## ROLL CALL. Continued

| Demand on                                                                               | Page                              |
|-----------------------------------------------------------------------------------------|-----------------------------------|
| S. B. No. 42, motion to re-refer to Committee on Revision of Criminal Law and Procedure | 2788                              |
| S. B. No. 43, motion to table motion to withdraw from Committee on Revenue and Taxation | 2789                              |
| S. B. No. 57, amendments to                                                             | 1750                              |
| S. B. No. 183, amendments to                                                            | 1366                              |
| S. B. No. 425, amendments to                                                            | 2141, 2142                        |
| S. B. No. 519, amendments to                                                            | 1402, 1405                        |
| S. B. No. 720, amendments to                                                            | 1210                              |
| S. B. No. 812, amendments to                                                            | 2537                              |
| S. B. No. 891, amendments to                                                            | 2515                              |
| S. B. No. 943, amendments to                                                            | 1841                              |
| S. B. No. 1054, amendments to                                                           | 2664                              |
| Senate interim committees, adoption of report of Committee on Rules to                  | 3245                              |
| Schotky U. S. Supreme Court resolution, motion to lay on table                          | 465                               |
| ROLLINS, MR. and MRS. R. H. Extended privilege of the floor                             | 1346                              |
| ROLLINS, MR. and MRS. ROBERT Extended privilege of the floor                            | 1419                              |
| ROLPH, JAMES, III.                                                                      |                                   |
| Appointed to Board of Pilot Commissioners, San Francisco                                | 3019                              |
| Appointment confirmed                                                                   | 3184                              |
| ROONEY, MRS. G. W. Extended privilege of the floor                                      | 2605                              |
| ROOSEVELT, PRESIDENT FRANKLIN D.                                                        |                                   |
| Inaugural address of, Senate joins Assembly to hear                                     | 201                               |
| Telegram of congratulation to, on inauguration                                          | 200                               |
| ROSELAWN SCHOOL, Pupils of, extended privilege of the floor                             | 885                               |
| ROSENBERG, WILLIAM. Extended privilege of the floor                                     | 592, 1522, 2920                   |
| ROSENBERG, IRA. Extended privilege of the floor                                         | 885                               |
| ROSPAU, MR. and MRS. FRANK. Extended privilege of the floor                             | 1171                              |
| ROSSI, FRANK J. Extended privilege of the floor                                         | 912                               |
| ROSSI, L. M. Extended privilege of the floor                                            | 1909, 2848                        |
| ROUNSAVELLE, MRS. S. A. Extended privilege of the floor                                 | 593                               |
| ROUSE, WALLACE P. Extended privilege of the floor                                       | 2571                              |
| ROYLE, J. L. Extended privilege of the floor                                            | 758                               |
| RULES. Appointment of committee on                                                      | 134                               |
| Joint, adoption of                                                                      | 112                               |
| Joint Convention, for hearing complaint for removal of judicial officers                | 302, 311                          |
| Report of Committee on                                                                  | 11, 107, 127, 128, 171, 172, 3184 |
| Standing—                                                                               |                                   |
| Adoption of                                                                             | 65                                |
| Proposed                                                                                | 37                                |
| Rule No. 8, amended                                                                     | 55, 229                           |
| Rule No. 21, amended                                                                    | 56                                |
| Rule No. 23, amended                                                                    | 55                                |
| Rule No. 68, amendment to refused adoption                                              | 54                                |
| Temporary, adopted                                                                      | 23, 26                            |
| RUMBLE, HUBERT and JOSEPH. Extended privilege of the floor                              | 802                               |
| RUTH, O. H. Extended privilege of the floor                                             | 802                               |
| RUTHERFORD, W. E. Extended privilege of the floor                                       | 887                               |
| RYAN, HON. JAMES J. Extended privilege of the floor                                     | 2868                              |

## S

|                                                                                       |               |
|---------------------------------------------------------------------------------------|---------------|
| SACHEN, JOSEPH. Extended privilege of the floor                                       | 1247          |
| SACRED HEART COLLEGE HIGH SCHOOL. Students of, extended privilege of the floor        | 2233          |
| SAINT PATRICK'S DAY CELEBRATION.                                                      |               |
| Senate invited to participate with Assembly in                                        | 803           |
| SALE, LINDLEY. Extended privilege of the floor                                        | 131           |
| SALES TAX ACT.                                                                        |               |
| Administration of, communication from Frank C. Weller regarding                       | 1380          |
| SALISBURY, MRS. GEORGE W. Extended privilege of the floor                             | 1721          |
| SAMUEL, MRS. ARTHUR and MISS JEAN. Extended privilege of the floor                    | 1757          |
| SAMPLES, MARJORIE G.                                                                  |               |
| Appointed Stenographer                                                                | 106, 474, 891 |
| Stricken from pay roll                                                                | 345, 610      |
| SANDERS, E. Extended privilege of the floor                                           | 1419          |
| SAN FRANCISCO BAY BRIDGE.                                                             |               |
| Communication from Sonoma County Board of Supervisors regarding                       | 462           |
| SAN FRANCISCO BOARD OF SUPERVISORS.                                                   |               |
| Communication from, indorsing A. B. No. 567                                           | 2646          |
| SAN FRANCISCO LABOR COUNCIL.                                                          |               |
| Communication from, advocating legislation, against use of tear gas in labor disputes | 2077          |

|                                                                                                         |                        |
|---------------------------------------------------------------------------------------------------------|------------------------|
| SANDMAN, COL. OTTO. Extended privilege of the floor                                                     | 1000                   |
| SAN LEANDRO HIGH SCHOOL. Students of, extended privilege of the floor                                   | 704                    |
| SAWYER, R. E. Extended privilege of the floor                                                           | 246                    |
| SCAMMON, ELLSWORTH W.                                                                                   | 1043                   |
| Unusual Absence Check at Senate                                                                         | 5                      |
| Staff from jury roll                                                                                    | 467                    |
| SCATTERGOOD, MRS. E. E. Extended privilege of the floor                                                 | 344                    |
| SCHMITZ, PAUL. Extended privilege of the floor                                                          | 288                    |
| SCHOFFIELD, DON. GERRY A. Senate influence out of respect to Secretary of                               | 802                    |
| SCHOOL BUILDINGS                                                                                        | 1970                   |
| Report of Senate Committee on Investigation of                                                          | 2102                   |
| SCHOOL CODE. Resolution favoring revision of by California Code Commission                              | 2416                   |
| SCHOTTKY, SENATOR ANDREW R.                                                                             |                        |
| Committees appointed on                                                                                 |                        |
| Committee on the Senate and Civil Endowment to Review                                                   | 2061                   |
| Interim Committee to Joint Conference with Assembly                                                     | 146                    |
| Finance and Personnel post trustees                                                                     | 8                      |
| Infants Committee on automobile licensing                                                               | 2503                   |
| Demands roll call on                                                                                    |                        |
| A. B. No. 1100, amendments to                                                                           | 2051                   |
| S. R. No. 5, amendments to                                                                              | 2058                   |
| Granted leave of absence for the day                                                                    | 101, 157, 160, 204     |
| Introduction Senate measure authorizing report of Senate Investigating Committee                        | 2825                   |
| Motions                                                                                                 | 80                     |
| Attorney General and Legislative Council to report for approval of action                               |                        |
| By Legislature to grant number to First of January                                                      | 705                    |
| Call of Senate to consider report of Committee on Rules                                                 | 1202                   |
| Resolution regarding increase in U. S. Supreme Court Justices to make                                   |                        |
| Senate bill                                                                                             | 447                    |
| S. R. No. 1, amendments to                                                                              | 1960                   |
| S. R. No. 280, and 291, and to amend Joint Committee on Judiciary                                       |                        |
| and to refer to Committee on House and Assembly                                                         | 281                    |
| S. R. No. 100, call of Senate on                                                                        | 1401                   |
| President and Senate                                                                                    | 1001, 2180, 2426       |
| Remarks at Schottky, U. S. Supreme Court nomination                                                     | 2888                   |
| Requests permission to introduce bill                                                                   | 485                    |
| Resolutions                                                                                             | 461                    |
| About the layman's appointment of committee to promote temperance act                                   | 3441                   |
| U. S. Supreme Court Justices opposing increase in number of                                             | 446, 461               |
| SCHOTTKY, ANDREW R., Jr.                                                                                | 465                    |
| Appointed Judge                                                                                         | 445                    |
| Staff from jury roll                                                                                    | 2610                   |
| SCHROEDER DOLORES. Assistant Stenographer                                                               | 1387                   |
| SCHUSSMANN, MYRON. Extended privilege of the floor                                                      | 2104                   |
| SCHUYLER, MR. and MRS. GEO. H. Extended privilege of the floor                                          | 502                    |
| SCOTT, H. M. Extended privilege of the floor                                                            | 2527                   |
| SCOTT, MRS. T. B. Extended privilege of the floor                                                       | 2456                   |
| SEAWELL, JERRY JEAN. Extended privilege of the floor                                                    | 967                    |
| SEAWELL, SENATOR JERROLD T.                                                                             |                        |
| Committees appointed on                                                                                 |                        |
| Fire Conference on                                                                                      |                        |
| A. B. No. 2792                                                                                          | 3222                   |
| S. R. No. 166                                                                                           | 3258                   |
| Interim Committee on Governmental Efficiency                                                            | 2500                   |
| Joint Committee to attend Further River Highway dedication                                              | 2708                   |
| Select Committee to attend funeral of late Senator Frank J. Powers                                      | 1248                   |
| Special Committee to investigate absentees under call of Senate May 5                                   | 2220                   |
| Demands roll call on                                                                                    |                        |
| A. B. No. 478, motion to re-refer to Committee on Insurance                                             | 3333                   |
| A. B. No. 2516, motion to re-refer to Committee on Revenue and Taxation                                 | 2902                   |
| A. B. No. 2353, motion to reconsider vote whereby was re-referred to Committee on Revision and Taxation | 3385                   |
| S. R. No. 5, amendments to                                                                              | 2058                   |
| Gives notice of reconsideration of—                                                                     |                        |
| A. B. No. 217                                                                                           | 2223                   |
| A. C. R. No. 57                                                                                         | 2597                   |
| S. R. No. 120                                                                                           | 966                    |
| Granted leave of absence for the day                                                                    | 36, 54, 101, 543, 1282 |

## SEAWELL, SENATOR JERROLD L. Continued

|                                                                                                                                          | PAGE       |
|------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Motions—                                                                                                                                 |            |
| A. B. No. 1 be made special order.....                                                                                                   | 2048       |
| A. B. No. 217 be re-referred to Committee on Commerce and Navigation.....                                                                | 2413       |
| A. B. No. 1225 be re-referred to Committee on Motor Vehicles..... 1939.                                                                  | 2641       |
| A. B. No. 2625 be re-referred to Committee on Motor Vehicles.....                                                                        | 3059       |
| A. C. A. No. 4 be withdrawn from Committee on Governmental Efficiency for amendment.....                                                 | 2335       |
| A. J. E. No. 31 be made special order.....                                                                                               | 1639       |
| S. B. No. 42 be re-referred to Committee on Revision of Criminal Law and Procedure.....                                                  | 2788       |
| S. B. No. 78 be re-referred to Committee on Roads and Highways.....                                                                      | 2466       |
| S. B. No. 304 be made special order.....                                                                                                 | 2632       |
| S. B. No. 63 be re-referred to Committee on Fish and Game.....                                                                           | 1731       |
| S. B. Nos. 494, 505, 777, and 891 be withdrawn from Committee on Public Morals and referred to Committee on Governmental Efficiency..... | 744        |
| S. B. No. 802 be withdrawn from committee for amendment..... 859.                                                                        | 1939       |
| S. B. No. 870 be re-referred to Committee on Governmental Efficiency.....                                                                | 1230       |
| S. B. No. 1155 be withdrawn from Committee on Governmental Efficiency for amendment.....                                                 | 2629       |
| Remarks on Schottky U. S. Supreme Court resolution.....                                                                                  | 501        |
| Requests permission to introduce bill.....                                                                                               | 1235, 2516 |
| Resolutions                                                                                                                              |            |
| Appointment of committee to report on absentees under Call of Senate, May 5.....                                                         | 2220       |
| Appointment of committee to promote temperate use of alcoholic beverages.....                                                            | 2431       |
| Appointment of committee to investigate law enforcement agencies.....                                                                    | 386        |
| Appointment by Governor of Mediation Board.....                                                                                          | 3371       |
| Creating Senate Interim Committee on Governmental Efficiency..... 3111.                                                                  | 3438       |
| Recognizing "Spring has come".....                                                                                                       | 1732       |
| Waives reconsideration of S. B. No. 120.....                                                                                             | 1019       |
| SEAWELL, MRS. J. L. Extended privilege of the floor.....                                                                                 | 2040       |
| SEAWELL, ROBERT.....                                                                                                                     |            |
| Appointed Page.....                                                                                                                      | 1024       |
| Stricken from pay roll.....                                                                                                              | 1178       |
| SECRETARY OF SENATE. See BEEK, JOSEPH A., SECRETARY OF SENATE.                                                                           |            |
| SECRETARY OF STATE. See JORDAN, FRANK C., SECRETARY OF STATE.                                                                            |            |
| SEGAL, MRS. ROSE and MISS SYLVIA. Extended privilege of the floor.....                                                                   | 2294       |
| SENATE.....                                                                                                                              |            |
| Adjourns for constitutional recess.....                                                                                                  | 435        |
| Adjourns sine die.....                                                                                                                   | 3506       |
| Convenes.....                                                                                                                            | 1          |
| Organizes.....                                                                                                                           | 10         |
| Reconvenes after constitutional recess.....                                                                                              | 435        |
| SENATORS. List of hold-over and elect.....                                                                                               | 5          |
| SERGEANT-AT ARMS. See NOLAN, JOSEPH F., SERGEANT-AT ARMS.                                                                                |            |
| SERSAIN, MR. and MRS. S. L. Extended privilege of the floor.....                                                                         | 3208       |
| SHACKLETON, W. G. Extended privilege of the floor.....                                                                                   | 1245       |
| SHANNEN, GEORGE H. Communication from, expressing appreciation of sympathy extended.....                                                 | 2305       |
| SHANNON, JAMES M. Resolution relative to death of.....                                                                                   | 448        |
| Senate adjourns out of respect to memory of.....                                                                                         | 449        |
| SHANNON, HON. WARREN. Extended privilege of the floor.....                                                                               | 1651       |
| SHARKEY, FORMER SENATOR WM. R. Extended privilege of the floor..... 448, 1245.                                                           | 2191       |
| Addresses Senate.....                                                                                                                    | 448        |
| SHARP, SIDNEY J. Extended privilege of the floor.....                                                                                    | 885        |
| SHARP, THEO. L. Extended privilege of the floor.....                                                                                     | 1862       |
| SHASTA UNION HIGH SCHOOL, BUTTE COUNTY. Extended privilege of floor.....                                                                 | 2076       |
| SHAW, MISS JEAN. Extended privilege of the floor.....                                                                                    | 2752       |
| SHEEHAN, WINFIELD. Extended privilege of the floor.....                                                                                  | 1862       |
| SHEPPARD, MRS. B. T. Extended privilege of the floor.....                                                                                | 592        |
| SHERMAN, S. B. Extended privilege of the floor.....                                                                                      | 718        |
| SHERRY, JUDGE DEAN. Extended privilege of the floor.....                                                                                 | 2292       |
| SHOESMITH, MRS. E. B. Extended privilege of the floor.....                                                                               | 1171       |
| SHORE, MRS. PAULINE. Extended privilege of the floor.....                                                                                | 2294       |
| SHREVE, MRS. H. W. Extended privilege of the floor.....                                                                                  | 1691       |
| SIFTON, COL. LOY S. Extended privilege of the floor.....                                                                                 | 2527       |
| SILBERSTEIN, "PAT." Extended privilege of the floor.....                                                                                 | 442        |
| SILVA, JACK. Extended privilege of the floor.....                                                                                        | 1283       |
| SILVER, HARRY. Extended privilege of the floor.....                                                                                      | 2362       |

|                                                                                             |      |
|---------------------------------------------------------------------------------------------|------|
| SLAVE RAID GRANGE, CALISTOGA                                                                | Page |
| Communication from urging Senate membership of Campbell Dodge                               | 1819 |
| SLAYTER, MRS. FRED. Extended privilege of the floor                                         | 2006 |
| SLAYTER, HILLIARD VERNON. Extended privilege of the floor                                   | 2006 |
| SMITH, HON. F. N. Extended privilege of the floor                                           | 2042 |
| SMITHSON, ERNEST. Extended privilege of the floor                                           | 2005 |
| SMITHSON, BRUCE. Extended privilege of the floor                                            | 2005 |
| SKILLION BILLS                                                                              |      |
| Opinion of Attorney General regarding                                                       | 473  |
| Opinion of Legislative Council regarding                                                    | 198  |
| SLATCH, SENATOR HERBERT W.                                                                  | 1520 |
| Appointed to prepare arguments for S. O. A. No. 31                                          | 2505 |
| Committee appointed on                                                                      |      |
| Immigration (including the President Roosevelt on Immigration)                              | 300  |
| Immigration to keep Committee with Assembly                                                 | 140  |
| Immigration on S. O. A. No. 31                                                              | 2555 |
| Immigration Committee of the House                                                          | 1505 |
| Senate Committee on Immigration of Senate                                                   | 10   |
| Senate Committee on Immigration after constitutional review                                 | 10   |
| Senate Committee on Immigration since then                                                  | 1505 |
| Honorable former Governor Paul V. McNutt of Indiana                                         | 1200 |
| Immigration bill only on                                                                    |      |
| A. H. No. 141, referred to Federal to Committee on Public Morals                            | 157  |
| A. H. No. 1194, referred to Committee on General Government                                 | 157  |
| General House of Assembly for the day                                                       | 2045 |
| Mr.                                                                                         |      |
| A. H. No. 157, withdrawn from Committee on Immigration the passage                          | 270  |
| A. J. R. No. 15 for withdrawal from Committee on Federal Relations the passage              | 281  |
| A. J. R. No. 45, call of Senate on                                                          | 2022 |
| Senate adjourns out of respect to memory of former Assemblyman George A. Schaffel           | 1058 |
| Remarks including Hon. Horace W. Johnson on completing twenty years service in U. S. Senate | 1425 |
| Resolutions pertaining to attendance and                                                    | 1351 |
| Resolutions                                                                                 | 2510 |
| Authorizing proposition of revised School Code                                              | 2410 |
| Expressing appreciation to John F. Casey & Young                                            | 2408 |
| Limiting duration of meetings of the Senate                                                 | 1410 |
| Providing Senate house on Capitol Plaza                                                     | 972  |
| Resolving Board of Public Works to survey proposed highway leading from Geary to highway    | 2491 |
| SLEETER, JAMES. Extended privilege of the floor                                             | 1219 |
| SLEETER, R. R. Extended privilege of the floor                                              | 2204 |
| SMALL, MISS DOROTHY G. Extended privilege of the floor                                      | 54   |
| SMITH, CARROLL. Extended privilege of the floor                                             | 208  |
| SMITH, DUMPSY. Extended privilege of the floor                                              | 157  |
| SMITH, MISS KATHLYN A. Extended privilege of the floor                                      | 2750 |
| SMITH, JUDGE PHILIP. Extended privilege of the floor                                        | 2200 |
| SMITH, R. Extended privilege of the floor                                                   | 158  |
| SMITH, MISS SUZANNE. Extended privilege of the floor                                        | 1571 |
| SMITH, WILLIAM R. Extended privilege of the floor                                           | 2478 |
| SNAVELY, HERMAN                                                                             |      |
| Appointed Assistant of Aides                                                                | 47   |
| Spoken to on pay roll                                                                       | 438  |
| SNYDER, MRS. BERT. Extended privilege of the floor                                          | 344  |
| SNYDER, HON. MEREDITH P. Senate adjourns out of respect to memory of                        | 1831 |
| SOARES, MRS. CATHERINE. Extended privilege of the floor                                     | 1570 |
| SOCIAL SECURITY. Appointment of committee on                                                | 1840 |
| SOCIAL SERVICE CURRICULUM, E. C.                                                            | 134  |
| Communication from members of, requesting increased appropriation                           | 441  |
| SOCIAL WELFARE DEPARTMENT                                                                   |      |
| Communication from, estimating amount of relief going to aliens                             | 1420 |
| SONOMA COUNTY BOARD OF SUPERVISORS                                                          |      |
| Communication from, re San Francisco Bay and Carquinez bridges                              | 402  |
| SONNIXSON, EMMET. Extended privilege of the floor                                           | 2302 |
| SOUTH GATE TOWNSEND CLUB                                                                    |      |
| Communication from, re passage by Congress of General Welfare Act                           | 1802 |
| SOUTHWICK, JESS W. Extended privilege of the floor                                          | 1802 |
| SOUZA, MANUEL. Extended privilege of the floor                                              | 1283 |



|                                                                                       | Page                         |
|---------------------------------------------------------------------------------------|------------------------------|
| SPECIAL ORDER                                                                         |                              |
| A. B. No. 1 made                                                                      | 2948                         |
| Considered by                                                                         | 2955                         |
| A. B. No. 1177 made                                                                   | 1955, 2098                   |
| Considered by                                                                         | 2026, 2180                   |
| A. B. No. 2149 made                                                                   | 2684                         |
| Considered by                                                                         | 2720                         |
| A. C. R. No. 18 made                                                                  | 595                          |
| Considered by                                                                         | 812                          |
| A. C. R. No. 33 made                                                                  | 1375                         |
| Considered by                                                                         | 1307                         |
| S. B. No. 9 made                                                                      | 1990                         |
| Considered by                                                                         | 2066                         |
| S. B. No. 103 made                                                                    | 852, 1524, 1772              |
| Considered by                                                                         | 973, 1013, 1793              |
| S. B. No. 166 made                                                                    | 1425                         |
| Considered by                                                                         | 1554                         |
| S. B. No. 200 made                                                                    | 799                          |
| Considered by                                                                         | 892                          |
| S. B. No. 241 made                                                                    | 1702                         |
| Considered by                                                                         | 1731                         |
| S. B. No. 304 made                                                                    | 2032                         |
| Considered by                                                                         | 2149                         |
| S. B. No. 369 made                                                                    | 1529, 1882                   |
| Considered by                                                                         | 1641, 1955                   |
| S. B. No. 519 made                                                                    | 1369                         |
| Considered by                                                                         | 1400                         |
| S. B. No. 579 made                                                                    | 852, 876, 1504, 1772         |
| Considered by                                                                         | 973, 1013, 1793              |
| Vacated                                                                               | 1589                         |
| S. B. No. 733 made                                                                    | 2257                         |
| Considered by                                                                         | 2417                         |
| S. B. No. 888 made                                                                    | 799                          |
| Considered by                                                                         | 926                          |
| S. C. A. No. 8 made                                                                   | 590                          |
| Considered by                                                                         | 596                          |
| Resolution indorsing President Roosevelt's proposed reforms for Federal Courts        | 449, 466                     |
| Resolution opposing increase in number of U. S. Supreme Court Justices                | 447, 463, 465                |
| SPECIAL SENATE SAN FRANCISCO HARBOR COMMITTEE. Report                                 | 2789                         |
| of                                                                                    | 1862                         |
| SPETZEL, HERMAN. Extended privilege of the floor                                      | 886                          |
| SPINDT, L. J. Extended privilege of the floor                                         | 2605                         |
| SPIRES, DONALD. Extended privilege of the floor                                       | 2825                         |
| SPOFFORD, KENNETH. Extended privilege of the floor                                    | 593                          |
| SPRADLING, MRS. O. H. Extended privilege of the floor                                 |                              |
| ST. IVES LAW CLUB, UNIVERSITY OF SAN FRANCISCO.                                       |                              |
| Members of, extended privilege of the floor                                           | 1652                         |
| STACKPOLE, FRANK H. Extended privilege of the floor                                   | 1721                         |
| STANDARD OIL COMPANY, CALIFORNIA.                                                     |                              |
| Agreement with State for Easement No. 338, Huntington Beach                           | 1046                         |
| STANDING COMMITTEES. Appointment of                                                   | 133                          |
| STANFIELD, RALPH. Extended privilege of the floor                                     | 885                          |
| STANFORD JUNIOR HIGH SCHOOL, SACRAMENTO. Students of, extended privilege of the floor | 1521, 1720, 1781, 2039, 2232 |
| STATE BAR OF CALIFORNIA.                                                              |                              |
| Resolution urging removal of Justice Gavin W. Craig                                   | 48                           |
| STATE HOSPITALS, INTERIM COMMITTEE ON.                                                |                              |
| Resolution creating                                                                   | 2875, 2964                   |
| Personnel                                                                             | 3505                         |
| STATE LANDS, CHIEF, DIVISION OF                                                       |                              |
| Communication from, reporting title certificates issued under Torrence Act            | 250                          |
| STATE PRINTER.                                                                        |                              |
| Resolution commending for excellent service rendered                                  | 3169                         |
| Resolution urging, to continue force on 24-hour basis until bills are printed         | 346                          |
| STEARNS, W. J. Extended privilege of the floor                                        | 1122                         |
| STEITZ, MR. and MRS. JAMES. Extended privilege of the floor                           | 269                          |
| STERNER, MR. and MRS. LES. Extended privilege of the floor                            | 1721                         |
| STERRY, NORMAN S. Extended privilege of the floor                                     | 1781                         |
| STEWART, HELEN. Appointed Journal Clerk                                               | 580                          |
| STEWART, MRS. JOHN. Extended privilege of the floor                                   | 1171                         |
| ST. MARIE, ROBERT. Extended privilege of the floor                                    | 1781                         |

|                                                                                  |            |
|----------------------------------------------------------------------------------|------------|
| STOCKTON RICHARD. Extended privilege of the floor                                | 1566       |
| STOCKTON HIGH SCHOOL                                                             | 1571       |
| Members, Cultural Scholarship Foundation, et. extended privilege of floor        | 592        |
| STOLL JACK. Extended privilege of the floor                                      | 1525       |
| STONE DR LEE A. Extended privilege of the floor                                  | 1527       |
| STRATTON A W. Extended privilege of the floor                                    | 1528       |
| STRAUB JOHN N. and MRS. BERTHA Z. Extended privilege of the floor                | 1022       |
| STRAVER RAY J H. Extended privilege of the floor                                 | 1448       |
| STRONG MRS. E. K. Extended privilege of the floor                                | 593        |
| STUCKEY LEE I. Extended privilege of the floor                                   | 1379       |
| STUEBELMANN HENRY. Extended privilege of the floor                               | 887        |
| SUBSIN DISTRICT SCHOOL. Privilege of extended privilege of the floor             | 1691       |
| SULLIVAN MRS. CALESTINE and MISS MARIAN. Extended privilege of the floor         | 851        |
| SULLIVAN JOHN I. Extended privilege of the floor                                 | 1022       |
| SULLIVAN MR. and MRS. RAY. Extended privilege of the floor                       | 886        |
| SULLIVAN WILLIAM A. Extended privilege of the floor                              | 892        |
| SUTTER UNION HIGH SCHOOL. Students et. extended privilege of the floor           | 851        |
| SWIFT R. F. Extended privilege of the floor                                      | 892        |
| SWING, SENATOR RALPH E.                                                          |            |
| Committee appointed by                                                           |            |
| Tree Conference on A. B. No. 2794                                                | 2971       |
| Interest Committee on Alcoholic Beverages                                        | 1595       |
| Notary Committee                                                                 |            |
| Administration of the                                                            |            |
| Organization of Senate                                                           | 1593       |
| Reorganizing after constitutional change                                         | 76         |
| Special Committee for celebration of Anniversary Day                             | 196        |
| Domestic call roll on                                                            | 2205       |
| A. B. No. 1177 amendments to                                                     |            |
| S. B. No. 425, amendments to                                                     | 2006       |
| Gives notice of reconsideration of—                                              | 2141       |
| A. B. No. 496                                                                    |            |
| S. B. No. 476                                                                    | 1596       |
| S. B. No. 642                                                                    | 1649       |
| Granted leave of absence for the day                                             | 1598       |
| Motions—                                                                         | 1591 2919  |
| A. B. No. 21, roll of Senate on                                                  |            |
| A. B. No. 256, roll of Senate on                                                 | 1407       |
| A. B. No. 258, 259 be referred to Committee on Judiciary                         | 2114       |
| A. B. No. 741 be referred to Committee on Finance                                | 2693       |
| A. B. No. 1177 be made special order                                             | 1183       |
| A. B. No. 1609 reconsider vote whereby was referred to committee                 | 1955 2168  |
| A. B. No. 1609 be referred to Committee on Finance                               | 2287       |
| A. B. No. 1754 reconsider vote whereby was referred to Committee on Finance      | 2290       |
| A. B. No. 2195 be referred to Committee on Motor Vehicles                        | 2896       |
| A. B. No. 2196 Senate motion to adopting amendments on May 6 be recorded         | 1639       |
| A. B. No. 2553 be referred to Committee on Public Morals                         | 2690       |
| A. B. No. 2638 be referred to Committee on Pensions and Retiring forces          | 3290       |
| S. B. No. 33 be referred to Committee on Judiciary                               | 3417       |
| S. B. No. 43 reconsider vote whereby amendments were adopted                     | 3124       |
| S. B. No. 103 made special order                                                 | 2641       |
| S. B. No. 103 be referred to Committee on Old Industries                         | 1772       |
| S. B. No. 330 be withdrawn from Committee on Motor Vehicles                      | 1019       |
| S. B. No. 425 be referred to Committee on Governmental Efficiency                | 3492       |
| S. B. No. 425 be referred to Committee on Finance                                | 1780       |
| S. B. No. 579 be made special order                                              | 2257       |
| S. B. No. 844 be referred to Committee on Finance                                | 852 876    |
| S. B. No. 985 be referred to Committee on Judiciary                              | 599        |
| S. B. No. 1008 be referred to Committee on Roads and Highways                    | 2779       |
| S. B. No. 1157 be referred to Committee on Finance                               | 2625       |
| S. C. A. No. 17 be referred to Committee on Drainage, Swamp and Overflowed Lands | 2809       |
| Initiative S. B. No. 1, no further action be taken on                            | 2595       |
| Presides over Senate                                                             | 231        |
| Requests permission to introduce bill                                            | 2284       |
|                                                                                  | 1887, 2728 |

## SWING, SENATOR RALPH E. Continued

| Resolutions                                                               | Page |
|---------------------------------------------------------------------------|------|
| Continuing Liquor Investigating Committee                                 | 95   |
| Creating committee to promote temperate use of alcoholic beverages, 2866, | 3431 |
| Notifying Governor of reconvening after constitutional recess             | 436  |
| Senate Rule No. 23 offers amendment to                                    | 55   |
| Statement re A. B. No. 2353                                               | 3386 |
| Telegram of congratulations to, and remarks by, on birth of granddaughter | 863  |
| Waives reconsideration of A. B. No. 406                                   | 1521 |
| SYKES, MRS. R. J. Extended privilege of the floor                         | 1831 |
| SYLVAN GRAMMAR SCHOOL. Papers of, extended privilege of floor, 1219,      | 1521 |
| SYLVIAS, THOMAS. Extended privilege of the floor                          | 2204 |

## T

## TABLE, LAY ON.

|                                                                        |                     |
|------------------------------------------------------------------------|---------------------|
| Motion for amendments to                                               |                     |
| A. B. No. 2048                                                         | 2845                |
| A. B. No. 2422                                                         | 2961                |
| A. B. No. 2911                                                         | 3393                |
| S. B. No. 388                                                          | 1405                |
| S. B. No. 519                                                          | 1103                |
| Motion to withdraw from committee                                      |                     |
| A. B. No. 65                                                           | 3059                |
| S. B. No. 43                                                           | 2789                |
| TALBOT, ED. Extended privilege of the floor                            | 885                 |
| TALBOTT, E. O. and ORWIN. Extended privilege of the floor              | 2605                |
| TAUZER, C. J. Extended privilege of the floor                          | 593                 |
| TAYLOR, R. F. and MARJORIE. Extended privilege of the floor            | 131                 |
| TAYLOR, MR. and MRS. SAMUEL. Extended privilege of the floor           | 450                 |
| TERKEL, MR. and MRS. ABRAHAM. Extended privilege of the floor          | 942                 |
| TERRY, JUDGE and MRS. CLARENCE. Extended privilege of the floor        | 54                  |
| TEVIS, WILLIAM S. Extended privilege of the floor                      | 1862                |
| THIRD GENERAL ASSEMBLY, COUNCIL OF STATE GOVERNMENTS                   |                     |
| Delegate to                                                            | 118, 127, 138       |
| THOMAS, ROGER. Extended privilege of the floor                         | 1045                |
| THOMAS, REV. STEPHEN C. Extended privilege of the floor                | 1653                |
| THOMAS, WINIFRED and CARMEL. Extended privilege of the floor           | 3115                |
| THOMPSON, JUDGE CHARLES A. Extended privilege of the floor             | 1830                |
| THOMPSON, FORMER SENATOR NEWTON W.                                     |                     |
| Resolution relative to death of                                        | 25                  |
| Senate adjourns out of respect to memory of                            | 27                  |
| THOMPSON, MRS. N. W.                                                   |                     |
| Communication from, expressing appreciation of tribute to husband      | 3116                |
| THOMPSON, DR. W. S. Extended privilege of the floor                    | 1046                |
| THORNTON, MR. and MRS. GEORGE. Extended privilege of the floor         | 1721                |
| THROCKMORTON, REV. D. W. Extended privilege of the floor               | 1418                |
| THURBER, MRS. EDWARD. Extended privilege of the floor                  | 1419                |
| TICKLE, SENATOR EDWARD H.                                              |                     |
| Committees appointed on—                                               |                     |
| Free Conference on:                                                    |                     |
| A. B. No. 3                                                            | 2931                |
| A. B. No. 950                                                          | 3423                |
| A. B. No. 2794                                                         | 2071                |
| S. B. No. 83                                                           | 3255                |
| Interim Committee on workmen's compensation insurance                  | 3505                |
| Joint Committee to attend Carmel-San Simeon Highway dedication         | 2611                |
| Temporary Committee on Rules                                           | 11                  |
| Demands roll call on amendments to A. B. No. 2124                      | 3375                |
| Gives notice of—                                                       |                     |
| Motion to amend Rules                                                  | 3249                |
| Reconsideration of A. B. No. 1616                                      | 2341                |
| Granted leave of absence for the day                                   | 502, 942, 1602      |
| Motions—                                                               |                     |
| Appointment of Pages be confirmed                                      | 32, 435, 1024, 1070 |
| A. B. No. 508 be re-referred to Committee on Labor and Capital         | 2882                |
| A. B. No. 590 to reconsider passage of                                 | 3390                |
| A. B. No. 1295 be re-referred to Committee on Judiciary                | 3334                |
| A. B. No. 1347, be re-referred to Committee on Governmental Efficiency | 3405                |
| A. B. No. 1750, call of Senate on                                      | 3387                |
| A. B. No. 2250 be re-referred to Committee on Judiciary                | 3334                |

|                                                                                               |                                    |
|-----------------------------------------------------------------------------------------------|------------------------------------|
| TUCKER, SENATOR EDWARD H. . . . .                                                             | 1769                               |
| Mr. Tucker Continued . . . . .                                                                |                                    |
| A. B. No. 361 introduced in Committee on Military Affairs . . . . .                           | 287                                |
| S. B. No. 104 introduced in Committee on Finance . . . . .                                    | 587                                |
| S. B. No. 307 read in Senate . . . . .                                                        | 270                                |
| S. B. No. 360 read in Senate on urgent calendar . . . . .                                     | 1629                               |
| President of Senate . . . . .                                                                 | 1770                               |
| Resolutions of Senate of 1916 Senate Time . . . . .                                           | 117                                |
| Resolutions of Senate of 1916 Senate . . . . .                                                | 818 2685                           |
| Resolutions . . . . .                                                                         |                                    |
| Amending Committee . . . . .                                                                  | 31 30 31 37 37 106 116 117 117 101 |
| 303 407 418 417 462 461 474 474 509 610 791 817 818 891                                       |                                    |
| 1010 1100 1101 1121 2041 2391 3148 3294 3675 3680 3717                                        | 3169                               |
| Committee of California and United States, publishing journals . . . . .                      |                                    |
| Time of . . . . .                                                                             | 803 925                            |
| Committee Senate Legislative Committee on Governmental Affairs . . . . .                      | 2948                               |
| Committee Senate Committee on Legislative Changes in National Budget . . . . .                |                                    |
| Committee of Legislature . . . . .                                                            | 1107                               |
| Introducing amendments to Mrs. Hilda McGinnis . . . . .                                       | 2652                               |
| Introducing resolution of condolence on death of Senator . . . . .                            | 1105                               |
| Memorial, late Senator Thos. Flint . . . . .                                                  | 117                                |
| Senate Rule No. 8, offers amendment to . . . . .                                              | 55                                 |
| TUCKER, MISS MARGARET. Extended privilege of the floor . . . . .                              | 2752                               |
| TOLL, HENRY W. . . . .                                                                        |                                    |
| First General Assembly, Council of State Governmental, proposed amendment of Senate . . . . . | 105                                |
| TOLL BRIDGES. Resolution naming Senate-creating committee . . . . .                           | 117                                |
| Intervene Committee the members of . . . . .                                                  | 1005                               |
| TOMBS, MAUDE E. Extended privilege of the floor . . . . .                                     | 502                                |
| TOMSON, CATHLEENA. Extended privilege of the floor . . . . .                                  | 1769                               |
| TOMLEY, MISS THERESA. Extended privilege of the floor . . . . .                               | 1001                               |
| TORRESIAN, MISS PARROUSE. Extended privilege of the floor . . . . .                           | 1800                               |
| TORRENCE, A. J. Report on 1916 application natural order . . . . .                            | 250                                |
| TOURNAMENT OF FIGHTS. Resolution referring . . . . .                                          | 3118                               |
| TOWNSEND, R. E. Extended privilege of the floor . . . . .                                     | 908                                |
| TRAIGER, MR. and MRS. GEO. Extended privilege of the floor . . . . .                          | 501                                |
| TREMAINE, MRS. ESTHER. Extended privilege of the floor . . . . .                              | 2461                               |
| TRIMBLE, DANIEL. Extended privilege of the floor . . . . .                                    | 1001                               |
| TRIMPEL, O. V. Extended privilege of the floor . . . . .                                      | 1001                               |
| TROPE, HARRY. Extended privilege of the floor . . . . .                                       | 2727                               |
| TRONEL, CLAYTON C. Extended privilege of the floor . . . . .                                  | 2825                               |
| TRISOTTI, MRS. F. F. Extended privilege of the floor . . . . .                                | 1000                               |
| TURE, SERRANO. Extended privilege of the floor . . . . .                                      | 1781                               |
| TUCKER, C. E. Extended privilege of the floor . . . . .                                       | 2000                               |
| TUNBROW, BERT. Extended privilege of the floor . . . . .                                      | 2005                               |
| TUTT, RUTH . . . . .                                                                          |                                    |
| Appointed Stenographer . . . . .                                                              | 31 418                             |
| Stricken from pay roll . . . . .                                                              | 344                                |
| TWENTY-FIVE DOLLAR EVERY MONDAY MORNING PLAN . . . . .                                        |                                    |
| Senate requests resolution in Assembly to join in bettered discussion of . . . . .            | 1769                               |
| Senate requests to have discussion of . . . . .                                               | 1710                               |
| TWISSELMANN, ERNEST. Extended privilege of the floor . . . . .                                | 2477                               |

U

|                                                                                                    |      |
|----------------------------------------------------------------------------------------------------|------|
| UNITED SPANISH WAR VETERANS. Commission from opposing . . . . .                                    |      |
| A. B. No. 372 . . . . .                                                                            | 445  |
| UNIVERSITIES AND STATE COLLEGES. Appointment of committee on . . . . .                             | 104  |
| UNIVERSITY HIGH SCHOOL. Summons of, extended privilege of the floor . . . . .                      | 2401 |
| URGENCY MEASURES . . . . .                                                                         |      |
| Opinion of Legislative Counsel as to vote required on . . . . .                                    | 1493 |
| U. S. SUPREME COURT . . . . .                                                                      |      |
| Commission from Pres. C. Ross protesting against changing number of Justices of . . . . .          | 462  |
| Petition from citizens of Sierra Madre protesting against changing number of Justices of . . . . . | 462  |
| Resolution opposing increase in number of Justices of . . . . .                                    | 446  |
| UTT, MRS. JAMES B. Extended privilege of the floor . . . . .                                       | 1800 |

V

|                                  |        |
|----------------------------------|--------|
| VALLÉE, JEANNE . . . . .         |        |
| Appointed Stenographer . . . . . | 31 437 |
| Stricken from pay roll . . . . . | 344    |



|                                                                         |                                                 |            |
|-------------------------------------------------------------------------|-------------------------------------------------|------------|
| VAN DEISNE, F. C.                                                       | Extended privilege of the floor                 | 1721       |
| VAUGHN, IRA.                                                            | Extended privilege of the floor                 | 1721       |
| VERKUYL, GERRIT                                                         | Extended privilege of the floor                 | 1690       |
| Prayer offered by                                                       |                                                 | 1691       |
| VETERANS OF FOREIGN WARS.                                               |                                                 |            |
| Petition from, for adequate appropriations, Veterans' Home, Napa County |                                                 | 445        |
| VETERANS' HOME.                                                         |                                                 |            |
| Adequate appropriations for, petitioned-----                            |                                                 | 445        |
| Adequate water supply for, urged-----                                   |                                                 | 1863       |
| VETO.                                                                   |                                                 |            |
| Message from Governor on.                                               |                                                 |            |
| S. B. No.                                                               | 6-----                                          | 443        |
| S. B. No.                                                               | 58-----                                         | 2407       |
| S. B. No.                                                               | 139-----                                        | 2554       |
| S. B. No.                                                               | 140-----                                        | 2407       |
| S. B. No.                                                               | 218-----                                        | 2406       |
| S. B. No.                                                               | 323-----                                        | 2341       |
| S. B. No.                                                               | 362-----                                        | 2344       |
| S. B. No.                                                               | 379-----                                        | 2408       |
| S. B. No.                                                               | 679-----                                        | 2344       |
| S. B. No.                                                               | 968-----                                        | 2345       |
| S. B. No.                                                               | 993-----                                        | 1782       |
| S. B. No.                                                               | 1051-----                                       | 2617       |
| S. B. No.                                                               | 1052-----                                       | 3167       |
| S. B. No.                                                               | 1119-----                                       | 3279       |
| Sustained:                                                              |                                                 |            |
| S. B. No.                                                               | 6-----                                          | 443        |
| S. B. No.                                                               | 58-----                                         | 2407       |
| S. B. No.                                                               | 139-----                                        | 2669       |
| S. B. No.                                                               | 140-----                                        | 2669       |
| S. B. No.                                                               | 218-----                                        | 3327       |
| S. B. No.                                                               | 323-----                                        | 3166       |
| S. B. No.                                                               | 362-----                                        | 2397       |
| S. B. No.                                                               | 379-----                                        | 2408       |
| S. B. No.                                                               | 679-----                                        | 2630       |
| S. B. No.                                                               | 968-----                                        | 2398       |
| S. B. No.                                                               | 993-----                                        | 1809       |
| S. B. No.                                                               | 1051-----                                       | 3416       |
| S. B. No.                                                               | 1052-----                                       | 3416       |
| VEVERKA, MISS MADELINE.                                                 | Extended privilege of the floor                 | 2605       |
| VIBERY, C. W.                                                           | Extended privilege of the floor                 | 1782       |
| VICKERS, JOSEPH L.                                                      | Extended privilege of the floor                 | 468        |
| VICTOR ELEMENTARY SCHOOL.                                               | Pupils of, extended privilege of the floor----- | 1283       |
| VINCENT, FRANK.                                                         | Extended privilege of the floor                 | 1046       |
| W                                                                       |                                                 |            |
| WAGNER, MESDAMES C. E. and W. O.                                        | Extended privilege of the floor                 | 1862       |
| WAGY, MRS. C. H.                                                        | Extended privilege of the floor                 | 942        |
| WAGY, SENATOR J. I.                                                     |                                                 |            |
| Committees appointed on-----                                            |                                                 |            |
| Free Conference on:                                                     |                                                 |            |
| A. B.                                                                   | 236-----                                        | 305        |
| A. B. No.                                                               | 1801-----                                       | 3382       |
| A. B. No.                                                               | 2503-----                                       | 3417       |
| Interim Committee on live stock marketing                               |                                                 | 3505       |
| Motion-Amendments by Senator Olson to A. B. No. 2503 be tabled-----     |                                                 | 3396       |
| Presides over Senate                                                    |                                                 | 1823       |
| Requests permission to introduce bill-----                              |                                                 | 2151       |
| Resolution—organization of Senate-----                                  |                                                 | 5          |
| Resolution re payment of claims of Case, Laney and Froehlinger-----     |                                                 | 3412       |
| WAKEFIELD, MR. and MRS. RAY.                                            | Extended privilege of the floor                 | 802        |
| WALCH, MR. and MRS. ROGER R.                                            | Extended privilege of the floor                 | 1721, 2039 |
| WALLACE, MARSHALL.                                                      | Extended privilege of the floor                 | 885, 1830  |
| WALLS, D. B.                                                            | Extended privilege of the floor                 | 802        |
| WALNUT GROVE GRAMMAR SCHOOL.                                            | Pupils of, extended privilege of floor-----     | 1418       |
| WARD, LEO.                                                              | Extended privilege of the floor                 | 2699       |
| WARD, TOM.                                                              | Extended privilege of the floor                 | 2825       |
| WARNER, JACK.                                                           | Resolution of appreciation to-----              | 1775       |

|                                                                                    | Page      |
|------------------------------------------------------------------------------------|-----------|
| WASHINGTON SCHOOL SACRAMENTO Pupils of extended privilege at floor                 | 2920      |
| WASHINGTON ELEMENTARY SCHOOL TURLOCK Pupils of extended privilege at the floor     | 2232      |
| WATERFORD GRAMMAR SCHOOL Pupils of extended privilege at floor                     | 2156      |
| WATERS HERBERT Extended privilege of the floor                                     | 593       |
| WATSON MR and MRS FLOYD Extended privilege of the floor                            | 598       |
| WAY W M Extended privilege of the floor                                            | 2150      |
| WEAVER MARATHA<br>Addressed Stenographer                                           | 41        |
| Spoken from pay roll                                                               | 437       |
| WEBER GENE Extended privilege of the floor                                         | 544       |
| WEIDMANN MISS ELSIE Extended privilege of the floor                                | 1246      |
| WEILER FRANK C                                                                     | 1691      |
| Communication from re administration of Sales Tax Act.....                         | 1380      |
| WELSH HARRY Extended privilege of the floor                                        | 885 1245  |
| WELSH RICHARD Extended privilege of the floor                                      | 547       |
| WELCH ROBERT Extended privilege of the floor                                       | 2156      |
| WENTWORTH MRS HARRY Extended privilege of the floor                                | 967       |
| WEST MR and MRS D W Extended privilege of the floor                                | 2455      |
| WESTGALL SENATOR HARRY C                                                           |           |
| Committee reported on                                                              |           |
| Finance Committee on                                                               |           |
| A. B. No. 146                                                                      | 2848      |
| A. B. No. 147                                                                      | 3447      |
| Legislative Committee on Fire and Game Administration                              | 3505      |
| Domestic and foreign                                                               |           |
| A. B. No. 1177 amendments to                                                       | 2182      |
| A. B. No. 1178 amendments to Committee on Old Industries                           | 1109      |
| A. B. No. 1190 amendments to                                                       | 2693      |
| A. B. No. 1200 amendments to Committee on                                          | 1230      |
| S. B. No. 475 amendments to                                                        | 2141      |
| S. B. No. 891 amendments to                                                        | 2545      |
| S. B. No. 97 amendments to                                                         | 1844      |
| S. B. No. 1004 amendments to                                                       | 2684      |
| Senate action on Committee on Rules and                                            | 3247      |
| Given notice of reconsideration of                                                 |           |
| A. B. No. 146                                                                      | 2341      |
| A. B. No. 145                                                                      | 3115      |
| Granted leave of absence for the day                                               | 157       |
| Motions -                                                                          |           |
| A. B. No. 152 be referred to Committee on Public Health                            | 3384      |
| A. B. No. 1455 be referred to Committee on Old Industries                          | 3109      |
| A. B. No. 2503 amendments to whereby amendments be made adopted                    | 3260      |
| S. B. No. 74 and of Senate do                                                      | 2265      |
| S. B. No. 616 be referred to Committee on Commerce and Navigation                  | 2265      |
| Proceeds over Senate                                                               | 1308      |
| Remarks relative to A. C. R. No. 18, murder of Thos. J. Mooney                     | 853       |
| Remarks on Sabotky L. S. Senate Court resolution                                   | 493       |
| Requests permission to introduce bill                                              | 1770 2493 |
| Resolutions                                                                        |           |
| Honoring Tournament of Lights                                                      | 3119      |
| Memorial late Senator John N. Anderson                                             | 25        |
| WEST SIDE UNION HIGH SCHOOL, LOS BANOS Students of extended privilege of the floor | 886       |
| WETHIN D G Extended privilege of the floor                                         | 2570      |
| WHERRY MRS WILLIAM R Extended privilege of the floor                               | 1246      |
| WHITE WERT Extended privilege of the floor                                         | 1122      |
| WHITMAN PATRICIA<br>Addressed Stenographer                                         | 431 438   |
| Spoken from pay roll                                                               | 3169      |
| WHITMORE CHAS A Extended privilege of the floor                                    | 2477      |
| WHITE CURTIS Extended privilege of the floor                                       | 1380      |
| WHURY MR and MRS JACK Extended privilege of the floor                              | 1522      |
| WHIRLAND COL C F Extended privilege of the floor                                   | 1831      |
| WIGGS MRS at the George Patch Extended privilege of the floor                      | 3116      |
| WILBUR FRED Extended privilege of the floor                                        | 2752      |
| WILCOX MRS P A and MISS PHILLIS Extended privilege of the floor                    | 3060      |
| WILLIAMS HON D C Extended privilege of the floor                                   | 269       |

## WILLIAMS, SENATOR DAN E.

|                                                                                               | Page                   |
|-----------------------------------------------------------------------------------------------|------------------------|
| Committees appointed on                                                                       |                        |
| Election Contest                                                                              | 16                     |
| Free Conference on A. B. No. 1757                                                             | 3268                   |
| Interim Committee on workmen's compensation insurance                                         | 3505                   |
| Granted leave of absence for the day                                                          | 1070, 1090, 1122, 1747 |
| Motions                                                                                       |                        |
| A. B. No. 1821 be re-referred to Committee on Finance                                         | 3275                   |
| S. B. No. 476 be re-referred to Committee on Revision of Criminal Law and Procedure           | 2374                   |
| S. B. No. 1021 be re-referred to Committee on Public Health and Quarantine                    | 1404                   |
| S. J. R. No. 10 be re-referred to Committee on Federal Relations                              | 1404                   |
| Requests permission to introduce bill                                                         | 1511, 1826             |
| Resolutions                                                                                   |                        |
| Authorizing printing excerpts from Biennial Report of Board of Equalization in Senate Journal | 1210                   |
| Expressing appreciation of courtesy extended by Barnes and Sells Floto Combined Circus        | 2710                   |
| Memorial, former Assemblyman Isaac Jones                                                      | 3344                   |
| WILLIAMS, F. S. Extended privilege of the floor                                               | 269                    |
| WILLIAMS, MRS. W. F. Extended privilege of the floor                                          | 2076                   |
| WILLIAMS HIGH SCHOOL. Students of, extended privilege of the floor                            | 1652                   |
| WILLIAMS UNION GRAMMAR SCHOOL. Pupils of, extended privilege of floor                         | 1830                   |
| WILLIAMSON, H. D. and MISS ELEANORE. Extended privilege of the floor                          | 2401                   |
| WILLARD, MILDRED                                                                              |                        |
| Appointed Stenographer                                                                        | 1070                   |
| Stricken from pay roll                                                                        | 1597                   |
| WILLIS, DICK. Extended privilege of the floor                                                 | 2156                   |
| WILLOW GLEN JUNIOR HIGH SCHOOL, SAN JOSE. Representatives of, extended privilege of the floor | 1756                   |
| WILLS, DR IRVING. Extended privilege of the floor                                             | 1245                   |
| WILSON, MRS. GLADYS and MISS GENE. Extended privilege of the floor                            | 3116                   |
| WILSON, GLENNA MAY                                                                            |                        |
| Appointed Stenographer                                                                        | 31, 487                |
| Stricken from pay roll                                                                        | 344                    |
| WINDER, A. HEBER.                                                                             |                        |
| Appointed to State Board of Education                                                         | 3185                   |
| Appointment confirmed                                                                         | 3185                   |
| Extended privilege of the floor                                                               | 3208                   |
| WINTERS GRAMMAR SCHOOL. Pupils of, extended privilege of the floor                            | 1830                   |
| WISE ADOLPH. Extended privilege of the floor                                                  | 1653                   |
| WOLFE, MRS. JAMES. Extended privilege of the floor                                            | 3116                   |
| WOLFE, H. K. and N. S. Extended privilege of the floor                                        | 1800                   |
| WOMAN'S DEMOCRATIC CLUB OF SACRAMENTO COUNTY                                                  |                        |
| Extends invitation to luncheon                                                                | 517, 1571              |
| WOOD, HON. FRED E. See LEGISLATIVE COUNSEL                                                    |                        |
| WOODROW WILSON JUNIOR HIGH SCHOOL, SAN JOSE. Students of extended privilege of the floor      | 2039                   |
| WOODS, MR and MRS WALTER. Extended privilege of the floor                                     | 1022                   |
| WOOL, MR and MRS L. D. Extended privilege of the floor                                        | 593                    |
| WORKMEN'S COMPENSATION INSURANCE AND SAFETY ACT.                                              |                        |
| Resolution creating committee to investigate administration of                                | 3113, 3434             |
| Interim Committee, members of                                                                 | 3505                   |
| WRAY, MRS F. P. Extended privilege of the floor                                               | 1172                   |
| WRIGHT ALLEN. Extended privilege of the floor                                                 | 1403                   |
| WRIGHT, BEN T. Extended privilege of the floor                                                | 1419                   |
| WRIGHT, MRS. DAVIDA. Extended privilege of the floor                                          | 1692                   |
| WRIGHT, LLOYD, JR.                                                                            |                        |
| Appointed Page                                                                                | 32                     |
| Stricken from pay roll                                                                        | 344                    |

## W.

## Y

|                                                                        |      |
|------------------------------------------------------------------------|------|
| WALLS, D. JAMES. Extended privilege of the floor                       | 1830 |
| WALNUT GLADYS W. floor                                                 |      |
| WARD, LEO. F. In effect of legislation abolishing deficiency judgments | 971  |
| WARD, TOM. Extended privilege of the floor                             | 1045 |
| WARNER, JACK. R. ROY. Extended privilege of the floor                  | 2690 |







TABLE OF ACTIONS ON ASSEMBLY MEASURES  
IN THE SENATE

## ASSEMBLY BILLS

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1   | From Assembly, to committee, 2369; from committee, 2545; read second time, amended, 2576; read third time, amended, 2843; read second time, amended, 2859; Senate amendments concurred in.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3064 |
| 2   | From Assembly, to committee, 1630; returned from committee to Public Utilities and referred to Committee on Judiciary, 1824; from committee, 1904; read second time, amended, and referred to committee, 1915; from committee, 2014; amended, 2020; from 2040; read second time, 2126; read second time, 2257; read, amended, 2260; read third time, passed, to Assembly, 2870; Senate amendments not concurred in, 2914; returned to committee without action, 2914; Senate amendments to public utilities, referred to committee, 2930; Assembly amendments to public utilities, 2998; Senate public conference report, 3187; Assembly public conference report. | 3116 |
| 4   | From Assembly, to committee, 2463; from committee, 2525; read second time, 2641; read third time, amended, 2838; read third time, passed, to Assembly, 2995; Senate amendments concurred in.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3064 |
| 5   | From Assembly, to committee, 1911; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 165  |
| 8   | From Assembly, to committee, 1426; from committee, 1601; read second time, 1609; majority there adopted, 1779; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1786 |
| 10  | From Assembly, to committee, 1061; from committee, 1249; read second time, 1365; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1769 |
| 11  | From Assembly, to committee, 547; from committee, 755; read second time, 788; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1237 |
| 12  | From Assembly, to committee, 571; from committee, 1080; read second time, amended, 1099; call of Senate, 1630; read third time, amended, 1776; read second time, 1862; majority there adopted, read third time, passed, to Assembly, 1641; Senate amendments concurred in.                                                                                                                                                                                                                                                                                                                                                                                         | 1034 |
| 13  | From Assembly, to committee, 1104; from committee, 1974; read second time, 1981; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3067 |
| 15  | From Assembly, to committee, 761; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1660 |
| 18  | From Assembly, to committee, 1194; from committee, 1281; read second time, 1303; referred to committee on Rules, 1391; from committee, 2185; read second time, 2200; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2816 |
| 19  | From Assembly, to committee, 764; from committee, 1121; read second time, 1122; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3404 |
| 20  | From Assembly, to committee, 761; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1595 |
| 21  | From Assembly, to committee, 2480; from committee, 2748; read second time, 2757; call of Senate, 3107; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3109 |
| 22  | From Assembly, to committee, 1348; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3491 |
| 23  | From Assembly, to committee, 761; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1674 |
| 24  | From Assembly, to committee, 764; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1595 |
| 25  | From Assembly, to committee, 764; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1595 |
| 26  | From Assembly, to committee, 764; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1595 |
| 27  | From Assembly, to committee, 761; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1596 |
| 28  | From Assembly, to committee, 1063; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1596 |
| 29  | From Assembly, to committee, 1348; from committee, 2185; read second time, 2200; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2816 |
| 30  | From Assembly, to committee, 1348; from committee, 3121; read second time, 3122; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3404 |
| 32  | From Assembly, to committee, 1063; from committee, 2017; read second time, 2027; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3264 |
| 33  | From Assembly, to committee, 1063; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1596 |

## ASSEMBLY BILLS Continued

| No. |                                                                                                                                                                                                                                                                                                           | PAGE |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 34  | From Assembly, to committee, 1172; from committee, 2698; read second time, 2713; read third time, passed, to Assembly.                                                                                                                                                                                    | 2983 |
| 35  | From Assembly, to committee, 1790; from committee, 2185; read second time, 2200; read third time, passed, to Assembly.                                                                                                                                                                                    | 2816 |
| 38  | From Assembly, to committee, 764; from committee, 1281; read second time, 1303; read third time, passed, to Assembly.                                                                                                                                                                                     | 1596 |
| 40  | From Assembly, to committee, 1348; from committee, 3121; read second time, 3122; read third time, passed, to Assembly.                                                                                                                                                                                    | 3404 |
| 42  | From Assembly, to committee, 1318; from committee, 3121; read second time, 3122; read third time, passed, to Assembly.                                                                                                                                                                                    | 3405 |
| 50  | From Assembly, to committee, 2606; from committee, 2693; read second time, amended, 2707; read third time, amended, 2899; read third time, passed, 3104; notice of motion to reconsider, 3114; notice of reconsideration waived, to Assembly, 3167; Senate amendments concurred in.                       | 3318 |
| 53  | From Assembly, to committee, 2621; returned by committee without action.                                                                                                                                                                                                                                  | 3452 |
| 55  | From Assembly, to committee, 2951; returned by committee without action.                                                                                                                                                                                                                                  | 3474 |
| 61  | From Assembly, to committee, 2162; from committee, 2229; read second time, 2252; urgency clause adopted, 2851; read third time, passed, to Assembly.                                                                                                                                                      | 2851 |
| 63  | From Assembly, to committee, 1743; returned by committee without action.                                                                                                                                                                                                                                  | 3472 |
| 65  | From Assembly, to committee, 1783; from committee, 2035; read second time, amended and re-referred to committee, 2043; returned by committee without action.                                                                                                                                              | 3484 |
| 69  | From Assembly, to committee, 1609; from committee, 1687; read second time, 1705; read third time, passed, to Assembly.                                                                                                                                                                                    | 1852 |
| 71  | From Assembly, to committee, 1694; returned by committee without action.                                                                                                                                                                                                                                  | 3471 |
| 72  | From Assembly, to committee, 2144; withdrawn from Committee on Public Morals and referred to Committee on Judiciary, 2564; returned by committee without action.                                                                                                                                          | 3472 |
| 74  | From Assembly, to committee, 1321; from committee, 2073; read second time, 2083; read third time, passed, to Assembly.                                                                                                                                                                                    | 2657 |
| 78  | From Assembly, to committee, 1743; from committee, 1829; read second time, amended, 1834; read third time, passed, to Assembly, 1993; Senate amendments concurred in.                                                                                                                                     | 2160 |
| 81  | From Assembly, to committee, 2164; from committee, 2748; read second time, 2757; read third time, passed, to Assembly.                                                                                                                                                                                    | 2985 |
| 82  | From Assembly, to committee, 1010; from committee, 2229; read second time, amended and re-referred to committee, 2251; returned by committee without action.                                                                                                                                              | 3460 |
| 83  | From Assembly, to committee, 816; returned by committee without action.                                                                                                                                                                                                                                   | 3469 |
| 88  | From Assembly, to committee, 2214; from committee, 2746; read second time, 2756; read third time, passed, title amended, to Assembly, 2984; Senate amendments concurred in.                                                                                                                               | 3318 |
| 89  | From Assembly, to committee, 2214; from committee, 2746; read second time, 2756; read third time, passed, to Assembly.                                                                                                                                                                                    | 2984 |
| 90  | From Assembly, to committee, 2725; from committee, 3069; read second time, 3084; read third time, passed, to Assembly.                                                                                                                                                                                    | 3378 |
| 93  | From Assembly, to committee, 2162; returned by committee without action.                                                                                                                                                                                                                                  | 3450 |
| 98  | From Assembly, to committee, 2369; from committee, 2565; read second time, amended, 2583; urgency clause adopted, 2631; read third time, passed, to Assembly, 2632; Senate amendments concurred in.                                                                                                       | 2671 |
| 101 | From Assembly, to committee, 1320; from committee, 2604; read second time, amended, 2616; read third time, passed, to Assembly, 3012; Senate amendments concurred in.                                                                                                                                     | 3318 |
| 103 | From Assembly, to committee, 1801; from committee, 2231; read second time, 2256; call of the Senate, 2881; read third time, passed, 2882; notice of motion to reconsider, 2895; reconsideration granted, 2940; re-referred to Committee on Labor and Capital, 3206; returned by committee without action. | 3474 |
| 116 | From Assembly, to committee, 2562; from committee, 3188; read second time, amended, 3195; read third time, passed, to Assembly, 3295; Senate amendments concurred in.                                                                                                                                     | 3426 |
| 117 | From Assembly, to committee, 2212; withdrawn from Committee on Education and referred to Committee on Judiciary, 2667; from committee, 2919; read second time, 2929; read third time, passed, to Assembly.                                                                                                | 3266 |

## ASSEMBLY BILLS—Continued

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 119 From Assembly, to committee, 2696; from committee, 2672; read second time, amended, 2685; and third time, passed, to Assembly, 2886. See the corresponding entries in                                                                                                                                                                                                                                                                                    | 2707 |
| 121 From Assembly, to committee, 2312; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                  | 3479 |
| 122 From Assembly, to committee, 2, 28; read second time, 3189; read second time, amended, 3194; returned by committee, 2293; read third time, passed, to Assembly, 2296. Senate amendments concurred in                                                                                                                                                                                                                                                     | 3426 |
| 124 From Assembly, to committee, 2202; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                  | 3455 |
| 132 From Assembly, to committee, 861; from committee, 1, 78; read second time, time, 1951; third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                   | 1714 |
| 134 From Assembly, to committee, 2667; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                  | 3443 |
| 135 From Assembly, to committee, 1335; from committee, 2120; read second time, 2131; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 2687 |
| 136 From Assembly, to committee, 2878; from committee, 2667; read second time, 2699; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 2687 |
| 137 From Assembly, to committee, 7, 4; from committee, 2668; read second time, amended, 2678; amendments by Committee on Public Health, 2681; referred to committee without action                                                                                                                                                                                                                                                                           | 3482 |
| 145 From Assembly, to committee, 2667; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                  | 3497 |
| 184 From Assembly, to committee, 767; from committee, 1686; read second time, 1694; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                     | 1896 |
| 185 From Assembly, to committee, 764; from committee, 1754; read second time, 1765; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                     | 1904 |
| 189 From Assembly, to committee, 2667; from committee, 2676; referred to Committee on Finance, 2680; returned by committee without action                                                                                                                                                                                                                                                                                                                    | 3475 |
| 193 From Assembly, to committee, 297; from committee, 228; read second time, amended, 228; read third time, amended, 26; read third time, amended, 26; Senate amendments concurred in                                                                                                                                                                                                                                                                        | 296  |
| 196 From Assembly, to committee, 816; from committee, 1331; read second time, 1345; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                     | 4674 |
| 197 From Assembly, to committee, 864; from committee, 1331; read second time, 1346; read third time, amended, 1749; read third time, passed, to Assembly, 1776. Senate amendments concurred in                                                                                                                                                                                                                                                               | 3828 |
| 200 From Assembly, to committee, 1135; from committee, 1686; read second time, 1704; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 1896 |
| 203 From Assembly, to committee, 816; from committee, 1686; read second time, 1709; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                     | 1896 |
| 204 From Assembly, to committee, 1342; from committee, 2641; read second time, 2649; read third time, amended, 2836; read third time, passed, to Assembly, 2954. Senate amendments concurred in                                                                                                                                                                                                                                                              | 3603 |
| 210 From Assembly, to committee, 2482; from committee, 3076; read second time, amended, 3080; read third time, passed, to Assembly, 3288. Senate amendments concurred in                                                                                                                                                                                                                                                                                     | 3426 |
| 211 From Assembly, to committee, 547; from committee, 1378; read second time, 1398; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                     | 1715 |
| 214 From Assembly, to committee, 2819; from committee, 3190; read second time, 3196; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 3407 |
| 215 From Assembly, to committee, 2819; from committee, 3068; read second time, 3078; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 3374 |
| 216 From Assembly, to committee, 1123; from committee, 1717; read second time, 1728; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 1898 |
| 217 From Assembly, to committee, 1355; from committee, 1828; read second time, amended, 1835; read third time, passed, 2217; motion at motion at passage, 2221; motion at motion to reconsider, postponed, 2207, 2221, 2290; reconsideration granted, referred to Committee on Commerce and Navigation, 2413; from committee, 3068; read second time, 3078; reconsidered by Committee on Commerce and Navigation, 3293; returned by committee without action | 3444 |
| 231 From Assembly, to committee, 861; from committee, 2673; read second time, 3093; re-referred to Committee on Fish and Game, 3403; returned by committee without action                                                                                                                                                                                                                                                                                    | 3460 |
| 234 From Assembly, to committee, 1979; from committee, 2186; read second time, amended, 2190; read third time, passed, to Assembly, 2745; Senate amendments concurred in                                                                                                                                                                                                                                                                                     | 2817 |



## ASSEMBLY BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PAGE |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 236 | From Assembly, to committee, 183; from committee, 195; read second time, amended, 196; re-referred to committee, 232; from committee, 234; message from Governor, 237; urgency clause adopted, 237; read third time, passed, to Assembly, 239; Assembly refuses to concur in Senate amendments, 304; Senate refuses to recede, appoints conference committee, 305; Assembly appoints conference committee, 309; Senate adopts conference report, 389; Assembly adopts conference report | 396  |
| 238 | From Assembly, to committee, 2608; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                 | 3456 |
| 249 | From Assembly, to committee, 1605; from committee, 1976; read second time, amended, 1985; read third time, amended, 2285; read, amended, 2623, 2810; read third time, passed, 2870; notice of motion to reconsider, 2876; reconsideration waived, to Assembly, 2948; Senate amendments concurred in                                                                                                                                                                                     | 3064 |
| 252 | From Assembly, to committee, 2427; from committee, 2479; read second time, amended, 2479; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                          | 2538 |
| 253 | From Assembly, to committee, 2898; withdrawn from Committee on Governmental Efficiency and referred to Committee on Finance, 2994; returned by committee without action                                                                                                                                                                                                                                                                                                                 | 3456 |
| 258 | From Assembly, to committee, 1790; withdrawn from Committee on Corporations and Financial Institutions and referred to Committee on Judiciary, 2185; from committee, 2747; read second time, 2758; re-referred to Committee on Judiciary, 2993; returned by committee without action                                                                                                                                                                                                    | 3472 |
| 259 | From Assembly, to committee, 1801; from committee, 2747; read second time, 2759; re-referred to Committee on Judiciary, 2993; returned by committee without action                                                                                                                                                                                                                                                                                                                      | 3472 |
| 260 | From Assembly, to committee, 1223; from committee, 1827; read second time, 1833; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                   | 1933 |
| 262 | From Assembly, to committee, 2017; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                 | 3484 |
| 263 | From Assembly, to committee, 1222; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                 | 3444 |
| 265 | From Assembly, to committee, 2214; from committee, 2451; read second time, amended, and re-referred to committee, 2462; returned by committee without action                                                                                                                                                                                                                                                                                                                            | 3472 |
| 266 | From Assembly, to committee, 2214; from committee, 2451; read second time, amended and re-referred to committee, 2463; returned by committee without action                                                                                                                                                                                                                                                                                                                             | 3472 |
| 268 | From Assembly, to committee, 2267; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                 | 3484 |
| 269 | From Assembly, to committee, 1223; from committee, 2072; read second time, 2082; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                   | 3015 |
| 271 | From Assembly, to committee, 2365; from committee, 2524; read second time, 2543; re-referred to Committee on Municipal Corporations, 3333; returned by committee without action                                                                                                                                                                                                                                                                                                         | 3478 |
| 272 | From Assembly, to committee, 2562; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                 | 3456 |
| 273 | From Assembly, 209; considered without reference to committee, 210; Constitution suspended, 210; read second time, amended, 210; urgency clause adopted, 278; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                      | 278  |
| 276 | From Assembly, to committee, 2017; from committee, 2072; read second time, amended and re-referred to committee, 2080; returned by committee without action                                                                                                                                                                                                                                                                                                                             | 3472 |
| 277 | From Assembly, to committee, 764; from committee, 1417; read second time, amended, 1504; read third time, passed, to Assembly, 3262; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                     | 3426 |
| 278 | From Assembly, to committee, 1609; from committee, 2072; read second time, amended and re-referred to committee, 2081; returned by committee without action                                                                                                                                                                                                                                                                                                                             | 3472 |
| 279 | From Assembly, to committee, 1063; from committee, 1903; read second time, 1918; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                   | 2004 |
| 285 | From Assembly, to committee, 1783; from committee, 1903; read second time, 1918; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                   | 2339 |
| 287 | From Assembly, to committee, 1609; from committee, 2475; read second time, amended and re-referred to committee, 2504; from committee, 2644; read second time, 2651; read third time, passed, to Assembly, 2956; Senate amendments concurred in                                                                                                                                                                                                                                         | 3319 |
| 288 | From Assembly, to committee, 1355; from committee 2074; read second time, 2084; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 3103 |

## ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                 | Page |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 289 From Assembly, to committee, 1624; from committee, 2061; read second time, amended, 288; read third time, passed, to Assembly, 2887                                                         |      |
| Senate amendments concurred in                                                                                                                                                                  | 3001 |
| 290 From Assembly, to committee, 2702; from committee, 2251; read second time, amended, 2265; read third time, passed, to Assembly, 2262                                                        |      |
| Senate amendments concurred in                                                                                                                                                                  | 3126 |
| 291 From Assembly, to committee, 701; from committee, 940; read second time, 954; read third time, passed, to Assembly                                                                          | 1237 |
| 292 From Assembly, to committee, 2515; returned by committee without action                                                                                                                     | 3472 |
| 293 From Assembly, to committee, 816; from committee, 1279; read second time, 1297; read third time, passed, to Assembly                                                                        | 1672 |
| 297 From Assembly, to committee, 704; from committee, 1164; read second time, 1118; read third time, passed, to Assembly                                                                        | 1274 |
| 301 From Assembly, to committee, 166; from committee, 2116; read second time, 2144; read third time, passed, to Assembly                                                                        | 2689 |
| 305 From Assembly, to committee, 760; from committee, 1344; read second time, 1360; Senate amendments concurred, 1712; read third time, passed, to Assembly                                     | 1712 |
| 307 From Assembly, to committee, 2482; from committee, 1753; read second time, 1777; read third time, passed, to Assembly                                                                       | 3179 |
| 308 From Assembly, to committee, 1757; from committee, 2450; read second time, amended, 2461; read third time, passed, to Assembly, 2942                                                        | 3094 |
| Senate amendments concurred in                                                                                                                                                                  |      |
| 311 From Assembly, to committee, 1172; returned by committee without action                                                                                                                     | 3447 |
| 320 From Assembly, to committee, 1464; from committee, 1608; read second time, 1660; Senate amendments concurred, 1673; read third time, passed, to Assembly                                    | 1673 |
| 322 From Assembly, to committee, 2701; from committee, 3075; read second time, amended, 3061; read third time, passed, to Assembly, 3068                                                        |      |
| Senate amendments concurred in                                                                                                                                                                  | 3503 |
| 323 From Assembly, to committee, 1655; returned by committee without action                                                                                                                     | 3472 |
| 329 From Assembly, to committee, 1790; returned by committee without action                                                                                                                     | 3487 |
| 331 From Assembly, to committee, 125; from committee, 146; read second time, 146; Senate amendments concurred, 163; read third time, passed, to Assembly                                        | 161  |
| 338 From Assembly, to committee, 1284; from committee, 1579; read second time, amended, 1685; read third time, passed, to Assembly, 2607                                                        |      |
| Senate amendments concurred in                                                                                                                                                                  | 2702 |
| 341 From Assembly, to committee, 1575; from committee, 2489; read second time, 2199; read third time, passed, to Assembly                                                                       | 2745 |
| 345 From Assembly, to committee, 1743; returned by committee without action                                                                                                                     | 3473 |
| 347 From Assembly, to committee, 861; from committee, 1686; read second time, 1704; read third time, passed, to Assembly                                                                        | 1894 |
| 348 From Assembly, to committee, 1585; from committee, 2229; read second time, 2252; read third time, passage refused                                                                           | 2875 |
| 352 From Assembly, to committee, 1172; from committee, 1686; read second time, 1794; read third time, passed, to Assembly                                                                       | 1894 |
| 353 From Assembly, to committee, 2562; from committee, 2919; read second time, 2929; read third time, passed, to Assembly                                                                       | 3329 |
| 354 From Assembly, to committee, 2701; returned by committee without action                                                                                                                     | 3484 |
| 378 From Assembly, to committee, 1790; from committee, 2450; read second time, 2461; read third time, passed, to Assembly                                                                       | 2892 |
| 379 From Assembly, to committee, 2482; from committee, 3068; read second time, 3078; re-referred to Committee on Commerce and Navigation, 3275; returned by committee without action            | 3444 |
| 380 From Assembly, to committee, 2482; from committee, 3068; read second time, 3078; read third time, passed, to Assembly                                                                       | 3374 |
| 381 From Assembly, to committee, 2223; returned by committee without action                                                                                                                     | 3460 |
| 382 From Assembly, to committee, 2607; from committee, 3069; read second time, 3079; read third time, passed, to Assembly                                                                       | 3285 |
| 386 From Assembly, to committee, 1844; from committee, 2014; read second time, 2020; read third time, amended, 2148; read third time, passed, to Assembly, 2349; Senate amendments concurred in | 2485 |
| 387 From Assembly, to committee, 1757; from committee, 2123; read second time, 2134; read third time, passed, to Assembly                                                                       | 2284 |

## ASSEMBLY BILLS—Continued.

| No                                                                                                                                                                                                                                   | PAGE |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 330 From Assembly, to committee, 1790; returned by committee without action                                                                                                                                                          | 3450 |
| 335 From Assembly, to committee, 2162; from committee, 2698; read second time, 2713; read third time, passed, to Assembly                                                                                                            | 2982 |
| 336 From Assembly, to committee, 1942; from committee, 2290; read second time, 2316; read third time, passed, to Assembly                                                                                                            | 2883 |
| 339 From Assembly, to committee, 1786; from committee, 2037; read second time, 2054; read third time, passed, to Assembly                                                                                                            | 2353 |
| 400 From Assembly, to committee, 2853; returned by committee without action                                                                                                                                                          | 3456 |
| 401 From Assembly, to committee, 763; from committee, 940; read second time, 951; read third time, passed, to Assembly                                                                                                               | 1276 |
| 406 From Assembly, to committee, 1172; from committee, 1240; read second time, 1265; urgency clause adopted, 1505; read third time, passed, 1505; notice of motion to reconsider, 1506; notice of reconsideration waived to Assembly | 1524 |
| 409 From Assembly, to committee, 2267; returned by committee without action                                                                                                                                                          | 3465 |
| 411 From Assembly, to committee, 1355; from committee, 1828; read second time, 1833; read third time, amended, 2069; read third time, passed, to Assembly, 2217; Senate amendments concurred in                                      | 2409 |
| 424 From Assembly, to committee, 1022; from committee, 1687; read second time, 1705; read third time, passed, to Assembly                                                                                                            | 1852 |
| 425 From Assembly, to committee, 1063; from committee, 1650; read second time, amended, 1657; read third time, passed, to Assembly, 1848; Senate amendments concurred in                                                             | 1941 |
| 427 From Assembly, to committee, 2365; returned by committee without action                                                                                                                                                          | 3456 |
| 428 From Assembly, to committee, 1790; from committee, 2399; read second time, amended, 2404; read third time, amended, 2636; read third time, passed, to Assembly, 2942; Senate amendments concurred in                             | 3064 |
| 429 From Assembly, to committee, 1790; returned by committee without action                                                                                                                                                          | 3450 |
| 432 From Assembly, to committee, 2701; returned by committee without action                                                                                                                                                          | 3487 |
| 436 From Assembly, to committee, 1320; from committee, 1904; read second time, 1918; read third time, passed, to Assembly                                                                                                            | 2004 |
| 439 From Assembly, to committee, 2853; from committee, 3068; read second time, 3078; re-referred to Committee on Commerce and Navigation, 3207; returned by committee without action                                                 | 3444 |
| 440 From Assembly, to committee, 2040; from committee, 2399; read second time, amended, 2404; read third time, amended, 2636; read third time, passed, to Assembly, 2989; Senate amendments concurred in                             | 3065 |
| 441 From Assembly, to committee, 2077; from committee, 2288; read second time, 2313; read third time, passed, to Assembly                                                                                                            | 2861 |
| 442 From Assembly, to committee, 2144; from committee, 2360; read second time, 2385; read third time, passed, to Assembly                                                                                                            | 2886 |
| 443 From Assembly, to committee, 213; withdrawal from committee, 400; Constitution suspended, 400; read second time, 400; urgency clause adopted, 401; read third time, passed, to Assembly                                          | 401  |
| 444 From Assembly, to committee, 1355; from committee, 1750; read second time, 1764; read third time, amended, 2010; read third time, passed, to Assembly, 2331; Senate amendments concurred in                                      | 2484 |
| 445 From Assembly, to committee, 2754; returned by committee without action                                                                                                                                                          | 3473 |
| 448 From Assembly, to committee, 763; from committee, 1311; read second time, 1336; read third time, passed, to Assembly                                                                                                             | 1592 |
| 449 From Assembly, to committee, 763; from committee, 1311; read second time, 1336; read third time, passed, to Assembly                                                                                                             | 1593 |
| 450 From Assembly, to committee, 1011; returned by committee without action                                                                                                                                                          | 3473 |
| 451 From Assembly, to committee, 1064; from committee, 1565; read second time, 1586; read third time, amended, 1845; read third time, passed, to Assembly                                                                            | 1992 |
| 455 From Assembly, to committee, 1947; from committee, 2231; read second time, 2255; read third time, amended, 2339; read third time, passed, to Assembly, 2468; Senate amendments concurred in                                      | 2620 |
| 457 From Assembly, to committee, 241; withdrawn from committee, 279; read second time, 279; message from Governor recommending passage, 353; urgency clause adopted, 354; read third time, passed, to Assembly                       | 354  |

## ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                 | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 463 From Assembly, to committee, 1481; from committee, 1620; read second time, amended, 1621; read third time, amended, 1607; passage refused, 1608; read third time, passed, to Assembly, 1608; Senate amendments concurred in | 1484 |
| 464 From Assembly, to committee, 1486; from committee, 1606; read second time, 1704; read third time, amended, 1705; read third time, passed, to Assembly, 1705; Senate amendments concurred in                                 | 3426 |
| 465 From Assembly, to committee, 1492; from committee, 1708; read second time, 1801; read third time, passed, to Assembly                                                                                                       | 2002 |
| 469 From Assembly, to committee, 1496; from committee, 1754; read second time, 1763; read third time, passed, to Assembly                                                                                                       | 1901 |
| 471 From Assembly, to committee, 2487; from committee, 2670; read second time, amended, 2681; read third time, passed, to Assembly, 2688; Senate amendments concurred in                                                        | 3426 |
| 472 From Assembly, to committee, 1955; from committee, 2079; read second time, amended, 2080; read third time, amended, 2080; read third time, passed, to Assembly, 2080; Senate amendments concurred in                        | 3319 |
| 473 From Assembly, to committee, 1956; from committee, 2081; read second time, 2085; read third time, passed, to Assembly                                                                                                       | 3104 |
| 478 From Assembly, to committee, 2344; from committee, 2600; read second time, amended, 2601; read third time, amended, 2601; read third time, passed, to Assembly, 2601; Senate amendments concurred in                        | 3407 |
| 479 From Assembly, to committee, 2006; from committee, 2006; read second time, 2011; read third time, passed, to Assembly                                                                                                       | 2086 |
| 481 From Assembly, to committee, 1979; from committee, 2036; read second time, 2037; read third time, passed, to Assembly                                                                                                       | 2086 |
| 482 From Assembly, to committee, 1986; from committee, 2039; read second time, 2040; read third time, passed, to Assembly                                                                                                       | 2026 |
| 490 From Assembly, to committee, 2446; from committee, 2446; read second time, 2447; read third time, amended, 2474; read third time, passed, to Assembly, 3281; Senate amendments concurred in                                 | 3426 |
| 491 From Assembly, to committee, 2365; from committee, 2448; read second time, 2477; read third time, passed, to Assembly                                                                                                       | 3281 |
| 494 From Assembly, to committee, 1611; returned by committee without action                                                                                                                                                     | 3481 |
| 499 From Assembly, to committee, 1606; returned by committee without action                                                                                                                                                     | 3473 |
| 500 From Assembly, to committee, 1986; from committee, 2000; read second time, amended, 2001; read second time, 2001; read third time, passed, to Assembly                                                                      | 2094 |
| 501 From Assembly, to committee, 1621; from committee, 1667; read second time, 1687; read third time, passed, to Assembly                                                                                                       | 2219 |
| 503 From Assembly, to committee, 1642; from committee, 2121; read second time, 2115; read third time, passed, to Assembly                                                                                                       | 2657 |
| 506 From Assembly, to committee, 2164; from committee, 2667; read second time, 2670; read third time, amended, 2832; read third time, passed, to Assembly, 2884; Senate amendments concurred in                                 | 3001 |
| 508 From Assembly, to committee, 1786; from committee, 2231; read second time, amended, 2256; read third time, amended, 2255; read third time, passage refused                                                                  | 2882 |
| 509 From Assembly, to committee, 2113; withdrawn from committee, 2641; read second time, 2655; emergency clause adopted, 2655; emergency clause adopted, 2655; read third time, passed, to Assembly                             | 3536 |
| 510 From Assembly, to committee, 749; from committee, 1021; read second time, 1191; read third time, passed, to Assembly                                                                                                        | 1272 |
| 513 From Assembly, to committee, 2528; returned by committee without action                                                                                                                                                     | 3456 |
| 516 From Assembly, to committee, 1790; returned by committee without action                                                                                                                                                     | 3490 |
| 520 From Assembly, to committee, 816; from committee, 939; read second time, 950; read third time, passed, to Assembly                                                                                                          | 1514 |
| 521 From Assembly, to committee, 816; from committee, 939; read second time, 954; read third time, passed, to Assembly                                                                                                          | 1514 |
| 522 From Assembly, to committee, 816; from committee, 939; read second time, 951; read third time, passed, to Assembly                                                                                                          | 1514 |
| 524 From Assembly, to committee, 2569; from committee, 2565; read second time, amended, 2585; emergency clause adopted, 2632; read third time, passed, to Assembly, 2632; Senate amendments concurred in                        | 2671 |



## ASSEMBLY BILLS—Continued.

| No                                                                                                                                                                                                                                                      | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 526 From Assembly, to committee, 815; from committee, 1828; read second time, amended and re-referred to committee, 1835; from committee, 2015; read second time, 2024; read third time, passed, to Assembly, 2953; Senate amendments concurred in----- | 3065 |
| 528 From Assembly, to committee, 1011; from committee, 1315; read second time, amended, 1340; read third time, amended, 1796; read third time, passed, to Assembly, 1900; Senate amendments concurred in-----                                           | 1978 |
| 536 From Assembly, to committee, 1942; returned by committee without action-----                                                                                                                                                                        | 3487 |
| 538 From Assembly, to committee, 1421; from committee, 1969; Constitution suspended, 1969; read second time, amended and re-referred to committee, 1970; returned by committee without action-----                                                      | 3474 |
| 541 From Assembly, to committee, 1319; from committee, 1750; read second time, 1764; read third time, passed, to Assembly-----                                                                                                                          | 1929 |
| 546 From Assembly, to committee, 816; from committee, 1162; read second time, amended and re-referred to committee, 1197; returned by committee without action-----                                                                                     | 3466 |
| 549 From Assembly, to committee, 2853; from committee, 2986; referred to Committee on Finance, 2996; returned by committee without action-----                                                                                                          | 3456 |
| 550 From Assembly to committee, 1942; from committee, 2567; read second time, 2588; read third time, passed, to Assembly-----                                                                                                                           | 2908 |
| 562 From Assembly, to committee, 763; from committee, 1311; read second time, 1336; read third time, passed, to Assembly-----                                                                                                                           | 1593 |
| 563 From Assembly, to committee, 758; from committee, 1311; read second time, 1336; read third time, passed, to Assembly-----                                                                                                                           | 1593 |
| 565 From Assembly, to committee, 2725; from committee, 3189; read second time, 3194; read third time, passed, to Assembly-----                                                                                                                          | 3406 |
| 566 From Assembly, to committee, 2573; from committee, 2694; read second time, 2708; read third time, passed, to Assembly-----                                                                                                                          | 3106 |
| 574 From Assembly, 208; considered without reference to committee, 208; Constitution suspended, 209; read second time, amended, 209; urgency clause adopted, 209; read third time, passed, to Assembly-----                                             | 278  |
| 575 From Assembly, 210; considered without reference to committee, 211; Constitution suspended, 211; read second time, 211; urgency clause adopted, 211; read third time, passed, to Assembly-----                                                      | 212  |
| 576 From Assembly, to committee, 759; from committee, 1241; read second time, 1265; read third time, amended, 1509; read third time, passed, to Assembly, 1671; Senate amendments concurred in-----                                                     | 1744 |
| 578 From Assembly, to committee, 1943; from committee, 2361; read second time, amended and re-referred to committee, 2386; returned by committee without action-----                                                                                    | 3467 |
| 579 From Assembly, to committee, 1348; from committee, 1905; read second time, 1920; read third time, passed, to Assembly-----                                                                                                                          | 3263 |
| 580 From Assembly, to committee, 2607; from committee, 2644; read second time, 2653; read third time, passed, to Assembly-----                                                                                                                          | 2957 |
| 581 From Assembly, to committee, 2365; from committee, 2645; read second time, 2655; read third time, passed, to Assembly-----                                                                                                                          | 3014 |
| 583 From Assembly, to committee, 2365; from committee, 2645; read second time, 2655; read third time, passed, to Assembly-----                                                                                                                          | 3014 |
| 584 From Assembly, to committee, 1319; from committee, 1905; read second time, 1920; read third time, passed, to Assembly-----                                                                                                                          | 2005 |
| 586 From Assembly, to committee, 2668; returned by committee without action-----                                                                                                                                                                        | 3456 |
| 590 From Assembly, to committee, 2878; from committee, 3074; read second time, amended, 3094; read third time, passed, to Assembly, 3390; Senate amendments concurred in-----                                                                           | 3503 |
| 600 From Assembly, to committee, 814; from committee, 1315; read second time, amended and re-referred to committee, 1341; from committee, 1565; read second time, 1585; read third time, passed, to Assembly, 1778; Senate amendments concurred in----- | 1839 |
| 602 From Assembly, to committee, 1172; from committee, 1798; read second time, 1807; read third time, amended, 1902; read third time, passed, to Assembly, 2003; Senate amendments concurred in-----                                                    | 2160 |
| 614 From Assembly, to committee, 2528; from committee, 3070; read second time, 3079; read third time, passed, to Assembly-----                                                                                                                          | 3286 |
| 615 From Assembly, to committee, 1837; from committee, 2072; read second time, amended and re-referred to Committee on Judiciary, 2081; returned by committee without action-----                                                                       | 3478 |
| 617 From Assembly, to committee, 2482; returned by committee without action-----                                                                                                                                                                        | 3484 |

ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                             |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 618 From Assembly, to committee, 1924, from committee, 2451, read second time, 2467, read third time, passed to Assembly                                                                                                                    | 1400 |
| 619 From Assembly, to committee, 861, from committee, 1963, read second time, 1989; read third time, passed, to Assembly                                                                                                                    | 2891 |
| 628 From Assembly, to committee, 1757, from committee, 2015, read second time, 2011, read third time, passage deferred, 2749, read second time, 2811, read third time, passed to Assembly, 3001, Senate reconsideration continued           | 1778 |
| 629 From Assembly, to committee, 150, from committee, 1397, read second time, 1397, read third time, passed to Assembly                                                                                                                     | 3018 |
| 637 From Assembly, to committee, 1380, from committee, 1754, read second time, 1763, read third time, passed to Assembly                                                                                                                    | 1810 |
| 638 From Assembly, to committee, 1383, from committee, 2134, read second time, 2197, read third time, passed to Assembly                                                                                                                    | 1006 |
| 641 From Assembly, to committee, 292, from committee, 2747, read second time, 2749, read third time, passage deferred, 3107, read third time, passed to Assembly, 3178, Senate reconsideration continued                                    | 2812 |
| 642 From Assembly, to committee, 547, from committee, 1103, read second time, 1098, read third time, passage deferred, 1397, notice of motion to reconsider, 1398, notice of motion to reconsider continued, 1321, reconsideration deferred | 3318 |
| 646 From Assembly, to committee, 3573, continued by committee without action                                                                                                                                                                | 1375 |
| 647 From Assembly, to committee, 2965, from committee, 2833, read second time, passage deferred, 2833, returned to committee, 2828, continued by committee without action                                                                   | 3473 |
| 650 From Assembly, to committee, 761, from committee, 1312, read second time, 1319, read third time, passed to Assembly                                                                                                                     | 3406 |
| 655 From Assembly, to committee, 3668, returned by committee without action                                                                                                                                                                 | 1674 |
| 668 From Assembly, to committee, 1068, returned to committee without action                                                                                                                                                                 | 3473 |
| 669 From Assembly, to committee, 1162, from committee, 2473, read second time, 2463, read third time, passed to Assembly, 2903, Senate reconsideration continued                                                                            | 3473 |
| 663 From Assembly, to committee, 887, from committee, 1121, read second time, 1119, read third time, passed to Assembly                                                                                                                     | 3405 |
| 664 From Assembly, to committee, 547, from committee, 1121, read second time, 1153, read third time, passed to Assembly                                                                                                                     | 1375 |
| 669 From Assembly, to committee, 1319, from committee, 1750, read second time, 1764, read third time, passed to Assembly                                                                                                                    | 1407 |
| 670 From Assembly, to committee, 1374, withdrawal from Committee on Judiciary and referred to Committee on Education, 2697, from committee, 2290, read second time, 2316, read third time, passed to Assembly                               | 2001 |
| 672 From Assembly, to committee, 2992, from committee, 3074, read second time, 3090, read third time, passed, 3091, returned to Assembly, 3292, Senate reconsideration continued                                                            | 2802 |
| 684 From Assembly, to committee, 2162, returned by committee without action                                                                                                                                                                 | 3503 |
| 685 From Assembly, to committee, 2214, from committee, 2747, read second time, 2758, read third time, passed to Assembly                                                                                                                    | 3450 |
| 691 From Assembly, to committee, 765, from committee, 2697, read second time, 2541, read third time, passage deferred, 2981, read third time, passage deferred                                                                              | 2087 |
| 694 From Assembly, to committee, 537, from committee, 1798, read second time, 1807, read third time, passed to Assembly                                                                                                                     | 3329 |
| 695 From Assembly, to committee, 1605, from committee, 2120, read second time, 2132, read third time, passed to Assembly                                                                                                                    | 1902 |
| 697 From Assembly, to committee, 2574, returned by committee without action                                                                                                                                                                 | 2688 |
| 698 From Assembly, 212, considered without reference to committee, 212, consideration suspended, 212, read second time, 212, negative charge adopted, 212, read third time, passed to Assembly                                              | 1456 |
| 699 From Assembly, to committee, 760, from committee, 1121, read second time, 1150, read third time, passed to Assembly                                                                                                                     | 213  |
| 700 From Assembly, to committee, 861, from committee, 1088, read second time, 1098, read third time, passed to Assembly                                                                                                                     | 1273 |
| 701 From Assembly, to committee, 1104, returned by committee without action                                                                                                                                                                 | 1270 |
|                                                                                                                                                                                                                                             | 3468 |

## ASSEMBLY BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                      | Page |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 702 | From Assembly, to committee, 2574; from committee, 2822; read second time, 2826; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 3200 |
| 715 | From Assembly, to committee, 2164; from committee, 3076; read second time, amended, 3102; read third time, passed, to Assembly, 3398; Senate amendments concurred in                                                                                                                                                                                                                                                 | 3503 |
| 717 | From Assembly, to committee, 2607; from committee, 2823; read second time, 2828; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 3202 |
| 722 | From Assembly, to committee, 2077; from committee, 2359; read second time, 2384; re-referred to committee, 2895; notice of motion to reconsider re-referred, 2903; reconsideration granted, placed on third reading file, 2903; read third time, passed, to Assembly                                                                                                                                                 | 3204 |
| 737 | From Assembly, to committee, 1356; from committee, 1601; read second time, 1628; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 1892 |
| 741 | From Assembly, to committee, 2878; from committee, 3668; read second time, 3077; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 3373 |
| 743 | From Assembly, to committee, 1024; from committee, 1278; read second time, 1302; removed from file and returned to Assembly, 1556; from Assembly, to committee, 2409; read second time, 2501; from committee, 2472; read third time, passed, to Assembly                                                                                                                                                             | 2894 |
| 744 | From Assembly, to committee, 1024; returned to Assembly, 1838; from Assembly, to committee, 2409; from committee, 2472; read second time, 2501; read third time, passed, to Assembly                                                                                                                                                                                                                                 | 2894 |
| 746 | From Assembly, to committee, 814; from committee, 1718; read second time, amended, 1729; read third time, passed, to Assembly, 2745; Senate amendments not concurred in, 2781; ordered to unfinished business file, 2781; Senate refuses to recede, appoints conference committee, 2848; Assembly appoints conference committee, 2868; Senate adopts conference report, 2896; Assembly adopts Free Conference report | 2964 |
| 747 | From Assembly, to committee, 814; from committee, 1315; read second time, amended and re-referred to committee, 1342; from committee, 1565; read second time, 1585; read third time, passed, title amended, to Assembly, 1851; Senate amendments concurred in                                                                                                                                                        | 1978 |
| 756 | From Assembly, to committee, 887; from committee, 1088; read second time, 1098; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                 | 1270 |
| 761 | From Assembly, to committee, 1223; from committee, 2155; read second time, 2166; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2730 |
| 762 | From Assembly, to committee, 1223; from committee, 2155; read second time, 2166; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2731 |
| 763 | From Assembly, to committee, 1223; from committee, 2155; read second time, 2166; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2731 |
| 766 | From Assembly, to committee, 1284; returned by committee without action                                                                                                                                                                                                                                                                                                                                              | 3449 |
| 772 | From Assembly, to committee, 1068; returned by committee without action                                                                                                                                                                                                                                                                                                                                              | 3444 |
| 773 | From Assembly, to committee, 887; from committee, 1719; read second time, 1729; re-referred to Committee on Civil Service, 2071; returned by committee without action                                                                                                                                                                                                                                                | 3444 |
| 777 | From Assembly, to committee, 1943; from committee, 2360; read second time, 2385; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2886 |
| 778 | From Assembly, to committee, 1943; from committee, 2361; read second time, 2385; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2887 |
| 779 | From Assembly, to committee, 761; returned by committee without action                                                                                                                                                                                                                                                                                                                                               | 3473 |
| 780 | From Assembly, to committee, 1023; returned by committee without action                                                                                                                                                                                                                                                                                                                                              | 3468 |
| 786 | From Assembly, to committee, 1786; from committee, 2120; read second time, amended, 2132; read third time, amended, 2728; read third time, passed, to Assembly, 2872; Senate amendments concurred in                                                                                                                                                                                                                 | 3001 |
| 787 | From Assembly, to committee, 2212; from committee, 2448; read second time, 2458; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 2890 |
| 795 | From Assembly, to committee, 1023; from committee, 1518; read second time, amended, 1552; read third time, passed, to Assembly, 1992; Senate amendments concurred in                                                                                                                                                                                                                                                 | 2160 |
| 797 | From Assembly, to committee, 1284; from committee, 1518; read second time, 1552; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                | 1993 |
| 800 | From Assembly, to committee, 761; from committee, 2120; read second time, 2131; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                 | 2896 |
| 802 | From Assembly, to committee, 1348; from committee, 1717; read second time, 1728; read third time, passage refused, 2744; notice of motion to reconsider, 2746; notice of motion to reconsider continued, 2775.                                                                                                                                                                                                       |      |

ASSEMBLY BILLS—Continued.

| No. |                                                                                                                                                                                                                                                     | Page |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|     | 1849, action by committee passed, 2080; read second, 2899; passed without action.                                                                                                                                                                   | 3206 |
| 808 | From Assembly, to committee, 1850; from committee, 1825; read second time, 1850; read third time, passed, 2080; action of Senate on bill, June, 1893.                                                                                               | 3016 |
| 809 | From Assembly, to committee, 1850; from committee, 1817; read second time, 1750; read third time, passed, to Assembly.                                                                                                                              | 1843 |
| 810 | From Assembly, to committee, 1850; from committee, 1750; read second time, 1800; read third time, passed, to Assembly.                                                                                                                              | 2231 |
| 811 | From Assembly, to committee, 1844; from committee, 2014; read second time, 1844; passed as amended, January 20, 1911, 2514; referred to committee, to amend a certain measure, to Committee on Finance, 1904; read third time, passed, to Assembly. | 2287 |
| 812 | From Assembly, to committee, 1850; referred by committee without action.                                                                                                                                                                            | 3456 |
| 813 | From Assembly, to committee, 1115; from committee, 1163; read second time, 1108; referred from Finance, 1813; read third time, passed, to Assembly.                                                                                                 | 3275 |
| 814 | From Assembly, to committee, 1850; referred by committee without action.                                                                                                                                                                            | 3476 |
| 815 | From Assembly, to committee, 1817; referred by committee without action.                                                                                                                                                                            | 3485 |
| 816 | From Assembly, to committee, 1849; from committee, 2101; read second time, referred back to committee, 2080; referred by committee without action, 1850.                                                                                            | 3473 |
| 817 | From Assembly, to committee, 1144; referred by committee without action.                                                                                                                                                                            | 3471 |
| 818 | From Assembly, to committee, 1844; from committee, 1778; read second time, 1800; read third time, introduced, 1914; read third time, passed, to Assembly, 1914; Senate amendments proposed, 18.                                                     | 1666 |
| 818 | From Assembly, to committee, 1878; referred by committee without action.                                                                                                                                                                            | 3476 |
| 819 | From Assembly, to committee, 1817; referred by committee without action.                                                                                                                                                                            | 3478 |
| 820 | From Assembly, to committee, 1811; referred by committee without action.                                                                                                                                                                            | 3478 |
| 821 | From Assembly, to committee, 1758; from committee, 1974; read second time, 1850; read third time, passed, to Assembly.                                                                                                                              | 2307 |
| 822 | From Assembly, to committee, 1850; from committee, 1897; read second time, 1848; referred from Finance, 1897; read third time, passed, to Assembly.                                                                                                 | 3000 |
| 823 | From Assembly, to committee, 1850; from committee, 147; read second time, 1850; referred from Finance, 1850; read third time, passed, to Assembly.                                                                                                  | 2811 |
| 824 | From Assembly, to committee, 1874; referred by committee without action.                                                                                                                                                                            | 3456 |
| 825 | From Assembly, to committee, 1874; referred by committee without action.                                                                                                                                                                            | 3456 |
| 826 | From Assembly, to committee, 1874; referred by committee without action.                                                                                                                                                                            | 3456 |
| 827 | From Assembly, to committee, 1874; referred by committee without action.                                                                                                                                                                            | 3456 |
| 828 | From Assembly, to committee, 1887; referred by committee without action.                                                                                                                                                                            | 3444 |
| 829 | From Assembly, to committee, 1801; from committee, 1829; read second time, 1843; read third time, passed, to Assembly.                                                                                                                              | 1932 |
| 830 | From Assembly, to committee, 1817; read second time, 1707; read third time, passed, to Assembly.                                                                                                                                                    | 1896 |
| 831 | From Assembly, to committee, 1850; from committee, 1820; read second time, 1843; from third time, passed, to Assembly.                                                                                                                              | 1932 |
| 832 | From Assembly, to committee, 1801; read second time, 1850; read second time, 1881; read third time, passed, to Assembly.                                                                                                                            | 1934 |
| 833 | From Assembly, to committee, 1872; from committee, 2148; read second time, introduced, 2451; read third time, passed, to Assembly, 2889; Senate amendments proposed, 18.                                                                            | 3001 |
| 834 | From Assembly, to committee, 1781; from committee, 1829; read second time, 1843; read third time, passed, to Assembly.                                                                                                                              | 1932 |
| 835 | From Assembly, to committee, 1786; from committee, 1829; read second time, introduced, 1834; read third time, passed, to Assembly, 1902; Senate amendments proposed, 18.                                                                            | 2160 |



## ASSEMBLY BILLS Continued.

| No.                                                                                                                                                                                                           | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 863 From Assembly, to committee, 2668; from committee, 2997; read second time, 3018; read third time, passed, to Assembly-----                                                                                | 3335 |
| 864 From Assembly, to committee, 518; from committee, 1689; read second time, 1707; read third time, passed, to Assembly-----                                                                                 | 1896 |
| 865 From Assembly, to committee, 518; from committee, 1689; read second time, 1707; read third time, passed, to Assembly-----                                                                                 | 1896 |
| 866 From Assembly, to committee, 1421; from committee, 1859; read second time, 1881; read third time, passed, to Assembly-----                                                                                | 1934 |
| 869 From Assembly, to committee, 1123; returned by committee without action-----                                                                                                                              | 3450 |
| 873 From Assembly, to committee, 1321; from committee, 2450; read second time, 2461; re-referred to committee, 2963; returned by committee without action-----                                                | 3467 |
| 880 From Assembly, to committee, 2408; from committee, 2529; Constitution suspended, 2539; read second time, 2530; call of Senate, 2530; read third time, passed, to Assembly-----                            | 2539 |
| 883 From Assembly, to committee, 1604; from committee, 2286; read second time, 2305; read third time, passed, to Assembly-----                                                                                | 2857 |
| 890 From Assembly, to committee, 1788; from committee, 1905; read second time, 1917; urgency clause adopted, 2337; read third time, passed, to Assembly-----                                                  | 2378 |
| 892 From Assembly, to committee, 1064; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1676 |
| 893 From Assembly, to committee, 1064; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1676 |
| 894 From Assembly, to committee, 1064; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1676 |
| 895 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1677 |
| 896 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1677 |
| 897 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1677 |
| 898 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1677 |
| 899 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1678 |
| 900 From Assembly, to committee, 1065; from committee, 1313; read second time, 1337; read third time, passed, to Assembly-----                                                                                | 1678 |
| 901 From Assembly, to committee, 1065; from committee, 1313; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1678 |
| 902 From Assembly, to committee, 1065; from committee, 1313; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1678 |
| 903 From Assembly, to committee, 1065; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1679 |
| 904 From Assembly, to committee, 1065; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1679 |
| 905 From Assembly, to committee, 1065; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1679 |
| 906 From Assembly, to committee, 1284; from committee, 1798; read second time, amended, 1808; read third time, amended, 1931; read third time, passed, to Assembly, 1991; Senate amendments concurred in----- | 2160 |
| 907 From Assembly, to committee, 861; from committee, 2747; read second time, 2758; read third time, passed, to Assembly-----                                                                                 | 3258 |
| 908 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1679 |
| 909 From Assembly, to committee, 1531; from committee, 1686; read second time, 1704; read third time, passed, to Assembly-----                                                                                | 1935 |
| 910 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1680 |
| 911 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1680 |
| 912 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1680 |
| 913 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1680 |
| 914 From Assembly, to committee, 1066; from committee, 1314; read second time, 1338; read third time, passed, to Assembly-----                                                                                | 1681 |
| 915 From Assembly, to committee, 1066; from committee, 1314; read second time, 1339; read third time, passed, to Assembly-----                                                                                | 1681 |

## ASSEMBLY BILL - Continued

|                                                                                                                                                                                                                               | Page |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 916 From Assembly, to committee, 1896; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1681 |
| 917 From Assembly, to committee, 1907; from committee, 1914; read second time, 1930; read third time, passed, to Assembly.                                                                                                    | 1682 |
| 918 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1682 |
| 919 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1682 |
| 920 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1682 |
| 921 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1682 |
| 922 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1683 |
| 923 From Assembly, to committee, 1907; from committee, 1914; read second time, 1929; read third time, passed, to Assembly.                                                                                                    | 1683 |
| 924 From Assembly, to committee, 1907; from committee, 1915; read second time, 1930; read third time, passed, to Assembly.                                                                                                    | 1684 |
| 925 From Assembly, to committee, 1914; returned by committee without action.                                                                                                                                                  | 167  |
| 926 From Assembly, to committee, 1911; from committee, 2036; read second time, amended, 2041; read third time, passed, to Assembly.                                                                                           | 167  |
| 927 From Assembly, to committee, 2162; from committee, 2642; read second time, amended, 2651; read third time, passed, to Assembly.                                                                                           | 166  |
| 928 From Assembly, to committee, 1915; from committee, 2641; read second time, amended, 2649; read third time, passed, to Assembly.                                                                                           | 245  |
| 929 From Assembly, to committee, 2871; referred by committee without action.                                                                                                                                                  | 167  |
| 930 From Assembly, to committee, 178; from committee, 2430; read second time, amended, 2439; read third time, passed, to Assembly.                                                                                            | 2500 |
| Senate amendments concurred in:                                                                                                                                                                                               |      |
| 931 From Assembly, to committee, 1631; returned by committee without action.                                                                                                                                                  | 166  |
| 932 From Assembly, to committee, 2162; from committee, 2474; read second time, amended, 2501; read third time, passed, to Assembly.                                                                                           | 2003 |
| Senate amendments concurred in:                                                                                                                                                                                               |      |
| 933 From Assembly, to committee, 1979; from committee, 2642; read second time, amended, 2651; read third time, passed, to Assembly.                                                                                           | 2657 |
| Senate amendments concurred in:                                                                                                                                                                                               |      |
| 934 From Assembly, 219; considered without reference to committee, 219; Committee's substitute, 229; read second time, 229; urgency clause adopted, 229; read third time, passed, to Assembly.                                | 229  |
| 935 From Assembly, to committee, 2878; from committee, 3072; read second time, amended, 3084; read third time, passed, to Assembly.                                                                                           | 1577 |
| Senate amendments not concurred in: 3123; Senate refuses to receive reports conference committee, 3123; Assembly limits conference committee, 3124; Senate adopts conference report, 3124; Assembly adopts conference report. | 3130 |
| 936 From Assembly, to committee, 2856; from committee, 3069; read second time, amended, 3103; read third time, passed, to Assembly.                                                                                           | 3400 |
| 937 From Assembly, to committee, 814; from committee, 1241; referred to Committee on Municipal Corporations, 1241; from committee, 1315; read second time, 1311; read third time, passed, to Assembly.                        | 1394 |
| 938 From Assembly, to committee, 2212; from committee, 2569; read second time, 2590; read third time, passed, to Assembly.                                                                                                    | 2346 |
| 939 From Assembly, to committee, 1012; from committee, 1975; read second time, amended, 1983; read third time, amended, 2037; read third time, passed, to Assembly.                                                           | 2719 |
| Senate amendments concurred in:                                                                                                                                                                                               |      |
| 940 From Assembly, to committee, 862; from committee, 1119; read second time, 1149; read third time, passed, to Assembly.                                                                                                     | 1272 |
| 941 From Assembly, to committee, 1655; from committee, 1827; read second time, amended, 1832; read third time, passed, to Assembly.                                                                                           | 1989 |
| 942 From Assembly, to committee, 1694; from committee, 1827; read second time, 1833; read third time, passed, to Assembly.                                                                                                    | 1990 |
| 943 From Assembly, to committee, 861; from committee, 1119; read second time, amended, 1150; read third time, passed, to Assembly.                                                                                            | 1543 |
| Senate amendments concurred in:                                                                                                                                                                                               |      |
| 944 From Assembly, to committee, 763; from committee, 1859; read second time, 1881; urgency clause adopted, 1994; read third time, passed, to Assembly.                                                                       | 1995 |

## ASSEMBLY BILLS—Continued

| No                                                                                                                                                                                                                                                                                                                          | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 971 From Assembly, to committee, 1642; from committee, 2035; read second time, amended, and re-referred to committee, 2043; from committee, 2226; read second time, 2241; read third time, passed, to Assembly, 2856; Senate amendments concurred in                                                                        | 2914 |
| 977 From Assembly, to committee, 1356; returned by committee without action                                                                                                                                                                                                                                                 | 3451 |
| 978 From Assembly, to committee, 1697; from committee, 2769; read second time, 2591; read third time, passed, to Assembly                                                                                                                                                                                                   | 3312 |
| 982 From Assembly, to committee, 2162; from committee, 2399; read second time, 2464; read third time, passed, 2888; notice of motion to reconsider, 2895; notice of motion to reconsider continued, 2995; reconsideration granted 3011; read, amended 3011; read, passed, to Assembly, 3408; Senate amendments concurred in | 3503 |
| 983 From Assembly, to committee, 1421; from committee, 2569; read second time, 2590; read third time, passed, to Assembly                                                                                                                                                                                                   | 3311 |
| 984 From Assembly, to committee, 2211; from committee, 2569; read second time, 2590; read third time, passed, to Assembly                                                                                                                                                                                                   | 3312 |
| 985 From Assembly, to committee, 2365; from committee, 2569; read second time, 2591; read third time, passed, to Assembly                                                                                                                                                                                                   | 2911 |
| 986 From Assembly, to committee, 2562; returned by committee without action                                                                                                                                                                                                                                                 | 3451 |
| 987 From Assembly, to committee, 2519; returned by committee without action                                                                                                                                                                                                                                                 | 3451 |
| 988 From Assembly, to committee, 1605; from committee, 2569; read second time, 2591; read third time, passed, to Assembly                                                                                                                                                                                                   | 3312 |
| 989 From Assembly, to committee, 1531; from committee, 1750; read second time, 1764; read third time, passed, to Assembly                                                                                                                                                                                                   | 1900 |
| 991 From Assembly, to committee, 1574; from committee, 1750; read second time, 1764; read third time, passed, to Assembly                                                                                                                                                                                                   | 1900 |
| 990 From Assembly, to committee, 2621; returned by committee without action                                                                                                                                                                                                                                                 | 3452 |
| 1002 From Assembly, to committee, 763; returned by committee without action                                                                                                                                                                                                                                                 | 3456 |
| 1004 From Assembly, to committee, 2480; from committee, 2695; read second time, 2710; read third time, passed, to Assembly                                                                                                                                                                                                  | 3106 |
| 1005 From Assembly, to committee, 2480; from committee, 2695; read second time, 2710; read third time, passed, to Assembly                                                                                                                                                                                                  | 3106 |
| 1012 From Assembly, to committee, 2607; from committee, 2822; read second time, 2826; read third time, passed, to Assembly                                                                                                                                                                                                  | 3183 |
| 1014 From Assembly, to committee, 1943; from committee, 2036; read second time, 2062; urgency clause adopted, 2676; read third time, passed, to Assembly                                                                                                                                                                    | 2677 |
| 1017 From Assembly, to committee, 2853; from committee, 3067; read second time, amended, 3077; read third time, passed, to Assembly, 3408; Senate amendments concurred in                                                                                                                                                   | 3503 |
| 1018 From Assembly, to committee, 2212; from committee, 2451; read second time, 2462; read third time, passed, to Assembly                                                                                                                                                                                                  | 2892 |
| 1021 From Assembly, to committee, 1943; from committee, 2122; read second time, 2133; read third time, passed, to Assembly                                                                                                                                                                                                  | 2690 |
| 1023 From Assembly, to committee, 1643; from committee, 2473; read second time, 2502; read third time, passed, to Assembly                                                                                                                                                                                                  | 2904 |
| 1024 From Assembly, to committee, 1943; from committee, 2642; read second time, amended, 2651; read third time, passed, to Assembly, 3314; Senate amendments concurred in                                                                                                                                                   | 3426 |
| 1025 From Assembly, to committee, 763; from committee, 1312; read second time, 1336; read third time, passed, to Assembly                                                                                                                                                                                                   | 1675 |
| 1027 From Assembly, to committee, 1356; returned by committee without action                                                                                                                                                                                                                                                | 3487 |
| 1029 From Assembly, to committee, 2164; from committee, 2449; read second time, 2458; re-referred to Committee on Revision of Criminal Law and Procedure, 3322; returned by committee without action                                                                                                                        | 3487 |
| 1034 From Assembly, to committee, 1421; from committee, 2119; read second time, 2131; read third time, passed, to Assembly                                                                                                                                                                                                  | 2687 |
| 1035 From Assembly, to committee, 2164; from committee, 2449; read second time, 2458; read third time, passed, to Assembly                                                                                                                                                                                                  | 2890 |
| 1037 From Assembly, to committee, 1357; returned by committee without action                                                                                                                                                                                                                                                | 3487 |
| 1044 From Assembly, to committee, 2164; from committee, 3074; read second time, 3100; read third time, passed, to Assembly                                                                                                                                                                                                  | 3392 |
| 1048 From Assembly, to committee, 2212; from committee, 2569; read second time, 2591; read third time, passed, to Assembly                                                                                                                                                                                                  | 2947 |



## ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1049 From Assembly, to committee, 2212; from committee, 2822; read second time, passed, 2822; read third time, passed, to Assembly, 1181; Senate amendments concurred in                                                                                                                                                                                                                                                                     | 3200 |
| 1050 From Assembly, to committee, 1737; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                 | 3400 |
| 1051 From Assembly, to committee, 1068; from committee, 1760; read second time, passed, 1760; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                           | 3750 |
| 1052 From Assembly, to committee, 2465; from committee, 2474; read second time, 2465; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 3800 |
| 1053 From Assembly, to committee, 1786; from committee, 2280; read second time, passed, 2280; read third time, 2280; notice of motion to amend, 2806; amendments referred to Assembly, 2811; Senate amendments concurred in                                                                                                                                                                                                                  | 3901 |
| 106 From Assembly, to committee, 1883; from committee, 1287; read second time, passed, and referred to committee, 112; returned by committee without action                                                                                                                                                                                                                                                                                  | 3900 |
| 106 From Assembly, to committee, 1064; from committee, 2718; read second time, 1068; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                    | 3714 |
| 1063 From Assembly, to committee, 1878; returned from committee on Civil Extension February and referred to Committee on Finance and Taxation, 1881; returned by committee without action                                                                                                                                                                                                                                                    | 3470 |
| 1069 From Assembly, to committee, 1467; from committee, 1718; read second time, 1718; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 3800 |
| 1070 From Assembly, to committee, 2671; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                 | 3460 |
| 1071 From Assembly, to committee, 2668; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                 | 3470 |
| 1072 From Assembly, to committee, 1470; from committee, 2601; read second time, passed, and published in committee, 1080; from committee, 1708; committee, 1808; read third time, passed, 2602; report of Senate on committee, 2611; 1101 and 1067 corrected, 1067; from committee, 1067; read third time, passed, 2670; notice of motion to amend, 2671; notice of two amendments, moved, to Assembly, 2680; Senate amendments concurred in | 4101 |
| 1078 From Assembly, to committee, 815; from committee, 1808; read second time, passed, and referred to committee, 1805; from committee, 1015; read of Senate, 2004; read third time, passed, to Assembly, 2001; Senate amendments concurred in                                                                                                                                                                                               | 2085 |
| 1079 From Assembly, to committee, 1782; from committee, 2768; read second time, 2780; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 2900 |
| 1080 From Assembly, to committee, 1941; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                 | 3470 |
| 1081 From Assembly, to committee, 1784; from committee, 2608; read second time, 2605; read third time, passed, 1170; read second time, 2671; referred to Committee on Civil Service, 2674; returned by committee without action                                                                                                                                                                                                              | 3440 |
| 1084 From Assembly, to committee, 1570; from committee, 1686; read second time, passed, 1700; read third time, passed, to Assembly, 2221; Senate amendments concurred in                                                                                                                                                                                                                                                                     | 2400 |
| 1085 From Assembly, to committee, 1942; from committee, 2748; read second time, 2757; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 2085 |
| 1086 From Assembly, to committee, 1609; from committee, 2205; read second time, passed, 2652; read third time, passed, to Assembly, 2325; Senate amendments concurred in                                                                                                                                                                                                                                                                     | 2485 |
| 1091 From Assembly, to committee, 1010; from committee, 2231; read second time, 2250; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 3260 |
| 1094 From Assembly, to committee, 1757; from committee, 2449; read second time, 2458; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 2042 |
| 1097 From Assembly, to committee, 1786; from committee, 2449; read second time, 2458; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 2042 |
| 1101 From Assembly, to committee, 1885; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                 | 3470 |
| 1101 From Assembly, to committee, 2873; from committee, 3121; read second time, 3122; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 3105 |
| 1105 From Assembly, to committee, 814; from committee, 1118; read second time, 1149; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                    | 1271 |
| 1111 From Assembly, to committee, 2242; from committee, 2747; read second time, 2774; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                   | 3182 |
| 1114 From Assembly, to committee, 2810; from committee, 2998; read second time, 3020; read third time, passed, title amended, to Assembly, 3236; Senate amendments concurred in                                                                                                                                                                                                                                                              | 3427 |



## ASSEMBLY BILLS. Continued

| No.                                                                                                                                                                                                                                                                                 | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1118 From Assembly, 2332; considered without reference to committee, 2332; constitution suspended, 2332; read second time, 2333; urgency clause adopted, 2333; read third time, passed, to Assembly.....                                                                            | 2333 |
| 1121 From Assembly, to committee, 2161; from committee, 2567; read second time, 2589; read third time, passed, to Assembly.....                                                                                                                                                     | 3311 |
| 1123 From Assembly, to committee, 1943; from committee, 2120; read second time, 2131; read second time, amended, 2391; read third time, passed, to Assembly, 2687; Senate amendments concurred in.....                                                                              | 2817 |
| 1129 From Assembly, to committee, 1605; from committee, 1827; read second time, 1835; read third time, amended, 2030; read third time, passed, 2070; notice of motion to reconsider, 2071; notice of reconsideration waived, to Assembly, 2686; Senate amendments concurred in..... | 2161 |
| 1130 From Assembly, to committee, 761; from committee, 1415; read second time, 1503; read third time, amended, 1708; read third time, passage refused.....                                                                                                                          | 1776 |
| 1132 From Assembly, to committee, 1223; from committee, 2286; read second time, amended, 2307; read third time, passed, to Assembly, 2860; Senate amendments concurred in.....                                                                                                      | 2914 |
| 1134 From Assembly, to committee, 761; from committee, 2120; read second time, 2131; read third time, passed, to Assembly.....                                                                                                                                                      | 3331 |
| 1135 From Assembly, to committee, 761; from committee, 2120; read second time, amended, 2132; read third time, passed, to Assembly, 2871; Senate amendments concurred in.....                                                                                                       | 3065 |
| 1136 From Assembly, to committee, 761; returned by committee without action.....                                                                                                                                                                                                    | 3451 |
| 1137 From Assembly, to committee, 2565; from committee, 2565; read second time, amended, 2587; read third time, passed, to Assembly.....                                                                                                                                            | 2907 |
| 1138 From Assembly, to committee, 1024; from committee, 1280; read second time, 1303; read third time, passed, 1673; notice of motion to reconsider, 1685; notice of motion to reconsider continued, 1699; reconsideration lapsed, to Assembly.....                                 | 1748 |
| 1139 From Assembly, to committee, 1743; from committee, 2350; read second time, 2383; read third time, amended, 2604; read third time, passed, to Assembly, 2885; Senate amendments concurred in.....                                                                               | 3065 |
| 1140 From Assembly, to committee, 1010; from committee, 1280; read second time, 1303; read third time, passed, to Assembly.....                                                                                                                                                     | 1710 |
| 1144 From Assembly, to committee, 1010; returned by committee without action.....                                                                                                                                                                                                   | 3451 |
| 1146 From Assembly, to committee, 2212; from committee, 2509; read second time, amended, 2591; read third time, passed, to Assembly, 2911; Senate amendments concurred in.....                                                                                                      | 3065 |
| 1147 From Assembly, to committee, 1010; from committee, 2750; read second time, 2771; read third time, passed, to Assembly.....                                                                                                                                                     | 3110 |
| 1151 From Assembly, to committee, 1788; from committee, 1905; read second time, 1917; read third time, passed, to Assembly.....                                                                                                                                                     | 2328 |
| 1152 From Assembly, to committee, 1786; from committee, 2226; read second time, 2241; read third time, passed, to Assembly.....                                                                                                                                                     | 2849 |
| 1154 From Assembly, to committee, 1786; from committee, 2227; read second time, amended, 2242; read third time, passed, to Assembly, 2851; Senate amendments concurred in.....                                                                                                      | 2914 |
| 1162 From Assembly, to committee, 2164; from committee, 2449; read second time, 2458; read third time, passed, to Assembly.....                                                                                                                                                     | 2890 |
| 1164 From Assembly, to committee, 2164; from committee, 2449; read second time, 2459; read third time, amended, 2834; read third time, passed, to Assembly, 2890; Senate amendments concurred in.....                                                                               | 3001 |
| 1168 From Assembly, to committee, 1222; from committee, 1590; read second time, amended, 1632; placed on unfinished business file, 1695; read third time, amended, 2848; read third time, passed, to Assembly, 2868; Senate amendments concurred in.....                            | 3001 |
| 1169 From Assembly, 241; considered without reference to committee, 241; constitution suspended, 241; read second time, 242; urgency clause adopted, 242; read third time, passed, to Assembly.....                                                                                 | 242  |
| 1171 From Assembly, to committee, 1937; from committee, 2358; read second time, 2383; re-referred to Committee on Governmental Efficiency, 3322; returned by committee without action.....                                                                                          | 3461 |
| 1172 From Assembly, to committee, 759; from committee, 1858; read second time, amended, 1875; read third time, passed, to Assembly, 2814; Senate amendments concurred in.....                                                                                                       | 2915 |
| 1173 From Assembly, to committee, 1937; from committee, 2358; read second time, 2383; re-referred to committee on Governmental Efficiency, 3322; returned by committee without action.....                                                                                          | 3461 |

ASSEMBLY BILLS

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1175 From Assembly, to committee, 2914; from committee, 2570; read second time, amended, 2749; read third time, passed, to Assembly, 2912; Senate amendments concurred in                                                                                                                                                                                                                                                                                                               | 2065 |
| 1176 From Assembly, to committee, 1709; from committee, 1717; read second time, amended and re-referred to committee, 1728; from committee, 1735; read second time, 1875; read third time, passed, to Assembly, 2733; Senate amendments not concurred in, 3000; ordered to unfinished business by 2926; Senate referred to committee, 2926; referred to committee, 2999; Assembly referred to committee, 3016; Senate referred to committee, 3021; Assembly referred to committee, 3026 | 2026 |
| 1177 From Assembly, to committee, 1821; from committee, 1907; passed by committee, 1908; to 1178; read second time, 1954; read second time, 1955; read third time, passed, to Assembly, 2182; Senate amendments concurred in                                                                                                                                                                                                                                                            | 2235 |
| 1179 From Assembly, to committee, 2607; from committee, 2831; read second time, 2908; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                              | 2194 |
| 1180 From Assembly, to committee, 2607; from committee, 2645; read second time, 2655; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                              | 2702 |
| 1184 From Assembly, to committee, 2902; from committee, 2944; referred to Committee on Finance, 3041; referred to committee, 3042; referred to                                                                                                                                                                                                                                                                                                                                          | 3126 |
| 1185 From Assembly, to committee, 2469; referred by committee, without action                                                                                                                                                                                                                                                                                                                                                                                                           | 2456 |
| 1186 From Assembly, to committee, 814; referred by committee, without action                                                                                                                                                                                                                                                                                                                                                                                                            | 2451 |
| 1188 From Assembly, to committee, 814; from committee, 1754; read second time, 1760; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                               | 2029 |
| 1189 From Assembly, to committee, 1637; from committee, 1647; read second time, 2047; read third time, amended, 2048; read third time, passed, to Assembly, 2871; Senate amendments concurred in                                                                                                                                                                                                                                                                                        | 2001 |
| 1190 From Assembly, to committee, 1637; from committee, 1747; read second time, 2048; read third time, amended, 2417; action of Senate to amend and amend, Nov. 4 and 2, to May 11, 1907, considered, 2407; read second time, 2606; read second time, 2841; read third time, passed, to Assembly, 2871; Senate amendments concurred in                                                                                                                                                  | 2001 |
| 1191 From Assembly, to committee, 1788; from committee, 2122; read second time, 2133; read third time, amended, 2284; read, amended, 2730; read, amended, 2811; read third time, passed, to Assembly, 2872; Senate amendments concurred in                                                                                                                                                                                                                                              | 2001 |
| 1193 From Assembly, to committee, 1172; from committee, 2823; read second time, 2826; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                              | 2205 |
| 1194 From Assembly, to committee, 1719; from committee, 1750; read second time, 1794; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                              | 1029 |
| 1195 From Assembly, to committee, 2482; from committee, 2569; read second time, amended, 2592; referred to committee, 2911; read third time, passed, to Assembly, 2912; Senate amendments concurred in                                                                                                                                                                                                                                                                                  | 2065 |
| 1198 From Assembly, to committee, 2065; referred by committee, without action                                                                                                                                                                                                                                                                                                                                                                                                           | 2465 |
| 1200 From Assembly, to committee, 1348; from committee, 1687; read second time, amended, 1700; read third time, amended, 1852; read third time, passed, to Assembly, 2001; Senate amendments concurred in                                                                                                                                                                                                                                                                               | 2169 |
| 1201 From Assembly, to committee, 2482; from committee, 3188; read second time, 3194; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                              | 2297 |
| 1203 From Assembly, to committee, 2482; from committee, 2644; read second time, amended, 2654; read third time, passed, to Assembly, 2978; Senate amendments concurred in                                                                                                                                                                                                                                                                                                               | 2065 |
| 1204 From Assembly, to committee, 814; referred by committee, without action                                                                                                                                                                                                                                                                                                                                                                                                            | 2487 |
| 1205 From Assembly, to committee, 814; from committee, 1859; read second time, 1875; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                               | 1934 |
| 1206 From Assembly, to committee, 814; withdrawn from committee and returned to Assembly, 802; from Assembly, to committee, 2083; from committee, 2044; read second time, 2073; read, amended, 2846; read third time, passed, to Assembly, 2913; read, amended, 2900; Senate amendments concurred in                                                                                                                                                                                    | 2319 |
| 1207 From Assembly, to committee, 571; from committee, 1242; read second time, amended, 1266; read third time, passed, to Assembly, 1512; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                | 1655 |
| 1208 From Assembly, to committee, 547; from committee, 1242; read second time, 1266; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                               | 1512 |

## ASSEMBLY BILLS -Continued.

| No.                                                                                                                                                                                                                                                                                                                 | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1209 From Assembly, to committee, 813; withdrawn from committee and returned to Assembly, 862; from Assembly, to committee, 2607; read second time, amended, 2928; read third time, passed, to Assembly, 3265; Senate amendments concurred in                                                                       | 3427 |
| 1210 From Assembly, to committee, 1123; from committee, 1242; read second time, 1265; read third time, passed, to Assembly                                                                                                                                                                                          | 1509 |
| 1211 From Assembly, to committee, 571; from committee, 1242; read second time, 1265; read third time, amended, 1509; read, amended, 1662; read third time, passed, to Assembly, 1709; Senate amendments concurred in                                                                                                | 1783 |
| 1212 From Assembly, to committee, 813; from committee, 1242; read second time, 1265; read third time, passed, 1510; notice of motion to reconsider, 1510; notice of motion to reconsider continued, 1524; notice of reconsideration waived, to Assembly                                                             | 1591 |
| 1213 From Assembly, to committee, 548; from committee, 1242; read second time, 1266; read third time, amended                                                                                                                                                                                                       | 1510 |
| 1214 From Assembly, to committee, 1386; from committee, 2644; read second time, 2653; read third time, amended, 2847; read third time, passed, to Assembly, 2957; Senate amendments concurred in                                                                                                                    | 3065 |
| 1215 From Assembly, to committee, 572, 595; from committee, 1242; read second time, 1266; read third time, passed, to Assembly                                                                                                                                                                                      | 1510 |
| 1216 From Assembly, to committee, 571; from committee, 1242; read second time, 1266; read third time, passed, to Assembly                                                                                                                                                                                           | 1511 |
| 1217 From Assembly, to committee, 1173; from committee, 1688; read second time, 1706; read third time, passed, to Assembly                                                                                                                                                                                          | 1894 |
| 1218 From Assembly, to committee, 1284; from committee, 1828; read second time, amended, 1836; read third time, passed, to Assembly, 1935; Senate amendments concurred in                                                                                                                                           | 2161 |
| 1219 From Assembly, to committee, 1023; from committee, 1242; read second time, 1266; read third time, passed, to Assembly                                                                                                                                                                                          | 1671 |
| 1220 From Assembly, to committee, 813; from committee, 1414; read second time, 1503; read third time, passed, to Assembly                                                                                                                                                                                           | 1931 |
| 1221 From Assembly, to committee, 548; from committee, 1242; read second time, 1266; read third time, passed, to Assembly                                                                                                                                                                                           | 1512 |
| 1222 From Assembly, to committee, 548; from committee, 1242; read second time, amended, 1266; read third time, passed, to Assembly, 1512; Senate amendments concurred in                                                                                                                                            | 1655 |
| 1223 From Assembly, to committee, 1172; from committee, 1415; read second time, amended, 1503; read third time, passed, to Assembly, 1931; Senate amendments concurred in                                                                                                                                           | 2161 |
| 1224 From Assembly, to committee, 1123; from committee, 2014; read second time, 2020; read third time, passed, to Assembly                                                                                                                                                                                          | 2349 |
| 1225 From Assembly, to committee, 1386; from committee, 1828; read second time, amended, 1836; re-referred to committee, 1939; from committee, 2186; read second time, 2199; re-referred to committee, 2641; returned by committee without action                                                                   | 3476 |
| 1228 From Assembly, to committee, 2164; from committee, 2448; read second time, amended, 2458; read third time, amended, 2534; read third time, passed, to Assembly, 2685; Senate amendments concurred in                                                                                                           | 2817 |
| 1230 From Assembly, to committee, 1319; from committee, 1689; read second time, amended, 1706; read third time, passed, to Assembly, 1895; Senate amendments concurred in                                                                                                                                           | 2161 |
| 1231 From Assembly, to committee, 1319; from committee, 2014; read second time, 2023; read third time, passed, to Assembly                                                                                                                                                                                          | 2350 |
| 1232 From Assembly, to committee, 817; from committee, 2014; read second time, 2023; read third time, passed, to Assembly                                                                                                                                                                                           | 2350 |
| 1235 From Assembly, to committee, 2164; returned by committee without action                                                                                                                                                                                                                                        | 3466 |
| 1238 From Assembly, to committee, 2725; from committee, 3245; read second time, 3246; referred to Committee on Military Affairs, 3415; returned by committee without action                                                                                                                                         | 3476 |
| 1243 From Assembly, to committee, 1943; from committee, 2227; read second time, amended, 2243; read third time, amended, 2554; read, amended, 2623; read third time, passed, to Assembly, 2873; Senate amendments concurred in                                                                                      | 3001 |
| 1244 From Assembly, to committee, 1573; from committee, 1859; read second time, amended and re-referred to committee, 1876; from committee, 2035; amended and re-referred to committee, 2048; from committee, 2400; read, amended, 2405; read third time, passed, to Assembly, 2889; Senate amendments concurred in | 3001 |

ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                 |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1245 From Assembly, to committee, 1973; from committee, 1859; read second time, amended and re-referred to committee, 1879; from committee, 2025; amended, 2050; passed, in amended form, 2008; read third time, amended, 2445; read second time, 2416; read second time, third time, passed, to Assembly, 2704; Senate amendments concurred in | 3009 |
| 1247 From Assembly, to committee, 2480; returned by committee without action                                                                                                                                                                                                                                                                    | 3457 |
| 1250 From Assembly, to committee, 2492; amended by House Committee on Judiciary and referred to Committee on Social Security, 2600; from committee, 2706; referred to Committee on Finance, 2726; returned by committee without action                                                                                                          | 3456 |
| 1251 From Assembly, to committee, 2306; from committee, 2900; read second time, 2719; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2680 |
| 1252 From Assembly, to committee, 1419; from committee, 2076; read second time, amended and re-referred to committee, 2074; from committee, amended and re-referred to committee, 2074; from committee, read second time, amended, 2741; passed third time, passed, to Assembly, 2981                                                           | 3110 |
| 1253 From Assembly, to committee, 2406; from committee, 2608; read second time, 2716; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2680 |
| 1260 From Assembly, to committee, 2406; from committee, 2606; read second time, 2719; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2680 |
| 1261 From Assembly, to committee, 2481; withdrawn from Committee on Governmental Efficiency and referred to Committee on Public Health and Questioning, 2674; from committee, 2804; read second time, 2828; read third time, passed, 2909; read third time, passed, to Assembly, 3202; Senate amendments concurred in                           | 3316 |
| 1262 From Assembly, to committee, 706; from committee, 829; read second time, 1033; read third time, passed, to Assembly                                                                                                                                                                                                                        | 1373 |
| 1263 From Assembly, to committee, 1864; from committee, 2007; read second time, 2464; read third time, passed, to Assembly                                                                                                                                                                                                                      | 1453 |
| 1264 From Assembly, to committee, 2206; from committee, 2520; read second time, 2888; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2905 |
| 1265 From Assembly, to committee, 2609; withdrawn from Committee on Governmental Efficiency and referred to Committee on Public Health and Questioning, 2806; from committee, 2908; amended, 3020; read third time, passed, to Assembly, 3006; Senate amendments concurred in                                                                   | 3127 |
| 1266 From Assembly, to committee, 2621; from committee, 2990; read second time, amended, 3021; read third time, passed, to Assembly, 3220; Senate amendments concurred in                                                                                                                                                                       | 3127 |
| 1267 From Assembly, to committee, 2621; from committee, 2473; read second time, 2602; urgency clause adopted, 2619; read third time, passed, to Assembly                                                                                                                                                                                        | 2619 |
| 1268 From Assembly, to committee, 1999; withdrawn from Committee on Agriculture and referred to Committee on County Government, 1747; from committee, 1975; read second time, amended, 1984; read third time, passed, to Assembly, 2448; Senate amendments concurred in                                                                         | 2485 |
| 1271 From Assembly, to committee, 1802; from committee, 2450; read second time, 2461; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2281 |
| 1273 From Assembly, to committee, 1786; returned by committee without action                                                                                                                                                                                                                                                                    | 3367 |
| 1274 From Assembly, to committee, 1786; from committee, 2642; read second time, amended, 2649; read third time, passed, to Assembly, 2956; Senate amendments concurred in                                                                                                                                                                       | 3005 |
| 1275 From Assembly, to committee, 1319; returned by committee without action                                                                                                                                                                                                                                                                    | 3473 |
| 1276 From Assembly, to committee, 1004; from committee, 1745; read second time, 1363; read third time, passed, to Assembly                                                                                                                                                                                                                      | 1713 |
| 1277 From Assembly, to committee, 1404; from committee, 1753; read second time, 1760; read third time, passed, to Assembly                                                                                                                                                                                                                      | 2009 |
| 1280 From Assembly, to committee, 2607; from committee, 3188; read second time, amended, 3195; read third time, passed, to Assembly, 3301; Senate amendments concurred in                                                                                                                                                                       | 3427 |
| 1284 From Assembly, to committee, 2369; returned by committee without action                                                                                                                                                                                                                                                                    | 3451 |
| 1285 From Assembly, to committee, 1783; from committee, 2750; read second time, 2771; read third time, passed, to Assembly                                                                                                                                                                                                                      | 3110 |
| 1287 From Assembly, to committee, 2669; from committee, 2997; read second time, 3018; read third time, amended, 3132; read third time, passed, to Assembly, 3335; Senate amendments concurred in                                                                                                                                                | 3503 |



## ASSEMBLY BILLS. Continued.

| No.                                                                                                                                                                                                                                                       | PAGE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1290 From Assembly, to committee, 1357; from committee, 1374; read second time, 1383; read third time, amended, 2468; read third time, passed, to Assembly, 2637; Senate amendments concurred in.....                                                     | 2753 |
| 1295 From Assembly, to committee, 2483; from committee, 2636; read second time, 2710; read third time, amended, 2979; re-referred to Committee on Public Health and Quarantine, 3334; returned by committee without action.....                           | 3481 |
| 1296 From Assembly, to committee, 2898; returned by committee without action.....                                                                                                                                                                         | 3488 |
| 1299 From Assembly, to committee, 2608; returned by committee without action.....                                                                                                                                                                         | 3476 |
| 1300 From Assembly, to committee, 2819; returned by committee without action.....                                                                                                                                                                         | 3456 |
| 1301 From Assembly, to committee, 1357; from committee, 1686; read second time, 1705; read third time, passed, to Assembly.....                                                                                                                           | 1894 |
| 1306 From Assembly, to committee, 1605; from committee, 1797; read second time, 1807; read third time, passed, to Assembly.....                                                                                                                           | 1854 |
| 1310 From Assembly, to committee, 1068; from committee, 2451; read second time, 2462; read third time, passed, to Assembly.....                                                                                                                           | 2803 |
| 1314 From Assembly, to committee, 2077; returned by committee without action.....                                                                                                                                                                         | 3473 |
| 1317 From Assembly, to committee, 1010; from committee, 1118; read second time, 1149; read third time, passed, to Assembly.....                                                                                                                           | 1272 |
| 1318 From Assembly, to committee, 1786; from committee, 2231; read second time, 2256; read third time, passed, to Assembly.....                                                                                                                           | 2852 |
| 1319 From Assembly, to committee, 1783; from committee, 2037; read second time, amended and re-referred to committee, 2053; from committee, 2230; read second time, 2253; read third time, passed, to Assembly, 3261; Senate amendments concurred in..... | 3426 |
| 1320 From Assembly, to committee, 2621; from committee, 2698; read second time, 3020; read third time, passed, to Assembly.....                                                                                                                           | 3338 |
| 1334 From Assembly, to committee, 1943; from committee, 2229; read second time, 2252; read third time, amended, 2973; read third time, passed, to Assembly, 3260; Senate amendments concurred in.....                                                     | 3426 |
| 1335 From Assembly, to committee, 1223; from committee, 2037; read second time, 2054; read third time, passed, to Assembly.....                                                                                                                           | 2352 |
| 1339 From Assembly, to committee, 1744; from committee, 2227; read second time, 2242; read third time, passed, to Assembly.....                                                                                                                           | 2850 |
| 1341 From Assembly, to committee, 1357; from committee, 2036; read second time, 2052; read third time, passed, to Assembly.....                                                                                                                           | 2351 |
| 1342 From Assembly, to committee, 1284; from committee, 1569; read second time, 1588; read third time, passed, to Assembly.....                                                                                                                           | 1936 |
| 1343 From Assembly, to committee, 813; from committee, 1241; read second time, 1265; read third time, passed, to Assembly.....                                                                                                                            | 1508 |
| 1345 From Assembly, to committee, 2212; returned by committee without action.....                                                                                                                                                                         | 3444 |
| 1346 From Assembly, to committee, 1944; from committee, 2641; read second time, 2649; read third time, passed, to Assembly.....                                                                                                                           | 2954 |
| 1347 From Assembly, to committee, 2853; from committee, 3121; read second time, 3122; read third time, passage refused.....                                                                                                                               | 3405 |
| 1348 From Assembly, to committee, 862; returned by committee without action.....                                                                                                                                                                          | 3444 |
| 1350 From Assembly, to committee, 862; returned by committee without action.....                                                                                                                                                                          | 3444 |
| 1358 From Assembly, without reference to committee, 310; constitution suspended, 350; read second time, 350; urgency clause adopted, 351; read third time, passed, to Assembly.....                                                                       | 351  |
| 1362 From Assembly, to committee, 1104; from committee, 2822; read second time, 2826; read third time, passed, to Assembly.....                                                                                                                           | 3201 |
| 1363 From Assembly, to committee, 1064; from committee, 2123; read second time, 2135; read third time, passed, to Assembly.....                                                                                                                           | 2659 |
| 1364 From Assembly, to committee, 1788; from committee, 1904; read second time, 1917; read third time, passed, to Assembly.....                                                                                                                           | 2337 |
| 1365 From Assembly, to committee, 760; from committee, 2123; read second time, amended, 1365; read third time, passed, to Assembly, 2730; Senate amendments concurred in.....                                                                             | 2817 |
| 1368 From Assembly, to committee, 2164; from committee, 2286; read second time, 2305; read third time, passed, to Assembly.....                                                                                                                           | 3263 |
| 1370 From Assembly, to committee, 1786; from committee, 2037; read second time, 2054; read third time, amended, 2391; re-referred to Committee on Agriculture, 3207; returned by committee without action.....                                            | 3442 |

## ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                                                  |  | Page |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------|
| 1371 From Assembly, to committee, 1010; from committee, 1414; read second time, 1502; read third time, passed, to Assembly, 1826                                                                                                                                 |  |      |
| 1373 From Assembly, to committee, 2295; from committee, 2694; read second time, 1908; read third time, passed, to Assembly, 3105                                                                                                                                 |  |      |
| 1391 From Assembly, to committee, 1023; from committee, 1344; read second time, 1361; read third time, passed, to Assembly, 1711                                                                                                                                 |  |      |
| 1393 From Assembly, to committee, 2212; from committee, 2751; read second time, 2773; read third time, passed, to Assembly, 3179                                                                                                                                 |  |      |
| 1399 From Assembly, to committee, 2506; from committee, 2612; read second time, 2649; read third time, passed, to Assembly, 2955                                                                                                                                 |  |      |
| 1400 From Assembly, to committee, 2273; from committee, 2450; read second time, 2463; read third time, passed, to Assembly, 2891                                                                                                                                 |  |      |
| 1403 From Assembly, to committee, 2074; from committee, 2642; read second time, 2649; read third time, passed, to Assembly, 2055                                                                                                                                 |  |      |
| 1404 From Assembly, to committee, 1902; referred to committee without action, 3482                                                                                                                                                                               |  |      |
| 1406 From Assembly, to committee, 1608; from committee, 1717; read second time, 1737; read third time, passed, to Assembly, 1897                                                                                                                                 |  |      |
| 1407 From Assembly, to committee, 1608; from committee, 1906; read second time, 2169; read third time, passed, to Assembly, 2006                                                                                                                                 |  |      |
| 1408 From Assembly, to committee, 1608; from committee, 1906; read second time, 1963; read third time, passed, to Assembly, 2007                                                                                                                                 |  |      |
| 1409 From Assembly, to committee, 1975; from committee, 1975; read second time, amended, read, read third time, passed, to Assembly, 2348                                                                                                                        |  |      |
| 1410 From Assembly, to committee, 1907; from committee, 1717; read second time, 1738; read third time, passed, to Assembly, 1898                                                                                                                                 |  |      |
| 1411 From Assembly, to committee, 1907; from committee, 1906; read second time, 2004; read third time, passed, to Assembly, 2008                                                                                                                                 |  |      |
| 1412 From Assembly, to committee, 1908; from committee, 1907; read second time, passed, 1929; read third time, passed, 2010; notice of motion to reconsider, 2013; notice of reconsideration waived, to Assembly, 2025; Senate amendments concurred in, 2161     |  |      |
| 1415 From Assembly, to committee, 762; from committee, 2073; read second time, 2089; read third time, amended, 2148; read third time, passed, to Assembly, 3319                                                                                                  |  |      |
| 1420 From Assembly, to committee, 1010; from committee, 2450; read second time, 2301; read third time, passed, to Assembly, 2891                                                                                                                                 |  |      |
| 1425 From Assembly, to committee, 1041; from committee, 2459; read second time, 2581; read third time, amended, 2640; read third time, passed, to Assembly, 3319                                                                                                 |  |      |
| 1431 From Assembly, to committee, 2760; from committee, 2569; referred to committee, 2569; from committee, 2659; read second time, amended, 2681; properly class amended, 3280; read third time, passed, to Assembly, 3280; Senate amendments concurred in, 3427 |  |      |
| 1432 From Assembly, to committee, 1164; from committee, 1517; read second time, 1557; read second time, amended, 1771; read third time, passed, to Assembly, 1993; Senate amendments concurred in, 2160                                                          |  |      |
| 1433 From Assembly, to committee, 1911; referred to committee without action, 3442                                                                                                                                                                               |  |      |
| 1434 From Assembly, to committee, 1064; from committee, 1278; read second time, 1362; read third time, passed, to Assembly, 1923                                                                                                                                 |  |      |
| 1435 From Assembly, to committee, 762; from committee, 965; read second time, 1009; read third time, amended, 1087; read third time, passed, to Assembly, 1368                                                                                                   |  |      |
| 1436 From Assembly, to committee, 1937; from committee, 2693; read second time, 2708; read third time, passed, to Assembly, 3104                                                                                                                                 |  |      |
| 1440 From Assembly, to committee, 760; from committee, 1164; read second time, 1198; read third time, amended, 1709; read third time, passed, to Assembly, 1825; Senate amendments concurred in, 2160                                                            |  |      |
| 1441 From Assembly, to committee, 760; from committee, 939; read second time, 951; read third time, passed, to Assembly, 1276                                                                                                                                    |  |      |
| 1442 From Assembly, to committee, 760; from committee, 1315; read second time, 1349; read third time, passed, to Assembly, 1899                                                                                                                                  |  |      |
| 1444 From Assembly, to committee, 862; from committee, 1311; read second time, 1336; read third time, passed, to Assembly, 1820                                                                                                                                  |  |      |
| 1445 From Assembly, to committee, 862; from committee, 1568; read second time, 1588; read third time, passed, to Assembly, 1847                                                                                                                                  |  |      |
| 1446 From Assembly, to committee, 1421; from committee, 1904; read second time, 1916; read third time, passed, 2337; notice of motion to reconsider, 2341; notice of reconsideration waived, to Assembly, 2398                                                   |  |      |

## ASSEMBLY BILLS—Continued

| No.                                                                                                                                                                                                                                                                  | Page. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1448 From Assembly, to committee, 2481; from committee, 2644; read second time, amended, 2654; read third time, passed, to Assembly, 2959; Senate amendments concurred in.....                                                                                       | 3065  |
| 1455 From Assembly, to committee, 2608; from committee, 2750; read second time, 2760; read third time, passed, 3499; notice of motion to reconsider, 3445; notice of reconsideration, waited, to Assembly.....                                                       | 3167  |
| 1462 From Assembly, to committee, 1605; from committee, 1827; read second time, 1833; read third time, passed, to Assembly.....                                                                                                                                      | 2217  |
| 1463 From Assembly, to committee, 2820; from committee, 3069; read second time, amended, 3076; read third time, passed, to Assembly, 3376; Senate amendments concurred in.....                                                                                       | 3503  |
| 1465 From Assembly, to committee, 1979; from committee, 2568; read second time, amended, 2596; read third time, passed, to Assembly, 3407; Senate amendments concurred in.....                                                                                       | 3503  |
| 1466 From Assembly, to committee, 1321; from committee, 1686; read second time, 1705; read third time, passed, to Assembly.....                                                                                                                                      | 2221  |
| 1467 From Assembly, to committee, 1521; from committee, 1601; read second time, 1631; read third time, passed, to Assembly.....                                                                                                                                      | 1892  |
| 1478 From Assembly, to committee, 1788; from committee, 2073; read second time, 2083; read third time, passed, title amended, to Assembly.....                                                                                                                       | 2720  |
| 1469 From Assembly, to committee, 1386; from committee, 1601; read second time, 1631; read third time, passed, to Assembly.....                                                                                                                                      | 1892  |
| 1479 From Assembly, to committee, 2573; from committee, 2747; read second time, 2758; read third time, passed, to Assembly.....                                                                                                                                      | 2086  |
| 1480 From Assembly, to committee, 2573; from committee, 2747; read second time, 2758; read third time, passed, to Assembly.....                                                                                                                                      | 2086  |
| 1481 From Assembly, to committee, 2573; from committee, 2747; read second time, 2758; read third time, passed, to Assembly.....                                                                                                                                      | 2086  |
| 1482 From Assembly, to committee, 2573; from committee, 2747; read second time, 2759; read third time, passed, to Assembly.....                                                                                                                                      | 2086  |
| 1483 From Assembly, to committee, 2573; from committee, 2747; read second time, 2759; read third time, passed, to Assembly.....                                                                                                                                      | 2087  |
| 1484 From Assembly, to committee, 2573; from committee, 2746; read third time, passed, to Assembly.....                                                                                                                                                              | 2085  |
| 1486 From Assembly, to committee, 1944; from committee, 2073; read second time, 2083; read third time, passed, to Assembly.....                                                                                                                                      | 2723  |
| 1487 From Assembly, to committee, 1222; from committee, 1904; read second time, 1916; re-referred to Committee on Municipal Corporations, 3206; returned by committee without action.....                                                                            | 3477  |
| 1488 From Assembly, to committee, 1573; from committee, 2919; read second time, 2930; read third time, passed, to Assembly.....                                                                                                                                      | 3266  |
| 1490 From Assembly, to committee, 2528; from committee, 2604; read second time, 2616; read third time, passed, to Assembly.....                                                                                                                                      | 2952  |
| 1494 From Assembly, to committee, 2213; from committee, 2357; read second time, 2376; re-referred to Committee on Social Security, 3275; returned by committee without action.....                                                                                   | 3492  |
| 1495 From Assembly, to committee, 2698; from committee, 3074; read second time, 3100; read third time, passed, to Assembly.....                                                                                                                                      | 3401  |
| 1496 From Assembly, to committee, 1420; from committee, 1860; read second time, amended, 1881; read third time, amended, 2148; urgency clause adopted, 2743; read third time, passed, title amended, to Assembly, 2744; Senate amendments concurred in.....          | 2817  |
| 1498 From Assembly, to committee, 2483; from committee, 2749; read second time, amended, 2759; referred to Committee on Finance, 2806; from committee, 3188; read second time, 3193; read third time, passed, to Assembly, 3300; Senate amendments concurred in..... | 3427  |
| 1499 From Assembly, to committee, 1944; from committee, 2644; read second time, 2653; read third time, passed, to Assembly.....                                                                                                                                      | 2958  |
| 1500 From Assembly, to committee, 1802; from committee, 2072; read second time, amended, 2080; urgency clause adopted, 2677; read third time, passed, to Assembly, 2678; Senate amendments concurred in.....                                                         | 2817  |
| 1501 From Assembly, to committee, 1801; from committee, 2260; read second time, 2316; urgency clause adopted, 2682; read third time, passed, to Assembly.....                                                                                                        | 2683  |
| 1502 From Assembly, to committee, 1104; from committee, 1279; read second time, 1302; read third time, passed, to Assembly.....                                                                                                                                      | 1671  |
| 1512 From Assembly, 389; considered without reference to committee, 401; Constitution suspended, 401; read second time, 401; urgency clause adopted, 402; read third time, passed, to Assembly.....                                                                  | 402   |



ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                          |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1515 From Assembly, to committee, 2144; from committee, 2057; read second time, amended, 2079; read third time, presented, 2091; read third time, passed, to Assembly, 2899; Senate amendments concurred in                              | 2045 |
| 1516 From Assembly, to committee, 2485; from committee, 2068; read second time, amended, 2019; read third time, passed, to Assembly, 2047; Senate amendments concurred in                                                                | 2427 |
| 1518 From Assembly, to committee, 2040; from committee, 2057; read second time, presented, 2061; read third time, passed, to Assembly, 2899; Senate amendments concurred in                                                              | 2045 |
| 1519 From Assembly, to committee, 2144; from committee, 2057; read second time, 2079; read third time, passed, to Assembly                                                                                                               | 2880 |
| 1520 From Assembly, to committee, 2361; from committee, 1760; read second time, 2171; read third time, passed, to Assembly                                                                                                               | 2180 |
| 1521 From Assembly, to committee, 2144; from committee, 2057; read second time, presented, 2061; read third time, presented, 2899; read third time, passed, to Assembly, 2079; Senate amendments concurred in                            | 2427 |
| 1524 From Assembly, to committee, 2144; from committee, 2058; read second time, amended, 2061; read third time, passed, to Assembly, 2895; Senate amendments concurred in                                                                | 2044 |
| 1525 From Assembly, to committee, 2144; from committee, 2057; read second time, 2077; read third time, passed, to Assembly                                                                                                               | 2802 |
| 1526 From Assembly, to committee, 2061; from committee, 2041; read second time, 2019; read third time, passed, to Assembly                                                                                                               | 2053 |
| 1530 From Assembly, to committee, 847; from committee, 1717; read second time, 1720; read third time, passed, to Assembly                                                                                                                | 1890 |
| 1531 From Assembly, to committee, 1721; from committee, 1567; read second time, amended, 1484; read third time, passed, to Assembly, 1779; Senate amendments reported in                                                                 | 1897 |
| 1532 From Assembly, to committee, 1801; from committee, 2014; read second time, presented, 2010; read third time, passed, to Assembly                                                                                                    | 2049 |
| 1533 From Assembly, to committee, 2878; returned by committee without action                                                                                                                                                             | 2473 |
| 1535 From Assembly, to committee, 2809; from committee, 3189; read second time, 3106; read third time, passed, to Assembly                                                                                                               | 401  |
| 1538 From Assembly, to committee, 1783; from committee, 2026; read second time, 2041; read third time, passed, to Assembly                                                                                                               | 2850 |
| 1539 From Assembly, to committee, 1620; from committee, 2228; read second time, amended and referred to committee, 2248; from committee, 2247; amended, 2201; read third time, passed, to Assembly, 2314; Senate amendments concurred in | 2427 |
| 1562 From Assembly, to committee, 760; from committee, 965; read second time, 1005; read third time, passed, to Assembly                                                                                                                 | 1297 |
| 1568 From Assembly, to committee, 1057; from committee, 1599; read second time, 1631; read third time, passed, to Assembly                                                                                                               | 1848 |
| 1569 From Assembly, to committee, 1944; from committee, 2175; read second time, 2504; read third time, passed, to Assembly                                                                                                               | 2046 |
| 1570 From Assembly, to committee, 2608; from committee, 2822; read second time, amended, 2826; read third time, passed, to Assembly, 2946; Senate amendments concurred in                                                                | 3065 |
| 1572 From Assembly, to committee, 2232; returned by committee without action                                                                                                                                                             | 3451 |
| 1573 From Assembly, to committee, 1785; from committee, 2071; read second time, 2079; urgency clause adopted, 2078; read third time, passed, to Assembly                                                                                 | 2679 |
| 1574 From Assembly, to committee, 760; from committee, 1599; read second time, 1631; off of Senate, 1708; read third time, passed, to Assembly                                                                                           | 1708 |
| 1575 From Assembly, to committee, 2528; from committee, 3188; read second time, 3183; read third time, passed, to Assembly                                                                                                               | 3300 |
| 1576 From Assembly, to committee, 2164; from committee, 2359; read second time, 2384; read third time, passed, to Assembly                                                                                                               | 2885 |
| 1577 From Assembly, to committee, 2528; from committee, 2715; read second time, amended, 2757; read third time, passed, to Assembly, 3108; Senate amendments concurred in                                                                | 3216 |
| 1579 From Assembly, to committee, 759; from committee, 965; read second time, 1009; read third time, passed, to Assembly                                                                                                                 | 1308 |
| 1580 From Assembly, to committee, 760; from committee, 965; read second time, 1009; read third time, passed, to Assembly                                                                                                                 | 1306 |
| 1586 From Assembly, to committee, 1421; returned by committee without action                                                                                                                                                             | 3473 |



## ASSEMBLY BILLS—Continued.

| No                                                                                                                                                                                                                                                                                                                                                        | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1588 From Assembly, to committee, 2213; from committee, 2524; read second time, 2543; read third time, amended, 2836; urgency clause adopted, 3282; read third time, passed, to Assembly, 3283; Senate amendments concurred in-----                                                                                                                       | 3427 |
| 1591 From Assembly, to committee, 2820; returned by committee without action-----                                                                                                                                                                                                                                                                         | 3456 |
| 1592 From Assembly, to committee, 2878; from committee, 3189; read second time, 3195; read third time, passed to Assembly-----                                                                                                                                                                                                                            | 3298 |
| 1593 From Assembly, to committee, 1533; from committee, 2228; read second time, amended, 2249; read third time, passed, to Assembly, 2874; Senate amendments concurred in-----                                                                                                                                                                            | 3001 |
| 1594 From Assembly, to committee, 1533; from committee, 2228; read second time, amended, 2251; read third time, passed, to Assembly, 2875; Senate amendments concurred in-----                                                                                                                                                                            | 3000 |
| 1595 From Assembly, to committee, 1533; withdrawn from Committee on Conservation and referred to Committee on Irrigation, 1695; returned by committee without action-----                                                                                                                                                                                 | 3468 |
| 1597 From Assembly, to committee, 764; returned by committee without action-----                                                                                                                                                                                                                                                                          | 3460 |
| 1598 From Assembly, to committee, 1011; from committee, 2073; read second time, amended, 2083; read third time, passed, to Assembly, 2681; Senate amendments concurred in-----                                                                                                                                                                            | 2817 |
| 1599 From Assembly, to committee, 1223; from committee, 1599; read second time, amended, 1632; read third time, passed, to Assembly, 1848; Senate amendments concurred in-----                                                                                                                                                                            | 1978 |
| 1600 From Assembly, to committee, 1385; returned by committee without action-----                                                                                                                                                                                                                                                                         | 3444 |
| 1604 From Assembly, to committee, 1010; from committee, 1163; read second time, amended, 1198; read third time, passed, to Assembly, 1273; Senate amendments concurred in-----                                                                                                                                                                            | 1348 |
| 1605 From Assembly, to committee, 2563; returned by committee without action-----                                                                                                                                                                                                                                                                         | 3457 |
| 1606 From Assembly, to committee, 2528; from committee, 3121; read second time, 3122; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 3403 |
| 1607 From Assembly, to committee, 1357; from committee, 1599; read second time, 1631; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 1847 |
| 1608 From Assembly, to committee, 2529; from committee, 3070; read second time, 3080; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 3286 |
| 1609 From Assembly, to committee, 2529; from committee, 3070; read second time, 3080; read third time, amended, 3173; re-referred to Committee on Finance, 3275; read third time, passed, 3287; notice of motion to reconsider, 3290; reconsideration granted, 3290; re-referred to Committee on Finance, 3290; returned by committee without action----- | 3458 |
| 1610 From Assembly, to committee, 1786; from committee, 2230; read second time, amended, 2254; re-referred to Committee on Civil Service, 3275; returned by committee without action-----                                                                                                                                                                 | 3444 |
| 1612 From Assembly, to committee, 2725; from committee, 3071; read second time, amended, 3085; read third time, passed, to Assembly, 3294; Senate amendments concurred in-----                                                                                                                                                                            | 3427 |
| 1613 From Assembly, to committee, 1786; from committee, 2229; read second time, 2253; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 3261 |
| 1615 From Assembly, to committee, 1284; from committee, 2014; read second time, amended, 2023; read third time, passed, to Assembly, 2638; Senate amendments concurred in-----                                                                                                                                                                            | 2702 |
| 1616 From Assembly, to committee, 1387; from committee, 1904; read second time, 1917; read third time, passed, 2337; notice of motion to reconsider, 2341; notice of motion to reconsider continued, 2398; reconsideration refused, to Assembly-----                                                                                                      | 2427 |
| 1617 From Assembly, to committee, 2608; from committee, 2695; read second time, 2709; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 2908 |
| 1618 From Assembly, to committee, 2213; from committee, 2473; read second time, 2502; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 2904 |
| 1619 From Assembly, to committee, 2213; from committee, 2473; read second time, 2502; read third time, amended, 2602; read third time, passed, to Assembly, 2905; Senate amendments concurred in-----                                                                                                                                                     | 3065 |
| 1620 From Assembly, to committee, 762; from committee, 965; read second time, 1009; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 1825 |
| 1623 From Assembly, to committee, 2213; from committee, 2361; read second time, 2389; read third time, passed, to Assembly-----                                                                                                                                                                                                                           | 2888 |
| 1624 From Assembly, to committee, 1743; returned by committee without action-----                                                                                                                                                                                                                                                                         | 3451 |

# INDEX TO SENATE JOURNAL

3585

## ASSEMBLY BILLS—Continued.

|                                                                                                                                                                                                                                                            | Page. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1625 From Assembly, to committee, 2312; from committee, 2753; read second time, 2752; (legislative clause adopted, 2179; read third time, passed, to Assembly)                                                                                             | 3180  |
| 1626 From Assembly, to committee, 1786; from committee, 2120; read second time, 2122; read third time, passed, to Assembly                                                                                                                                 | 2688  |
| 1628 From Assembly, to committee, 1699; from committee, 2120; read second time, 2122; read third time, passed, to Assembly                                                                                                                                 | 2688  |
| 1629 From Assembly, to committee, 2312; from committee, 2748; read second time, 2749; legislative clause adopted, 2019; read third time, passed, to Assembly                                                                                               | 2911  |
| 1630 From Assembly, to committee, 2066; from committee, 2698; read second time, 2416; referred to Committee on Revenue and Taxation, 2699; returned from committee, 2674; returned to undischarged business, to 2066; read third time, passed, to Assembly | 3341  |
| 1641 From Assembly, to committee, 2660; from committee, 2790; read second time, 2699; read third time, passed, to Assembly                                                                                                                                 | 2988  |
| 1645 From Assembly, to committee, 2676; from committee, 2695; read second time, 2700; read third time, passage refused                                                                                                                                     | 3374  |
| 1646 From Assembly, to committee, 2302; from committee, 2697; read second time, 2699; referred to Committee on Judiciary and Prisons, 2698; returned from committee, 2697                                                                                  | 3446  |
| 1647 From Assembly, to committee, 1743; from committee, 2698; read second time, 2699; read third time, passed, title amended, to Assembly, 2722; Senate amendments concurred in                                                                            | 2792  |
| 1648 From Assembly, to committee, 2529; from committee, 2823; read second time, 2824; referred to Committee on Governmental Finance, 2823; returned by committee without action                                                                            | 3461  |
| 1658 From Assembly, to committee, 2698; from committee, 2790; read second time, 2700; read third time, passed, to Assembly, 2698; Senate amendments concurred in                                                                                           | 3427  |
| 1656 From Assembly, to committee, 1126; from committee, 2473; read second time, 2474; referred to committee, 2697; returned by committee, 2697                                                                                                             | 3455  |
| 1657 From Assembly, to committee, 1236; from committee, 1765; read second time, 1766; referred to Committee on Municipal Government, 1764; returned by committee without action                                                                            | 3478  |
| 1671 From Assembly, to committee, 762; from committee, 1341; read second time, 1343; read third time, passed, to Assembly                                                                                                                                  | 2882  |
| 1674 From Assembly, to committee, 2174; from committee, 2286; read second time, 2287; read third time, passed, to Assembly, 2860; Senate amendments concurred in                                                                                           | 3000  |
| 1676 From Assembly, to committee, 1284; from committee, 1601; read second time, 1631; read third time, passed, to Assembly                                                                                                                                 | 1847  |
| 1678 From Assembly, to committee, 1785; from committee, 2697; read second time, 2698; referred to committee, 2670; called at Senate, 2670; read third time, passed, to Assembly                                                                            | 2682  |
| 1679 From Assembly, to committee, 813; from committee, 940; read second time, 951; read third time, passed, to Assembly                                                                                                                                    | 1159  |
| 1680 From Assembly, to committee, 813; from committee, 940; read second time, 951; read third time, passed, to Assembly                                                                                                                                    | 1159  |
| 1682 From Assembly, to committee, 815; from committee, 940; read second time, 951; read third time, passed, to Assembly                                                                                                                                    | 1237  |
| 1683 From Assembly, to committee, 1357; from committee, 2071; read second time, 2072; read third time, passed, to Assembly                                                                                                                                 | 2677  |
| 1685 From Assembly, to committee, 2483; from committee, 3070; read second time, 3081; read third time, passed, to Assembly                                                                                                                                 | 3289  |
| 1688 From Assembly, to committee, 1486; from committee, 1686; read second time, 1704; read third time, passed, to Assembly, 1851; Senate amendments concurred in                                                                                           | 2161  |
| 1698 From Assembly, to committee, 1784; from committee, 2123; read second time, 2135; read third time, passed, to Assembly                                                                                                                                 | 2284  |
| 1699 From Assembly, to committee, 759; from committee, 1858; read second time, 1875; read third time, passed, to Assembly                                                                                                                                  | 1994  |
| 1700 From Assembly, to committee, 759; from committee, 1858; read second time, 1875; read third time, passed, to Assembly                                                                                                                                  | 1994  |
| 1704 From Assembly, to committee, 2164; from committee, 2746; read second time, amended and re-referred to committee, 2758; from committee, 2919; read second time, 2930; referred to Committee on Judiciary, 3333; returned by committee without action   | 3473  |

## ASSEMBLY BILLS--Continued

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1705 From Assembly, to committee, 815; from committee, 1378; read second time, 1398; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                            | 1715 |
| 1706 From Assembly, to committee, 548; from committee, 1378; read second time, 1398; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                            | 1715 |
| 1707 From Assembly, to committee, 2481; from committee, 3076; read second time, 3102; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 3398 |
| 1709 From Assembly, to committee, 1607; from committee, 3076; read second time, 3102; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 3399 |
| 1711 From Assembly, to committee, 2878; from committee, 3121; referred to Committee on Finance, 3121; from committee, 3188; read second time, 3193; read third time, amended, 3253; read third time, passage refused, 3329; notice of motion to reconsider, 3330; read, passed, to Assembly, 3330; Senate amendments concurred in-----                                                                                                                    | 3427 |
| 1719 From Assembly, to committee, 862; from committee, 2038; read second time, 2055; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                            | 2354 |
| 1720 From Assembly, to committee, 1223; from committee, 1568; read second time, 1588; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2219 |
| 1721 From Assembly, to committee, 2529; from committee, 2695; read second time, 2710; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2979 |
| 1722 From Assembly, to committee, 1103; from committee, 1567; read second time, 1587; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2219 |
| 1726 From Assembly, to committee, 1011; from committee, 1120; read second time, 1149; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 1513 |
| 1728 From Assembly, to committee, 1386; from committee, 2155; read second time, amended and re-referred to committee, 2167; from committee, 2290; read second time, 2315; read third time, passed, to Assembly, 3263; Senate amendments concurred in-----                                                                                                                                                                                                 | 3427 |
| 1729 From Assembly, to committee, 759; from committee, 1120; read second time, 1149; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                            | 1513 |
| 1730 From Assembly, to committee, 1386; from committee, 1687; read second time, 1706; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2744 |
| 1734 From Assembly, to committee, 1024; from committee, 2014; read second time, 2020; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2350 |
| 1735 From Assembly, to committee, 2163; from committee, 2822; read second time, 2826; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 3201 |
| 1736 From Assembly, to committee, 1010; from committee, 1974; read second time, 1983; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2347 |
| 1737 From Assembly, to committee, 1011; from committee, 1974; read second time, 1983; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2347 |
| 1740 From Assembly, to committee, 2163; from committee, 2642; read second time, 2649; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2954 |
| 1742 From Assembly, to committee, 1023; from committee, 1279; read second time, 1303; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 1672 |
| 1743 From Assembly, to committee, 2898; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                         | 3466 |
| 1745 From Assembly, to committee, 2484; from committee, 2569; referred to Committee on Finance, 2569; returned by committee without action--                                                                                                                                                                                                                                                                                                              | 3457 |
| 1748 From Assembly, to committee, 2163; from committee, 2448; read second time, 2458; read third time, amended, 2626; read third time, passed, to Assembly, 2685; Senate amendments concurred in-----                                                                                                                                                                                                                                                     | 2818 |
| 1750 From Assembly, to committee, 2608; from committee, 3075; read second time, amended, 3091; call of Senate, 3387; read third time, passed, to Assembly, 3402; Senate amendments concurred in-----                                                                                                                                                                                                                                                      | 3503 |
| 1753 From Assembly, to committee, 2210; from committee, 2286; read second time, 2306; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2859 |
| 1754 From Assembly, to committee, 1801; from committee, 2121; read second time, 2133; referred to Committee on Finance, 2355; from committee, 2451; read second time, 2464; re-referred to committee, 2895; withdrawn from Committee on Finance, 2896; read third time, amended, 2995; re-referred to Committee on Finance, 3207; returned by committee without action-----                                                                               | 3458 |
| 1757 From Assembly, to committee, 1574; from committee, 2036; read second time, amended, 2053; read third time, amended, 2319; read, amended, 2426; read, amended, 2871; read third time, passed, to Assembly, 3011; Senate amendments not concurred in, 3268; Senate refuses to recede, appoints conference committee, 3268; Assembly appoints conference committee, 3270; Senate adopts conference report, 3316; Assembly adopts conference report----- | 3320 |
| 1759 From Assembly, to committee, 1837; from committee, 2449; read second time, 2459; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                                           | 2891 |



ASSEMBLY BILLS—Continued

| No.  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1799 | From Assembly, to committee, 1477; from committee, 1687; read second time, amended, 1795; from third time passed to Assembly, 2814; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                                                     | 2915 |
| 1791 | From Assembly, to committee, 1945; from committee, 2228; read second time, 2500; read second time amended and deferred in committee, 26; from committee, 2472; read third time passed to Assembly, 2945; Senate amendments concurred in                                                                                                                                                                                                                                                                                | 3065 |
| 1792 | From Assembly, to committee, 1784; from committee, 2472; read second time, 2603; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                    | 2945 |
| 1793 | From Assembly, to committee, 802; from committee, 1192; read second time, 1416; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                     | 1307 |
| 1794 | From Assembly, to committee, 1064; from committee, 2289; read second time, amended, 2314; read third time passed to Assembly, 2801; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                                                     | 2915 |
| 1795 | From Assembly, to committee, 1996; from committee, 2615; referred to committee on Revenue and Taxation after objection by committee without action                                                                                                                                                                                                                                                                                                                                                                     | 3484 |
| 1796 | From Assembly, to committee, 1784; from committee, 1858; read second time, 2701; read third time, 2904; action of matter referred to committee on Finance and Taxation passed, placed on individual business file, read, 2904; from committee, 2904                                                                                                                                                                                                                                                                    | 3004 |
| 1797 | From Assembly, to committee, 2481; from committee, 2625; read second time, amended, and re-referred to committee, 2544; from committee, 2699; read second time, 2680; read third time passed to Assembly, 3081; Senate amendments concurred in                                                                                                                                                                                                                                                                         | 3127 |
| 1798 | From Assembly, to committee, 2529; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3457 |
| 1794 | From Assembly, to committee, 1100; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3467 |
| 1785 | From Assembly, to committee, 1068; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3467 |
| 1786 | From Assembly, to committee, 112; from committee, 1311; read second time, 1409; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                     | 1675 |
| 1787 | From Assembly, to committee, 2401; from committee, 1279; read second time, 1686; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                    | 1592 |
| 1788 | From Assembly, to committee, 2608; from committee, 2695; read second time, 1099; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                    | 2968 |
| 1789 | From Assembly, to committee, 1199; from committee, 1279; read second time, 1600; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                    | 1672 |
| 1793 | From Assembly, to committee, 701; from committee, 1941; read second time, 1686; read third time passed to Assembly                                                                                                                                                                                                                                                                                                                                                                                                     | 1269 |
| 1794 | From Assembly, to committee, 1747; from committee, 2286; read second time, amended, 2606; read third time, amended, 2523; read, amended, 2859; read, amended, 2885; read third time passed to Assembly, 3012; Senate amendments concurred in                                                                                                                                                                                                                                                                           | 3018 |
| 1798 | From Assembly, to committee, 1857; from committee, 1603; read second time, 1681; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                                                  | 1847 |
| 1800 | From Assembly, to committee, 1592; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3451 |
| 1801 | From Assembly, to committee, 2573; from committee, 3180; read second time, amended, 3491; read third time passed to Assembly, 3500; Senate amendments not concurred in, 3310; Senate refuses to make special conference committee, 3311; Assembly appoints conference committee, 3317; committee on conference unable to agree, 3381; Senate appoints second conference committee, 3382; Assembly appoints second conference committee, 3425; Senate adopts conference report, 3412; Assembly adopts conference report | 3424 |
| 1813 | From Assembly, to committee, 2666; from committee, 2473; read second time, amended, 2502; read third time amended, 2834; read third time passed to Assembly, 2904; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                      | 3065 |
| 1815 | From Assembly, to committee, 1023; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3486 |
| 1817 | From Assembly, to committee, 1785; from committee, 3067; read second time, 3076; referred to Committee on Civil Service, 3371; returned by committee without action                                                                                                                                                                                                                                                                                                                                                    | 3444 |
| 1818 | From Assembly, to committee, 1788; from committee, 2122; read second time, amended, 2134; read third time, amended, 2533; read, amended, 2812; read third time, passed, to Assembly, 2872; Senate amendments concurred in                                                                                                                                                                                                                                                                                              | 3000 |



## ASSEMBLY BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1821 From Assembly, to committee, 2565; from committee, 2698; read second time, amended, 2712; read third time, amended, 2994; re-referred to Committee on Finance, 3275; returned by committee without action                                                                                                                                                                                                                                                                                | 3458 |
| 1822 From Assembly, to committee, 2746; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                  | 3474 |
| 1824 From Assembly, to committee, 1386; from committee, 1519; read second time, 1553; read third time, passed, 1778; notice of motion to reconsider, 1780; notice of motion to reconsider continued, 1790, 1808; reconsideration granted, 1836; returned to Assembly, 1838; from Assembly, to committee, 2669; from committee, 2697; referred to Committee on Finance, 2697; from committee, 3070; read second time, 3080; urgency clause adopted, 3376; read third time, passed, to Assembly | 3377 |
| 1825 From Assembly, to committee, 1979; from committee, 2122; read second time, 2134; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 2729 |
| 1826 From Assembly, to committee, 2572; from committee, 3071; read second time, amended, 3082; urgency clause adopted, 3291; read third time, passed, to Assembly, 3292; Senate amendments concurred in                                                                                                                                                                                                                                                                                       | 3427 |
| 1828 From Assembly, to committee, 2529; from committee, 2998; read second time, 3019; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 3336 |
| 1830 From Assembly, to committee, 1945; from committee, 2286; read second time, 2305; urgency clause adopted, 2858; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                      | 2858 |
| 1831 From Assembly, to committee, 1945; from committee, 2287; read second time, amended, 2308; read third time, passed, to Assembly, 2859; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                     | 2915 |
| 1832 From Assembly, to committee, 1979; from committee, 2286; read second time, 2305; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 2858 |
| 1833 From Assembly, to committee, 1103; from committee, 1279; read second time, 1302; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 1820 |
| 1834 From Assembly, to committee, 1357; from committee, 1906; read second time, 1920; read third time, amended, 2005; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                    | 2346 |
| 1835 From Assembly, to committee, 1357; from committee, 1753; read second time, amended, 1766; re-referred to Committee on Municipal Corporations, 1938; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3478 |
| 1836 From Assembly, to committee, 1347; from committee, 1566; read second time, 1586; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 1929 |
| 1837 From Assembly, to committee, 1347; from committee, 1566; read second time, 1586; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 1930 |
| 1838 From Assembly, to committee, 1347; from committee, 1566; read second time, 1586; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 1930 |
| 1839 From Assembly, to committee, 1357; from committee, 1566; read second time, 1586; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 1930 |
| 1845 From Assembly, to committee, 2754; from committee, 3009; read second time, 3010; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 3340 |
| 1849 From Assembly, to committee, 2366; from committee, 2524; read second time, 2543; read third time, amended, 2837; urgency clause adopted, 3283; read third time, passed, to Assembly, 3284; Senate amendments concurred in                                                                                                                                                                                                                                                                | 3428 |
| 1855 From Assembly, to committee, 2726; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                  | 3492 |
| 1858 From Assembly, to committee, 1103; from committee, 2074; read second time, 2084; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                                                    | 2681 |
| 1859 From Assembly, to committee, 2367; from committee, 2526; read second time, 2544; Constitution suspended, 2544; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                                                                      | 2545 |
| 1860 From Assembly, to committee, 862; from committee, 1313; read second time, 1336; read third time, amended, 1369; read third time, passed, to Assembly, 1675; Senate amendments concurred in                                                                                                                                                                                                                                                                                               | 1744 |
| 1861 From Assembly, to committee, 1023; from committee, 1315; read second time, amended, 1340; read third time, passed, to Assembly, 1711; Senate amendments concurred in                                                                                                                                                                                                                                                                                                                     | 1782 |
| 1864 From Assembly, to committee, 1012; from committee, 1905; read second time, 1920; read third time, amended, 2171; read, amended, 2340; read third time, passed, to Assembly, 2636; Senate amendments concurred in                                                                                                                                                                                                                                                                         | 2702 |
| 1868 From Assembly, to committee, 1533; from committee, 2399; read second time, amended, 2405; read third time, amended, 2556, re-referred to Committee on Education, 3322; returned by committee without action                                                                                                                                                                                                                                                                              | 3452 |

ASSEMBLY BILLS—Continued

| No.  |                                                                                                                                                                                                                                                                                                                      | Page |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1869 | From Assembly, to committee, 1604; from committee, 2110; read second time, 3131; read third time, passed, to Assembly.                                                                                                                                                                                               | 2686 |
| 1870 | From Assembly, to committee, 1481; from committee, 2565; read second time, 2578; urgent clause adopted, 2600; read third time, passed, to Assembly.                                                                                                                                                                  | 2687 |
| 1871 | From Assembly, to committee, 1647; from committee, 2567; read second time, 2579; read third time, passed, to Assembly.                                                                                                                                                                                               | 2689 |
| 1872 | From Assembly, to committee, 2419; from committee, 2474; read second time, 2540; read third time, passed, to Assembly.                                                                                                                                                                                               | 2695 |
| 1873 | From Assembly, to committee, 2009; referred to committee without action.                                                                                                                                                                                                                                             | 3457 |
| 1874 | From Assembly, to committee, 2898; returned by committee without action.                                                                                                                                                                                                                                             | 3457 |
| 1875 | From Assembly, to committee, 2667; from committee, 2565; read second time, amended, 2680; urgency clause adopted, 2692; read third time, passed, to Assembly, 2692; Senate amendments concurred in.                                                                                                                  | 2671 |
| 1876 | From Assembly, to committee, 2669; referred to committee without action.                                                                                                                                                                                                                                             | 3457 |
| 1879 | From Assembly, to committee, 1979; from committee, 2123; read second time, amended, 2132; read third time, amended, 2440; read third time, passed, to Assembly, 2686; Senate amendments concurred in.                                                                                                                | 2773 |
| 1880 | From Assembly, to committee, 1617; referred to committee without action.                                                                                                                                                                                                                                             | 3481 |
| 1881 | From Assembly, to committee, 2307; returned to committee without action.                                                                                                                                                                                                                                             | 3457 |
| 1886 | From Assembly, to committee, 2484; from committee, 2488; read second time, 3194; read third time, passed, to Assembly.                                                                                                                                                                                               | 3201 |
| 1888 | From Assembly, to committee, 1664; from committee, 2451; read second time, 2664; read third time, passed, to Assembly.                                                                                                                                                                                               | 2890 |
| 1889 | From Assembly, to committee, 1878; returned by committee without action.                                                                                                                                                                                                                                             | 3478 |
| 1893 | From Assembly, to committee, 1625; from committee, 2102; read second time, 3107; read third time, passed, to Assembly.                                                                                                                                                                                               | 1893 |
| 1896 | From Assembly, to committee, 2367; from committee, 3189; read second time, 3190; read third time, passed, to Assembly.                                                                                                                                                                                               | 3208 |
| 1897 | From Assembly, to committee, 2510; from committee, 2645; read second time, 2675; read third time, passed, to Assembly.                                                                                                                                                                                               | 3013 |
| 1898 | From Assembly, to committee, 2829; from committee, 3074; read second time, 3090; read third time, passed, to Assembly.                                                                                                                                                                                               | 3288 |
| 1899 | From Assembly, to committee, 2609; from committee, 2697; read second time, 2711; read third time, passed, to Assembly.                                                                                                                                                                                               | 2682 |
| 1903 | From Assembly, to committee, 1789; from committee, 2290; read second time, 2316; read third time, amended, 2666; read third time, passed, to Assembly, 2882; Senate amendments concurred in.                                                                                                                         | 3000 |
| 1906 | From Assembly, to committee, 1789; from committee, 2290; read second time, 2316; read third time, passed, to Assembly.                                                                                                                                                                                               | 2884 |
| 1907 | From Assembly, to committee, 1604; from committee, 1719; read second time, amended, 1729; read third time, amended, 1974; Senate amendments concurred in, April 26, 1907; read second time, amended, 2002; urgency clause adopted, 2222; read third time, passed, to Assembly, 2222; Senate amendments concurred in. | 2400 |
| 1908 | From Assembly, to committee, 2670; from committee, 2698; read second time, amended and referred to Committee on Finance, 2712; from committee, 3070; read second time, 3080; read third time, passed, to Assembly, 2287; Senate amendments concurred in.                                                             | 3426 |
| 1912 | From Assembly, to committee, 1068; from committee, 1650; read second time, 1658; read third time, passed, to Assembly.                                                                                                                                                                                               | 1993 |
| 1913 | From Assembly, to committee, 1068; from committee, 1650; read second time, amended, 1658; read third time, passed, to Assembly, 1933; Senate amendments concurred in.                                                                                                                                                | 1978 |
| 1915 | From Assembly, to committee, 761; from committee, 1345; read second time, amended, 1363; read third time, passed, to Assembly, 1712; Senate amendments concurred in.                                                                                                                                                 | 1783 |
| 1918 | From Assembly, to committee, 1784; from committee, 1903; read second time, 1918; call of Senate, 2339; read third time, passed, to Assembly.                                                                                                                                                                         | 2341 |
| 1921 | From Assembly, to committee, 1784; from committee, 1903; read second time, 1918; call of Senate, 2855; read third time, passed, to Assembly.                                                                                                                                                                         | 2866 |
| 1924 | From Assembly, to committee, 2754; withdrawn from Committee on Labor and Capital and referred to Committee on Public Health and Quarantine, 2779; withdrawn from Committee on Public Health and Quarantine and referred to Committee on Labor and Capital, 2782; returned by committee without action.               | 3474 |

## ASSEMBLY BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                           | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1925 From Assembly, to committee, 1473; from committee, 1378; read second time, 1398; read third time, amended, 1501; read third time, passed, to Assembly, 1713; Senate amendments concurred in                                                                                                                              | 1783 |
| 1928 From Assembly, to committee, 2621; returned by committee without action                                                                                                                                                                                                                                                  | 3484 |
| 1934 From Assembly, to committee, 2163; from committee, 2400; read second time, 2406; re-referred to Committee on Public Morals, 2805; returned by committee without action                                                                                                                                                   | 3482 |
| 1935 From Assembly, to committee, 2484; returned by committee without action                                                                                                                                                                                                                                                  | 3457 |
| 1936 From Assembly, to committee, 1743; from committee, 1907; read second time, 1921; urgency clause adopted, 2008; read third time, passed, to Assembly                                                                                                                                                                      | 2008 |
| 1938 From Assembly, to committee, 1421; from committee, 1689; read second time, 1706; read third time, passed, to Assembly                                                                                                                                                                                                    | 2001 |
| 1939 From Assembly, to committee, 1789; returned by committee without action                                                                                                                                                                                                                                                  | 3473 |
| 1940 From Assembly, to committee, 1801; from committee, 2074; read second time, amended, 2084; read third time, passed, to Assembly, 2681; Senate amendments concurred in                                                                                                                                                     | 2818 |
| 1941 From Assembly, to committee, 1320; returned by committee without action                                                                                                                                                                                                                                                  | 3468 |
| 1944 From Assembly, to committee, 2609; from committee, 2693; read second time, 2708; read third time, passed, to Assembly                                                                                                                                                                                                    | 3105 |
| 1949 From Assembly, to committee, 1573; from committee, 2123; read second time, 2135; read third time, passed, to Assembly                                                                                                                                                                                                    | 2729 |
| 1951 From Assembly, to committee, 2233; from committee, 2472; read second time, 2501; read third time, passed, to Assembly                                                                                                                                                                                                    | 2894 |
| 1981 From Assembly, to committee, 2878; from committee, 2998; read second time, 3020; read third time, passed, to Assembly                                                                                                                                                                                                    | 3339 |
| 2007 From Assembly, to committee, 2879; from committee, 3073; read second time, amended, 3092; read third time, amended, 3250; urgency clause adopted, 3388; read third time, passed, to Assembly, 3388; Senate amendments concurred in                                                                                       | 3503 |
| 2008 From Assembly, to committee, 2077; returned by committee without action                                                                                                                                                                                                                                                  | 3473 |
| 2013 From Assembly, to committee, 2609; from committee, 2918; read second time, 2927; read third time, passed, to Assembly                                                                                                                                                                                                    | 3265 |
| 2014 From Assembly, to committee, 1945; from committee, 2119; read second time, 2130; read third time, passed, to Assembly                                                                                                                                                                                                    | 2686 |
| 2016 From Assembly, to committee, 1787; from committee, 3073; read second time, 3092; re-referred to Committee on Agriculture, 3402; returned by committee without action                                                                                                                                                     | 3442 |
| 2023 From Assembly, to committee, 762; from committee, 966; read second time, 1009; read third time, passed, to Assembly                                                                                                                                                                                                      | 2220 |
| 2024 From Assembly, to committee, 595; from committee, 966; read second time, amended and re-referred to committee, 1009; from committee, 1377; amended and re-referred to committee, 1397; from committee, 1601; read second time, amended, 1630; read third time, passed, to Assembly, 2220; Senate amendments concurred in | 2409 |
| 2025 From Assembly, to committee, 1801; from committee, 2226; read second time, 2241; read third time, amended, 2556; read third time, passed, to Assembly, 2983; Senate amendments concurred in                                                                                                                              | 3210 |
| 2028 From Assembly, to committee, 1937; from committee, 2121; read second time, 2133; urgency clause adopted, 2633; read third time, passed, to Assembly                                                                                                                                                                      | 2634 |
| 2034 From Assembly, to committee, 2609; returned by committee without action                                                                                                                                                                                                                                                  | 3451 |
| 2044 From Assembly, to committee, 2853; returned by committee without action                                                                                                                                                                                                                                                  | 3451 |
| 2046 From Assembly, to committee, 2609; returned by committee without action                                                                                                                                                                                                                                                  | 3447 |
| 2048 From Assembly, to committee, 2108; from committee, 2526; read second time, 2544; read third time, passage refused                                                                                                                                                                                                        | 2906 |
| 2051 From Assembly, to committee, 2484; from committee, 3071; read second time, amended, 3085; urgency clause adopted, 3292; read third time, passed, to Assembly, 3293; Senate amendments concurred in                                                                                                                       | 3428 |
| 2052 From Assembly, to committee, 1979; from committee, 2073; read second time, 2083; call of Senate, 2656; read third time, passed, to Assembly                                                                                                                                                                              | 2663 |
| 2053 From Assembly, to committee, 1979; from committee, 2072; read second time, amended, 2053; read third time, passed, to Assembly, 2656; Senate amendments concurred in                                                                                                                                                     | 2818 |



ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2060 From Assembly, to committee, 1787; from committee, 2014; read second time, amended, 1767; read third time, passed, to Assembly, 2018; Senate amendments concurred in.                                                                                                                                                                                                                                                                                    | 2760 |
| 2067 From Assembly, to committee, 1806; from committee, 1732; read second time, amended, 1767; read third time, amended, 1852; read third time, passed, to Assembly, 2496; Senate amendments concurred in.                                                                                                                                                                                                                                                    | 2487 |
| 2068 From Assembly, to committee, 1484; from committee, 2097; read second time, amended and referred to Committee on Finance, 2512; from committee, 2069; read third time, passed, 2058; read third time, passed, to Assembly, 2478; Senate amendments concurred in.                                                                                                                                                                                          | 2740 |
| 2064 From Assembly, to committee, 148; from committee, 1735; read second time, 188; read third time, passed, 2012; read third time, passed, to Assembly, 1775; Senate amendments concurred in.                                                                                                                                                                                                                                                                | 1484 |
| 2069 From Assembly, to committee, 2165; from committee, 2450; read second time, 1491; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                   | 2892 |
| 2063 From Assembly, to committee, 2700; from committee, 2049; read second time, passed, 2009; read third time, passed, to Assembly, 2449; Senate amendments concurred in.                                                                                                                                                                                                                                                                                     | 2448 |
| 2070 From Assembly, to committee, 2484; from committee, 2071; read second time, 2082; read third time, passed, to Assembly, 2089; Senate amendments concurred in.                                                                                                                                                                                                                                                                                             | 2448 |
| 2078 From Assembly, to committee, 187; from committee, 2074; read second time, 2081; read third time, passed, to Assembly, 2090; Senate amendments concurred in.                                                                                                                                                                                                                                                                                              | 2490 |
| 2079 From Assembly, to committee, 703; from committee, 2128; read second time, amended, 1767; read third time, passed, to Assembly, 2740; Senate amendments concurred in.                                                                                                                                                                                                                                                                                     | 2870 |
| 2080 From Assembly, to committee, 79; from committee, 209; read second time, 201; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                       | 1270 |
| 2084 From Assembly, to committee, 2070; referred to committee without action.                                                                                                                                                                                                                                                                                                                                                                                 | 475  |
| 2086 From Assembly, to committee, 2145; from committee, 2358; read second time, 2383; read third time, amended, 2739; read third time, passed, to Assembly, 2880; Senate amendments concurred in.                                                                                                                                                                                                                                                             | 3416 |
| 2094 From Assembly, to committee, 1047; from committee, 2164; read second time, amended, 2067; read third time, passed, to Assembly, 2815; Senate amendments concurred in.                                                                                                                                                                                                                                                                                    | 3066 |
| 2092 From Assembly, to committee, 1587; from committee, 2177; read second time, 1497; read third time, passed, 2419; read third time, passed, to Assembly, 2741; Senate amendments concurred in.                                                                                                                                                                                                                                                              | 2818 |
| 2100 From Assembly, to committee, 1222; from committee, 1945; read second time, amended, 1463; read third time, passed, to Assembly, 1708; Senate amendments concurred in.                                                                                                                                                                                                                                                                                    | 1609 |
| 2116 From Assembly, to committee, 2826; from committee, 2098; read second time, 2024; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                   | 3338 |
| 2117 From Assembly, to committee, 2164; from committee, 2358; read second time, 2082; read third time, passed, to Assembly.                                                                                                                                                                                                                                                                                                                                   | 2885 |
| 2119 From Assembly, to committee, 2567; from committee, 2748; read second time, amended, 2773; read third time, amended, 3110; read third time, passed, to Assembly, 3259; Senate amendments concurred in.                                                                                                                                                                                                                                                    | 3426 |
| 2122 From Assembly, to committee, 2145; referred by committee without action.                                                                                                                                                                                                                                                                                                                                                                                 | 3473 |
| 2123 From Assembly, to committee, 2145; referred by committee without action.                                                                                                                                                                                                                                                                                                                                                                                 | 3473 |
| 2124 From Assembly, to committee, 2879; from committee, 2068; read second time, 2078; read third time, passed, referred, 3075; motion to reconsider, 3391; motion to reconsider granted, 3391; read, passed, to Assembly.                                                                                                                                                                                                                                     | 3391 |
| 2132 From Assembly, to committee, 1604; from committee, 1717; read second time, 1728; read third time, amended, 1853; read third time, passed, 1898; motion to motion to reconsider, 1903; motion to motion to reconsider continued, 1939, 1957; reconsideration granted, 1991; referred to Committee on Public Health and Quarantine, 1991; from committee, 2240; amended, 2253; read third time, passed, to Assembly, 2880; Senate amendments concurred in. | 3000 |
| 2140 From Assembly, to committee, 2563; from committee, 2693; read second time, 2708; referred to Committee on Fish and Game, 3206; referred by committee without action.                                                                                                                                                                                                                                                                                     | 3460 |
| 2140 From Assembly, to committee, 2563; from committee, 2698; read second time, 3020; read third time, passed, 3250; read third time, passed, to Assembly, 3338; Senate amendments concurred in.                                                                                                                                                                                                                                                              | 3428 |



## ASSEMBLY BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                                                                                                                                | PAGE |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2149 | From Assembly, to committee, 2210; from committee, 2358; read second time, 2383; made special order, 2684; urgency clause adopted, 2722; read third time, passed, 2723; notice of motion to reconsider, 2724; reconsideration refused, to Assembly-----                                                                                                                        | 2822 |
| 2150 | From Assembly, to committee, 2572; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3442 |
| 2157 | From Assembly, to committee, 815; from committee, 1414; read second time, 1503; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                      | 1825 |
| 2162 | From Assembly, to committee, 1574; from committee, 1689; read second time, amended, 1707; read third time, passed, to Assembly, 1895; Senate amendments concurred in-----                                                                                                                                                                                                      | 1978 |
| 2175 | From Assembly, to committee, 2210; from committee, 2824; read second time, amended, 2830; read third time, amended, 2973; read, amended, 3200; read third time, passed, to Assembly, 3332; Senate amendments concurred in-----                                                                                                                                                 | 3428 |
| 2176 | From Assembly, to committee, 2572; from committee, 2824; read second time, amended, 2828; read third time, passed, to Assembly, 3203; Senate amendments concurred in-----                                                                                                                                                                                                      | 3316 |
| 2178 | From Assembly, to committee, 2481; from committee, 2645; read second time, amended, 2655; read third time, passed, to Assembly, 3014; Senate amendments concurred in-----                                                                                                                                                                                                      | 3318 |
| 2179 | From Assembly, to committee, 2670; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3457 |
| 2180 | From Assembly, to committee, 2529; from committee, 2726; read second time, amended, and referred to Committee on Judiciary, 2726; from committee, 2918; amended and referred to committee, 2928; withdrawn from Committee on Judiciary, 3123; read third time, amended, 3251; read third time, passed, to Assembly, 3373; Senate amendments concurred in-----                  | 3428 |
| 2181 | From Assembly, to committee, 2820; withdrawn from Committee on Revenue and Taxation and referred to Committee on Judiciary, 2895; from committee, 2918; read second time, amended, and re-referred to committee, 2929; returned by committee without action-----                                                                                                               | 3473 |
| 2183 | From Assembly, to committee, 1319; from committee, 2120; read second time, 2131; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                     | 2688 |
| 2188 | From Assembly, to committee, 1606; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3460 |
| 2189 | From Assembly, to committee, 1606; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3460 |
| 2194 | From Assembly, to committee, 1356; from committee, 2361; read second time, amended, 2385; read, amended and re-referred to Committee on County Government, 2847; from committee, 3067; amended, 3077; read third time, passed, to Assembly, 3373; Senate amendments concurred in-----                                                                                          | 3428 |
| 2195 | From Assembly, to committee, 1607; from committee, 1828; read second time, 1833; re-referred to Committee on Motor Vehicles, 1939; from committee, 2644; amended, 2654; read third time, passed, to Assembly, 3013; Senate amendments concurred in-----                                                                                                                        | 3318 |
| 2196 | From Assembly, to committee, 1607; from committee, 2228; read second time, amended and referred to Committee on Finance without reference to reprint, 2249; from committee, 2267; amended, 2317; action of Senate in adopting amendments on May 6, 1937, rescinded, 2369; read, amended, 2832; read third time, passed, to Assembly, 3267; Senate amendments concurred in----- | 3426 |
| 2197 | From Assembly, to committee, 1607; returned to Assembly, 1838; from Assembly, to committee, 1945; from committee, 2035; read second time, amended and re-referred to Committee on Revenue and Taxation, 2044; from committee, 2227; amended, 2246; read, amended, 2831; read third time, passed, to Assembly, 2873; Senate amendments concurred in-----                        | 3001 |
| 2198 | From Assembly, to committee, 1639; from committee, 1718; read second time, 1729; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                     | 2002 |
| 2199 | From Assembly, to committee, 2820; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3484 |
| 2200 | From Assembly, to committee, 1789; from committee, 2751; read second time, 2759; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                     | 3108 |
| 2202 | From Assembly, to committee, 1068; from committee, 2226; read second time, 2241; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                     | 2849 |

ASSEMBLY BILLS—Continued

|      |                                                                                                                                                                                                                                                                                                                                                 |      |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2204 | From Assembly, to committee, 1784; from committee, 2024; read second time, amended, 2043; referred to committee, 2090; from committee, 2097; read second time, 2038; read third time, amended, 2170; read third time, passed, to Assembly, 2060; Senate amendments considered in                                                                | 3596 |
| 2206 | From Assembly, to committee, 1831; from committee, 1917; read second time, 2007; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3596 |
| 2213 | From Assembly, to committee, 1757; from committee, 1761; read second time, amended, 2007; referred to committee, 2109; from committee, 1907; amended, 1908; read third time, amended, 2007; read third time, passed, to Assembly, 2007; Senate amendments considered in                                                                         | 3596 |
| 2218 | From Assembly, to committee, 1671; returned by committee, without action                                                                                                                                                                                                                                                                        | 3473 |
| 2219 | From Assembly, to committee, 1945; from committee, 2000; read second time, 2011; amended in printed form, 2005; read third time, passed, to Assembly                                                                                                                                                                                            | 3602 |
| 2223 | From Assembly, to committee, 1410; from committee, 1477; read second time, 1497; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3594 |
| 2232 | From Assembly, to committee, 1740; from committee, 2000; read second time, 2004; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3586 |
| 2233 | From Assembly, to committee, 215; from committee, 1600; read second time, amended, 1700; read third time, passed, to Assembly, 1807; Senate amendments considered in                                                                                                                                                                            | 3578 |
| 2247 | From Assembly, to committee, 1850; from committee, 2188; read second time, 2004; read third time, amended, 2072; read third time, passed, to Assembly, 2072; Senate amendments considered in                                                                                                                                                    | 3592 |
| 2249 | From Assembly, to committee, 2075; from committee, 2000; read second time, 2011; amended in Committee on Commerce, 2004; read second time, 2011; amended in Committee, 2004; read third time, passed, to Assembly                                                                                                                               | 3670 |
| 2269 | From Assembly, to committee, 1574; from committee, 2120; read second time, amended, 2040; read third time, passed, to Assembly, 2080; Senate amendments considered in                                                                                                                                                                           | 3518 |
| 2270 | From Assembly, to committee, 1000; from committee, 1044; read second time, 1000; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3711 |
| 2275 | From Assembly, to committee, 1120; from committee, 1312; read second time, 1000; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3694 |
| 2279 | From Assembly, to committee, 1100; from committee, 1568; read second time, 1588; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3510 |
| 2280 | From Assembly, to committee, 1045; from committee, 2070; read second time, 2100; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3570 |
| 2281 | From Assembly, to committee, 1807; returned by committee without action                                                                                                                                                                                                                                                                         | 3470 |
| 2282 | From Assembly, to committee, 1970; returned by committee without action                                                                                                                                                                                                                                                                         | 3474 |
| 2283 | From Assembly, to committee, 2057; from committee, 2070; read second time, passed, 2102; read third time, passed, to Assembly, 2090; Senate amendments considered in                                                                                                                                                                            | 3503 |
| 2284 | From Assembly, to committee, 1045; from committee, 2076; read second time, 2102; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3400 |
| 2285 | From Assembly, to committee, 1045; from committee, 2076; read second time, 2102; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3400 |
| 2286 | From Assembly, to committee, 1047; from committee, 2076; read second time, 2102; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3400 |
| 2289 | From Assembly, to committee, 2211; from committee, 2450; read second time, amended, 2460; read third time, passed, to Assembly, 2891; Senate amendments considered in                                                                                                                                                                           | 3601 |
| 2298 | From Assembly, to committee, 2072; from committee, 2000; read second time, 2010; read third time, amended, 2171; read third time, passed, to Assembly, 2546; Senate amendments considered in                                                                                                                                                    | 3428 |
| 2307 | From Assembly, to committee, 2163; from committee, 2019; read second time, 2090; read third time, passed, to Assembly                                                                                                                                                                                                                           | 3296 |
| 2309 | From Assembly, to committee, 2481; returned by committee without action                                                                                                                                                                                                                                                                         | 3487 |
| 2316 | From Assembly, to committee, 1945; from committee, 2227; read second time, 2242; referred to committee on Revenue and Taxation, 2903; notice of motion to reconsider re-referenced, 2903; reconsideration continued, 2948; reconsideration lapsed, re-referred to committee on Revenue and Taxation, 3115; returned by committee without action | 3485 |

## ASSEMBLY BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                       | Page |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2318 | From Assembly, to committee, 2241; from committee, 2308; read second time, 3020; read third time, amended, 3250; read third time, passed, to Assembly, 3337; Senate amendments concurred in                                                                           | 3428 |
| 2326 | From Assembly, to committee, 1319; from committee, 1859; read second time, amended, 1881; read third time, amended, 2666; call of Senate, 2734; passage refused                                                                                                       | 2742 |
| 2331 | From Assembly, to committee, 1421; from committee, 1859; read second time, 1881; read third time, amended, 2555; read third time, passed, to Assembly, 2814; Senate amendments concurred in                                                                           | 2915 |
| 2333 | From Assembly, to committee, 1064; from committee, 2694; read second time, amended, 2709; read third time, passed, to Assembly, 2967; Senate amendments concurred in                                                                                                  | 3210 |
| 2336 | From Assembly, to committee, 2145; from committee, 2229; read second time, 2252; read third time, amended, 2319; read third time, passed, to Assembly, 3260; Senate amendments concurred in                                                                           | 3428 |
| 2338 | From Assembly, to committee, 1945; from committee, 2185; read second time, 2198; read third time, passed, to Assembly                                                                                                                                                 | 2658 |
| 2340 | From Assembly, to committee, 1837; returned by committee without action                                                                                                                                                                                               | 3451 |
| 2341 | From Assembly, to committee, 1173; from committee, 1415; read second time, amended, 1503; read third time, passed, to Assembly, 1844; Senate amendments concurred in                                                                                                  | 1941 |
| 2343 | From Assembly, to committee, 2481; withdrawn from Committee on Education and referred to Committee on Municipal Corporations, 2603; from committee, 2747; read second time, amended, 2773; read third time, passed, to Assembly, 3182; Senate amendments concurred in | 3319 |
| 2345 | From Assembly, to committee, 1283; from committee, 2035; read second time, 2043; read third time, passed, to Assembly                                                                                                                                                 | 2675 |
| 2353 | From Assembly, to committee, 2754; from committee, 3073; read second time, amended, 3090; referred to Committee on Finance, 3385; withdrawn from Committee on Finance, 3385; read third time, passage refused                                                         | 3386 |
| 2356 | From Assembly, to committee, 548; from committee, 1378; read second time, 1398; read third time, passed, to Assembly                                                                                                                                                  | 1716 |
| 2358 | From Assembly, to committee, 2563; from committee, 2747; read second time, amended, 2774; read third time, passed, to Assembly, 3182; Senate amendments concurred in                                                                                                  | 3318 |
| 2364 | From Assembly, to committee, 2879; from committee, 3074; read second time, amended, 3082; read third time, passed, to Assembly, 3290; Senate amendments concurred in                                                                                                  | 3428 |
| 2369 | From Assembly, to committee, 1604; from committee, 2226; read second time, 2241; read third time, passed, to Assembly                                                                                                                                                 | 3107 |
| 2374 | From Assembly, to committee, 2879; from committee, 3121; read second time, 3122; read third time, passed, to Assembly                                                                                                                                                 | 3403 |
| 2375 | From Assembly, to committee, 2214; from committee, 2475; read second time, amended, 2504; read third time, amended, 2834; read, amended, 2978; urgency clause adopted, 3313; read third time, passed, to Assembly, 3314; Senate amendments concurred in               | 3428 |
| 2376 | From Assembly, to committee, 1320; from committee, 1599; read second time, 1631; placed on unfinished business file, 1987; read third time, amended, 2523; urgency clause adopted, 2659; read third time, passed, to Assembly, 2659; Senate amendments concurred in   | 2818 |
| 2377 | From Assembly, to committee, 2879; returned by committee without action                                                                                                                                                                                               | 3485 |
| 2378 | From Assembly, to committee, 1531; from committee, 1976; read second time, amended, 1986; read third time, passed, to Assembly, 2638; Senate amendments concurred in                                                                                                  | 2702 |
| 2380 | From Assembly, to committee, 762; from committee, 1164; read second time, 1198; read third time, passed, to Assembly                                                                                                                                                  | 1276 |
| 2385 | From Assembly, to committee, 1945; from committee, 2231; read second time, 2256; read third time, passed, to Assembly                                                                                                                                                 | 2881 |
| 2387 | From Assembly, to committee, 1789; returned by committee without action                                                                                                                                                                                               | 3474 |
| 2388 | From Assembly, to committee, 2210; from committee, 2399; read second time, amended, 2403; read third time, passed, to Assembly, 3280; Senate amendments concurred in                                                                                                  | 3429 |
| 2390 | From Assembly, to committee, 2754; returned by committee without action                                                                                                                                                                                               | 3474 |
| 2391 | From Assembly, to committee, 2563; returned by committee without action                                                                                                                                                                                               | 3451 |



ASSEMBLY BILLS—Continued

|      |                                                                                                                                                                                                                                                                                                                              |      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2392 | From Assembly, to committee, 2163; from committee, 2288; read second time, 2312; read third time, passed, 2678; bill of union to some order, 2967; referred to committee, 2704; read second time, 2764; read third time, passed, to Assembly, 2962; Senate amendments concurred in.                                          | 1889 |
| 2394 | From Assembly, to committee, 759; from committee, 3073; read second time, 3093; read third time, passed, to Assembly.                                                                                                                                                                                                        | 2965 |
| 2395 | From Assembly, to committee, 1173; returned by committee without action.                                                                                                                                                                                                                                                     | 3189 |
| 2398 | From Assembly, to committee, 1067; from committee, 1751; read second time, amended and referred to committee, 1768; from committee, 1901; read second time, 1922; read third time, passed, to Assembly, 2000; Senate amendments concurred in.                                                                                | 3451 |
| 2403 | From Assembly, to committee, 2267; from committee, 2474; read second time, 2561; referred to Committee on Finance, 2961; withdrawn from committee, 2706; read third time, passed, to Assembly.                                                                                                                               | 2161 |
| 2404 | From Assembly, to committee, 2367; from committee, 2474; read second time, 2601; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2962 |
| 2405 | From Assembly, to committee, 2511; from committee, 2567; read second time, 2589; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2946 |
| 2407 | From Assembly, to committee, 2609; from committee, 2608; read second time, 2630; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2685 |
| 2409 | From Assembly, to committee, 2879; from committee, 3071; read third time, amended, 3083; read third time, passed, to Assembly, 3203; Senate amendments concurred in.                                                                                                                                                         | 347  |
| 2410 | From Assembly, to committee, 2367; from committee, 3111; read second time, 3134; read third time, passed, to Assembly.                                                                                                                                                                                                       | 3409 |
| 2411 | From Assembly, to committee, 3009; from committee, 2999; read second time, 3018; read third time, passed, to Assembly.                                                                                                                                                                                                       | 361  |
| 2415 | From Assembly, to committee, 1017; from committee, 1411; read second time, amended, 1501; read third time, amended, 1562; amended, 1609; read third time, passed, to Assembly, 1629; Senate amendments concurred in.                                                                                                         | 1606 |
| 2419 | From Assembly, to committee, 3181; from committee, 2694; read second time, amended, 2708; read third time, passed, to Assembly, 3163; Senate amendments concurred in.                                                                                                                                                        | 3319 |
| 2420 | From Assembly, to committee, 1592; from committee, 3080; read second time, 1708; read third time, passed, to Assembly.                                                                                                                                                                                                       | 1851 |
| 2422 | From Assembly, to committee, 2519; from committee, 2644; read second time, 2661; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2661 |
| 2423 | From Assembly, to committee, 1022; withdrawn from committee on COMPTROLLERSHIP and referred to Committee on Finance, 1201; from committee, 1281; read second time, amended and referred to committee, 1304; from committee, 2287; amended, 2412; read third time, passed, to Assembly, 2850; Senate amendments concurred in. | 2915 |
| 2426 | From Assembly, to committee, 1789; from committee, 2289; read second time, 2414; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2861 |
| 2427 | From Assembly, to committee, 1775; adopted by committee without action.                                                                                                                                                                                                                                                      | 3465 |
| 2441 | From Assembly, to committee, 1531; from committee, 2286; read second time, amended and referred to committee, 2605; adopted by committee without action.                                                                                                                                                                     | 3483 |
| 2444 | From Assembly, to committee, 1103; from committee, 1377; read second time, 1397; read third time, passed, to Assembly.                                                                                                                                                                                                       | 1713 |
| 2445 | From Assembly, to committee, 1103; from committee, 1378; read second time, 1398; read third time, passed, to Assembly.                                                                                                                                                                                                       | 1711 |
| 2446 | From Assembly, to committee, 1103; from committee, 1377; read second time, 1397; read third time, passed, to Assembly.                                                                                                                                                                                                       | 1714 |
| 2447 | From Assembly, to committee, 2484; from committee, 3072; read second time, 3100; read third time, passed, to Assembly.                                                                                                                                                                                                       | 3295 |
| 2451 | From Assembly, to committee, 2854; from committee, 3121; referred to Committee on Finance, 3121; from committee, 3188; read second time, 3194; read third time, passed, to Assembly.                                                                                                                                         | 3301 |
| 2452 | From Assembly, to committee, 2211; from committee, 2644; read second time, 2653; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2958 |
| 2456 | From Assembly, to committee, 1781; from committee, 1905; read second time, 1917; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2010 |
| 2457 | From Assembly, to committee, 1784; from committee, 1905; read second time, 1917; read third time, passed, to Assembly.                                                                                                                                                                                                       | 2010 |



## ASSEMBLY BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                   | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2464 From Assembly, to committee, 1604; from committee, 1905; read second time, 1917; read third time, amended, 1987; read, amended, 2846; urgency clause adopted, 2913; read third time, passed, to Assembly, 2914; Senate amendments concurred in                                                                                                                                                                   | 3065 |
| 2474 From Assembly, to committee, 862; from committee, 1903; read second time, 1918; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                             | 2003 |
| 2495 From Assembly, to committee, 2949; from committee, 2357; read second time, amended, 2377; read third time, passed, to Assembly, 2863; Senate amendments concurred in                                                                                                                                                                                                                                             | 2915 |
| 2496 From Assembly, to committee, 2143; from committee, 2357; read second time, amended, 2377; read third time, passed, to Assembly, 2864; Senate amendments concurred in                                                                                                                                                                                                                                             | 2915 |
| 2498 From Assembly, to committee, 2949; from committee, 2357; read second time, amended, 2378; read third time, amended, 2690; read third time, passed, to Assembly, 2841; Senate amendments concurred in                                                                                                                                                                                                             | 2915 |
| 2499 From Assembly, to committee, 2563; from committee, 2749; read second time, amended, 2759; read third time, passed, to Assembly, 3108; Senate amendments concurred in                                                                                                                                                                                                                                             | 3318 |
| 2501 From Assembly, to committee, 2143; from committee, 2357; read second time, amended, 2378; read third time, passed, to Assembly, 2864; Senate amendments concurred in                                                                                                                                                                                                                                             | 2915 |
| 2502 From Assembly, to committee, 2670; from committee, 3189; read second time, 3195; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 3295 |
| 2503 From Assembly, to committee, 2951; from committee, 3074; read second time, amended, 3096; read third time, amended, 3177; read third time, passed, to Assembly, 3396; Senate amendments not concurred in, 3417; Senate refuses to recede, appoints conference committee, 3417; Assembly appoints conference committee, 3425; Senate adopts conference report, 3431; Assembly refuses to accept conference report | 3431 |
| 2505 From Assembly, to committee, 1784; from committee, 2075; read second time, 2091; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 2682 |
| 2518 From Assembly, to committee, 1606; withdrawn from Committee on Insurance, referred to Committee on Municipal Corporations, 1650; from committee, 1753; read second time, 1765; read third time, amended, 2180; read third time, passed, to Assembly, 2913; Senate amendments concurred in                                                                                                                        | 3065 |
| 2547 From Assembly, to committee, 1222; from committee, 1858; read second time, amended, 1875; read third time, passed, to Assembly, 1994; Senate amendments concurred in                                                                                                                                                                                                                                             | 2161 |
| 2548 From Assembly, to committee, 2572; from committee, 3072; read second time, amended, 3100; read third time, passed, to Assembly, 3295; Senate amendments concurred in                                                                                                                                                                                                                                             | 3429 |
| 2551 From Assembly, to committee, 1356; returned by committee without action                                                                                                                                                                                                                                                                                                                                          | 3451 |
| 2552 From Assembly, to committee, 2829; from committee, 3076; read second time, 3103; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 3401 |
| 2553 From Assembly, to committee, 1606; from committee, 2122; read second time, amended, 2134; read third time, amended, 2729; re-referred to Committee on Public Morals, 3200; returned by committee without action                                                                                                                                                                                                  | 3482 |
| 2554 From Assembly, to committee, 2165; from committee, 2643; read second time, 2650; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 2956 |
| 2557 From Assembly, to committee, 1385; from committee, 1827; read second time, 1833; read third time, amended, 1988; read third time, passed, to Assembly, 2216; Senate amendments concurred in                                                                                                                                                                                                                      | 2409 |
| 2568 From Assembly, to committee, 2077; from committee, 2451; read second time, 2462; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 2893 |
| 2575 From Assembly, to committee, 1694; from committee, 2359; read second time, 2384; read third time, passed, to Assembly                                                                                                                                                                                                                                                                                            | 2885 |
| 2576 From Assembly, to committee, 1604; from committee, 2451; read second time, amended, 2462; read third time, passed, to Assembly, 2893; Senate amendments concurred in                                                                                                                                                                                                                                             | 3001 |
| 2581 From Assembly, to committee, 1946; from committee, 2360; read second time, 2384; re-referred to committee, 2833; from committee, 2917; read second time, amended, 2926; read third time, passed, to Assembly, 3273; Senate amendments concurred in                                                                                                                                                               | 3429 |
| 2584 From Assembly, to committee, 2572; returned by committee without action                                                                                                                                                                                                                                                                                                                                          | 3457 |
| 2587 From Assembly, to committee, 1124; from committee, 1516; read second time, 1552; urgency clause adopted, 1777; read third time, passed, to Assembly                                                                                                                                                                                                                                                              | 1777 |

## ANATOMICAL INDEX

[illegible]

## ASSEMBLY BILLS—Continued.

| No                                                                                                                                                                                                                                                                                                                                                          | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2663 From Assembly, to committee, 2726; from committee, 3074; read second time, 3093; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 3389 |
| 2671 From Assembly, to committee, 2571; returned by committee without action-----                                                                                                                                                                                                                                                                           | 3457 |
| 2673 From Assembly, to committee, 1743; from committee, 2359; read second time, 2381; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2888 |
| 2674 From Assembly, to committee, 1606; from committee, 2186; read second time, 2190; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2814 |
| 2675 From Assembly, to committee, 1531; returned by committee without action-----                                                                                                                                                                                                                                                                           | 3483 |
| 2677 From Assembly, to committee, 2481; from committee, 2918; read second time, 2927; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 3264 |
| 2679 From Assembly, to committee, 1068; from committee, 2186; read second time, 2199; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2872 |
| 2682 From Assembly, to Committee, 1787; from committee, 2186; read second time, 2199; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 3260 |
| 2684 From Assembly, to committee, 1605; from committee, 1804; read second time, 1918; urgency clause adopted, 2172; read third time, passed, to Assembly-----                                                                                                                                                                                               | 2172 |
| 2688 From Assembly, to committee, 1667; from committee, 1754; read second time, 1766; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2331 |
| 2689 From Assembly, to committee, 1284; from committee, 1754; read second time, 1766; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2332 |
| 2690 From Assembly, to committee, 1102; from committee, 1754; read second time, 1766; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2336 |
| 2694 From Assembly, to committee, 1574; from committee, 1976; read second time, amended, 1985; read third time, passed, to Assembly, 2348; Senate amendments concurred in-----                                                                                                                                                                              | 2485 |
| 2702 From Assembly, to committee, 2670; from committee, 3074; read second time, amended, 3094; read third time, amended, 3205; re-referred to Committee on Fish and Game, 3403; returned by committee without action-----                                                                                                                                   | 3460 |
| 2704 From Assembly, to committee, 2211; from committee, 2750; read second time, 2772; referred to Committee on Finance, 2903; returned by committee without action-----                                                                                                                                                                                     | 3457 |
| 2705 From Assembly, to committee, 2211; from committee, 2750; read second time, 2772; read, amended and re-referred to committee, 2901; from committee, 3134; referred to Committee on Finance, 3134; from committee, 3189; amended, 3196; read third time, passed, to Assembly, 3299; Senate amendments concurred in-----                                  | 3420 |
| 2708 From Assembly, to committee, 2367; from committee, 3188; read second time, 3194; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 3297 |
| 2714 From Assembly, to committee, 2210; from committee, 2450; read second time, amended, 2460; read third time, passed, to Assembly, 2656; Senate amendments concurred in-----                                                                                                                                                                              | 2818 |
| 2723 From Assembly, to committee, 1946; from committee, 2036; read second time, 2052; read third time, amended, 2095; read third time, passed, to Assembly, 2351; Senate amendments concurred in-----                                                                                                                                                       | 2485 |
| 2724 From Assembly, to committee, 2163; from committee, 2229; read second time, 2252; referred to Committee on Drainage, Swamp and Overflowed Lands, 2876; returned by committee without action-----                                                                                                                                                        | 3449 |
| 2730 From Assembly, to committee, 1743; from committee, 2038; read second time, 2055; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 2354 |
| 2732 From Assembly, to committee, 1173; from committee, 1566; read second time, amended, 1587; Senate action in amending bill, April 9, 1937, rescinded, 1986; from Assembly, to committee, 2484; from committee, 2695; read second time, 2710; read third time, passed, to Assembly--                                                                      | 3331 |
| 2733 From Assembly, to committee, 1604; from committee, 1717; read second time, 1728; returned to Assembly, 1937; from Assembly, to committee, 2484; from committee, 2696; read second time, 2710; read third time, passed, to Assembly-----                                                                                                                | 3331 |
| 2734 From Assembly, to committee, 815; from committee, 2120; read second time, 2131; read third time, passed, to Assembly-----                                                                                                                                                                                                                              | 2066 |
| 2743 From Assembly, to committee, 1222; from committee, 1976; read second time, 1985; read third time, amended, 2203; read, amended, 2657; read third time, passed, 2948; notice of motion to reconsider, 2963; notice of reconsideration waived, 3010; notice of motion to rescind action of passage, 3115; action of passage rescinded, passage refused-- | 3123 |
| 2747 From Assembly, to committee, 2571; from committee, 3121; read second time, 3122; read third time, passed, to Assembly-----                                                                                                                                                                                                                             | 3403 |
| 2748 From Assembly, to committee, 759; returned by committee without action-----                                                                                                                                                                                                                                                                            | 3460 |



ASSEMBLY BILLS—Continued

| No.                                                                                                                                                                                                                                                                                                                                                                               | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2749 From Assembly, to committee, 1974; from committee, 1974; read second time, 1984; read third time, passed, to Assembly, 1985                                                                                                                                                                                                                                                  | 1493 |
| 2750 From Assembly, to committee, 1976; from committee, 1980; read second time, 1980; read third time, passed, to Assembly, 1980                                                                                                                                                                                                                                                  | 2815 |
| 2751 From Assembly, to committee, 1976; from committee, 1979; read second time, 1980; read third time, passed, to Assembly, 1980                                                                                                                                                                                                                                                  | 1672 |
| 2752 From Assembly, to committee, 1976; referred to committee without action                                                                                                                                                                                                                                                                                                      | 1457 |
| 2760 From Assembly, to committee, 1421; from committee, 1858; read second time, 1873; read third time, passed, to Assembly, 1901; read second time, 1901; read third time, passed, to Assembly, 1901; Senate amendments concurred in                                                                                                                                              | 2466 |
| 2770 From Assembly, to committee, 1976; from committee, 1987; read second time, 1987; read third time, passed, to Assembly, 1987                                                                                                                                                                                                                                                  | 3274 |
| 2771 From Assembly, to committee, 1941; from committee, 1941; read second time, 1946; read third time, passed, to Assembly, 1983; Senate amendments concurred in; amended by conference committee, 1984; Assembly amendments concurred in; from committee, 1911; Senate amendments concurred in; Assembly adopts conference report, 3259; Assembly adopts conference report, 3119 | 3119 |
| 2780 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3280 |
| 2786 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 799  |
| 2788 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 799  |
| 2789 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2469 |
| 2790 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2484 |
| 2791 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3429 |
| 2792 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 1851 |
| 2793 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 1851 |
| 2794 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3424 |
| 2797 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2269 |
| 2798 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3474 |
| 2799 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2945 |
| 2801 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2945 |
| 2802 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2945 |
| 2803 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3491 |
| 2804 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 1259 |
| 2805 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3405 |
| 2806 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 3096 |
| 2807 From Assembly, to committee, 1901; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1901                                                                                                                                                                                                                                                  | 2850 |



## ASSEMBLY BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                                                                                                                                                                           | Page |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2808 | From Assembly, to committee, 1356; from committee, 1906; read second time, 1920; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2346 |
| 2809 | From Assembly, to committee, 2670; from committee, 2918; read second time, amended, 2927; read third time, amended, 3111; urgency clause adopted, 3273; read third time, passed, to Assembly, 3274; Senate amendments concurred in-----                                                                                                                                                                                   | 3429 |
| 2810 | From Assembly, to committee, 1787; from committee, 1905; read second time, 1917; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2003 |
| 2813 | From Assembly, to committee, 1386; from committee, 1567; read second time, 1588; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 1846 |
| 2815 | From Assembly, to committee, 1946; from committee, 2015; read second time, 2024; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2851 |
| 2817 | From Assembly, to committee, 1575; from committee, 1798; read second time, 1808; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 1931 |
| 2820 | From Assembly, to committee, 2571; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                              | 3457 |
| 2821 | From Assembly, to committee, 1946; from committee, 2361; read second time, 2385; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2887 |
| 2825 | From Assembly, to committee, 1757; from committee, 2122; read second time, 2134; placed on unfinished business file, 2174; considered by unanimous consent without reference to Committee on Finance, 2281; read third time, passed, to Assembly-----                                                                                                                                                                     | 2281 |
| 2826 | From Assembly, to committee, 1744; from committee, 1903; read second time, 1918; urgency clause adopted, 2004; call of Senate, 2032; read third time, passage refused, 2033; notice of motion to reconsider, 2033; reconsideration granted, placed on unfinished business file, 2055; read third time, amended, 2148; Senate action in adopting urgency clause rescinded, 2218; read third time, passed, to Assembly----- | 2218 |
| 2827 | From Assembly, to committee, 2368; from committee, 2643; read second time, amended and referred to Committee on Finance, 2650; from committee, 3314; amended, 3315; made case of urgency, Constitution suspended, 3409; read third time, passed, to Assembly, 3409; Senate amendments concurred in-----                                                                                                                   | 3503 |
| 2828 | From Assembly, to committee, 1946; from committee, 2290; read second time, 2316; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2862 |
| 2829 | From Assembly, to committee, 1946; from committee, 2034; read second time, 2043; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2675 |
| 2830 | From Assembly, to committee, 2700; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                              | 3452 |
| 2831 | From Assembly, to committee, 1937; from committee, 2123; read second time, amended and re-referred to committee, 2136; from committee, 2361; amended, 2386; re-referred to committee, 2848; notice of motion to reconsider, 2866; reconsideration granted, ordered to unfinished business file, 2870; read third time, amended, 2995; read third time, passed, to Assembly, 3204; Senate amendments concurred in-----     | 3316 |
| 2832 | From Assembly, to committee, 2368; from committee, 2568; read second time, 2589; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2909 |
| 2833 | From Assembly, to committee, 2144; from committee, 2226; read second time, 2241; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2816 |
| 2834 | From Assembly, to committee, 1946; from committee, 2036; read second time, amended, 2053; read third time, passed, to Assembly, 2352; Senate amendments concurred in-----                                                                                                                                                                                                                                                 | 2484 |
| 2835 | From Assembly, to committee, 2951; from committee, 3073; read second time, amended, 3092; read third time, passed, to Assembly, 3388; Senate amendments concurred in-----                                                                                                                                                                                                                                                 | 3503 |
| 2836 | From Assembly, to committee, 1947; from committee, 2286; read second time, 2306; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2859 |
| 2840 | From Assembly, to committee, 1744; from committee, 1904; read second time, 1918; urgency clause adopted, 2172, 2635; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                            | 2635 |
| 2841 | From Assembly, to committee, 2481; from committee, 2746; read second time, 2758; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2987 |
| 2842 | From Assembly, to committee, 2144; from committee, 2449; read second time, 2459; read third time, passed, to Assembly-----                                                                                                                                                                                                                                                                                                | 2658 |
| 2843 | From Assembly, to committee, 2210; from committee, 2529; read second time, 2588; read third time, amended, 2630; read third time, passed, to Assembly, 2908; Senate amendments concurred in-----                                                                                                                                                                                                                          | 3060 |
| 2844 | From Assembly, to committee, 2571; from committee, 2748; read second time, 2772; read third time, amended, 2972; read third time, passed, to Assembly, 3180; Senate amendments concurred in-----                                                                                                                                                                                                                          | 3319 |

ASSEMBLY BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                                                                    | Page |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2845 From Assembly, to committee, 2846; from committee, 2846; read second time amended, 2848; urgency clause adopted, 2849; read third time, passed, to Assembly, 2827; Senate amendments concurred in.....                                                                                                                                                                                        | 2484 |
| 2846 From Assembly, to committee, 1997; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3448 |
| 2847 From Assembly, to committee, 2841; from committee, 2846; read second time, 2841; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 2870 |
| 2848 From Assembly, to committee, 2848; from committee, 2847; referred to Committee on Finance, 2848; returned to committee, 2841 without action.....                                                                                                                                                                                                                                              | 3457 |
| 2849 From Assembly, to committee, 2847; from committee, 2848; read second time amended, 2841; read third time amended, 2841; read third time, passed, to Assembly, 2841; Senate amendments concurred in.....                                                                                                                                                                                       | 3318 |
| 2850 From Assembly, to committee, 2848; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3406 |
| 2851 From Assembly, to committee, 2849; from committee, 2848; read second time amended, 2849; read third time passed, to Assembly.....                                                                                                                                                                                                                                                             | 2940 |
| 2852 From Assembly, to committee, 2849; from committee, 2849; read second time, 2849; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 2993 |
| 2853 From Assembly, to committee, 2845; from committee, 2847; read second time amended, 2845; read third time passed, to Assembly, 2848; Senate amendments concurred in.....                                                                                                                                                                                                                       | 3096 |
| 2857 From Assembly, to committee, 2848; withdrawn; from committee, and returned to Assembly, 2841; from Assembly, to committee, 2826; from committee, 2841; read second time amended, 2841; read third time amended, 2841; urgency clause adopted, 2841; referred to committee to prepare amendments; May 28, 2841; read third time passed, to Assembly, 2841; Senate amendments concurred in..... | 3507 |
| 2858 From Assembly, to committee, 2848; from committee, 2841; read second time, 2848; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 2954 |
| 2859 From Assembly, to committee, 2849; from committee, 2849; read second time, 2849; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 2970 |
| 2860 From Assembly, to committee, 2849; from committee, 2847; read second time, 2849; read third time, 2841; from third time passed, to Assembly.....                                                                                                                                                                                                                                              | 2736 |
| 2861 From Assembly, to committee, 2847; from committee, 2849; read second time, 2841; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 2840 |
| 2862 From Assembly, to committee, 2848; from committee, 2848; read second time amended, 2848; read third time passed, to Assembly, 2848; Senate amendments concurred in.....                                                                                                                                                                                                                       | 3460 |
| 2863 From Assembly, to committee, 2848; from committee, 2844; read second time, 2848; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 3281 |
| 2868 From Assembly, to committee, 2841; from committee, 2841; read second time, 2841; urgency clause adopted, 2841; read third time passed, to Assembly.....                                                                                                                                                                                                                                       | 2907 |
| 2869 From Assembly, to committee, 2841; from committee, 2841; read second time amended, 2848; read third time passed, to Assembly, 2841; Senate amendments concurred in.....                                                                                                                                                                                                                       | 3426 |
| 2870 From Assembly, to committee, 2822; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3458 |
| 2871 From Assembly, to committee, 2848; from committee, 2821; read second time, 2820; read third time, passed, to Assembly.....                                                                                                                                                                                                                                                                    | 3408 |
| 2872 From Assembly, to committee, 2864; from committee, 3071; read second time amended, 2862; referred to Committee on Finance, 3275; returned by committee without action.....                                                                                                                                                                                                                    | 3458 |
| 2873 From Assembly, to committee, 2699; from committee, 2695; referred to Committee on Finance, 2695; from committee, 3189; read second time amended, 3190; read third time passed, to Assembly, 3297; Senate amendments concurred in.....                                                                                                                                                         | 3429 |
| 2874 From Assembly, to committee, 2621; from committee, 3071; read second time amended, 3095; read third time passed, to Assembly, 3294; Senate amendments concurred in.....                                                                                                                                                                                                                       | 3429 |
| 2875 From Assembly, to committee, 2649; from committee, 3070; read second time, 3079; read third time passed, to Assembly.....                                                                                                                                                                                                                                                                     | 3286 |
| 2876 From Assembly, to committee, 2820; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3457 |
| 2878 From Assembly, to committee, 2864; from committee, 2848; read second time amended, 2872; urgency clause adopted, 3189; read third time passed, to Assembly, 3181; Senate amendments concurred in.....                                                                                                                                                                                         | 3319 |
| 2879 From Assembly, to committee, 2699; from committee, 3190; read second time amended, 3192; read third time passed, to Assembly, 3298; Senate amendments concurred in.....                                                                                                                                                                                                                       | 3429 |

## ASSEMBLY BILLS--Continued.

| No.  |                                                                                                                                                                                                                                                                | PAGE |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2880 | From Assembly, to committee, 2671; returned by committee without action-----                                                                                                                                                                                   | 3457 |
| 2881 | From Assembly, to committee, 2609; from committee, 2823; read second time, 2828; re-referred to Committee on Governmental Efficiency, 3207; returned by committee without action-----                                                                          | 3461 |
| 2882 | From Assembly, to committee, 2564; returned by committee without action-----                                                                                                                                                                                   | 3457 |
| 2883 | From Assembly, to committee, 2671; returned by committee without action-----                                                                                                                                                                                   | 3457 |
| 2884 | From Assembly, to committee, 2267; from committee, 2567; read second time, 2588; read third time, amended, 2965; urgency clause adopted, 3284; read third time, passed, to Assembly, 3285; Senate amendments concurred in-----                                 | 3429 |
| 2885 | From Assembly, to committee, 2854; from committee, 2966; read second time, 3017; read third time, passed, to Assembly-----                                                                                                                                     | 3332 |
| 2887 | From Assembly, to committee, 2671; from committee, 3072; read second time, amended, 3095; read third time, passed, to Assembly, 3294; Senate amendments concurred in-----                                                                                      | 3429 |
| 2888 | From Assembly, to committee, 2609; returned by committee without action-----                                                                                                                                                                                   | 3458 |
| 2889 | From Assembly, to committee, 2854; returned by committee without action-----                                                                                                                                                                                   | 3458 |
| 2890 | From Assembly, to committee, 2854; returned by committee without action-----                                                                                                                                                                                   | 3458 |
| 2892 | From Assembly, to committee, 2621; from committee, 3071; read second time, amended, 3085; read third time, amended, 3205; urgency clause adopted, 3293; read third time, passed, to Assembly, 3293; Senate amendments concurred in-----                        | 3429 |
| 2893 | From Assembly, to committee, 2610; from committee, 2748; read second time, 2757; read third time, passed, to Assembly-----                                                                                                                                     | 2984 |
| 2895 | From Assembly, to committee, 2610; from committee, 2715; read second time, amended, 2757; read third time, passed, to Assembly, 2985; Senate amendments concurred in-----                                                                                      | 3210 |
| 2896 | From Assembly, to committee, 2726; returned by committee without action-----                                                                                                                                                                                   | 3458 |
| 2897 | From Assembly, to committee, 2701; returned by committee without action-----                                                                                                                                                                                   | 3446 |
| 2900 | From Assembly, to committee, 2854; from committee, 2997; read second time, 3018; re-referred to Committee on Live Stock and Dairying, 3200; returned by committee without action-----                                                                          | 3477 |
| 2901 | From Assembly, to committee, 2854; from committee, 3069; read second time, 3079; read third time, passed, to Assembly-----                                                                                                                                     | 3285 |
| 2903 | From Assembly, to committee, 2898; returned by committee without action-----                                                                                                                                                                                   | 3474 |
| 2904 | From Assembly, to committee, 2820; from committee, 2917; read second time, 2927; read third time, amended, 3110; read third time, passed, to Assembly, 3264; Senate amendments concurred in-----                                                               | 3429 |
| 2905 | From Assembly, to committee, 2726; from committee, 2867; read second time, 2868; read third time, passed, to Assembly-----                                                                                                                                     | 3203 |
| 2906 | From Assembly, to committee, 2821; returned by committee without action-----                                                                                                                                                                                   | 3458 |
| 2907 | From Assembly, to committee, 2854; from committee, 3069; read second time, 3079; read third time, passed, to Assembly-----                                                                                                                                     | 3285 |
| 2909 | From Assembly, to committee, 2879; withdrawn from Committee on Insurance and referred to Committee on Finance, 3050; returned by committee without action-----                                                                                                 | 3458 |
| 2910 | From Assembly, to committee, 2880; from committee, 3075; read second time, 3100; read third time, passed, to Assembly-----                                                                                                                                     | 3393 |
| 2911 | From Assembly, to committee, 2880; withdrawn from Committee on County Government and referred to Committee on Municipal Corporations, 2899; from committee, 3075; read second time, 3101; read third time, passed, to Assembly-----                            | 3393 |
| 2912 | From Assembly, to committee, 2899; withdrawn from committee, 2899; read second time, amended and re-referred to committee, 2928; from committee, 3122; read second time, 3122; read third time, passed, to Assembly, 3406; Senate amendments concurred in----- | 3503 |
| 2913 | From Assembly, to committee, 2854; from committee, 2997; read second time, 3018; read third time, passed, to Assembly-----                                                                                                                                     | 3335 |
| 2915 | From Assembly, to committee, 2854; from committee, 3074; read second time, 3094; read third time, passed, to Assembly-----                                                                                                                                     | 3389 |

ASSEMBLY BILLS—Continued

|                                                                                                                                                     | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 2016 From Assembly, to committee, 2880; returned by committee without action                                                                        | 3448 |
| 2017 From Assembly, to committee, 2801; from committee, 2801; read second time, 2801; referred by committee to Committee on Commerce and Navigation | 3441 |
| 2018 From Assembly, to committee, 2801; returned by committee without action                                                                        | 3473 |
| 2020 From Assembly, to committee, 2884; from committee, 2884; read second time, 2884; referred by committee to Committee on Commerce and Navigation | 3429 |
| 2021 From Assembly, to committee, 2850; from committee, 3180; read second time, 3100; read third time, passed in Assembly                           | 3296 |
| 2022 From Assembly, to committee, 2801; returned by committee without action                                                                        | 3488 |
| 2023 From Assembly, to committee, 2801; from committee, 2801; read second time, 2801; read third time, passed in Assembly                           | 3584 |
| 2024 From Assembly, to committee, 2801; from committee, 2801; read second time, 2801; read third time, passed in Assembly                           | 3410 |
| 2025 From Assembly, to committee, 2801; from committee, 3180; read second time, 3100; read third time, passed in Assembly                           | 3361 |
| 2026 From Assembly, to committee, 2801; from committee, 2801; read second time, 2801; read third time, passed in Assembly                           | 3296 |

ASSEMBLY CONSTITUTIONAL AMENDMENTS

|                                                                                                                               |      |
|-------------------------------------------------------------------------------------------------------------------------------|------|
| 1 From Assembly, to committee, 3012; from committee, 3740; read second time, 3740; passed in Assembly                         | 3015 |
| 4 From Assembly, to committee, 3001; from committee, 3001; read second time, 3001; read third time, 3001; passed in Assembly  | 2571 |
| 6 From Assembly, to committee, 3012; from committee, 3740; read second time, 3740; read third time, 3740; passed in Assembly  | 2702 |
| 8 From Assembly, to committee, 3012; from committee, 3740; read second time, 3740; read third time, 3740; passed in Assembly  | 3064 |
| 11 From Assembly, to committee, 3012; from committee, 3740; read second time, 3740; read third time, 3740; passed in Assembly | 3446 |
| 12 From Assembly, to committee, 3012; from committee, 3740; read second time, 3740; read third time, 3740; passed in Assembly | 3446 |
| 20 From Assembly, to committee, 2810; returned by committee without action                                                    | 3485 |
| 21 From Assembly, to committee, 3740; from committee, 2048; read second time, 2048; passed in Assembly                        | 2675 |
| 31 From Assembly, to committee, 2922; returned by committee without action                                                    | 3476 |
| 38 From Assembly, to committee, 2725; returned by committee without action                                                    | 3446 |
| 48 From Assembly, to committee, 2807; from committee, 3075; read second time, 3075; read third time, 3075; passed in Assembly | 3394 |
| 51 From Assembly, to committee, 2810; from committee, 3100; read second time, 3100; read third time, 3100; passed in Assembly | 3503 |
| 59 From Assembly, to committee, 2364; from committee, 2476; read second time, 2476; passed in Assembly                        | 2944 |
| 60 From Assembly, to committee, 2701; returned by committee without action                                                    | 3446 |
| 62 From Assembly, to committee, 2819; returned by committee without action                                                    | 3446 |

ASSEMBLY CONCURRENT RESOLUTIONS

|                                                                                            |    |
|--------------------------------------------------------------------------------------------|----|
| 1 From Assembly, 47; considered without reference to committee, read, adopted, to Assembly | 97 |
| 3 From Assembly, considered without reference to committee, read, adopted, to Assembly     | 34 |



## ASSEMBLY CONCURRENT RESOLUTIONS—Continued.

| No.                                                                                                                                                                                                                                     | PAGE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 4 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                  | 36   |
| 5 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                  | 37   |
| 6 From Assembly, to committee, 66; from committee, read, amended, considered without reference to print, 101; read as amended, adopted, to Assembly, 102. Senate amendments concurred in                                                | 125  |
| 7 From Assembly, to committee, 66; from committee, considered without reference to print, read, adopted, to Assembly                                                                                                                    | 107  |
| 9 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                  | 125  |
| 10 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 170  |
| 11 From Assembly, held at desk, 158; considered without reference to committee, read, adopted, to Assembly                                                                                                                              | 171  |
| 12 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 214  |
| 13 From Assembly, to committee, 214; from committee, 2154; read, adopted, to Assembly                                                                                                                                                   | 2812 |
| 14 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 214  |
| 15 From Assembly, to committee, 1173; from committee, 1686; read, adopted, to Assembly                                                                                                                                                  | 1849 |
| 17 From Assembly, considered without reference to committee, 1012; read, adopted, to Assembly                                                                                                                                           | 1013 |
| 18 From Assembly, made special order, 595; read, refused adoption                                                                                                                                                                       | 825  |
| 19 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 347  |
| 20 From Assembly, to committee, 397; returned by committee without action                                                                                                                                                               | 3491 |
| 21 From Assembly, 397; considered without reference to committee, read, 398; adopted, to Assembly                                                                                                                                       | 399  |
| 22 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 398  |
| 23 From Assembly, 398; considered without reference to committee, read, call of the Senate, 399; adopted, to Assembly                                                                                                                   | 400  |
| 24 From Assembly, to committee, 469; returned by committee without action                                                                                                                                                               | 3466 |
| 25 From Assembly, considered without reference to committee, 468; read, adopted, to Assembly                                                                                                                                            | 469  |
| 28 From Assembly, to committee, 549; from committee, 1093; read, adopted, to Assembly                                                                                                                                                   | 1271 |
| 29 From Assembly, to committee, 571; from committee, 716; read, adopted, to Assembly                                                                                                                                                    | 743  |
| 31 From Assembly, to committee, 596; from committee, read, refused adoption, 792; notice of motion to reconsider, 793; reconsideration refused                                                                                          | 845  |
| 32 From Assembly, held at desk, 718; read, adopted, to Assembly                                                                                                                                                                         | 1026 |
| 33 From Assembly, ordered held at desk, 1354; made special order, 1375; read, refused adoption                                                                                                                                          | 1507 |
| 34 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 1058 |
| 35 From Assembly, to committee, 1105; from committee, 1167; amended, 1988; read, refused adoption                                                                                                                                       | 2733 |
| 36 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 1115 |
| 37 From Assembly, to committee, 1236; returned by committee without action                                                                                                                                                              | 3455 |
| 38 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 1387 |
| 39 From Assembly, considered without reference to committee, read and adopted, 1422; to Assembly                                                                                                                                        | 1424 |
| 41 From Assembly, to committee, 2162; from committee, 2749; read, adopted, to Assembly                                                                                                                                                  | 2963 |
| 42 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 1656 |
| 43 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                                                                                                 | 1928 |
| 45 From Assembly, 2011; considered without reference to committee, amended, placed on unfinished business file, 2012; considered without reference to committee, 2597; read, adopted, to Assembly, 2598; Senate amendments concurred in | 2702 |

## ASSEMBLY CONCURRENT RESOLUTIONS—Continued

| ASSEMBLY CONCURRENT RESOLUTIONS—Continued                                                                                                                                                                                                                                                                     |  | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------|
| 46 From Assembly, considered without reference to committee, read, adopted<br>to Assembly.                                                                                                                                                                                                                    |  | 2011 |
| 47 From Assembly, held as free, 1879; considered without reference to com-<br>mittee, read, adopted to Assembly.                                                                                                                                                                                              |  | 2025 |
| 48 From Assembly, 1879; considered without reference to committee, read,<br>adopted to Assembly.                                                                                                                                                                                                              |  | 2410 |
| 49 From Assembly, to committee, 2446; from committee, 2749; read,<br>adopted to Assembly.                                                                                                                                                                                                                     |  | 2903 |
| 50 From Assembly, considered without reference to committee, read, adopted<br>to Assembly.                                                                                                                                                                                                                    |  | 2520 |
| 51 From Assembly, considered without reference to committee, read, adopted,<br>to Assembly.                                                                                                                                                                                                                   |  | 2490 |
| 52 From Assembly, considered without reference to committee, 2496; read,<br>adopted to Assembly.                                                                                                                                                                                                              |  | 2497 |
| 53 From Assembly, considered without reference to committee, read, adopted<br>to Assembly.                                                                                                                                                                                                                    |  | 2520 |
| 54 From Assembly, considered without reference to committee, 2490; read,<br>adopted to Assembly.                                                                                                                                                                                                              |  | 2499 |
| 55 From Assembly, to committee, 2827; from committee, 3028; read,<br>adopted to Assembly.                                                                                                                                                                                                                     |  | 2841 |
| 56 From Assembly, to committee, 3028; from committee, 3072; read, adopted<br>without reference.                                                                                                                                                                                                               |  | 2897 |
| 57 From Assembly, held as free, 1881; considered without reference to com-<br>mittee, read, adopted to Assembly, 1881; held as free, 1881; con-<br>sidered from Assembly, 1897; held as free, 1896; consid-<br>ered from committee, referred to Committee on Marine Resources by<br>committee without action. |  | 2491 |
| 58 From Assembly, to committee, 2827; from committee, 3028; read,<br>adopted to Assembly.                                                                                                                                                                                                                     |  | 3372 |
| 59 From Assembly, to committee, 3027; from committee, 3027; considered,<br>read, read, adopted to Assembly, 3411; Senate grounds rejected.                                                                                                                                                                    |  | 3560 |
| 60 From Assembly, considered without reference to committee, 3028; read,<br>adopted to Assembly.                                                                                                                                                                                                              |  | 3903 |
| 61 From Assembly, considered without reference to committee, 3226; read,<br>adopted to Assembly.                                                                                                                                                                                                              |  | 2509 |
| 62 From Assembly, to committee, 3028; from committee, 3028; read,<br>referred to Assembly.                                                                                                                                                                                                                    |  | 2491 |

## ANSWERS TO QUESTIONS

|    |                                                                                                   |      |
|----|---------------------------------------------------------------------------------------------------|------|
| 1  | From Assembly, to committee, 107; from committee, 848; read, 878; read, adopted, to Assembly..... | 1150 |
| 2  | From Assembly, considered without reference to committee, read, adopted, to Assembly.....         | 419  |
| 3  | From Assembly, to committee, 67; withdrawn from committee, read, adopted, to Assembly.....        | 129  |
| 4  | From Assembly, to committee, 66; from committee, 848; read, 878; read, adopted, to Assembly.....  | 1151 |
| 5  | From Assembly, to committee, 142; from committee, 141; read, adopted, to Assembly.....            | 1776 |
| 6  | From Assembly, to committee, 154; from committee, 1688; read, adopted, to Assembly.....           | 1811 |
| 8  | From Assembly, to committee, 247; withdrawn by committee without action.....                      | 3472 |
| 9  | From Assembly, to committee, 1654; from committee, 1688; read, adopted, to Assembly.....          | 1850 |
| 10 | From Assembly, to committee, 182; from committee, 2006; read, adopted, to Assembly.....           | 3267 |
| 11 | From Assembly, to committee, 158; withdrawn from committee, 24; read, adopted, to Assembly.....   | 225  |
| 12 | From Assembly, to committee, 182; returned by committee without action.....                       | 3472 |
| 13 | From Assembly, to committee, 182; returned by committee without action.....                       | 3472 |
| 14 | From Assembly, to committee, 182; returned by committee without action.....                       | 3453 |
| 15 | From Assembly, to committee, 182; withdrawn from committee, 281; read, adopted, to Assembly.....  | 282  |
| 17 | From Assembly, to committee, 1573; returned by committee without action.....                      | 3453 |
| 18 | From Assembly, to committee, 1573; from committee, 1688; read, adopted, to Assembly.....          | 3267 |

## ASSEMBLY JOINT RESOLUTIONS—Continued.

| No.                                                                                                                                                                | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 19 From Assembly, to committee, 1024; from committee, 1416; amended, 1504; read, adopted, to Assembly, 2947; Senate amendments concurred in                        | 3064 |
| 21 From Assembly, to committee, 1354; returned by committee without action                                                                                         | 3453 |
| 22 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                            | 403  |
| 23 From Assembly, to committee, 1938; from committee, 2187; read, adopted, to Assembly                                                                             | 2732 |
| 26 From Assembly, to committee, 1573; from committee, 2187; amended, 2499; read, adopted, to Assembly, 2815; Senate amendments concurred in                        | 3091 |
| 28 From Assembly, considered without reference to committee, read, adopted, to Assembly                                                                            | 460  |
| 29 From Assembly, to committee, 1348; from committee, 1688; read, adopted, to Assembly                                                                             | 1849 |
| 30 From Assembly, to committee, 439; from committee, 847; read, adopted, to Assembly                                                                               | 1158 |
| 31 From Assembly, to committee, 764; from committee, 1416; made special order, 1639; read, adopted, to Assembly                                                    | 1663 |
| 33 From Assembly, to committee, 519; from committee, 545; amended, 586; read, adopted, to Assembly                                                                 | 587  |
| 34 From Assembly, considered without reference to committee, read, 518; adopted, to Assembly                                                                       | 519  |
| 35 From Assembly, to committee, 572; placed on unfinished business file, 595; read, adopted, to Assembly                                                           | 721  |
| 36 From Assembly, to committee, 1024; withdrawn from committee for adoption, 1150; read, adopted, to Assembly                                                      | 1151 |
| 37 From Assembly, to committee, 840; from committee, 1043; read and adopted, 1239; to Committee on Finance, 1240; from committee, 1687; read, adopted, to Assembly | 1989 |
| 38 From Assembly, to committee, 1422; from committee, 1688; amended, 1707, 1853; read, adopted, to Assembly, 1897; Senate amendments concurred in                  | 1978 |
| 39 From Assembly, to committee, 1742; from committee, 1828; read, adopted, to Assembly                                                                             | 1935 |
| 43 From Assembly, to committee, 2753; returned by committee without action                                                                                         | 3452 |
| 44 From Assembly, held at desk, 2266; considered without reference to committee, read, adopted, 2369; to Assembly                                                  | 2370 |
| 45 From Assembly, considered without reference to committee, read, call of the Senate, 2622; adopted, to Assembly                                                  | 2624 |
| 46 From Assembly, held at desk, 2606; considered without reference to committee, read, adopted, to Assembly                                                        | 2627 |
| 47 From Assembly, held at desk, 2606; considered without reference to committee, 2627; read, adopted, to Assembly                                                  | 2628 |
| 48 From Assembly, to committee, 2877; returned by committee without action                                                                                         | 3452 |
| 49 From Assembly, to committee, 2877; returned by committee without action                                                                                         | 3452 |
| 51 From Assembly, to committee, 2897; from committee, 3072; read, adopted, to Assembly                                                                             | 3378 |
| 52 From Assembly, considered without reference to committee, 3006; read, adopted, to Assembly                                                                      | 3067 |

TABLE OF ACTIONS ON SENATE MEASURES IN THE SENATE  
SENATE BILLS

| No. |                                                                                                                                                                                                                                                                                                                                  | Page |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1   | Introduced, to committee, 50; returned by committee without action.....                                                                                                                                                                                                                                                          | 3466 |
| 2   | Introduced, to committee, 50; returned by committee without action.....                                                                                                                                                                                                                                                          | 3441 |
| 3   | Introduced, to committee, 50; returned by committee without action.....                                                                                                                                                                                                                                                          | 3478 |
| 4   | Introduced, to committee, 50; from committee, 509; read second time, amended, 197; Constitution amended, 215; original clause adopted, 516; read third time, passed, to Assembly, 216; from Assembly, to enrollment, 241; to Governor.....                                                                                       | 348  |
| 5   | Introduced, to committee, 51; from committee, 1268; read second time, amended, and referred to committee, 1268; read third time, passed, to Assembly, 2078; from Assembly, returned to committee without action.....                                                                                                             | 349  |
| 6   | Introduced, bill at desk, 51; considered without reference to committee, 65; read second time, amended, 65; original clause adopted, 146; read third time, passed, to Assembly, 146; Assembly amendments committed to, to enrollment, 146; to Governor, 216; read by Governor, 442; Governor's veto sustained.....               | 349  |
| 7   | Introduced, to committee, 51; from committee, 746; read second time, 746; read third time, amended, 768; from third time, passed, to Assembly, and from Assembly, passed to enrollment, January 26, 1871; Assembly amendments adopted, to enrollment, 1871; to Governor.....                                                     | 2789 |
| 8   | Introduced, to committee, 51; from committee, 767; read second time, amended, and referred to committee, 767; returned by committee without action.....                                                                                                                                                                          | 349  |
| 9   | Introduced, to committee, 51; from committee, 1268; read second time, 1268; read third time, passed, to Assembly, 2078; from Assembly, to enrollment, 2078; to Governor.....                                                                                                                                                     | 349  |
| 10  | Introduced, to committee, 51; returned by committee without action.....                                                                                                                                                                                                                                                          | 3492 |
| 11  | Introduced, to committee, 51; resolutions from Committee on Agriculture and referred to Committee on Live Stock and Dairying, 66; from committee, 1549; read second time, 1549; read third time, amended, 1817; read third time, passed, to Governor.....                                                                        | 3488 |
| 12  | Introduced, to committee, 51; returned by committee without action.....                                                                                                                                                                                                                                                          | 3488 |
| 13  | Introduced, to committee, 52; returned by committee without action.....                                                                                                                                                                                                                                                          | 3477 |
| 14  | Introduced, to committee, 52; returned by committee without action.....                                                                                                                                                                                                                                                          | 3488 |
| 15  | Introduced, to committee, 52; returned by committee without action.....                                                                                                                                                                                                                                                          | 3488 |
| 16  | Introduced, to committee, 52; from committee, 1479; read second time, 1491; read third time, passed, to Assembly, 1491; from Assembly, to enrollment, 2021; to Governor.....                                                                                                                                                     | 3470 |
| 17  | Introduced, to committee, 52; returned by committee without action.....                                                                                                                                                                                                                                                          | 3469 |
| 18  | Introduced, to committee, 52; from committee, 574; read second time, 599; read third time, passed, to Assembly, 713; from Assembly, to enrollment, 2021; to Governor.....                                                                                                                                                        | 3476 |
| 19  | Introduced, to committee, 52; from committee, 576; read second time, 602; read third time, passed, to Assembly, 716; from Assembly, amended to unfinished business file, 2016; Assembly amendments committed to, to enrollment, 3025; to Governor.....                                                                           | 3492 |
| 20  | Introduced, to committee, 53; returned by committee without action.....                                                                                                                                                                                                                                                          | 3487 |
| 21  | Introduced, to committee, 53; from committee, 848; read second time, amended, and referred to committee, 871; from committee, 1041; amended, 1077; read third time, passed, to Assembly, 1156; from Assembly, ordered to unfinished business file, 2113; Assembly amendments concurred in, to enrollment, 3244; to Governor..... | 3497 |
| 22  | Introduced, to committee, 53; returned by committee without action.....                                                                                                                                                                                                                                                          | 3488 |
| 23  | Introduced, to committee, 53; resolutions from Committee on Agriculture, 713; referred to Committee on Live Stock and Dairying, 713; from committee, 882; read second time, 904; read third time, passed, to Assembly, 960; from Assembly, to enrollment, 3319; to Governor.....                                                 | 3499 |
| 24  | Introduced, to committee, 53; from committee, 159; read second time, 159; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2785; from Assembly, to enrollment, 3204; to Governor.....                                                                                                             | 3502 |
| 25  | Introduced, to committee, 58; returned by committee without action.....                                                                                                                                                                                                                                                          | 3487 |
| 26  | Introduced, to committee, 58; from committee, 2643; read second time, amended, 2647; read third time, passed, to Assembly, 2716; from Assembly, to enrollment, 3319; to Governor.....                                                                                                                                            | 3499 |
| 27  | Introduced, to committee, 58; returned by committee without action.....                                                                                                                                                                                                                                                          | 3491 |



## SENATE BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PAGE |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 28  | Introduced, to committee, 98; from committee, 715; read second time, 723; re-referred to Committee on Judiciary, 859; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                     | 3469 |
| 29  | Introduced, to committee, 98; from committee, 716; read second time, 724; read third time, passed, to Assembly, 858; from Assembly, ordered to unfinished business file, 2916; Assembly amendments not concurred in, 3025; Assembly refuses to recede, appoints conference committee, 3120; Senate appoints conference committee, 3120; referred to Committee on Public Morals, 3233; returned by committee without action.....                                                                                                     | 3482 |
| 30  | Introduced, to committee, 98; from committee, 1118; read second time, amended, 1132; referred to Committee on Judiciary, 1205; from committee, 1686; read second time, 1695; read third time, passage refused.....                                                                                                                                                                                                                                                                                                                  | 1965 |
| 31  | Introduced, to committee, 99; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3469 |
| 32  | Introduced, to committee, 99; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3469 |
| 33  | Introduced, to committee, 99; from committee, 544; read second time, amended and re-referred to committee, 567; from committee, 1119; amended, 1137; read third time, passed, to Assembly, 1208; from Assembly, ordered to unfinished business file, 2990; Assembly amendments not concurred in, 3131; Assembly refuses to recede, appoints conference committee, 3258; Senate appoints conference committee, 3258; Assembly adopts conference report, 3317; Senate adopts conference report, to enrollment, 3343; to Governor..... | 3499 |
| 34  | Introduced, to committee, 99; from committee, 715; read second time, 724; read third time, passed, to Assembly, 797; from Assembly, placed on unfinished business file, 1865; Assembly amendments concurred in, to enrollment, 1951; to Governor.....                                                                                                                                                                                                                                                                               | 2100 |
| 35  | Introduced, to committee, 99; from committee, 715; read second time, 724; read third time, passed, to Assembly, 797; from Assembly, placed on unfinished business file, 1865; Assembly amendments concurred in, to enrollment, 1951; to Governor.....                                                                                                                                                                                                                                                                               | 2100 |
| 36  | Introduced, to committee, 99; from committee, 715; read second time, 724; read third time, passed, to Assembly, 798; from Assembly, placed on unfinished business file, 1865; Assembly amendments concurred in, to enrollment, 1952; to Governor.....                                                                                                                                                                                                                                                                               | 2100 |
| 37  | Introduced, to committee, 99; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3485 |
| 38  | Introduced, to committee, 99; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3481 |
| 39  | Introduced, to committee, 99; from committee, 882; read second time, amended, 898; read third time, amended, 1155; read and amended, 1267; re-referred to Committee on Live Stock and Dairying, 1288; returned by committee without action.....                                                                                                                                                                                                                                                                                     | 3475 |
| 40  | Introduced, to committee, 100; from committee, 2566; read second time, 2575; read third time, passed, to Assembly, 2626; from Assembly, returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                   | 3503 |
| 41  | Introduced, to committee, 100; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3475 |
| 42  | Introduced, to committee, 100; from committee, 2698; read second time, 2707; re-referred to Committee on Revision of Criminal Law and Procedure, 2788; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                    | 3487 |
| 43  | Introduced, to committee, 100; from committee, 1517; read second time, amended and re-referred to committee, 1542; from committee, 2227; read second time, 2239; read third time, amended, 2406; placed on unfinished business file, 2550; read, amended, 2616; notice of reconsideration whereby amendments were adopted, 2641; notice of reconsideration waived, 2660; re-referred to Committee on Revenue and Taxation, 2788; returned by committee without action.....                                                          | 3483 |
| 44  | Introduced, to committee, 100; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3453 |
| 45  | Introduced, to committee, 103; from committee, 546; read second time, 585; read third time, passed, to Assembly, 712; from Assembly, to enrollment, 1354; to Governor.....                                                                                                                                                                                                                                                                                                                                                          | 1413 |
| 46  | Introduced, to committee, 103; from committee, 1565; read second time, amended and re-referred to committee, 1575; from committee, 2187; read second time, 2191; read third time, passed, to Assembly, 2420; from Assembly, to enrollment, 3005; to Governor.....                                                                                                                                                                                                                                                                   | 3323 |
| 47  | Introduced, to committee, 103; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3485 |
| 48  | Introduced, to committee, 103; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3462 |
| 49  | Introduced, to committee, 103; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3479 |
| 50  | Introduced, to committee, 103; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3466 |
| 51  | Introduced, to committee, 104; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3448 |
| 52  | Introduced, to committee, 104; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3449 |
| 53  | Introduced, to committee, 104; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3469 |

SENATE BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 54 Introduced, to committee, 113; from committee, 1119; read second time amended and re-referred to committee, 1141; from committee, 1144; read second time, 1196; read third time, passed to Assembly, 1791; from Assembly, to committee, 2264; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3276 |
| 55 Introduced, to committee, 113; from committee, 1118; read second time amended and re-referred to committee, 1142; from committee, 1115; read second time, 1134; Assembly action advised, 1526; read third time, passed, to Assembly, 1526; from Assembly, placed on unfinished business file, 1196; Assembly, amendments received 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000 | 3276 |
| 56 Introduced, to committee, 114; amended by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3296 |
| 57 Introduced, to committee, 113; from committee, 1280; read second time, amended and re-referred to committee, 1288; from committee, 1368; read second time, 1368; read third time, passed, 1663; read third time, passed, to Assembly, 1730; from Assembly, returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3487 |
| 58 Introduced, to committee, 113; from committee, 1521; read second time, amended and re-referred to committee, 1521; from committee, 1521; read second time, 1521; read third time, passed, to Assembly, 1581; from Assembly, to committee, 1581; to Governor, 2028; returned by Governor, 2407; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3506 |
| 59 Introduced, to committee, 113; from committee, 1281; read second time, amended and re-referred to committee, 1292; from committee, 2001; read second time, 2042; read third time, amended, 2065; read third time, passed, to Assembly, 2168; from Assembly, to committee, 2209; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3497 |
| 60 Introduced, to committee, 114; referred to committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3497 |
| 61 Introduced, to committee, 114; from committee, 574; read second time, amended, 599; read third time, passed, to Assembly, 726; from Assembly, 7610; Assembly action advised, 2028; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3417 |
| 62 Introduced, to committee, 114; from committee, 879; read second time, amended and re-referred to committee, 884; from committee, 1088; amended, 1094; read third time, passed, to Assembly, 1206; from Assembly, to Governor, 2027; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3476 |
| 63 Introduced, to committee, 114; from committee, 1280; read second time, amended, 1296; read third time, amended, 1673; re-referred to committee, 1673; read third time, 1741; returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3478 |
| 64 Introduced, to committee, 114; from committee, 2094; read second time, amended, 2706; read third time, passed to Assembly, 2783; from Assembly, returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3503 |
| 65 Introduced, to committee, 114; referred by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3488 |
| 66 Introduced, to committee, 121; from committee, 747; read second time, amended, 773; read third time, passed, to Assembly, 934; from Assembly, referred to unfinished business file, 2016; Assembly action advised, 2028; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3276 |
| 67 Introduced, to committee, 121; from committee, 747; read second time, 776; read third time, passed, to Assembly, 934; from Assembly, to committee, 2005; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3420 |
| 68 Introduced, to committee, 121; from committee, 846; read second time, amended, 865; read third time, passed, to Assembly, 1227; from Assembly, to enrollment, 2005; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3323 |
| 69 Introduced, to committee, 121; from committee, 2187; read second time, 2101; placed on unfinished business file, 2204; read third time, passed, to Assembly, 2028; from Assembly, to enrollment, 2062; to Governor, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3418 |
| 70 Introduced, to committee, 121; from committee, 1043; read second time, amended and re-referred to committee, 1080; from committee, 1243; read second time, 1249; read third time, passed, to Assembly, 1307; from Assembly, returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3503 |
| 71 Introduced, to committee, 122; from committee, 716; read second time, 739; read third time, passed, to Assembly, 929; Assembly notified of passage, refused, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3027 |
| 72 Introduced, to committee, 122; from committee, 944; read second time, 1004; placed on unfinished Business File, 1160; referred to Committee on Governmental Efficiency, 2285; returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3465 |
| 73 Introduced, to committee, 122; from committee, 546; read second time, 585; placed on unfinished business file, 1160; considered without reference to Committee on Finance, 2274; read third time, passed, to Assembly, 2275; from Assembly, returned by committee without action, -----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3503 |

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 74 Introduced, to committee, 122; from committee, 1243; read second time, amended, 1251; read third time, amended, 1958; read, amended, 2007; Call of the Senate, 2205; read third time, passage refused.....                                                                                                                                                                                                                                                                                                                                           | 2200 |
| 75 Introduced, to committee, 122; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3448 |
| 76 Introduced, to committee, 122; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3474 |
| 77 Introduced, to committee, 122; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3482 |
| 78 Introduced, to committee, 122; from committee, 2287; read second time, amended, 2296; re-referred to Committee on Roads and Highways, 2466; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                | 3488 |
| 79 Introduced, to committee, 122; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 80 Introduced, to committee, 123; from committee, 3065; read second time, 1005; read third time, passed, to Assembly, 1116; from Assembly, to enrollment, 3005; to Governor.....                                                                                                                                                                                                                                                                                                                                                                        | 3323 |
| 81 Introduced, to committee, 123; withdrawn from committee, 356; read second time, amended and re-referred to committee, 356; from committee, 1162; amended, 1183; read third time, passed, to Assembly, 1234; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                                                                                                                                                                     | 3197 |
| 82 Introduced, to committee, 123; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3488 |
| 83 Introduced, to committee, 123; from committee, re-referred to committee, 516; from committee, 2187; read second time, 2191; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2321; from Assembly, ordered to unfinished business file, 3062; Assembly amendments not concurred in, 3131; Assembly refuses to recede, appoints conference committee, 3255; Senate appoints conference committee, 3255; Assembly adopts conference report, 3320; Senate adopts conference report, to enrollment, 3270; to Governor..... | 3502 |
| 84 Introduced, to committee, 123; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3441 |
| 85 Introduced, to committee, 123; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3449 |
| 86 Introduced, to committee, 123; withdrawn from Committee on Revenue and Taxation and referred to Committee on Governmental Efficiency, 580; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                 | 3462 |
| 87 Introduced, to committee, 124; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 88 Introduced, to committee, 124; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3492 |
| 89 Introduced, to committee, 129; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3488 |
| 90 Introduced, to committee, 129; from committee, 579; read second time, amended, 609; read third time, passed, to Assembly, 858; from Assembly, placed on unfinished business file, 2146; Assembly amendments concurred in, to enrollment, 2170; to Governor.....                                                                                                                                                                                                                                                                                      | 2265 |
| 91 Introduced, to committee, 129; from committee, 746; read second time, amended, 770; read third time, passed, to Assembly, 930; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                                                                                                                                                                                                                                                  | 3197 |
| 92 Introduced, to committee, 129; from committee, 574; read second time, amended and re-referred to committee, 606; from committee, 881; amended, 903; read third time, amended, 1037; read third time, passed, to Assembly, 1152; from Assembly, ordered to unfinished business file, 2923; Assembly amendments concurred in, to enrollment, 3027; to Governor.....                                                                                                                                                                                    | 3449 |
| 93 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 94 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 95 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 96 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 97 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3458 |
| 98 Introduced, to committee, 130; from committee, 848; read second time, amended and re-referred to committee, 871; from committee, 1041; amended, 1077; read third time, passed, to Assembly, 1156; from Assembly, ordered to unfinished business file, 2901; Assembly amendments concurred in, to enrollment, 3033; to Governor.....                                                                                                                                                                                                                  | 3418 |
| 99 Introduced, to committee, 130; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3449 |
| 100 Introduced, without reference to committee, 130; read second time, amended, 218; message from Governor, recommending passage of, 240; urgency clause adopted, 240; read third time, passed, to Assembly, 240; from Assembly, to enrollment, 310; to Governor.....                                                                                                                                                                                                                                                                                   | 433  |
| 101 Introduced, to committee, 130; from committee, 2399; read second time, amended and re-referred to committee, 2402; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                        | 3449 |
| 102 Introduced, to committee, 131; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3418 |
| 103 Introduced, to committee, 139; from committee, 503; read second time, amended and re-referred to committee, 505; from committee, 749; amended, 749; read third time, amended, 794; read, amended, 811; made special order, 852; read, amended, 877; re-referred to Committee                                                                                                                                                                                                                                                                        |      |



SENATE BILLS—Continued

|                                                                                                                                                                                                                                                                                                                                                                        |  |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------|
| on Oil Industries, 1019; from committee, 1124; amended, 1125, 1364<br>read special order, 1524, 1772; special order vacated, 1589; Call of<br>the Senate, 1794, read third time, passage refused.                                                                                                                                                                      |  | 1795 |
| 101 Introduced, to committee, 120; from committee, 267; read second time,<br>amended, 267; returned to committee on Finance, 267; from committee,<br>267; read second time, 267; 1795 April from Senate to Assembly,<br>267; from Assembly, read and referred to Finance, 267; 1941; Assembly<br>committee on committee, 11, 267; Finance, 1941; Finance               |  | 2140 |
| 105 Introduced, to committee, 139; withdrawn from committee for second<br>order, 144; read second time, 144; read and referred to committee,<br>474; from committee, 1445; read second time, 1445; returned to committee,<br>1445; from committee, 2420, read, amended, and re-referred to<br>Committee on Education, 2425; returned by committee without action, 2440 |  | 2140 |
| 106 Introduced, to committee, 139; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 107 Introduced, to committee, 139; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 108 Introduced, to committee, 139; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 109 Introduced, to committee, 140; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 110 Introduced, to committee, 140; from committee, 1470; read second time,<br>1470; read third time, 1470; passed, 1470; read                                                                                                                                                                                                                                          |  | 3480 |
| 111 Introduced, to committee, 140; from committee, 1470; read second time,<br>1470; read third time, 1470; passed, 1470; from Assembly, to<br>enrollment, 1470; to Governor                                                                                                                                                                                            |  | 1470 |
| 112 Introduced, to committee, 140; from committee, 1470; read second time,<br>1470; read third time, 1470; passed, 1470; from Assembly, to<br>enrollment, 1470; to Governor                                                                                                                                                                                            |  | 1470 |
| 113 Introduced, to committee, 140; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 114 Introduced, to committee, 140; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 115 Introduced, to committee, 140; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 116 Introduced, to committee, 140; from committee, 1470; read second time,<br>1470; read third time, 1470; passed, 1470; from Assembly, to<br>enrollment, 1470; to Governor                                                                                                                                                                                            |  | 1470 |
| 117 Introduced, to committee, 141; from committee, 2747; read second time,<br>2747; read third time, 2747; passed, 2747; from Assembly, to<br>enrollment, 2747; to Governor                                                                                                                                                                                            |  | 2747 |
| 118 Introduced, to committee, 141; from committee, 1080; read second time,<br>1080; read third time, 1080; passed, 1080; from Assembly, to<br>enrollment, 1080; to Governor                                                                                                                                                                                            |  | 1080 |
| 119 Introduced, to committee, 141; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 120 Introduced, to committee, 141; from committee, 884; read second time,<br>884; read third time, 884; passed, 884; notice of motion to reconsider, 906;<br>notice of reconsideration, 906; to Assembly, 1010; passage refused by<br>Assembly                                                                                                                         |  | 2410 |
| 121 Introduced, to committee, 141; from committee, 2226; read second time,<br>2226; read third time, 2226; passed, 2226; returned by committee<br>without action                                                                                                                                                                                                       |  | 2406 |
| 122 Introduced, to committee, 141; from committee, 503; read second time,<br>503; read third time, 503; passed, 503; notice of motion to reconsider, 506;<br>notice of reconsideration, 506; to Assembly, to enrollment, 2062; to Governor                                                                                                                             |  | 2406 |
| 123 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 124 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 125 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 126 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 127 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 128 Introduced, to committee, 142; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 129 Introduced, to committee, 156; from committee, 1165; read second time,<br>1165; read third time, 1165; passed, 1165; returned by committee<br>without action                                                                                                                                                                                                       |  | 3445 |
| 130 Introduced, to committee, 156; returned by committee without action, 1480                                                                                                                                                                                                                                                                                          |  | 1480 |
| 131 Introduced, to committee, 156; from committee, 1165; read second time,<br>1165; read third time, 1165; passed, 1165; returned by committee<br>without action                                                                                                                                                                                                       |  | 3445 |
| 132 Introduced, to committee, 157; from committee, 1165; read second time,<br>1165; read third time, 1165; passed, 1165; returned by committee<br>without action                                                                                                                                                                                                       |  | 3445 |



## SENATE BILLS—Continued.

| No                                                                                                                                                                                                                                                                                                                                                                              | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 133 Introduced, to committee, 161; from committee, 714; read second time, 721; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2268; read third time, passed, to Assembly, 2268; from Assembly, placed on unfinished business file, 2671; Assembly amendments concurred in, to enrollment, 2673; to Governor -----              | 2780 |
| 134 Introduced, to committee, 161; from committee, 714; read second time, 721; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2268; read third time, passed, to Assembly, 2269; from Assembly, to enrollment, 2620; to Governor ----                                                                                           | 2780 |
| 135 Introduced, to committee, 161; from committee, 469; read second time, amended, 515; read third time, amended, 565; read third time, passed, to Assembly, 733; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3239; to Governor -----                                                                            | 3493 |
| 136 Introduced, to committee, 162; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3479 |
| 137 Introduced, to committee, 162; returned by committee without action ...                                                                                                                                                                                                                                                                                                     | 3470 |
| 138 Introduced, to committee, 162; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3470 |
| 139 Introduced, to committee, 162; from committee, 573; read second time, 605; read third time, passed, title amended, to Assembly, 740; from Assembly, placed on unfinished business file, 1936; Assembly amendments concurred in, to enrollment, 1954; to Governor, 2143; vetoed by Governor, 2554; placed on unfinished business file, 2554; Governor's veto sustained ----- | 2969 |
| 140 Introduced, to committee, 162; from committee, 573; read second time, 605; read third time, passed, title amended, to Assembly, 742; from Assembly, to enrollment, 1865; to Governor, 1969; vetoed by Governor, 2407; placed on unfinished business file, 2407; Governor's veto sustained -----                                                                             | 2969 |
| 141 Introduced, to committee, 162; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3465 |
| 142 Introduced, to committee, 162; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3465 |
| 143 Introduced, to committee, 163; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3466 |
| 144 Introduced, to committee, 163; from committee, 1907; read second time, amended and re-referred to committee, 1915; from committee, 2121; read second time, 2126; read third time, passed, to Assembly, 2261; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3241; to Governor -----                             | 3497 |
| 145 Introduced, to committee, 163; returned by committee without action -----                                                                                                                                                                                                                                                                                                   | 3461 |
| 146 Introduced, to committee, 163; from committee, 578; read second time, 604; read third time, passed, to Assembly, 742; from Assembly, placed on unfinished business file, 1865; Assembly amendments concurred in, to enrollment, 1923; to Governor -----                                                                                                                     | 1068 |
| 147 Introduced, to committee, 163; from committee, 574; read second time, amended, 605; re-referred to Committee on Irrigation, 1533; returned by committee without action -----                                                                                                                                                                                                | 3469 |
| 148 Introduced, to committee, 163; from committee, 574; read second time, amended and re-referred to committee, 606; from committee, 881; read second time, 903; read third time, passed, to Assembly, 958; from Assembly, to enrollment, 1863; to Governor -----                                                                                                               | 2028 |
| 149 Introduced, to committee, 163; from committee, 574; read second time, amended and re-referred to committee, 607; from committee, 881; read second time, 902; read third time, passed, to Assembly, 1036; from Assembly, to enrollment, 1863; to Governor -----                                                                                                              | 1097 |
| 150 Introduced, to committee, 164; from committee, 1278; read second time, amended and re-referred to Committee on Revenue and Taxation, 1287; returned by committee without action -----                                                                                                                                                                                       | 3483 |
| 151 Introduced, to committee, 164; returned by committee without action -----                                                                                                                                                                                                                                                                                                   | 3469 |
| 152 Introduced, to committee, 164; returned by committee without action -----                                                                                                                                                                                                                                                                                                   | 3469 |
| 153 Introduced, to committee, 164; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3470 |
| 154 Introduced, to committee, 164; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3458 |
| 155 Introduced, to committee, 164; returned by committee without action ----                                                                                                                                                                                                                                                                                                    | 3458 |
| 156 Introduced, to committee, 164; from committee, 578; read second time, 604; read third time, passed, to Assembly, 739; from Assembly, to enrollment, 3005; to Governor -----                                                                                                                                                                                                 | 3323 |
| 157 Introduced, to committee, 164; returned by committee without action -----                                                                                                                                                                                                                                                                                                   | 3470 |
| 158 Introduced, to committee, 165; from committee, 545; read second time, amended, 583; read third time, passed, to Assembly, 712; from Assembly, returned by committee without action -----                                                                                                                                                                                    | 3503 |
| 159 Introduced, to committee, 165; from committee, 234; read second time, amended, 234; urgency clause adopted, 315; read third time, passed, to Assembly, 315; from Assembly, to enrollment, 346; to Governor ----                                                                                                                                                             | 433  |

ASSEMBLY BILLS—Continued

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 160 | Introduced, to committee, 165; from committee, 880; read second time, 896; read third time, passed, to Assembly, 928; from Assembly, ordered to unfinished business file, 2641; Assembly amendments concurred in, to enrollment, 3064; to Governor.                                                                                                                                                                                                                                                                                                                                                                         | 3418 |
| 161 | Introduced, to committee, 165; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3443 |
| 162 | Introduced, to committee, 165; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3444 |
| 163 | Introduced, to committee, 165; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3444 |
| 164 | Introduced, to committee, 166; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3466 |
| 165 | Introduced, to committee, 166; from committee, 1415; read second time, 1496; read third time, passed, to Assembly, 1580; from Assembly, to enrollment, 2694; to Governor.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3497 |
| 166 | Introduced, to committee, 166; from committee, 1616; read second time, passed, 1675; read third time, passed, 1686; from Assembly, amended and referred to committee, 1554; read third time, passed, 1555; from Assembly, applied to unfinished business file, 324; Assembly amendments not concurred in, 3228; Assembly passed to finish file, conference, 306; from Assembly, returned to committee, 3258; Assembly adjourns conference report, 3125; Senate adjourns conference, for conferring conference report, to committee, 3071; referred to Committee on Agriculture, 3071; returned by committee without action. | 3441 |
| 167 | Introduced, to committee, 166; from committee, 715; read second time, 729; read third time, passed, 796; read third time, passed, to Assembly, 167; from Assembly, ordered to unfinished business file.                                                                                                                                                                                                                                                                                                                                                                                                                     | 3466 |
| 168 | Introduced, to committee, 166; from committee, 1690; read second time, 1640; read third time, passed, to Assembly, 1695; from Assembly, ordered to unfinished business file, 2603; Assembly amendments concurred in, to enrollment, 2670; to Governor.                                                                                                                                                                                                                                                                                                                                                                      | 3418 |
| 169 | Introduced, to committee, 166; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 345  |
| 170 | Introduced, to committee, 166; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 342  |
| 171 | Introduced to committee, 166; from committee, 2015; read second time, 2018; read third time, passed, 2260; read second time, 2114; read third time, passed, 2340; report of committee, 2560; report of motion to reconsider confirmed, 2591; reconsideration granted, referred to Committee on Motor Vehicles, 2694; returned by committee without action.                                                                                                                                                                                                                                                                  | 3477 |
| 172 | Introduced, to committee, 166; from committee, 1900; read second time, 1910; read third time, passed, to Assembly, 1966; from Assembly, to enrollment, 3065; to Governor.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3462 |
| 173 | Introduced, to committee, 167; from committee, 469; read second time, 512; read third time, amended, 541; read third time, passed, to Assembly, 564; from Assembly, to enrollment, 1012; to Governor.                                                                                                                                                                                                                                                                                                                                                                                                                       | 3462 |
| 174 | Introduced, to committee, 167; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3480 |
| 175 | Introduced, to committee, 167; from committee, 1245; read second time, 1251; read third time, passed, to Assembly, 1487; from Assembly, returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3466 |
| 176 | Introduced, to committee, 167; from committee, 546; read second time, amended, 587; read third time, passed, to Assembly, 730; from Assembly, to enrollment, 3065; to Governor.                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3466 |
| 177 | Introduced, to committee, 167; from committee, 578; read second time, 605; read third time, passed, to Assembly, 741; from Assembly, returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3502 |
| 178 | Introduced, to committee, 183; from committee, 1718; read second time, amended and referred to committee, 1724; from committee, 2229; read second time, 2239; read third time, passed, 2430; action of motion to reconsider, 2341; reconsideration waived to Assembly, 2298; from Assembly, ordered to unfinished business file, 3062; Assembly amendments concurred in, to enrollment, 3267; to Governor.                                                                                                                                                                                                                  | 3499 |
| 179 | Introduced, to committee, 183; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3458 |
| 180 | Introduced, to committee, 183; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3458 |
| 181 | Introduced, to committee, 183; from committee, 578; read second time, 604; read third time, passed, to Assembly, 730; from Assembly, to enrollment, 1863; to Governor.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1969 |
| 182 | Introduced, to committee, 184; from committee, 1858; read second time, amended and referred to committee, 1874; from committee, 2229; read second time, 2239; read third time, passed, to Assembly, 2477; from Assembly, ordered to unfinished business file, 3062; Assembly amendments concurred in, to enrollment, 3228; to Governor.                                                                                                                                                                                                                                                                                     | 3497 |

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                 | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 183 Introduced, to committee, 184; withdrawn from Committee on Revenue and Taxation and referred to Committee on Governmental Efficiency, 580; from committee, 1162; read second time, amended, 1183; read third time, passed, to Assembly, 1367; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3240; to Governor..... | 3498 |
| 184 Introduced, to committee, 184; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3496 |
| 185 Introduced, to committee, 184; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3484 |
| 186 Introduced, to committee, 184; from committee, 1975; read second time, amended, 1981; placed on unfinished business file, 2168; read third time, amended, 2425; urgency clause adopted, 2495; call of the Senate, 2495; read third time, passed, to Assembly, 2497; urgency clause refused adoption by Assembly, died on Assembly calendar.....                                 | 3211 |
| 187 Introduced, to committee, 184; from committee, 574; read second time, 600; read third time, passed, to Assembly, 734; from Assembly, placed on unfinished business file, 1865; Assembly amendments concurred in, to enrollment, 1924; to Governor.....                                                                                                                          | 2101 |
| 188 Introduced, to committee, 184; from committee, 754; read second time, 782; read third time, passed, to Assembly, 955; from Assembly, to enrollment, 2924; to Governor.....                                                                                                                                                                                                      | 3276 |
| 189 Introduced, to committee, 185; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3452 |
| 190 Introduced, to committee, 185; from committee, 2188; read second time, amended and re-referred to Committee on Finance, 2193; returned by committee without action.....                                                                                                                                                                                                         | 3453 |
| 191 Introduced, to committee, 185; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3477 |
| 192 Introduced, to committee, 185; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3485 |
| 193 Introduced, to committee, 185; from committee, 574; read second time, amended, 605; read third time, passed, to Assembly, 795; from Assembly, to enrollment, 1863; to Governor.....                                                                                                                                                                                             | 2028 |
| 194 Introduced, to committee, 185; from committee, 755; read second time, 783; read third time, passed, to Assembly, 937; from Assembly, to enrollment, 2922; to Governor.....                                                                                                                                                                                                      | 3197 |
| 195 Introduced, to committee, 185; from committee, 519; read second time, amended and re-referred to committee, 552; from committee, 755; amended and re-referred to committee, 783; from committee, 1600; amended, 1613; read third time, passed, to Assembly, 1609; from Assembly, to enrollment, 3005; to Governor.....                                                          | 3323 |
| 196 Introduced, to committee, 185; from committee, 1376; read second time, 1390; read third time, passed, to Assembly, 1553; from Assembly, to enrollment, 3209; to Governor.....                                                                                                                                                                                                   | 3492 |
| 197 Introduced, to committee, 185; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3476 |
| 198 Introduced, to committee, 186; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3481 |
| 199 Introduced, to committee, 186; from committee, 1119; read second time, 1140; read third time, passed, to Assembly, 1293; from Assembly, to enrollment, 2924; to Governor.....                                                                                                                                                                                                   | 3197 |
| 200 Introduced, to committee, 186; from committee, 715; read second time, 724; made special order, 799; consideration continued, 840; read third time, passed, to Assembly, 893; from Assembly, 1321; Assembly amendments concurred in, to enrollment, 1321; to Governor.....                                                                                                       | 1388 |
| 201 Introduced, to committee, 186; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3487 |
| 202 Introduced, to committee, 186; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3487 |
| 203 Introduced, to committee, 186; from committee, 1717; read second time, 1723; read third time, passed, to Assembly, 1812; passage refused by Assembly.....                                                                                                                                                                                                                       | 3119 |
| 204 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3418 |
| 205 Introduced, to committee, 187; from committee, 929; read second time, 947; read third time, passed, to Assembly, 1061; from Assembly, ordered to unfinished business file, 2991; Assembly amendments concurred in, to enrollment, 3051; to Governor.....                                                                                                                        | 3418 |
| 206 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3476 |
| 207 Introduced, to committee, 187; from committee, 1279; read second time, 1291; read third time, passed, to Assembly, 1525; from Assembly, to enrollment, 2924; to Governor.....                                                                                                                                                                                                   | 3197 |
| 208 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3477 |
| 209 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3477 |
| 210 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3485 |
| 211 Introduced, to committee, 187; returned by committee without action....                                                                                                                                                                                                                                                                                                         | 3489 |
| 212 Introduced, to committee, 187; from committee, 579; read second time, amended and re-referred to committee, 609; from committee, 1280; read and amended, 1292; read third time, passed, to Assembly, 1492; from Assembly, ordered to unfinished business file, 2923; Assembly amendments concurred in, to enrollment, 3027; to Governor.....                                    | 3419 |



## SENATE BILL—Continued.

[illegible]



## SENATE BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PAGE |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 238 | Introduced, to committee, 191; returned by committee without action...                                                                                                                                                                                                                                                                                                                                                                                                 | 3487 |
| 239 | Introduced, to committee, 191; returned by committee without action...                                                                                                                                                                                                                                                                                                                                                                                                 | 3459 |
| 240 | Introduced, to committee, 191; from committee, 1940; read second time, amended and re-referred to committee, 1947; from committee, 2189; amended, 2196; placed on unfinished business file, 2550; read third time, passed, to Assembly, 2624; from Assembly, to enrollment, 3110; to Governor                                                                                                                                                                          | 3498 |
| 241 | Introduced, to committee, 191; from committee, 504; read second time, amended and re-referred to committee, 513; from committee, 965; amended and re-referred to Committee on Governmental Efficiency, 1005; withdrawn from committee for amendment, amended, and re-referred to committee, 1369; from committee, 1600; read, amended, 1618; made special order, 1702; read third time, passed, to Assembly, 1747; from Assembly, returned by committee without action | 3503 |
| 242 | Introduced, to committee, 191; from committee, 1718; read second time, amended and re-referred to Committee on Corporations and Financial Institutions, 1727; returned by committee without action                                                                                                                                                                                                                                                                     | 3446 |
| 243 | Introduced, to committee, 191; from committee, 2230; read second time, amended, 2240; read third time, passed, to Assembly, 2415; from Assembly, to enrollment, 3005; to Governor                                                                                                                                                                                                                                                                                      | 3323 |
| 244 | Introduced, to committee, 191; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                    | 3459 |
| 245 | Introduced, to committee, 191; from committee, 546; read second time, 585; read third time, passed, 789; notice of motion to reconsider, 799; action relative to passage rescinded, 891; referred to Committee on Finance, 891; from committee, 2187; read second time, 2192; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2273; from Assembly, to enrollment, 2364; to Governor                                                    | 2548 |
| 246 | Introduced, to committee, 192; from committee, 546; read second time, 585; read third time, passed, 789; notice of motion to reconsider, 799; action relative to passage rescinded, 891; referred to Committee on Finance, 891; from committee, 2187; read second time, 2192; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2273; from Assembly, to enrollment, 2364; to Governor                                                    | 2548 |
| 247 | Introduced, to committee, 192; from committee, 546; read second time, 585; read third time, passed, 789; notice of motion to reconsider, 799; action relative to passage rescinded, 891; referred to Committee on Finance, 891; from committee, 2187; read second time, 2192; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2274; from Assembly, to enrollment, 2364; to Governor                                                    | 2548 |
| 248 | Introduced, to committee, 192; from committee, 1044; read second time, amended and re-referred to committee, 1084; from committee, 1242; referred to Committee on Finance, 1242; from committee, 2187; read second time, 2192; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2274; from Assembly, to enrollment, 2364; to Governor                                                                                                   | 2548 |
| 249 | Introduced, to committee, 192; from committee, 546; read second time, 585; read third time, passed, 790; notice of motion to reconsider, 799; action relative to passage rescinded, 891; referred to Committee on Finance, 891; from committee, 2188; read second time, 2192; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2274; from Assembly, to enrollment, 2364; to Governor                                                    | 2548 |
| 250 | Introduced, to committee, 192; from committee, 1163; read second time, 1183; read third time, amended, 1267; read third time, passed, to Assembly, 1399; from Assembly, returned by committee without action                                                                                                                                                                                                                                                           | 3503 |
| 251 | Introduced, to committee, 192; from committee, 1163; read second time, 1184; read third time, amended, 1267; read third time, passed, to Assembly, 1399; from Assembly, returned by committee without action                                                                                                                                                                                                                                                           | 3503 |
| 252 | Introduced, to committee, 192; from committee, 1163; read second time, 1184; read third time, amended, 1267; read third time, passed, to Assembly, 1399; from Assembly, placed on unfinished business file, 2323; Assembly amendments concurred in, to enrollment, 2373; to Governor                                                                                                                                                                                   | 2428 |
| 253 | Introduced, to committee, 193; from committee, 1751; read second time, amended, 1759; read third time, passed, to Assembly, 1889; from Assembly, to enrollment, 3319; to Governor                                                                                                                                                                                                                                                                                      | 3499 |
| 254 | Introduced, to committee, 193; from committee, 1751; read second time, amended, 1760; read third time, amended, 1889; read third time, passed to Assembly, 1991; from Assembly, to enrollment, 3319; to Governor                                                                                                                                                                                                                                                       | 3499 |
| 255 | Introduced, to committee, 193; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                    | 3489 |
| 256 | Introduced, to committee, 193; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                    | 3489 |

SENATE BILLS—Continued

|                                                                                                                                                                                                                                                                                                           | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 257 Introduced, to committee, 193; from committee, 879; read second time, 880; read third time, passed, to Assembly, 957; from Assembly, returned to committee, 957; to Governor.                                                                                                                         | 3197 |
| 258 Introduced, to committee, 193; from committee, 879; read second time, 880; read third time, passed, to Assembly, 957; from Assembly, to committee, 957; to Governor.                                                                                                                                  | 3197 |
| 259 Introduced, to committee, 193; withdrawn from committee, to Governor, without action, and referred to Committee on Revision of Criminal Law and Procedure, 180; from committee, 744; read second time, 721; read third time, passed, to Assembly, 795; from Assembly, to committee, 795; to Governor. | 1969 |
| 260 Introduced, to committee, 193; from committee, 1241; read second time, 1244; read third time, passed, to Assembly, 1488; from Assembly, to committee, 1488; to Governor.                                                                                                                              | 1067 |
| 261 Introduced, to committee, 193; returned by committee without action.                                                                                                                                                                                                                                  | 3189 |
| 262 Introduced, to committee, 194; from committee, 1836; read second time, 1837; read third time, passed, to Assembly, 1871; from Assembly, to committee, 1871; returned by committee without action.                                                                                                     | 3187 |
| 263 Introduced, and kept in file, 265; introduced second time, read by committee, 265; Committee on Revision of Criminal Law and Procedure, 265; read second time, 266; read third time, passed, to Assembly, 266; from Assembly, to committee, 266; to Governor.                                         | 477  |
| 264 Introduced, to committee, 193; from committee, 941; read second time, 942; read third time, passed, to Assembly, 1071; from Assembly, to committee, 1071; to Governor.                                                                                                                                | 3197 |
| 265 Introduced, to committee, 201; from committee, 940; read second time, 942; read third time, passed, to Assembly, 1073; from Assembly, returned to committee because of 2094; Assembly amendments concurred in, 2094; read fourth time, 2101; to Governor.                                             | 3498 |
| 266 Introduced, to committee, 201; returned by committee without action.                                                                                                                                                                                                                                  | 3480 |
| 267 Introduced, to committee, 201; from committee, 714; read second time, 717; read third time, passed, to Assembly, 795; from Assembly, to committee, 795; to Governor.                                                                                                                                  | 3276 |
| 268 Introduced, to committee, 201; returned by committee without action.                                                                                                                                                                                                                                  | 3479 |
| 269 Introduced, to committee, 201; returned by committee without action.                                                                                                                                                                                                                                  | 3479 |
| 270 Introduced, to committee, 201; returned by committee without action.                                                                                                                                                                                                                                  | 3479 |
| 271 Introduced, to committee, 202; from committee, 1279; read second time, 1280; read third time, passed, to Assembly, 1876; from Assembly, to committee, 1876; read second time, 1876; read third time, passed, to Assembly, 2060; from Assembly, to committee, 2060; to Governor.                       | 3478 |
| 272 Introduced, to committee, 202; returned by committee without action.                                                                                                                                                                                                                                  | 3480 |
| 273 Introduced, to committee, 202; returned by committee without action.                                                                                                                                                                                                                                  | 3479 |
| 274 Introduced, to committee, 202; from committee, 1566; read second time, amended, 1576; read third time, passed, to Assembly, 1649; from Assembly, to committee, 1649; to Governor.                                                                                                                     | 1068 |
| 275 Introduced, to committee, 202; returned by committee without action.                                                                                                                                                                                                                                  | 3481 |
| 276 Introduced, to committee, 202; from committee, 576; read second time, 601; read third time, passed, to Assembly, 736; from Assembly, to committee, 736; to Governor.                                                                                                                                  | 3197 |
| 277 Introduced, to committee, 202; from committee, 1116; read second time, amended, 1128; read third time, passed, to Assembly, 1227; from Assembly, to committee, 1227; to Governor.                                                                                                                     | 3197 |
| 278 Introduced, to committee, 202; from committee, 576; read second time, 601; read third time, passed, to Assembly, 737; from Assembly, returned to committee because of 3602; Assembly amendments concurred in, to committee, 3144; to Governor.                                                        | 3496 |
| 279 Introduced, to committee, 202; from committee, 576; read second time, 601; read third time, passed, to Assembly, 737; from Assembly, to committee, 737; to Governor.                                                                                                                                  | 3200 |
| 280 Introduced, to committee, 202; returned by committee without action.                                                                                                                                                                                                                                  | 3478 |
| 281 Introduced, to committee, 202; returned by committee without action.                                                                                                                                                                                                                                  | 3448 |
| 282 Introduced, to committee, 202; from committee, 940; read second time, 940; read third time, passed, to Assembly, 1109; passage refused by Assembly.                                                                                                                                                   | 3200 |

## SENATE BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PAGE |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 283 | Introduced, to committee, 203; from committee, 1311; read second time, 1323; re-referred to Committee on Judiciary, 2550; from committee, 2642; amended, 2647; read third time, passed, to Assembly, 2746; from Assembly, ordered to unfinished business file, 3241; Assembly amendments concurred in, to enrollment, 3233; to Governor-----                                                                                                                                                                                                                                                 | 3493 |
| 284 | Introduced, to committee, 203; returned by committee without action----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3482 |
| 285 | Introduced, to committee, 203; from committee, 1315; read second time, amended, 1325; urgency clause adopted, 1701; read third time, passed, to Assembly, 1701; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3150; to Governor-----                                                                                                                                                                                                                                                                                            | 3493 |
| 286 | Introduced, to committee, 204; from committee, 1119; read second time, amended, 1136; read third time, passed, to Assembly, 1229; from Assembly, to enrollment, 3003; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                       | 3449 |
| 287 | Introduced, to committee, 204; returned by committee without action----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3489 |
| 288 | Introduced, to committee, 204; from committee, 714; read second time, 722; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2270; read third time, passed, to Assembly, 2270; from Assembly, placed on unfinished business file, 2671; Assembly amendments concurred in, to enrollment, 2672; to Governor-----                                                                                                                                                                                                                                | 2780 |
| 289 | Introduced, to committee, 204; from committee, 714; read second time, 722; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2269; read third time, passed, to Assembly, 2269; from Assembly, to enrollment, 2620; to Governor----                                                                                                                                                                                                                                                                                                             | 2780 |
| 290 | Introduced, to committee, 204; from committee, 714; read second time, 722; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2269; read third time, passed, to Assembly, 2269; from Assembly, to enrollment, 2620; to Governor----                                                                                                                                                                                                                                                                                                             | 2780 |
| 291 | Introduced, to committee, 204; from committee, 714; read second time, 722; placed on unfinished business file, 1107; considered without reference to Committee on Finance, 2270; read third time, passed, to Assembly, 2270; from Assembly, to enrollment, 2620; to Governor-----                                                                                                                                                                                                                                                                                                            | 2780 |
| 292 | Introduced, to committee, 205; from committee, 2013; read second time, 2192; placed on unfinished business file, 2264; read second time, amended and re-referred to committee, 2018; from committee, 2187; read third time, passed, to Assembly, 2397; from Assembly, to enrollment, 3005; to Governor-----                                                                                                                                                                                                                                                                                  | 3323 |
| 293 | Introduced, to committee, 205; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3489 |
| 294 | Introduced, to committee, 205; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3485 |
| 295 | Introduced, to committee, 205; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3485 |
| 296 | Introduced, to committee, 205; from committee, 1164; read second time, 1180; read third time, passed, to Assembly, 1958; from Assembly, ordered to unfinished business file, 3303; Assembly amendments concurred in, to enrollment, 3307; to Governor-----                                                                                                                                                                                                                                                                                                                                   | 3499 |
| 297 | Introduced, to committee, 205; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3489 |
| 298 | Introduced, to committee, 205; from committee, 1798; read second time, amended and re-referred to committee, 1803; from committee, 1976; read second time, 1982; read third time, passed, to Assembly, 2068; from Assembly, ordered to unfinished business file, 2991; Assembly amendments concurred in, to enrollment, 3054; to Governor-----                                                                                                                                                                                                                                               | 3493 |
| 299 | Introduced, to committee, 205; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3448 |
| 300 | Introduced, to committee, 206; from committee, 2360; read second time, amended, 2375; read third time, passed, to Assembly, 2425; from Assembly, to enrollment, 3319; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                       | 3509 |
| 301 | Introduced, to committee, 206; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3487 |
| 302 | Introduced, to committee, 206; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3485 |
| 303 | Introduced, to committee, 206; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3484 |
| 304 | Introduced, to committee, 206; from committee, 880; read second time, amended and re-referred to committee, 897; from committee, 1316; amended, 1329; placed on unfinished business file, 1888, 2032; read third time, amended, 1980; made special order, 2032, 2150; considered in committee of the whole, 2149; re-referred to Committee on Revenue and Taxation, 2398; from committee, 2473; amended, 2498; read third time, passed, to Assembly, 2551; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3242; to Governor----- | 3497 |
| 305 | Introduced, to committee, 206; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3489 |
| 306 | Introduced, to committee, 206; from committee, 939; read second time, 947; read third time, passed, to Assembly, 1062; from Assembly, to enrollment, 3290; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                  | 3500 |



SENATE BILLS—Continued.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 309 Introduced, held in abey. 219; read second time, 231; message from Governor recommending passage of, 269; read third time and act of the Senate, 269; signed and returned, 277; read third time, passed, to Assembly, 271; Gov. A. J. Benson, 277; to Governor, 277                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 427  |
| 308 Introduced, to committee, 219; from committee, 1116; read second time, 1192; read third time, passed, to Assembly, 1207; from Assembly, ordered to unfinished business file, 1206; Assembly amendments concurred in, to enrollment, 1264; to Governor, 1264                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1228 |
| 309 Introduced, to committee, 219; from committee, 882; read second time, amended and re-referred to Committee on Civil Service, 907; from committee, 1007; amended and re-referred to committee, 1190; from committee, 1306; read second time, 1326; read third time, amended, 1407; made amendments, 1409; 8-10-10; passed the committee of the whole, to report, 1641; read, 1642; passed on suspended session, the 20th, and enrolled, 1684; without hold on unfinished business, 1713; read second time, 1814; read third time, 1882; read third time, passed to Assembly, 1875; from Assembly, ordered to unfinished business file, 2004; Assembly amendments concurred in, to enrollment, 2009; to Governor, 2009 | 1430 |
| 310 Introduced, to committee, 220; from committee, 882; read second time, amended and re-referred to committee, 986; from committee, 1414; amended, 1495; signed and returned, 1500; read third time, passed, to Assembly, 1500; from Assembly, to enrollment, 2214; to Governor, 2214                                                                                                                                                                                                                                                                                                                                                                                                                                   | 224  |
| 311 Introduced, to committee, 220; returned by committee without action, 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 220  |
| 312 Introduced, to committee, 220; from committee, 82; read second time, 984; read third time, passed, to Assembly, 1073; from Assembly, to enrollment, 1079; to Governor, 1079                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1076 |
| 313 Introduced, to committee, 220; from committee, 575; read second time, 690; read third time, amended, 1907; read third time, passed, to Assembly, 1907; from Assembly, ordered to unfinished business file, 2001; Assembly amendments concurred in, to enrollment, 2056; to Governor, 2056                                                                                                                                                                                                                                                                                                                                                                                                                            | 2056 |
| 314 Introduced, to committee, 220; from committee, 1194; read second time, amended and re-referred to committee, 1189; from committee, 1345; read third time, 1361; read third time, passed, to Assembly, 1528; to Governor, 1528                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1526 |
| 315 Introduced, to committee, 220; returned by committee without action, 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 220  |
| 316 Introduced, to committee, 220; returned by committee without action, 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 220  |
| 317 Introduced, to committee, 220; returned by committee without action, 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 220  |
| 318 Introduced, to committee, 220; returned by committee without action, 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 220  |
| 319 Introduced, to committee, 221; from committee, 1195; read second time, amended and re-referred to Committee on Education, 1264; returned by committee without action, 1264                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1264 |
| 320 Introduced, to committee, 221; returned by committee without action, 221                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 221  |
| 321 Introduced, to committee, 221; from committee, 1162; read second time, amended and re-referred to committee, 1225; from committee, 2188; read second time, 2194; placed on unfinished business file, 2204; read third time, passed, to Assembly, 2327; from Assembly, ordered to unfinished business file, 2601; Assembly amendments concurred in, to enrollment, 2656; to Governor, 2656                                                                                                                                                                                                                                                                                                                            | 2498 |
| 322 Introduced, to committee, 221; from committee, 2191; read second time, returned, 2126; read third time, passed, to Assembly, 2206; from Assembly, to enrollment, 2405; to Governor, 2405                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2423 |
| 323 Introduced, to committee, 221; from committee, 470; read second time, 512; read third time, passed, to Assembly, 708; from Assembly, to enrollment, 1863; to Governor, 1968; voted by Governor, 2341; passed on unfinished business file, 2341; Governor's veto, sustained, 2341                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2467 |
| 324 Introduced, to committee, 221; returned by committee without action, 221                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2445 |
| 325 Introduced, to committee, 221; returned by committee without action, 221                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2464 |
| 326 Introduced, to committee, 222; from committee, 1565; read second time, amended and re-referred to committee, 1575; from committee, 2288; amended, 2304; read third time, passed, to Assembly, 2466; from Assembly, ordered to unfinished business file, 2601; Assembly amendments concurred in, to enrollment, 3056; to Governor, 3056                                                                                                                                                                                                                                                                                                                                                                               | 3493 |
| 327 Introduced, to committee, 222; from committee, 545; read second time, 581; read third time, passed, to Assembly, 742; from Assembly, to enrollment, 2022; to Governor, 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3276 |
| 328 Introduced, to committee, 222; from committee, 1905; read second time, 1910; read third time, passed, to Assembly, 1966; from Assembly, returned by committee without action, 1966                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5502 |



## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                          | PAGE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 329 Introduced, to committee, 222; from committee, 307; read second time, 307; urgency clause adopted, 308; read third time, passed, to Assembly, 308; from Assembly, 356; Assembly amendments concurred in, to enrollment, 357; to Governor-----                                                                                                                                            | 434  |
| 330 Introduced, to committee, 222; from committee, 846; read second time, 863; read third time, passed, to Assembly, 955; from Assembly, ordered to unfinished business file, 2923; re-referred to Committee on Motor Vehicles, 3059; withdrawn from Committee on Motor Vehicles, 3402; Assembly amendments concurred in, to enrollment, 3417; to Governor-----                              | 3502 |
| 331 Introduced, to committee, 222; from committee, 1568; read second time, amended and re-referred to committee, 1581; from committee, 1858; amended, 1868; read third time, passed, to Assembly, 1958; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3242; to Governor-----                                                    | 3498 |
| 332 Introduced, to committee, 223; returned by committee without action-----                                                                                                                                                                                                                                                                                                                 | 3449 |
| 333 Introduced, to committee, 223; from committee, 940; read second time, amended and re-referred to committee, 949; from committee, 2288; read second time, 2304; urgency clause adopted, 2422; read third time, passed, to Assembly, 2422; from Assembly, to enrollment, 3119; to Governor-----                                                                                            | 3418 |
| 334 Introduced, held at desk, 223; read second time, 251; urgency clause adopted, 277; read third time, passed, to Assembly, 277; from Assembly, to enrollment, 346; to Governor-----                                                                                                                                                                                                        | 434  |
| 335 Introduced, to committee, 223; returned by committee without action-----                                                                                                                                                                                                                                                                                                                 | 3489 |
| 336 Introduced, to committee, 223; from committee, 714; read second time, 722; read third time, passed, to Assembly, 812; from Assembly, to enrollment, 2922; to Governor-----                                                                                                                                                                                                               | 3197 |
| 337 Introduced, to committee, 223; returned by committee without action-----                                                                                                                                                                                                                                                                                                                 | 3466 |
| 338 Introduced, to committee, 223; from committee, 713; read second time, amended, 721; read third time, passed, to Assembly, 795; from Assembly, to enrollment, 1863; to Governor-----                                                                                                                                                                                                      | 1968 |
| 339 Introduced, to committee, 223; from committee, 1120; read second time, 1144; read third time, passed, to Assembly, 1301; from Assembly, to enrollment, 3210; to Governor-----                                                                                                                                                                                                            | 3493 |
| 340 Introduced, to committee, 224; from committee, 848; read second time, amended and re-referred to committee, 872; from committee, 1120; read second time, 1144; read third time, passed, to Assembly, 1301; from Assembly, to enrollment, 3319; to Governor-----                                                                                                                          | 3500 |
| 341 Introduced, to committee, 224; from committee, 848; read second time, amended and re-referred to committee, 872; from committee, 1120; read second time, 1144; read third time, passed, to Assembly, 1301; from Assembly, to enrollment, 3210; to Governor-----                                                                                                                          | 3496 |
| 342 Introduced, to committee, 224; from committee, 849; read second time, amended and re-referred to committee, 872; from committee, 1120; read second time, 1144; read third time, passed, 1304; notice of motion to reconsider, 1308; notice of motion to reconsider continued, 1322; reconsideration refused, to Assembly, 1354; from Assembly, returned by committee without action----- | 3503 |
| 343 Introduced, to committee, 224; from committee, 1690; read second time, amended, 1696; read third time, passed, to Assembly, 1773; from Assembly, ordered to unfinished business file, 2991; Assembly amendments concurred in, to enrollment, 3057; to Governor-----                                                                                                                      | 3419 |
| 344 Introduced, to committee, 224; from committee, 847; read second time, amended and re-referred to committee, 865; from committee, 1161; amended and re-referred to committee, 1182; from committee, 1417; read, amended, 1502; read third time, passed, to Assembly, 1664; from Assembly, to enrollment, 3210; to Governor-----                                                           | 3493 |
| 345 Introduced, to committee, 224; returned by committee without action-----                                                                                                                                                                                                                                                                                                                 | 3481 |
| 346 Introduced, to committee, 224; from committee, 847; read second time, amended, re-referred to committee, 868; from committee, 1042; read second time, 1079; read third time, passed, 1306; notice of motion to reconsider, 1308; notice of motion to reconsider continued, 1322, 1353; reconsideration waived, to Assembly, 1390; from Assembly to enrollment, 3210; to Governor-----    | 3493 |
| 347 Introduced, to committee, 224; from committee, 848; read second time, amended and re-referred to committee, 869; from committee, 1120; read second time, 1144; read third time, passed, to Assembly, 1305; from Assembly, to enrollment, 3209; to Governor-----                                                                                                                          | 3493 |
| 348 Introduced, to committee, 225; returned by committee without action-----                                                                                                                                                                                                                                                                                                                 | 3487 |

## SENATE BILLS—Continued

[illegible]

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PAGE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 368 Introduced, to committee, 253; from committee, 1042; read second time, amended, 1079; read third time, amended, 1106; read third time, passed, to Assembly, 1489; passage refused by Assembly                                                                                                                                                                                                                                                                                                        | 3425 |
| 369 Introduced, to committee, 253; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3453 |
| 370 Introduced, to committee, 253; from committee, 2724; read second time, amended, 2724; read third time, passed, to Assembly, 2781; from Assembly, to enrollment, 3210; to Governor                                                                                                                                                                                                                                                                                                                    | 3493 |
| 371 Introduced, to committee, 254; from committee, 1312; read second time, 1324; read third time, passed, to Assembly, 1525; from Assembly, ordered to unfinished business file, 2923; Assembly amendments not concurred in, 3028; Assembly refuses to recede, appoints conference committee, 3120; Senate appoints conference committee, 3120; referred to Committee on Judiciary, 3333; returned by committee without action                                                                           | 3472 |
| 372 Introduced, to committee, 254; from committee, 1282; read second time, amended and re-referred to committee, 1297; from committee, 1516; read second time, 1541; placed on unfinished business file, 1640; read third time, amended, 2276; considered by unanimous consent without reference to Committee on Finance, 2371; read third time, passed, to Assembly, 2371; from Assembly, ordered to unfinished business file, 2991; Assembly amendments concurred in, to enrollment, 3058; to Governor | 3498 |
| 373 Introduced, to committee, 254; from committee, 2015; read second time, amended and re-referred to committee, 2019; from committee, 2186; read second time, 2191; read third time, amended, 2261; read third time, passed, to Assembly, 2396; from Assembly, to enrollment, 3005; to Governor                                                                                                                                                                                                         | 3323 |
| 374 Introduced, to committee, 254; from committee, 2289; read second time, amended, 2296, re-referred to committee, 2775; read third time, amended, 2625; placed on unfinished business file, 2662; returned by committee without action                                                                                                                                                                                                                                                                 | 3479 |
| 375 Introduced, to committee, 254; from committee, 1119; read second time, amended and re-referred to Committee on Judiciary, 1141; returned by committee without action                                                                                                                                                                                                                                                                                                                                 | 3470 |
| 376 Introduced, to committee, 254; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3485 |
| 377 Introduced, to committee, 255; from committee, 846; read second time, amended, 876; read third time, passed, to Assembly, 1060; from Assembly, ordered to unfinished business file, 2916; Assembly amendments concurred in, to enrollment, 2935; to Governor                                                                                                                                                                                                                                         | 3198 |
| 378 Introduced, to committee, 255; from committee, 846; read second time, 863; read third time, passed, 1028; notice of motion to reconsider, 1029; notice of motion to reconsider continued, 1087; reconsideration refused, to Assembly, 1101; from Assembly, to enrollment, 2922; to Governor                                                                                                                                                                                                          | 3277 |
| 379 Introduced, to committee, 255; from committee, 746; read second time, amended, 770; read third time, passed, to Assembly, 972; from Assembly, to enrollment, 1863; to Governor, 2028; vetoed by Governor, 2408; Governor's veto sustained                                                                                                                                                                                                                                                            | 2408 |
| 380 Introduced, to committee, 255; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3470 |
| 381 Introduced, to committee, 255; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3448 |
| 382 Introduced, to committee, 255; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3477 |
| 383 Introduced, to committee, 255; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3470 |
| 384 Introduced, to committee, 255; from committee, 2073; read second time, amended and re-referred to Committee on Fish and Game, 2078; returned by committee without action                                                                                                                                                                                                                                                                                                                             | 3459 |
| 385 Introduced, to committee, 255; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3484 |
| 386 Introduced, to committee, 256; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3485 |
| 387 Introduced, to committee, 256; returned by committee without action                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3485 |
| 388 Introduced, to committee, 256; from committee, 1243; read second time, 1251; read third time, passed, to Assembly, 1404; from Assembly, to enrollment, 3003; to Governor                                                                                                                                                                                                                                                                                                                             | 3323 |
| 389 Introduced, to committee, 256; withdrawn from Committee on Judiciary and referred to Committee on Hospitals and Asylums, 281; from committee, 962; read second time, amended, 984; placed on unfinished business file, 1114; considered without reference to Committee on Finance, 2270; read third time, passed, to Assembly, 2271; from Assembly, 2485; urgency clause adopted 2486; Assembly amendments concurred in, to enrollment, 2487; to Governor                                            | 2596 |

## SENATE BILLS—Continued

[illegible]



## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 412 Introduced, to committee, 259; from committee, 1600; read second time, amended, 1614; read third time, passed, to Assembly, 1927; from Assembly, ordered to unfinished business file, 2092; Assembly amendments not concurred in, 3058; Assembly refuses to recede, appoints conference committee, 3206; Senate appoints conference committee, 3206; Assembly adopts conference report, 3317; Senate adopts conference report, to enrollment, 3257; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3494 |
| 413 Introduced, to committee, 259; from committee, 546; read second time, 583; read third time, passed, to Assembly, 711; from Assembly, to enrollment, 2922; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3498 |
| 414 Introduced, to committee, 259; from committee, 546; read second time, 583; read third time, passed, to Assembly, 711; from Assembly, to enrollment, 2922; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3277 |
| 415 Introduced, to committee, 259; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3449 |
| 416 Introduced, to committee, 259; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3449 |
| 417 Introduced, to committee, 259; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3470 |
| 418 Introduced, to committee, 259; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3452 |
| 419 Introduced, to committee, 260; from committee, 800; read second time, amended, 821; read third time, passed, to Assembly, 937; from Assembly, to enrollment, 1947; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2028 |
| 420 Introduced, to committee, 260; from committee, 2229; read second time, 2239; read third time, passed, to Assembly, 2356; from Assembly, returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3503 |
| 421 Introduced, to committee, 260; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3464 |
| 422 Introduced, to committee, 260; from committee, 1599; read second time, 1617; read third time, passed, to Assembly, 1670; from Assembly, to enrollment, 3005; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3324 |
| 423 Introduced, to committee, 260; from committee, 939; read second time, 947; read third time, passed, to Assembly, 1071; from Assembly, ordered to unfinished business file, 3304; Assembly amendments concurred in, to enrollment, 3308; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3500 |
| 424 Introduced, to committee, 260; from committee, 2120; read second time, amended, 2130; read third time, passed, to Assembly, 2207; from Assembly, ordered to unfinished business file, 2092; Assembly amendments concurred in, to enrollment, 3035; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3418 |
| 425 Introduced, to committee, 260; from committee, 505; read second time, amended and re-referred to Committee on Governmental Efficiency, 525-541; from committee, 963; amended and re-referred to committee, 995; from committee, 1165; amended and re-referred to committee, 1166; from committee, 1600; amended and re-referred to committee, 1619; from committee, 1718; amended and re-referred to committee, 1733; from committee, 1751; re-referred to committee, 1780; from committee, 1907; amended, 1911; read, amended, and ordered held at desk, 1999; read, amended, 2025; notice of motion to reconsider amendments, 2142; reconsideration refused, 2171; read, amended, 2176; referred to Committee on Finance, 2257; from committee, 2267; read, amended, 2268; read third time, passed, to Assembly, 2334; from Assembly, 2916; Assembly amendments concurred in, to enrollment, 2938; to Governor----- | 3198 |
| 426 Introduced, to committee, 260; from committee, 2287; read second time, amended, 2296; read third time, amended, 2421; read third time, passed, to Assembly, 2509; from Assembly, ordered to unfinished business file, 3304; Assembly amendments concurred in, to enrollment, 3308; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3500 |
| 427 Introduced, to committee, 260; from committee, 883; referred to Committee on Finance, 883; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3453 |
| 428 Introduced, to committee, 261; from committee, 577; read second time, amended, 604; read third time, passed, to Assembly, 794; from Assembly, to enrollment, 2922; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3277 |
| 429 Introduced, to committee, 261; from committee, 882; read second time, amended, 902; read third time, passed, to Assembly, 1036; from Assembly, to enrollment, 2920; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3277 |
| 430 Introduced, to committee, 261; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3449 |
| 431 Introduced, to committee, 261; from committee, 504; read second time, 524; read third time, passed, to Assembly, 566; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2029 |
| 432 Introduced, to committee, 261; from committee, 504; read second time, 523; read third time, passed, to Assembly, 587; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2029 |
| 433 Introduced, to committee, 261; from committee, 433; read second time, 605; read third time, passed, to Assembly, 740; from Assembly, returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3503 |

SENATE BILLS—Continued

| No. |                                                                                                                                                                                                                                                            | Page |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 434 | Introduced in committee, 261; from committee, 881; read second time, 901; read third time, passed, to Assembly, 1007; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3494    | 3494 |
| 435 | Introduced, to committee, 262; returned by committee without action, 3441                                                                                                                                                                                  | 3441 |
| 436 | Introduced, to committee, 262; from committee, 576; read second time, 601; read third time, passed, to Assembly, 747; from Assembly, returned to unfinished business file, 2006; Assembly amendments concurred in, to enrollment, 3020; to Governor, 3441  | 3441 |
| 437 | Introduced, to committee, 262; from committee, 1102; read second time, 1102; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 438 | Introduced, to committee, 262; from committee, 1103; read second time, 1103; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 439 | Introduced, to committee, 262; from committee, 1104; read second time, 1104; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 440 | Introduced, to committee, 262; from committee, 1105; read second time, 1105; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 441 | Introduced, to committee, 262; from committee, 1106; read second time, 1106; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 442 | Introduced, to committee, 262; from committee, 1107; read second time, 1107; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 443 | Introduced, to committee, 262; from committee, 1108; read second time, 1108; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 444 | Introduced, to committee, 262; from committee, 1109; read second time, 1109; read third time, passed, to Assembly, 1821; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 445 | Introduced, to committee, 263; from committee, 961; read second time, 982; read third time, passed, to Assembly, 1667; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441   | 3441 |
| 446 | Introduced, to committee, 263; from committee, 1567; read second time, 1567; read third time, passed, to Assembly, 2465; from Assembly, ordered to unfinished business file, 2016; Assembly amendment concurred in, to enrollment, 3020; to Governor, 3441 | 3441 |
| 447 | Introduced, to committee, 263; returned by committee without action, 3476                                                                                                                                                                                  | 3476 |
| 448 | Introduced, to committee, 263; from committee, 546; read second time, 582; read third time, passed, to Assembly, 711; from Assembly, ordered to unfinished business file, 1805; Assembly amendments concurred in, to enrollment, 3020; to Governor, 3441   | 3441 |
| 449 | Introduced, to committee, 263; returned by committee without action, 3480                                                                                                                                                                                  | 3480 |
| 450 | Introduced, to committee, 263; from committee, 715; read second time, 723; read third time, passed, to Assembly, 954; from Assembly, to enrollment, 1804; to Governor, 1908                                                                                | 1908 |
| 451 | Introduced, without reference to committee, 264; read second time, 348; Constitution suspended, 348; urgency clause adopted, 348; read third time, passed, to Assembly, 340; from Assembly, to enrollment, 307; to Governor, 433                           | 433  |

## SENATE BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 452 | Introduced, to committee, 264; from committee, 521; read second time, 1696; read second time, amended and re-referred to committee, 554; from committee, 1244; amended and re-referred to committee, 1255; from committee, 1415; amended and re-referred to committee, 1498; from committee, 1659; read second time, 1696; read third time, passed, to Assembly, 1809; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3036; to Governor-----                                                                                                      | 3422 |
| 453 | Introduced, to committee, 264; from committee, 1244; read second time, amended, 1263; read third time, passed, to Assembly, 1488; from Assembly, ordered to unfinished business file, 3304; Assembly amendments concurred in, to enrollment, 3305; to Governor-----                                                                                                                                                                                                                                                                                                                                           | 3500 |
| 454 | Introduced, to committee, 264; from committee, 521; read second time, amended and re-referred to committee, 557; from committee, 1244; amended, 1264; read third time, passed, to Assembly, 1488; from Assembly, to enrollment, 3006; to Governor-----                                                                                                                                                                                                                                                                                                                                                        | 3324 |
| 455 | Introduced, to committee, 264; from committee, 1244; read second time, amended and re-referred to committee, 1255; from committee, 1416; amended, 1500; read third time, passed, to Assembly, 1637; from Assembly, to enrollment, 3006; to Governor-----                                                                                                                                                                                                                                                                                                                                                      | 3324 |
| 456 | Introduced, to committee, 264; from committee, 521; read second time, amended and re-referred to Committee on Insurance, 558; from committee, 1416; amended, 1501; urgency clause adopted, read third time, passed, to Assembly, 1560; recalled from Assembly, 1633; action of passage rescinded, 1655; placed on unfinished business file, 1656; considered without reference to Committee on Finance, read third time, passed, to Assembly, 2277; from Assembly, to enrollment, 3006; to Governor-----                                                                                                      | 3324 |
| 457 | Introduced, to committee, 264; from committee, 521; read second time, amended and re-referred to committee, 556; from committee, 1244; amended, 1264; read third time, passed, to Assembly, 1489; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3036; to Governor-----                                                                                                                                                                                                                                                                           | 3418 |
| 458 | Introduced, to committee, 265; from committee, 1415; read second time, 1496; read third time, passed, to Assembly, 1558; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3037; to Governor-----                                                                                                                                                                                                                                                                                                                                                    | 3419 |
| 459 | Introduced, to committee, 265; from committee, 522; read second time, amended and re-referred to committee, 558; from committee, 849; read second time, 874; read third time, amended, 928; read third time, passed, to Assembly, 1034; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                                                                                                                                                                                  | 2029 |
| 460 | Introduced, to committee, 265; from committee, 522; read second time, amended and re-referred to committee, 559; from committee, 1520; amended and re-referred to committee, 1551; from committee, 2450; read, amended, 2454; read third time, amended, 2550; read third time, passed, to Assembly, 2594; from Assembly, to enrollment, 3006; to Governor-----                                                                                                                                                                                                                                                | 3324 |
| 461 | Introduced, to committee, 265; from committee, 2449; read second time, 2454; read second time, amended, 2506; read third time, passed, to Assembly, 2554; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3037; to Governor-----                                                                                                                                                                                                                                                                                                                   | 3422 |
| 462 | Introduced, to committee, 265; returned by committee without action----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3466 |
| 463 | Introduced, to committee, 265; returned by committee without action----                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3461 |
| 464 | Introduced, to committee, 265; from committee, 1244; read second time, amended and re-referred to committee, 1259; from committee, 1415; read second time, 1496; read third time, passed, to Assembly, 1559; from Assembly, to enrollment, 3006; to Governor-----                                                                                                                                                                                                                                                                                                                                             | 3324 |
| 465 | Introduced, to committee, 265; from committee, 522; read second time, amended and re-referred to committee, 560; from committee, 849; amended, 874; read third time, passed, to Assembly, 957; from Assembly, ordered to unfinished business file, 2916; Assembly amendments concurred in, to enrollment, 2938; to Governor-----                                                                                                                                                                                                                                                                              | 3277 |
| 466 | Introduced, to committee, 266; from committee, 522; read second time, amended and re-referred to Committee on Insurance, 560; from committee, 1416; amended, 1497; call of Senate, 1559; urgency clause adopted, read third time, passed, title amended, to Assembly, 1564; recalled from Assembly, 2143; call of Senate, 2175; action of passage rescinded, 2179; placed on unfinished business file, 2179; urgency clause adopted, 2281; read, passed, to Assembly, 2282; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3037; to Governor----- | 3418 |



SENATE BILLS—Continued.

| No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 465 | Introduced to committee, 206; from committee, 1244; read second time, amended and re-referred to committee, 1260; from committee, 1415; read second time, 1497; read third time, passed in Assembly, 1892; from Assembly, to committee, 2000; in Committee.                                                                                                                                                                                                                                                                                                                 | 3427 |
| 468 | Introduced to committee, 2001; from committee, 1290; read second time, amended and re-referred to committee, 1292; from committee, 1445; read second time, 1491; read third time, amended, 1546; read third time, passed in Assembly, 1606; from Assembly, ordered to unfinished business the 20th; Assembly amendments introduced in Committee, 2000; in Committee.                                                                                                                                                                                                        | 3431 |
| 469 | Introduced to committee, 206; read committee, 1416; read second time, amended and re-referred to Committee on Education, 1490; returned to committee without action.                                                                                                                                                                                                                                                                                                                                                                                                        | 3435 |
| 470 | Introduced to committee, 206; from committee, 722; read second time, amended and re-referred to committee, 801; from committee, 1416; amended, 1497; read third time, passed in Assembly, 1606; from Assembly, to committee, 2000; in Committee.                                                                                                                                                                                                                                                                                                                            | 3437 |
| 471 | Introduced to committee, 206; from committee, 747; read second time, amended, 750; read third time, passed in Assembly, 811; from Assembly, ordered to unfinished business the 20th; Assembly amendments introduced in Committee, 2000; in Committee.                                                                                                                                                                                                                                                                                                                       | 3437 |
| 472 | Introduced to committee, 206; from committee, 2045; read second time, amended, 2046; read third time, passed in 1892; read third time, passed in Assembly, 1920; from Assembly, to committee, 2006; in Committee.                                                                                                                                                                                                                                                                                                                                                           | 3437 |
| 473 | Introduced to committee, 206; from committee, 887; read second time, 2004; read third time, passed in Assembly, 2006; read second time, 1906; amendments to printed version, 2071; placed on unfinished business the 20th, 1904.                                                                                                                                                                                                                                                                                                                                            | 3437 |
| 474 | Introduced to committee, 206; from committee, 887; placed on unfinished business the 20th, 1904; read third time, passed in Assembly, 2278; from Assembly, to committee, 1910; in Committee.                                                                                                                                                                                                                                                                                                                                                                                | 3437 |
| 475 | Introduced to committee, 207; from committee, 1768; read second time, amended and re-referred to committee, 2804; from committee, 1975; read second time, 1990; read third time, passed in 1898; read in Senate, 2000; read third time, passed in Assembly, 2204; from Assembly, to committee, 2000; in Committee.                                                                                                                                                                                                                                                          | 3437 |
| 476 | Introduced to committee, 207; from committee, 887; read second time, amended and re-referred to Committee on Live Stock and Dairying, 2005; from committee, 1904; amended, 1984; placed on unfinished business the 20th; amendments without action in Committee on Finance, 2278; read third time, passed, 2270; order of reading in Committee, 2285; from Committee on committee conference, 2282; 2208; amendments introduced in Assembly, 2111; from Assembly, ordered to unfinished business the 20th; Assembly amendments introduced in Committee, 2008; in Committee. | 3437 |
| 477 | Introduced to committee, 207; from committee, 2594; read second time, amended, 2611; read third time, passed in Assembly, 2604; from Assembly, to committee, 817; in Committee.                                                                                                                                                                                                                                                                                                                                                                                             | 3437 |
| 478 | Introduced to committee, 259; from committee, 716; read second time, amended and re-referred to committee, 740; from committee, 1598; amended and re-referred to committee, 1612; from committee, 2071; read second time, 2075; read third time, amended, 2092; placed on unfinished business the 25th; referred to Committee on Social Security, 2788; returned by committee without action.                                                                                                                                                                               | 3437 |
| 479 | Introduced to committee, 270; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3437 |
| 480 | Introduced to committee, 270; from committee, 1165; read second time, amended and re-referred to committee, 1193; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                     | 3445 |
| 481 | Introduced to committee, 270; from committee, 1165; read second time, amended and re-referred to committee, 1193; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                                                     | 3445 |
| 482 | Introduced to committee, 270; from committee, 1165; read second time, amended and re-referred to Committee on Commerce and Navigation, 1197; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                                          | 3445 |





SENATE BILLS—Continued.

| SENATE BILLS—Continued.                                                                                                                                                                                                                                                                                                                                                                                                       | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 508 Introduced to committee, 274; from committee, 1001; read second time, 1010; read third time, passed to Assembly, 1068; from Assembly, referred to committee, 1070; Assembly amendments received, 1070; Assembly action on report, 1070; Assembly amendments received, 1117; Senate amendments introduced, 1412; Assembly amendments received, 1419; Senate amendments introduced, 1419; to enrollment, 1440; to Governor. | 3408 |
| 509 Introduced to committee, 776; from committee, 1719; read second time, 1719; read third time, passed to Assembly, 1812; from Assembly, to enrollment, 1939; to Governor.                                                                                                                                                                                                                                                   | 3419 |
| 510 Introduced to committee, 275; from committee, 1418; returned to committee by action, 1448; returned by committee without action.                                                                                                                                                                                                                                                                                          | 3453 |
| 511 Introduced to committee, 913; from committee, 1040; read second time, 1074; read third time, passed to Assembly, 1156; from Assembly, to enrollment, 1200; to Governor.                                                                                                                                                                                                                                                   | 3468 |
| 512 Introduced to committee, 176; from committee, 1091; read second time, amended and referred to Committee on Finance, 1096; returned by committee without action.                                                                                                                                                                                                                                                           | 3471 |
| 513 Introduced to committee, 275; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3474 |
| 514 Introduced to committee, 275; from committee, 540; read second time, amended, 561; read third time, passed to Assembly, 576; from Assembly, referred to committee, 576; from committee, 576; Assembly amendments received, 576; to enrollment, 596; to Governor.                                                                                                                                                          | 3484 |
| 515 Introduced to committee, 276; from committee, 545; read second time, amended, 561; read third time, passed to Assembly, 719; from Assembly, to enrollment, 749; to Governor.                                                                                                                                                                                                                                              | 3497 |
| 516 Introduced to committee, 70; from committee, 1104; read second time, 1140; read third time, passed to Assembly, 1164; from Assembly, to enrollment, 1202; to Governor.                                                                                                                                                                                                                                                    | 3504 |
| 517 Introduced to committee, 276; from committee, 715; read second time, 741; read third time, passed to Assembly, 707; from Assembly, to enrollment, 1091; to Governor.                                                                                                                                                                                                                                                      | 3505 |
| 518 Introduced to committee, 276; from committee, 1378; read second time, amended, 1380; read third time, amended, 1398; Assembly amendments received, 1398; read third time, passed to Assembly, 2100; from Assembly, to enrollment, 1807; to Governor.                                                                                                                                                                      | 3525 |
| 519 Introduced to committee, 276; from committee, 1118; read second time, 1204; read third time, amended, 1206; read third time, passed to Assembly, 1401; from Assembly, returned by committee without action.                                                                                                                                                                                                               | 3530 |
| 520 Introduced to committee, 316; from committee, 884; read second time, amended and referred to committee, 916; from committee, 1117; amended, 1129; read third time, amended, 1401; read third time, passed to Assembly, 1491; from Assembly, returned by committee without action.                                                                                                                                         | 3503 |
| 521 Introduced to committee, 316; from committee, 1041; read second time, amended, 1041; referred to Committee on Revision of Criminal Law and Procedure, 1070; returned by committee without action.                                                                                                                                                                                                                         | 3488 |
| 522 Introduced to committee, 316; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3482 |
| 523 Introduced to committee, 316; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3490 |
| 524 Introduced to committee, 317; from committee, 1161; read second time, amended, 1179; read third time, passed to Assembly, 1299; from Assembly, amended on report, 1300; to enrollment, 1845; Assembly amendments received in, to enrollment, 1923; to Governor.                                                                                                                                                           | 2101 |
| 525 Introduced to committee, 247; from committee, 1749; read second time, 1778; read third time, passed to Assembly, 1812; from Assembly, to enrollment, 3003; to Governor.                                                                                                                                                                                                                                                   | 3525 |
| 526 Introduced to committee, 247; from committee, 1749; read second time, 1778; read third time, passed to Assembly, 1813; from Assembly, to enrollment, 3003; to Governor.                                                                                                                                                                                                                                                   | 3325 |
| 527 Introduced to committee, 247; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3490 |
| 528 Introduced to committee, 317; from committee, 847; read second time, amended, 860; read third time, amended, 1034; read third time, passed to Assembly, 1152; from Assembly, to enrollment, 2020; to Governor.                                                                                                                                                                                                            | 3277 |
| 529 Introduced to committee, 317; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3450 |
| 530 Introduced to committee, 317; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3470 |
| 531 Introduced to committee, 317; from committee, 2503; read second time, 2578; referred to Committee on County Government, 2025; returned by committee without action.                                                                                                                                                                                                                                                       | 3448 |
| 532 Introduced to committee, 318; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3449 |
| 533 Introduced to committee, 318; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                       | 3450 |

## SENATE BILLS—Continued

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 534 Introduced, to committee, 318; from committee, 1279; read second time, 1291; read third time, passed, to Assembly, 1492; from Assembly, to enrollment, 3003; to Governor-----                                                                                                                                                                                                                                                            | 3425 |
| 535 Introduced, to committee, 318; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 3450 |
| 536 Introduced, to committee, 318; from committee, 2188; read second time, 2193; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2222; from Assembly, to enrollment, 3290; to Governor-----                                                                                                                                                                                                                  | 3500 |
| 537 Introduced, to committee, 318; from committee, 965; read second time, 1006; read third time, passed, to Assembly, 1209; from Assembly, to enrollment, 2924; to Governor-----                                                                                                                                                                                                                                                             | 3498 |
| 538 Introduced, to committee, 318; from committee, 966; read second time, 1007; read third time, passed, to Assembly, 1210; from Assembly, to enrollment, 2925; to Governor-----                                                                                                                                                                                                                                                             | 3498 |
| 539 Introduced, to committee, 319; from committee, 575; read second time, 602; read third time, passed, to Assembly, 741; from Assembly, ordered to unfinished business file, 2916; Assembly amendments concurred in, to enrollment, 2939; to Governor-----                                                                                                                                                                                  | 3277 |
| 540 Introduced, to committee, 319; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 3450 |
| 541 Introduced, to committee, 319; from committee, 882; read second time, amended and re-referred to Committee on Live Stock and Dairying, 906; returned by committee without action-----                                                                                                                                                                                                                                                    | 3475 |
| 542 Introduced, to committee, 319; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 3490 |
| 543 Introduced, to committee, 319; from committee, 1518; referred to Committee on Finance, 1518; returned by committee without action-----                                                                                                                                                                                                                                                                                                   | 3454 |
| 544 Introduced, to committee, 319; from committee, 964; read second time, 1004; read third time, passed, title amended and approved, to Assembly, 1235; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3039; to Governor-----                                                                                                                                                    | 3122 |
| 545 Introduced, to committee, 319; from committee, 964; read second time, 1004; read third time, passed, to Assembly, 1235; from Assembly, to enrollment, 2925; to Governor-----                                                                                                                                                                                                                                                             | 3277 |
| 546 Introduced, to committee, 319; from committee, 964; read second time, 1004; read third time, passed, to Assembly, 1239; from Assembly, to enrollment, 2925; to Governor-----                                                                                                                                                                                                                                                             | 3277 |
| 547 Introduced, to committee, 320; from committee, 965; read second time, 1005; read third time, amended, 1153; read third time, passed, to Assembly, 1227; from Assembly, to enrollment, 2925; to Governor-----                                                                                                                                                                                                                             | 3498 |
| 548 Introduced, to committee, 320; from committee, 1799; read second time, amended, 1805; read, amended, 1886; record of bill in Journal of April 22, 1937, (page 1886) rescinded, 1922; read, amended, 1928; read, amended, 1967; placed on unfinished business file, 2550; read third time, passage refused-----                                                                                                                           | 2785 |
| 549 Introduced, to committee, 320; from committee, 965; read second time, 1005; read third time, passed, to Assembly, 1236; from Assembly, to enrollment, 3007; to Governor-----                                                                                                                                                                                                                                                             | 3325 |
| 550 Introduced, to committee, 320; from committee, 747; read second time, amended, 773; read third time, passed, to Assembly, 952; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                                                                                                                      | 1997 |
| 551 Introduced, to committee, 320; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 2485 |
| 552 Introduced, to committee, 320; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 3493 |
| 553 Introduced, to committee, 320; from committee, 1124; read second time, 1197; read third time, passed, to Assembly, 2260; from Assembly, ordered to unfinished business file, 2992; Assembly amendments concurred in, to enrollment, 3039; to Governor-----                                                                                                                                                                               | 3449 |
| 554 Introduced, to committee, 321; from committee, 501; read second time, amended and re-referred to committee, 525; from committee, 747; amended, 774; read third time, call of the Senate, 932; urgency clause adopted, 933; read third time, passed, to Assembly, 933; from Assembly, to enrollment, 2146; to Governor-----                                                                                                               | 2223 |
| 555 Introduced, to committee, 321; withdrawn from committee for amendment, 462; read second time, amended and re-referred to committee, 463; from committee, 755; read second time, 783; read third time, passed, to Assembly, 936; from Assembly, to enrollment, 3149; to Governor-----                                                                                                                                                     | 3419 |
| 556 Introduced, to committee, 321; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                 | 3454 |
| 557 Introduced, to committee, 321; from committee, 747; read second time, amended and re-referred to committee, 775; from committee, 963; amended and re-referred to Committee on Governmental Efficiency, 1002; from committee, 2121; read second time, 2126; read third time, passed, to Assembly, 2169; from Assembly, ordered to unfinished business file, 3213; Assembly amendments concurred in, to enrollment, 3245; to Governor----- | 3497 |





## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 582 Introduced, to committee, 325; returned by committee without action                                                                                                                                                                                                                                                                                            | 3480 |
| 583 Introduced, to committee, 325; returned by committee without action                                                                                                                                                                                                                                                                                            | 3480 |
| 584 Introduced, to committee, 326; from committee, 801; read second time, amended and re-referred to Committee on Public Morals, 821; returned by committee without action                                                                                                                                                                                         | 3470 |
| 585 Introduced, to committee, 326; from committee, 849; read second time, amended and re-referred to committee, 874; from committee, 1797; amended, 1803; read third time, amended, 2395; read third time, passed, to Assembly, 2547; from Assembly, ordered to unfinished business file, 3304; Assembly amendments concurred in, to enrollment, 3305; to Governor | 3500 |
| 586 Introduced, to committee, 326; returned by committee without action                                                                                                                                                                                                                                                                                            | 3470 |
| 587 Introduced, to committee, 326; returned by committee without action                                                                                                                                                                                                                                                                                            | 3470 |
| 588 Introduced, to committee, 326; returned by committee without action                                                                                                                                                                                                                                                                                            | 3462 |
| 589 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3491 |
| 590 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 591 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3470 |
| 592 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3470 |
| 593 Introduced, to committee, 327; from committee, 939; read second time, 947; read third time, passed, to Assembly, 1071; from Assembly, to enrollment, 2925; to Governor                                                                                                                                                                                         | 3198 |
| 594 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3482 |
| 595 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3460 |
| 596 Introduced, to committee, 327; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 597 Introduced, to committee, 327; from committee, 1376; read second time, amended, 1393; read third time, passed, 1554; notice of motion to reconsider, 1554; notice of reconsideration waived, to Assembly, 1588; from Assembly, returned by committee without action                                                                                            | 3503 |
| 598 Introduced, to committee, 327; from committee, 1517; read second time, amended and re-referred to committee, 1543; returned by committee without action                                                                                                                                                                                                        | 3484 |
| 599 Introduced, to committee, 328; returned by committee without action                                                                                                                                                                                                                                                                                            | 3441 |
| 600 Introduced, to committee, 328; returned by committee without action                                                                                                                                                                                                                                                                                            | 3441 |
| 601 Introduced, to committee, 328; returned by committee without action                                                                                                                                                                                                                                                                                            | 3441 |
| 602 Introduced, to committee, 328; returned by committee without action                                                                                                                                                                                                                                                                                            | 3463 |
| 603 Introduced, to committee, 328; returned by committee without action                                                                                                                                                                                                                                                                                            | 3475 |
| 604 Introduced, to committee, 328; from committee, 2643; read second time, 2648; read third time, passed, to Assembly, 2735; from Assembly, to enrollment, 3208; to Governor                                                                                                                                                                                       | 3494 |
| 605 Introduced, to committee, 329; from committee, 1281; read second time, amended and re-referred to Committee on Public Health and Quarantine, 1293; returned by committee without action                                                                                                                                                                        | 3481 |
| 606 Introduced, to committee, 329; returned by committee without action                                                                                                                                                                                                                                                                                            | 3443 |
| 607 Introduced, to committee, 329; from committee, 2357; read second time, 2374; read second time, amended, 2508; read third time, passed, to Assembly, 2549; from Assembly, ordered to unfinished business file, 2993; Assembly amendments concurred in, to enrollment, 3042; to Governor                                                                         | 3420 |
| 608 Introduced, to committee, 329; returned by committee without action                                                                                                                                                                                                                                                                                            | 3470 |
| 609 Introduced, to committee, 329; read second time, 903; read third time, passed, to Assembly, 958; from Assembly, to enrollment, 2900; to Governor                                                                                                                                                                                                               | 3459 |
| 610 Introduced, to committee, 329; from committee, 881; read second time, amended, 900; read third time, passed, to Assembly, 1036; from Assembly, to enrollment, 2920; to Governor                                                                                                                                                                                | 3277 |
| 611 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3477 |
| 612 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 613 Introduced, to committee, 330; from committee, 879; read second time, 894; read third time, passed, to Assembly, 1034; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3137; to Governor                                                                                                            | 3500 |
| 614 Introduced, to committee, 330; from committee, 521; read second time, 553; read third time, passed, to Assembly, 588; from Assembly, to enrollment, 1864; to Governor                                                                                                                                                                                          | 2020 |
| 615 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 616 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 617 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3441 |
| 618 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 619 Introduced, to committee, 330; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 620 Introduced, to committee, 331; returned by committee without action                                                                                                                                                                                                                                                                                            | 3454 |
| 621 Introduced, to committee, 331; returned by committee without action                                                                                                                                                                                                                                                                                            | 3490 |

## SENATE BILLS—Continued

[illegible]

## SENATE BILLS- Continued.

| No. |                                                                                                                                                                                                                                                                                                                                       | Page |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 646 | Introduced, to committee, 334; from committee, 1688; read second time, amended and re-referred to committee, 1686; from committee, 1827; read second time, 1831; re-referred to Committee on Commerce and Navigation, 2265; returned by committee without action-----                                                                 | 3445 |
| 647 | Introduced, to committee, 334; from committee, 754; read second time, amended, 781; read third time, passed, to Assembly, 935; from Assembly, returned by committee without action-----                                                                                                                                               | 3504 |
| 648 | Introduced, to committee, 334; returned by committee without action-----                                                                                                                                                                                                                                                              | 3464 |
| 649 | Introduced, to committee, 334; from committee, 940; read second time, 949; read third time, amended, 1039; read third time, passed, to Assembly, 1109; from Assembly, returned by committee without action-----                                                                                                                       | 3504 |
| 650 | Introduced, to committee, 335; from committee, 1749; read second time, 1758; read third time, amended, 1813; read third time, passed, to Assembly, 1890; from Assembly, to enrollment, 3004; to Governor-----                                                                                                                         | 3325 |
| 651 | Introduced, to committee, 335; returned by committee without action-----                                                                                                                                                                                                                                                              | 3488 |
| 652 | Introduced, to committee, 335; returned by committee without action-----                                                                                                                                                                                                                                                              | 3450 |
| 653 | Introduced, to committee, 335; returned by committee without action-----                                                                                                                                                                                                                                                              | 3450 |
| 654 | Introduced, to committee, 335; from committee, 746; read second time, 781; read third time, passed, to Assembly, 935; from Assembly, to enrollment, 2920; to Governor-----                                                                                                                                                            | 3199 |
| 655 | Introduced, to committee, 335; from committee, 845; referred to Committee on Governmental Efficiency, 845; returned by committee without action-----                                                                                                                                                                                  | 3477 |
| 656 | Introduced, to committee, 336; from committee, 1043; read second time, 1081; read third time, passed, to Assembly, 1157; from Assembly, to enrollment, 3008; to Governor-----                                                                                                                                                         | 3325 |
| 657 | Introduced, to committee, 336; from committee, 2189; read second time, amended, 2195; read third time, passed, to Assembly, 2418; from Assembly, to enrollment, 3208; to Governor-----                                                                                                                                                | 3494 |
| 658 | Introduced, to committee, 336; returned by committee without action-----                                                                                                                                                                                                                                                              | 3470 |
| 659 | Introduced, to committee, 336; returned by committee without action-----                                                                                                                                                                                                                                                              | 3470 |
| 660 | Introduced, to committee, 336; from committee, 1042; read second time, 1078; read third time, amended, 1202; read and amended, 1529; read third time, passed, to Assembly, 1635; from Assembly, returned by committee without action-----                                                                                             | 3504 |
| 661 | Introduced, to committee, 336; from committee, 1042; read second time, 1078; read third time, amended, 1203; read and amended, 1278; read third time, passed, to Assembly, 1636; from Assembly, ordered to unfinished business file, 2993; Assembly amendments concurred in, to enrollment, 3042; to Governor-----                    | 3420 |
| 662 | Introduced, to committee, 336; from committee, 846; read second time, amended and re-referred to committee, 865; from committee, 1042; read second time, 1078; read third time, amended, 1203; read and amended, 1529; read third time, passed, to Assembly, 1636; from Assembly, to enrollment, 3008; to Governor-----               | 3325 |
| 663 | Introduced, to committee, 336; from committee, 504; read second time, 523; re-referred to Committee on Education, 1040; from committee, 1164; amended, 1185; read third time, amended, 1562; read third time, passed, to Assembly, 1635; from Assembly, to enrollment, 2925; to Governor-----                                         | 3199 |
| 664 | Introduced, to committee, 336; from committee, 1751; read second time, 1759; read third time, passed, to Assembly, 1814; passage refused by Assembly-----                                                                                                                                                                             | 3317 |
| 665 | Introduced, to committee, 337; from committee, 2015; read second time, amended, 2018; read third time, passed, to Assembly, 2168; from Assembly, ordered to unfinished business file, 3064; Assembly amendments concurred in, to enrollment, 3162; to Governor-----                                                                   | 3496 |
| 666 | Introduced, to committee, 337; returned by committee without action-----                                                                                                                                                                                                                                                              | 3477 |
| 667 | Introduced, to committee, 337; from committee, 1043; read second time, amended and re-referred to committee, 1080; from committee, 1828; amended, 1832; read third time, passed, to Assembly, 1890; from Assembly, ordered to unfinished business file, 2993; Assembly amendments concurred in, to enrollment, 3042; to Governor----- | 3420 |
| 668 | Introduced, to committee, 337; from committee, 520; read second time, amended, 552; read third time, passed, to Assembly, 588; from Assembly, returned by committee without action-----                                                                                                                                               | 3504 |
| 669 | Introduced, to committee, 337; from committee, 521; read second time, 554; read third time, passed, to Assembly, 590; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                            | 1997 |
| 670 | Introduced, to committee, 337; from committee, 521; read second time, 554; read third time, passed, to Assembly, 590; from Assembly, to enrollment, 1864; to Governor-----                                                                                                                                                            | 1997 |

## SENATE BILLS—Continued

| No. |                                                                                                                                                                                                                                                                                                         | Read |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 671 | Introduced, to committee, 327; from committee, 324; read second time, and third time, deferred, 328; read third time, passed, to Assembly, 341; 1410 from Assembly, referred to committee because the 2004 proposition is contained in Government Bill, 2004, which is referred to committee, 341; 1410 | 3407 |
| 672 | Introduced, to committee, 341; from committee, 2403; read second time, deferred, 2446; read third time, passed, to Assembly, 2510; from Assembly, to committee, 2506; to Governor, 2510                                                                                                                 | 2506 |
| 673 | Introduced, to committee, 341; from committee, 2412; read second time, deferred, 2436; read third time, passed, to Assembly, 2503; from Assembly, referred to committee because the 2004 Assembly Bill, 2004, which is referred to committee, 2503; to Governor, 2503                                   | 2503 |
| 674 | Introduced, to committee, 341; from committee, 2415; read second time, deferred, 2436; read third time, passed, to Assembly, 2513; from Assembly, to committee, 2506; to Governor, 2513                                                                                                                 | 2513 |
| 675 | Introduced, to committee, 341; from committee, 2432; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 676 | Introduced, to committee, 341; from committee, 2433; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 677 | Introduced, to committee, 341; from committee, 2434; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 678 | Introduced, to committee, 341; from committee, 2435; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 679 | Introduced, to committee, 341; from committee, 2436; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 680 | Introduced, to committee, 341; from committee, 2437; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 681 | Introduced, to committee, 341; from committee, 2438; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 682 | Introduced, to committee, 341; from committee, 2439; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 683 | Introduced, to committee, 341; from committee, 2440; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 684 | Introduced, to committee, 341; from committee, 2441; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 685 | Introduced, to committee, 341; from committee, 2442; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 686 | Introduced, to committee, 341; from committee, 2443; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 687 | Introduced, to committee, 341; from committee, 2444; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 688 | Introduced, to committee, 341; from committee, 2445; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 689 | Introduced, to committee, 341; from committee, 2446; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 690 | Introduced, to committee, 341; from committee, 2447; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 691 | Introduced, to committee, 341; from committee, 2448; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |
| 692 | Introduced, to committee, 341; from committee, 2449; read second time, deferred, 2436; read third time, passed, to Assembly, 2514; from Assembly, to committee, 2506; to Governor, 2514                                                                                                                 | 2514 |



## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 693 Introduced, to committee, 340; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 694 Introduced, to committee, 340; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 695 Introduced, to committee, 340; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 696 Introduced, to committee, 341; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 697 Introduced, to committee, 341; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 698 Introduced, to committee, 341; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 699 Introduced, to committee, 341; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 700 Introduced, to committee, 341; from committee, 2694; read second time,<br>amended and re-referred to Committee on Fish and Game, 2705;<br>returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                  | 3459 |
| 701 Introduced, to committee, 341; from committee, 576; read second time,<br>603; read third time, passed, to Assembly, 737; from Assembly, to<br>enrollment, 2920; to Governor . . .                                                                                                                                                                                                                                                                                                                                                     | 3499 |
| 702 Introduced, to committee, 341; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3441 |
| 703 Introduced, to committee, 341; withdrawn from Committee on Public<br>Morals and referred to Committee on Governmental Efficiency, 744;<br>returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                  | 3462 |
| 704 Introduced, to committee, 341; from committee, 577; referred to Com-<br>mittee on Finance, 577; from committee, 2187; read second time,<br>2196; placed on unfinished business file, 2264; read third time, passed,<br>to Assembly, 2328; from Assembly, to enrollment, 3004; to Governor . . .                                                                                                                                                                                                                                       | 3325 |
| 705 Introduced, to committee, 358; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3448 |
| 706 Introduced, to committee, 358; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3448 |
| 707 Introduced, to committee, 358; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3463 |
| 708 Introduced, to committee, 358; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3482 |
| 709 Introduced, to committee, 358; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3483 |
| 710 Introduced, to committee, 358; from committee, 716; read second time,<br>732; read third time, passed, 859; notice of motion to reconsider, 859;<br>notice of motion to reconsider continued, 892, 1040; reconsideration<br>refused, to Assembly, 1101; from Assembly, to enrollment, 2920; to<br>Governor . . .                                                                                                                                                                                                                      | 3499 |
| 711 Introduced, to committee, 358; from committee, 716; read second time,<br>732; read third time, passed, 859; notice of motion to reconsider, 859;<br>notice of motion to reconsider continued, 892, 1040; reconsideration<br>waived, to Assembly, 1101; from Assembly, to enrollment, 2920, to<br>Governor . . .                                                                                                                                                                                                                       | 3499 |
| 712 Introduced, to committee, 359; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 713 Introduced, to committee, 359; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 714 Introduced, to committee, 359; from committee, 577; read second time,<br>603; read third time, passed, to Assembly, 738; from Assembly, to<br>enrollment, 2925; to Governor . . .                                                                                                                                                                                                                                                                                                                                                     | 3499 |
| 715 Introduced, to committee, 359; from committee, 1117; read second time,<br>amended and re-referred to Committee on Fish and Game, 1131; from<br>committee, 1568; amended and re-referred to committee, 1578; returned<br>by committee without action . . .                                                                                                                                                                                                                                                                             | 3459 |
| 716 Introduced, to committee, 359; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3470 |
| 717 Introduced, to committee, 359; from committee, 1567; read second time,<br>amended and re-referred to committee, 1577; from committee, 1754;<br>read second time, 1759; read third time, amended, 2418; read third<br>time, passage refused . . .                                                                                                                                                                                                                                                                                      | 2547 |
| 718 Introduced, to committee, 359; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3475 |
| 719 Introduced, to committee, 359; from committee, 579; referred to Com-<br>mittee on Agriculture, 579; from Committee, 1752; read second time,<br>amended, 1762; read third time, passed, to Assembly, 1965; from<br>Assembly, to enrollment, 3007; to Governor . . .                                                                                                                                                                                                                                                                    | 3420 |
| 720 Introduced, to committee, 360; from committee, 1043; read second time,<br>1081; read third time, passed, to Assembly, 1230; from Assembly,<br>ordered to unfinished business file, 3304; Assembly amendments not<br>concurrent in, 3309; Assembly refuses to recede, appoints conference<br>committee, 3382; Senate appoints conference committee, 3383; Assem-<br>bly adopts conference report, 3424; Senate reads conference report,<br>3413; referred to Committee on Finance, 3414; returned by committee<br>without action . . . | 3455 |
| 721 Introduced, to committee, 360; from committee, 576; read second time,<br>602; read third time, passed, to Assembly, 736; from Assembly,<br>ordered to unfinished business file, 2923; Assembly amendments con-<br>current in, to enrollment, 3033; to Governor . . .                                                                                                                                                                                                                                                                  | 3420 |
| 722 Introduced, to committee, 360; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3491 |
| 723 Introduced, to committee, 360; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 724 Introduced, to committee, 360; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |
| 725 Introduced, to committee, 360; returned by committee without action . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3459 |

SENATE BILLS—Continued

| No.                                                                                                                                                                                                                                                                                                                                                                                           | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 726 Introduced, to committee, 360; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3439 |
| 727 Introduced, to committee, 360; from committee, 879; read second time amended, 894; read third time amended, 1092; read third time passed, to Assembly, 1106; from Assembly, returned by committee without action.....                                                                                                                                                                     | 3494 |
| 728 Introduced, to committee, 361; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3434 |
| 729 Introduced, to committee, 361; from committee, 899; read second time amended and re-referred to committee, 829; from committee, 1315; amended and re-referred to committee, 1562; from committee, 2060; amended, 1657; read third time, amended, 2396; read at Senate, 2347; read third time, passage refused.....                                                                        | 3436 |
| 730 Introduced, to committee, 361; from committee, 579; read second time amended, 608; read third time, passed, to Assembly, 738; from Assembly, ordered to be enrolled in business file, 2016; Assembly amendments considered in enrollment, 2020; to Governor.....                                                                                                                          | 3478 |
| 731 Introduced, to committee, 361; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3432 |
| 732 Introduced, to committee, 361; from committee, 753; read second time amended, 787; read third time, passed, to Assembly, 933; from Assembly, to enrollment, 2021; to Governor.....                                                                                                                                                                                                        | 3478 |
| 733 Introduced, to committee, 361; from committee, 1080; read second time amended, 101; re-referred to committee, 1093; from committee, 2004; amended, 2590; referred to the Judiciary Committee bill.....                                                                                                                                                                                    | 3780 |
| 734 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3484 |
| 735 Introduced, to committee, 362; from committee, 1447; read second time amended, 1502; read third time, passed, to Assembly, 1641; from Assembly, to enrollment, 2021; to Governor.....                                                                                                                                                                                                     | 3478 |
| 736 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3454 |
| 737 Introduced, to committee, 362; from committee, 1063; read second time amended, 1184; read third time, passed, to Assembly, 1234; from Assembly, to enrollment, 2007; to Governor.....                                                                                                                                                                                                     | 3472 |
| 738 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 739 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 740 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 741 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 742 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 743 Introduced, to committee, 362; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3431 |
| 744 Introduced, to committee, 362; from committee, 329; read second time amended, 362; read third time, passed, to Assembly, 710; from Assembly, ordered to be enrolled in business file, 1867; Assembly amendments considered in enrollment, 1961; to Governor.....                                                                                                                          | 3401 |
| 745 Introduced, to committee, 363; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3401 |
| 746 Introduced, to committee, 363; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3402 |
| 747 Introduced, to committee, 363; from committee, 2520; read second time amended, 2541; read third time, passed, to Assembly, 2600; from Assembly, to enrollment, 3119; to Governor.....                                                                                                                                                                                                     | 3471 |
| 748 Introduced, to committee, 363; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3448 |
| 749 Introduced, to committee, 363; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3471 |
| 750 Introduced, to committee, 364; from committee, 1568; read second time amended, 1581; read third time, passed, to Assembly, 1603; read third time, passed, to Assembly, 1730; from Assembly, ordered to be enrolled in business file, 3211; Assembly amendments considered in enrollment, 3200; re-referred to Committee on Fish and Game, 3257; returned by committee without action..... | 3409 |
| 751 Introduced, to committee, 364; returned by committee without action.....                                                                                                                                                                                                                                                                                                                  | 3454 |
| 752 Introduced, to committee, 364; from committee, 747; read second time amended and re-referred to Committee on Governmental Efficiency, 755; from committee, 1195; amended and re-referred to committee, 1184; returned by committee without action.....                                                                                                                                    | 3463 |
| 753 Introduced, to committee, 364; from committee, 882; read second time, 904; second time amended, 1038; read third time, passed, to Assembly, 1038; from Assembly, to enrollment, 1864; to Governor.....                                                                                                                                                                                    | 1968 |
| 754 Introduced, to committee, 364; from committee, 1858; read second time, amended, 1869; read third time, passed, to Assembly, 1959; from Assembly, ordered to be enrolled in business file, 2923; Assembly amendments considered in enrollment, 3029; to Governor.....                                                                                                                      | 3329 |
| 755 Introduced, to committee, 364; from committee, 1860; read second time, amended and re-referred to committee, 1872; from committee, 2037; read second time, 2043; read, amended, 2391; read third time, amended, 2183; read third time, passed, to Assembly, 2509; from Assembly, returned by committee without action.....                                                                | 3504 |

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                     | PAGE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 756 Introduced, to committee, 364; from committee, 577; read second time, 603; read third time, amended, 794; read third time, passed, to Assembly, 929; from Assembly, returned by committee without action                                                                                                                                                            | 3504 |
| 757 Introduced, to committee, 364; from committee, 1856; read second time, amended, 1869; placed on unfinished business file, 1973; read third time, amended, 2092; read, amended, 2176; considered without reference to Committee on Finance, 2280; read third time, passed, to Assembly, 2280; from Assembly, to enrollment, 3004; to Governor                        | 3325 |
| 758 Introduced, to committee, 365; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3446 |
| 759 Introduced, to committee, 365; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3447 |
| 760 Introduced, to committee, 365; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3447 |
| 761 Introduced, to committee, 365; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3447 |
| 762 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3447 |
| 763 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3481 |
| 764 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3459 |
| 765 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3477 |
| 766 Introduced, to committee, 366; from committee, 1241; read second time, amended, 1250; read third time, passed, to Assembly, 1487; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3138; to Governor                                                                                                      | 3497 |
| 767 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3445 |
| 768 Introduced, to committee, 366; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3445 |
| 769 Introduced, to committee, 367; from committee, 2524; read second time, 2540; placed on unfinished business file, 2662; re-referred to Committee on Municipal Corporations, 2775; returned by committee without action                                                                                                                                               | 3480 |
| 770 Introduced, to committee, 367; from committee, 2644; read second time, 2648; read third time, passed, to Assembly, 2734; from Assembly, to enrollment, 3208; to Governor                                                                                                                                                                                            | 3494 |
| 771 Introduced, to committee, 367; from committee, 2566; read second time, amended, 2575; read third time, passed, to Assembly, 2713; from Assembly, ordered to unfinished business file, 3304; Assembly amendments concurred in, to enrollment, 3306; to Governor                                                                                                      | 3501 |
| 772 Introduced, to committee, 367; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3452 |
| 773 Introduced, to committee, 367; from committee, 2035; made special order, 2257; read second time, amended and re-referred to committee, 2041; from committee, 2226; read second time, 2238; read third time, passed, to Assembly, 2417; from Assembly, ordered to unfinished business file, 3064; Assembly amendments concurred in, to enrollment, 3163; to Governor | 3499 |
| 774 Introduced, to committee, 367; from committee, 1116; read second time, amended, 1128; urgency clause adopted, 1206; read third time, passed, to Assembly, 1207; from Assembly, to enrollment, 3119; to Governor                                                                                                                                                     | 3418 |
| 775 Introduced, to committee, 367; from committee, 1278; re-referred to Committee on Revenue and Taxation, 1670; returned by committee without action                                                                                                                                                                                                                   | 3484 |
| 776 Introduced, to committee, 367; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3477 |
| 777 Introduced, to committee, 368; withdrawn from Committee on Public Morals and referred to Committee on Governmental Efficiency, 744; returned by committee without action                                                                                                                                                                                            | 3463 |
| 778 Introduced, to committee, 368; from committee, 1021; read second time, amended and re-referred to committee, 1030; from committee, 1568; amended and re-referred to Committee on Fish and Game, 1579; returned by committee without action                                                                                                                          | 3459 |
| 779 Introduced, to committee, 368; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3483 |
| 780 Introduced, to committee, 368; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3454 |
| 781 Introduced, to committee, 368; from committee, 2229; read second time, 2239; read third time, passed, to Assembly, 2419; from Assembly, to enrollment, 3210; to Governor                                                                                                                                                                                            | 3496 |
| 782 Introduced, to committee, 368; from committee, 2229; read second time, 2239; read third time, passed, to Assembly, 2420; from Assembly, to enrollment, 3210; to Governor                                                                                                                                                                                            | 3497 |
| 783 Introduced, to committee, 368; from committee, 2229; read second time, 2239; read third time, passed, to Assembly, 2420; from Assembly, to enrollment, 3210; to Governor                                                                                                                                                                                            | 3491 |
| 784 Introduced, to committee, 368; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3471 |
| 785 Introduced, to committee, 368; from committee, 846; read second time, 864; read third time, passed, title amended, 1029; notice of motion to reconsider, 1032; notice of motion to reconsider continued, 1087; reconsideration granted, 1101; re-referred to Committee on Judiciary, 1101; returned by committee without action                                     | 3471 |
| 786 Introduced, to committee, 368; returned by committee without action                                                                                                                                                                                                                                                                                                 | 3475 |



## SENATE BILLS—Continued

| See |                                                                                                                                                                               | Page |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 787 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3467 |
| 788 | Introduced, to committee, 369; from committee, 747; read second time, 776; and third time, passed, to Assembly, 964; from Assembly, to committee, 369; to Governor.           | 3468 |
| 789 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3469 |
| 790 | Introduced, to committee, 369; returned by committee without action; amended and re-referred to Committee on Agriculture, 369; returned by committee without action.          | 3470 |
| 791 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3471 |
| 792 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3472 |
| 793 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3473 |
| 794 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3474 |
| 795 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3475 |
| 796 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3476 |
| 797 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3477 |
| 798 | Introduced, to committee, 369; returned by committee without action.                                                                                                          | 3478 |
| 799 | Introduced, to committee, 369; returned by committee without action; amended, 1302; and third time, passed, to Assembly, 1304; from Assembly, to committee, 369; to Governor. | 3479 |
| 800 | Introduced, to committee, 369; returned by committee without action; amended, 1302; and third time, passed, to Assembly, 1304; from Assembly, to committee, 369; to Governor. | 3480 |
| 801 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3481 |
| 802 | Introduced, to committee, 371; returned by committee without action; amended, 1302; and third time, passed, to Assembly, 1304; from Assembly, to committee, 369; to Governor. | 3482 |
| 803 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3483 |
| 804 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3484 |
| 805 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3485 |
| 806 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3486 |
| 807 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3487 |
| 808 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3488 |
| 809 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3489 |
| 810 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3490 |
| 811 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3491 |
| 812 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3492 |
| 813 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3493 |
| 814 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3494 |
| 815 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3495 |
| 816 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3496 |
| 817 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3497 |
| 818 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3498 |
| 819 | Introduced, to committee, 371; returned by committee without action.                                                                                                          | 3499 |



## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                       | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 820 Introduced, to committee, 373; from committee, 1042; read second time, 1078; read third time, passed, to Assembly, 1156; passage refused by Assembly.....                                                                                                                                                             | 3316 |
| 821 Introduced, to committee, 373; from committee, 714; read second time, 722; read third time, passed, to Assembly, 796; from Assembly, returned by committee without action.....                                                                                                                                        | 3504 |
| 822 Introduced, to committee, 373; returned by committee without action.....                                                                                                                                                                                                                                              | 3491 |
| 823 Introduced, to committee, 373; returned by committee without action.....                                                                                                                                                                                                                                              | 3491 |
| 824 Introduced, to committee, 374; from committee, 1042; read second time, 1078; read third time, passed, to Assembly, 1157; from Assembly, to enrollment, 3290; to Governor.....                                                                                                                                         | 3501 |
| 825 Introduced, to committee, 374; returned by committee without action.....                                                                                                                                                                                                                                              | 3471 |
| 826 Introduced, to committee, 374; from committee, 1600; read second time, 1615; read third time, passed, to Assembly, 1665; from Assembly, returned by committee without action.....                                                                                                                                     | 3501 |
| 827 Introduced, to committee, 374; from committee, 1042; read second time, amended and re-referred to committee, 1078; from committee, 1311; amended, 1223; read third time, passed, to Assembly, 1525; passage refused by Assembly.....                                                                                  | 3316 |
| 828 Introduced, to committee, 374; returned by committee without action.....                                                                                                                                                                                                                                              | 3463 |
| 829 Introduced, to committee, 375; returned by committee without action.....                                                                                                                                                                                                                                              | 3471 |
| 830 Introduced, to committee, 375; from committee, 963; read second time, amended and re-referred to Committee on Labor and Capital, 986; from committee, 1376; amended, and re-referred to committee, 1390; from committee, 2604; amended, and re-referred to committee, 2611; returned by committee without action..... | 3475 |
| 831 Introduced, to committee, 375; returned by committee without action.....                                                                                                                                                                                                                                              | 3471 |
| 832 Introduced, to committee, 375; returned by committee without action.....                                                                                                                                                                                                                                              | 3448 |
| 833 Introduced, to committee, 375; returned by committee without action.....                                                                                                                                                                                                                                              | 3459 |
| 834 Introduced, to committee, 376; returned by committee without action.....                                                                                                                                                                                                                                              | 3467 |
| 835 Introduced, to committee, 376; returned by committee without action.....                                                                                                                                                                                                                                              | 3462 |
| 836 Introduced, to committee, 376; returned by committee without action.....                                                                                                                                                                                                                                              | 3467 |
| 837 Introduced, to committee, 376; from committee, 714; read second time, amended and re-referred to Committee on Judiciary, 723; returned by committee without action.....                                                                                                                                               | 3471 |
| 838 Introduced, to committee, 376; returned by committee without action.....                                                                                                                                                                                                                                              | 3459 |
| 839 Introduced, to committee, 376; from committee, 1279; read second time, 1291; read third time, amended, 1557; read third time, passed, to Assembly, 1635; from Assembly, to enrollment, 3209; to Governor.....                                                                                                         | 3494 |
| 840 Introduced, to committee, 376; from committee, 1858; read second time, amended, 1868; read third time, amended, 1987; call of Senate, 2065; read third time, passage refused.....                                                                                                                                     | 2069 |
| 841 Introduced, to committee, 376; returned by committee without action.....                                                                                                                                                                                                                                              | 3442 |
| 842 Introduced, to committee, 376; from committee, 2360; read second time, 2375; read third time, passed, to Assembly, 2466; from Assembly, to enrollment, 3007; to Governor.....                                                                                                                                         | 3420 |
| 843 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3454 |
| 844 Introduced, to committee, 377; from committee, 521; read second time, 553; referred to Committee on Finance, 590; from committee, 2288; read second time, 2304; read third time, passed, to Assembly, 2423; from Assembly, to enrollment, 3007; to Governor.....                                                      | 3395 |
| 845 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3448 |
| 846 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3475 |
| 847 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3475 |
| 848 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3471 |
| 849 Introduced, to committee, 377; from committee, 938; read second time, amended, 946; read third time, passed, to Assembly, 1061; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                  | 3199 |
| 850 Introduced, to committee, 377; returned by committee without action.....                                                                                                                                                                                                                                              | 3451 |
| 851 Introduced, to committee, 378; from committee without action.....                                                                                                                                                                                                                                                     | 3448 |
| 852 Introduced, to committee, 378; from committee, 577; read second time, 603; read third time, passed, to Assembly, 738; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                            | 3199 |
| 853 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                                              | 3459 |
| 854 Introduced, to committee, 378; from committee, 469; read second time, 513; read third time, amended, 541; read, amended, 795; read third time, passed, to Assembly, 858; from Assembly, to enrollment, 1865; to Governor.....                                                                                         | 2029 |
| 855 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                                              | 3459 |
| 856 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                                              | 3477 |
| 857 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                                              | 3454 |

SENATE BILLS—Continued

|                                                                                                                                                                                                                                                                                                           | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 866 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                              | 3471 |
| 867 Introduced, to committee, 378; returned by committee without action.....                                                                                                                                                                                                                              | 347  |
| 868 Introduced, to committee, 378; from committee, 1243; read second time, 1896; read third time, passed, to Assembly, 1488; from Assembly, ordered to unfinished business file, 3464; Assembly amendments concurred in, to enrollment, 3449; to Governor.....                                            | 3489 |
| 869 Introduced, to committee, 379; from committee, 1244; read second time, 1896; read third time, passed, to Assembly, 1488; returned by committee without action.....                                                                                                                                    | 3467 |
| 870 Introduced, to committee, 379; from committee, 1276; read second time, 1896; read third time, passed, to Assembly, 1745; from Assembly, ordered to unfinished business file, 3464; Assembly amendments concurred in, to enrollment, 3424; to Governor.....                                            | 3495 |
| 871 Introduced, to committee, 379; from committee, 1693; read second time, 1897; read third time, passed, to Assembly, 1942; from committee, 1791; read second time, 1790; read third time, passed, to Assembly, 1814; from Assembly, amendments, 1849; to Governor.....                                  | 3426 |
| 872 Introduced, to committee, 379; returned by committee without action.....                                                                                                                                                                                                                              | 3441 |
| 873 Introduced, to committee, 379; returned by committee without action.....                                                                                                                                                                                                                              | 3441 |
| 874 Introduced, to committee, 379; from committee, 1594; read second time, 1897; read third time, passed, to Assembly, 1775; from Assembly, amendments, 1788; returned by committee without action.....                                                                                                   | 3463 |
| 875 Introduced, to committee, 379; returned by committee without action.....                                                                                                                                                                                                                              | 3474 |
| 876 Introduced, to committee, 379; returned by committee without action.....                                                                                                                                                                                                                              | 3486 |
| 877 Introduced, to committee, 380; from committee, 889; read second time, 1897; read third time, passed, to Assembly, 1488; from Assembly, ordered to unfinished business file, 3464; Assembly amendments concurred in, to enrollment, 3449; to Governor.....                                             | 3495 |
| 878 Introduced, to committee, 380; from committee, 1751; read second time, 1897; read third time, passed, to Assembly, 1849; from Assembly, to enrollment, 3407; to Governor.....                                                                                                                         | 3429 |
| 879 Introduced, to committee, 380; returned by committee without action.....                                                                                                                                                                                                                              | 3441 |
| 880 Introduced, to committee, 381; from committee, 1416; read second time, 1897; read third time, passed, to Assembly, 1727; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3139; to Governor.....                                            | 3495 |
| 881 Introduced, to committee, 381; from committee, 1376; read second time, 1897; read third time, passed, to Assembly, 1296; from Assembly, to enrollment, 3224; to Governor.....                                                                                                                         | 3477 |
| 882 Introduced, to committee, 380; from committee, 1751; read second time, 1897; read third time, passed, to Assembly, 1849; from Assembly, to enrollment, 3407; to Governor.....                                                                                                                         | 3429 |
| 883 Introduced, to committee, 381; returned by committee without action.....                                                                                                                                                                                                                              | 3441 |
| 884 Introduced, to committee, 381; from committee, 1416; read second time, 1897; read third time, passed, to Assembly, 1727; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3139; to Governor.....                                            | 3495 |
| 885 Introduced, to committee, 381; returned by committee without action.....                                                                                                                                                                                                                              | 3482 |
| 886 Introduced, to committee, 381; returned by committee without action.....                                                                                                                                                                                                                              | 3482 |
| 887 Introduced, to committee, 381; returned by committee without action.....                                                                                                                                                                                                                              | 3482 |
| 888 Introduced, to committee, 381; from committee, 521; read second time, 1897; read third time, passed, to Assembly, 1229; read third time, passed, to Assembly, 1883; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3139; to Governor..... | 3495 |

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 885 Introduced, to committee, 381; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3463 |
| 886 Introduced, to committee, 382; from committee, 1377; read second time, amended and re-referred to Committee on Civil Government, 1395; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3448 |
| 887 Introduced, to committee, 382; from committee, 1117; read second time, amended and re-referred to Committee on Agriculture, 1120; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3441 |
| 888 Introduced, to committee, 382; from committee, 715; read second time, 724; made special order, 749; read third time passed, to Assembly, 726; passage refused by Assembly.....                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3514 |
| 889 Introduced, to committee, 382; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3479 |
| 890 Introduced, to committee, 383; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3479 |
| 891 Introduced, to committee, 383; withdrawn from committee, 712; amended, and re-referred to Committee on Public Morals, 713; withdrawn from Committee on Public Morals and referred to Committee on Governmental Efficiency, 744; from committee, 963; referred to Committee on Finance, 964; from committee, 1312; read, amended and re-referred to committee, 1323; from committee, 2189; read second time, 2196; read third time, amended, 2469; read third time, passed, to Assembly, 2515; from Assembly, ordered to unfinished business file, 3064; Assembly amendments concurred in, to enrollment, 3165; to Governor..... | 3492 |
| 892 Introduced, to committee, 383; from committee, 2452; read second time, 2455; read third time, passed, to Assembly, 2512; from Assembly, to enrollment, 3007; to Governor.....                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3326 |
| 893 Introduced, to committee, 383; from committee, 940; read second time, amended, 950; read third time, amended, 1032; read third time, passed, to Assembly, 1109; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                                                                                                                                                                                                                                                                                            | 3278 |
| 894 Introduced, to committee, 383; from committee, 520; read second time, 551; read third time, passed, to Assembly, 588; from Assembly, to enrollment, 1012; to Governor.....                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1092 |
| 895 Introduced, to committee, 384; from committee, 521; read second time, 553; read third time, passed, to Assembly, 588; from Assembly, placed on unfinished business file, 1866; Assembly amendments concurred in, to enrollment, 1926; to Governor.....                                                                                                                                                                                                                                                                                                                                                                          | 2029 |
| 896 Introduced, to committee, 384; from committee, 747; read second time, 776; re-referred to Committee on Governmental Efficiency, 859; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3461 |
| 897 Introduced, to committee, 384; from committee, 576; read second time, 602; read third time, passed, to Assembly, 735; from Assembly, placed on unfinished business file, 1866; Assembly amendments concurred in, to enrollment, 1926; to Governor.....                                                                                                                                                                                                                                                                                                                                                                          | 2029 |
| 898 Introduced, to committee, 384; from committee, 755; read second time, amended, 783; read third time, passed, to Assembly, 936; from Assembly, ordered to unfinished business file, 2915; Assembly amendments concurred in, to enrollment, 2931; to Governor.....                                                                                                                                                                                                                                                                                                                                                                | 3278 |
| 899 Introduced, to committee, 384; from committee, 755; read second time, 783; read third time, passed, to Assembly, 937; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3199 |
| 900 Introduced, to committee, 384; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3463 |
| 901 Introduced, to committee, 404; from committee, 580; read second time, amended and re-referred to committee, 604; from committee, 849; read third time, amended, 938; read third time, passed, to Assembly, 1034; from Assembly, to enrollment, 1863; to Governor.....                                                                                                                                                                                                                                                                                                                                                           | 1997 |
| 902 Introduced, to committee, 404; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3486 |
| 903 Introduced, to committee, 404; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3482 |
| 904 Introduced, to committee, 405; from committee, 884; read second time, 925; read third time, amended, 904; read third time, passed, to Assembly, 1108; from Assembly, to enrollment, 2921; to Governor.....                                                                                                                                                                                                                                                                                                                                                                                                                      | 3199 |
| 905 Introduced, to committee, 405; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3461 |
| 906 Introduced, to committee, 405; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3467 |
| 907 Introduced, to committee, 405; from committee, 1376; read second time, amended and re-referred to Committee on Oil Industries, 1392; from committee, 1597; amended and re-referred to committee, 1609; from committee, 1908; amended and re-referred to committee, 1915; returned by committee without action.....                                                                                                                                                                                                                                                                                                              | 3480 |
| 908 Introduced, to committee, 405; from committee, 1316; read second time, amended, 1331; read third time, passed, to Assembly, 1527; from Assembly, ordered to unfinished business file, 2923; Assembly amendments concurred in, to enrollment, 3030; to Governor.....                                                                                                                                                                                                                                                                                                                                                             | 3495 |
| 909 Introduced, to committee, 405; returned by committee without action....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3477 |





## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 936 Introduced, to committee, 409; from committee, 575; read second time, amended, 600; read third time, passed, to Assembly, 953; from Assembly, to enrollment, 2921; to Governor-----                                                                                                                                                                                                                                                                                                  | 3199 |
| 937 Introduced, to committee, 409; from committee, 541; read second time, 950; read third time, passed, to Assembly, 1072; from Assembly, ordered to unfinished business file, 2915; Assembly amendments concurred in, to enrollment, 3021; to Governor-----                                                                                                                                                                                                                             | 3495 |
| 938 Introduced, to committee, 410; from committee, 1568; read second time, amended and re-referred to committee, 1580; from committee, 1717; read second time, 1723; read third time, passed, to Assembly, 1883; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3236; to Governor-----                                                                                                                                       | 3496 |
| 939 Introduced, to committee, 410; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3460 |
| 940 Introduced, to committee, 410; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3460 |
| 941 Introduced, to committee, 410; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3443 |
| 942 Introduced, to committee, 410; from committee, 1116; read second time, amended and re-referred to committee, 1145; from committee, 1519; amended, 1545; read third time, amended, 1716; considered by unanimous consent without reference to Committee on Finance, 2279; urgency clause adopted, 2279; read third time, passed, to Assembly, 2280; from Assembly, ordered to unfinished business file, 2993; Assembly amendments concurred in, to enrollment, 3049; to Governor----- | 3418 |
| 943 Introduced, to committee, 410; from committee, 1312; read second time, 1324; read third time, amended, 1841; re-referred to Committee on Revision of Criminal Law and Procedure, 1986; returned by committee without action-----                                                                                                                                                                                                                                                     | 3488 |
| 944 Introduced, to committee, 410; from committee, 2566; referred to Committee on Insurance, 2566; from committee, 2807; read second time, amended and re-referred to committee, 2808; returned by committee without action-----                                                                                                                                                                                                                                                         | 3467 |
| 945 Introduced, to committee, 410; from committee, 966; read second time, 1007; read third time, passed, to Assembly, 1229; from Assembly, ordered to unfinished business file, 2915; Assembly amendments concurred in, to enrollment, 3022; to Governor-----                                                                                                                                                                                                                            | 3479 |
| 946 Introduced, to committee, 410; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3471 |
| 947 Introduced, to committee, 411; from committee, 503; read second time, amended and re-referred to committee, 523; from committee, 969; amended, 974; referred to Committee on Finance, 1230; from committee, 2288; placed on unfinished business file, 2550; read, amended, 2593; placed on unfinished business file, 2662; call of Senate, 2786; read third time, passed, to Assembly, 2789; from Assembly, to enrollment, 3290; to Governor-----                                    | 3501 |
| 948 Introduced, to committee, 411; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3455 |
| 949 Introduced, to committee, 411; from committee, 1599; read second time, amended, 1616; read third time, passed, to Assembly, 1669; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3140; to Governor-----                                                                                                                                                                                                                  | 3495 |
| 950 Introduced, to committee, 411; from committee, 470; read second time, 515; read third time, passed, to Assembly, 541; from Assembly, to enrollment, 817; to Governor-----                                                                                                                                                                                                                                                                                                            | 944  |
| 951 Introduced, to committee, 411; from committee, 1242; read second time, amended and re-referred to committee, 1251; from committee, 2225; amended, 2234; read third time, passed, to Assembly, 2419; from Assembly, to enrollment, 3004; to Governor-----                                                                                                                                                                                                                             | 3326 |
| 952 Introduced, to committee, 411; from committee, 2566; re-referred to Committee on Governmental Efficiency, 2716; returned by committee without action-----                                                                                                                                                                                                                                                                                                                            | 3461 |
| 953 Introduced, to committee, 412; from committee, 880; read second time, amended and re-referred to committee, 898; from committee, 1089; amended and re-referred to committee, 1096; from committee, 1548; read, amended, 1544; read third time, amended, 1748; read third time, passed, to Assembly, 1927; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3142; to Governor-----                                          | 3496 |
| 954 Introduced, to committee, 412; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3455 |
| 955 Introduced, to committee, 412; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3463 |
| 956 Introduced, to committee, 412; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3450 |
| 957 Introduced, to committee, 413; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3467 |
| 958 Introduced, to committee, 413; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3467 |
| 959 Introduced, to committee, 413; returned by committee without action-----                                                                                                                                                                                                                                                                                                                                                                                                             | 3467 |

## SENATE BILLS—Continued

[illegible]

## SENATE BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                                                                                                                   | Page. |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 987  | Introduced, to committee, 417; from committee, 747; read second time, amended and re-referred to committee, 774; from committee, 1907; amended, 1916; read third time, passed, to Assembly, 2258; from Assembly, to enrollment, 3008; to Governor-----                                                                                                            | 3418  |
| 988  | Introduced, to committee, 418; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3491  |
| 989  | Introduced, to committee, 418; from committee, 902; read second time, 983; read third time, passed, to Assembly, 1073; from Assembly, ordered to unfinished business file, 2915; Assembly amendments concurred in, to enrollment, 2932; to Governor-----                                                                                                          | 3278  |
| 990  | Introduced, to committee, 418; from committee, 754; read second time, amended and re-referred to committee, 784; from committee, 1279; read second time, 1291; placed on unfinished business file, 2264; re-referred to committee, 2413; returned by committee without action-----                                                                                | 3460  |
| 991  | Introduced, to committee, 418; from committee, 883; read second time, amended and re-referred to committee, 907; from committee, 1117; amended and re-referred to committee, 1131; from committee, 1279; read second time, 1291; read third time, amended, 1365; read third time, passed, to Assembly, 1491; from Assembly, to enrollment, 2921; to Governor----- | 3278  |
| 992  | Introduced, to committee, 418; from committee, 846; read second time, 864; read third time, passed, to Assembly, 956; from Assembly, to enrollment, 2926; to Governor-----                                                                                                                                                                                        | 3200  |
| 993  | Introduced, to committee, 418; from committee, 521; read second time, 553; read third time, passed, to Assembly, 589; from Assembly, to enrollment, 1354; to Governor, 1413; vetoed by Governor, 1782; Governor's veto sustained-----                                                                                                                             | 1869  |
| 994  | Introduced, to committee, 418; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3460  |
| 995  | Introduced, to committee, 418; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3492  |
| 996  | Introduced, to committee, 419; from committee, 2360; read second time, 2375; read third time, passed, to Assembly, 2424; from Assembly, to enrollment, 3210; to Governor-----                                                                                                                                                                                     | 3497  |
| 997  | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3450  |
| 998  | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3443  |
| 999  | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3490  |
| 1000 | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3475  |
| 1001 | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3475  |
| 1002 | Introduced, to committee, 419; from committee, 2189; read second time, 2198; placed on unfinished business file, 2265; urgency clause adopted, 2329; read third time, passed, to Assembly, 2329; from Assembly, to enrollment, 3208; to Governor-----                                                                                                             | 3495  |
| 1003 | Introduced, to committee, 419; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3484  |
| 1004 | Introduced, to committee, 420; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3486  |
| 1005 | Introduced, to committee, 420; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3486  |
| 1006 | Introduced, to committee, 420; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3486  |
| 1007 | Introduced, to committee, 420; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3486  |
| 1008 | Introduced, to committee, 420; from committee, 1755; read second time, amended and re-referred to committee, 1763; from committee, 2474; read second time, 2499; placed on unfinished business file, 2564; read, amended, 2594; re-referred to Committee on Roads and Highways, 2625; returned by committee without action-----                                   | 3490  |
| 1009 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3471  |
| 1010 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3467  |
| 1011 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3455  |
| 1012 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3460  |
| 1013 | Introduced, to committee, 421; from committee, 469; read second time, amended, 515; read third time, passed, to Assembly, 505; from Assembly, to enrollment, 3120; to Governor-----                                                                                                                                                                               | 3422  |
| 1014 | Introduced, to committee, 421; from committee, 2074; read second time, 2079; read third time, amended, 2168; read third time, passed, to Assembly, 2261; from Assembly, returned by committee without action-----                                                                                                                                                 | 3504  |
| 1015 | Introduced, to committee, 421; from committee, 2074; read second time, 2079; read third time, passed, to Assembly, 2169; from Assembly, returned by committee without action-----                                                                                                                                                                                 | 3504  |
| 1016 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3469  |
| 1017 | Introduced, to committee, 421; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3459  |
| 1018 | Introduced, to committee, 422; from committee, 577; read second time, 602; read third time, passed, to Assembly, 735; from Assembly, to enrollment, 3318; to Governor-----                                                                                                                                                                                        | 3501  |
| 1019 | Introduced, to committee, 422; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3441  |
| 1020 | Introduced, to committee, 422; returned by committee without action-----                                                                                                                                                                                                                                                                                          | 3486  |



SENATE BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                                                              | Page |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1021 | Introduced, to committee, 422; from committee, 879; read second time, 893; re-referred to committee, 1404; from committee, 2425; read third time, amended, 2449; and third time, passed, in Assembly, 2460; from Assembly, to committee, 2410; no action.                                                    | 880  |
| 1022 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1023 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1024 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1025 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1026 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1027 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1028 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 879  |
| 1029 | Introduced, to committee, 422; from committee, 2445; read second time, amended, 2461; read third time, passed, in Assembly, 2474; from Assembly, amended, 2484; from Assembly, 2411; Assembly amendments to be carried by, to committee, 2490; no action.                                                    | 887  |
| 1030 | Introduced, to committee, 422; from committee, 1445; read second time, amended, and referred to committee, 1923; third time, passed, in Assembly, 1868; read third time, passed, 2428; referred to committee, to be carried by, to committee, 2441; no action.                                               | 887  |
| 1031 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1032 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1033 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1034 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1035 | Introduced, to committee, 422; from committee, 2445; read second time, amended, and referred to committee, 2410; from committee, 1962; amended, 1977; read third time, passed, 1863; read third time, passed, in Assembly, 2460.                                                                             | 887  |
| 1036 | Introduced, to committee, 422; from committee, 2410; read second time, amended, and referred to committee, 2411; from committee, 2411; read second time, passed, 781; read third time, passed, in Assembly, 2461; from Assembly, to committee, 2408; no action.                                              | 887  |
| 1037 | Introduced, to committee, 422; from committee, 2422; read second time, amended, and referred to committee, 2411; from committee, 1975; read third time, passed, in Assembly, 2461; from Assembly, amended, to be carried by, to committee, 2410; no action.                                                  | 887  |
| 1038 | Introduced, to committee, 422; from committee, 2411; read second time, amended, and referred to committee, 2411; from committee, 2411; read third time, passed, in Assembly, 2461; from Assembly, amended, to be carried by, to committee, 2410; no action.                                                  | 887  |
| 1039 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1040 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1041 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1042 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1043 | Introduced, to committee, 422; from committee, 2360; read second time, amended, 2475; read third time, passed, in Assembly, 2461; from Assembly, to committee, 2409; no action.                                                                                                                              | 887  |
| 1044 | Introduced, to committee, 422; from committee, 2460; read second time, amended, 2476; read third time, passed, in Assembly, 2461; from Assembly, to committee, 2408; no action.                                                                                                                              | 887  |
| 1045 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1046 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1047 | Introduced, to committee, 422; from committee, 2445; read second time, amended, and referred to committee, 2409; from committee, 2414; amended, and referred to committee, on Governor's message, 2414; from committee, 2287; amended and referred to committee, 2295; referred to committee without action. | 887  |
| 1048 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1049 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1050 | Introduced, to committee, 422; referred by committee without action.                                                                                                                                                                                                                                         | 887  |
| 1051 | Introduced, to committee, 422; from committee, 2404; read second time, amended, 2004; read third time, passed, in Assembly, 1414; from Assembly, to enrollment, 2146; no Governor, 2223; voted by Governor, 2617; placed on unfinished business file, 2617; Governor's vote sustained.                       | 887  |



## SENATE BILLS—Continued

| No.  |                                                                                                                                                                                                                                                                                                                                                        | PAGE         |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1052 | Introduced, to committee, 426; from committee, 964; read second time, amended, 1004; read third time, passed, to Assembly, 1115; from Assembly, to enrollment, 2146; to Governor, 2596; vetoed by Governor, ordered to unfinished business file, 3167; Governor's veto sustained. —                                                                    | 3416         |
| 1053 | Introduced, to committee, 426; from committee, 2290; read second time, amended and re-referred to committee, 2303; from committee, 2451; amended, 2457; read, amended, and re-referred to Committee on Judiciary, 2672; returned by committee without action. —                                                                                        | 3471         |
| 1054 | Introduced, to committee, 426; from committee, 963; read second time, amended and re-referred to committee, 1003; from committee, 1165; amended and re-referred to committee, 1184; from committee, 2474; read second time, 2499; read third time, passage refused, 2663; notice of motion to reconsider, 2667; reconsideration refused. —             | 2705<br>3455 |
| 1055 | Introduced, to committee, 426; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3455         |
| 1056 | Introduced, to committee, 427; from committee, 1377; read second time, 1394; read third time, passed, title amended, to Assembly, 1556; from Assembly, returned by committee without action. —                                                                                                                                                         | 3504<br>3441 |
| 1057 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3441         |
| 1058 | Introduced, to committee, 427; from committee, 2735; read second time, amended, 2737; read third time, passed, to Assembly, 2808; from Assembly, to enrollment, 3008; to Governor. —                                                                                                                                                                   | 3421<br>3462 |
| 1059 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3462         |
| 1060 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3462         |
| 1061 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3462         |
| 1062 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3462         |
| 1063 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3471         |
| 1064 | Introduced, to committee, 427; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3460         |
| 1065 | Introduced, to committee, 428; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3460         |
| 1066 | Introduced, to committee, 428; from committee, 881; read second time, 925; read third time, passed, to Assembly, 1038; from Assembly, ordered to unfinished business file, 2915; Assembly amendments concurred in, to enrollment, 3023; to Governor. —                                                                                                 | 3418         |
| 1067 | Introduced, to committee, 428; from committee, 966; read second time, amended and re-referred to committee, 1008; from committee, 2123; amended, 2128; stricken from the file (ruled a skeleton bill). —                                                                                                                                               | 2205         |
| 1068 | Introduced, to committee, 428; from committee, 1569; read second time, 1582; read third time, amended, 1660; read, amended, 1830; read third time, passed, title amended, to Assembly, 2549; from Assembly, ordered to unfinished business file, 3063; Assembly amendments concurred in, to enrollment, 3143; to Governor. —                           | 3501<br>3471 |
| 1069 | Introduced, to committee, 428; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3471         |
| 1070 | Introduced, to committee, 428; from committee, 1753; read second time, amended, 1760; read third time, passed, to Assembly, 1822; from Assembly, ordered to unfinished business file, 2993; Assembly amendments concurred in, to enrollment, 3046; to Governor. —                                                                                      | 3419         |
| 1071 | Introduced, to committee, 428; from committee, 1545; read second time, 582; urgency clause adopted, 709; read third time, passed, to Assembly, 710; from Assembly, to enrollment, 2147; to Governor. —                                                                                                                                                 | 2223         |
| 1072 | Introduced, to committee, 429; from committee, 470; read second time, 515; read third time, amended, 542; read third time, passed, to Assembly, 709; from Assembly, to enrollment, 2147; to Governor. —                                                                                                                                                | 2223<br>3455 |
| 1073 | Introduced, to committee, 429; returned by committee without action. —                                                                                                                                                                                                                                                                                 | 3455         |
| 1074 | Introduced, to committee, 429; from committee, 966; read second time, 1007; re-referred to committee, 1590; from committee, 2560; read second time, 2578; stricken from file (ruled a skeleton bill). —                                                                                                                                                | 2626         |
| 1075 | Introduced, to committee, 429; from committee, 1165; read second time, amended, 1189; re-referred to committee, 1590; from committee, 2566; read second time, 2578; stricken from file (ruled a skeleton bill). —                                                                                                                                      | 2626         |
| 1076 | Introduced, to committee, 429; from committee, 1241; read second time, amended and re-referred to Committee on Motor Vehicles, 1249; returned by committee without action. —                                                                                                                                                                           | 3477         |
| 1077 | Introduced, to committee, 429; from committee, 1752; read second time, amended and re-referred to Committee on Agriculture, 1763; returned by committee without action. —                                                                                                                                                                              | 3441         |
| 1078 | Introduced, to committee, 430; from committee, 882; read second time, amended, 899; read third time, amended, 1087; placed on unfinished business file, 1116; considered without reference to Committee on Finance, 2272; urgency clause adopted, 2272; read third time, passed, to Assembly, 2273; from Assembly, to enrollment, 3008; to Governor. — | 3326         |

## SENATE BILLS—Continued

| No.  | SENATE BILL—Continued                                                                                                                                                                                                                                                                                                                                                                                                                        | Page |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1979 | Introduced to committee, 420; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4437 |
| 1980 | Introduced to committee, 430; from committee, 693; referred to Finance Committee, 889; returned by committee without action.                                                                                                                                                                                                                                                                                                                 | 4438 |
| 1981 | Introduced to committee, 430; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4439 |
| 1982 | Introduced to committee, 430; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4440 |
| 1983 | Introduced to committee, 430; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4441 |
| 1984 | Introduced to committee, 430; from committee, 1110, 1710, and second time amended, 1761; read third time passed in Assembly, 1840; from Assembly ordered to unfinished business file, 1864; Assembly amendments considered by Senate, 2105; to Governor.                                                                                                                                                                                     | 4442 |
| 1985 | Introduced to committee, 430; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4443 |
| 1986 | Introduced to committee, 430; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4444 |
| 1987 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4445 |
| 1988 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4446 |
| 1989 | Introduced to committee, 431; from committee, 770; read second time passed, 785; read third time passed in Assembly, 1000; from Assembly, 1021; to Governor.                                                                                                                                                                                                                                                                                 | 4447 |
| 1990 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4448 |
| 1991 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4449 |
| 1992 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4450 |
| 1993 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4451 |
| 1994 | Introduced to committee, 431; from committee, 1101; read second time passed, 1114; from Assembly, 1120; read third time passed in Assembly, 1134; from Assembly, 1141; to Governor.                                                                                                                                                                                                                                                          | 4452 |
| 1995 | Introduced to committee, 431; returned by committee without action; Committee suspended, 441; report by committee adopted, 442; read third time passed in Assembly, 443; from Assembly, 444; to Governor.                                                                                                                                                                                                                                    | 4453 |
| 1996 | Introduced to committee, 431; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4454 |
| 1997 | Introduced to committee, 431; from committee, 1513; read second time amended and reconsidered, 1542; read third time, 1516; read third time passed, 1817; read fourth time, 1710; read amended, 1908; transferred to Committee on Education and Finance, 2011; reported by committee without action.                                                                                                                                         | 4455 |
| 1998 | Introduced to committee, 431; from committee, 1710; read second time amended, 1901; read third time passed in Assembly, 2100; from Assembly, ordered to unfinished business file, 2110; to Governor.                                                                                                                                                                                                                                         | 4456 |
| 1999 | Introduced to committee, 708; from committee, 810; read second time, 901; read third time passed in Assembly, 910; from Assembly, 1010; to Governor.                                                                                                                                                                                                                                                                                         | 4457 |
| 1100 | Introduced to committee, 715; returned by committee without action.                                                                                                                                                                                                                                                                                                                                                                          | 4458 |
| 1101 | Introduced to committee, 715; from committee, 1510; read second time amended and reconsidered, 1610; read third time, 1710; read second time, 1770; read third time amended, 2007; read third time, 2008; read third time passed, 2008; motion of previous question failed, 2008; notice of motion to reconsider continued, 2104; report submitted granted; placed on unfinished business file, 2171; read in Senate, 2371; passage refused. | 4459 |
| 1102 | Introduced to committee, 791; from committee, 1110; read second time, 1189; read third time passed in Assembly, 1214; from Assembly, ordered to unfinished business file, 2015; Assembly amendments considered, 2024; Assembly amendments considered by Senate, 2024; to Governor.                                                                                                                                                           | 4460 |
| 1103 | Introduced to committee, 810; from committee, 1121; read second time amended, 1144; read third time passed in Assembly, 1208; from Assembly, to enrollment, 2318; to Governor.                                                                                                                                                                                                                                                               | 4461 |
| 1104 | Introduced to committee, 810; from committee, 2007; read second time, 2043; read third time passed to Assembly, 2201; from Assembly, returned by committee without action.                                                                                                                                                                                                                                                                   | 4462 |
| 1105 | Introduced to committee, 889; from committee, 1500; read second time, 1617; placed on unfinished business file, 1670; read third time amended, 2412; considered without reference to Committee on Finance, 2494; read third time, passed to Assembly, 2495; from Assembly, to enrollment, 3004; to Governor.                                                                                                                                 | 4463 |
| 1106 | Introduced to committee, 889; from committee, 1377; read second time, 1394; read third time, passed to Assembly, 1550; from Assembly, ordered to unfinished business file, 2023; Assembly amendments considered in, to enrollment, 3031; to Governor.                                                                                                                                                                                        | 4464 |

## SENATE BILLS—Continued.

| No.                                                                                                                                                                                                                                                                                                                                | PAGE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1107 Introduced, to committee, 1527; from committee, 1599; read second time, amended, 1617; read third time, passed, to Assembly, 1669; from Assembly, ordered to unfinished business file, 2923; Assembly amendments concurred in, to enrollment, 3031; to Governor-----                                                          | 3326 |
| 1108 Introduced, to committee, 1625; returned by committee without action-----                                                                                                                                                                                                                                                     | 3462 |
| 1109 Introduced, to committee, 1669; from committee, 1753; read second time, 1759; read third time, passed, to Assembly, 1839; from Assembly, to enrollment, 3318; to Governor-----                                                                                                                                                | 3501 |
| 1110 Introduced, to committee, 1669; from committee, 1662; read second time, 1616; read third time, passed, to Assembly, 1883; from Assembly, to enrollment, 2926; to Governor-----                                                                                                                                                | 3200 |
| 1111 Introduced, to committee, 1114; from committee, 1688; referred to Committee on Finance, 1689; from committee, 2188; read second time, 1394; placed on unfinished business file, 2264; read third time, passed, to Assembly, 2328; from Assembly, to enrollment, 3210; to Governor-----                                        | 3495 |
| 1112 Introduced, to committee, 1114; returned by committee without action-----                                                                                                                                                                                                                                                     | 3477 |
| 1113 Introduced, to committee, 1114; from committee, 1377; read second time, 1394; read third time, passed, to Assembly, 1556; from Assembly, to enrollment, 3008; to Governor-----                                                                                                                                                | 3326 |
| 1114 Introduced, to committee, 1114; from committee, 1377; read second time, 1394; read third time, passed, to Assembly, 1557; from Assembly, to enrollment, 3004; to Governor-----                                                                                                                                                | 3421 |
| 1115 Introduced, to committee, 1177; returned by committee without action-----                                                                                                                                                                                                                                                     | 3484 |
| 1116 Introduced, to committee, 1204; from committee, 1750; read second time, 1758; read third time, passed, to Assembly, 1813; from Assembly, ordered to unfinished business file, 2903; Assembly amendments concurred in, to enrollment, 3048; to Governor-----                                                                   | 3421 |
| 1117 Introduced, to committee, 1205; from committee, 1417; read second time, amended and re-referred to committee, 1501; from committee, 2189; amended, 2196; read third time, passed, to Assembly, 2418; from Assembly, to enrollment, 3208; to Governor-----                                                                     | 3495 |
| 1118 Introduced, to committee, 1233; from committee, 1976; read second time, amended, 1982; read third time, passed, to Assembly, 2069; from Assembly, returned by committee without action-----                                                                                                                                   | 3504 |
| 1119 Introduced, to committee, 1233; from committee, 1377; read second time, 1395; read third time, passed, to Assembly, 1557; from Assembly, to enrollment, 2574; to Governor, 2640; vetoed by Governor, 3279; ordered to unfinished business file-----                                                                           | 3279 |
| 1120 Introduced, to committee, 1234; from committee, 1600; read second time, 1616; read third time, passed, to Assembly, 1666; from Assembly, to enrollment, 2926; to Governor-----                                                                                                                                                | 3279 |
| 1121 Introduced, to committee, 1290; from committee, 1519; read second time, amended, 1549; read, amended, 2094; placed on unfinished business file, 2265; read third time, amended, 2412; read third time, passage refused, 2495; notice of motion to reconsider, 2497; notice of reconsideration waived-----                     | 2545 |
| 1122 Introduced, to committee, 1290; from committee, 1519; read second time, amended, 1550; read third time, amended, 1889; read third time, passed, to Assembly, 1990; from Assembly, ordered to unfinished business file, 3212; Assembly amendments concurred in, to enrollment, 3238; to Governor-----                          | 3495 |
| 1123 Introduced, to committee, 1310; from committee, 1518; read second time, 1545; urgency clause adopted, 1590; read third time, passed, to Assembly, 1591; from Assembly, to enrollment, 2147; to Governor-----                                                                                                                  | 2223 |
| 1124 Introduced, to committee, 1310; from committee, 1975; read second time, 1981; read third time, passed, to Assembly, 2060; from Assembly, to enrollment, 3008; to Governor-----                                                                                                                                                | 3421 |
| 1125 Introduced, to committee, 1352; from committee, 1600; read second time, 1615; read third time, passed, to Assembly, 1661; from Assembly, to enrollment, 3008; to Governor-----                                                                                                                                                | 3422 |
| 1126 Introduced, to committee, 1390; from committee, 1747; read second time, 1723; read third time, passed, to Assembly, 1774; from Assembly, to enrollment, 2926; to Governor-----                                                                                                                                                | 3200 |
| 1127 Introduced, to committee, 1425; from committee, 1598; read second time, amended and re-referred to committee, 1628; from committee, 1857; amended, 1874; read third time, amended 1967; placed on unfinished business file, 2265; re-referred to Committee on Oil Industries, 2788; returned by committee without action----- | 3480 |
| 1128 Introduced, to committee, 1516; returned by committee without action-----                                                                                                                                                                                                                                                     | 3483 |



SENATE BILLS—Continued

| 706  |                                                                                                                                                                                                                                                                    | PAGE |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1129 | Introduced, to committee, 1516; from committee, 1699; read second time, 1699; read third time, passed, to Assembly, 1884; from Assembly, referred to committee without action.                                                                                     | 3591 |
| 1130 | Introduced, to committee, 1679; from committee, 1739; read second time, 1739; read third time, passed, to Assembly, 1823; from Assembly, to enrollment, 2010; to Governor.                                                                                         | 3496 |
| 1131 | Introduced, to committee, 1679; from committee, 2074; read second time, 2074; read third time, passed, to Assembly, 2209; from Assembly, referred to committee without action.                                                                                     | 3594 |
| 1132 | Introduced, to committee, 1772; from committee, 1848; read second time, 1848; read third time, passed, to Assembly, 1848; read second time, 1848; read third time, passed, to Assembly, 1848; from Assembly, referred to committee without action.                 | 3594 |
| 1133 | Introduced, to committee, 1800; from committee, 1901; read second time, 1901; read third time, passed, to Assembly, 1906; from Assembly, referred to committee without action.                                                                                     | 3594 |
| 1134 | Introduced, to committee, 1806; from committee, 2044; read second time, 2044; read third time, passed, to Assembly, 2068; from Assembly, to enrollment, 2100; to Governor.                                                                                         | 3596 |
| 1135 | Introduced, to committee, 1808; from committee, 2122; read second time, amended and re-referred to committee, 2127; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action. | 3596 |
| 1136 | Introduced, to committee, 1808; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1137 | Introduced, to committee, 1888; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1138 | Introduced, to committee, 1888; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1139 | Introduced, to committee, 1888; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1140 | Introduced, to committee, 1888; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1141 | Introduced, to committee, 1888; from committee, 2127; read second time, 2127; read third time, passed, to Assembly, 2127; from Assembly, referred to committee without action.                                                                                     | 3596 |
| 1142 | Introduced, to committee, 2141; from committee, 2522; read second time, 2522; read third time, passed, to Assembly, 2600; from Assembly, referred to unfinished business file, 3212; Assembly amendments occurred in, to enrollment, 3242; to Governor.            | 3592 |
| 1143 | Introduced, to committee, 2152; from committee, 2189; read second time, 2189; read third time, passed, to Assembly, 2208; from Assembly, referred to committee without action.                                                                                     | 3592 |
| 1144 | Introduced, to committee, 2153; from committee, 2287; read second time, 2287; read third time, passed, to Assembly, 2421; from Assembly, referred to unfinished business file, 3200; Assembly amendments occurred in, to enrollment, 3049; to Governor.            | 3594 |
| 1145 | Introduced, to committee, 2153; from committee, 2288; read second time, 2288; read third time, passed, to Assembly, 2423; from Assembly, to enrollment, 3008; to Governor.                                                                                         | 3422 |
| 1146 | Introduced, to committee, 2163; from committee, 2286; read second time, 2286; read third time, passed, to Assembly, 2421; from Assembly, to enrollment, 3005; to Governor.                                                                                         | 3422 |
| 1147 | Introduced, to committee, 2263; returned by committee without action.                                                                                                                                                                                              | 3422 |
| 1148 | Introduced, to committee, 2263; from committee, 2449; read second time, 2449; read third time, passed, to Assembly, 2512; from Assembly, to enrollment, 3209; to Governor.                                                                                         | 3425 |
| 1149 | Introduced, to committee, 2356; from committee, 2452; read second time, 2452; read third time, passed, to Assembly, 2512; from Assembly, to enrollment, 3005; to Governor.                                                                                         | 3496 |



## ASSEMBLY BILLS—Continued.

| No.  |                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PAGE |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1150 | Introduced, to committee, 2397; from committee, 2525; read second time, amended, 2540; read third time, passed, to Assembly, 2595; from Assembly, to enrollment, 3008; to Governor.....                                                                                                                                                                                                                                                                     | 3326 |
| 1151 | Introduced, to committee, 2494; from committee, 2643; read second time, amended, 2647; call of Senate, 2718; read third time, passed, to Assembly, 2718; from Assembly, to enrollment, 3290; to Governor.....                                                                                                                                                                                                                                               | 3502 |
| 1152 | Introduced, to committee, 2494; from committee, 2643; read second time, amended, 2648; read third time, passed, to Assembly, 2718; from Assembly, ordered to unfinished business file, 3211; Assembly amendments concurred in, to enrollment, 3229; to Governor.....                                                                                                                                                                                        | 3497 |
| 1153 | Introduced, to committee, 2494; from committee, 2693; read second time, 2705; read third time, passed, to Assembly, 2775; from Assembly, to enrollment, 3209; to Governor.....                                                                                                                                                                                                                                                                              | 3496 |
| 1154 | Introduced, to committee, 2518; from committee, 2642; read second time, 2647; read third time, passed, to Assembly, 2716; from Assembly, ordered to unfinished business file, 3211; Assembly amendments concurred in, to enrollment, 3234; to Governor.....                                                                                                                                                                                                 | 3497 |
| 1155 | Introduced, to committee, 2518; withdrawn from committee for amendment, 2629; read second time, amended and re-referred to Committee on Governmental Efficiency, 2629; from committee, 2736; referred to Committee on Finance, 2736; considered without reference to Committee on Finance, 2741; read second time, 2741; urgency clause adopted, 2779; read third time, passed, to Assembly, 2779; from Assembly, returned by committee without action..... | 3504 |
| 1156 | Introduced, to committee, 2518; from committee, 2736; read second time, amended, 2741; read third time, passage refused.....                                                                                                                                                                                                                                                                                                                                | 2783 |
| 1157 | Introduced, to committee, 2575; from committee, 2735; read second time, amended, 2741; referred to Committee on Finance, 2809; from committee, 3134; referred to Committee on Governmental Efficiency, 3434; returned by committee without action.....                                                                                                                                                                                                      | 3461 |
| 1158 | Introduced, to committee, 2619; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                   | 3461 |
| 1159 | Introduced, to committee, 2619; from committee, 2749; read second time, 2755; Constitution suspended, 2756; read third time, passed, to Assembly, 2756; from Assembly, returned by committee without action.....                                                                                                                                                                                                                                            | 3504 |
| 1160 | Introduced, to committee, 2640; from committee, 2747; read second time, amended, 2755; Constitution suspended, 2809; read third time, passed, to Assembly, 2809; from Assembly, returned by committee without action.....                                                                                                                                                                                                                                   | 3504 |
| 1161 | Introduced, to committee, 2684; returned by committee without action.....                                                                                                                                                                                                                                                                                                                                                                                   | 3476 |
| 1162 | Introduced, to committee, 2692; from committee, 2723; read second time, amended and referred to Committee on Finance, 2723; returned by committee without action.....                                                                                                                                                                                                                                                                                       | 3455 |
| 1163 | Introduced, to committee, 2715; from committee, 2726; Constitution suspended, 2727; read second time, 2727; read third time, passed, to Assembly, 2784; from Assembly, ordered to unfinished business file, 3211; Assembly amendments concurred in, to enrollment, 3235; to Governor.....                                                                                                                                                                   | 3501 |
| 1164 | Introduced, to committee, 2728; from committee, 2735; Constitution suspended, 2736; read second time, 2736; read third time, passed, to Assembly, 2785; from Assembly, ordered to unfinished business file, 3211; Assembly amendments concurred in, to enrollment, 3232; to Governor.....                                                                                                                                                                   | 3496 |
| 1165 | Introduced, without reference to committee, 2960; Constitution suspended, 2988; read second time, 2988; considered without reference to Committee on Finance, 2989; read third time, passed, to Assembly, 2989; from Assembly, 3304; referred to Committee on Rules, 3394; returned by committee without action.....                                                                                                                                        | 3490 |

SENATE CONSTITUTIONAL AMENDMENTS

| No. |                                                                                                                                                                                                                                                                                                                                      | Page |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1   | Offered to committee 114; from committee 1193; amended 1299; read adopted in Assembly, 1400; read in Assembly; returned by committee without action                                                                                                                                                                                  | 3504 |
| 2   | Offered to committee 143; from committee 713; amended 769; read refused adoption                                                                                                                                                                                                                                                     | 1620 |
| 3   | Offered to committee 167; reported by committee without action                                                                                                                                                                                                                                                                       | 3445 |
| 4   | Offered to committee 167; from committee 800; amended 1697; read adopted in Assembly, 1700; refused adoption by Assembly                                                                                                                                                                                                             | 3209 |
| 5   | Offered to committee 494; from committee 1012; amended 1189; referred to Committee on Constitutional Amendments 2413; returned by committee without action                                                                                                                                                                           | 3445 |
| 6   | Offered to committee 494; returned by committee without action                                                                                                                                                                                                                                                                       | 3445 |
| 7   | Offered to committee 494; returned by committee without action                                                                                                                                                                                                                                                                       | 3446 |
| 8   | Offered to committee 526; from committee 524; amended 524; read special order, read, read, refused adoption                                                                                                                                                                                                                          | 737  |
| 9   | Offered to committee 542; from committee 1717; read (all of Senate 1846; adopted in Assembly 1844); then Assembly; returned by committee because Sen. 1879 Assembly amendments submitted in its committee and to Governor                                                                                                            | 3499 |
| 10  | Offered to committee 542; from committee 2461; amended and re-referred to Committee on Constitutional Amendments 1183; from committee 1316; amended and re-referred to committee 1328; returned by committee without action                                                                                                          | 3446 |
| 11  | Offered to committee 542; from committee 800; amended and referred to Committee on Constitutional Amendments 820; from committee 7221; amended 1000; re-referred to committee 1400; from committee 2471; amended 2500; passed in conference January 25, 1905; read in Senate 109; read, adopted in Assembly 2700; called by Assembly | 3447 |
| 12  | Offered to committee 583; returned by committee without action                                                                                                                                                                                                                                                                       | 3446 |
| 13  | Offered to committee 585; returned by committee without action                                                                                                                                                                                                                                                                       | 3446 |
| 14  | Offered to committee 585; returned by committee without action                                                                                                                                                                                                                                                                       | 3469 |
| 15  | Offered to committee 585; from committee 2470; amended and re-referred to Committee on Constitutional Amendments 2471; returned by committee without action                                                                                                                                                                          | 3446 |
| 16  | Offered to committee 585; returned by committee without action                                                                                                                                                                                                                                                                       | 3446 |
| 17  | Offered to committee 585; from committee 2479; referred to Committee on Drainage, Swamp and Overflowed Lands 2595; returned by committee without action                                                                                                                                                                              | 3449 |
| 18  | Offered to committee 585; from committee 964; passed in Conference on Governmental Efficiency 1809; returned by committee without action                                                                                                                                                                                             | 3465 |
| 19  | Offered to committee 632; from committee 881; amended and re-referred to Committee on Irrigation 945; from committee 1088; amended 1200; amended 2022; transferred to committee 2265; returned by committee without action                                                                                                           | 3469 |
| 20  | Offered to committee 142; from committee 800; amended and re-referred to Committee on Constitutional Amendments 821; from committee 1749; read, refused adoption                                                                                                                                                                     | 1821 |
| 21  | Offered to committee 465; returned by committee without action                                                                                                                                                                                                                                                                       | 3472 |
| 22  | Offered to committee 471; returned by committee without action                                                                                                                                                                                                                                                                       | 3484 |
| 23  | Offered to committee 581; returned by committee without action                                                                                                                                                                                                                                                                       | 3488 |
| 24  | Offered to committee 745; returned by committee without action                                                                                                                                                                                                                                                                       | 3472 |
| 25  | Offered to committee 1157; from committee 1568; read, referred to Assembly, 1658; from Assembly, to enrollment, 3320; to Governor                                                                                                                                                                                                    | 3499 |
| 26  | Offered to committee 1856; returned by committee without action                                                                                                                                                                                                                                                                      | 3484 |
| 27  | Offered to committee 1950; from committee 2073; amended 2078; read, refused adoption 2209; notice of action to reconsider 2209; notice of motion to reconsider continued 2257; reconsideration granted, amended 2283; read, adopted to Assembly 2419; refused adoption by Assembly                                                   | 3119 |
| 28  | Offered to committee 2257; from committee 2476; amended 2500; read, adopted to Assembly 2554; from Assembly, with amendments, ordered to unfinished business file 3213; Assembly amendments concurred in, to enrollment, 3238; to Governor                                                                                           | 3497 |
| 29  | Offered to committee 2494; from committee 2568; read, refused adoption                                                                                                                                                                                                                                                               | 2601 |
| 30  | Offered to committee 2494; from committee 2568; read, refused adoption                                                                                                                                                                                                                                                               | 2601 |
| 31  | Offered to committee 2518; from committee 2604; read, adopted to Assembly 2626; from Assembly, with amendments 3211; ordered to unfinished business file 3212; Assembly amendments concurred in, to enrollment, 3234; to Governor                                                                                                    | 3499 |

## SENATE CONSTITUTIONAL AMENDMENTS Continued

| No.                                                                                                                                                                                                                                        | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 32 Offered, to committee, 2564; from committee, 2749; read, adopted, to Assembly, 2779; from Assembly, to enrollment, 3320; to Governor-----                                                                                               | 3490 |
| 33 Offered, to committee, 2640; from committee, 2749; read, adopted, to Assembly, 2776; from Assembly, returned by committee without action-----                                                                                           | 3504 |
| 34 Offered, to committee, 2640; from committee, 2749; read, adopted, to Assembly, 2777; from Assembly, with amendments, ordered to unfinished business file, 3243; Assembly amendments concurred in, to enrollment, 3257; to Governor----- | 3490 |

## SENATE CONCURRENT RESOLUTIONS

| No.                                                                                                                                                                                                                                     | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1 Offered, considered without reference to committee, read, adopted, to Assembly, 26; from Assembly, to enrollment, 47; to Governor-----                                                                                                | 101  |
| 2 Offered, 47; considered without reference to committee, read, adopted, to Assembly, 107; from Assembly, with amendments, Assembly amendments concurred in, to enrollment, 208; to Governor-----                                       | 433  |
| 3 Offered, to committee, 53; withdrawn from committee, amended, and re-referred to Committee on Commerce and Navigation, 139; from committee, 159; read, adopted, to Assembly, 160; from Assembly, to enrollment, 213; to Governor----- | 239  |
| 4 Offered, to committee, 98; withdrawn from committee for amendment, amended, read and adopted, to Assembly, 120; from Assembly, to enrollment, 158; to Governor-----                                                                   | 217  |
| 5 Offered, 129; considered without reference to committee, read and adopted, to Assembly, 138; from Assembly, to enrollment, 158; to Governor-----                                                                                      | 217  |
| 6 Offered, considered without reference to committee, read and adopted, to Assembly, 168; from Assembly, to enrollment, 213; to Governor-----                                                                                           | 305  |
| 7 Offered, considered without reference to committee, read and adopted, to Assembly, 194, 195; from Assembly, to enrollment, 213; to Governor-----                                                                                      | 433  |
| 8 Offered, held at desk, 226; referred to Committee on Roads and Highways, 307; returned by committee without action-----                                                                                                               | 3488 |
| 9 Offered, considered without reference to committee or joint, read and adopted, to Assembly, 267; from Assembly, to enrollment, 310; to Governor-----                                                                                  | 434  |
| 10 Offered, considered without reference to committee, read and adopted, to Assembly, 343; from Assembly, to enrollment, 347; to Governor-----                                                                                          | 434  |
| 11 Offered, considered without reference to committee, 374; read, adopted, to Assembly, 375; from Assembly, to enrollment, 397; to Governor-----                                                                                        | 434  |
| 12 Offered, to committee, 385; returned by committee without action-----                                                                                                                                                                | 3490 |
| 13 Offered, to committee, 385; from committee, 961; amended and re-referred to Committee on Oil Industries, 975; returned by committee without action-----                                                                              | 3480 |
| 14 Offered, 445; considered without reference to committee, 466; read, adopted, to Assembly, 467; from Assembly, to enrollment, 518; to Governor-----                                                                                   | 571  |
| 15 Offered, considered without reference to committee, 445; read, adopted, to Assembly, 446; from Assembly, to enrollment, 459; to Governor-----                                                                                        | 520  |
| 16 Offered, without reference to committee, 465; referred to Committee on Rules, 516; returned by committee without action-----                                                                                                         | 3490 |
| 17 Offered, 471; considered without reference to committee or printer, read and amended, 472; adopted, to Assembly, 474; from Assembly, to enrollment, 549; to Governor-----                                                            | 599  |
| 18 Offered, considered without reference to committee, file, or print, read and adopted, to Assembly, 581; from Assembly, to enrollment, 595; to Governor-----                                                                          | 767  |
| 19 Offered, to committee, 1269; returned by committee without action-----                                                                                                                                                               | 3490 |
| 20 Offered, considered without reference to committee, read and adopted, to Assembly, 1350; from Assembly, to enrollment, 1385; to Governor-----                                                                                        | 1570 |
| 21 Offered, considered without reference to committee, read and adopted, to Assembly, 1351, from Assembly, to enrollment, 1385; to Governor-----                                                                                        | 1570 |
| 22 Offered, considered without reference to committee, read and adopted, to Assembly, 1352, from Assembly, to enrollment, 1561; to Governor-----                                                                                        | 2602 |
| 23 Offered, considered without reference to committee, read and adopted, to Assembly, 1353; from Assembly, to enrollment, 1385; to Governor-----                                                                                        | 1570 |
| 24 Offered, held at desk, 1358; read, adopted, to Assembly, 1698; from Assembly, to enrollment, 2924; to Governor-----                                                                                                                  | 3197 |

SENATE CONCURRENT RESOLUTIONS. *Continued*

|                                                                                                                                                                                                                                       | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 25. Offered, held at desk, 1897; considered without reference to committee, read and adopted, to Assembly, 1664; from Assembly, to enrollment, 1655; to Governor, 1719                                                                | 1719 |
| 26. Offered, considered without reference to committee, read and adopted, to Assembly, 1664; from Assembly, to enrollment, 1664; to Governor, 1707                                                                                    | 1707 |
| 27. Offered, considered without reference to committee, read and adopted, to Assembly, 1711; from Assembly, to enrollment, 1749; to Governor, 1707                                                                                    | 1707 |
| 28. Offered, considered without reference to committee, read, call of Senate 1710; adopted 1744; to Governor, 1744; from Assembly, to enrollment, 1710; to Governor, 1707                                                             | 1707 |
| 29. Offered, held at desk, 1894; considered without reference to committee, read and adopted, to Assembly, 1810; from Assembly, (pending to committee) without action                                                                 | 1804 |
| 30. Offered, considered without reference to committee, read and adopted, to Assembly, 1804; from Assembly, to enrollment, 1837; to Governor, 1854                                                                                    | 1854 |
| 31. Offered, considered without reference to committee, read, call of Senate 1804; adopted, to Senate, 1804; from Assembly, to enrollment, 1807; to Governor, 1800                                                                    | 1800 |
| 32. Offered, held at desk, 1800; referred to Committee on Rules and Highways, 1800; returned by committee without action                                                                                                              | 1888 |
| 33. Offered, considered without reference to committee, read and adopted, to Assembly, 1800; from Assembly, to enrollment, 1807; to Governor, 1800                                                                                    | 1800 |
| 34. Offered, considered without reference to committee, read and adopted, to Assembly, 1800; from Assembly, to enrollment, 1800; to Governor, 1800                                                                                    | 1800 |
| 35. Offered, considered without reference to committee, read, call of Senate 1800; adopted, to Assembly, 1800; from Assembly, to enrollment, 1807; to Governor, 1800                                                                  | 1800 |
| 36. Offered, considered without reference to committee, read and adopted, to Assembly, 1800; from Assembly, to enrollment, 1807; to Governor, 1800                                                                                    | 1800 |
| 37. Offered, considered without reference to committee, read and adopted, to Assembly, 1800; from Assembly, to enrollment, 1807; to Governor, 1800                                                                                    | 1800 |
| 38. Offered, considered without reference to committee, read, call of Senate 1815; adopted, to Assembly, 1810; from Assembly, to enrollment, 1810; to Governor, 1810                                                                  | 1810 |
| 39. Offered, held at desk, 1800; considered without reference to committee, read, call of Senate 1870; adopted, to Assembly, 1871; from Assembly, to enrollment, 1800; to Governor, 1871                                              | 1871 |
| 40. Offered, considered without reference to committee, read and adopted, to Assembly, 1870; from Assembly, to enrollment, 2400; to Governor, 1871                                                                                    | 1871 |
| 41. Offered, considered without reference to committee, read and adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                                    | 1871 |
| 42. Offered, considered without reference to committee, read and adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                                    | 1871 |
| 43. Offered, considered without reference to committee, read, call of Senate 1871; adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                  | 1871 |
| 44. Offered, considered without reference to committee, read, call of Senate 1871; adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                  | 1871 |
| 45. Offered, considered without reference to committee, read, call of Senate 1871; adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                  | 1871 |
| 46. Offered, considered without reference to committee, read, call of Senate 1871; adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                  | 1871 |
| 47. Offered, considered without reference to committee, read, call of Senate 1871; adopted, to Assembly, 1871; from Assembly, to enrollment, 1880; to Governor, 1871                                                                  | 1871 |
| 48. Offered, held at desk, 1880; considered without reference to committee, read, call of Senate 1880; to Committee on Rules, 1880; from committee 1887; considered to Committee on Rules, 1882; returned by committee without action | 1880 |
| 49. Offered to committee 1868; returned by committee without action                                                                                                                                                                   | 1860 |



## SENATE JOINT RESOLUTIONS

| No. |                                                                                                                                                                                                                                                      | Page |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1   | Offered, considered without reference to committee, read and adopted, to Assembly, 30; from Assembly, to enrollment, 47; to Governor.....                                                                                                            | 107  |
| 2   | Offered, held at desk, 113; to Committee on Conservation, 354; returned by committee without action.....                                                                                                                                             | 3445 |
| 3   | Offered, to committee, 123; from committee, 800; read, adopted, to Assembly, 952; from Assembly, to enrollment, 1742; to Governor.....                                                                                                               | 1797 |
| 4   | Offered, to committee, 194; from committee, 279; read, adopted, to Assembly, 307; from Assembly, to enrollment, 397; to Governor.....                                                                                                                | 433  |
| 5   | Offered, considered without reference to committee, 267; read, adopted, to Assembly, 281; from Assembly, to enrollment, 347; to Governor.....                                                                                                        | 434  |
| 6   | Offered, to committee, 342; from committee, 1040, amended, 1098; read, adopted, to Assembly, 1208; from Assembly, to enrollment, 3062; to Governor.....                                                                                              | 3419 |
| 7   | Offered, to committee, 342; from committee, 1040; read, adopted, to Assembly, 1155; from Assembly, to enrollment, 3062; to Governor.....                                                                                                             | 3419 |
| 8   | Offered, to committee, 342; from committee, 847; read, adopted, to Assembly, 954; from Assembly, to enrollment, 1865; to Governor.....                                                                                                               | 1968 |
| 9   | Offered, to committee, 342; returned by committee without action.....                                                                                                                                                                                | 3453 |
| 10  | Offered, to committee, 386; from committee, 800; re-referred to Committee on Federal Relations, 1404; returned by committee without action.....                                                                                                      | 3453 |
| 11  | Offered, to committee, 432; from committee, 847; read, adopted, to Assembly, 955; from Assembly, returned by committee without action.....                                                                                                           | 3504 |
| 12  | Offered, to committee, 432; returned by committee without action.....                                                                                                                                                                                | 3453 |
| 13  | Offered, considered without reference to committee, read and adopted, 461; to Assembly, 462; from Assembly, to enrollment, 468; to Governor.....                                                                                                     | 570  |
| 14  | Offered, held at desk, 745; considered without reference to committee, read and adopted, to Assembly, 810; from Assembly, to enrollment, 3063; to Governor.....                                                                                      | 3323 |
| 15  | Offered, considered without reference to committee, 768; read and adopted, 769; notice of motion to reconsider, 799; reconsideration waived, to Assembly, 930; laid on table by Assembly.....                                                        | 3211 |
| 16  | Offered, to committee, 1177; from committee, 1446, amended, 1501; read adopted, to Assembly, 1561; from Assembly, with amendments, placed on unfinished business file, 2058; Assembly amendments concurred in, to enrollment, 2066; to Governor..... | 2153 |
| 17  | Offered, 1231; held at desk, 1232; read, adopted, to Assembly, 1306; from Assembly, to enrollment, 1348; to Governor.....                                                                                                                            | 1413 |
| 18  | Offered, to committee, 1553; from committee, 2121, amended, 2130; read, adopted, to Assembly, 2208; from Assembly, to enrollment, 3062; to Governor.....                                                                                             | 3492 |
| 19  | Offered, considered without reference to committee, 1792; read, adopted, to Assembly, 1793; from Assembly, to enrollment, 1800; to Governor.....                                                                                                     | 1854 |
| 20  | Offered, held at desk, 1797; considered without reference to committee, read and adopted, to Assembly, 1839; from Assembly, returned by committee without action.....                                                                                | 3504 |
| 21  | Offered, considered without reference to committee, read, 2031; adopted, to Assembly, 2032; from Assembly, to enrollment, 2077; to Governor.....                                                                                                     | 2153 |
| 22  | Offered, considered without reference to committee, read and adopted, to Assembly, 2535; from Assembly, to enrollment, 2574; to Governor.....                                                                                                        | 2640 |
| 23  | Offered, considered without reference to committee, read and adopted, to Assembly, 2662; from Assembly, to enrollment, 3063; to Governor.....                                                                                                        | 3323 |
| 24  | Offered, to committee, 2717; from committee, 2786; read, adopted, to Assembly, 2787; from Assembly, to enrollment, 3062; to Governor.....                                                                                                            | 3492 |
| 25  | Offered, to committee, 2717; from committee, 2786; read, adopted, to Assembly, 2788; from Assembly, with amendments, placed on unfinished business file, 3003; Assembly amendments concurred in, 3135; to enrollment, 3136; to Governor.....         | 3499 |
| 26  | Offered, considered without reference to committee, 2856; read, adopted, to Assembly, 2857; from Assembly, to enrollment, 2922; to Governor.....                                                                                                     | 3276 |



